

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

August 19, 2004

The Lake County Local Planning Agency met on Thursday, August 19, 2004 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
Dan Matthys	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Dennis Reid	School Board Representative

Not Present:

Nadine Foley, Vice-Chairman	District 5
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Staff Present:

Gregg Welstead, Deputy County Manager, Director, Growth Management Department
Melanie Marsh, Assistant County Attorney
Amye King, AICP, Chief Planner, Comprehensive Planning Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division
Kitty Cooper, Director, Geographic Information Services Division
Terrie Diesbourg, Director, Customer Service Division
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Thomas Wheeler, Comprehensive Planning Intern
Michael Wheeler, Comprehensive Planning Intern
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 is on file in the Comprehensive Planning Division and that the meeting had been noticed pursuant to the Sunshine Statute.

Amye King, AICP, Chief Planner, stated that there were two changes to the agenda. The first was a request by the City of Clermont to postpone the discussion of the Joint Land Development Regulations to the September 16, 2004 meeting.

MOTION by Sean Parks, SECONDED by Michael Carey to postpone discussion of the Clermont Joint Land Development Regulations for the Joint Planning Area until the September 16, 2004 Local Planning Agency meeting.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

Because of a staff emergency, Ms. King requested that the Temporary Housing Ordinance be heard first on the agenda.

There was no objection to this from the Agency members.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.02.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED TEMPORARY HOUSING DURING CONSTRUCTION; REMOVING THE REQUIREMENT THAT TEMPORARY HOUSING ONLY BE PERMITTED IN CERTAIN ZONING DISTRICTS; PROVIDING THAT TEMPORARY HOUSING BE ALLOWED ON LOTS OF ONE (1) ACRE IN SIZE OR LARGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE

Terrie Diesbourg, Director of Customer Service Division, said the proposed changes to this Ordinance would allow the use of recreational vehicles as temporary housing during home construction in all zoning classifications provided lots are a minimum of one acre. Currently in some zoning classifications, mobile homes can be placed on lots less than one acre; and in other zoning classifications they cannot be placed on a lot even when the lot is larger than one acre. This proposed Ordinance would make the temporary housing and the accessory dwelling regulations consistent. In response to Michael Carey, Ms. Diesbourg said setbacks were also applicable to temporary housing.

Keith Schue asked if the strike-through sentence on page 2, paragraph “F” was to be removed because it was redundant. Melanie Marsh, Assistant County Attorney, said this sentence had been added to correct an omission by the Municipal Code; this language had previously been approved.

In response to Richard Dunkle, Ms. Diesbourg said this Ordinance would apply to residents rebuilding after a natural disaster. When Dan Matthys asked if the term “completion date” referred to the date the certificate of occupancy was issued. Ms. Diesbourg said that it did.

Keith Schue suggested that structural changes be made to sentence “1” in paragraph “E”, page 2. Ms. Marsh said it would be fixed.

MOTION by Michael Carey, SECONDED by David Jordan to approve the Ordinance as amended.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

Minutes

MOTION by Michael Carey, SECONDED by Keith Schue to approve the May 20, 2004, Local Planning Agency minutes, as submitted.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

Regarding the July 12, 2004 Local Planning Agency meeting minutes, Chairman Newman suggested the second draft of the County minutes be adopted with the incorporation of Keith Schue's suggested changes. Discussion followed about the different drafts of the minutes, and agreement was reached regarding the protocol for corrections, additions, and deletions to minutes.

MOTION by Michael Carey, SECONDED by Sean Parks by to approve the July 12, 2004, Local Planning Agency minutes with the incorporation of Keith Schue's suggested changes.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

MOTION by Michael Carey to approve the Local Planning Agency minutes for the July 12, 2004, meeting.

Keith Schue said he thought his suggested comments added clarity.

Michael Carey felt the only suggestions and corrections that should be accepted are those in agreement with the meeting tapes.

Michael Carey withdrew his motion.

MOTION by Michael Carey, SECONDED by Dennis Reid to approve the revised July 12, 2004, Local Planning Agency minutes as submitted by Keith Schue.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

New Business

Sean Parks said he would like to see the three-minute rule revised to allow more time for city officials or individuals designated to make a presentation. Chairman Newman said time limits do not apply to people giving presentations. Gregg Welstead, Director of Growth Management, said the agenda format has been changed to show the names of the people who would be making presentations. Dan Matthys said the Agency has the authority to extend time limitations. Keith Schue said that in some jurisdictions, representatives of professional organizations are allowed additional time. Chairman Newman said time limits are dependant on circumstances. Mr. Parks believed that specific time should be allocated for staff rebuttal after an applicant's presentation. Chairman Newman agreed.

Mount Dora Joint Planning Area (JPA) Agreement

Jeff Richardson, Planning Manager and Gary Cooney, attorney for the City of Mount Dora, presented the Mount Dora JPA Agreement. Mr. Richardson outlined the JPA through Article IV without specific comment from the Local Planning Agency (LPA).

Mr. Richardson said Article V, "Specific Developmental and Environmental Considerations" includes language incorporated by the City of Mount Dora after their Council meeting. Mr. Cooney said Keith Schue approached the City and suggested additional language to be included in the JPA. The City Council met with Mr. Schue to review the language and the ideas he proposed. They agreed to incorporate his suggestions into the JPA Agreement as Article V.

As a point of clarification, Mr. Cooney and Mr. Schue agreed that Mr. Schue had appeared before the City as an individual and not as a representative of the LPA. Mr. Schue pointed out that there was much interest in creating a plan that would be beneficial to both the City and the County.

Mr. Richardson said he would like to see a precursor sentence added stating that if either local government is required to complete further actions, a "best effort" will be made to implement these conditions rather than compelling action.

David Jordan asked how much of the JPA was outside the Wekiva River Protection Area. Mr. Cooney said that in common usage, the JPA area was generally perceived as the area east of Mount Dora. However, the JPA actually extends to the area west of the City as well. Mr. Schue said that there are two different areas in the Wekiva area designated by the Florida Statutes. The Wekiva River Protection Area was established in 1988. Those lands are not included in this JPA. The second designated area is the recently created Wekiva Study Area, and that area is partially included within this JPA.

In response to Mr. Jordan, Mr. Cooney stated that the language in Article V of the proposed JPA Agreement had been suggested by Mr. Schue.

Mr. Richardson said Paragraph 4 under Article V was a restatement of the Wekiva Parkway and Protection Act requirements as they relate to local governments. Mr. Schue said he thought an affirmative statement is important to emphasize the intent of both the City and County to work together.

Jeff Richardson explained that Article VI entitled "General Provisions" contained standard language. He pointed out the two maps that were included in the JPA packet.

In response to Mr. Jordan, Mr. Cooney said it was the intent of the City Council to meet the requirements of Article V. They will incorporate a "best effort" reference to Article V in Article III, Paragraph 2. Ms. Newman said that perhaps the LPA would be interested in reviewing that language. Mr. Schue said he understood the intent of the "best efforts" language because ordinances would be necessary to fulfill the intention of

Article V.

MOTION by Michael Carey, SECONDED David Jordan by to approve the Mount Dora Joint Planning Area Agreement with changes.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.00.04, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED APPLICATIONS; AMENDING SECTION 14.00.05, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED NOTICE PROCEDURES; AMENDING A REFERENCE TO THE PLANNING AND ZONING COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Melanie Marsh, Assistant County Attorney, explained the purpose of this Ordinance was to remove references to the Planning and Zoning Commission in Chapter 14.

MOTION by David Jordan, SECONDED by Sean Parks to approve the Ordinance as presented.

FOR: Newman, Schue, Carey, Parks, Dunkel, Matthys, Reid, Jordan

NOT PRESENT: Foley

AGAINST: None

MOTION CARRIED: 8-0

Presentation of Comprehensive Plan 2005 - 2025 Work Program

Amye King, Chief Planner, said there would to be a joint meeting between the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) on September 13, 2004. The purpose of the meeting will be to discuss the details of the work program, the joint planning areas in general and how Comprehensive Plan amendments will be processed during the revision of the Comprehensive Plan.

Ms. King asked for any comments or changes. The flow chart on page 5 shows the timelines for the Data Inventory and Analysis (DIA) Goals, Objectives, and Policies (GOP) and public hearings, all of which should be completed by the end of 2005. Staff is currently working on administrative assignments for all County departments, compiling a historic overview, and defining planning zones. Staff is recommending that LPA members be actively involved within their planning zones. The initial boundaries will be census track based. In response to Keith Schue, Ms. King said there would probably be between 8 and 12 planning zones. David Jordan agreed the use of the census tracks made sense. Mr. Schue said that the Joint Planning Area (JPA) Agreement boundaries should be included. Ms. King said that all existing geographic boundaries would be incorporated. The preliminary planning zones should be available at the September meeting.

In response to Michael Carey, Ms. King said that several different comprehensive plans have been acquired, and discussions with those staffs would be ongoing.

The Existing Land Use Map (ELUM) draft is in the packet although some parcels are still being constructed. In response to Mr. Schue, Ms. King said revisions to the map are underway to correct discrepancies between actual government land holdings and those shown on the map.

The DIA is required by Chapter 163, Florida Statutes although it does not have to be adopted. The DIA should be complete by the end of year.

Richard Dunkle asked which element would substantiate the subdivision inventory compiled by the School Board's consultant. Ms. King said that information would be included in the DIA.

Ms. King said that Staff will examine the Comprehensive Plan, the Evaluation Appraisal Report (EAR), and the EAR-based amendments for relevant information as the GOPs are updated. Public outreach will be part of this process as well as meetings with the municipalities. Staff will also prepare an executive summary of the Comprehensive Plan.

In response to Sean Parks, Ms. King said five-year annexation plans would be requested from the municipalities. Mr. Parks asked about the possible inclusion of optional elements. Ms. King said information on several optional elements was being compiled, and recommendations would be forthcoming from Senior Directors.

Mr. Dunkle was informed by Ms. King that the current Comprehensive Plan would be thoroughly reviewed, and relevant information from that Plan would be used.

Mr. Schue stated that he would like to see more emphasis on employment opportunities. He would like to have distinctions made between industrial uses and commerce parks or professional office parks in the employment center designation.

Mr. Carey said that pressure should be put on the State for accurate population projections and the school funding formula because they both impact growth. He would like to see more emphasis on economic development.

Mr. Schue asked if it was feasible to establish concurrency for schools because the school concurrency system is very cumbersome. Ms. King said it could take five to ten years to implement school concurrency. Dan Matthys stated a financially feasible funding plan must be in place before the establishment of school concurrency. However, if a funding plan was in place, he questioned whether concurrency would be needed.

Dennis Reid said the County and the School Board must come up with some kind of workable program. It is imperative that both entities work with the developers and the cities. Mr. Matthys noted that after extensive research, Osceola County decided to look into a modified "Martinez-type" plan.

When Mr. Carey asked if revenue issues were to be included in the Comprehensive Plan, Ms. King replied that the Comprehensive Plan must be financially feasible.

In response to Mr. Parks, Ms. King said the elements could not be adopted separately because they are interrelated.

Mr. Schue asked if the ratio between employment and residential could be considered on a sector basis. Ms. King said that this was possible but that the issue would have to be looked at regionally too.

Old Business

Gregg Welstead, Growth Management Director, said the Board of County Commissioners has directed staff to review the regulations for temporary storage units. In response to Keith Schue, Mr. Welstead said the Ordinance proposed earlier to the Local Planning Agency (LPA) was staff initiated.

Richard Dunkle asked if it would be possible keep the LPA informed on decisions made by the BCC. Mr. Welstead said staff would do that.

In response to Mr. Schue, Mr. Welstead said the BCC receives the staff report and supporting documentation on Comprehensive Plan amendments just as the LPA does. However, the Zoning Board hears only zoning applications and assesses their consistency with the Comprehensive Plan and Future Land Use Map. The Zoning Board would be

concerned only with the adopted future land use designation and whether or not the requested zoning designation is consistent with the policies of the Comprehensive Plan. Mr. Welstead added that statutory process and ordinances are being followed.

Jeff Richardson explained that the confusion may be due to the processing of a small scale amendment, which is not required by State statute to undergo the same process as a large-scale amendment. Small scale amendments are exempt from the two-cycle review process by the Department of Community Affairs. This is why the small scale amendment, which was heard by the LPA in July had a rezoning request before the Zoning Board in August.

Sean Parks said there is a very good flow chart of the comprehensive plan amendment process on the Department of Community Affairs (DCA) website.

Discussion followed about the role of the LPA and the Sunshine Law. Mr. Welstead said the joint meeting in September would be an opportunity to discuss their concerns with the BCC.

Amye King said a workshop on the Chapter 9 revisions may be necessary in November. Melanie Marsh said the municipalities and their attorneys are currently reviewing the draft copy and would be submitting their comments.

In response to Mr. Schue, Mr. Welstead explained that the County was currently revising its website, and the new version would include the LPA and the Zoning Board separation.

The Chairman adjourned the meeting at 10:27 a.m.

Donna R. Bohrer
Comprehensive Planning

Keith Schue
Secretary