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

The Lake County Local Planning Agency met on AUGUST 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 |
| 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:**

| | |
|---|---|
| Cindy Barrow | School Board Representative |
| Michael F. Carey | District 3 |

**Staff Present:**

Gregg Welstead, Deputy County Manager
LeChea Parson, Assistant County Attorney
Brian Sheahan, AICP, Acting Planning Director, Planning & Community Design
Francis Franco, Senior GIS Analyst, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, 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 Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

# TABLE OF CONTENTS


| **AGENDA DESCRIPTION** | **PAGE NO.** |
|---|---|
| Review of Urban Land Use Series | 3 |
| Review of Traditional Neighborhood Development | 8 |

After some discussion, the minutes from the May 31, 2007 were tabled until the August 16, 2007 meeting.

David Jordan arrived at 9:20 a.m.

**PUBLIC COMMENT**

Steve Adams, Land Planning Group, Environmental Services, asked about the Mining and Easements agenda item. Brian Sheahan, AICP, Acting Planning Director, said the LPA had been concerned about the appropriate use of mining sites after mining ceased and if it would be appropriate in certain circumstances to require conservation easements upon completion of mining.

Chairman Foley asked Mr. Adams if he had any suggestions on this issue. Mr. Adams said in Lake County most mined lands are leased and revert to the owner after reclamation is complete. He thought there might be concern regarding those mining sites that had been permitted before reclamation was required. He also said landowners may not agree to allow mining if conservation easements are required because they would feel they are losing their rights to the land. He said the mining industry considers mining to be a temporary use although it alters the land. He said when mines are reclaimed those sites generally go back to whatever the underlying land use was or it is automatically rezoned back to it's original district.

Keith Schue said there was concern that mining in rural areas could be a precursor to more intense urban development and noted that those mining sites would no longer be suitable for agricultural uses. He did not want mining to become an urbanizing force in rural Lake County and thought requiring a conservation easement would prevent that. Mr. Adams said other counties had tried to make conservation easements a requirement and found that landowners would not agree to those easements. He said not all mining sites become urban-type developments and said mining diminishes the area available for development. Mr. Adams added that the FLUC of those mining sites would be subject to the LPA's recommendation.

**URBAN LAND USE SERIES**

The LPA discussed their previous decision to allow churches, cemeteries and columbariums in all Urban FLUCs with Conditional Use Permits (CUPs). There was general consensus to replace "churches" with "religious institutions." LeChea Parsons, Assistant County Attorney, said it would be illegal to apply size restrictions only to churches and said those regulations would have to be applicable to all uses.

Sean Parks arrived at 9:55 a.m.

Mr. Sheahan said Light Industrial could be a conditional use in the Urban Land Use Series and draft language was shown on the screen. There was discussion regarding the compatibility of commercial uses in urban areas. Mr. Sheahan suggested using the term "multi-family housing" and including more specificity in the Land Development Regulations (LDRs).

**MOTION by Rob Kelly, SECONDED by Keith Schue to leave the language in bulleted Item 2 as it currently appears in Policy 1.4.3, Urban Low Density.**
**FOR:** **Foley, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **Jordan, Belflower**
**MOTION PASSED: 5-2**

**MOTION by Peggy Belflower, SECONDED by David Jordan to accept the language in paragraph one in Policy 1.4.3, Urban Low Density as shown on the screen.**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

There was consensus with the Urban Low Density language as shown on the screen.

**MOTION by Keith Schue, SECONDED by David Jordan to edit the language regarding Urban Low, Medium, Medium-High, High Density Future Land Use Categories to include office, commercial and light industrial with a Conditional Use Permit consistent with text in Urban Low Density Policy.**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

**MOTION by Peggy Belflower, SECONDED by David Jordan to use the words "multi-family" under "Uses" in Policy 1.4.4, Urban Medium Density.**
**MOTION amended by Peggy Belflower to use the term "multi-family residences."**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

**MOTION by Peggy Belflower, SECONDED by David Jordan to add "Duplexes" to "multi-family residences" under "Uses" in Policy 1.4.4, Urban Medium Density.**
**FOR:** **Foley, Jordan, Belflower, Parks, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **Schue, Kelly**
**MOTION PASSED: 5-2**

**MOTION by Keith Schue, SECONDED by Rob Kelly to substitute "shall" in place of "should" in reference to roadways in the Urban Land Use Series.**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

There was consensus in Urban Medium Density to change "can" to "may" before "effective transition" and end the last sentence with "more and less intense urban land uses."

**MOTION by Rob Kelly, SECONDED by David Jordan to accept the Urban Medium Density Policy 1.4.4 as shown on the screen.**
**FOR: Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT: Barrow, Carey**
**AGAINST: None**
**MOTION PASSED: 7-0**

The meeting reconvened at 10:50 a.m. after a short break.

Mr. Schue suggested the maximum density for Urban Medium-High Density be changed to seven units per net acre in order to direct growth toward urban areas and to be more compatible with the current Urban FLUC.

**MOTION by Keith Schue, SECONDED by David Jordan to change the maximum density for the Urban Medium-High Density Future Land Use Category to seven dwelling units per net acre.**

The LPA discussed the application of Urban Medium-High Density FLUC to existing developments and the relationship of urban densities to mass transportation issues. Mr. Kelly said some municipalities changed their FLUCs to be more compatible with the County's.

**PUBLIC COMMENT**
Bob Curry thought this density change should be carefully considered particularly within the Joint Planning Areas (JPAs) and asked if that change would affect those agreements.

Mr. Sheahan said some cities had requested higher densities next to their boundaries to make central utilities financially feasible. He noted that this is only one additional unit per acre and that this FLUC could be judiciously located. There was discussion about densities needed to support commercial uses, to make mass transit viable and keeping the FLUCs similar to what is on the adopted Future Land Use Map (FLUM).

**FOR: Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT: Barrow, Carey**
**AGAINST: None**
**MOTION PASSED: 7-0**

**MOTION by Peggy Belflower, SECONDED by Rob Kelly to change the second bulleted item in Policy 1.4.5, Urban Medium-High Density to "single family residences, duplexes and multi-family residences" as shown on the screen.**
**FOR: Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**

**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

There was agreement that use of the word "apartment" was redundant in this context.

**MOTION by Peggy Beflower, SECONDED by David Jordan to delete "apartments" as an allowable use from Policy 1.4.5, Urban Medium-High Density.**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

The LPA agreed to make the language from the earlier FLUC consistent with the Urban Medium-High Density language as shown on the screen. The LPA discussed the "Board and Lodging Houses" bulleted item.

**MOTION by Rob Kelly, SECONDED by Vicki Zaneis to retain the bulleted item regarding "Boarding and Lodging Houses" as shown on the screen in Policy 1.4.5, Urban Medium-High Density.**
**FOR:** **Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey**
**AGAINST:** **None**
**MOTION PASSED: 7-0**

The LPA discussed the suitability of placing the Urban High Density FLUC in unincorporated areas including the following: applicability to enclaves created by municipal annexations, the importance of placing this FLUC only in appropriate locations, provision of utilities, the land use recommendations of the cities and using this FLUC to direct growth into areas appropriate for annexation. Mr. Sheahan said these densities require central utilities, which generally are provided by the cities with an annexation agreement. The LPA agreed to retain this FLUC.

**MOTION by Peggy Belflower, SECONDED by Sean Parks to change the density range in Policy 1.4.6, Urban High Density to be "seven to twelve dwelling units per net acre."**

Mr. Schue said this would require the cities to adopt a Future Land Use Map Amendment if they wanted a lower density once property is annexed. There was discussion that the minimum density of four units per net acre would allow for greater flexibility.

**MOTION withdrawn by Peggy Belflower.**

**MOTION by Sean Parks to make the minimum density "seven dwelling units per net acre" in Policy 1.4.5, Urban High Density Future Land Use Category.**

Mr. Sheahan said a certain density is necessary to make utilities economically feasible.

Mr. Parks stated that Urban High Density would help to define urban areas of the County much the same as the rural areas have been defined.

**MOTION died for lack of a second.**

**PUBLIC COMMENT**
Bob Curry raised the following issues with the Urban Land Use series:

- Home occupations are not included in urban land uses.
- Allowable uses or CUPs are not listed in Traditional Neighborhood Development (TND).
- Allowable uses or CUPs are not listed in Workplace.
- "Rural language" remains in the commercial category.

**MOTION by Peggy Belflower, SECONDED by David Jordan to include Home Occupation policy in the Urban Land Use Series.**

Mr. Sheahan said the LPA had directed that it be removed from all of the individual future land use categories and to have a single Home Occupation policy applicable for all categories.

**MOTION withdrawn by Peggy Belflower.**

Mr. Schue read a draft of a final sentence in the descriptive paragraph for Urban High Density FLUC, which was put on the screen for consideration. The LPA edited the text which would restrict this FLUC to urban core areas that are anticipated to be annexed.

**MOTION by Peggy Belflower, SECONDED by Rob Kelly to incorporate the sentence shown on the screen as the final sentence in the descriptive paragraph regarding Policy 1.4.6, Urban High Density.**
**FOR: Foley, Jordan, Belflower, Schue, Parks, Kelly, Zaneis**
**ABSENT: Barrow, Carey**
**AGAINST: None**
**MOTION PASSED: 7-0**

The meeting resumed at 1:18 pm. after a break for lunch, while waiting for a quorum, there was discussion on the Sunnyside Area FLUCs.

Mr. Sheahan noted that this is a consistency issue and said the names of the FLUCs for the Sunnyside Community consistent with the name recently approved by the LPA.

David Jordan arrived at 1:35 p.m.

**MOTION by Vicki Zaneis, SECONDED by Keith Schue to revise the Future Land**

**Use Categories in Policy 2.2.3, Densities within the Sunnyside Community, to be consistent with the other Future Land Use Categories.**
**FOR:** **Foley, Jordan, Schue, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey, Belflower, Parks**
**AGAINST:** **None**
**MOTION PASSED: 5-0**

There was discussion about requiring a preliminary site plan at adoption of the PUD ordinance and about using CUPs in place of PUDs. Mr. Sheahan said there are advantages and disadvantages to both. He said expiration of a CUP would not require a public hearing, but there is still the question of the underlying zoning. There was discussion about setting thresholds based on size or density where PUD zoning could be required. Mr. Sheahan stated that incentives are sometimes used to facilitate negotiations with developers.

**PUBLIC COMMENT**
Tim Green, Green Consulting Group, said developers apply for PUDs because it allows them to negotiate terms of development which can be advantageous for the applicant and the County, particularly by incentivizing regulations for set backs, open space, road width, architectural standards or other design elements, to allow for innovative design. He said a conceptual site plan is required. Mr. Green said he thought CUPs should provide for uses that don't fit into a zoning district. He said the PUD process allows specific rules to be negotiated that are applicable only to a particular development.

There was discussion about requiring an enhanced review procedure for PUDs at a particular threshold or using an incentive-based approach to encourage innovative design. There was concern that incentives were a weakening of rules. Mr. Sheahan said some items can be excluded from any negotiation such as wetlands and said no PUD condition could violate the Comprehensive Plan.

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT**
Mr. Schue distributed copies of his recommended draft policy revisions on TND. He thought TND policies should apply generally to the Urban FLUCs and not be used to promote urban densities in rural areas. Mr. Kelly asked about including TND concepts within the urban land uses. Mr. Schue suggested requiring a TND in order to receive maximum densities in urban land uses. There was discussion about placing or not placing TND on the FLUM. Chairman Foley suggested no action be taken on the draft policy revisions until it can be provided to the other members. There was agreement by the LPA to tentatively include the draft revisions with the intent of additional future LPA discussion.

**MOTION by David Jordan, SECONDED by Rob Kelly to include Mr. Schue's draft revisions on Traditional Neighborhood Design (TND) in the Future Land Use Element and to remove TND from the draft Future Land Use Map.**
**FOR:** **Foley, Jordan, Schue, Kelly, Zaneis**
**ABSENT:** **Barrow, Carey, Belflower, Parks**

**AGAINST:** **None**
**MOTION PASSED: 5-0**

After some discussion, it was agreed that the any currently designated TND on the draft FLUM shall be shown as "to be determined" category and that TND shall remain on the agenda for further discussion. The LPA discussed possible thresholds to require TND, including area size or number of units. Mr. Sheahan suggested using more than one criteria, in order to "capture" the largest number of projects and said staff could draft language on this issue.

**PUBLIC COMMENT**
Tim Green raised several applicability questions regarding TND and those issues were briefly discussed.

Mr. Schue made several suggested changes to the legend on the draft FLUM and there was no objection to his suggestion that the topographic area shown outside the boundary of the County be removed from the FLUM.

The Chair adjourned the meeting at 3:00 p.m.

| | |
|---|---|
| Donna R. Bohrer | Keith Schue |
| Public Hearing Coordinator | Secretary |