MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
MARCH 20, 2008

The Lake County Local Planning Agency met on MARCH 20, 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:

Vacant	District 1
Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative
Bill Benham	At-Large Representative

Members Absent:

None

Staff Present:

Sandy Minkoff, County Attorney
LeChea Parson, Assistant County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:10 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.

TABLE OF CONTENTS

AGENDA DESCRIPTION	PAGE NO.
Review of Action Item List	3
Municipal Interlocal Agreements	6

Brian T. Sheahan, AICP, Planning & Community Design Director updated the LPA on several items, including the City of Umatilla's request for thirty (30) days to review the Commercial Corridor Future Land Use Category (FLUC) placed on SR 19. He said numbers were being compiled for the consultant's population analysis and added that there was a memorandum addressing the LPA's questions. He said the Accessory Structure Ordinance was being sent back to the LPA from the Board of County Commissioners (BCC) to consider allowing construction of accessory structures in advance of primary structures.

Keith Schue arrived at 9:18 a.m.

ACTION ITEM LIST

The LPA took a short break in order for copies to be made of Keith Schue's draft policies regarding commercial corridors and centers. Mr. Schue said he was suggesting policies for regional and local commercial corridors and three (3) commercial center categories. He discussed the policies, including the width of the commercial corridors, restricting regional commercial corridors to designated four (4) lane roadways, the size of individual structures, use of floor area ratios (FARs) instead of square footage and how FARs in the neighborhood commercial centers could best be aggregated. The LPA discussed that this policy would recognize these commercial corridors as existing uses, unrelated to the adjacent residential FLUCs and would allow for infill.

There was a general consensus of the LPA to draft policy creating two (2) types of commercial corridors and to have specific FARs for both. Mr. Sheahan said because the FAR is regulated by the underlying FLUC a range of FARs could exist within a commercial corridor. He said some of this draft language was almost a Land Development Regulation (LDR) and noted that they should be writing policy. Rob Kelly said because some corridors have multiple FLUCs, he thought it might be best to have a consistent maximum figure. Mr. Sheahan said a minimum FAR could accomplish the same thing because it would increase the intensity of the smaller uses and not increase the intensity of the larger uses; however he agreed that a maximum FAR would also work. The LPA agreed to set a maximum FAR.

Mr. Sheahan suggested using the Urban High Density or Urban Medium-High Density FARs with an exemption for Regional Commercial and Regional Office. The LPA discussed some of the factors to be considered in setting a FAR, including building heights, parking requirements, the potential for mass transit and the efficient use of land. The LPA discussed creating a difference in scale. Michael Carey said he was concerned how these uses would look, because he thought size would be whatever could be realistically built. Mr. Sheahan agreed that because FARs were self-regulating in this situation, a maximum FAR was not necessary. Mr. Kelly said they needed to decide if there should be a difference in scale. Mr. Schue said a FAR of one (1) without above or below parking means that commercial building would be more than one (1) floor. Chairman Foley suggested 1.5 FAR for Regional Commercial Corridors and smaller FARs for the local commercial corridors. Vicki Zaneis favored making the maximum use of land and creating a sense of space through design features which would include

building heights. She thought a minimum FAR could have curtailed some of Lake County's sprawl. Mr. Sheahan said the FAR could be further defined in the LDRs. The LPA agreed that Regional Commercial Corridor shall have a maximum FAR of 2.0 and any intensity above 1.0 shall require a Conditional Use Permit (CUP).

MOTION by Rob Kelly to rename the commercial corridor Regional Commercial Corridor and to set a maximum Floor Area Ratio of 2.0 and to require a Conditional Use Permit for any Floor Area Ratio above 1.0.

Mr. Sheahan suggested "Major" in place of "Regional" which has a multi-county connotation.

MOTION AMENDED and WITHDRAWN by Rob Kelly to change "Regional" to "Major."

The meeting reconvened at 10:55 a.m. after a short break.

Cindy Barrow arrived at 11:00 a.m.

The LPA agreed to create major and minor commercial corridors. Mr. Sheahan drafted language addressing the LPA's concern that large distances between commercial uses should not be allowed. Ms. Zaneis and Bill Benham both said that much of this policy could be included in the LDRs. The LPA agreed to require a CUP for any structure exceeding 25,000 square feet within the Minor Commercial Corridors. There was a consensus of the LPA with Mr. Kelly's suggestion to limit intensity within the Minor Commercial Corridors to a FAR of 2.0. There was discussion regarding Old Highway 441 and Chairman Foley said she thought it should be a Major Commercial Corridor but noted it would not meet the four (4) lane road requirement.

The meeting reconvened at 1:15 p.m. after a break for lunch. Peggy Belflower was present for the afternoon portion of the meeting.

Chairman Foley suggested they continue to review the Commercial Non-Conforming Policy. Mr. Schue said he was concerned about the terms "continued" and "expansion." Mr. Sheahan said there were some circumstances in which it would be necessary for a nonconforming use to expand. Mr. Schue suggested a 10% cap for regulatory compliance to address the possibility of inappropriate expansion. There was discussion about linking the 10% cap to the FAR, structure size, covered and uncovered areas. Mr. Sheahan said these details belong in the LDRs. Mr. Schue remained concerned about possible variances to those regulations resulting in the possible expansion of nonconforming uses. Mr. Sheahan said the authority to grant variances is delegated by the BCC to a board of their choosing. Ms. Barrow suggested reserving this issue for the LDRs. Mr. Kelly said there was concern that this policy could be easily waived. LeChea Parson, Assistant County Attorney, explained that the process of obtaining a variance was not a simple thing. Ms. Zaneis said she didn't want to create situations in which this

policy would require the County to deny a variance request for a project that could be a very good thing for the County. The LPA agreed with "10% of the nonconforming use."

MOTION by Bill Benham, SECONDED by Cindy Barrow to accept draft Policy 7.5.1 regarding Nonconforming Uses as shown on the screen.
FOR: Foley, Schue, Belflower, Barrow, Kelly, Benham, Zaneis
ABSENT: Carey
AGAINST: None
MOTION PASSED: 7-0

Minor/Major Commercial Corridors
After some discussion the LPA designated three (3) Minor Commercial Corridors. Ms. Zaneis noted that the four (4) lane restriction on Major Commercial Corridors could prohibit some commercial development in Traditional Neighborhood Design communities and she thought mass transit could make the four (4) lane restriction unnecessary. The LPA agreed with Mr. Sheahan's suggestion to have the Major Commercial Corridor policy read "…corridors with typically four or more travel lanes…"

Commercial Centers
MOTION by Rob Kelly that the Regional Commercial Centers shall have a .5 Floor Area Ratio assigned to them. MOTION died for lack of a second.
Chairman Foley asked if there was a consensus. Ms. Zaneis said she would support more intense commercial development than the .5 FAR would allow and said she has misgivings about the commercial component in the Urban Low Density FLUC.

Mr. Schue discussed how situations could be avoided in which the first commercial applicant uses the entire amount of commercial allocation. Mr. Kelly said a maximum .17 FAR could be allowed on each intersection corner and said if there were multiple lots each would have the same FAR. Mr. Sheahan said most jurisdictions base intensity on a FAR figure but he thought that could create a number of nonconforming uses.

During discussion on Community Centers there was a consensus of the LPA to reduce the distance from the intersection to 660 feet. There was discussion regarding the appropriate scale of the different type of commercial centers. The LPA agreed with the .2 FAR for Community Centers.

The meeting reconvened at 3:05 p.m. after a short break.

The LPA agreed that in circumstances where commercial corridors coincide with commercial centers that the most intensive criteria would apply.

PUBLIC COMMENT
Lowrie Brown discussed where he thought there were inconsistencies between the FARs in the commercial centers. He said that these numbers should be in the LDRs.

Mr. Kelly said the intent was to have consistent intensities within the commercial corridors although it may contain different FLUCs and he said they would have to review the policies to resolve those conflicts.

Mr. Brown discussed his commercial development experience, including impervious surface ratios (ISR), the amount of pervious surface adequate for stormwater retention and landscaping. He said he understood their desire to reduce the ISR within lower density FLUCs. He said a commercial development at a .30 FAR would mean 70% of the parcel would be unimproved property. He suggested dropping the ISR by five (5) points in each FLUC.

Mr. Sheahan said if the LPA reached agreement on broad goals that staff could review these issues and make some suggestions. Mr. Kelly said he thought all four (4) corners in the commercial centers should have similar intensities regardless of the assigned FLUC. There was concern that removing the square footage requirements could allow high intensity development in a lower density urban FLUC. Ms. Zaneis said it was important to allow enough intensity for sustainable commercial uses.

Michael Carey returned at 3:45 p.m.

Municipal Interlocal Agreements
Sanford A. Minkoff, County Attorney joined the meeting for the purpose of discussing the policy drafted by Mr. Schue. He said some of the draft policy conflicted with the statute because it appeared to limit options when the intent of the statute was to be broad in order to encourage these agreements. He noted that planning is a very small portion of the Interlocal Service Boundary Agreement Act which is aimed at the provision of services. Mr. Kelly said the intent of the draft policy was to ensure that sufficient planning was part of these agreements and said an agreement could be reached that was not in the parties' best interest. Mr. Minkoff noted that the BCC would be negotiating these agreements and it was the intent of the statute to have these agreements worked out by elected officials. Mr. Schue said he did not think that the incorporated areas of the County should be allowed to assign FLUCs in the unincorporated area. He also said that the County could choose to not utilize those portions of the act. Mr. Minkoff said these agreements are the only way to have binding annexation agreements with the cities and said without these agreements the cities could annex just as they have in the past. Mr. Schue said he was concerned that the County would give up the right to assign FLUCs. Mr. Minkoff said this language was inconsistent with the statute and it would eliminate a negotiating 'tool' of the County. Mr. Schue said the statutory provision was a voluntary tool and that if the County intentionally adopted policy that limited its use of the Act in order to protect itself, then that does not mean the language is "inconsistent" with the Act. Chairman Foley said the Comprehensive Plan only needed to state that inter-local agreements would be allowed. Ms. Barrow said this would be an important factor during negotiations. Mr. Carey said he thought it was outside their purview to place proscriptions on the BCC. He said he believed the LPA could make their opinions and goals known through written correspondence with the BCC and ask for their support. Mr. Sheahan said the statute requires participation. He thought this policy could interfere

with the function of the BCC and he believed the BCC would ask staff to rescind this policy. Mr. Minkoff said the primary focus of the statute was that by agreeing to allow a city to annex into specific areas, the County agrees that those areas will be in the city; that they will be municipal areas and services should be planned for at the present time. He repeated that without these agreements the cities would just continue to annex as they have been. Chairman Foley suggested that the County Attorney draft language to encourage the County to pursue inter-local agreements.

MOTION by Bill Benham to ask the County Attorney to draft language in support of the Municipal Inter-local Agreement statute which would encourage the County to pursue those agreements. MOTION died for lack of a second.

Ms. Barrow said she believed the LPA could not effectively prevent things that this board didn't want to see happen and this relinquishes a control that they only believe they have. Mr. Minkoff said that the only enforceable way to limit municipal annexation is through these inter-local agreements.

MOTION AMENDED by Bill Benham, SECONDED by Michael Carey to approve the language drafted by staff as follows: The County is encouraged to pursue interlocal agreements with a municipality or group of municipalities pursuant to the Florida statute.
FOR: Foley, Barrow, Benham, Carey
ABSENT: None
AGAINST: Belflower, Schue, Zaneis, Kelly
MOTION FAILED: 4-4

MOTION by Keith Schue, SECONDED by Michael Carey to include Mr. Schue's suggested language into the draft 2025 Comprehensive Plan.

Mr. Kelly said he would support policy stating that if these agreements allow large enclaves or noncontiguous annexations , then agreement on appropriate Future Land Use must be included.

MOTION WITHDRAWN by Keith Schue, SECOND WITHDRAWN by Michael Carey.

Ms. Belflower said because of Mr. Minkoff's statement that annexation agreements within JPAs are not enforceable, that the language relating to annexation should be removed from Policy 7.11.1.

There was a short break and the meeting reconvened at 4:20 p.m.

The LPA continued to discuss interlocal agreements. Ms. Barrow said JPAs are not as effective as they had hoped because the annexation portions of JPAs are not legally enforceable. Mr. Kelly said he would see if he could draft acceptable language regarding interlocal agreements. Ms. Zaneis used the Town of Lady Lake as an example and said if

the Town would agree to roll back their potential annexation boundaries, perhaps the enclaves created by those annexations would not be an issue, because the County would receive something in return. Mr. Kelly said these agreements had the potential to benefit everyone if it was done in the proper way. Mr. Schue said it was important to have a good understanding about areas to be annexed. Mr. Carey noted it was important that parties do not just back out of agreements.

The Chair adjourned the meeting at 4:47 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary