

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
JULY 13, 2007**

The Lake County Local Planning Agency met on JULY 13, 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:

David Jordan, Vice-Chairman	District 1
Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower	District 4
Keith Schue, Secretary	At-Large Representative

Members Absent:

Nadine Foley, Chairman	District 5
Sean Parks	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative

Staff Present:

Melanie Marsh, Deputy County Attorney
Gregg Welstead, Deputy County Manager
Amye King, AICP, Deputy Director, Growth Management
Brian Sheahan, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

David Jordan, Vice-Chairman, called the meeting to order at 9:07 a.m. and noted that a quorum was present. He confirmed that Proof of Publication was on file in the Planning & Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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MOTION by Michael Carey, SECONDED by Rob Kelly to approve the minutes from April 13, 2007 and the April 18, 2007 meetings as presented.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

Peggy Belflower asked about the Department of Community Affairs (DCA) comments on the Wekiva Ordinance. Brian Sheahan, AICP, Chief Planner, said staff has been in contact with DCA regarding their response to the Objections, Recommendations and Comments (ORC) report. He said staff could provide copies of the response to interested LPA members. There was brief discussion regarding staff's response to the ORC and Keith Schue's comment that LPA involvement was appropriate.

There was discussion regarding scheduling additional meeting dates for the month of August.

RURAL SUPPORT

Mr. Sheahan explained the copy provided was the existing language, re-arranged, with the changes highlighted in yellow and he said the memo outlines the changes. He said this would create the provision for Rural Support imbedded in the Rural Land Use series.

MOTION by Keith Schue, SECONDED by Cindy Barrow to accept the text for the Rural Support policies as presented excluding the locations.

Mr. Kelly thought these draft policies reflected the intent of the LPA and Mr. Schue said the text had the specificity they wanted. Mr. Carey asked if commercial uses in rural areas would be directed into the Rural Transition Areas. Mr. Sheahan said commercial uses would be directed to Rural Support areas and allowed in the Rural Transition land use category. Mr. Carey thought more Rural Transition areas might be needed. Mr. Kelly said he would like to see the distance limitation changed to five miles and to include municipal boundaries.

Staff suggested the LPA review and vote on each policy to keep the record clear.

MOTION withdrawn by Keith Schue.

MOTION by Keith Schue, SECONDED by Rob Kelly to accept Policy 1.3.8 as shown.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly to accept the text of Policy 1.3.8.1, excluding the table.

Mr. Kelly preferred a five-mile limit. Mr. Schue said he would support that if it applied to locations not enumerated in the table. Mr. Kelly said it was his intention to apply the five-mile rule to new Rural Support locations. Mr. Sheahan said the zoning regulations could control this use more strictly. There was discussion regarding a five-mile limitation from municipal boundaries.

MOTION AMENDED by Keith Schue, SECONDED by Rob Kelly to approve the text of Policy 1.3.8.1 excluding the last sentence.

PUBLIC COMMENT

Bob Curry said fragmentation of lots could create problems with the Floor Area Ratio (FAR) calculations in this policy and in Policy 1.3.8.3.

FOR: Jordan, Schue, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: Carey
MOTION PASSED: 4-1

There was a short break and the meeting reconvened.

Mr. Schue discussed the locations listed in the Table in Policy 1.3.8.1. He discussed the LPA's intention to not adversely affect property rights and to protect existing commercial uses in rural areas. Mr. Sheahan said the County Attorney would address this issue at the meeting on the 15th.

Mr. Carey said he was uncomfortable saying landowners rights would be protected somewhere down the line and yet approve this language. Mr. Kelly and Mr. Schue repeated their intention not to interfere with property rights. Mr. Sheahan said existing commercial uses would be eligible to apply for vested rights and said nonconforming provisions would allow those businesses to continue. Mr. Carey said in some circumstances businesses would not be able to expand and said he was referring to businesses that rural residents did not object to. He believed this area would eventually be built out at one dwelling unit per five acres.

PUBLIC COMMENT

Bob Curry asked about existing commercial uses not located at these Rural Support intersections. He discussed businesses, such as Hendrix Feed, that would be unable to expand or modernize even though they serve the rural community.

Jon Pospisil was concerned about existing commercial uses and their ability to expand their business. He thought they should be able to compete even if that meant they needed to expand. He, also, said he would not want to see a rural business forced to close, and then to have that property developed for residential uses.

Mr. Sheahan discussed the nonconforming language in the current Plan and said criteria

could be included in the Land Development Regulations (LDRs). He said some jurisdictions have policies allowing for rebuilding or expansion of nonconforming uses under certain circumstances, which are subject to special review. Mr. Schue said he would support rebuilding businesses but was concerned about expansion. Mr. Sheahan said the nonconforming issue would be addressed at a later meeting and said this was an issue for the LDRs.

There was consensus to accept Astor Park, Lake Mack and Emerald Marsh as Rural Support Intersections. Mr. Carey said the area around CR 561 and CR 455 was not really rural and there was consensus by the LPA to not include this intersection. After some discussion regarding the intersection of CR33 and the Austin Merritt/Bridges Road, staff said an application could be filed if circumstances were appropriate. There was consensus not to add any of the other potential Rural Support Areas, to add the word “new” to the policy, and to include the five-mile restriction.

MOTION by Michael Carey, SECONDED by Peggy Belflower to accept the language shown for Policy 1.3.8.1 and the table of Rural Support Intersections.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

The LPA reviewed the Rural Support Corridors text before discussing the table. There was consensus to remove the last sentence in Policy 1.3.8.2.

PUBLIC COMMENT

Bob Curry said he agreed with the removal the final sentence in Policy 1.3.8.2.

MOTION by Rob Kelly, SECONDED Michael Carey to accept Policy 1.3.8.2 with the deletion of the last sentence and including the table enumerating the Rural Support Corridor locations.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

There was discussion on Policy 1.3.8.3 and the Floor Area Ratio (FAR) requirements.

MOTION by Keith Schue, SECONDED by Rob Kelly to accept Policy 1.2.8.3 as presented.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly to include “narrowly defined commercial and office uses” to Policy 1.3.8.

FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None
MOTION PASSED: 5-0

There was agreement to remove the quotation marks around the word “support.”

MOTION by Peggy Belflower, SECONDED by Michael Carey to incorporate all the previously approved changes to the Future Land Use Element (FLUE) and to create a “clean copy” of that element.

FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None
MOTION PASSED: 5-0

Mr. Schue suggested reviewing the text of the Rural Future Land Use categories to ensure it was compatible with the Rural Support policies just approved.

MOTION by Keith Schue, SECONDED by Michael Carey to restrict school campus sites to “not to exceed 60 build-able acres” in the Rural Land Use categories.

MOTION was amended to add “net” before “build-able acres.”
FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None
MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly to remove Home Occupations from the Future Land Use Categories and address it in policy.

FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None
MOTION PASSED: 5-0

SUNSETTING PLANNED UNIT DEVELOPMENTS (PUD’s)

Mr. Sheahan said this was a zoning issue and reasonable conditions could be added to PUD development orders. He said there were adequate existing Policies to implement LDRs on this issue.

Melanie Marsh, Deputy County Attorney, said it would not be possible to retroactively apply Sunsetting Limitations to existing PUDs.

Mr. Sheahan said a commencement date could be part of the ordinance, and if it is not met the developer may seek an extension. He discussed how several jurisdictions define that process. There was discussion about how these existing PUDs make planning

difficult because it is not known when they will be built. There was discussion regarding an appropriate time limitation. Mr. Carey thought a three to five year limitation was realistic because it would allow adequate time for developers to conform to the County’s rules and respond to market conditions.

Ms. Marsh said because a PUD was a conditional zoning that a public hearing must be held to change the PUD.

Mr. Sheahan said if PUDs were a conditional use rather than a zoning, that they could be automatically revoked. There was discussion that this would be a big change in the current zoning process and about what would be the best way to address this issue. Mr. Carey asked if it would be possible to have an absolute maximum time frame which could not be appealed. Mr. Sheahan said a public hearing must be held, otherwise there would be a violation of due process. He said specific issues could be addressed in the LDRs and that any “loopholes” could be addressed by amending the LDRs.

MOTION by Rob Kelly, SECONDED by Michael Carey to direct staff to draft a Sunset Policy for the Comprehensive Plan with a three year limitation that reverts the zoning on the property of the PUD to the previous zoning after an appropriate and legal public hearing.

Mr. Carey was concerned the three year limitation could be too restrictive and result in too many extensions.

FOR: Jordan, Schue, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: Carey
MOTION PASSED: 4-1

Mr. Sheahan said staff would be “accepting the changes” in the draft FLUE, that this would be an appropriate time to address organizational formatting issues that had been raised earlier. He said those changes were primarily in the Urban Land Use Series and said those changes will be shown in the underlined/strike-through format so the record was clear. There was a consensus with this suggestion.

There was no objection to Mr. Schue’s suggestion that the names of the Urban Land Use Categories mirror those for the Rural Land Uses.

Mr. Carey said he was troubled by comments made in the paper and he wanted to say he believed everyone involved in this process was dedicated and hard-working. He said that applied to staff as well and staff had supported the LPA’s work. Vice-Chairman Jordan said he would prefer to not discuss these issues that he described as political at this time.

The meeting reconvened at 1:00 after a break for lunch.

PUBLIC COMMENT

Linda Shelly said she was representing the Karl Corp. and acknowledged that this property has been discussed several times. She said, however, there were some things she wanted to put into context. She discussed the complex approval process required for Developments of Regional Impact (DRIs) and said the owners are requesting a future land use category of Traditional Neighborhood Development for the Karlton property. She discussed transportation issues and said she believed this development could create benefits for the County. She said the owners would like a future land use other than Rural.

Jim Hitt, Planning Director for the City of Clermont, said the City continued to support a Rural future land use for the Karlton property and noted that this property was located in a high recharge area for the aquifer.

Leslie Campione said she wanted to discuss the area south of the Karlton property and thought it was important to take a regional approach to planning in this area. She said this property was in close proximity to the Sawgrass Preserve subdivision and Horizons West and that this was an urbanizing area. She thought Traditional Neighborhood Development (TND) would be an appropriate future land use and said development of this property could create an east-west traffic connection. She added that utilities were available and that the wetlands could be used for habitat protection. She said they were requesting Low Density Residential or the Rural Transition future land use categories.

FUTURE LAND USE MAP

Mr. Sheahan suggested beginning the FLUM review in the southeast area of the County, particularly the Karlton Property. He said this was continued from an earlier meeting at which the LPA voted to change the future land use back to Rural. However, mapping had not been advertised for that meeting so staff recommended continuing that map motion until the future land use change could be tracked by the system used in the FLUM review.

Mr. Kelly and Mr. Hitt briefly discussed the future land use recommendations of the City of Clermont.

MOTION by Rob Kelly, SECONDED by Peggy Belflower to designate Rural Transition the highlighted area as depicted in Map Motion 1.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

Mr. Sheahan explained that the “hatching” placed on parcels after they were reviewed had been initiated after this area had been reviewed by the LPA.

MOTION by Rob Kelly, SECONDED by Keith Schue to designate Rural Transition the highlighted area as depicted in Map Motion 2.

FOR: Jordan, Schue, Carey, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: Belflower
MOTION PASSED: 4-1

MOTION by Keith Schue, SECONDED by Rob Kelly to designate Rural Medium Density the highlighted area as depicted in Map Motion 3.

FOR: Jordan, Schue, Carey, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: Belflower
MOTION PASSED: 4-1

MOTION by Rob Kelly, SECONDED by Peggy Belflower, to designate Rural Low Density the highlighted area as depicted in Map Motion 4.

FOR: Jordan, Schue, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: Carey
MOTION PASSED: 4-1

PUBLIC COMMENT

Amelyn Regis, Project Manager, Lennar Homes, said the December 21, 2006 minutes did not reflect Clermont's future land use recommendation. She said some of the owners of property in the areas just voted on were not present because they were not aware this action was going to be taken today. She respectfully requested public comment be taken before votes by the LPA, just as the City of Clermont was allowed.

There was discussion regarding future land uses in this area.

MOTION by Keith Schue, SECONDED by Rob Kelly to designate Medium Density Residential the highlighted area as depicted on the screen.

There was considerable discussion on this area including size of parcels and wetlands.

MOTION withdrawn.

MOTION by Keith Schue, SECONDED by Rob Kelly, to designate Rural Transition the highlighted area as depicted in Map Motion 5.

FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None
MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly, to designate Rural Medium Density the highlighted area as depicted in Map Motion 6.

FOR: Jordan, Schue, Carey, Belflower, Kelly
ABSENT: Foley, Parks, Barrow, Zaneis
AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue to designate a particular area Low Density Residential DIED for lack of a second.

There was discussion regarding area PUDs in the final stages of approval and that all those parcels may be on the map. Staff said the average densities would be four units per acre.

MOTION by Keith Schue, SECONDED by Michael Carey, to designate Medium Density Residential the highlighted area as depicted in Map Motion 7.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Peggy Belflower, to designate Medium Density Residential the highlighted area as depicted in Map Motion 8.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue to designate Medium High Density the area described, died for lack of a second.

MOTION by Rob Kelly, SECONDED by Michael Carey, to designate Medium High Density the highlighted area as depicted in Map Motion 9.

Mr. Sheahan noted that part of this area included Cagan Crossings which has the Urban 22 future land use.

MOTION amended by Rob Kelly, SECONDED by Michael Carey to exclude the Cagan Crossings Development.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Rob Kelly, SECONDED by Keith Schue, to designate Medium High Density the highlighted area as depicted in Map Motion 10.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Rob Kelly, SECONDED by Peggy Belflower, to designate Medium High Density the highlighted area as depicted in Map Motion 11.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

Mr. Sheahan said that the future land use category for Cagan Crossings had been previously discussed at some length and that this category is strictly limited to the Florida Quality Development in PUD Ordinance number 62-90. He said these uses are extremely limited. Mr. Schue and Mr. Kelly both objected to this future land use assignment. Mr. Sheahan said the FLUC could have any name assigned to it. Mr. Kelly and Mr. Schue thought the density of this PUD should be determined and an appropriate FLUC assigned to it.

The meeting reconvened at 2:40 p.m. after a short break.

Mr. Sheahan said the category boundary needs to be rectified and said that language should be copied into the Urban Land Use Series. He added that the entire development order could be placed in this category. Mr. Schue thought a FLUC from the current list should be assigned to Cagan Crossings. Mr. Sheahan said the actual density of this development exceeded those densities. He said this was a Florida Quality Development which was subject to a process similar to that of a DRI. Mr. Kelly asked that the boundaries be corrected, the ordinance pulled to determine densities and that the LPA review that information at another meeting.

MOTION by Keith Schue, SECONDED by Michael Carey, to designate Medium High Density the highlighted area as depicted in Map Motion 12.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Michael Carey, to designate Rural Transition the highlighted area as depicted in Map Motion 13.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Rob Kelly, SECONDED by Keith Schue, to designate Low Density Residential the highlighted area as depicted in Map Motion 14.

FOR: Schue, Carey, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: Belflower, Jordan

MOTION PASSED: 3-2

MOTION by Rob Kelly to designate the highlighted area Medium High Density. MOTION withdrawn.

MOTION by Keith Schue, SECONDED by Rob Kelly, to designate Medium Density Residential the highlighted area as depicted in Map Motion 15.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly, to designate Low Density Residential the highlighted area as depicted in Map Motion 16.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Keith Schue, SECONDED by Rob Kelly, to designate Rural Transition the highlighted area as depicted in Map Motion 17.

MOTION amended by Keith Schue, SECONDED by Rob Kelly, to add additional area.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

MOTION by Michael Carey, SECONDED by Peggy Belflower, to designate Rural Medium Density the highlighted area as depicted in Map Motion 18.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

The meeting reconvened at 3:35 p.m. after a short break.

Mr. Kelly discussed the Special Area Plan Overlay shown in this area and it was agreed to add review of overlays to the agenda. Mr. Schue suggested that at a certain threshold in the higher density urban future land use categories, that the principles of TND should be applied as opposed to having a separate future land use category. Staff said that the issue of placing TND on the FLUM could be added to the agenda.

There was general discussion on this area of the FLUM and agreement to ask the City of Clermont to return to confirm their future land use recommendations.

There was discussion on the FLUM legend, particularly regarding the Wekiva FLUCs.

MOTION by Keith Schue, SECONDED by Peggy Belflower, to designate Recreation the highlighted area as depicted in Map Motion 19.

FOR: Jordan, Schue, Carey, Belflower, Kelly

ABSENT: Foley, Parks, Barrow, Zaneis

AGAINST: None

MOTION PASSED: 5-0

There was no objection to Mr. Schue's suggestion to straighten the line as depicted in Map Motion 20.

The Chair adjourned the meeting at 4:10 p.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary



