

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
April 2, 2014

The Lake County Planning and Zoning Board met on Wednesday, April 2, 2014 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for Rezoning and Comprehensive Plan Amendments.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, April 22, 2014 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Paul Bryan, Chairman	District 5
Ted DeWitt	District 2
Timothy Morris	District 3
Rick Gonzalez	District 4
Kasey Kesselring, Vice Chairman	At-Large Representative
Kathryn McKeeby	District 1

Members Not Present:

Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Amye King, Growth Management Director
Chris Schmidt, Planning Manager, Planning & Community Design Division
Anita Greiner, Chief Planner, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Jennifer Cotch, Senior Planner, Planning & Community Design Division
Melving Isaac, Planner, Planning & Community Design Division
Michelle Janiszewski, Planner, Planning & Community Design Division
Donna Bohrer, Public Hearing Coordinator, Planning and Community Design Division
Kim Haskins, Office Associate III, Planning & Community Design Division
Melanie Marsh, Deputy County Attorney
Susan Boyajan, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present. He led the Pledge of Allegiance, and Mr. Kesselring gave the invocation. He went over the procedures for the meeting, noting that the cases on the consent agenda were placed there by staff who were recommending a favorable action on those without further discussion or public comment. However, he pointed out that many of the cases currently on the consent agenda would be pulled from that agenda and placed on the regular agenda because of some concern raised by individuals in attendance that day. He called for any public comment, but no one wished to address the board at that time. He noted that they were a recommending body, and the Board of County Commissioners would have final authority on those cases.

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Tab 3	LPA# 14/4-5T	Ecotourism and Agri-Tourism Text Amendment
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Adjournment

AGENDA UPDATES

Ms. Amye King, Growth Management Director, related that they would be pulling Tabs 1, 8, 10, 11, 12, and 15. She also explained that the requested action on Tab 2 was to find that the Mt. Plymouth Sorrento Community Redevelopment Plan was consistent with the Comprehensive Plan, and she asked for approval of the remainder of the Consent Agenda.

Mr. Gonzalez clarified that they were not making any comments about the validity of the numbers presented in Tab 2 and opined that the projections looked very optimistic.

MINUTES

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE the Minutes of March 5, 2014 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Morris, Kesselring, Bryan, DeWitt, Gonzalez, McKeeby

AGAINST: None

MOTION CARRIED: 6-0

CONSENT AGENDA

MOTION by Kasey Kesselring, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda as amended, which would include Tabs 2, 3, 4, 5, 6, 7, 9, 13 and 14, with the additional clarification that Tab 2 is found consistent with the Comprehensive Plan, as follows:

Tab 2	LPA# 14/4/13-4	Mount Plymouth Sorrento Community Redevelopment Plan
Tab 3	LPA# 14/4-5T	Ecotourism and Agri-Tourism Text Amendment
Tab 4	LPA# 14/4/4-5	Lake County Fire Rescue Station #11
Tab 5	LPA# 14/4/7-2	Lake County Fire Rescue Station #109
Tab 6	LPA# 14/4/5-1	Lake County Fire Rescue Station #110
Tab 7	LPA# 14/4/12-1	Lake County Fire Rescue Station #111
Tab 9	LPA# 14/4/8-3	Cities of Eustis, Mount Dora and Tavares
Tab 13	LPA# 14/4-1T	Mount Plymouth/Sorrento – Text Amendment
Tab 14	LPA# 14/4/2-4	Sorrento Commons Property

REGULAR AGENDA

CASE NO: PH# 7-14-4 **TAB NO.** 1
OWNER: CPG Enterprises, LLC
APPLICANT: Chih-Yuan Shia, YUAN Enterprises, LLC

Mr. Melving Isaac, Planner, explained that the subject property is located south of Hwy 441 in the Mount Dora area and showed a map of the location. He noted that the Future Land Use is Urban Low Density and that it is located within a major commercial corridor. He related that the applicant is requesting to amend the Planned Commercial (CD) Ordinance #11-80 to add Retail-Convenience uses, and the original ordinance, would be rescinded and replaced by the proposed ordinance allowing the sale and service of aluminum products. He mentioned that the applicant has indicated that the existing building would be replaced with a new structure which will be built on top of the existing building foundation or within the existing building footprint. He added that a condition is included in the ordinance for the addition of one parking space for a total of 11, and he noted that they have included a waiver in the ordinance for the noise study with the site plan. He commented that the proposed zoning is consistent with the Comprehensive Plan and the Land Development Regulations, and staff was recommending approval.

Mr. Morris asked if this would be a convenience store that would be open 24 hours a day.

Mr. Melving responded that there was no limitation in the ordinance about the hours of operation. Mr. Morris expressed concern about the hours of operation at that location changing from a timeframe of 7:00 a.m. to 6:00 p.m. to one of 24 hours a day, which seemed intrusive to him for the nearby residents in that area.

Mr. Gonzalez asked if there would be a gas station included in the convenience store operation.

Mr. Melving answered that it would not be a gas station.

Mr. Chih-Yuan (Jim) Shia, the Applicant, mentioned that he owned the Health Basket, which was a health food store located in the Winn Dixie shopping plaza on Hwy 441 in Mount Dora. He noted that the store is currently under 600 square feet with very limited parking, but he intends to service the community better by increasing the size of the specialty retail store as well as the parking area and offering more products and services. He specified that their current store hours were from 9:00 a.m. to 7:00 p.m. on weekdays, 10:00 a.m. to 5:00 p.m. on Saturday, and 12:00 to 5:00 p.m. on Sunday; and he assured the board that he did not intend on increasing those hours at the new location. He added that he expected the store to improve the look of the community.

Mr. Andy Vester, a resident of Eustis who owns property to the east of the proposed property, expressed concern about the hours of operation of the convenience store and expressed a desire for the establishment at that location to be more business-oriented, consistent with the other buildings surrounding that area, and advantageous to that location. He indicated that he would have no objections to a retail outlet, as long as there was no sale of gas.

Dr. Charles Mojock, a resident of Mount Dora who lived near the subject property, expressed a concern about the retail convenience zoning. He commented that although the applicant might

intend it to be a low-impact retail establishment for health foods with little traffic and limited hours, the provisions for zoning would allow the applicant to expand his business with the establishment of a 24-hour convenience store there, which would create more intrusive noise, traffic, and lighting for the residents. He expressed a desire of a use that was more compatible with the neighborhood than a convenience use.

Mr. Bryan assured Dr. Mojock that he understands his concerns about lighting and that the ordinance addresses that issue by limiting it to direct lighting that is not supposed to escape from the property. He also stated that they could address the other concerns in the ordinance as well.

Mr. Shia, the applicant, repeated his assurances that he has no intention for this store to turn into some other business. He added that he has been in business for 20 years and wants to serve the community, and he proposed that restrictions could be put in the ordinance regarding hours of operation and prohibiting the sale of gasoline.

MOTION by Tim Morris, SECONDED by Kasey Kesselring to APPROVE Case No. PH# 7-14-4, CPG Enterprises, LLC Property to amend the Planned Commercial (CP) Ordinance #11-80 to add Retail-Convenience uses, amended to restrict hours of operation from 7:00 a.m. to 10:00 p.m. and prohibit the sale of gasoline.

FOR: Kesselring, Gonzalez, Bryan, DeWitt, Morris, McKeeby

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: LPA# 14/4/9-3

TAB NO. 8

Yalaha Rural Support Corridor

Ms. Jennifer Cotch, Senior Planner, presented the case, stating that this was a staff initiated amendment that would amend the Future Land Use Element, Sub-policy I-1.4.7.2, Rural Support Corridors, creating the Yalaha Rural Support Corridor, a new sub-policy for specific criteria for the proposed corridor, and amending the Future Land Use Map over parcels located in Yalaha on the south side of CR 48 and west of Bloomfield Avenue. She noted that there was currently a rural support intersection at CR 48, Bloomfield Avenue and Lakeshore Drive that allowed rural support uses within 330 feet measured perpendicular from the edge of the right-of-way extending a distance of 330 feet along the right-of-way from the nearest corner of the intersection. She related that the rural support intersection did not encompass any existing rural support uses in the area and that the proposed designation would not affect the level of service for schools or parks and recreation. She added that it also would not adversely impact the County's adopted level of service for police, drainage, solid waste, and fire and emergency medical facilities and that the properties would be serviced by on-site sewer and water. She indicated that anyone interested in developing properties within the proposed corridor would be required to submit an analysis to demonstrate that the proposed development would not adversely impact the County's adopted levels of standard. She mentioned that a traffic analysis was completed by the Lake-Sumter Metropolitan Planning Organization which concluded that the roadways most impacted by the proposed corridor would continue to operate within their adopted levels of service and it was estimated that there would be

3,884 daily trips. She explained that the primary reason for the corridor was to make existing properties, such as the Yalaha Bakery and the taxidermy shop, a conforming use, because the intersection that was approved with the 2030 Comprehensive Plan did not encompass the existing uses.

Mr. Morris asked if a 10,000 square foot building would be allowed on each of the six parcels.

Ms. Cotch replied that there would be a special provision to allow up to 10,000 square feet max and the total corridor could not exceed 50,000 square feet.

Mr. Bill Dunham, a resident of Yalaha, expressed his concern about creating new commercial buildings in Yalaha and their survivability. He noted that there were multiple commercial building strips along Highway 27, and most of them were vacant. He added that those buildings were in a higher visibility corridor than Yalaha was, and businesses were not taking advantage of those vacancies. He opined that Yalaha was such a pristine area and a gem of a community and implored the board to maintain it as much as possible.

Mr. Bryan commented that the purpose of creating rural support areas was to limit development, maintain the rural nature of the area, and provide services for the immediate neighborhoods if there was a demand. He related that the buildings Mr. Dunham referred to on Highway 27 were built at the height of the boom and were empty because of the recession. He added that he did not anticipate a commercial developer building anything in Yalaha any time soon.

Mr. Thomas Gestwick, a resident of the Waterwood subdivision in Yalaha, stated that he had the same concerns as Mr. Dunham about the potential for empty buildings in their community. He mentioned that he has already noticed an increase in traffic in Yalaha and that only a handful of the residents in his community were notified of this hearing, yet he believed it impacted all of the residents.

Mr. Bryan indicated that any proposed development would have to come before them for rezoning and that this rural support corridor would not allow anything without further hearings.

Mr. Gonzalez asked if the Yalaha Bakery already took up 10,000 square feet.

Ms. Cotch replied that it did not yet, but this change would help them expand since they were currently non-conforming.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Case No. LPA# 14/4/9-3, Yalaha Rural Support Corridor.

FOR: Gonzalez, McKeeby, Bryan, DeWitt, Morris, Kesselring

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: LPA#14/4/3-1 **TAB NO.** 10

OWNER: Sawmill Lake Property
APPLICANT: Abbas Sassanfar/Terra-Max Engineering, Inc.

Ms. Jennifer Cotch, Senior Planner, explained that the request is to amend the Future Land Use Map on two parcels that are located at the intersection of CR 561 and Lakeshore Drive containing approximately 93-gross acres from Rural and Rural Transition Future Land Use, which currently allows a maximum density of one dwelling per five acres and a maximum of one dwelling per one acre with 50 percent open space respectively, to Urban Low, which allows a maximum density of four dwellings per unit per acre, and Rural Transition Future Land Use (FLU). She noted that the amendment will result in additional demands for public facilities; however, the amendment will not exceed the capacity or the adopted level of service for public facilities.

Mr. Gonzalez asked if city sewer and water would serve this project.

Ms. Cotch responded that they would not have city sewer and water; however, they would use a central system for the subdivision in the Urban Low FLU category if this is approved.

Mr. Dewitt asked what the maximum number of dwellings was that could be put at that location as proposed.

Ms. Cotch answered that it was about 230 dwellings, but pointed out that the initial application proposed a maximum of 350 homes with an Urban Medium density, so this was a compromise that staff felt it could support.

Mr. Bryan asked what the current maximum number of units was.

Ms. Cotch stated that the land is zoned Rural and Rural Transition currently, which would be one unit for five acres and one unit per acre with 50 percent open space respectively, which would amount to about 20 to 25 houses.

Mr. Dewitt asked if a traffic study has to be submitted with these proposals.

Ms. Cotch responded that a traffic study was submitted with this, which was reviewed and found sufficient by the Lake-Sumter MPO.

Mr. Momtaz Barq, the Applicant, stated that he agrees with staff's findings and displayed a conceptual site plan showing how they envision the layout of the subdivision, noting that it was subject to change based on additional information they might get such as topography and groundwater conditions. He added that market conditions could affect the size of the lots. He commented that he understands the concerns of the property owners east of this project, and he pointed out that a retention pond between the two subdivisions would act as a buffer. He assured the board that school capacity was available based on a letter he had received from the School Board, and a traffic study they had commissioned showed that there was sufficient road capacity to support this project. He mentioned that there was central water available to the site, and they received a letter from Lake Utilities Services, Inc. showing they have sufficient capacity for them to connect to their system; however, there is no specific sewer solution yet, though the property owners have a package plan from property they own on the west side of CR 561 which they could possibly connect to. If not, they would provide one onsite that would be serviced by a central sewer system. He assured everyone that there would be no septic tanks or wells proposed on this property. He opined

that there would be enough growth in Lake County in the next ten years or so that would require additional subdivisions to accommodate that, and he believed this area was ideal for that. He related that the lots fronting the lake would be allowed to have docks if it could be permitted.

Mr. Gonzalez asked if he anticipated having a community dock on the lake.

Mr. Barq replied that a community dock was not proposed at this point.

Mr. Bryan asked what the typical lot size would be.

Mr. Barq responded that would be subject to change depending on the market conditions, but he anticipated it would be 70 feet by 140 feet or 50 feet by 120, not to exceed the density that they have proposed; and he added that the actual number of units could range between 160 to 220 and that there could be a mixture of sizes with larger lots along the lake.

Mr. Doug Shields, a resident of Clermont who lives north of the subject property and who was representing 22 residents from a neighborhood adjacent to the site, mentioned that he has gathered 140 signatures from residents who are against this rezoning, and he pointed out that the Plan Amendment states that the Rural Future Land Use category is intended to protect rural lifestyles. He displayed a picture of the east side of the lake looking west, pointing out that the north side is currently built out and that there were seven houses on 29 acres on the east side, and he noted that the current land use allows for five more homes on the remaining 24 lakefront acres; however, the amendment would allow for almost 100 homes on this lakeside habitat, which would completely change the neighborhood. He emphasized that they are not opposed to the land being developed as it is currently zoned, but they do not want to change the character or density of their neighborhood or see a repeat of problems with development in that area that had occurred in the past. He recalled that a similar request to rezone years ago was denied, and he asked that the board support their request of denial this time as well. He commented that higher density housing will result in harm to the lake, loss of wildlife habitat, loss of property values, and increased pressure on the lake and roadways. He expressed a concern about water runoff issues, and he showed pictures illustrating the harm of previous development attempts which left a poor condition of the land along the northwest corner as well as the west and east side of the lake. He pointed out that there was no public sewage in this area and that more septic tanks are a bad idea. He mentioned that their lake level is down three feet over the last three years for unknown reasons and that more development will not help this situation.

Mr. Shields expressed concern about loss of wildlife habitat such as bald eagles, ospreys, bobcats, great horned owls, hawks, gopher tortoises, and scrub jays as a result of dense development, showing pictures of some of that wildlife, as well as loss of property values. He elaborated that it was the low density housing that made that area attractive to them, and currently there is no high density housing for a span of seven miles. He also expressed concern about increased traffic and decreased safety, since the amendment could bring 918 additional daily car trips into an already busy and dangerous section of CR 561, and he pointed out that this was a training route for international cyclists from the NTC. He added that there are no sidewalks for children to get to the nearby school, and he pointed out that there were four portables on those school grounds already probably due to overcapacity. He addressed an issue of lack of justification for this subdivision, pointing out that the predictions of population growth cited by the applicant were based on vague estimations rather than facts. He also pointed out that ten acres of land on the lake have been bulldozed and abandoned as well as hundreds of acres nearby. He mentioned that Commissioner Parks indicated that future growth will be handled by a master plan of 16,000 acres just east of their subdivision near Lake Louisa, and they do not believe there is need for this amendment.

Mr. Gonzalez suggested that the residents do their own traffic study rather than relying on the findings of the traffic study done by the applicant to make sure that development which has been permitted but not completed yet is taken into consideration and analyzed, and he commented that the traffic is heavy in that area.

Ms. Travis Vauris, a resident of Sawmill who lives on the other side of the lake, noted that only four homes there have lake access, and those homes are on about an acre to an acre and a half of land. She expressed concern about the dangerous traffic she encounters coming out of her neighborhood onto CR 561, stating that it takes about 12 to 15 minutes to make that turn in the morning and the evening due to traffic backed up from Pine Ridge Elementary.

Mr. Jerry Beasley, who lives on CR 561 in Clermont, attested to the danger and poor condition of the road, pointing out that there have been two fatal accidents in that location, and he expressed concern about increased traffic there.

Mr. Rick Ault, President of the Lake Crescent Pines Homeowners Association on Lakeshore Drive, opined that the intersection of CR 561 and Lakeshore Drive is probably one of the more challenging intersections in their community, which was less than ¼ mile away from this proposed development and includes a blind curve. He suggested that the County get the infrastructure in place before they consider constructing all of the extra homes in that area, including a sidewalk along CR 561 for the children to walk to school or along Lakeshore Drive.

Mr. Ed Douglas, a resident of Clermont, commented that the school in that neighborhood which is directly across from the proposed site could hold 950 students using the portables and is currently at the capacity of 829 students, and he was concerned that as many as 230 homes will result in that school being over-capacity with overloaded buses and even more traffic around the school. He added that both South Lake High and Middle Schools are at capacity.

Mr. Bryan replied that a developer has to provide evidence that there is school capacity before they get a development permit, and they would have to mitigate any concerns of shortage of capacity. He summarized that those concerns are valid, but they are addressed at a different level.

Mr. Gerry Klaus, the owner of K4 Properties and ten acres of property which is directly in the center of the proposed subdivision, noted that his land is currently zoned one dwelling per five acres and that the proposed development is not consistent with the surrounding rural land use. He stated that he is against the proposed development but asked for a significant buffer surrounding his property such as a brick wall as opposed to landscaping, a chain link fence, or a vinyl fence to protect his property value if it was approved. He also stated that he would need to have water and sewer available as well for future development of his property. He added that the proposed development would isolate his property by surrounding it on three sides.

Mr. Barq rebutted that the development trend in that area has not been rural in nature, pointing out that there were several subdivisions that were high density west of CR 561. He opined that the proposed development is relatively low-density in an area that is compatible with that type of development, although he understands that there are some existing subdivisions that have larger lots. He opined that development has been back on track with people building again, and he commented that the demand in that area is high. He related that they envision the properties in their subdivision to be priced from \$250,000 and up for the interior lots and \$300,000 to \$400,000 for the lakefront lots. Regarding drainage concerns, he noted that they have to comply with the water management district's and the County's requirements when they design a subdivision, which would result in as good or better drainage than vacant property. He elaborated that everything will be designed to flow

in a certain way and water will be pretreated in retention ponds. He pointed out that this land belongs to the owner and does not belong to the nearby residents, and it has to be developed somehow. He related that they have done an environmental study which indicated that there is no endangered species of concern, although there are some species that they have to mitigate, and he assured the board that everything will be done in accordance with state, federal, and local requirements. He emphasized that a traffic study was done by a professional engineer who was well-known in the industry, which indicated that there was traffic capacity on the roadways to accommodate their development, and he assured everyone that it is based on projected traffic counts which takes into account increase of traffic in future years. He pointed out that they will be paying impact fees to the County which would provide some funds to address any existing issues that needed to be addressed, and he opined that the increased traffic would actually slow down the vehicles on that road and cause them to drive more cautiously, which would be a benefit. He stated that the School Board, who was the ultimate authority, indicated that there was capacity at the elementary, middle, and high schools; and he estimated that the subdivision would generate 100 extra students at all three schools. He also stated that he was not required to put a brick wall or any other kind of buffer between similar residential uses, and it would be costly to do so, although they were planning on putting up a vinyl fence. He opined that this would be the last of the growth in that location, since the Green Swamp is to the south of them.

Mr. DeWitt asked how many additional boats would go on the lake as a result of the increased density and whether they were restricting access to the lake lots.

Mr. Barq answered that they were not looking at any community access to the lake, so just the lake lot owners would have access, which he estimated would be about ten or a little more.

Mr. Jay McCarthy, a resident of Clermont who lives near the subject property, challenged the environmental studies, stating that a previous study showed that there were 94 gopher tortoise holes on that property, and he opined that the applicant brought cattle onto the property to diminish that number as well as to eliminate the scrub jays that were on the property, which is also a federally-protected species. He added that he believes the kind of development which is proposed would chase away the eagles that are at that location, but the amount of development currently allowed would still allow wildlife to exist in the area.

Mr. Barq rebutted that the environmental study they had commissioned was done by a professional environmentalist, and any species located on the site would be mitigated per the state, federal, and local requirements. He added that the gopher tortoises on the site would have to be mitigated through Fish and Wildlife.

The Chairman closed the public hearing.

Mr. Gonzalez asked if the surrounding subdivisions have the same density as the proposed development.

Ms. Cotch answered that there were varying densities throughout the area, such as an average lot size at Pillars Cove and Pillars Landing of $\frac{1}{4}$ acre, Cherry Hill of $\frac{1}{2}$ acre, Vineyard Estates of $\frac{1}{3}$ acre, Sawmill Run of 1 acre, Aurora Homes of $\frac{2}{3}$ acre, Beverly Estates of $\frac{1}{2}$ acre, and Porter Grove of 1.5 acres. She further clarified that the surrounding homes were on well and septic.

Mr. DeWitt asked how the traffic study was done and whether it took the whole area into account. He also pointed out that the traffic study indicates that there would be 2400 extra trips per day.

Ms. Cotch responded that the traffic study was done by the applicant, and then the MPO reviewed and found it sufficient. She elaborated that the traffic study will also be required at the next phase which would take into account everything that exists at that time.

Ms. Pam Richmond with the Lake-Sumter MPO explained that the applicant used the 2013 traffic volumes that the MPO collected for the Comp Plan amendment; they took the base year and grew it based on the trends of traffic growth both short-term and long-term and followed the prescribed methodology that the state requires. She commented that she is aware that there is a segment of Lakeshore Drive that is approaching capacity and one that is just over capacity using generalized volumes, but that was outside the area that they are required by law to study. She added that they could do a detailed analysis to demonstrate that there is sufficient or close to sufficient capacity; however, she noted that the project will have to undergo concurrency, and at that point the applicant could be required to look at some of the issues in more depth to ensure safer conditions and to make access management improvements. She clarified that although signal lights could be considered, there would be warrants that would have to be met in order to do that.

Mr. Gonzalez commented that he would be more supportive of this request if there was more Rural Transition Future Land Use and less Urban Low Land Use at that location.

Mr. Morris stated that he would like to see larger lots on the lakefront side, since he thought there was too much density there as currently proposed.

Mr. Bryan explained that although he is not supportive of the request as now presented, he could be supportive of an amended request of some sort, so he will not vote for denial for that reason.

MOTION by Kasey Kesselring, SECONDED by Kathryn McKeeby to DENY Case No. LPA# 14/4/3-1, Sawmill Lake.

FOR: McKeeby, DeWitt, Morris, Kesselring

AGAINST: Bryan, Gonzalez

MOTION CARRIED: 4-2

CASE NO: LPA# 14/4/11-2

TAB NO. 11

Nola Land Company, Inc.

Mr. Bryan explained that they had pulled this tab off the Consent Agenda in anticipation that someone had a concern with it; however, they had not received any speaker cards for it. He then asked the audience if anyone wanted to speak regarding this tab, but no one came forward.

Mr. Kesselring mentioned that there seemed to be some concerns over the school concurrency issues and asked staff to summarize how that had been resolved.

Ms. Cotch pointed out that it was not required at this phase and that it could wait until it was platted.

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE Case No. LPA# 14/4/11-2, Nola Land Company, Inc.

FOR: Morris, Gonzalez, Bryan, DeWitt, McKeeby, Kesselring

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: LPA# 13/10/1-2

TAB NO. 12

Bella Collina Future Land Use Category

Ms. Cotch presented the case, stating that this would amend the Future Land Use Map on land known as Bella Collina (East and West), as well as on two additional parcels, which consisted of a total of 1,915 total gross acres. She indicated that the parcels were located on the east and west side of CR 455 and were contiguous to and south of the City of Montverde. She noted that this would amend the map from Rural Transition Future Land Use Category (FLUC), which allowed a maximum density of one dwelling unit per one net acre with 50 percent open space to Bella Collina Future Land Use Category, which was being proposed as a new category for the properties. She related that this new category would allow the subdivision to develop the number of lots already authorized as well as adding a 100-unit lodge that would be utilized as condominium-type ownership in addition to the previously approved uses including an 18-hole golf course, banquet hall, clubhouse, and other recreation facilities. She mentioned that the amendment would result in additional demands on public facilities; however, it would not exceed the capacity or the adopted level of service for the public facilities. She indicated that staff contacted the Florida Department of Environmental Protection, who stated there was sufficient water and sewer available on the current central system.

Ms. Miranda Fitzgerald, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., who was representing the four applicants, recalled that the Bella Collina project began in 2001 and had been moving forward since then. She related that the current owners bought the property in June 2012 and had been doing a tremendous amount of work to turn it around and make it reflect the vision that everyone had in the beginning. She noted that in 2013 the applicants wanted to plat the remaining 67 lots that had already been approved, but since the lots were designated as Rural Transition FLUC, they could not plat those without changing the designation. She indicated that the new owners wanted to create a lodge facility on a 5.11-acre site on CR 455 included with the purchase of Bella Collina, but it was zoned industrial. She added that they thought the lodge would be a great addition to the facility since the wedding business at Bella Collina was tremendous and the wedding parties currently had to travel to Orlando to stay in hotels, which meant the County was losing revenue. She related that they were proposing for the lodge rooms to be a condominium-type of ownership that would allow maintenance free, permanent residential options for people who did not want to buy a house, and the condos could also be rented out. She mentioned that the lodge would be Tuscan style and would blend in with the other facilities at Bella Collina. She pointed out that an impact analysis was performed on the most intensive land use with the scenario that every unit was owned and lived in by school age children, and the result was that there was adequate capacity in the school system, there were no deficiencies that would create a problem, and the traffic study showed that CR 455 and Colonial would continue to operate at adequate levels of service through the year 2030. She expressed that having the lodge would promote additional membership in the club, provide more opportunities for owners, and would help stabilize the dues for all owners. She mentioned that they were asking for a recommendation to transmit the Comp Plan amendment and that they had already submitted a PUD amendment that would consolidate the two existing PUDs and the lodge site, but

that would come back at a later time.

Mr. Brad Heckenberg, a resident of Bella Collina, commented that he lived next to the project, but this was the first time he had heard about it. He asked for a postponement of this request so the homeowners could have a community meeting with the developer to get more information on the project.

Mr. Bryan explained that they encouraged applicants to have community meetings when necessary, but there were only three residents there that day who wanted to speak. He added that either there was a lack of interest or not much opposition, but he would not support a postponement.

Mr. Heckenberg pointed out that there were 41 homes in Bella Collina, and of those there were only 18 that were full-time residents, with 10 of them there that day.

Mr. Gonzalez confirmed that the postponement request had been relayed to DCS, the owner of Bella Collina.

Mr. Rick Scharich, a resident of Bella Collina, stated that he supported the request, because there have been continuous improvements to the grounds and the facilities at Bella Collina since DCS had taken over and he believed this would be another improvement to the community.

Mr. Paul Ashe, a resident of Bella Collina who also represented PSI Capital, Inc. who owns 33 lots in Bella Collina, spoke in favor of the project. He opined that there was a need to inform the homeowners about the project, and he wished more would have attended the meeting that day. He noted that it was also important to defer some of the expenses of the club for other purposes, and he thought that establishing the condos would help with that. He also mentioned that projects could not survive financially unless there was support for them.

Ms. Kathryn Sutherin, a resident of Bella Collina, stated that she had several concerns about the project. She noted that the homeowners association told the residents that there was over usage of water in November 2010 which was unsustainable, and the irrigation systems would have to be centrally controlled; at that time there were 42 homes, and only 11 of those were occupied. She added that since then several residents had installed eco-friendly irrigation wells, but they were then sued and told to cap them because of a concern with the water levels. She commented that she was unsure how they would be able to sustain a hotel as well with the current water issues. She related that it was mandatory for all residents to join the club, but they were unaware of the cost of it or what kind of expenses they were looking to offset. She indicated that it seemed like the schools had adequate capacity; however, the developer of Bella Collina recently expressed a concern about the impact to the road by school buses. She then asked if they would postpone the request so the homeowners could receive more information on the project, since it would affect them as well.

Ms. Fitzgerald explained that all of the issues Ms. Sutherin brought up were addressed in the covenants for the homeowners of Bella Collina, specifying that because the St. Johns River Water Management District permit did not allow irrigation wells, DCS had to take some enforcement actions when they took over in order to get the property functioning again and on the right course. She expressed that she was very optimistic about the project, that it was on the right track, and that it would be a tremendous asset for the community.

Mr. Gonzalez asked if there had been any effort by DCS to present this project to the present homeowners.

Ms. Fitzgerald answered that they had not done that yet, because they wanted to see what kind of opposition they had first. She added that there would be plenty of time to meet with the homeowners since the process was lengthy and there would be additional hearings if it was approved that day.

Mr. Kesselring asked if the applicant was opposed to doing that prior to the board's decision.

Ms. Fitzgerald replied that they were, because they were on a schedule and there would be ample time between now and the BCC hearing. She related that they had completed a very lengthy application that was available through the County, and the residents that had called the County with questions indicated they were not opposed to the project. She asked that they be transmitted now, and they would work with the neighbors in the meantime.

Mr. Gonzalez asked if there was a central water plant for Bella Collina.

Ms. Fitzgerald answered "yes," specifying that the entire community was served by the Pine Island Community Development District for potable, irrigation and waste water treatment. She added that not enough waste water was being generated to have reclaimed water since there were not many homeowners living in Bella Collina, but having the lodge fully functioning would help with that. She indicated that they had commitments to use reclaimed water and to be very water conscious as the property developed over time.

Mr. Gonzalez asked if the association rules required water friendly plants and grass.

Ms. Fitzgerald responded that they were in full compliance with the County's ordinance that addressed that, and the homeowners were shown a demonstration on Florida friendly plants.

Mr. DeWitt asked if there would be a cost reduction for the homeowners for water and sewer if the lodge was built, since there would be more people to pay for consumption.

Ms. Fitzgerald replied that she was unsure about that, because the rates were set through the community development district. She indicated that the biggest advantage would be that they could generate reclaimed water that would supplement the potable water use.

Mr. Bryant clarified that the current permit would provide adequate capacity for the additional 100 units. He then closed the public hearing.

Mr. Kesselring disclosed that he was the head of Montverde Academy, which has a long-standing relationship with Bella Collina, although he does not live there and could not speak as a homeowner. He attested that the wedding business is a significant part of the business plan of Bella Collina at this point, which helps to keep the clubhouse operable and financially feasible. He added that he could see how the addition of a lodging unit would be of some benefit to Bella Collina as well as to Montverde Academy for the visiting parents and guests they have coming in from outside the area. He expressed a concern about keeping some of his constituents in the dark of exactly what is being planned, and he wished that they could have been informed in advance so that they were able to leave this hearing feeling amicable about the situation. He summarized that he was supportive of the project on a personal level but had concerns about the questions of the residents, and he believed the concerns of the residents could be easily resolved with an informational session.

Mr. Gonzalez replied that he believed there would be plenty of time for discussion and further action after this hearing as they go through the permitting process.

Mr. DeWitt asked when the County is expecting adoption of this amendment.

Ms. Cotch responded that they are expecting the Comp Plan to be done by July, but this will still have to go through a PUD amendment process before being approved.

Mr. Kesselring clarified that they were not approving the construction of a lodge that day but just entertaining a change in the Comprehensive Plan that would affect this. He stated that he would support this with the caveat that the developers schedule a meeting with the homeowners between now and the time it goes to the BCC.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Case No. LPA# 13/10/1-2, Bella Collina Future Land Use Category.

FOR: Morris, Gonzalez, Bryan, DeWitt, McKeeby, Kesselring

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: LPA# 13/3/1-4 TAB NO. 15

Jones Parcel, Mt. Plymouth-Sorrento

Ms. Audrey Harbeck, a resident of Sorrento, related that her father-in-law sold 85 acres to Mr. Jones in the back part of Harbeck Lane, and her extended family resided in the front part of Harbeck Lane. She mentioned that Mr. Jones had built a barn and mobile homes on the property without permission, and he has not maintained the single-lane road since the day he bought the property. She added that she believed the 429 would be running behind them, and this was a 100-year flood zone. She commented that she would rather have the 429 go through to CR 437 than have five homes per acre, since the zoning has always been one home for five acres. She added that Mr. Jones has sold his home and has been living in a travel trailer for about a year. She expressed concern about traffic out of Harbeck Lane onto CR 437. She opined that Mr. Jones did not care about this property and only wants to sell it to get his money out of it before the 429 comes in.

Mr. Bryan remarked that this amendment was staff-initiated, and Mr. Jones did not apply for this. He stated that they would have staff explain why they initiated it.

Ms. Cotch explained that prior to the adoption of the 2030 Comprehensive Plan, the 85 acres owned by Mr. Jones had a future land use of UCN Nonwekiva, which granted him up to 5.5 units per acre; however, he could only have one unit for five acres since he was zoned agriculture. She related that he was in the process of rezoning the property to a PUD with more units per acre, but the Comprehensive Plan changed the land use to Mount Plymouth-Sorrento (MPS) Neighborhood at transmittal; however, the Board decided to do a split of the property prior to adoption with the north 51 acres in Mount Plymouth-Sorrento Main Street and the south portion to remain in MPS Neighborhood. She explained that the Main Street use allows for the same density of the Nonwekiva of 5.5 units per acre as well as commerce uses, but the Neighborhood designation only allows 2 dwelling units per acre. She continued to explain that DCA rejected that designation because of the above-mentioned last-minute change. She related that staff is currently recommending that the entire 85 acres be placed in the MPS Main Street FLUC.

Mr. Bryan asked what the purpose was for the change in land use designation by the County.

Ms. Cotch responded that it was because of the environmental factors on the south half of the property. She added that now the County wants to keep the entire 85-acre parcel as one future land use, and she mentioned that it was also within the CRA.

Mr. Gonzalez asked if there has been any discussion of connecting CR 437 through the middle of this property.

Mr. Ross Pluta, Engineer III, Public Works Department, stated that a PD&E Study will be performed for that area in 2016 which would look into aligning 437 through that property, and DOT completed a Transportation Needs Assessment in conjunction with the Wekiva Parkway which also recommended aligning 437 through that property.

Mr. Morris commented that it seemed like the concern was related to a code enforcement issue.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Case No. LPA# 13/3/1-4, Jones Property, Mt. Plymouth-Sorrento Future Land Use Category.

FOR: Morris, Gonzalez, Bryan, DeWitt, McKeeby, Kesselring

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: LPA# 14/4/1-2 TAB NO. 16

Green Swamp Lakeshore Drive Rural Support Corridor

Ms. Cotch presented this case, specifying that the applicant is Greg Beliveau with LPA Urban & Regional Planners, who was representing the property owner, Joseph Dougherty. She related that the request was to amend the FLU element of the Comp Plan to amend Policy I-4.2.3 entitled Green Swamp Rural FLUC to allow up to 5,000 square feet of limited commercial and office per parcel uses pursuant to the proposed sub-policy I-4.2.3, with a maximum of 10,000 square feet of new development within the corridor, creating a maximum floor area ratio of 20 percent and a maximum impervious surface ratio of 30 percent as well as limited lighting. She noted that this recommendation would amend the FLUM by adding a Rural Support Corridor along Lakeshore Drive within the Green Swamp Area of Critical State Concern, and she added that if approved, any new Rural Support use would require a rezoning to Planned Commercial (CP), a site plan approval, and permitting prior to any development. She elaborated that if the property meets the criteria, it could be rezoned to a Planned Commercial district that could allow uses such as professional office, personal services, convenience retail, general restaurant, agricultural-related retail sales of goods and services, and similar uses. She stated that the applicant submitted a traffic study that concluded that all the roadway segments are projected to operate within their adopted level of service standards, and she commented that the proposed amendment is expected to help reduce vehicular traffic and result in reduced vehicle miles traveled generated within the Green Swamp designated area by providing opportunities to satisfy the trip demand locally. She reported that staff is recommending approval of this request, but noted that they have received a petition with 213 names in opposition, four letters of

concern, and 85 letters of support.

Mr. Beliveau mentioned that they now have 99 emails in support of this project, and he turned in the package of those emails. He opined that the opposition to this has put out misinformation based on an old site plan and a PUD application which was withdrawn over a year ago which has resulted in a lot of the emails and petitions that the County received, and he formally requested that any petitions or emails that reference that should not be considered, since it was based on erroneous information.

Mr. Bryan responded that they weigh the different types of opposition accordingly.

Mr. Beliveau recapped that he and Mr. Dougherty met with Rebecca Jetton, a state official in Tallahassee in August 2012 to get her opinion and approval of the proposed plan, who indicated that this was a good site for low intensity commercial activity. He pointed out that the site is surrounded by PUD zoning to the north, R-3 and R-6 zoning to the west and to the south, and had Urban Low Density uses to the south and to the west. He elaborated that this was an open space site which was not in a 100-year flood zone with Class A soils and no wetlands; and he emphasized that they were surrounded by residential, which was their market. He mentioned that the state official commented that she did not want any more houses in the area or residential rezoning, and he noted that there was a road to the south and the west and a subdivision to the north. He added that there would be open space and showed a letter from Utilities, Inc. stating that they would have service and access to more than one water line. He stated that some of their positive emails referred to the old Green Swamp Market that was previously on the property, which was a produce market that contained livestock on the property and was looked at very fondly by long-term residents of the area. He pointed out that the applicant had spent \$20,000 cleaning up the property, which was initially in bad condition, and that the property currently is used for cattle pasture. He noted that the transportation analysis was done by a professional engineer, and he emphasized that this hearing is only for a Comp Plan Amendment of the corridor itself and not specifically for the PUD of what is to go on the property, including the flashpoint of the sale of gasoline. He commented that the list of acceptable uses is exhaustive and varied, including organic and local farm goods and produce, bait and tackle, general support, and groceries; and they could put some of those items on the PUD. He noted that currently there is only one service provider for about 2200 homes within one mile, and they were addressing an underserved market. He commented that they have redesigned the site to make sure to provide open space buffers for properties to the north and have met with Public Works to look at the specific traffic improvements that they would have to make when they get to the next level. He added that they will not cause a problem to the Green Swamp or environmental issues and have tried to be a good neighbor. He stated that they realize a lot of people are vehemently opposed to the gas option but not opposed to the family market or the country store, although they are not discussing specific uses that day. He respectfully requested a positive recommendation.

Mr. DeWitt asked how far they were from the boat ramp at Lake Louisa.

Mr. Beliveau responded that it was about ½ mile away, and he pointed out that they had had a very positive reaction to the bait and tackle use.

Mr. Gonzalez asked if the 99 letters of support were regarding the Rural Support Corridor.

Mr. Beliveau replied that they were received by the Lakeshore Country Store website.

Mr. Gonzalez stated that he had read the comments and opined that the letters were not for the Rural Support Corridor, but rather feedback for Lakeside Country Store specifically, such as comments stating a desire for the store to carry organic food, and some of those comments requested that no

gasoline be sold at the site.

Mr. Bryan commented that they would have to weigh that when considering any comments, adding that most people do not know what a Rural Support Corridor is.

Mr. George Simek, a resident of Clermont, expressed his total objection to the applicant's request for a change to the Future Land Use. He opined that the way the website was constructed put a positive bias to the applicant's request, and he advised the board to recognize that regarding the applicant's letters of support.

Mr. Bryan assured Mr. Simek that the board has a good understanding of that.

Mr. Simek went on to express concerns about traffic safety at that location, mentioning that there is a blind curve that decreases visibility and reaction time, and he showed a visual of the intersection on the overhead monitor. He opined that putting a commercial development across the street from their subdivision would be acerbating the problem. He commented that a lot of customers of the existing nearby Circle K are day laborers and others who work in that area rather than residents of the area, and he did not think it was relevant to the immediate community and surrounding area. He asked how they could approve a change if they could not take care of the infrastructure first.

Ms. Mary Jo Pfeiffer, a resident of Clermont, presented an option to eliminate the piece of property that is being discussed from the Corridor, approve the lodge, and bring the fire station into compliance. She added that there were approximately six bus stops on Lakeshore Drive in front of this piece of property on a two-lane road.

Mr. Rick Ault, President of Lake Crescent Pines Homeowners Association, which has 104 homes directly across from the proposed development, stated that they were having issues with the entire corridor, and he pointed out that the applicant refuses to discuss today his intent for that piece of property. He commented that lighted canopies and extended business hours would be inappropriate in their neighborhood, and this site is an island in the middle of homes in neighborhoods which have been there for over 20 years with established character and communities. He asked that the amendment for 5,000 square feet of commercial space be limited to the existing parcels and that there be no lighted canopies or extended business hours.

Mr. Bryan replied that those details would be addressed at the rezoning hearing.

Mr. Ault indicated that he and the other homeowners would support an amendment to bring the existing lots into conformance, and he pointed out that the only way for residents to get to this site is to drive, since there are no sidewalks or shoulders that lead to that support corridor. He related that many emails have been coming in which are in opposition to this corridor as the word is getting out about this amendment, and he opined that it was a bad idea.

Ms. McKeeby asked if the letters are opposing that subject property or the whole corridor.

Mr. Ault answered that they were opposed to the corridor amendment based upon the way it is presented by this applicant.

Mr. Bryan clarified that this request would provide the opportunity further on for a rezoning by the applicant.

Ms. Reba Goehrig, a resident of Crescent Lake in Clermont, stated that the traffic coming from the

north is tremendous and opined that additional traffic and two or three more exit lanes on Lakeshore Drive would cause more problems and accidents. She mentioned that she does not shop at the nearby Circle K and told the applicant that she would not shop at the proposed store. She related that although she initially was in favor of a farm store at that site, she later found out that it actually would be a service station and convenience store; and she commented that she would rather see residential development there. She added that she chose that neighborhood because it was a nice rural area, but development to the north has caused problematic traffic going south.

Mr. Mark Grossman, a resident of Clermont who lives about a mile from the proposed store, stated that he was in favor of the project and believes Lake County needs to be open for small business. He added that a new market will provide the produce they have heard about, and they look to the County to overlook any construction project to make sure that the color, lighting, landscaping, and other things are suitable, although that would be the next step. He indicated that he did not have much trouble or concerns driving down Lakeshore Drive.

Ms. Janice Hull, who lives about one mile south of the proposed site, also expressed the concern about another store bringing more traffic to that location.

Ms. Anne Saraceno, a resident of Crescent Bay Subdivision in Clermont, commented that she moved there because it was such a beautiful and rural community, and she expressed concern about a lack of notice of this meeting to nearby residents. She stated that she was against any change in the existing uses, and she also expressed concern about the decreased lake level. She mentioned that she would like to see Lake Louisa Lodge redeveloped. She asked for denial of the request and asked for the board to take things such as an absence of sidewalks and the preservation of some of the rural, beautiful, and hilly areas into consideration.

Ms. Paula Kones, a resident of Clermont who lives near the proposed site, commented that they all want to preserve the character of their communities and their property values. She opined that it was necessary to take into consideration the current infrastructure of Lake County and how they could improve it. She listed some of the businesses that have opened close to their community, including gas stations, pawn shops, fast food restaurants, car washes, and check cashing stores; and she opined that opening a gas station in this community is a bad idea, since there is already a gas station across the street from the proposed site. She asked the board to be careful about what kind of business they will be allowing into the community and to protect the lifestyle and quality of life there.

The Chairman closed the public hearing.

Mr. Bryan clarified with staff that this amendment would bring two uses which are currently nonconforming into conformity and that the County is not under any obligation to approve any further uses in that corridor.

Ms. Cotch further explained that the applicant would have to go through a process to rezone it to a planned district.

Mr. Beliveau stated that he realizes traffic is an issue and had started meeting with Public Works over a year ago to discuss initiatives that they could do to address the traffic issue on Lakeshore Drive, which they have been working on since that time, and they would submit the specificity of their plan during the PUD phase. He reiterated his argument for the need for a commercial endeavor in this area, noting that they were only asking for two structures and 10,000 square feet to serve 1300 homes within a ½ mile radius or 2200 units within one mile. He noted that they were capturing traffic, and he pointed out that their analysis showed that a subdivision would cause a greater impact

than what they could build based on that amendment, taking into consideration things such as septic tanks, stormwater, and lot coverage. He assured the board that this would be a low-impact commercial site, and he noted that this was a rural corridor supporting an urban center.

Mr. Gonzalez reiterated his concern that every letter of support was regarding the Lakeside Country Store and Farmers Market and not the Green Swamp Rural Support Corridor, and he believed that the applicant's claim that the letters were in support of the corridor was a misrepresentation of the facts; he also wanted the BCC to be aware of that.

Ms. Gordana Dinello, a resident of Clermont, expressed concerns about a crime problem, pollution, and the issue regarding traffic. She commented that she wanted to preserve the lovely environment and the quality of life there.

Mr. Beliveau rebutted that the crime statistics were checked, and it was found that a commercial enterprise would result in a lower rate of crime than residential. He also commented that residential development would result in more intensive uses and a higher probability of pollutants and runoff than their proposal, and he noted that they had a 60 percent open space requirement.

Mr. DeWitt commented that he lives north of this area, and the traffic is heavy coming from the south, with more traffic expected with upcoming development north of that area. He expressed a belief, however, that this type of business would save some of the nearby residents from having to drive on crowded roads to buy products elsewhere.

Mr. Bryan added that was part of the purpose of the Rural Support Corridor, which was to capture some of the local market. He reiterated that the applicant would have to come back for a rezoning of this property.

Mr. Kesselring commented that the terminology of "Green Swamp" seems to heighten anxiety about a project and asked whether it could be referred to differently if they approved it that day, such as "Lakeshore Support Corridor." He elaborated that the term "Green Swamp" might be used as a precedent-setting issue for future requests for commercialization of the Green Swamp area, and asked if there were any legalities associated with referring to this differently.

Ms. Melanie Marsh, Deputy County Attorney, responded that they could recommend to the BCC to call it whatever they would like them to call it, but it would be advertised as being in the Green Swamp to disclose that fact.

MOTION by Ted DeWitt, SECONDED by Tim Morris to APPROVE Case No. LPA# 14/4/1-2, Green Swamp Lakeshore Drive Rural Support corridor Future Land Use Category Amendment.

FOR: Morris, Gonzalez, Bryan, DeWitt, McKeeby

AGAINST: Kesselring

MOTION CARRIED: 5-1

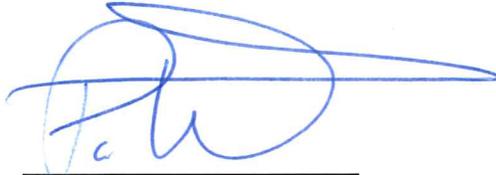
ADJOURNMENT

There being no further business, the meeting was adjourned at 1:30 p.m.

Respectfully submitted,



Susan Boyajan
Clerk, Board Support



Paul Bryan
Chairman