MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

June 21, 2006

The Lake County Local Planning Agency met on MONDAY, JUNE 19, 2006 at 9:00 a.m. in the Trillium Building, 28334 Churchill Smith Lane, Mt. Dora, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations (LDRs).

Members Present:

David Jordan	District 1
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

Members Absent:

Ann Dupee	District 2
Michael F. Carey	District 3

Staff Present:

Gregg Welstead, Deputy County Manager
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Deputy Director, Growth Management Department
Brian Sheahan, Chief Planner, Comprehensive Planning 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.

TABLE OF CONTENTS

AGENDA DESCRIPTION	**PAGE NO.**
Discussion on Mixed Uses	3
Open Space Definition	6
Discussion on Population Projections	6
Aquifer Recharge Sub-Element	8
Sanitary Sewer Sub-Element	8
Solid Waste Sub-Element	8
Conservation Sub-Element	8
Potable Water Sub-Element	9
Economic Development Element	9
Housing Element	10

Brian Sheahan, Chief Planner, Comprehensive Planning said the Wekiva Ordinance would be brought back before the LPA to address issues raised by staff.

Mixed Use Development (MXD)
The LPA agreed to continue discussion on the Mixed Use Development (MXD) category. Sean Parks said he had reservations after the last meeting about removing the Mixed Use land use category. Amye King, Deputy Director, Growth Management said the Board of County Commissioners (BCC) had expressed a desire to have a Rural Conservation Subdivision policy and a Mixed Use Category. Ms. King stated that the Mt. Plymouth-Sorrento Planning Advisory Committee (MPSPAC) had recommended the MXD for their Main Street District.

Richard Dunkel passed out a document from Steve Adams, Land Planning Group (LPG titled "Mixed Use Development/Traditional Neighborhood Development District (MXD/TND.)"

Ms. King said during discussion about incentives to encourage MXDs and TNDs in the Urban Land Use Series, that the category had been deleted. She said staff was requesting those categories be reinstated and said the Future Land Use Map (FLUM) could define those areas. Keith Schue thought there was concern about locating MXD appropriately because it was an urban category. He thought MXD should be an Overlay so there was a "cap" on density and it should be mandatory in some areas. Mr. Parks stressed the importance of incentives for the MXD and thought it should be available as a future land use.

Ms. King said staff was recommending TNDs in the urban series, she said additional layers of review would be provided by the rural area policies, the master plan requirement and the Planned Unit Development (PUD) process. Mr. Jordan and Ms. Foley agreed with retaining TND as a category.

Mr. Dunkel suggested creating criteria for MXD. Mr. Schue suggested locating MXD close to areas of higher density. Mr. Parks thought proximity to areas of medium density would be appropriate. Mr. Parks and Mr. Schue discussed MXD as an overlay district as opposed to a land use category.

Anita Greiner, Senior Planner, Customer Services, discussed the planning goals of the MPSPAC. She said that plan was dependent on a mixed-use category.

MOTION by David Jordan, SECONDED by Richard Dunkel to include the Mixed-Use District as a future land use category.

Mr. Schue wanted it to be clear that he supported the MPSPAC and MXD within that area.

PUBLIC COMMENT
Susan Brooks thought overlays would guide the use of the MXD category and said mixed

uses were part of the Mt. Plymouth-Sorrento area plan.

Robert Curry supported MXD in general but acknowledged there could be some problems with implementing it and thought it should meet urban criteria. He asked how the densities would be computed and then suggested not counting the commercial portion.

Greg Beliveau, LPG, presented a handout to the LPA showing Comprehensive Plan policies from nearby counties. He supported MXD and discussed some areas in which it had been used successfully. He said in areas with different densities the Comprehensive Plan required a Planned Unit Development (PUD) for MXD.

Peggy Belflower was very concerned about MXDs in rural areas because she believed it could be exploited. She thought it should be restricted to specific locations close to municipal areas.

Steve Adams, LPG Environmental Permitting Services, suggested two MXD categories with different densities.

Mr. Schue thought MXD should be an overlay or it should be tied to the urban land uses. He remained concerned about allowing MXD in rural areas.

MOTION by David Jordan, SECONDED by Sean Parks to have a Mixed Use category, to develop criteria and then place it on the Future Land Use Map.

Chairman Newman clarified that the motion was to take the designation off the map, keep the category and start over.

Mr. Dunkel supported MXD as a future land use designation because he thought that as an overlay it might not be used. He said even in rural areas it could cut down on traffic and thought staff could bring criteria back to the LPA.

Mr. Jordan restated that the amendment was to take MXD off the map.

FOR:	**Newman, Foley, Parks, Dunkel, Jordan, Elswick**
ABSENT:	**Carey, Dupee**
AGAINST:	**Schue**
MOTION PASSED:	**6-1**

Chairman Newman said this vote would be on the amended motion "to keep the MXD category, but to remove the MXD off the map".

FOR:	**Newman, Foley, Parks, Dunkel, Jordan, Elswick**
ABSENT:	**Carey, Dupee**
AGAINST:	**Schue**
MOTION PASSED:	**6-1**

MOTION by Sean Parks to have staff investigate having two MXD categories, one

for the transitional area and one for Urban.

Chairman Newman said Mr. Parks' motion had been declared as a non-motion before Mr. Dunkel had seconded it and asked if someone would like to rephrase the motion.

MOTION by Richard Dunkel, SECONDED by Sean Parks to have staff make recommendations on how to implement a Mixed Use Category.

Mr. Schue repeated that the Mixed Use Category was incompatible with rural areas and thought separate MXD categories should be matched to each land use. Mr. Jordan agreed that Mixed Uses were not appropriate in rural areas, but thought the category should be retained to allow innovative design. Mr. Parks said mixed uses already exist in rural areas and said this would be planning for rural communities, not shopping centers.

David Jordan called the question.

FOR:	**Newman, Foley, Parks, Dunkel, Jordan, Elswick**
ABSENT:	**Carey, Dupee**
AGAINST:	**Schue**
MOTION PASSED:	**6-1**

Vote on the motion.

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

Mr. Dunkel said he thought, based on discussion with a county commissioner that a smart growth audit would be done on the Comprehensive Plan. He was concerned that innovations could be stifled if the Comprehensive Plan included policies that should be in the Land Development Regulations (LDRs). Ms. King said the Smart Growth audit had been suggested to review the County's processes in their totality, not just the Comprehensive Plan.

There was a five-minute break at 10:20 a.m. Becky Elswick had to leave the meeting and will return later.

Ms. King said staff would like to review the most recent draft of the FLUE and the Executive Summary.

There was discussion that all definitions be included in one location in the Comprehensive Plan. There was agreement to clarify the definition of conservation easement by changing "same" to "statute." Ms. King said staff would be adding some definitions specific to the Wekiva area.

In response to comments from Mr. Jordan regarding page 58, Ms. King said that it is a "place holder" for the Wekiva policies and they decided to make the language regarding

the recommendation of the LPA clearer.

There was consensus with Mr. Schue's suggestion to add language under Rural Transition Density, such as "Alternative development may be permitted within the Rural Transitional Future Land Use Category at one dwelling unit per five acres net buildable acres if dedicated open space is not provided."

Mr. Parks said the Rural Area Overlay should be added to the table on page 15.

Mr. Jordan discussed his concerns about population projections including the required use of Bureau of Economic and Business Research (BEBR) projections and that the municipal populations could not be taken into consideration. Mr. Dunkel agreed and said there were other problems in determining the FLUM inventory. Alfredo Massa, Senior Planner, Comprehensive Planning, presented population information to the LPA. In response to a comment from Ms. Foley, he said this information had been provided earlier for the Data, Inventory and Analysis (DIA).

PUBLIC COMMENT
Robert Curry said open space was not defined in the Future Land Use Element (FLUE) and said there were two types of open space.

OPEN SPACE MOTION

MOTION by Keith Schue, SECONDED by David Jordan to apply the Open Space definition written for the Wekiva area throughout the County.

Ms. Foley said the definition of Open Space was also in the Recreation Element.

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

DISCUSSION ON POPULATION PROJECTIONS
Mr. Massa noted some of this data dated back to the first FLUM discussions but said the numbers were "still in the ballpark" and said the percentages would still be accurate. Mr. Massa said calculations based on the most recent draft FLUM would be available at the next meeting.

Mr. Jordan said the Population Projection was an estimate of the number of people, whereas the Projected Population by Land Use Categories was more of a density "inventory" based on land uses. He said Mr. Dunkel's question was about comparing the population allocations on the adopted FLUM with the proposed FLUM. Mr. Jordan said because local governments have to "make room for whatever is coming" they can't really 'vision' for their communities.

Mr. Schue commented on the "carrying capacity" of the land and discussed the projected population of the municipalities. Mr. Massa said the projections from the cities could possibly include areas intended for annexation. Ms. Foley said the JPAs would increase coordination on planning issues and annexations between the County and the Cities. Ms. King said the County's Comprehensive Plan can't be based on the cities' plans and stressed the importance of joint planning and intergovernmental coordination. Mr. Dunkel said the population projections determine how "aggressive" the LPA has to be with the land uses. Mr. Jordan said population projections were a "moving target of multiple variables" and said land uses would not necessarily be zoned to reach maximum densities. He said in reality that the BEBR projected population has to be accommodated and said the question is if that BEBR number will fit into their land uses.

There was discussion on the assumptions made when calculating population projections. Mr. Parks said the population figures would be reviewed during the EAR process. Mr. Dunkel said he would like the population allocation from the current FLUM, and numbers based on the zoning. Ms. King said staff had negotiated with the Department of Community Affairs (DCA) for two years to be able to use the average of BEBR medium and high, instead of the mandated medium number. Mr. Dunkel said even after the numbers are all worked out a Development of Regional Impact (DRI) could change everything. Mr. Massa said the County's projections for the cities were based on trends. Ms. King said the municipal figures were the result of work done by the County's Demographics Team, which included representatives from the cities. Mr. Dunkel commented on the constant changes in proposed developments, possible annexations and said he wanted figures based on the current FLUM. Ms. Foley said the LPA has had these numbers "forever," she said they should deal with it and move on. Ms. King said the allocation on the current FLUM will not include the municipal populations.

PUBLIC COMMENT

Rob Kelly, President of Citizen's Coalition of Lake County (CCLC), said he was confused about mixed uses in rural areas, because he believed MXD was an urban land use. Mr. Parks said the LPA had voted to consider MXD in rural areas, but nothing had been adopted. He was concerned about misperceptions among citizens on this issue. He said not all MXDs are urban, there are rural mixed-uses.

Bob Curry said some of the policies were not located under the correct goals.

Jon Pospisil asked how uses such a boarding stable with possible farrier uses would fit into this discussion on rural uses. Ms. King said on sites smaller than ten acres those uses would be subject to a small scale amendment.

Ms. King said the Mt. Plymouth-Sorrento policies had been added to Objective 11 Overlay Districts. She said the dates on Vested Rights for antiquated plats had been changed and several other references had been corrected.

Chairman Newman left the meeting at noon and the meeting adjourned for lunch until 1:15 p.m.

AQUIFER RECHARGE
The LPA briefly reviewed this sub-element and Ms. King typed changes into the document on the screen including that "most vulnerable" should be replaced with "more vulnerable." There was no public comment.

MOTION by Sean Parks, SECONDED by David Jordan to transmit the Aquifer Recharge Sub-Element of the Public Facilities Element with a recommendation for approval.
FOR: **Foley, Schue, Parks, Dunkel, Jordan**
ABSENT: **Newman, Carey, Dupee, Elswick**
AGAINST: **None**
MOTION PASSED: 5-0

SANITARY SEWER
There was no objection to Mr. Schue's statement that "most vulnerable" should be replaced with "more vulnerable." The LPA agreed their earlier recommendations had been incorporated.

MOTION by Keith Schue, SECONDED by Sean Parks to transmit the Sanitary Sewer Sub-Element of the Public Facilities, as corrected, with a recommendation for approval.
There was no public comment.
FOR: **Foley, Schue, Parks, Dunkel, Jordan**
ABSENT: **Newman, Carey, Dupee, Elswick**
AGAINST: **None**
MOTION PASSED: 5-0

SOLID WASTE
There was agreement with Senior Hydrolgeologist Walter Woods' correction regarding Objective 7.0.
There was no public comment.

MOTION by Sean Parks, SECONDED by Richard Dunkel to transmit the Solid Waste Sub-Element of the Public Facilities, as corrected, with a recommendation for approval.
FOR: **Foley, Schue, Parks, Dunkel, Jordan**
ABSENT: **Newman, Carey, Dupee, Elswick**
AGAINST: **None**
MOTION PASSED: 5-0

CONSERVATION
The LPA reviewed the changes that had been made and reviewed the document for any corrections.

Becky Elswick returned to the meeting at 2:25 p.m.

In response to a question from Mr. Dunkel, Ms. King explained several governmental agencies were still formulating rules for the Wekiva Area.

MOTION by Sean Parks, SECONDED by David Jordan to transmit the Conservation Element to the Board of County Commissioners with a recommendation for approval.

PUBLIC COMMENT
Robert Curry referred to Policy entitled Special Protection Areas and said the Wekiva River Protection Area (WRPA) had not been included.

AMENDED MOTION by Sean Parks, SECONDED by David Jordan to include the Wekiva River Protection Area in the Special Protection Areas' policy in the Conservation Element.
FOR: **Foley, Schue, Parks, Dunkel, Jordan, Elswick**
ABSENT: **Newman, Carey, Dupee**
AGAINST: **None**
MOTION PASSED: 6-0

POTABLE WATER
The LPA reviewed the element. Changes were made to the document by Ms. King as they were discussed. There was no public comment.

MOTION by Sean Parks, SECONDED by Richard Dunkel to transmit the Potable Water Sub-Element of the Public Facilities Element to the Board of County Commissioners with a recommendation for approval.
FOR: **Foley, Schue, Parks, Dunkel, Jordan, Elswick**
ABSENT: **Newman, Carey, Dupee**
AGAINST: **None**
MOTION PASSED: 6-0

There was a five-minute break at 2:56 p.m. Vice-Chairman Nadine Foley said Sean Parks had to leave the meeting, however there still was a quorum.

HOUSING
There was consensus to accept Rob Kelly's comments on Housing at this time.

PUBLIC COMMENT
Rob Kelly, CCLC, was concerned about density bonuses for Affordable Housing and thought density incentives were not appropriate for every land use category. He referred to Policy 13.4 and thought housing might not be the best use of those public properties. Mr. Schue thought that statement had been removed. Mr. Massa said that had not been noted in the minutes and said that Policy could be discussed with the element.

ECONOMIC DEVELOPMENT

After some discussion by the LPA, there was agreement to change the title of 7.0 to Sustainable Rural Economy. In reference to Policy 7.1, Ms. Foley said the Agricultural Advisory Committee was no longer in existence. There was consensus with her suggestion to change the title to Agricultural Partnerships to reflect the relationship between the County and the agricultural community. There was a consensus by the LPA with Policy 7.1 as edited and as it appeared on the screen.

There was agreement with Mr. Schue's suggested language as was shown on the screen for 7.4 Equine Industry.
MOTION by Keith Schue to change the title from Equine Industry to Equine Economy. The motion died for a lack of second.

MOTION by Keith Schue, SECONDED by Richard Dunkel to change title of the objective to Enhance and Encourage Sustainable Agriculture and Equine Industries.
FOR: Foley, Schue, Dunkel, Elswick
ABSENT: Newman, Carey, Dupee, Parks
AGAINST: Jordan
MOTION PASSED: 4-1

There was consensus to add "office" to Objective 8.0.

PUBLIC COMMENT
Mary Anderson said she grew up in Kentucky and had heard a lot about the horse industry but she had never heard of an equine economy.

MOTION by Richard Dunkel, SECONDED by Becky Elswick to transmit the Economic Development Element to the Board of County Commissioners with a recommendation for approval.
FOR: Foley, Schue, Dunkel, Jordan, Elswick
ABSENT: Newman, Carey, Dupee, Parks
AGAINST: None
MOTION PASSED: 5-0

HOUSING ELEMENT
The concerns raised by Rob Kelly on Policy 13.4, Acquired Properties were discussed first. Ms. Foley didn't believe it was necessary to change this policy because it was located in the Housing Element. There was a consensus by the LPA to change "any" to "appropriate surplus properties." There was a consensus of the LPA to make the language consistent between Objective 16, Affordable Housing and Objective 9 in the Housing Element. There was a consensus of the LPA to amend the title from "Density Bonuses" to "Affordable Housing Incentives" and to delete a paragraph under 9.1 as shown on the screen.

There was a consensus of the LPA to delete "on an annual basis" in Objective 8 and substitute "The County shall review and amend as deemed necessary." Melanie Marsh

said the County Attorney's office would confirm that an annual review was not required by the County's housing program.

In response to Mr. Schue's suggestion on Goal HOU 2, Mr. Massa said 9J-5 in the Florida Administrative Code requires the County to address moderate income housing.

In Objective 10 Implementation, Mr. Schue thought County financing should be directed only to low and very low income residents. Ms. Foley said various federal and state programs assist with funding for moderate income housing. Ms. Foley suggested the following language "financing shall be provided through federal and state housing subsidy programs and other local initiatives."

MOTION by David Jordan, SECONDED by Richard Dunkel to use the following language in Objective 10 Implementation "financing shall be provided through federal and state funding housing subsidy programs and other local initiatives."
FOR: Foley, Schue, Dunkel, Jordan, Elswick
ABSENT: Newman, Carey, Dupee, Parks
AGAINST: None
MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by David Jordan to delete Policy 11.2, which requires developments of fifty or more units to set aside 15% of the units as multifamily, zero lot line residences.
FOR: Foley, Schue, Dunkel, Jordan, Elswick
ABSENT: Newman, Carey, Dupee, Parks
AGAINST: None
MOTION PASSED: 5-0

Mr. Schue was concerned with Objective 12.0 regarding Expedited Permitting for affordable housing. Mr. Jordan thought this was a funding requirement, Ms. Marsh said this was required in order to receive State Housing Incentive Partnership (SHIP) funds.

MOTION by David Jordan, SECONDED by Richard Dunkel to retain this policy and preserve the County's eligibility to receive SHIP funds.

During discussion on the motion, Mr. Schue suggested retaining only Objective 12.2 to meet State eligibility. Mr. Jordan suggested language similar to "the County shall expedite and simplify the development process for projects including, but not limited to..."

MOTION withdrawn by David Jordan.

MOTION by David Jordan, SECONDED by Richard Dunkel to retain Objective 12 and to insert language similar to "the County shall expedite and simplify the development process for projects including, but not limited to..."
FOR: Foley, Dunkel, Jordan, Elswick

ABSENT: **Newman, Carey, Dupee, Parks**
AGAINST: **Schue**
MOTION PASSED: 4-1

There was no public comment.

MOTION by David Jordan, SECONDED by Richard Dunkel to transmit the Housing Element to the Board of County Commissioners with a recommendation for approval.
FOR: **Foley, Schue, Dunkel, Jordan, Elswick**
ABSENT: **Newman, Carey, Dupee, Parks**
AGAINST: **None**
MOTION PASSED: 5-0

PARKS AND RECREATION ELEMENT

Ms. Foley suggested removing the reference to specific committees in Policy 1.2.
After some discussion it was decided to postpone this element because the most recent draft was not available at this time.

Mr. Schue asked for the FLUM legend to include Rural Transition 1:5 or 1:1 with 50% clustering.
After some discussion, it was decided that areas formerly designated MXD should revert to their current designations.

The Vice-Chair adjourned the meeting at 4:34 p.m.

Donna R. Bohrer	Keith Schue
Office Associate III	Secretary