

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
JANUARY 24, 2008**

The Lake County Local Planning Agency met on JANUARY 24, 2008 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative
Vacant	At-Large Representative

Members Absent:

David Jordan, Vice-Chairman	District 1
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Staff Present:

LeChea Parson, Assistant County Attorney
Brian Sheahan, AICP, Planning & Community Design Director
Terrie Diesbourg, Zoning Director
Grant Wenrick, Landscape Architect, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:07 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER II, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED DEFINITIONS; AMENDING CHAPTER IX, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS ENTITLED DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; AMENDING SECTION 9.01.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LANDSCAPING STANDARDS; AMENDING SECTION 9.02.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PROTECTED TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (continued from January 17, 2008)	3 & 5
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Brian Sheahan, AICP, Planning & Community Design Director, said the South Lake Chamber would be present and the consultants would be reporting on the population figures.

Rob Kelly said it was his preference not to have additional ordinances brought before the LPA, so they could complete the 2025 Plan. Mr. Sheahan said these ordinances were not staff initiated but had been requested by the Board of County Commissioners (BCC).

ACCESSORY STRUCTURE ORDINANCE

Terrie Diesbourg, Zoning Director, said with the exception of a typographical error this was the Ordinance agreed to at the last meeting and said staff was requesting formal approval.

MOTION by Michael Carey, SECONDED by Rob Kelly to approve the Accessory Structure Ordinance as presented with one correction and with the addition of the standard language at the end of the Ordinance.

FOR: Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis
ABSENT: Jordan
AGAINST: None
MOTION PASSED: 7-0

REVIEW OF LANDSCAPE ORDINANCE

The LPA began review on page 31. Keith Schue asked about the strikethrough of “Industrial” in Item 3. Grant Wenrick, Landscape Architect, Planning & Community Design, said this would require a landscape area within 25 feet of an industrial building and it should not to be confused with landscape buffers. Mr. Schue was concerned that this may not be appropriate for industrial buildings inter-mixed with other uses. Mr. Wenrick said landscaping would be required around the perimeter of the site.

During discussion about Pervious Parking requirements, there was consensus of the LPA with staff’s suggestion that excess parking above the minimum would be pervious. Mr. Sheahan said staff would remove the graphic notes that were duplicative. The LPA agreed with Mr. Schue’s suggested edits as shown.

The meeting reconvened at 10:10 a.m. after a short break.

POPULATION PROJECTIONS

Steve McDonald, Vice-President, Senior Economist, Real Estate Research Consultants (RERC), said population projections were based on probabilities with many contributing factors. He said the acreage on the draft Future Land Use Map (FLUM) had been updated and said data on the municipal population projections and the projections for the unincorporated County were used when calculating the total population for the County.

Mr. McDonald discussed their document titled Proposed Lake County Future Land Use Allocation. Mr. Schue said the average household size number of 2.34 was not always accurate. Mr. McDonald said lifestyles can affect those numbers and that potentially parts of Lake County could have a higher number.

Mr. McDonald said the figures in Table 1 were based on Bureau of Economic and Business Research (BEBR) projections and he discussed the factors considered during development of this table. He said they considered how the cities had been growing in the past (density) and then allocated a portion of the total projection for the County for each city based on that data; then they reviewed economic factors such as housing costs for each city. He said the larger cities would be projected to have the most growth. Cindy Barrow said the student generation projections done by the School Board might be useful.

Mr. Sheahan said Department of Community Affairs (DCA) had approved this methodology and noted that any modification could significantly delay adoption of the 2025 Plan. He said the reasons for using an average household size of 2.34 were detailed in the Data, Inventory and Analysis (DIA). Michael Carey said Florida's population could be directly affected by national events. Mr. Schue said he would be interested to know the household size if the County's population was divided by the number of households. He was concerned that a comparison of these population projections seemed to project similar densities for the unincorporated and the incorporated areas. Mr. Kelly questioned the reason for a 1.66 multiplier. Mr. McDonald said the multiplier would help to plan for sufficient infrastructure. Mr. Schue said he understood that a reason for the multiplier had been supply and demand, which he did not necessary accept. Chairman Foley said it was her experience that parcels with one home on more than five acres would generally not develop out at densities of one or 2.5 per acre. Mr. Schue thought there would be development pressure in the future on those lots. Mr. McDonald said that all improved lots that were individually owned with a dwelling had been excluded from the developable acres, regardless of size. They had only included the unimproved acreage without a dwelling and he said unimproved lots of larger size might eventually be divided. Mr. Schue said he thought the net developable acres had been calculated by deducting water, wetlands and roads. Mr. McDonald said they took the total acreage, deducted water, wetlands and then deducted the developed acreage. He said their numbers do not assume that lots with residences on them would have an increase in density. There was additional discussion regarding the population figures provided, the allocation of the FLUM and the approved, but not yet built developments. Some changes to the Land Use Allocation table were discussed.

SOUTH LAKE CHAMBER RECOMMENDATIONS

Michael Bucher said he was the current Chairman of the Economic Development Committee of the South Lake Chamber of Commerce. He said the committee had been studying the FLUM of the County and each municipality in South Lake and they wanted to ensure there was a good mix of residential and commercial uses. He said the

committee was hoping to make recommendations on suitable areas for employment centers and regional offices.

There was discussion on the current ratio between residential and commercial tax revenue; what ratio would be desirable and other factors affecting economic growth. Mr. Bucher said their emphasis had been on creating opportunities for regional offices.

PUBLIC COMMENT

Ann Dupee said County fees, such as impact fees, could affect the population per household projections. She thought some of the figures regarding size of the incorporated areas were not properly reflected.

Lowery Brown asked how the “build out” numbers had been calculated, noting that not all parcels will be developed at the maximum density. Mr. Kelly said parcels at a certain threshold with houses on them were considered developed land and were not included in the net developable acres. He added that a less than 100% build out was also calculated with the FLUCs. Mr. Brown said that an adequate amount of land should be set aside for residential uses to ensure land prices that are economically viable. There was discussion that the FLUM would be re-evaluated during the Evaluation and Appraisal Report (EAR) process.

The meeting reconvened at 1:30 p.m. Michael Carey did not return for the afternoon session. Copies of comments made by Mr. Bible, Showcase Homes, were provided to the LPA.

LANDSCAPE ORDINANCE

The LPA resumed review of the ordinance with Section 9.01.05, Canopy Tree Requirements for Single-Family Residential. The LPA discussed the meaning of the term “systematic clearing” of single family residential lots. The LPA agreed to include language preserving trees greater than three (3) inches in diameter unless located within the footprint of the house or interfered with infrastructure or access. The LPA discussed how to enforce the prohibition of tree removal on single family lots, without interfering with clearing necessary for fire protection. The LPA agreed with the language in item “G” regarding locating single-family residences to avoid protected trees as much as possible.

Mr. Sheahan said staff would make item “A” in this section consistent with 9.01.08, Certificate of Occupancy.

During discussion on section 9.01.09, Administration and Enforcement, there was agreement to allow the County to waive up to 20% of the requirements relating to location, size or plant type when site conditions prohibit compliance with this section.

The LPA discussed Code Enforcement fines and LeChea Parson, Assistant County Attorney, explained how the fine amount was assessed. The LPA agreed with the

language in Item 3, stating that failure to file a restoration plan within 30 days shall be considered a code violation and that restoration shall be required.

PUBLIC COMMENT

Jon Pospisil said he thought item 9.01.10.A.2.a could be misinterpreted.

In consideration of Mr. Pospisil's comments, the LPA revised section 2, deleting "a-c" and changed the title of 9.01.10 to "Tree Protection Standards During Construction." There was agreement with staff's suggestion to allow tree identification ribbons in 4.b.

The meeting reconvened at 3:42 p.m. after a short break.

The LPA reached a consensus to remove 9.01.A.6.a "Raising the Grade" through and including section 9.01.09, to substitute the guidelines referenced in 9.01.10.a, to change section 6 titled to "Avoiding tree injury due to root impacts" and with other changes shown on the screen.

PUBLIC COMMENT

Jon Pospisil discussed Section 9.01.11 "Prohibited Plant Species" and the removal of invasive plants from wetlands.

The LPA agreed that approval by the Water Management District (WMD) or other regulatory agency should be required before the removal of invasive plants in wetlands. Mr. Sheahan said, in general, regulatory agencies are concerned with invasive plant removal by machines and don't require a permit to remove invasive plants by hand.

Cindy Barrow left at 4:30 p.m.

During review of section 9.02.00 "Protected Trees" the LPA decided to use the terms "native to Florida or Florida Friendly" in place of "native." The LPA discussed the protection of threatened or rare plants and Mr. Sheahan said the County does not have the staff to enforce that type of policy. Mr. Schue thought there could be a separate ordinance to protect rare plants and Mr. Sheahan said that would be appropriate within Chapter 6.

During discussion on section 9.02.03 "Removal of Trees Requiring a Permit..." the LPA agreed to add section "3" stating that failure to file a restoration plan within 30 days shall be considered a code violation. LeChea Parson said the failure to file the restoration plan within the time frame would be a code violation. Mr. Schue remained concerned that the special master process for code enforcement might not result in the required restoration and developers may be able to negotiate a lesser penalty. Mr. Sheahan said staff cautioned against the text because there is a provision for a code enforcement hearing. Ms. Parson said staff would make recommendations to the special master regarding an appropriate outcome.

PUBLIC COMMENT

Jon Pospisil suggested allowing 60 days and assigning a daily fine in excess of the 60 day time frame.

The LPA decided to retain the 30 day time frame for filing the restoration plan.

The LPA discussed item “F” regarding the clearing of property for agricultural purposes including requiring agricultural zoning and that the property shall be used for bona fide agricultural uses. The LPA agreed with the edits as shown on the screen.

The Chair continued the meeting at 5:32 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary