MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

MAY 19, 2005

The Lake County Local Planning Agency met on Thursday, May 19, 2005 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:

David Jordan	District 1
Ann Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

Member Absent:

Nadine Foley, Vice-Chairman

Staff Present:

Gregg Welstead, Deputy County Manager; Director, Growth Management Department
Sanford A. Minkoff, County Attorney
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Planning Manager, Comprehensive Planning Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Amelyn Regis, Senior Planner, Comprehensive Planning Division
Shannon Suffron, Senior Planner, Comprehensive Planning Division
John Maruniak, Transportation Planner, Public Works.
Thomas Wheeler, Comprehensive Planning Intern
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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MOTION by Michael Carey, SECONDED by Sean Parks to approve the February 24, 2005 minutes as presented.

FOR:	**Newman, Schue, Carey, Parks, Dunkel, Jordan, Dupee**
ABSENT:	**Foley, Elswick**
AGAINST:	**None**
MOTION PASSED:	**7-0**

MOTION by Michael Carey, SECONDED by Keith Schue to approve the March 17, 2005 minutes as presented/amended.

FOR:	**Newman, Schue, Carey, Parks, Dunkel, Jordan, Dupee**
ABSENT:	**Foley, Elswick**
AGAINST:	**None**
MOTION PASSED:	**7-0**

MOTION by Michael Carey, SECONDED by Sean Parks to approve the April 21, 2005 minutes as presented/amended.

FOR:	**Newman, Schue, Carey, Parks, Dunkel, Jordan, Dupee**
ABSENT:	**Foley, Elswick**
AGAINST:	**None**
MOTION PASSED:	**7-0**

CASE NO: SLPA #05/4/1-2
OWNER: C.A. Meyer, Jr. **PAGE 1**
AGENT: Jimmy Crawford

Chairman Newman said that this case was continued from last month.

John Kruse, Senior Planner presented the case and explained staff's recommendation of denial. The application is to change the Future Land Use designation from Employment Center to Urban Expansion. Mr. Kruse explained that commercial uses in an Employment Center designation are intended to provide services for the employees associated with that Employment Center. This parcel is located in the Clermont Joint Planning Area (JPA).

Mr. Kruse stated the application was continued to allow time for the Applicant, Lake County, and the City of Clermont to work out the conflicting issues. However, he has not received any new evidence to change the staff recommendation.

Jimmy Crawford thought that Clermont's staff had been unable to get the issues of dealerships or this particular application in front of the City Council. He asked that last month's record be incorporated into this month's record.

Mr. Crawford clarified 3 items from last month. First was the frontage road issue. He said the road is part of a Planned Unit Development (PUD) and as such there is no site plan at this time. The Zoning Board and the Board of County Commissioners (BCC) will hear that application in June. He indicated the Applicant could utilize that frontage road.

Mr. Crawford said the second issue was traffic. The Applicant's engineer, Scott Patterson, completed the traffic study. It was based on the potential uses of this site. The number of trips generated by this dealership would be approximately 3,600. The estimated number of trips generated by the current zoning uses could be 26,000.

The third issue Mr. Crawford discussed was the sales tax issue. He agreed with Mr. Jordan that sales tax on new vehicles is paid to the buyer's county of residence. He said about one-third of the income generated by a new car dealership is parts and service. The sales tax revenue on those items would be paid to Lake County.

Curt Herschel, Planner, City of Clermont, said the City is in agreement with the staff recommendation. The City recommends denial until the joint Land Development Regulations (LDRs) and the joint Future Land Use Maps are adopted.

MOTION by Michael Carey, SECONDED by Keith Schue to deny SLPA #05/4/1-2 on the basis of the staff report and the recommendation of the City of Clermont.

Keith Schue thought the JPA meant that the governmental agencies agree to work together.

CASE NO: SLPA #05/4/1-2
OWNER: C.A. Meyer, Jr. **PAGE 2**
AGENT: Jimmy Crawford

David Jordan said Lake County needs more revenue producing commercial development. He said this denial is a technical issue and common sense should prevail. He believed approval would be smart move to increase revenue. He added that the other allowed uses on this site could be less acceptable.

Sean Parks said his only issue is the JPA and he agrees with Mr. Jordan.

Barbara Newman said if it wasn't for the disagreement between Clermont and county staff, she thought this would be very viable. However, she thought precedence should be given to the agreements with the Cities.

Ann Dupee asked if there was a date when these issues would be resolved. Ms. Newman said there was no specific date.

Gregg Welstead, Director, Growth Management Department said the County had been asking the City of Clermont for information or data to support their proposed future land use designations for about 8 months. The County has not received any of that information.

FOR: **Newman, Schue, Carey, Dunkel**

ABSENT: **Foley**

AGAINST: **Dupee, Parks, Jordan**

MOTION PASSED: **4-3**

Becky Elswick abstained from voting because she had arrived late.

CASE NO: LPA #04/5/1-4
OWNER: Merry Gro Farms **PAGE 1**
AGENT: Cecelia Bonifay

Shannon Suffron, Senior Planner said this is a request to change the future land use from Rural to Urban Expansion. Staff has recommended denial, based on the following policies. First is Policy 1-1.6, this proposed use would be incompatible with the surrounding area. It would not provide for orderly development or help to preserve the rural lifestyle.

Ms. Suffron stated this request is inconsistent with Policy 1-1.6A which requires water and sewer service. The City of Eustis stated that it does not plan in the near future to expand their facilities.

She said the application is also inconsistent with Policy 1-1B.1 which states that the County will reinforce a positive rural lifestyle. The current flora-culture use of the property is consistent with the surrounding properties. Although there are higher density developments in the area, Ms. Suffron stated those vested projects should not be the justification for additional urban-type uses in a predominately rural area.

She said this proposal was also inconsistent with Policy 1-10.2, which states the County will promote orderly and compact growth. At present central utilities are not available. In addition the Lake County School Board stated that schools serving this area are already over capacity. Ms. Suffron said approval of this proposal would constitute Urban Sprawl.

The last inconsistent policy was Policy 1-13.2, which requires all applicants for Future Land Use Map (FLUM) amendments to demonstrate all facilities or service capacities are available, or shall be available after the implementation of scheduled capital improvements.

Ms. Suffron stated this proposal was premature. In conclusion she stated that the subject parcel is located inside the Wekiva River Study Area and therefore increased densities should not be encouraged.

Cecelia Bonifay, Attorney with Akerman, Senterfitt, said she represented the Applicant, Merry Gro Farms. She said this had been continued over a year because of the rewrite of the Comprehensive Plan.

Ms. Bonifay said some points with this case will be applicable to her other cases.

She thought the denials were based on what the Comprehensive Plan is going to do. The fact that Lake County is overdue with the revision of the Comprehensive Plan should not be detrimental to applicants.

In addition she commented that the original schedule for two amendment cycles for this

year were later reduced to one. That change had created a hardship for applicants.

Ms. Bonifay also said staff referenced only the conflicting policies without commenting on policies that were consistent with the application.

Ms. Bonifay said that there were four parts to staff's objections. First was that they considered everything to be a "prime example" of Urban Sprawl. Second was staff's definition of "infill". It is her position that the definition used refers to grant requirements for funding redevelopment in urban centers. She also objected to what she described as a misquote of the Growth Management Act definition.

Another issue is utilities. Ms. Bonifay said local governments have said they are not prepared to provide services at the present time. However, in this case, if the lines are paid for or if the provider brings the lines to the site, they would have no objections. Ms. Bonifay said staff used that information to claim the proposals are Urban Sprawl. She said the City of Eustis considered this to be an area for future growth and had stated such during the Wekiva Task Force meetings.

Ms. Bonifay said the Applicant could request only one land use designation. She stated the numbers calculated reflect the highest densities and not the actual build out figures. Because zoning issues are not heard with Comprehensive Plan Amendments, it is not possible for the Local Planning Agency (LPA) to confirm exactly what a developer wants to do on a particular site.

Ms. Bonifay listed developments in this area, including the Sorrento Hills with 678 units plus commercial, the City of Eustis water and sewer plant, Cross Tie Ranch, Seminole Springs, the Neighborhood Activity Center and Lakewood Ranches. She said the City of Eustis provides utilities to areas east of this site.

Ms. Bonifay disagreed with staff's position that the surrounding vested developments should not be considered. She said those developments are on the ground and she didn't believe they could be ignored.

Ms. Bonifay thought that the creation of individual 1, 2, or 5 acre parcels is not protective of the environment. She said those homeowners do not undergo the same government oversight on issues such as stormwater or wetlands. She also commented that there was no requirement for open space on those lots as would be required of this Applicant.

Ms. Bonifay said they are asking for a change because the Applicant believes the area is changing. Ms. Bonifay said it was staff's position that anything other than what you already have is inconsistent. She said if that were the case there would be no Comprehensive Plan changes and those plans wouldn't be rewritten or revised.

CASE NO: LPA #04/5/1-4
OWNER: Merry Gro Farms **PAGE 3**
AGENT: Cecelia Bonifay

Ms. Bonifay said the neighbors have been concerned about the water usage of Merry Gro Farms. She said nursery uses pose a risk from herbicides and pesticides. She also said the nursery generated unwelcome truck traffic. Ms. Bonifay believed eventually the neighbors would not want this agricultural use.

In conclusion she said the Land Use pattern in the area was changing. Ms. Bonifay said there is no Joint Planning Agreement to consider. She said this request is consistent and compatible with the area.

Chairman Newman wanted her objection put on the record to Ms. Bonifay's statement that staff had "lumped" all the cases together without a lot of thought.

Richard Dunkel asked about staff review of transportation. Ms. Bonifay stated that Mr. Griffey was present. She said staff's review had not been timely. Ms. Bonifay said she and Mr. Griffey had met last Friday with Mr. Schneider in Public Works. The methodology used by their consultant was reviewed and found to be consistent.

Mr. Dunkel said housing developments cost more in services than they provide in tax revenue. He thought the school issue had not been addressed and this development would bring in still more children.

Mr. Dunkel said he could not overlook the comments made during the Planning 2025 public meetings, when citizens requested the protection and preservation of their rural lifestyle.

Ms. Bonifay said housing does pay its way if it is of a significant magnitude. She compared the "high-end" housing in Seminole County and the quality of their school system. She commented that industry had followed those "higher end" people, as opposed to people following industry.

Ms. Bonifay said the Board of County Commissioners (BCC) asked staff 2 years ago to assess the Rural and Suburban designated lands in the County, especially Suburban, which requires timeliness. She said staff was to develop an interim land use between 1 to 5 and 4 to 1. However without an interim land use the only choice the Applicant has is to request Urban Expansion.

In addressing the school issues, Ms. Bonifay said legislation had been passed to require school concurrency. She said schools couldn't be the only reason to deny development. She commented that none of her clients would object to whatever impact fee was assessed by the County. She believed using the fees paid by new residents to compensate for a backlog was not legal. Ms. Bonifay said impact fees could only be used to pay for the impact created by the people assessed the fees. She added that perhaps the **CASE**

Developer would donate land or prepay the impact fees.

Sean Parks said for the record, he was certain that staff had never said they were going to recommend denial because of the revision of the Comprehensive Plan. He said staff had put a lot of work into their reports and he disagreed with Ms. Bonifay's earlier comments. Mr. Parks also said it was only logical that the policies referenced by Staff would support their recommendation. He said that in the future staff might include the consistent policies in their reports.

Mr. Parks understood that although the actual density might be much lower, they still had to consider the highest possible densities.

In response to Ms. Bonifay's comment that 1 to 5 individual lots do not receive any environmental oversight, Mr. Parks pointed to the County's wetlands regulations. And he said the County does look for environmental issues.

Ms. Bonifay agreed the County had some regulations. But those lots would have no central stormwater. Well and septic are regulated by the State and there aren't aquifer recharge considerations. She pointed out that the Wekiva Task Force had recommended the elimination of septic tank systems within the protection area.

Mr. Parks said the environmental impact of those larger individual lots is far less than a high-density development, even with stormwater systems.

David Jordan commented on the delay mentioned by Ms. Bonifay. He said staff or the Local Planning Agency (LPA) had not pulled this off the agenda. Ms. Bonifay said two continuances were requested while she tried to work with Staff. Mr. Jordan said that the timing of the Comprehensive Plan is a collective decision.

Mr. Jordan felt those vested developments in the area were horrendous mistake, and he didn't believe they should be repeated.

Keith Schue complimented staff on their diligence. He said the area outside the Mt. Dora JPA and the urbanizing areas of Mt. Dora and Eustis are defined as rural on the FLUM. He said the LPA must consider at the 4 to 1 possibility. Mr. Schue said there was a need to develop policies for the Spring Shed Study Area.

Ms. Bonifay said that Mr. Schue was somewhat correct and some of those developments are in Suburban not Rural. She commented on the proximity to the Urban Compact Node, which has a Future Land Use density of up to 5.5 dwelling units per acre.

Chairman said that a letter of opposition had been received from Richard C. Beeson, Jr.

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OWNER: Merry Gro Farms **PAGE 5**
AGENT: Cecelia Bonifay

Ben Champion spoke in opposition to this application. He said it was important to take the time to do things correctly and to do what is best for all of the citizens of Lake County. He believed that residential developments hurt the County economically. He does real estate developments on the scale of 1 home per 5 acres and said they must comply with stormwater requirements. There are no requirements from the St. John River Water Management District (SJRWMD) on individual 1 to 5 acre lots because those lots don't have much of an environmental impact. Mr. Champion said that Open Space requirements on 1 home per 5 acre lots were not logical. He felt this area should be a buffer between the Wekiva area and Urban Expansion.

Jack Champion said it was simple to ignore the vested developments by just saying no. He said they weren't against the development of the property but only against this density. He also said the economic necessity of the Applicant should not have any bearing here and the application should be denied.

Linda Landry said she is an adjacent landowner. She said people moved to this area to be in the country and to have horses. She thought a school zone on SR 44 would be very dangerous and this application would cause too much traffic.

Elaine Renick, Clermont Council member, said when she buys a property, she knows how it is zoned and she knows that is what she gets to do with it. If someone tries to 'downzone' that use, then the argument can be made for loss of property rights. She said that speculators rights might frequently be meant instead of property rights.

Ms. Renick commented that a change in the Land Use is just the first step. After that it becomes more difficult to protect the land. She agreed with Mr. Jordan's comment about not adding to the mistakes already on the ground. Ms. Renick believed the public wants lower densities and the protection of rural areas.

Jim Miller, landowner to the west, said he wanted to talk about expectations. He investigated the surrounding zoning when he purchased his land. He understood the maximum density would be 1 home per 5 acres. He is a farmer and didn't want to be back before the County because his new neighbors didn't like the sounds of his roosters and cows. He would like property rights to be consistent and for zoning to be what it is.

Brad Paddock, a neighborhood landowner, said all of the landowners around his property were at a low density. He thought that 4 units per acre would probably not translate into higher real estate values. He said some local houses are worth $600,000 to a million. He said his water usage could never equal that of 4 houses per acre. He also said the cars from 600 homes would be a bigger impact than a few nursery trucks.

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OWNER: Merry Gro Farms **PAGE 6**
AGENT: Cecelia Bonifay

Shane Connelly is an adjacent landowner with a 20 acre horse farm. She is adamantly opposed to Merry Gro Farms developing at anything more than 1 unit per 5 acres which is their current zoning.

Karen Shackelford, resident, said she believed the Rural Land Use Designation should not be changed. She asked that the impact on traffic and to schools be considered.

Robert Krentel, adjacent landowner, said he knew the nursery business was there when he bought his property. He thought that the LPA was representing the interests of the people who live in the County.

Ron Hubstenberger, local landowner, said he doesn't want his countryside ruined.

Susan Hyatt said her property is adjacent to Merry Gro Farms on two sides. She agrees with the previous speaker but wanted to comment on the gopher tortoises. She said since the subdivision and the sewer plant went in across the street, she has gopher tortoises moving through her property towards Merry Gro Farms. She also commented on the danger of school bus stops on SR 44. She had no issues with the nursery trucks, her water quality is great and she would appreciate the LPA considering the greater good.

Scott Boyd said he was a citrus grower from Lake County. He asked if Lake County had a rural village designation. He said issues similar to this had been resolved in other areas by allowing a rural village.

Richard Gonzales stated that he spoke in defense of farmers. He is concerned that newer residents on smaller lots want to tell long time farm owners what they can do with their property. He believed the owners of Merry Gro Farms have the right to harvest the value of their land. He would like to see large farmers treated fairly as they go out of business.

Amy Krental, adjacent landowner, said the owners of Merry Gro Farms do not live in Lake County. She thought if they need more money they should sell their house in Altamonte Springs.

Ms. Bonifay appreciated the concerns of the neighbors and said perhaps this will give guidance to staff to create a Rural Settlement designation. She said because there is no transitional land use designation and Comprehensive Plans Amendments cannot be conditioned, the Applicant could only request a density of 4 units per acre.

Ms. Bonifay said her reference to 5-acre lots not having a SJRWMD review referred to individual lots, she was not referring to platted subdivisions. She added that County staff has said there is not a traffic concern.

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OWNER: Merry Gro Farms **PAGE 7**
AGENT: Cecelia Bonifay

Michael Carey asked if the owner of Merry Gro Farms had met with the local landowners. Ms. Bonifay said they had done so in the past. She added that there were no immediate plans to develop. The owners believe there will be problems with agriculture.

In response to a question from Mr. Parks, Ms. Bonifay said in order to have legally created lots the land would have to be subdivided.

Mr. Jordan said if the density is 1 to 5 for the other landowners, then it is fair for Merry Gro Farms. He doesn't believe that converting an "expectation for something" is an entitlement or a right. He also disagreed with drawing a line between new and older residents. He thought the new residents would be generating a financial benefit to those older residents.

Mr. Schue commented that every abutting property has a Rural Future Land Use designation that makes this request incompatible. He thought that as the rewrite of the Comprehensive Plan moves forward there would be value in developing a transitional use.

MOTION by Shawn Park, SECONDED by David Jordan to deny LPA #04/5/1-4 on the basis of the recommendation of staff.

FOR:	**Newman, Schue, Carey, Dunkel, Dupee, Parks, Jordan, Elswick**
ABSENT:	**Foley**
AGAINST:	**None**
MOTION PASSED:	**8-0**

There was a 5 minute break.

CASE NO: LPA #05/4/3-4
OWNER: Summer Lake-Grace Groves **PAGE 1**
AGENT: Cecelia Bonifay

Shannon Suffron, Senior Planner said this is a request to change the Future Land Use from Suburban (1/5 or 1/1 meeting timeliness or PUD meeting timeliness 3/1) to Urban Expansion (4/1). Staff has recommended denial, based on the following policies.

The present use and zoning are consistent with the surrounding area. The nearest Urban Expansion land use is one-half mile to the west on the opposite side of Round Lake Road and that is a vested development.

Ms. Suffron said this amendment would be inconsistent with Policy 1-1.6, Policy 1-16A, and Policy 1-1.9. The City of Mt. Dora has stated that sewer is available to the site but central water is not available due to flow and pressure concerns.

Ms. Suffron said the amendment is inconsistent with Policy 1-10.2, which states the County shall promote orderly, compact growth. This application does not have central water available and approval of this would create Urban Sprawl.

Ms. Suffron said this amendment is inconsistent with Policy1-13.2. The Applicant has not demonstrated facilities are available. Not only is the City of Mt. Dora unable to provide water but the School Board has stated all three schools serving this area are already over capacity. According to their calculations this development could generate 281 new students.

Ms. Suffron said this amendment would not reinforce positive rural lifestyles and therefore also is inconsistent with Policy 1-1B.1

In addition this site is located inside the Wekiva River Study Area where increased densities are not encouraged because of potential negative impacts to the ability of the aquifer to recharge.

Cecelia Bonifay, Attorney with Akerman, Senterfitt, said she represented the Applicant, Summer Lake-Grace Groves. Ms. Bonifay explained that this property currently has a Suburban Land Use Designation on one part. The remaining portion is in the Urban Compact Node (Non-Wekiva), which has a current allowable density of 5.5 units per acre. She referred to the 700 unit development on the Sullivan Ranch property. She said there is only one parcel with a Suburban designation between the Sullivan Ranch, which is Urban Expansion, and Summer Groves.

Keith Schue and Ms. Bonifay discussed the accuracy of her map. Ms. Bonifay acknowledged the error and asked the Applicant to correctly identify the parcels.

Ms. Bonifay said that the City of Mt. Dora would be providing utilities to the Foothills of Mt. Dora and to the Sullivan Ranch property. She showed another map with the

surrounding land uses.

Ms. Bonifay repeated that the density on 80 acres is 5.5 units per acre. They are asking for Urban Expansion although the property will probably not be built at that density. The Applicant does not have another Land Use Designation to request. She showed a preliminary site plan and stated that it contained 30% Open Space and land for an elementary school. She said there was the possibility of prepayment of impact fees or a potential leaseback. The utility issue consists of the upgrading and extension of lines, which would be at the developer's expense.

Ms. Bonifay said when she met with the Mt. Dora City Council she believed there was a predetermination not to support this request. She believed the City is looking at this area being an Office Center. Ms. Bonifay said the City has not provided any data and analysis to support that Land Use Designation. She stated the City had not met the requirements of Chap. 163 for public input. She also said the parcel the City has designated for an Office Center was very large.

Ms. Bonifay said that even though Centex has an Urban Expansion Designation, it is developing at 2.5 per acre. The owners have the expense of maintaining the groves in this area. She stated that United Southern Bank has an ownership interest in this land.

Ms. Bonifay stated that the traffic analysis done by Mr. Griffey showed that Transportation Concurrency would be met.

Ms. Bonifay referred to what was described as the 1320 Rule, which says if there are contiguous parcels with joint ownership but differing Land Uses, the owner can carry up to 1320 feet of the higher density into the lower density land. In this case, that would have meant the Urban Compact Node densities could have been extended into the lower density land.

Richard Dunkel commented that during the previous application Ms. Bonifay pointed to residential as a precursor to commercial and yet in this instance she objects to Mt. Dora's anticipated economic growth. Mr. Dunkel said the Joint Planning Area Agreements were a way for the cities and the County to work together to control growth and he wanted to honor the City's recommendation.

Sean Parks said the groves looked dead. Ms. Bonifay said that her clients were still paying grove maintenance fees.

In response to a question from Michael Carey, Ms. Bonifay confirmed the parcel he indicated is the Mt. Dora Country Club. They discussed some of the surrounding development and their densities. Ms. Bonifay said she understood that Mt. Dora would

not annex a higher density development than the density currently in place. Therefore, the Applicant has to apply for an amendment to the Comprehensive Plan.

Keith Schue said that during the development of recommendations for the Wekiva Spring Shed Area, communication had opened up between counties and cities. The resulting report emphasized the importance of joint planning in that area. One of the items in the JPA is a professional employment area. The other was a transitional area between Mt. Dora and the Mt. Plymouth area. He believed the JPA should be adhered to.

Mr. Schue pointed out that this area had been identified as a "property of interest" during the Wekiva Spring Shed discussions. This property is part of an environmental system that includes 'scrub' land in Orange County. This land has a spring system on site and transitional densities would help to protect this environmentally sensitive area.

Mr. Parks thought the idea of an Urban Compact Node was similar to a Rural Village. The aerial map shows the surrounding area is rural. He thought the potential densities on the other part of the parcel would be too high.

James Yatsuk, Mayor of Mt. Dora, said the correct densities for the Foothills of Mt. Dora is actually 1.6 units per acre. Mr. Yatsuk said that the City and County had agreed within the JPA that this area was to be a transitional in nature.

Susan Morris said she was a representative of the owner. She said the owner was a citrus grower not a speculator. Ms. Morris said owners of this parcel had developed an environmentally sensitive, award winning development in New Smyrna Beach. She said the owners were willing to put in writing a reduction of densities from the maximum allowed and said they were looking at 30% Open Space. Ms. Morris said the owner had asked her to explain the groves they own are not profitable. She added that the owner was willing to pay the cost of extending utilities. In closing she said when the nearby developments were built out, this parcel would be close to meeting timeliness.

Catherine Mielke said she lived only one block into Orange County. She said she did not want to see Lake County become another Palm Beach County. Ms. Mielke said the JPA identified this as a rural area. She was concerned about the traffic on SR 46, her water quality and her lifestyle.

Harry Fix, Director of Growth Planning, Lake County School Board, said their comments were included in the staff report. He did want to add that they were very willing to work with any developer.

Chairman Newman asked that a letter of opposition from Mr. Richard C. Beeson, Jr. be included in this record. She also acknowledged receipt of a resolution from the City of

CASE NO: LPA #05/4/3-4
OWNER: Summer Lake-Grace Groves **PAGE 4**
AGENT: Cecelia Bonifay

Mt. Dora in opposition to this application.

Ms. Bonifay said if there was a way to put conditions on this then the densities could be blended down to about 2.5 homes per acre. She added traffic is concurrent and they will continue to work with the schools. Ms. Bonifay said that they would work within any requirements of the Wekiva legislation. She said that legislation does not limit density, but encourages clustering and innovative design.

MOTION by Richard Dunkel, SECONDED by Keith Schue to deny LPA #05/5/3-4.

Mr. Schue said the City of Apopka and Orange County had been in serious conflict during the Wekiva process. Realizing the need to work together, they now have a JPA. It recognizes the development pressure on the rural area north of the City and they want to protect its resources. He said policies were developed to require more Open Space to balance the higher densities.

Mr. Schue said he didn't see any reason why the densities couldn't be 1 to 1 and conform to the JPA.

Mr. Dunkel saw this as an opportunity for the owner to do some innovative commercial development with the City of Mt. Dora that would create employment opportunities close to homes.

Mr. Parks said he supports the motion, recognizes what the Applicant is trying to do. He said that the LPA has to consider the maximum possible densities.

In response to questions from Ann Dupee, Mr. Parks explained the density of the western parcel and that of the other side. Ms. Bonifay explained the different parcels and their densities. She said that Urban Expansion is the only density that can be requested even if they actually build at 1 to 1.

FOR:	**Newman, Schue, Carey, Dunkel, Dupee, Parks, Jordan, Elswick**
ABSENT:	**Foley**
AGAINST:	**None**
MOTION PASSED:	**8-0**

CASE NO: LPA #05/4/1-4
OWNER: Baucom Real Estate **PAGE 1**
AGENT: Cecelia Bonifay

Shannon Suffron, Senior Planner, explained that this application currently has two land use designations, Rural (1/5) the remaining portion is Suburban (1/5 or 1/1 meeting timeliness or PUD meeting timeliness 3/1) to Urban Expansion (4/1). This parcel is currently zoned Agriculture and is within the Mt. Dora JPA area. The staff recommendation is for denial.

Ms. Suffron said this application is inconsistent with Policy 1-1.6. It would be incompatible with the surrounding existing land uses.

Ms. Suffron said the application is inconsistent with Policy 1-1.6A regarding central utilities. The City of Mt. Dora stated the City's water system couldn't serve the site because of flow and pressure concerns.

This application is also inconsistent with Policy 1-1B.1 because it would not reinforce rural lifestyles. It would also be inconsistent with Policy 1.10.2 that is intended to promote orderly, compact growth and would in effect be Urban Sprawl.

Ms. Suffron disputed the Applicant's statement that this development would be "in-fill", as defined in Florida Statute Chapter 163.2514.

Ms. Suffron said this application would be inconsistent with Policy 1-13.2. In support of this, she referenced the letter from Mt. Dora stating they would be unable to provide potable water to this site. Staff had also received comment from the School Board stating this development would generate approximately 205 new students and that the 3 schools serving this area are all currently over-capacity.

In closing, Ms. Suffron referenced a letter from Mt. Dora requesting denial on this application, which is within the JPA. Ms. Suffron added that this property is located in the Wekiva Study Area.

Chairman Newman said a letter of objection to this request has been received from Richard C. Beeson, Jr.

Cecelia Bonifay, attorney with Akerman, Senterfitt, said she is representing Baucom Real Estate Limited Partnership. Ms. Bonifay stated the Applicant was finding it difficult to continue in agriculture. Ms. Bonifay said Don Griffey, Griffey Engineering, Inc. had completed a traffic study, which found that this project would meet concurrency.

Ms. Bonifay introduced Greg Beliveau, Land Planning Group to present his study. He said this property is directly across the street from the County Club of Mt. Dora. He said the surrounding properties have different land uses and this area is in transition. He said the owner needs the money from this project to expand his operation. This parcel abuts

the City of Mt. Dora. He pointed out the existing zoning is not in compliance with the Land Use because there was no countywide rezoning done after the Comprehensive Plan was adopted.

Mr. Beliveau said the Urban Density Chart scored the development at 3.5 units per acre. He presented a proposed site plan, with the higher densities closest to the City. It showed a Green Belt System and the current use as a nursery would serve as a theme for the Open Space. He also said part of the parcel could be leased out for cattle grazing and provide Open Space. The larger amounts of the Green Belt and the larger lots are in the more rural areas of the site.

Mr. Beliveau said the development would provide transition between the City and more rural areas.

Richard Dunkel asked if Mt. Dora had been contacted. Ms. Bonifay said this parcel could not be annexed because they were requesting higher densities than were currently existing. She said the JPA doesn't contain a new Future Land Use Map that meets the requirements of F.S. Ch. 163. Ms. Bonifay said that they wanted to work with the City.

In response to a question from David Jordan, Ms. Bonifay said because of the timeliness issue parcels such as this one usually are considered Rural. Timeliness calculations counts the units on the ground, not those approved but not yet built. She said that these issues are further complicated with multiple land uses on a single parcel.

Mr. Schue said the City and the County should discuss what is appropriate in this area. In response to his question regarding timeliness, both the Applicant and the County said timeliness had not been run.

Mr. Schue asked how the Open Space on this site would be protected. Mr. Beliveau said conservation easements would be designated within the Planned Unit Development (PUD) ordinance.

James Yatsuk, Mayor of Mt. Dora, said that although some developments were considered Urban their densities were less. For example the density of the Country Club of Mt. Dora is 1.6 units per acre and the Lakes of Mt. Dora is 1.88 units per acre. He said the City does want to work through the issue regarding the Future Land Use densities within the JPA. The City has designated the transitional area as one unit per acre or it is the employment area.

Mr. Dunkle asked if the City would be willing to negotiate a compromise on the issues raised by these applications and how long that would take. Mr. Yatsuk said he thought it could be done within a year. He added that he thought it was in the best interest of all to

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OWNER: Baucom Real Estate **PAGE 3**
AGENT: Cecelia Bonifay

honor the JPA commitment.

David Jordan asked about the resolution presented to the LPA, Mr. Yatsuk said it applied to the applications within the JPA.

In response to a question from Ann Dupee, Mr. Yatsuk said once the obstacles in the JPA are worked out, the City would be interested in annexing this property.

Egor Emory said this application would be inconsistent with the existing commercial nurseries in this area. He believed the development would inevitably become a threat to these nurseries. He would like to see those businesses protected. Mr. Emory said if this development is to receive city utilities, he felt it should be in the city. He felt when projects get caught between city and the County it always seems to work to the applicant's benefit. He added that this development lacks connectivity.

In response to Ms. Dupee, Ms. Bonifay explained the steps that would occur if this application was transmitted to the Department of Community Affairs. Ms. Dupee said she would like to see this transmitted and for the City and County work their issues out.

Mr. Schue said that if approved the Applicant would still have the Urban Expansion designation, which could lead to 4 units per acre. This approval could create a sense of entitlement, which would make working things out more difficult.

MOTION by Richard Dunkel, SECONDED by Becky Elswick to deny LPA #05/4/1-4.

Mr. Jordan said if it was approved at 4 to 1 that would be what it is. The LPA can't change the density to be less than the maximum allowed. Mr. Dunkle added the JPA issues needed to be worked out also.

Mr. Parks complimented the site plan but said the only density they can approve is 4 to 1.

Michael Carey moved the question.

FOR:	**Newman, Schue, Carey, Dunkel, Dupee, Parks, Jordan, Elswick**
ABSENT:	**Foley**
AGAINST:	**None**
MOTION PASSED:	**8-0**

There was a lunch break at 12:10

CASE NO: LPA # 05/4/5-4
OWNER: Florida Land Partners, LLC **PAGE 1**
AGENT: Cecelia Bonifay

Shannon Suffron, Senior Planner explained that this application is a request to change the Future Land Use designation from Rural (1/5) to Urban Expansion (4/1). This parcel is currently zoned Agriculture. It is not within any Joint Planning Area (JPA) but it is located in the Eustis area. The staff recommendation is for denial.

Ms. Suffron said this application is inconsistent with Policy 1-1.6. It would be incompatible with the surrounding existing land uses.

Ms. Suffron said the application is inconsistent with Policy 1-1.6A regarding central utilities.

She said application is inconsistent with Policy 1-1B.1 because it would not reinforce rural lifestyles.

Ms. Suffron said this application is inconsistent with Policy 1-1.9, Availability of Facilities to Support Residential Land Uses. The City of Eustis provided a letter stating there is no additional capacity to serve this area.

It would also be inconsistent with Policy 1.10.2, which is intended to promote orderly, compact growth and would be Urban Sprawl.

Ms. Suffron said this proposal is also inconsistent with Policy 1-13.2 because there is no capacity to provide central utilities.

This particular application is also inconsistent with Objective 1-3a, Criteria to Direct Commercial Development. This application exceeds the commercial allocation of 5,000 square feet allowed in Rural. Even if this was approved for increased commercial space, the allocation of the Neighborhood Activity Center has already been met by existing commercial.

In response to a question from Keith Schue, Ms. Suffron explained the commercial allocation of 5,000 square feet was interpreted to be per parcel.

Chairman Newman said a letter of objection to this request has been received from Richard C. Beeson, Jr.

Cecelia Bonifay, Attorney with Akerman and Senterfitt, said she is representing Florida Land Partners. Ms. Bonifay described the existing development in this area. She stated that the developer would pay the cost of extending utilities.

Ms. Bonifay believed if the vested developments don’t count towards density increases because they are a “mistake”, then the commercial space in those same developments

should not cause this application to be denied. She said that argument is inconsistent.

Ms. Bonifay added that there has not been any definitive rule on the distance that commercial can be from an arterial road. She felt only the Handy Way and Circle K commercial square footage should be counted. They are 5,000 square feet each.

Ms. Bonifay said the County has had an unstated policy of "first come, first served". There is no current application for any other commercial in this area.

In conclusion Ms. Bonifay said the County does not have a separate category for commercial. Suburban, Urban Expansion or Urban are the only land use categories in which commercial can be located. The Applicant believes there is enough development to support this commercial project.

In response to Richard Dunkel, Ms. Bonifay said there is no separate land use for commercial or office. She claimed that those uses must be placed within Suburban, Urban Expansion or Urban and then the commercial must meet certain criteria within those land use designations. In addition there is no separate land use for office. She stated these parcels were not developed because the vision was always for this to be commercial to serve residents and others in the area.

In response to a comment from Keith Schue, Ms. Bonifay explained further exactly which parcels are the subject of this proposed amendment. There was further discussion on the map in question. Mr. Schue questioned Ms. Bonifay about the allowable commercial within different land use designations. Staff confirmed that Ms. Bonifay's statements are correct. Mr. Schue thought if there was to be commercial in Rural Land Use that the County rules are sufficient. Ms. Bonifay pointed out developments in the immediate area with urban densities. Mr. Schue stated the Sorrento Hills Planned Unit Development has a commercial component in it. Ms. Bonifay repeated her earlier statement regarding vested developments counting in one circumstance but not in another.

In response to a request for clarification from Mr. Schue, Ms. Suffron said the corner of this property is within the Neighborhood Activity Center. Ms. Suffron added that the Applicant could put 5,000 square feet of commercial within the Rural Land Use designation.

Sean Parks said that Planned Commercial is allowed in Rural. He said there is some commercial that could be put there. He agreed there might be a need for more commercial in the area. Ms. Bonifay said the Developer would like commercial uses beyond the usual convenience store or bank that are generally located in 5,000 feet of commercial. When Mr. Parks asked if a Planned Unit Development (PUD) in Rural

would work, Ms. Bonifay said the commercial would still be limited to the same size.

Ms. Bonifay agreed with David Jordan, that the Developer could do any of the C-1 or C-2 uses. However, they would still be subject to the same size restrictions.

Ms. Bonifay said the Neighborhood Commercial Center represented by "dots on the map" are generalized areas.

Michael Carey commented that there was no commercial west of this area before the City of Eustis. Ms. Bonifay agreed and said there are no services in the area either.

Mr. Schue commented on the commercial allowance in the Seminole Springs development. He felt that commercial would provide services for the area. He questioned why the County would allow more commercial in an obviously rural area.

Mr. Parks asked about the commercial square footage limitation in a PUD. Ms. Bonifay said although a PUD can be placed in any land use, it is the land use category, which dictates the size of the commercial.

Mr. Schue said Urban Expansion could allow several other land uses, including apartments, which could be even more inconsistent. He said that allowing this could be a precedent for more Urban Expansion in the surrounding area.

Mr. Carey said this parcel is different from Merry Gro Farms because it is a smaller parcel adjoining a subdivision.

Robert Curry said the configuration of this parcel really lends itself to a strip mall and that it didn't belong in a rural area. He said there are commercial services available in the Mt. Plymouth/Sorrento area. He stated that this request is not needed and would be far in excess of the needs of local residents.

Egor Emory believed there must be a compelling reason to change the Comprehensive Plan, this does not seem a compelling reason for this request and he supports the staff's recommendation for denial. He added that people moving to this area are looking for a rural lifestyle; they realize there will be a commute to services.

Ms. Bonifay reiterated that there was no existing application from Sorrento Hills for commercial development. She stated the Developers would not destroy the integrity of their project. In order to have the size for commercial they want the developer has no choice but to request the higher density land use designation.

CASE NO: LPA # 05/4/5-4
OWNER: Florida Land Partners, LLC **PAGE 4**
AGENT: Cecelia Bonifay

MOTION by Keith Schue, SECONDED by Michael Carey to deny LPA # 05/4/5-4.

Ann Dupee asked if the subject parcels were shown as commercial on the original plat. Ms. Bonifay said these parcel were not included, they were out parcels.

Mr. Schue believed Urban Expansion in the center of what is otherwise a rural area would be inconsistent and inappropriate for the area. The surrounding Future Land Use designations are Rural.

Mr. Jordan commented that when the developer was complimented on the design of this development, it did not have commercial.

Mr. Parks supported the motion to deny, but acknowledged there might be a need for innovative commercial design on this site.

FOR:	**Newman, Schue, Carey, Dunkel, Dupee, Parks, Jordan, Elswick**
ABSENT:	**Foley**
AGAINST:	**None**
MOTION PASSED:	**8-0**

CASE NO: LPA # 05/4/2-4
OWNER: Ramlee Holdings Limited Partnership **PAGE 1**
AGENT: Cecelia Bonifay

Shannon Suffron, Senior Planner, explained that this application is a request to change the Future Land Use designation from Suburban (1/5 or 1/1 meeting timeliness or PUD meeting timeliness 3/1) to Urban Expansion (4/1) This parcel is currently split between Planned Commercial (CP) with C-1 and C-2 uses and Planned Industrial (MP) zoning. The land is vacant and located within the Mt. Dora Joint Planning Area (JPA). The staff recommendation is for denial for the same policies as stated during earlier cases.

Ms. Suffron said this application is inconsistent with Policy 1-1.6. It would be incompatible with the surrounding existing land uses.

Ms. Suffron said the application is inconsistent with Policy 1-1.6A regarding central utilities.

This application is also inconsistent with Policy 1-1B.1 because it would not reinforce rural lifestyles.

The proposed amendment is inconsistent with Policy 1-10.2, which intends that growth shall be orderly and compact.

This amendment is inconsistent with Policy 1-13.2, because there is currently no potable water service to this area due to flow considerations.

Ms. Suffron said the requested amendment is consistent with Objective 1-3A, it meets the criteria for Commercial Activity Center, as it is located at the intersection of an arterial and a collector. It would also meet the criteria for Neighborhood Activity Center. The only difference between the two designations is the amount of leasable square footage allowed. Under Commercial Activity Center, leasable square footage of between 50,000 to 500,000 square feet is allowed, whereas Neighborhood Activity Center allows combined commercial allocation of 10,000 to 50,000 square feet of gross leasable area. The subject property currently has a land use designation of Suburban, and in order to do commercial development meeting the Commercial Activity Center designation a land use change to either the Urban or Urban Expansion would be required. Neighborhood Activity type uses, however, do not require a land use change and are permitted under Suburban.

In addition Ms. Suffron pointed out that this parcel is located in the conceptual location for Office Employment Center in the Joint Planning Area Agreement with the City of Mt. Dora. The City Council on March 15, 2005 recommended approval for the employment center designation within the Joint Planning Area. At the same meeting the City Council voted to recommend denial of this request for the land use change. She said the type of commercial development being proposed is inconsistent with the objectives of the JPA and the surrounding land uses. In addition it is located in the Wekiva Study Area where

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OWNER: Ramlee Holdings Limited Partnership **PAGE 2**
AGENT: Cecelia Bonifay

increased densities are not to be encouraged.

Cecelia Bonifay, Attorney with Akerman and Senterfitt, said she is the representing the Applicant. She said that this property is located with the Suburban Land Use, which limits commercial to 50,000 square feet. She explained that two parcels have the CP zoning and the larger parcel has MP zoning. The applicant is asking for a single land use designation on the entire parcel. The only Land Use designation that allows Commercial is Urban Expansion.

Ms. Bonifay reviewed development in the area. She believed this site meets the Commercial Location Criteria. This area has an Employment Center overlay on it, although the exact line for the overlay is uncertain. Mt. Dora is proposing strictly office uses.

Ms. Bonifay said the Applicant had asked for the Urban Expansion so commercial uses could be included on the site. She said a traffic analysis has been done and traffic concurrency has been met.

Mark Reggentin, Planning and Development Director for the City of Mt. Dora, said that the City Council had objected to this request based on the Land Development Code, which has been transmitted to the County. This area is designated as an Office Employment Center, which will be primarily offices with small commercial uses.

Chairman Newman said a letter of objection to this request has been received from Richard C. Beeson, Jr. and a resolution from the City of Mt. Dora objecting to this request.

MOTION by David Jordan, SECONDED by Michael Carey to deny LPA #05/4/2-4.

Mr. Schue said that he believed that the JPA should be upheld.

FOR:	**Newman, Schue, Carey, Dunkel, Dupee, Parks, Jordan, Elswick**
ABSENT:	**Foley**
AGAINST:	**None**
MOTION PASSED:	**8-0**

CASE NO: LPA # 05/4/7-2
OWNER: Mary B. Eddy and Extreme Groves **PAGE 1**
AGENT: Steven J. Richey & Land Planning Group (LPG)

Amelyn Regis, Senior Planner, explained this application was a request to change the Future Land Use designation from Rural (1/5) to Urban Expansion (4/1). The existing zoning is Agriculture; the land is currently in Citrus groves. The staff recommendation is for denial for the following policies.

Ms. Regis said this application is inconsistent with Policy 1-1.6. It would be incompatible with the surrounding existing land uses.

Ms. Regis said the application is inconsistent with Policy 1-1.6A. The City of Clermont said that central utilities would be available but not within the build out timeframe of this request.

Ms. Regis indicated that this application is inconsistent with the Joint Planning Area Agreement (JPA) with the City of Clermont because there is not sufficient provision of public infrastructure and services.

In addition there are comments from several reviewing agencies. The Lake County Public School indicated the three public schools serving this area are currently over capacity. The City of Clermont unanimously voted to recommend not increasing densities or to change land uses until the school board catches up and to make no land use changes until a Future Land Use Map for the JPA has been adopted.

Richard Dunkel asked about the Public Works recommendation. Ms. Regis said a comment had been provided, and then a request was received to have it pulled from the staff report for further review by Public Works. Chairman Newman said Public Works had declined to make any comment one way or the other. In response to Mr. Jordan, Ms. Regis said the Applicant submitted a report to Public Works and their reviewing panel said there were no comments.

Keith Schue said the eastern portion of this property was part of a clustered rural subdivision (1/5) with smaller lots along the shoreline. Those units have been built; they utilized all of the density that was assigned to that property. Mr. Schue said the Open Space created by this clustering is supposed to be protected, that this is an example of "clustering gone bad". He said this leaves one acre lots abutting Johns Lake, which he thought was Rural in combination with the created open space. He would like to find a way to protect the open space created by clustering homes.

Steven J. Richey, Attorney said he was representing Mary B. Eddy and Extreme Grove Investments.

In response to Mr. Schue, Mr. Richey said the lots on the remaining property would be 1 unit to 5 acres.

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OWNER: Mary B. Eddy and Extreme Groves **PAGE 2**
AGENT: Steven J. Richey & Land Planning Group (LPG)

Mr. Richey said the only way for the Applicant to get 1 dwelling unit per acre without asking for Urban Expansion would be to do a developer's agreement, under the Developers Agreement Act. He said the Developers Agreement would be included at the transmittal hearing or at the adoption hearing. The Developers Agreement could be sent back to the Local Planning Agency (LPA) if so directed by the Board of County Commissioner (BCC).

Greg Beliveau, Land Planning Group (LPG) presented the Applicant's case. Mr. Beliveau reviewed the adjoining properties, including an abutting development at 4 units per acre. He said accessibility to City utilities should not be an issue. The requested density of 1 unit per acre would be a transitional area to the North and South. The area to the North is conservation land owned by the Lake County Water Authority (LCWA).

Mr. Beliveau showed the location of the proposed beltway to go around Orlando. He said the widening of Hartwood Marsh Road to four lanes has been approved by Public Works. The area just to the east in Orange County is 1 unit per acre with some 1 unit per 5 acres. The Horizons West development will have densities ranging as high as 6 or 8 units per acre.

Mr. Beliveau said he completed the Urban Density Point Analysis, which resulted in a density of 2.5 units per acre. Although the applicant is willing to limit density to 1 unit to 1 acre in a Developers Agreement.

He said that a full environmental assessment had been completed at staff's request. Mr. Beliveau said the traffic analysis showed no negative road impacts at the requested density. The density on this site has been reduced by 75%.

Michael Carey asked if the City of Clermont's recommendation was based on the 1 to 1 density. Mr. Richey said this case had been continued to this date, so he could meet with the City of Clermont to discuss the reduced density. It was his intention to appear before their Council however, he did not receive notification until the afternoon of the meeting and he was unable to attend. He met with Mr. Saunders who thought 1 unit per acre might be appropriate in the future, but that it is not now. Mr. Richey explained he had experienced much difficulty in dealing with Clermont on JPA issues. In addition he pointed out that the City had failed to notify County Staff of the recent annexation of property into the City to be part of Kings Ridge. He added there was a discrepancy between the Future Land Use densities for this parcel between the County and the City.

In response to Sean Parks, Mr. Richey explained the Memorandum of Understanding (MOU) he was proposing would limit the density to 1 unit per acre. Mr. Parks thought they could not agree to any contingencies today. Mr. Richey said under Florida Statutes 163.3220, the Florida Local Government Development Agreement Act, these types of

MOUs were

CASE NO: LPA # 05/4/7-2
OWNER: Mary B. Eddy and Extreme Groves **PAGE 3**
AGENT: Steven J. Richey & Land Planning Group (LPG)

allowed.

When Chairman Newman asked Sanford A. Minkoff, County Attorney, for his opinion on this issue, he said they were reviewing that statute.

David Jordan asked about the Clermont annexation to which he had previously referred. Mr. Richey gave a detailed history of that particular parcel. Mr. Jordan commented even with the "nice agreement" this is still 5 times the current density.

In consideration of the unusual circumstances surrounding this application, Richard Dunkel asked if it could be forwarded to the BCC with no recommendation.

Mr. Dunkel had to leave the meeting at 2:40.

Mr. Schue questioned the validity of this application because this had been part of a previously clustered development. He said this would create 1 acre lots that would have a land use designation of 1 to 5. This would create a nonconforming use. Mr. Richey said this was originally included in the LCWA land. He said the question is if the conservation land is the Open Space. Mr. Richey thought the lots would be 1 to 5, if the LCWA property wasn't considered part of the set aside.

Ann Dupee and Steve Richey discussed the number of lots. He said that it was a zoning question.

Mr. Minkoff said the purpose of the Developers' Agreement Act is intended to guarantee the developer that the rules for a particular development won't change for 10 years. However, this only applies to developments that are consistent with the Comprehensive Plan. Those agreements are similar to Planned Unit Development agreements. Mr. Minkoff did not believe the intent of this act was to buttress a request for a Comprehensive Plan Amendment. He added if the Future Land use Designation was changed to Urban Expansion then such an agreement could be used.

Mr. Richey said this is frequently done in Sumter County and the Department of Community Affairs (DCA) has not objected. He said he would assure the BCC that if the land use were changed then he would have a developer's agreement to limit densities on the next agenda. Mr. Beliveau added that both Eustis and Tavares have also used a developer's agreement in the very same way.

Chairman Newman asked Mr. Minkoff on behalf of Mr. Dunkel, if it was possible to forward this to the Board of County Commissioners without a recommendation. Mr. Minkoff said that a tie vote would be the only time there would be no recommendation.

In that case County Policy would define the tie vote as a denial.

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OWNER: Mary B. Eddy and Extreme Groves **PAGE 4**
AGENT: Steven J. Richey & Land Planning Group (LPG)

Mr. Parks said that even if they chose to use a developer's agreement, it would have to be available for review now. Mr. Minkoff said the Comprehensive Plan amendment has to be considered separately because the land has to be suitable for the requested use. A Developers Agreement could follow; the underlying issue is whether this property should be Rural or Urban Expansion.

Tammy Phelps said VOICE was a citizens group concerned with the impact of growth on education. Ms. Phelps presented a list of the schools and the degree to which they are over capacity. She said schools serving this area are already severely overcrowded. They cannot handle even one more child, much less the 82 that might come from this development. Ms. Phelps said Land Use changes that increase densities make it impossible for the school board to build schools fast enough. She said Clermont is working on a resolution regarding growth and the overcrowded schools. She thought the JPA agreement should be followed. They are also in favor of an Education Element for the 2025 Comprehensive Plan.

Scott Hood said he is a landowner adjacent to the LCWA easement. He said most of the lots are 5-acre. He is concerned about the increased traffic. Mr. Hood voiced a concern about the LCWA land. He said that if the land use change was approved, it wouldn't be a preserve but just woods. He asked this request be denied because the surrounding area is 5-acre lots.

Cindy Barrow, VOICE, said that their group now has 300 members. She asked for a denial and asked the recommendation of the Clermont Council be upheld. She said the County could wait for school concurrency to be put in place. She also believed the JPA should be followed. Ms. Barrow said because the Comprehensive Plan is behind schedule doesn't mean that the education of the children should be put in jeopardy. VOICE is not against growth; they only asking that school overcrowding be addressed. Ms. Barrow quoted Bob McKee, Lake County Tax Collector, who has said that for every dollar in residential development taxes, the County spends one dollar and fifty-three cents to support that growth. She also pointed out other adversely affected issues such as traffic, water and utilities. She asked that this request be denied.

Bridget Conley a local landowner said the roads are already over capacity. She said there is no plan to widen the road soon. She said 17 portable classrooms had to be placed at the brand new high school. Ms. Conley said schools should be allowed time to catch up with growth, then these types of land use changes could be considered. She also requested this proposal be denied.

Sherry Boam, VOICE, said her children attend Lost Lake Elementary, which would be impacted by this development. She said that there are 1423 children in that school which

was designed for 957. She said the classrooms are too small for the number of children in them. She said even though there are 2 teachers in those rooms, the quality of the

childrens' education will be adversely impacted if the densities continue to be increased. She also referred to the comments made to Clermont council by applicants, stating if the City did not approve this proposal then the request would be made to the County. She also requested a denial recommendation.

Raymond Dennis Flynn said he lives directly to the south of this property on a 5-acre lot. He is concerned with preserving their lifestyle and the increase in traffic. He said they are getting squeezed from 2 different directions.

Mr. Richey said the only time he had told Clermont he would go to the County was when the County regulations would allow a higher density than that of the City of Clermont. He said the JPA does not give Clermont veto power, it only states that they will communicate. He said Clermont's failure to provide information in a timely manner has frustrated the JPA process. Mr. Richey spoke about the 5-year plan to widen and re-align Hartwood Marsh Road.

Mr. Beliveau agreed with the school issues raised by VOICE. He said there are planned school improvements in this area to address those overcrowding issues. Mr. Beliveau said the impact fees from this development would be about 1.5 million dollars. In addition it may be possible to prepay those funds, so the school board could bond the money and build sooner.

MOTION by David Jordan, SECONDED by Becky Elswick to deny LPA#05/4/7-2.

Mr. Parks said he was seriously concerned about the close proximity of this development to the Scrub Point Preserve.

Mr. Carey did not think the JPA was working the way it should. He said he would be voting against the motion because this has not been handled properly.

Ms. Elswick disputed some of the statements of Mr. Beliveau regarding the schedule of school improvements in South Lake. She said rapid growth created problems beyond new construction, such as curriculum development and school redistricting. She said it isn't possible to underestimate the impacts of any increase in density.

Ms. Elswick was concerned about Scrub Point Preserve and the endangered species found only on that preserve.

Mr. Schue was concerned about the nonconforming lots that would be left.

Ms. Regis stated that she had researched that issue. She said on the preliminary plan the

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OWNER: Mary B. Eddy and Extreme Groves **PAGE 6**
AGENT: Steven J. Richey & Land Planning Group (LPG)

southern part of this property was to remain in agricultural production. However, it was not noted on the final plat that the grove was to remain in agricultural production as open space.

Mr. Schue commented that the Scrub Point Preserve is not included as part of the open space and that only the agricultural portion was to be so included. This was confirmed by staff.

Mr. Jordan said that public interest had to come frist. All through the public meetings earlier this year it was clear that people did not want more increased densities. As long as densities are increased the problems will continue.

Mr. Carey said that the JPA parties are not communicating.

FOR: **Newman, Dupee, Jordan, Elswick, Schue, Parks**

ABSENT: **Foley, Dunkel**

AGAINST: **Carey**

MOTION PASSED: **6-1**

Mr. Carey commented on the difficulty of school planning, he thought that immigration was also an issue. He said it is the State's responsibility to provide school funding. He said the State Department of Education is not doing their part to fund schools and people are letting them get away with it.

Chairman Newman stated that she would ask people from Clermont to encourage the City to communicate with the County.

There was a 5-minute break.

CASE NO: LPA # 05/4/4-2
OWNER: Richard Gonzalez/Center Lake Properties, LTD. **PAGE 1**
AGENT: Cecelia Bonifay

Amelyn Regis, Senior Planner, said this is a request to change the Future Land Use from Suburban (1/5 or 1/1 meeting timeliness or PUD meeting timeliness 3/1) to Urban Expansion (4/1). Ms. Regis explained different existing land uses on this parcel. The existing zoning is Agricultural. The staff recommendation for denial is based on the following policies.

According to Ms. Regis this application is inconsistent with Policy 1-1.6. It would be incompatible with the surrounding land uses.

Ms. Regis said the application is inconsistent with Policy 1-1.6A regarding central utilities. Although the City of Clermont said capacity is available for water and sewer, those utilities must be requested from the City because this parcel is located outside the city limits. Ms. Regis said the City had denied the Applicant's request to be annexed.

Ms. Regis said this application is inconsistent with the Joint Planning Area (JPA) Agreement with the City of Clermont because it would not have the density as the City has indicated for this area.

Ms. Regis said the School Board had notified staff that the area schools are already over capacity.

Cecelia Bonifay, Akerman, Senterfitt, said she is the representing Center Lake Properties, Ltd. She said Mr. Gonzalez was present, as well has their traffic analysis consultant. Ms. Bonifay explained because of the change to the amendment cycle this year it had been necessary to submit the entire parcel based on the only available survey. The major portion of the property is currently Urban Expansion. They want to make the land use consistent on the entire parcel. She said only a portion of the parcel is within the boundary of the JPA. It is in Clermont's 180 Utility District. The developer is willing to pay up front the cost of upgrading the utilities.

Ms. Bonifay said in order to do an integrated plan all of the land use should be the same. She discussed the developer's contribution to creating a "visionary road network". He has also donated an extensive amount of land to Lake County for trails.

Brent Lacy, AICP said he was the Director of Traffic Planning, Transportation, Engineering at Glatting, Jackson. He said only if all of the proposed developments in the area were built out by the 'horizon' year 2020, would a short segment of Old Highway 50 require improvement.

Mr. Lacy said they had worked very closely with the County. He said the developer had taken the initiative to get the area developers together to find a way to build a transportation network. He said the network used in this analysis is consistent with the

County's plan.

In response to Keith Schue, Ms. Bonifay explained why they had to use a boundary survey. Ms. Bonifay explained which lands are in Urban Expansion. Ms. Bonifay also said there was a comprehensive plan amendment adopted by Lake County on the Black East property. That is not part of this property, but is to the North.

Becky Elswick said the summary of roadway segment level of service provided by the applicant was somewhat confusing. Mr. Lacy said it is similar to the school's system of grades and he went into a more detailed explanation. His analysis shows this project would have an insignificant impact. And therefore, it would not have any responsibility for Hwy. 50 after the scheduled improvements. Ms. Elswick said her experience has been that current traffic is a serious issue. Mr. Lacy said although the roads are now failing, scheduled improvements were on their way.

Mr. Lacy explained they have to use the regionally adopted transportation model, which is the same model the County is using. The traffic counts used are based on the model forecast that included all the adopted land uses, the existing roadways and those that are scheduled.

Mr. Lacy explained some of the new residents would work locally. He added that the model spreads the traffic on the available capacity.

In response to Sean Parks, Mr. Lacy said only approved land uses were included in the model.

Amye King, Planning Manager, said that 281.22 acres is the amount of the land that would be affected by this application.

Mr. Minkoff said that the meeting advertisement was legal because it included the whole 571 acres in the request to change the land use to Urban Expansion.

Ann Dupee asked what the density would be considering the topography of the site. Ms. Bonifay said that she didn't really know what the density would be. She thought it would probably be around 2.5 to 3 units per acre.

Mr. Lacy thought the 281 acres included the Black East property.

Ms. Dupee asked about the location of the possible turnpike interchange. Mr. Lacy said it would be about 1 to 1.5 miles north of the turnpike area that this parcel is contiguous to.

CASE NO: LPA # 05/4/4-2
OWNER: Richard Gonzalez/Center Lake Properties, LTD. **PAGE 3**
AGENT: Cecelia Bonifay

Ms. Bonifay discussed the schools to be built in the area, road access to those sites and the road improvements to be funded by area developers.

Ms. Bonifay didn't think just saying no to new development because of the school issues without working with the developers was logical or legal.

In response to Mr. Parks, Ms. Bonifay thought an increase of 644 students would be the "worse case scenario". Mr. Parks asked for details about the turnpike interchange. Mr. Lacy explained an interchange study had been done. The Department of Transportation (DOT) has a tentative site. The final decision will be based on need and the potential revenue. If the developers are willing to pay or guarantee the bonding costs, DOT may move forward earlier with the understanding that if revenues do not meet expectations the developers will make up the difference.

In response to Mr.Schue, Ms. Bonifay explained the parcel north of the turnpike is not part of this proposal. Mr. Schue expressed concern regarding the LPA taking action that may be construed as contrary to the county's position in a case under legal dispute.

Tammy Phelps, VOICE, said she didn't want to repeat what she had said in the earlier case. However, this could generate even more additional students. She discussed some of the difficulties with some of the proposed school sties. She said the school system couldn't absorb any more students.

Cindy Barrow, VOICE, requested this proposal be denied. She believed education should come first. The number of homes would generate a considerable number of new students. She said several of the new schools are behind their construction schedules. Roads in this area are already congested. She said the new schools; roads and teachers would not be ready in time for this development.

Sherry Boam, VOICE, said she believed the owner had the right to develop his property. She believed he should develop at the current density level. She referred to the staff recommendation, the recommendation of Clermont and the citizens and asked that they deny this request.

Richard Gonzalez, Vice President of Center Lake Properties Ltd., said that this property had been steadily improved. He understands the need for quality education. He is still willing to build a school and lease it back. He is still willing to work with the school board. It is up to the government to come up with valid impact fees that will pay for growth. He wants to do the right thing, to do a good development and he is ready to pay.

MOTION by Sean Parks, SECONDED Michael Carey by to deny LPA # 05/4/4-2.

CASE NO: LPA # 05/4/4-2
OWNER: Richard Gonzalez/Center Lake Properties, LTD. **PAGE 4**
AGENT: Cecelia Bonifay

Ms. Elswick said although Mr. Gonzalez has offered to work with the school board, money cannot buy the time necessary to construct the needed schools and to improve the roads. An increase in these densities increases the time crunch.

Mr. Schue agreed with Ms. Bonifay that they couldn't say no to development. He said the turnpike was an opportunity to create employment opportunities in this area, instead of just more homes as proposed by the applicant.

Ms. King explained the current densities to Ms. Dupee. Mr. Minkoff said the parcels would have to be appropriately zoned. Ms. King said the zoning is Agricultural and Mr. Gonzales would still have to go through the rezoning process.

FOR: **Newman, Schue, Carey, Dupee, Parks, Jordan, Elswick**

ABSENT: **Foley, Dunkel**

AGAINST: **None**

MOTION PASSED: **7-0**

CASE NO: LPA # 05/4/9-2
OWNER: Richard Bosserman, Trustee
& Charles Bosserman, III Trustee **PAGE 1**
AGENT: Cecelia Bonifay

Amelyn Regis, Senior Planner, explained this application is a request to change the Future Land Use designation from Employment Center and Urban (7DU/1 acre) to Urban. The existing zoning is Planned Industrial (MP) and Urban Employment Center. The land is currently vacant. This site is located within the Clermont Joint Planning Area (JPA). Staff is recommending approval for the following reasons.

Ms. Regis said this application is consistent with policy 1-1.6. She said most development in the area is commercial. This application is consistent with the JPA. Clermont said they have capacity to serve this site. In addition there is an application to annex into the City of Clermont, which is scheduled to be heard on May 26, 2005.

Ms. Regis added this site has been identified as an existing habitat for the Clasping Waria. This plant is included in Florida's Federally Listed Plant Species.

In response to a question from Keith Schue about a conservation overlay, Curt Henschel, Planner with the City of Clermont, said that an environmental study on the site had been requested. Amye King, Planning Manager, said there were no policies associated with the proposed conservation overlay at this time. Mr. Schue said the Clasping Waria is an endangered species.

Cecelia Bonifay, Attorney Akerman and Senterfitt said she is the representative for the Applicant. Ms. Bonifay said this is the first time she had heard about a conservation overlay. The Applicant would like to have commercial land use on the entire site. She said an environmental scientist was hired and they have a management plan. Ms. Bonifay added they were working with the staff at Lake Louisa State Park to relocate some of the plants.

Terri Godts said she was there to speak for the residents of this property, meaning the native plants and animals that inhabit this site. She said this site is an island of incredibly diversity. Ms. Godts said relocation is not a sure thing. She said she just wanted to let the Local Planning Agency know the ramifications of this decision.

Curt Henschel, Planner, City of Clermont said their staff was recommending approval of the annexation request.

Ms. Bonifay explained this project would undergo scrutiny through the City of Clermont's regulations. She said there would be no school impact and their traffic study showed no adverse impacts.

In response to a question from Sean Parks, Ms. Bonifay said the traffic impact from the area changed from industrial to commercial uses would be not significant.

CASE NO: LPA # 05/4/9-2
OWNER: Richard Bosserman, Trustee
& Charles Bosserman, III Trustee **PAGE 2**
AGENT: Cecelia Bonifay

MOTION by Michael Carey, SECONDED by Ann Dupee to approve LPA #05/4/9-2.

David Jordan said this land use change would not be a greater threat to the species on site than the current Future Land Use designation. Ms. Bonifay explained this site is just a fragment surrounded by development and relocation to Lake Louisa Park might be its best chance.

Mr. Schue said the land use change meant the land would not remain vacant. He said there was not an official response from the City on this application and he thought this was reason for some concern.

Ms. Bonifay said the delay of Clermont should not cause this application to be tabled, because the Applicant would miss the only amendment cycle for this year.

Michael Carey called the question.

FOR: **Newman, Carey, Dupee, Jordan, Elswick**

ABSENT: **Foley, Dunkel**

AGAINST: **Schue, Parks**

MOTION PASSED: **5-2**

CASE NO: LPA # 05/4/6-3
OWNER: Long & Scott Farm **PAGE 1**
AGENT: Cecelia Bonifay

Alfredo Massa, Senior Planner said this Applicant was requesting a Future Land Use change from Rural (1/5) to Rural Village (2/1). The existing zoning is Agriculture and the current use is floriculture. Mr. Massa said the staff recommendation was for denial.

Mr. Massa explained the policies on which this recommendation is based. He said this application was inconsistent with Policy 1-1.6 because the requested land use is inconsistent with the Future Land Use. He said this application was inconsistent with Policy 1-1B.1 because it will not reinforce positive rural lifestyles. He said it is also inconsistent with Policy 1-10.2, which promotes orderly and compact growth.

Mr. Massa said the application did not meet the definition of infill in F. S. Ch. 163.2514. The proposed amendment is inconsistent with Policy 1-11.14 because the site is not contiguous to an existing rural settlement or village.

Additionally it is inconsistent with Policy 1-13.2 because facilities and services are not available, nor scheduled in the County capital improvement program.

Mr. Massa included comments received by other reviewing agencies. The Lake/Sumter Metropolitan Planning Agency (MPO) stated this development would add significantly more trips to roads already projected to exceed capacity. The Public Works Department does not agree with the Applicant's conclusion that mitigation is "not required". The School Board said 571 additional students could be generated by this development. All 3 schools serving this area are already over capacity. The St. Johns River Water Management District (SJRWMD) stated that data and analysis would have to be provided to demonstrate available capacity before a consumptive use permit could be obtained through the district.

Mr. Massa said the Water Resource Department provided a map showing designated wetlands on this site. He also referred to inconsistencies regarding soils and drainage within the Applicant's environmental review.

In response to a question from Keith Schue, Mr. Massa confirmed this property is contiguous to the Lake Apopka Restoration Area.

Cecelia Bonifay, Attorney with Akerman, Senterfitt said she was representing the Applicant. Ms. Bonifay disagreed with Staff's interpretation of Rural Villages. She referred to Objective 1-11A regarding Rural Villages and innovative development in rural areas. She said this was to be an interim land use between Urban and Rural. Existing Rural Villages are enumerated within the Land Development Regulations (LDRs) and Lake Jem is included on that list. She said Rural Villages are not Urban Sprawl because they can only be located in rural areas and they cannot reach urban densities.

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OWNER: Long & Scott Farm **PAGE 2**
AGENT: Cecelia Bonifay

Ms. Bonifay explained the site is somewhat isolated by the roads, railroads and publicly owned land. She believed a Rural Village was similar to a Traditional Neighborhood. Ms. Bonifay said the Rural Village designation has the most specific development criteria of any land use in the County.

Ms. Bonifay said a full soil analysis had been provided to staff. She said the wetlands would have to be put into a conservation easement under the Rural Village policies. She said because this area is being farmed, the soils must be well drained.

Ms. Bonifay did not believe staff had applied the criteria correctly. She said the definition of infill used by staff did not come from the Growth Management Act.

Don Griffey, Griffey Engineering, Inc., discussed the traffic evaluation done for this application. He said when traffic evaluations for Comprehensive Plan Amendments are done; the traffic impacts must be maximized even if the site would not be developed to the maximum level. After evaluating the local roads and the level of service standard of the County, their conclusion was the roads could support this traffic increase. He said a more detailed analysis would be done during the rezoning process. Mr. Griffey concluded that there was sufficient transportation capacity for this project.

In response to a question from Keith Schue, Mr. Griffey said 1392 was the number of homes used in the analysis. Mr. Griffey explained the Department of Community Affairs (DCA) required them to use the maximum gross density.

Ann Dupee asked about the flood plains on the site. Ms. Bonifay said a full geo-technical study had been done. She said the owners of the property would address some of those questions.

Hank Scott, Long and Scott Farms, said they were farming the same type of land that the surrounding houses were built upon. He said drainage was improved by the presence of canals on the property.

Manuel Mejia said he lived in the Astatula area. Mr. Mejia said placing high density on this property with well and septic would imperil the clean up of Lake Apopka. He was concerned about lawn care chemicals draining into Lake Apopka. He recommended this land should be left alone.

Constance Harvey said the map showing a railroad was actually her driveway, which was shared by several neighbors. She felt the current allowed density of 1 to 5 was acceptable. She is concerned about the over crowded schools and said this area could not support this growth.

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OWNER: Long & Scott Farm **PAGE 3**
AGENT: Cecelia Bonifay

Angela Dial said she is building a home in this area. Her entire family lives in this area. She is very concerned about increased traffic and road safety.

Ken VanValkenburg said he purchased 15 acres on CR 44A. He moved into this area to have the rural lifestyle of 5-acre lots. He said this development would make traffic a "nightmare". He said the proximity to Lake Apopka is a concern. He said the water table in the area is very high. Mr. VanValkenburg is a custom homebuilder and said he is not against growth.

James Prescott thought the Applicants had to ask for this because they couldn't ask for what they really want. He said the land would not support 1300 homes. However, he doesn't believe this density is compatible with the area. He could support them if there was a plan besides just "asking for something".

Billy Long, Applicant, said he agreed with some of what had been said. However, they have farmed this land for years and it is time for them to get out. He said he didn't care if the densities were decreased. He added they would be willing to donate land for a school.

David Hill with Long and Scott Farms, said he wanted to address environmental concerns. He said they are currently using chemicals on the farm and he believed homes would have less of an environmental impact than their farm does.

Ms. Bonifay offered a rebuttal and restated her earliest arguments. She thought it would be better to develop this property with a plan, rather than just cutting it up into parcels as they could currently do.

In response to Ann Dupee, Ms. Bonifay said that there are no applications pending for the Orange County property.

MOTION by Ann Dupee to approve.

Motion died for lack of a second.

MOTION by Ann Dupee, SECONDED by David Jordan to deny LPA #05/4/6-3.

Mr. Parks said that 1000 homes were too big to be a Rural Village.

Mr. Carey agreed with Mr. Parks and said the number of homes is too great.

Mr. Schue didn't think the Rural Village designation should be a reason to allow Urban Sprawl. He voiced concern over the use of wells in an area with serious environmental

CASE NO: LPA # 05/4/6-3
OWNER: Long & Scott Farm **PAGE 4**
AGENT: Cecelia Bonifay

issues caused by years of muck farming.

Mr. Jordan thought these densities were not in the interest of the whole county.

FOR: **Newman, Schue, Carey, Dupee, Parks, Jordan, Elswick**

ABSENT: **Foley, Dunkel**

AGAINST: **None**

MOTION PASSED: **7-0**

Ms. King said she would like to continue discussion of the Comprehensive Plan Update and comments on the Data, Inventory and Analysis to the meeting the following week.

The Chair adjourned the meeting at 5:50 p.m.

Donna R. Bohrer	Keith Schue
Office Associate III	Secretary