MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

JUNE 15, 2006

The Lake County Local Planning Agency met on THURSDAY, JUNE 15 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
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

Members Absent:

Michael F. Carey	District 3
Becky Elswick	School Board Representative

Staff Present:

Carol Stricklin, AICP, Director Growth Management Department
Melanie Marsh, Assistant County Attorney
LaChea Parson, Assistant County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Wayne Bennett, AICP, Director, Planning and Development Services
Brain Sheahan, AICP, Chief Planner, Comprehensive Planning
Terrie Diesbourg, Director, Customer Service Division
Anita Greiner, Senior Planner, Customer Service Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Francis Franco, Senior GIS Analyst, 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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MOTION by David Jordan, SECONDED by Sean Parks to approve the minutes from January 30, 2006

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by David Jordan, SECONDED by Sean Parks to approve the minutes from February 10, 2006 as corrected.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by Nadine Foley, SECONDED by David Jordan to approve the minutes from February 16, 2006 as submitted.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by David Jordan, SECONDED by Sean Parks to approve the February 24, 2006 minutes as submitted.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by Nadine Foley, SECONDED by David Jordan to approve the March 31, 2006 minutes as corrected.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by David Jordan, SECONDED by Sean Parks to approve the April 19, 2006 minutes as submitted.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

MOTION by David Jordan, SECONDED by Sean Parks to approve the May 15, 2006 minutes as submitted.

FOR:	**Newman, Foley, Parks, Dunkel, Dupee, Jordan**
ABSENT:	**Carey, Elswick, Schue**
AGAINST:	**None**
MOTION APPROVED:	**6-0**

Keith Schue arrived after the minutes were approved.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.02.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED TEMPORARY HOUSING, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; ADDING SECTION 10.02.03, PROVIDING FOR TEMPORARY HOUSING FOLLOWING A DISASTER IN THE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Director, Customer Services, said the purpose of this ordinance was to have provisions in the Land Development Regulations (LDRs) for temporary residential, commercial and industrial uses/housing following a disaster. This ordinance would prevent the utilization of hurricane or disaster related units for an undetermined length of time after a disaster.

There was agreement with Mr. Schue's suggestion to replace "Housing" with "Structure" on page 2, section 10.02.03.

There was discussion regarding the one-acre lot size restriction. Melanie Marsh, Assistant County Attorney, explained that recreational vehicles or travel trailers could be temporarily placed on smaller lots.

MOTION by David Jordan, SECONDED by Sean Parks to approve ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.02.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED TEMPORARY HOUSING, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; ADDING SECTION 10.02.03, PROVIDING FOR TEMPORARY HOUSING FOLLOWING A DISASTER IN THE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USE ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTIONS 3.01.03 LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Diesbourg explained that a land use had been inadvertently omitted from the updated matrix of land uses.

MOTION by David Jordan, SECONDED by Sean Parks to approve ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTIONS 3.01.03 LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.02.01(3)(C), LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LOT OF RECORD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Diesbourg explained that this was to correct a grammatical error in the Land Development Regulations (LDRs).

There was agreement to correct errors on page 2, item 4 and another at the bottom of page one.

MOTION by Sean Parks, SECONDED by David Jordan to approve as corrected AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.02.01(3)(C), LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LOT OF RECORD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.07.05, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, TO REQUIRE DEVELOPERS TO MARK SUBDIVISION ROADWAYS IN ACCORDANCE WITH FDOT STANDARDS AND PROVIDE TESTING REPORTS TO THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The purpose of this ordinance is to require that roads within subdivisions shall be in marked in accordance with State standards.

MOTION BY David Jordan, SECONDED by Keith Schue to approve ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.07.05, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, TO REQUIRE DEVELOPERS TO MARK SUBDIVISION ROADWAYS IN ACCORDANCE WITH FDOT STANDARDS AND PROVIDE TESTING REPORTS TO THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FUTURE LAND USE ELEMENT (FLUE)

Objective 12 Development of Regional Impact (DRI)

MOTION by David Jordan to delete policy titled "Integration of the DRI Process with Local Comprehensive Planning."

The motion died for lack of a second.

In response to a comment from Nadine Foley, Ms. King said that sentence from the March draft has been restored and it is now on the screen. Mr. Parks thought the Local Planning Agency (LPA) should be notified regarding all DRI workshops and that those meetings should be advertised for LPA attendance. He stated that he thought the LPA should have more information about the DRI before it receives the staff report and is asked to vote at the transmittal hearing.

Melanie Marsh, Assistant County Attorney said, decisions on future land use were quasi-legislative and ex-parte would not be an issue, however rezonings are quasi-judicial and that could be an issue. Ms. King said some LPA members wanted to have input on the development order, which is quasi-judicial. Mr. Parks said he was only concerned with information relative to the land use. Richard Dunkel thought the LPA should be made aware of such large developments. Ms. Marsh said quasi-judicial decisions must be made on the information presented at the hearing, and said she would do additional research on this issue.

Chairman Newman said the LPA is only asking for more information on DRIs. Mr. Jordan thought this information should be available without having to include policy in the Comprehensive Plan. Ann Dupee said the purpose of DRI charettes is to gather preliminary information and cautioned against decisions being made before all of the information is available.

Ms. King said staff does not support this policy. She said if a DRI project has the necessary Future Land Use then the LPA's goal has been met. In those cases where a land use change is required the LPA can continue the hearing to allow more time for review.

PUBLIC COMMENT
Bill Turnbull expressed his concerns with development, energy use and world conditions. On a local level he voiced his concerns about the impact of growth on schools, water and transportation.

Nancy Fullerton thought the LDRs could address these concerns regarding DRIs and said a rule could be written to ensure DRI information was promptly disseminated. She added that the LPA should receive copies of all the applicant's information.

Chris Belflower agreed that the LPA should be involved in the DRI process early.

Objective 13 Public Facilities and Services
No comment.

Objective 14 Intergovernmental Coordination
There was discussion that new Joint Planning Agreements (JPAs) will be added as they are adopted and a reference to MyRegion.org will be included. Richard Dunkel commented on including sector planning. Carol Stricklin, Director of Growth Management, said staff would develop a work plan to investigate the possibility of Sector Planning for Lake County. However, she said the Board of County Commissioners (BCC) didn't want to have sector planning interfere with or delay the completion of the 2025 Comprehensive Plan. Ms. Stricklin said Comprehensive Plan references to sector planning would be based on the Future Land Use but would not designate specific areas. Ms. King said sector planning has legislative restrictions and commented that the 2025 Plan will have the Rural Areas Plan and the Historic Village designation to help facilitate small area plans.

There was consensus to support Mr. Schue's suggested language regarding the implementation of the Wekiva River System's designation as a Wild and Scenic River.

PUBLIC COMMENT
Nancy Fullerton commented on the importance of the water supply plan and there was a consensus to add that to this objective.

There was discussion on Ms. King's suggestion to remove the list of specific JPAs.

MOTION by Ann Dupee, SECONDED by David Jordan to include a statement saying the County shall enforce the adopted JPAs with the cities and towns to address future annexation boundaries, provision of services and facilities and land use compatibility. The JPA shall also include an agreement on future densities and intensities of properties that may be annexed and a procedure to resolve any future conflicts or disputes, it shall also include criteria for when and how to amend the JPA boundaries.

Mr. Parks thought a list of the adopted JPAs should be included. Ms. Foley suggested a paragraph for each individual JPA that could acknowledge any unique features of that area.

FOR:	**Dupee, Jordan**
ABSENT:	**Carey, Elswick**
AGAINST:	**Parks, Newman, Foley, Schue, Dunkel**
MOTION DEFEATED:	**2-5**

There was a five-minute break at 10:15.

Ms. King suggested adding to the list of cities language such as "included but not limited

to" in order to avoid amending the Comprehensive Plan as JPAs are adopted. She also stated that JPAs are contracts and if one or more of those contracts are broken that a Comprehensive Plan Amendment would be necessary.

Objective 15 Utilities
There was consensus to remove "single family" from the second paragraph and "by municipalities" from the first paragraph.

Ms. Dupee questioned "shall discourage the expansion of service areas" in the second paragraph under Provision of Central Services.

Mr. Dunkel suggested "individual on-site waste water treatment and disposal system" in place of "septic tanks." He thought this policy should be general and that a private package plant to enable clustering should be allowed.

Mr. Schue said central utilities should not be expanded into rural areas unless "a health or environmental problem" precludes any other feasible solution.

MOTION by Sean Parks, SECONDED by David Jordan to revise the third paragraph under provision of Central Services as follows (changes in italics) "Require that new development outside of the Urban Land Use Series shall not be designed nor constructed with *public* central water and/or sewer systems. Public and private central systems may be permitted in the future *in clustered developments and* if it is clearly and convincingly demonstrated by the proponents of the system expansion that a health or *environmental* problem exists in a built ….."

FOR:	**Newman, Foley, Parks, Dunkel, Jordan**
ABSENT:	**Carey, Elswick**
AGAINST:	**Dupee, Schue**
MOTION APPROVED:	**5-2**

Chairman Newman asked that it be placed into the record that the LPA appreciated all of Tom Wheeler's hard work and the many contributions he has made.

Methods of Managing Stormwater
Ms. Dupee commented that county-wide contributions should be required to cover stormwater costs to ensure that everyone is contributing to the cost of stormwater management. Ms. King said that would be a matter for the code and she would discuss it with the County Attorney's Office.

Objective16 Affordable Housing
There was agreement to remove "Alternative Density Option to encourage development of" from the first paragraph under Incentives and add "Urban Land Use Series" after "affordable housing opportunities."

MOTION by Keith Schue, SECONDED by Sean Parks, to read "permitted reduced

lot sizes and open space requirements outside of the Wekiva Ocala Area and the Green Swamp."

Staff agreed with Ms. Foley suggestion to use "where allowed" instead of enumerating specific locations.

Mr. Schue stated that there ought to be no ambiguity between the policies and did not want to have competing objectives. There was extensive discussion.

Mr. Schue reread motion as follows "Permitting reduced lot sizes, duplexes, zero-lot line, triplex structures and clustered developments. Permitting reduced open space requirements outside of the Wekiva Study Area, Wekiva River Protection Area and the Green Swamp Area of Critical State Concern."

Mr. Jordan was very concerned about the legality of excluding affordable housing from specific areas and said this motion would affect policy in the Housing Element as well.

Mr. Dunkel was concerned about these rules being too restrictive because the Wekiva area regulations are still being written.

Ms. Foley said she would not support referencing specific areas in this policy.

FOR:	**Jordan, Schue**
ABSENT:	**Carey, Elswick**
AGAINST:	**Newman, Foley, Parks, Dunkel, Dupee**
MOTION DEFEATED:	**2-5**

PUBLIC COMMENT
Nancy Fullerton said she was representing Rob Kelly and the Citizens Coalition of Lake County (CCLC). She communicated his concern that this affordable housing policy could be mis-used by developers to increase densities.

Objective 17 Protection of Private Property Rights
No comment.

Objective 18 FLU Plan Amendment Standards of Review
Ms. King said the consultant had been concerned over the legality of this objective and said the County Attorney's Office would review this.

There was discussion between Mr. Jordan and Ms. King regarding "build-out" and the accommodation of growth. Ms. King said the State requires comprehensive plans to plan for the population projections of BEBR.

Mr. Parks felt strongly about standardized methods for the review of Future Land Use amendments. He discussed his suggested standards for review. He was particularly concerned about the developers providing an adequate demonstration of need and the

calculation of the fiscal impacts. Ms. King said staff recommends these procedures be placed in the LDRs.

Mr. Dunkel commented on the importance of having the population figures before the LPA proceeds further.

Ms. King said each element must be addressed during review of FLUM amendments and said staff remains concerned over the amount of detail in the 2025 Comprehensive Plan. LaChea Parson, Assistant County Attorney, said both the LDRs and Comprehensive Plan are 'law' and both are enforceable.

Ms. Foley thought this could be condensed into a simple framework to provide for appropriate LDRs. Ms. Marsh said it was the County Attorney's recommendation that nothing procedural should be put in the Comprehensive Plan. She added that procedures in the LDRs could be amended easier than amending the Comprehensive Plan.

There was a break for lunch at 12:05 p.m.

Ms. Marsh said she had reviewed Objective 18 during the lunch break and said Ms. King was typing her suggested language regarding the Framework for Review. Ms. Marsh said the Standards for Amending the Urban/Rural Series Boundary should be more general. In the remainder she suggested the sub-titles be bulleted items and that the text be reserved for the LDRs. It was agreed to wait for Ms. Marsh's comments at a later meeting.

Mr. Schue wanted to require that traffic assessments be available in time for adequate review, although it did not have to be in the Comprehensive Plan.

After some discussion a majority of the LPA agreed with staff's recommendation to delete policy regarding when a Planned Unit Development (PUD) ordinance would have to be amended. (Mr. Jordan returned from lunch at 1:30.) There was consensus to include the language suggested by Ms. King stating that land use plans must be consistent with the Comprehensive Plan.

PUBLIC COMMENTS

Robert Curry referred to State/Federal Agency Review and suggested that conservation easement be included with "owned lands." Alfredo Massa, Senior Planner, said staff would do more research on that language.

Ms. King addressed the antiquated lots situation and said staff was recommending incorporating the current LDRs as Comprehensive Plan policies with the addition of a year long time frame for staff to determine those lots eligible for variances. Anita Greiner, Senior Planner, Customer Services described some of the subdivisions that staff thought would be considered for special policies, which would address issues such development pattern consistency. There was discussion on the number of buildable lots as this could create and how the Wekiva vesting policies would affect lots in that area.

Mr. Jordan said the issue would be the process developed to address these situations. Ms. Greiner said in order for lots to be buildable they must be consistent with the land use, and added that variances were not an option in the Wekiva and Green Swamp areas. Ms. Greiner said staff could develop vesting criteria and provide additional data.

MIXED USE DISTRICT
Ms. King said currently there is not a zoning category corresponding directly to the Mixed Use District Planned Unit Development (PUD) and there will not be one until new LDRs are adopted. Because of that she suggested PUD applicants within this district be required to answer "DRI-type" questions. Ms. King explained that not all PUDs are required to have a residential component and said the amount of required residential could be linked to the size of the Mixed Use development.

Mr. Dunkel thought policy should be flexible to allow for consideration of adjacent uses.

Ms. Dupee was concerned about adequate space for commercial uses and didn't think this policy should be used as a way to increase residential densities.

Mr. Schue thought the policy should preclude developments in this district from being entirely residential and he was concerned that the acreage requirement should not be too low. Mr. Schue stated that the MXD category would be incorrectly applied if it allows for development that is entirely residential or entirely commercial. He said that the category should specify appropriate ratios.

LPA agreed some residential uses should be included. Ms. King said the intent of this district was to allow for more creative development patterns. She said the range of residential had not been decided upon, nor the minimum size.

Mr. Schue thought smaller land parcels were less likely to be developed with mixed units.

Mr. Dunkel said that depending on the surrounding uses, the MXD should not necessarily be required to have residential and commercial.

MOTION by David Jordan, SECONDED by Ann Dupee to review staff's recommended language defining Mixed-Use Developments.

The motion and second were withdrawn.

OPEN SPACE
Mr. Schue clarified that his position on open space was to apply the description of open space to the entire County, but not necessarily at the same percentage as in the Wekiva. Ms. King said in the Urban Land Use Series the percentage of open space would be different within those different categories. Mr. Schue did not believe that areas on private lots could be defined as open space.

Mr. Jordan said the percentage of open space could be flexible within certain limited

categories, such as the Mixed Use and the High Intensity Development District (HIDD) in order to accommodate innovative design.

Ms. Stricklin said the Department of Community Affairs (DCA) had notified the County that effective July 1, 2006 sanctions have been imposed on the County and Future Land Use Amendments would not be approved. She explained the reason for the sanction was that the Evaluation and Appraisal Report (EAR) amendments had not been adopted. Ms. Stricklin said the Wekiva Ordinance can be transmitted for review but it won't be adopted until the new Comprehensive Plan is adopted.

Ms. King said staff had recommended that nothing with the appearance of a FLUM amendment be transmitted. However, one of the maps voted to be transmitted with the text of the ordinance had densities associated with it. The LPA confirmed that had not been their intention. Ms. King said staff is working to compile supporting data for the Ocala Corridor and said staff will recommend that the Wekiva Ordinance policies apply only to the Wekiva River Protection Area and the Wekiva Study Area and to not extend the policies further north as part of the upcoming Wekiva Ordinance.

Mr. Jordan's said when the 2025 Comprehensive Plan was transmitted it would contain broader policies and text than was included in this transmittal. Ms. King repeated that data would have to be compiled to support the inclusion of lands north of the Wekiva Study Area. Mr. Schue said the Wekiva Ocala Greenway Corridor has been recognized as a Florida Forever priority. He did not believe DCA would object to this broader approach. Ms. King said the transmittal would be sent to the BCC and the staff would recommend to the BCC that the ordinance be limited only to the Wekiva River Protection Area and Wekiva Study Area because staff does not have the necessary supporting data. Mr. Schue didn't agree and asked staff to uphold the decision of the LPA. Mr. Jordan said in the end everything they have recommended will be sent to the BCC and he thought they should support staff.

PUBLIC COMMENT
Chris Belflower was concerned about the staff recommendation to remove the policies protecting the Wekiva Ocala Corridor. He said there was data available to support protection of that corridor.

There was discussion regarding the BCC transmittal workshops, hearings and Sunshine Law concerns. Mr. Parks suggested advertising their attendance. Several members said the transmitted plan would be speaking for them and stressed the importance that the LPA speak with one voice.

The Chair adjourned the meeting at 3:20 p.m.

Donna R. Bohrer	Keith Schue
Office Associate III	Secretary