

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

APRIL 20, 2006

The Lake County Local Planning Agency met on THURSDAY, APRIL 20, 2006 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.

Members Present:

Ann Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

Members Absent:

David Jordan	District 1
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Staff Present:

Sanford A. Minkoff, County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Kitty Cooper, Director, Geographic Information Systems (GIS)
Fred Schneider, Director Engineering, Public Works
Mary Hamilton, Stormwater Project Manager, Public Works
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, 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 Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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Amye King, Deputy Director, Deputy Director, Growth Management Department, said the County Attorney will be briefing the Local Planning Agency (LPA) on proposed revisions to the sign ordinance; staff will be discussing floodplain issues and commercial location criteria.

MOTION by MICHAEL CAREY, SECONDED by ANN DUPEE to re-elect the current officers to another term. Those officers are Barbara Newman, Chairman; Nadine Foley, Vice-Chairman, and Keith Schue, Secretary.

FOR: Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Elswick

ABSENT: Jordan

AGAINST: None

MOTION PASSED: 8-0

HERITAGE GREEN PRESENTATION

Alex Kane, Vice-President of Heritage Green, said the maintenance of open space, preservation of existing environmental values, maximum tree retention, natural features retention, improvement of community facilities and economic viability were the goals of the LPA as they wrote the new Comprehensive Plan.

Mr. Kane discussed a prize-winning subdivision designed by Heritage Green, using initiatives such as an on-site design team to identify environmental features and the best areas for density to create a master plan based on conservation subdivision design. This design included “uncommon open space” in which 50% of each lot remained in its natural state in perpetuity. Mr. Kane said these new designs might not be possible under the new Comprehensive Plan because ‘uncommon open space’ may no longer be counted.

Mr. Kane thought the LPA should reconsider some of the principles and definitions because they may prohibit award-winning designs. He respectfully suggested delaying the Wekiva-Ocala Element provisions until it can be compared to the entire Comprehensive Plan.

Sean Parks favored conservation design and said economic viability is important so the current residents do not pay for new developments. Mr. Kane discussed economic viability in relationship to the cost of development, preservation of the environment and the costs of the homes and the drawbacks of “micro-developments.”

Keith Schue said conservation and open space are important issues and discussed the importance of preserving large areas for connectivity. He said 15% open space is much less than Randall Arendt’s proposal and disagreed with the example in this presentation. He was very concerned about ensuring the protection of the open spaces when it is located on individual lots. He said larger contiguous open spaces would protect more than suburban species and would be easier to protect. He said the calculation of open space should not vary within the Wekiva area.

Mr. Kane said the State has specific requirements for the Wekiva area and the Green Swamp Area of Critical State Concern (GSACSC). He said the example he had discussed was old and many things have changed.

Nadine Foley said clustering was required in only the Rural High Density (RHD). Mr. Schue said there is a “tiered approach” in the Wekiva area. Ms. Foley thought as larger tracts were divided in the Rural Medium or Rural Low Density Districts some existing natural features would be linked as larger tracts of open space as land was subdivided. Mr. Schue agreed but said developments at densities of one dwelling unit per acre or higher should have common open space.

PUBLIC COMMENT

Charles Lee, Director of Advocacy Audubon of Florida, thought this presentation was a misrepresentation of the design principles advocated by Randall Arendt. He believed that

open space on individual lots would conflict with property rights because of how people feel about land they own. Because of that conflict, he believed that uncommon open space would ultimately be diminished and said its ecological value would be insignificant.

Terry Godts said environmental design for people was not the same as environmental design for wildlife and the environment. She believed it was important to preserve “useable” open space for wildlife. She discussed the importance of protecting wildlife, such as gopher tortoises that are a “keystone species” because they share their habitat/burrows with many other species. She said, because wildlife was vulnerable to roads and to domestic animals, it was important to preserve larger areas of open space to enhance their survival.

Nancy Fullerton, Land Use and Water Issues Chairman for Alliance for the Protection of Water Resources, thought the presentation distorted the Conservation Design principles of Randall Arendt. She agreed with Mr. Lee, Ms. Godts and Mr. Schue.

Elaine Renick agreed that Randall Arendt’s principles had been distorted and said his designs were “density neutral.” She said the LPA had developed an excellent definition of open space and thought that definition should stand. She said “uncommon open space” is not really open space.

Rob Kelly, Citizens Coalition of Lake County discussed how this issue was being addressed in different areas.

Bernie Yokel said he was a Biologist and Ecologist and was speaking as a professional. He referred to the definition of open space and said for many people the value of where they live is related to the amount of natural experience that they have at their home. He said in general that the larger the open space, the greater the diversity of the wildlife and plants would be.

Richard Beeson said increasing densities causes traffic congestion and increases the demand for public services. He said deed restrictions do not work in actual practice. He said most land owners would want to use the land that they are paying taxes on. He said Lake County lacks parks and said open space was an important issue. He thought Lake County should set a higher standard for open space in Central Florida and the LPA should retain their definition of open space.

Chris Belflower thought it was obvious that developers wanted to increase densities in the Wekiva-Ocala Corridor. He thought it was important to protect that area and said that was the general feeling of the public as well. He didn’t agree that subdivision lots should be considered open space.

Robert Curry discussed the value of the open space in the Wekiva and the Ocala Forest. He said the increased value of land has made land acquisition more difficult, including the remaining wildlife corridor links.

Tom Henderson said he owns land on the edge of the Wekiva area and discussed the value of that environment and the mature oaks. He believed urban development should not be built in rural areas because urban development requires central utilities. He commented on the issue of overcrowded schools. He said most rural landowners are good stewards of the land and spoke in favor of protecting the Wekiva Area.

Mr. Parks said he didn't want to change the definition of net density as it related to conservation design or the definition of open space. He said there were considerable differences between the subdivision designs discussed today.

Chairman Newman and Michael Carey discussed the importance of listening to different perspectives and said the LPA is still in the planning process.

There was a five-minute break.

CITY OF GROVELAND JOINT PLANNING AGREEMENT (JPA)

Ms. King introduced Teresa Greenham, Planning Director for the City of Groveland, and said staff was recommending approval of the JPA with Groveland.

Ms. Greenham said the area north of the city was the major area available for expansion and that was an area in which they are planning for mixed use and clustered developments. She said they have a good relationship and level of cooperation with the County.

Mr. Schue said he could not support this JPA without language specifically addressing the Green Swamp. Mr. Parks, Ms. Foley and Mr. Dunkel all agreed that the Green Swamp Area of Critical State Concern (GWACSC) should be addressed in the JPA.

Ms. Greenham said language regarding the Green Swamp would be added. She explained that policies specific to the Green Swamp are in the City's Comprehensive Plan.

Ms. King said staff agreed that language relating to the Green Swamp would be appropriate. Mr. Schue said he would be interested in the land uses in that area.

Mr. Dunkel thought language should be included to prevent higher densities within the Green Swamp. Ms. Greenham said the language in their Comprehensive Plan would prevent that and said that language could be incorporated into the JPA.

Sanford Minkoff, County Attorney, said this was an agreement on future planning and that had not been advertised. He said a basic statement referencing the statutes on the Green Swamp would be appropriate, however it was not possible to specifically address densities.

PUBLIC COMMENT

Rob Kelly, Citizen Coalition of Lake County (CCLC), referred to the settlement agreement regarding densities in the Green Swamp and provided a copy of that language.

Charles Lee, Director of Advocacy Audobon of Florida, agreed with Mr. Kelly and suggested reviewing the JPA between the City of Apopka and Orange County because it contains substantive language regarding the Wekiva area. He thought the language in the JPA should be specific and effective to protect the Green Swamp.

MOTION by Mr. Schue, SECONDED by Sean Parks, to state in the Joint Planning Agreement with Groveland, that it is the intent of the County to amend the Comprehensive Plan to be consistent with the legal decision and the restriction to one dwelling unit per five acres.

Mr. Minkoff thought the County Comprehensive Plan might already include language more restrictive than the motion. He said the intent of this agreement is to have Groveland come in with a specific plan.

Mr. Schue said there had been unanimous agreement by the LPA to remove timeliness from the Green Swamp, which leaves a maximum density of one dwelling unit per five acres.

Ms. King said the Transitional Land Use may not be the only one in this JPA. She suggested language stating the County and City's Comprehensive Plans be consistent with the City's current adopted Comprehensive Plan. Mr. Parks suggested writing language to reflect the settlement agreement, the best of both Comprehensive Plans and that also recognizes Mr. Minkoff's concerns.

Mr. Schue restated the motion – the LPAs intention regarding the transitional area of the Green Swamp within the JPA area be restricted to one dwelling unit per five acres.

Mr. Minkoff explained that the only way to make this binding is to amend the Comprehensive Plan and transmit it to the Department of Community Affairs (DCA). However, using "aspirational" language would be easier and then it can be included in the new Comprehensive Plan. He said there is no other way to change the land use for any property in that area. Mr. Carey said both parties had come forward to see what the concerns of the LPA were and Mr. Parks suggested that the LPA wait to review the next draft.

The motion is to direct staff to modify the JPA, bringing it back before the LPA providing legal notice, with language to say the County Comprehensive Plan will be amended to remove timeliness from the Transitional Area of the Green Swamp and keep the density at one dwelling unit per five acres.

FOR: Foley, Schue, Parks, Dunkel, Elswick

ABSENT: Jordan

AGAINST: Newman, Carey, Dupee
MOTION PASSED: 5-3

Ms. Dupee made a motion to have additional options presented to the LPA on the Groveland JPA. The motion died for lack of a second

DISCUSSION ON FLOODPLAIN ISSUES

Fred Schneider, Director of Engineering, introduced staff.

Kitty Cooper, Director of Geographic Informational Systems (GIS), discussed the topographical features of the County and explained that Light Issuing Radar (LIDAR) was being utilized to measure the topography and produce maps at one foot contours of the County. She said this data would create very accurate floodplain maps.

PUBLIC COMMENT

Nancy Fullerton said building had been allowed in the floodplains and she asked how this information was going to be used. She said when flooding occurs in the County that permits are issued from the Water Management District to allow “direct shot” pumping of flood water into the lakes without any treatment. She thought allowing building in the floodplains was an issue that should be reviewed.

Michael Carey thought it was necessary to raise the elevation of structures built in the floodplain.

Donna Bailey, Certified Floodplain Manager, Public Works said the current Land Development Regulations (LDRs) require structures to be built on the area of the site that is above the floodplain, or in the alternative, to raise the elevation of the structure. She said this is done to preserve the floodplain so that it can continue to function.

Mr. Parks thought inaccurate mapping had caused much of the flooding. He said these maps would be more accurate and consequently, it will be easier to calculate the amount of “compensating storage.”

Ms. Bailey said the County does not allow floodplains to be filled in which can result in the flooding of other areas.

There was discussion about floodplain issues and reviewing subdivision plans. Mr. Schneider said Chapter Nine in the LDRs addressed those issues. He said roads and houses must be located above the floodplain, which can result in homes surrounded by water. He said floodplains are usually avoided because they are often part of wetlands. He said up to this point the County hasn’t had a lot of developments built in the floodplains.

Ms. Foley said both staff departments should work together so the Comprehensive Plan

policies provide for LDRs to adequately address these issues. Ms. King said staff would review Chapter Nine in the LDRs.

Mr. Carey said it was important to have oversight while subdivisions are being built, in order to avoid flooded building lots caused by raised elevations on contiguous lots.

In response to comments from Ms. Dupee, Mr. Schneider said that the LIDAR information will yield more accurate maps and eventually much more accurate Federal Emergency Management Agency (FEMA) maps.

Mr. Dunkel asked when the maps would be available and if the cities would be receiving this information. Mr. Schneider said data on the entire County has been collected and drawing the contour maps will be funded next year.

PUBLIC COMMENT

In response to a question from Robert Curry, Mr. Schneider explained the data was being collected at six-inch resolutions. Ms. Cooper added that the data would be “ground proofed” by checking Global Positions Satellites (GPS) points and actual field sites. The data will meet the FEMA Modernization Standards.

TOWN OF MONTVERDE JOINT PLANNING AGREEMENT

Ms. King introduced Amber Dickerson from Green Consulting Group, planner for the Town of Montverde. Ms. King said this was a preliminary review and staff is working on specific language.

Ms. Dickerson explained the Town is in the process of writing a new Comprehensive Plan. Mr. Parks asked if she could provide a copy of the “visioning” done by Montverde in the past.

Ms. King said the Town’s attorney had just informed them that she had no objection to the language in the JPA and consequently staff is now recommending approval. Mr. Minkoff said the Town’s more restrictive cell tower policy would be incorporated into the JPA. He said the LDRs for this area would be a synthesis of the more restrictive regulations.

Mr. Dunkel was concerned about planning for the Green Mountain Scenic Byway and the Lake Apopka Loop Trail.

Ms. Dickerson said the JPA map was drawn to exclude the Ferndale area.

There was discussion on clarifying the language in paragraph 2 on page 9.

Ms. Dickerson said the Town Council had reviewed the JPA some time ago and Ms. King said the JPA has been “work-shopped” several times with the Town Council.

PUBLIC COMMENT

Fred Cranmer said he was Vice-President of the Friends of Ferndale and said he was speaking on behalf of the officers. He said they had been told they would “have a seat at the table” when the Montverde and the Minneola JPAs were considered. He said Ferndale is working towards the Historic Village designation. He said the JPA map includes land considered to be part of Ferndale and the JPA includes policy stating that the land within the JPA may be annexed and built to the standards of Montverde. He said the residents of Ferndale are almost totally joined in their desire to maintain the rural character and the residents do not want to be annexed.

Ms. Dickerson said that Glen Burns with the Green Mountain Scenic Byway committee was involved in drafting policy. She said that the boundary of the map (coming up behind Mr. Cranmar’s property) had been drawn at the request of that property owner because he was interested in central water. She said the mayor had communicated the concerns of the Friends of Ferndale.

There was discussion regarding the boundary agreed upon by the Friends of Ferndale and the map of the Montverde JPA. Mr. Parks suggested including the overlay for the Ferndale area on the JPA map and include it as a bulleted item on page 7.

MOTION by Sean Parks, SECONDED by Nadine Foley to include a conditioned bullet on page 7 of the Montverde JPA for the Friends of Ferndale Historic Village overlay.

Ms. King was concerned about including language on a boundary that is not yet drawn.

Mr. Carey suggested letting staff ‘work this out,’ Ms. Dickerson agreed.

Mr. Parks and Ms. Foley withdrew the motion and the second.

SIGN ORDINANCE

Mr. Minkoff said a LDR change regarding the sign ordinance would be forthcoming and the proposed changes were based on decisions from the Eleventh Circuit Court of Appeals in Atlanta. He said it is the Court’s interpretation that signs are a form of speech and subject to the First Amendment of the U.S. Constitution. Therefore, under Federal Law, signs can’t be subject to content-based regulations. Mr. Minkoff said the LDRs would be amended to remove all content-based regulation from the sign code.

Mr. Minkoff said this would be expedited so the entire sign code can’t be challenged in court because it contains some content-based regulations. There was further discussion

regarding the sign ordinance.

Ms. King explained that the Department of Community Affairs (DCA) has recently released additional information regarding the GOPs for the Wekiva Area and staff would like to have time to review that information. She suggested the LPA take comments on the Wekiva.

Kathy Allison, Akerman-Senterfitt paralegal, said the firm represents several land-owners from the Wekiva Area. She said it is the opinion of the firm that the proposed Wekiva Ordinance exceeds the statutory requirements, the language “taints property rights” and the language actually represents LDRs as opposed to Comprehensive Plan Goals and Policies.

Charles Lee, Audubon of Florida, said they were pleased with the proposed language, particularly the definition of open space. He said as a member of the Wekiva River Basin Commission, that there was no intent to prevent any government entity from exceeding the protective measures of the legislation. He reiterated his support for the open space definitions being considered by the LPA.

Mark Reggentin, Planning Director, City of Mt. Dora, said the City has a Rural Low Density (RLD) category within the JPA to help create a buffer. He referred to a particular area just outside their JPA with Rural High Density (RHD), which would be incompatible with the RLD in their JPA. He said if these land uses were adopted it would result in increased density without the usual review process. The City would prefer those land uses be reviewed independently and to “rise or fall on their own merits.”

Mr. Schue commented on creating a transitional area and the importance of a framework to guide review of land use change requests.

Peggy Belflower discussed including the Wekiva GOPs in the FLUM and said she supported the draft of the Wekiva ordinance.

MOTION by Keith Schue, SECONDED by Sean Parks to re-affirm the Open Space Definition within the WSA, follows: “Open space within the WSA shall be defined as the land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Within a development site, the County shall require that a minimum quantity of buildable area remain preserved, which shall represent the minimum open space requirement. The minimum required open space shall exclude water bodies, wetlands, residential lots, street rights of way, parking lots, impervious surfaces, and active recreation areas. Minimum required open space may include permeable stormwater management areas if enhanced as amenities utilizing native vegetation. Golf courses shall be generally excluded with the exception that areas of a golf course that are naturally vegetated and not subject to regular chemical application may be credited towards the minimum open space requirement, and provided that the golf course is certified

as being in compliance with BMP's described in 'Protecting Florida's Springs-Land Use Planning Strategies and Best Management Practices (DCA/DEP).' The minimum required quantity of open space within a development site shall be calculated over the net buildable area of a parcel, which is defined as the total areas of a parcel less wetlands and water bodies. Non-buildable areas, including wetlands and water bodies, are recognized as protected features but shall not be credited toward the minimum open space requirement."

FOR: Foley, Schue, Parks, Dunkel, Elswick, Newman, Carey, Dupee

ABSENT: Jordan

AGAINST: None

MOTION PASSED: 8-0

COMMERCIAL LOCATION CRITERIA

Ms. King addressed some issues raised by Robert Curry. She said the Neighborhood Commercial Center designation had been removed and that "private" had been removed because the LPA had decided not to distinguish between different types of schools.

Ms. King the floor area ratio is defined by the category it is located in. She said staff was recommending a commercial category so if additional commercial uses were needed after the commercial allocation was met, the applicant could file for a Small Area Land Use Amendment. She said "big box retail" issues would be reviewed by staff. In response to a question from Mr. Schue, Ms. King said the size of commercial would be calculated in relation to the surrounding land uses and that allocations are based on the needs of the County. Mr. Schue clarified that commercial would be a land use category not an overlay.

Ms. Dupee discussed the lack of land currently available for commercial and industrial uses. Ms. King said staff has met with the Industrial Development Agency (IDA). She added that staff has hired consultants to help determine the amount and location of land for future commercial and industrial needs. Mr. Dunkel said because the County is not a utility provider, that the greater majority of commerce and industry would be locating within the cities. He agreed that the need was there and that they needed to plan for those uses as much as possible. Ms. Foley asked if commercial and professional uses could be located together because those uses are in separate land use categories. She thought if those uses could be combined, they could possibly be used as buffers to residential areas. Ms. King said that was sound planning principle.

PUBLIC COMMENT

Robert Curry said the Comprehensive Plan policies provide the basis for the LDRs and he was concerned that enough detail be included so the appropriate LDRs can be written. He was also concerned that 'legacy zonings' may consume the commercial allocations.

Kathy Allison submitted a letter to the LPA on behalf of Crossland, the owners of Baucom Nursery property, which is located in the JPA with Mt. Dora. She explained they were concerned because the proposed FLUM divides their property into two

different future land uses and said they would like to have the Low Density Residential land use on the entire property.

Mr. Curry voiced a concern about how the “red dots” on the current FLUM map would be treated on the new map. He thought road frontage should be a factor in evaluating those areas.

Mr. Parks said at a future meeting he would like to include a list of the thirty-three “distinctive communities” as an overlay. He was concerned that some of those residents may believe they already have some extra protection.

In response to comments from Mr. Dunkel, Ms. King said updated population numbers would be available at the next meeting.

Peggy Belflower’s questions regarding the ‘distinctive communities’ were referred to the County’s Community Enhancement Coordinator.

The Chair adjourned the meeting at 1:05 p.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary