MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
MARCH 19, 2009

The Lake County Local Planning Agency met on MARCH 19, 2009 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:

Timothy Morris	District 1
Rob Kelly	District 2
Michael F. Carey	District 3
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Terry Godts	At-Large Representative

Members Absent:

Cindy Barrow	School Board Representative
Peggy Belflower, Vice-Chairman	District 4

Staff Present:

Sanford A. Minkoff, County Attorney
Erin Hartigan, Assistant County Attorney
Amye King, AICP, Growth Management Director
Angi Thompson, Development Processing Manager
Gregg Welstead, Conservation & Compliance Director
Brian T. Sheahan, AICP, Planning & Community Design Director
Ian McDonald, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:00 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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The minutes for the August 21, 2008 and January 30, 2009 were continued to the April meeting.

MOTION by Michael Carey, SECONDED by Tim Morris to approve the September 18, 2008 minutes.
FOR: Foley, Schue, Carey, Kelly, Godts, Zaneis, Morris
ABSENT: Barrow, Belflower
AGAINST: None
MOTION PASSED: 7-0

MOTION by Tim Morris, SECONDED by Rob Kelly to approve the January 15, 2009 minutes.
FOR: Foley, Schue, Carey, Kelly, Godts, Zaneis, Morris
ABSENT: Barrow, Belflower
AGAINST: None
MOTION PASSED: 7-0

MOTION by Rob Kelly, SECONDED by Michael Carey to postpone the February 27, 2009 minutes to the April meeting.
FOR: Foley, Schue, Carey, Kelly, Godts, Zaneis, Morris
ABSENT: Barrow, Belflower
AGAINST: None
MOTION PASSED: 7-0

Chairman Foley discussed Commissioner Cadwell's letter regarding the proposed joint meeting between the LPA and the Board of County Commissioners. There was discussion regarding the Comprehensive Plan process outlined by the County Manager.

There was discussion about the Lake/Sumter Metropolitan Planning Organization's (L/SMPO's) recent workshop on land use. Vicki Zaneis discussed that meeting, which she had attended. Mr. Sheahan said this initiative was part of the L/SMPO's long-range plan for regional transportation for Lake and Sumter Counties and the cities within those counties. There was discussion on the models being considered to calculate population projections, the relationship between transportation and land use issues and the relationship between the Comprehensive Plan and the long range transportation plan.

ORDINANCE 2009-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA CREATING SECTION 9.09.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED NOISE PROTECTION STANDARDS; PROVIDING FOR NEW DEVELOPMENT THAT DIFFERS IN USE FROM NEARBY PROPERTY TO SUBMIT A NOISE STUDY; PROVIDING FOR NEW DEVELOPMENT THAT CONTAINS DIFFERENT USES TO SUBMIT A NOISE STUDY; PROVIDING FOR NOISE IMPACTS TO BE MITIGATED THROUGH THE DESIGN AND IMPLEMENTATION OF NEW DEVELOPMENT; AMENDING SECTIONS 14.07.04(A)(12), 14.07.05(A)(2)(G), 14.09.01(B)(2)(J)(8), AND 14.10.02(B), LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, REGARDING SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLATS, CONSTRUCTION PLANS, SITE PLANS, AND MASTER PARK PLANS, RESPECTIVELY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The LPA resumed discussion of the draft noise ordinance continued from the last meeting. There was discussion regarding mitigation, what its objectives would be, how to have measurable standards, how it could be enforced and if it was necessary to describe mitigation factors within this ordinance.

Sanford A. Minkoff, County Attorney, discussed the background regarding the noise ordinance and said a presentation had been made to the BCC regarding issues surrounding noise. He said that the County Attorney's Office had reviewed ordinances from other jurisdictions and explained why it was so difficult to enumerate specific mitigation factors because noise is affected by many factors such as frequency, decibels, proximity. He noted that this ordinance was unique in its effort to promote noise compatibility between land uses.

There was discussion regarding the evaluation of noise studies, the possible need to consult with experts in sound and what some LPA members believed was as a lack of sufficient detail within the ordinance. Mr. Minkoff noted that some of the mitigation could be addressed through better development or building design. He said the County will still have the existing noise provision within the County code.

PUBLIC COMMENT

Bob Curry agreed that this was a 'cutting edge' ordinance and that requiring a noise study is almost a precedent. He said it wasn't possible to predict all of the possible noise impacts and he thought this has a mechanism to address potential issues. He suggested modifying the sentence in Section 9.09.3B to state "if the noise impacts expected from any of the uses will exceed the noise impact from other uses the noise study shall include recommendations to mitigate the excessive noise impacts…"

There was discussion about the possibility of requiring additional mitigation if the original mitigation was inadequate or ineffective.

The meeting reconvened at 11:57 a.m. after a short break.

There was discussion regarding the suggested language shown as inserted in Section 9.09.06 Noise Study Implementation/Mitigation. Mr. Minkoff said he thought this requirement could adversely impact financing on commercial building. He noted that there is still the nuisance ordinance and that resolution can be required through the Special Master process.

PUBLIC COMMENT

Jon Pospisil discussed the unnecessary expense of requiring a noise study for purely residential Planned Unit Developments (PUDs) and evaluating the possible noise impacts from a use that is not in existence at that time.

The LPA's suggested changes were incorporated into the ordinance as shown on the monitor. There was discussion about where in the development process a noise study could be required.

MOTION by Michael Carey, SECONDED by Tim Morris to recommend approval of the draft noise ordinance as edited and shown on the monitor.

The LPA discussed Section 9.09.04.2 and the potential noise that could be generated by intense agricultural uses. There was agreement to include language stating "…which do not require a Conditional Use Permit (CUP)."

MOTION amended by Michael Carey, SECONDED by Tim Morris to include the edits shown on the monitor within the motion.

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

ORDINANCE 2009-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE APPENDIX E LAND DEVELOPMENT REGULATIONS; CREATING SECTION 1.08.00 MARKET CONDITION EXTENSION; TO PROVIDE A ONE TIME EXTENSION OF UP TO THREE (3) YEARS FOR DEVELOPMENT AND VESTING ORDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Sheahan read the ordinance into the record and discussed the background of this proposed ordinance.

The LPA discussed this proposed ordinance including the view of some LPA members that this would be a "blanket waiver," the number of site plans that would be affected and if the time frame could be extended in multiple one year increments.

Amye King, AICP, Director Growth Management, suggested that staff could include some options on this ordinance to address the concerns voiced by the LPA.

The LPA agreed to continue the Market Condition Extension ordinance to the April 16, 2009 meeting.

ORDINANCE 2009-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.01.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SCHEDULE OF PERMITTED AND CONDITIONAL USES; CHANGING CEMETERY FROM A CONDITIONAL USE TO A PERMITTED USE IN THE COMMUNITY FACILITIES DISTRICT (CFD); ADDING MULTI-FAMILY USE AS A PERMITTED USE IN R-6 AND R-7 ZONING DISTRICTS; ADDING GENERAL AGRICULTURE AND NON-INTENSIVE AGRICULTURE AS A PERMITTED USE IN THE CFD ZONING DISTRICT AND REMOVING AS CONDITIONAL USE FROM THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. MULTI-FAMILY ORDINANCE (CONTINUED FROM 2-27-09)

Mr. Sheahan said that the remaining concern with this ordinance was the multi-family uses in R-6 and R-7 zoning. Mr. Kelly said after reviewing where these zoning classifications are located he did not have an objection. The LPA agreed to change "urbanizing area" to "urban future land use."

There was discussion about including a footnote requiring agriculture uses on conservation lands in the Community Facilities District (CFD) zoning to comply with approved management plans. Mr. Sheahan said all conservation lands zoned CFD are owned by the County, every new CFD zoning for County conservation land now requires that a management plan be adopted, and every CFD zoning has to be considered by the Zoning Board and approved by the BCC. He added that the new Comprehensive Plan will address this issue.

MOTION by Tim Morris, SECONDED by Michael Carey to recommend approval of this ordinance.

There was further discussion about including an asterisk regarding the issue of agricultural uses on County-owned conservation lands and the permitted uses within the CFD zoning classifications. The LPA agreed to include a notation to the table indicating that agricultural uses within Conservation land zoned CFD must comply with approved management plans.

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

Concurrency Ordinance Presentation & Discussion

Angi Thompson, Development Processing Manager, said that they are proposing a total rewrite of Chapter 5. She described the provisions of the draft ordinance, including standardizing timeframes, the allowance to reserve capacity outside of the application process, how concurrency review will interface with the development review process, the establishment of multiple levels of analysis, and the setting and collection of fees.

There was discussion about the ordinance section "Recommendation for denial" and Mr. Minkoff explained why it was necessary to allow applicants to encumber capacity before proceeding with development. Members of the LPA expressed concern regarding the potential reservation of capacity for a project that had not yet been approved. There was some concern about capacity being unavailable because it was being held back for a development that might be denied, thereby preventing an acceptable project from moving forward. Ms. Thompson explained how the process is different for commercial and residential uses.

Mr. Minkoff said that staff is available to meet with LPA members that have questions regarding this ordinance. He noted that the Concurrency Element in the 2030 Plan already contains some of these provisions.

Chairman Foley noted that the election of officers should be held in April and said she believed that the offices should move among the members.

Vicki Zaneis said that the Affordable Housing Report was not approved by the BCC because of the current market conditions and the availability of housing, that the Board believed that there was no need for incentives. There was brief discussion regarding the status of this report and state funding.

The Chair adjourned the meeting at 1:11 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary