

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
APRIL 16, 2009**

The Lake County Local Planning Agency met on APRIL 16, 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:**

Rob Kelly, Vice-Chairman	District 2
Michael F. Carey	District 3
Peggy Belflower, Chairman	District 4
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Terry Godts	At-Large Representative

**Members Absent:**

Timothy Morris	District 1
Nadine Foley	District 5
Cindy Barrow	School Board Representative

**Staff Present:**

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

Peggy Belflower, Vice-Chairman, called the meeting to order at 9:02 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**

<b>AGENDA DESCRIPTION</b>	<b>PAGE NO.</b>
Election of officers	2
Metropolitan Planning Presentation	2
Market Condition Extension Ordinance	3
Concurrency Ordinance	4

**ELECTION OF OFFICERS**

**MOTION by Mike Carey, SECONDED by Terry Godts to nominate Peggy Belflower as Chairman, Rob Kelly as Vice-Chair and Keith Schue as Secretary.**

**FOR: Schue, Carey, Belflower, Kelly, Godts, Zaneis**

**ABSENT: Foley, Morris, Barrow**

**AGAINST: None**

**MOTION PASSED: 6-0**

**LAKE/SUMTER METROPOLITAN PLANNING ORGANIZATION (L/S MPO) PRESENTATION**

T.J. Fish, AICP, Executive Director, L/SMPO briefly discussed the function of MPOs and the status of the 2035 Transportation Plan.

Mike Woods, Transportation Planner, L/SMPO, said his focus was transit, including the transportation disadvantaged programs, scenic highway programs, public involvement and multi-modal planning. Pam Richardson, Project Manager, L/SMPO said she was managing the 2035 Transportation Plan and is also working on methodology for concurrency review that will be applicable to future land use amendments. Mr. Fish added that the MPO has proposed a transportation study methodology that would be consistent throughout both counties including the municipalities. Francis Franco, Transportation Concurrency and GIS Manager, L/SMPO, discussed the importance of the GIS interface with planning and the coordination of governmental data sets. Tom Burke, Senior Transportation Planner, L/SMPO, discussed the development of the concurrency management system and the status of the 2035 Transportation Plan.

The LPA discussed the interconnection and possible conflicts between the draft 2030 Comprehensive Plan and the 2035 Transportation Plan. Some LPA members asked about the data sets used by the MPO and how the County’s proposed land use policies were represented in the 2035 Transportation Plan. Mr. Fish said this Transportation Plan is a coordinated effort with two counties and multiple municipalities to direct growth into the urban areas by creating a regional transportation analysis zone based plan. He said the MPO will take into consideration the transportation, intergovernmental coordination

and future land use elements of the various governmental entities. Mr. Fish discussed how transportation planning can help direct growth into the municipal core areas.

Tom Burke discussed transportation analysis zones (TAZ) and said the alternative land use methodologies being considered were the Future Land Use Allocation Model (FLUAM) and Land Use Conflict Identification Strategy (LUCIS). There was discussion about the larger rural TAZ that includes conservation areas and the concern that the densities could be moved into areas that are intended to remain rural. Mr. Fish acknowledged that TAZ based modals do not always accurately depict what exists on the ground and said they are working to move beyond TAZ based mapping.

Mr. Fish said transportation/transit funding can incentivize land use decisions by governments. He noted that MPO maps were illustrative, not binding; they are a tool to show desirable and undesirable outcomes.

The meeting reconvened at 11:15 a.m. after a short break.

**MARKET CONDITION EXTENSION ORDINANCE**

Amye King, AICP, Growth Management Director, said because the state legislature is considering action on this issue, staff is suggesting a continuance at this time. The LPA agreed by consensus to continue consideration of this ordinance for one month.

**APPROVAL OF MINUTES**

**MOTION by Vicki Zaneis, SECONDED by Rob Kelly to approve the February 21, 2008 minutes.**

- FOR:** Schue, Carey, Belflower, Godts, Zaneis, Kelly
- ABSENT:** Foley, Morris, Barrow
- AGAINST:** None
- MOTION PASSED: 6-0**

The March 5, 2008 minutes were continued to the May meeting.

**MOTION by Michael Carey, SECONDED by Rob Kelly to approve the August 14, 2008 minutes.**

- FOR:** Schue, Carey, Belflower, Godts, Zaneis, Kelly
- ABSENT:** Foley, Morris, Barrow
- AGAINST:** None
- MOTION PASSED: 6-0**

The August 21, 2008 minutes were continued to the May meeting.

**MOTION by Vicki Zaneis, SECONDED by Terri Godts to approve the January 30, 2009 minutes.**

- FOR:** Schue, Carey, Belflower, Godts, Zaneis, Kelly

**ABSENT:               Foley, Morris, Barrow**  
**AGAINST:           None**  
**MOTION PASSED: 6-0**

There was discussion regarding how much detail is appropriate in the minutes. Mr. Sheahan said staff is put in a difficult position when there are changes suggested regarding the actual context of discussions. There was a consensus of the LPA that those questions should be resolved during a meeting. It was agreed that relevant discussion should be summarized without making the minutes simply a summary of motions/actions.

**MOTION by Vicki Zaneis, SECONDED by Rob Kelly to approve the February 27, 2009 minutes as amended.**

**FOR:                   Schue, Carey, Belflower, Godts, Zaneis, Kelly**  
**ABSENT:             Foley, Morris, Barrow**  
**AGAINST:           None**  
**MOTION PASSED: 6-0**

**MOTION by Rob Kelly, SECONDED by Vicki Zaneis to approve the March 19, 2009 minutes.**

**FOR:                   Schue, Carey, Belflower, Godts, Zaneis, Kelly**  
**ABSENT:             Foley, Morris, Barrow**  
**AGAINST:           None**  
**MOTION PASSED: 6-0**

**CONCURRENCY ORDINANCE**

Angi Thompson, Development Processing Manager, discussed the changes made to the draft ordinance based on previous LPA comments. There was discussion regarding the procedure for concurrency review. Sanford Minkoff, County Attorney, said concurrency is not reviewed during re-zonings because without a final plan an accurate evaluation of concurrency can not be made. He said only projects that have been determined to have vested rights are not subject to concurrency review. Mr. Minkoff noted that this ordinance would change procedures, but said the concurrency requirements have not changed.

On page 9, there was a consensus of the LPA to change “may” to “shall” in line 6, to edit Section 5.03.02 to remove the word “policy” from the phrase “Comprehensive policy plan” in line 11 and to remove “future land use element” from the end of the second paragraph.

Meeting reconvened at 1:34 p.m. after a lunch break. Rob Kelly was not available for the afternoon portion of the meeting.

The LPA discussed the exemptions for single family residences and the De Minis provisions. Mr. Minkoff noted that a concurrency exemption does not exempt projects

from other provisions in the County code. On page 4, there was a consensus of the LPA to strike item 9 regarding wells and septic tank placement.

There was discussion related to education facilities on page 5 including the difference between projects that are 'vested' and those that are concurrent. There was a consensus of the LPA to leave this draft language as written.

On page 6, item "e," the LPA agreed to change "less" to "fewer dwelling" units.

The LPA reviewed items 5 and 6 on page 7 related to variances and discussed if variances could impact concurrency.

During review of Sections 5.01.05 and 5.01.06, there was discussion regarding the possibility of transferring concurrency credits. Mr. Minkoff said it might be feasible for some types of concurrency such as parks or solid waste and suggested that issue could be reconsidered in the future.

There was discussion regarding Section 5.03.00 item "B" on page 8 and some concern regarding the potential acceptance of applicant methodologies that could be inconsistent with those of the County. Mr. Minkoff noted that transportation concurrency methodologies and issues can be very complicated with multiple studies being considered and evaluated. The LPA discussed if methodologies used in determining concurrency should be strictly limited or if other methodologies could be considered by the County. Mr. Sheahan discussed the expense of the traffic studies and noted that the traffic studies are reviewed by County engineers. The LPA agreed in Section 5.03.00, item "B" to delete "methodologies" in the last sentence.

**MOTION by Vicki Zaneis, SECONDED by Terry Godts to accept the edits to Section 5.03.00, item "B" as shown on the monitor, including the deletion of "methodologies" and "submitted by the applicant."**

**MOTION AMENDED by Vicki Zaneis, SECONDED by Terry Godts to also strike "...utilize and rely upon in whole..." and to add "additional" before "appropriate."**

**FOR: Schue, Carey, Belflower, Godts, Zaneis**

**ABSENT: Foley, Morris, Barrow, Kelly**

**AGAINST: None**

**MOTION PASSED: 5-0**

There was discussion regarding Section 5.03.03 Residential Subdivisions and the provision for approval of preliminary plats without currently available capacity. Mr. Minkoff said this was intended to create a waiting list and added that mitigation and proportionate share are other ways to create capacity. Some LPA members were concerned about the possible misuse of mitigation and proportionate share that could allow development without available capacity. Some LPA members supported deleting this sentence, noting that they did not feel this would eliminate the possibility of mitigation or proportionate share.

**MOTION by Keith Schue, SECONDED by Vicki Zaneis to delete in Section 5.03.03 the second sentence beginning with “The preliminary plat may be approved...” and to delete in Section 5.03.02 the fourth sentence beginning with “The PUD may be approved...”**

**PUBLIC COMMENT**

Jon Pospisil said he didn’t understand why there was concern about approving preliminary plats that can’t be built. He thought that an approved plat would enable a developer to know that once the capacity issue is resolved his project can move forward, which could make it easier to get financial backing and attract business partners. He said that he thought knowing a developer’s plans for a particular area could be a benefit to everyone.

**FOR: Schue, Belflower, Zaneis**  
**ABSENT: Foley, Morris, Barrow, Kelly**  
**AGAINST: Godts, Carey**  
**MOTION PASSED: 3-2**

There was a consensus of the LPA under Section 5.03.04 Nonresidential Plats, to delete “for recording” in items 2 and 3.

Mr. Minkoff repeated staff’s offer to meet with any LPA member to answer questions before the next meeting. Chairman Belflower noted that review of this ordinance should be completed at the next meeting.

Vicki Zaneis updated the LPA regarding the activities of the Affordable Housing committee.

There was brief discussion on particular concurrency issues to be discussed at the next meeting, such as the ten (10) year reservation of capacity and mitigation.

At 4:15 p.m., the Chairman continued the hearing on this ordinance to the May 21, 2009 meeting.

\_\_\_\_\_  
Donna R. Bohrer  
Public Hearing Coordinator

\_\_\_\_\_  
Keith Schue  
Secretary