

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
JUNE 15, 2007**

The Lake County Local Planning Agency met on JUNE 15, 2007 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Sean Parks	At-Large Representative

Members Absent:

David Jordan, Vice-Chairman	District 1
Cindy Barrow	School Board Representative

Staff Present:

LeChea Parsons, Assistant County Attorney
Wayne Bennett, AICP, Planning Director, Planning & Community Design
Brian Sheahan, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design
Ashley Sneed, Intern, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:03 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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There was discussion regarding the financial disclosure forms that need to be filed with the Supervisor of Elections.

Chairman Foley said at a recent Board of County Commissioners (BCC) meeting it had been noted that failure to complete and transmit the 2025 Plan could jeopardize some funding from the State. She said it was a “clarion call” for completion of the Comprehensive Plan.

Brian Sheahan, AICP, Chief Planner, said the Objections, Recommendations and Comments (ORC) Report from the Department of Community Affairs (DCA) on the Wekiva Ordinance had been received and said staff would be working on the response. Keith Schue thought the LPA should discuss the ORC response. Mr. Sheahan said it was normal procedure for staff to address ORC reports and take them back to the BCC. Chairman Foley said they should be focused on finishing the Comprehensive Plan and that interested members may want to meet with staff. Mr. Schue thought the LPA should be informed if the final response was substantially different than what was transmitted. Rob Kelly voiced concern about any “softening” of the ordinance and that the intent should remain unchanged. Mr. Sheahan said most of DCA’s comments referred to insufficient data and analysis to support the policies. Chairman Foley said some of the objections pertained to the LPA’s unfinished work. Mr. Schue suggested sending the draft FLUM map to the DCA. Sean Parks said he supported staff responding to the ORC and Chairman Foley agreed. Michael Carey thought if anything the ORC sought stronger regulations not softer ones and said he was ready to move on with their work.

Mr. Sheahan said a copy of a letter sent by the Business Council of 100 to some landowners was included in the LPA member’s packets. He said several landowners had contacted the County and staff had explained that the LPA was still reviewing commercial properties in the County. Peggy Belflower said this type of misunderstanding would arise because some commercial properties were mapped as residential until such time as the LPA completed their review of commercial properties. The LPA repeated that it was their intention to not interfere with the rights of land owners to pursue allowed commercial endeavors on commercially zoned property. In response to a question from Mr. Kelly, Mr. Sheahan said he was not aware of the previous existence of that group nor was he aware of them contacting staff before sending this letter to residents. The LPA discussed inviting this group and the Chambers of Commerce to discuss the LPA’s intention regarding commercial policies. Mr. Parks thought the Business Council of 100 was a cross-section of businesses. The LPA agreed to invite the Chambers and the Business Council of 100 to the July 19, 2007 meeting.

The June 28, 2007 meeting was cancelled because of a lack of quorum and additional meetings were scheduled for July.

Mr. Sheahan said Mr. Bennett would be present at 10:00 a.m. to discuss Rural Support and noted the most recent copy of the Future Land Use Element (FLUE) had been provided to the LPA. He said staff would like to review Policy 7.7.10, Development Review Policy, because it was written as an Objective and he suggested a different

location for that policy. He said staff would like to update the FLUE and return the draft to the LPA in the strike-through and underline format. Mr. Sheahan asked that any LPA members aware of any minor, non-substantive changes or grammar corrections to please contact staff individually.

Mr. Sheahan said, per the direction of the LPA, an exemption had been added for existing subdivisions in the Rural Transition future land use. After some discussion, there was a general consensus to have staff draft similar policy applicable to the entire Plan. Mr. Sheahan said staff would draft policy for the LPA's review on non-conforming uses and existing anomalies. During discussion about making the Plan easy to read, Mr. Sheahan said this issue could be cross-referenced in the Land Development Regulations (LDRs).

Mr. Schue reviewed his comments on the Rural Land Use policies, including additional minor changes to Objective 1.3, Policy 1.3.3 and Policy 1.3.4. Mr. Parks suggested including landfill siting criteria in order to ensure landfills would not adversely impact the environment or neighborhoods.

There was consensus with the text revisions shown on the screen for the Rural Transition Density and other changes suggested by Mr. Schue.

RURAL SUPPORT

Wayne Bennett, AICP, Planning and Community Design Director, said he would begin his comments with #3. He read his suggested language which included consistency with the use of intersection/interchange. He said staff was opposed to the Rural Support district as an overlay because staff believed it was more appropriate as a land use district. Mr. Schue thought if Rural Support was a FLUC it would have to be mapped on a parcel basis. Mr. Kelly said although staff had other preferences that the LPA had decided on a different direction and he hoped staff would support them. Mr. Bennett said staff would not support it before the BCC and said staff would give the BCC their opinion and the Commissioners would make the final decision. Mr. Schue discussed his objections to having a Rural Support FLUC and thought an overlay would make the FLUM clearer.

Mr. Bennett said it was staff's position as a matter of principle that allowing a specific use at a specific location should be done as a FLUC not as an overlay. He said overlays are used to establish design requirements on FLUCs. Mr. Kelly thought Rural Support was a hybrid between a FLUC and a design requirement. He thought it would be more appropriate as an overlay and to maintain parcel based FLUCs. Mr. Bennett said Rural Support did not have to be shown as parcel specific on the FLUM, but could be shown as a circle on the map. Mr. Schue agreed that it could be possible to physically define the future land use in the text rather than on the map. Mr. Bennett said landowners would have a parcel based zoning consistent with the text and noted that some landowners may have to do a lot split in order to apply for Rural Support uses. Mr. Kelly asked how the overlay and land use approaches were different. Mr. Bennett said the FLUM would then contain all of the things that designate uses. Mr. Schue asked about a landowner who wanted to have a residential use at a Rural Support location and asked if all three rural residential densities would be possible. Mr. Kelly asked how this would affect parcels

with split future land use and the 1320 foot allowance. Mr. Carey said he would like Mr. Bennett to have an opportunity answer the question. Mr. Bennett said the LPA would need to consider if they wanted to allow residential uses to take up one of the intersections. In order to avoid a proliferation of Rural Support Districts, he suggested allowing residential as an accessory use to the principle use. He said because the districts are small, if a house was built it would diminish the land available for Rural Support uses, which could create the potential for another Rural Support District because Non-Rural Support uses have consumed the district.

Mr. Parks was concerned about the requirement for a study and asked who would conduct them and that he didn't think taxpayers should pay for it. Mr. Kelly and Mr. Schue thought the County should control the study not a developer. Mr. Parks said he trusted staff to evaluate reports for accuracy.

Mr. Carey said Mr. Bennett was present to discuss Rural Support but that LPA members were talking to each other. He questioned how much time Mr. Bennett had available.

Mr. Kelly asked how residential could be allowed in the Rural Support Future Land Use Category assuming the LPA agreed with that. Mr. Bennett said residential could be an accessory use up to and including 2,000 (for example) of the 5,000 square feet Floor Area Ratio (FAR) in each quadrant of the intersection. Mr. Kelly and Mr. Schue were concerned with the number of possible units. Mr. Bennett suggested that only one unit would fit on any one quadrant, however, a Rural Support overlay would only allow one residential unit.

PUBLIC COMMENT

Jon Pospisil thought the three mile distance limitation could allow too many businesses in rural areas and he thought a minimum distance requirement should, also, apply to cities because of their urban uses.

Bob Curry said the Rural Transition FLUC includes allowable non-residential zonings, such as mines and active parks so Rural Support would not be unique in having non-residential uses within a residential FLUC. He said Rural Support had been defined in the Plan so those limitations would be applicable to commercial uses in rural areas although the same controls could be put in an overlay, without making a Rural Support a FLUC. He said the intersections identified for Rural Support are already divided into small lots and each Rural Support application would have to be reviewed individually. He did not believe Rural Support should be a FLUC, and he thought the LDRs and Zoning could control Rural Support. He discussed how the current regulations operated and said changes made now would make the existing uses non-conforming.

Mr. Carey thought they had been trying to design how certain rural areas are going to look and because Mr. Bennett said overlays were primarily a design tool, he thought the overlay would work best. Mr. Schue understood Mr. Bennett's concern and said he thought it could work either way. He was concerned that two different recommendations to the BCC could result in something neither staff nor the LPA wanted. Mr. Kelly

discussed Mr. Curry's comments about having FLUCs for other uses and Mr. Parks said some jurisdictions have only a Comprehensive Plan. Mr. Bennett said in his experience overlay districts can not modify uses in underlying zoning districts and said the same principle applied to maps. He did not believe the County could be successful in Court because those uses were modified without due process. Mr. Schue said that the underlying FLUC could be defined to allow for Rural Support, provided that an overlay district was assigned to specific locations. He thought the difference was primarily semantics. Mr. Bennett said overlays that change density, intensity or use affect the property rights of land owners. He preferred a FLUC because it defines use, density and intensity, however, if it is an overlay district there would be future land uses "a" and "b."

Chairman Foley asked if the Rural Support issue was too complicated for the Comprehensive Plan and if it should be in the LDRs. Mr. Schue was concerned about losing control over these uses. Mr. Bennett thought they were headed in the right direction; and said because staff was uncomfortable with an overlay district, the remaining choices were a Rural Support FLUC or embedding this use into the other Rural FLUCs. Mr. Parks said overlays could not contradict the underlying density and intensity in the FLUC. Chairman Foley asked if this degree of detail was appropriate for rural land uses. Mr. Bennett believed it was safer to have specific Rural Support future land use category but said staff could support embedding commercial uses in other FLUCs. He thought commercial should be embedded in urban FLUCs and defined by FLUC in rural areas.

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

There was discussion about the importance of the LPA and staff supporting the same policies. Mr. Kelly asked Mr. Bennett about having proposed Rural Support FLUC language for their review before the next meeting.

Mr. Bennett said if they would like him to consider anything in addition to this language to please e-mail it to him. Mr. Kelly was concerned about the number of Rural Support areas because rural residents do not want a lot of commercial. Mr. Schue thought changing the word "category" to "overlay" might be fairly simple. Mr. Bennett said there were two types of rural support, either at designated intersections or corridors. There was general agreement to place the Rural Support areas on the map, to enumerate them in the text and to discuss draft language at the next meeting. Mr. Bennett said he would try to have a draft Tuesday morning.

PUBLIC COMMENT

Lowery Brown discussed the difference between open space and areas that are simply not maintained. He suggested using open space creatively with passive and active recreation, equestrian uses and low impact agriculture. He had a list of some allowable uses.

Mr. Schue said he wouldn't support uses requiring structures over more passive uses. Chairman Foley said with management plans she could agree with many of the uses on Mr. Brown's list and said open spaces used by residents are better maintained than those

not used. Mr. Parks was concerned about impervious surfaces associated with some of these uses. Mr. Sheahan said that level of detail was more appropriate for the LDRs. Vicki Zaneis discussed how equestrian uses could be compatible with required open spaces and thought equestrian communities could deter some annexations.

Jon Pospisil suggested considering the desires of the residents to have more active uses in their open space and noted that could decrease the number of car trips. He said he would support including equestrian uses in open space and said very limited active recreation facilities would not necessarily take up too much of the open space.

Mr. Schue said he respected Mr. Pospisil but he could not support this proposal and suggested reducing the size of individual lots to provide for active recreation.

Bob Curry thought there was conflicting language regarding conservation easements and open space. Mr. Schue explained that conservation easements could be located in any future land use, including within subdivisions or mitigation banks. Mr. Sheahan said easements are commonly found in several FLUCs. He said recreational facilities in the Public Service Facilities and Infrastructure (PSFI) FLUC were designated as active or passive and if the LPA agreed that could be added to the text.

There was consensus with the language shown on the screen in PSFI Policy 1.5.2. The LPA discussed conditioning passive and active recreation uses in the PSFI FLUC. Mr. Sheahan said this FLUC had been applied generally to existing facilities and any new facilities would be subject to the Comprehensive Plan amendment process. He thought only landfills should be subject to a conditional use process because this FLUC is for government uses and having a conditional use requirement would in effect mean that government was regulating itself.

There was consensus to retain Policy 1.3.7 regarding Open Space and that only landfills and borrow pits would be subject to a CUP in PSFI Policy 1.5.2.

The Chair adjourned the meeting at 12:25 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary