

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
AUGUST 23, 2007**

The Lake County Local Planning Agency met on AUGUST 23, 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
Cindy Barrow	School Board Representative

Members Absent:

Michael F. Carey	District 3
Sean Parks	At-Large Representative

Staff Present:

Gregg Welstead, Deputy County Manager
LeChea Parson, Assistant County Attorney
Brian Sheahan, AICP, Acting Director, Planning & Community Design
Alfredo Massa, Chief Planner, 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 9:05 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.

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During review of the agenda, Brian Sheahan, AICP, Acting Planning Director, noted that the LPA had received memorandums on the Mt. Plymouth-Sorrento Proposed Policy Revisions and on the Urban 22 Category Proposed Policy Revisions. He said representatives from the Farm Bureau and from Cagan Crossings would be present at today's meeting. He said the Industrial Use Policies were also ready for review.

POLICY 7.4 RETENTION OF AGRICULTURAL LANDS

Phil Leary, Planning & Governmental Affairs Consultant for the Farm Bureau, discussed the policy on agricultural land retention. He said the Farm Bureau preferred using terms such as "protection and retention" or "promotion" or "encourage" instead of "preservation," which he said indicates an unchanged or non-productive state.

Mr. Leary discussed the Rural Family Lands and Protection Act, which includes provisions for less than perpetual agricultural easements. He said easements of 20 or 25 years allow those farm lands to continue to be productive, to be taxed and at the conclusion of the easement timeframe, the easement holder has the right of first refusal or the option to renew. He thought these easements would be the first choice of many farmers. He said perpetual easements could permanently end agricultural production and that retention of agricultural lands can be a factor in growth management.

Keith Schue arrived at 9:20 a.m.

Mr. Leary said the Lake County Farm Bureau supports the proposed agricultural policies with the addition of the non-perpetual agricultural easements.

Keith Schue was concerned that this type of easement could allow investors to obtain land and avoid some taxes, while holding land for future development. He said he supported the current draft policy and doubted he would want to promote non-perpetual easements.

Chairman Foley discussed changes in Lake County's agriculture, the difficulty of predicting market conditions and she said she thought there could be advantages to both types of agricultural easements. Mr. Sheahan said the draft policy did not specify a particular type of easement. Rob Kelly said it could be advantageous to have that flexibility. Vicki Zaneis thought the draft policy could help preserve family farms, although there could be some loop holes. Mr. Schue agreed and added that non-perpetual easements should be considered very cautiously.

MOTION by David Jordan, SECONDED by Rob Kelly to accept the language shown in yellow on the screen.

Mr. Sheahan suggested reaching a consensus on each policy and then adopting the entire Objective.

MOTION withdrawn.

In Policy 7.4.1, Agriculture Lands Retention Study, the LPA agreed to replace "preserve"

with “conserve,” add “potential” in front of “barriers,” to add “viable economic base,” remove the reference to “local regulations,” to include an implementation date and to end the policy with “...Lake County in the future.”

In Policy 7.4.2 Implement Strategies for Agricultural Land Retention Study, the LPA agreed to change “shall” to “may.” Mr. Leary said the Farm Board was concerned about the “voluntary elimination of property rights.” Mr. Sheahan said there can be several types of property rights on any parcel, such as surface rights, sub-surface rights and development rights. There was agreement by the LPA to change the sentence to read “...the voluntary elimination or transfer of development rights.” The LPA agreed with Mr. Sheahan’s suggestion to replace “through” with “such as” to allow more flexibility.

PUBLIC COMMENT

Bob Curry suggested adding “agricultural” to Goal 7.0, Implementation, to reflect the changes made to Objective 7.4, Retention of Agricultural Lands.

MOTION by David Jordan, SECONDED by Cindy Barrow to insert “agricultural” into the descriptive paragraph for Goal 7.4 Implementation.

FOR: Foley, Schue, Barrow, Belflower, Kelly, Jordan, Zaneis

ABSENT: Parks, Carey

AGAINST: None

MOTION PASSED: 7-0

There was agreement to change the title of Policy 7.4.2 to “Implement Strategies for Agricultural Land Retention.”

There was agreement to edit the last policy to state “...acquisition as a means of conserving agricultural lands.”

MOTION by David Jordan, SECONDED by Rob Kelly to accept the text shown on the screen for Objective 7.4 Retention of Agricultural Lands.

FOR: Foley, Schue, Barrow, Belflower, Kelly, Jordan, Zaneis

ABSENT: Parks, Carey

AGAINST: None

MOTION PASSED: 7-0

The meeting reconvened at 10:35 a.m. after a short break.

URBAN 22 FUTURE LAND USE CATEGORY

Mr. Sheahan introduced William Deas, Esq., representative for Jeffrey Cagan, the principal owner of the property subject to the Urban 22 FLUC. Mr. Sheahan said staff supported Mr. Deas’ suggestion to reference the Development Order (DO) approving the Development of Regional Impact (DRI).

Mr. Deas said Cagan Crossings is a Florida Quality Development (FQD), a type of DRI,

and is governed by the DO issued by the Florida Department of Community Affairs (DCA). He said the Planned Unit Development (PUD) ordinance basically acknowledges the DO and lists the County's variances and waivers regarding the Traditional Neighborhood Development (TND). Mr. Deas suggested referencing the DO within the FLUC and to include "as amended" language.

Mr. Sheahan said referencing the DO in the 2025 Plan would eliminate the requirement to amend the Comprehensive Plan in order to modify a condition of the development, such as setbacks. He said all changes must be consistent with the DO and none of those conditions can be exceeded. Mr. Deas thought without the "as amended" language in the Plan, any future changes would be inconsistent. Mr. Jordan said although the LPA did not want to have this particular FLUC in any other area of the County, it has been their intention to protect property rights. He said leaving the door open for amendments was not a change from the current circumstances. Mr. Schue was concerned about a FLUC that could possibly be modified by means other than amending the Plan. During the LPA's discussion whether to reference the DO or the PUD ordinance, Mr. Deas said he was concerned the Comprehensive Plan could be inconsistent with the Cagan Crossings' DO, even though this policy references the uses, densities and intensities from the DO. Mr. Kelly was concerned that this development should not be allowed to expand further into the Green Swamp Area of Critical State Concern (GSACSC) and that if the DO was changed then the FLUC would, also, be changed.

Mr. Sheahan said Comprehensive Plan policy can't be amended by a DO, that the uses, densities and intensities are set. He said facets of the DO might be addressed through a Notice of Proposed Change (NOPC) which must be approved by BCC. He suggested restructuring the language to list the approved uses, densities and intensities, to note that this FLUC shall apply only to the approved Southlake Development as it is legally described in the DO and showing the date of the DO. There was discussion about the possibility of excluding any amendments changing uses, densities and intensities. Mr. Deas suggested omitting the "as amended" language. Mr. Kelly said he supported Mr. Sheahan's suggestion in general. Ms. Zaneis asked about the location of densities on the site. Mr. Sheahan said that was determined in the PUD ordinance and that the maximum densities were set by the FLUC and in the settlement agreement. Mr. Sheahan said he understood the concerns of the Board and suggested tabling this issue until the next meeting. He said he would confer with Mr. Deas to draft language addressing those concerns. Chairman Foley said she would support uses, densities and intensities as authorized within the DO language. Mr. Deas and Mr. Sheahan said the commercial allocation had been increased but the total density has not increased since 1990.

MOTION by David Jordan, SECONDED by Cindy Barrow to approve the language for current Policy 4.4.8 as shown on the screen and to insert this in the Urban Land Use Series.

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

MOTION by Rob Kelly, SECONDED by David Jordan to approve Objective 4.4 Future Land Use Categories Within the GSACSC.**FOR: Foley, Schue, Barrow, Belflower, Kelly, Jordan, Zaneis****ABSENT: Parks, Carey****AGAINST: None****MOTION PASSED: 7-0**

The meeting reconvened at 1:05 p.m. after a break for lunch. David Jordan arrived at 1:20 p.m.

INDUSTRIAL USES

Alfredo Massa, Chief Planner, discussed separating light and heavy industrial uses, and restricting the more noxious uses to the heavy industrial category which can be separated from residential or commercial areas. Mr. Schue asked if there was any reason not to separate those uses. Mr. Sheahan said allowing light industrial as a CUP in commercial had been discussed. He said this would necessitate careful consideration regarding the compatibility of light industrial uses with the adjacent uses and those regulations would be in the LDRs. Mr. Schue discussed placing industrial uses on the FLUM to encourage economic diversity. Chairman Foley said they had placed light industrial uses on the FLUM as a transition between uses and noted that light industrial uses could be allowed in heavy industrial. Mr. Sheahan said several zoning categories can be included within the FLUCs and said compatibility does not have to be dealt with at the FLUC level. The LPA discussed that areas designated for industrial uses would make it easier for businesses to move to Lake County, some uses are difficult to categorize as light or heavy, and technology and business are constantly changing. There was a general consensus of the LPA to have two industrial future land use categories.

Chairman Foley suggested removing stockyards from the light industrial uses and adding biomedical technology. In the heavy industrial uses, she suggested adding composting of waste materials and biomass energy conversion. The LPA discussed the percentage of industrial use that should be allowed outside of the building before a CUP should be required. The LPA agreed that lumberyards should be an allowable use in the heavy industrial FLUC and a conditional use in the light industrial FLUC.

PUBLIC COMMENT

Bob Curry said he had discussed the difficulty of categorizing heavy and light industrial uses earlier in the year and noted that throughout the country those uses varied greatly. He said the impacts of industrial uses vary depending on their surroundings. He thought the qualifying characteristics list, which includes noise, hazards and odors, was too short and discussed other factors such as vibrations. He suggested using those three items as examples and including a list of uses in the LDRs. He also suggested that Heavy Industrial Uses could contain conditional uses. Mr. Curry discussed the compatibility of light industrial and commercial uses and said some jurisdictions use an economic development category. He thought light industry should be allowed as a CUP in commercial uses.

Mr. Jordan said outside of choosing business areas based on infrastructure, he did not believe it was possible for the LPA to make those decisions. Chairman Foley said without suggestions from the business community they would just have to do their best. She said the 2025 Plan could be amended after adoption. The LPA agreed to include a list of uses as examples.

The LPA discussed how to ensure that these industrial areas would not become residential and the best way to incorporate the list of uses. The LPA agreed to add a sentence at the end of the bulleted list of uses stating other industrial uses will be described in the Land Development Regulations (LDRs).

PUBLIC COMMENT

Bob Curry did not believe it was possible to have an all inclusive list of industrial uses. He suggested a list of uses with a statement that allows for consideration of other non-listed uses and allowing supporting uses in industrial areas.

There was a consensus of the LPA to identify this list as “Uses,” to allow all light industry uses in the heavy industry FLUC and to include additional uses within the lists as showed on the screen. There was discussion regarding uses that would be suitable for a CUP. Mr. Sheahan said heavy industrial uses requiring a CUP could be listed in the LDRs. The LPA discussed concrete plants, pending lawsuits and how residential areas can encroach on industrial uses. Mr. Sheahan said a revised Heavy Industrial Use Ordinance would be presented to the LPA during September and that ordinance would be an example of how LDRs could address many of these concerns.

MOTION by Keith Schue, SECONDED by Rob Kelly to include a list of uses requiring a Conditional Use Permit in the Heavy Industry Policy and to include power plants and incinerators.

FOR: Schue, Barrow, Belflower, Kelly, Jordan
ABSENT: Parks, Carey
AGAINST: Foley, Zaneis
MOTION PASSED: 5-2

MOTION by Rob Kelly, SECONDED by Cindy Barrow to include private landfills, concrete and asphalt batch plants as uses requiring a CUP within the Heavy Industrial FLUC.

Mr. Schue discussed requiring a CUP for these uses. Mr. Kelly asked about operational permits to address some of the recent issues in the County. Mr. Sheahan said there could be a Planned Industrial zoning category to address other restrictions.

FOR: Foley, Barrow, Belflower, Kelly, Jordan, Zaneis
ABSENT: Parks, Carey
AGAINST: Schue
MOTION PASSED: 6-1

Mr. Schue discussed power plants and which ones he thought should be subject to a CUP. Chairman Foley said the CUP list was extensive enough that consideration should be given to requiring a CUP for heavy industrial uses. Mr. Sheahan said additional uses requiring a CUP could be added to the LDRs. Several LPA members said they did not want to require a CUP for all heavy industrial uses.

PUBLIC COMMENT

Bob Curry noted that impacts of heavy industrial can exceed those that are listed and thought the present draft language would not allow the CUP list to be expanded. He suggested including language similar to “but not limited to.”

Mr. Schue suggested adding a reference to the light industry policy and said he had some changes he would like to suggest for this policy. There was consensus with the edit to the first sentence in the light industrial policy. There was discussion regarding possible impacts.

MOTION by Rob Kelly, SECONDED by Peggy Belflower to accept the Heavy and Light Industry FLUCs as described, modified and shown on the screen.

FOR: Foley, Schue, Barrow, Belflower, Kelly, Jordan, Zaneis

ABSENT: Parks, Carey

AGAINST: None

MOTION PASSED: 7-0

The meeting reconvened at 3:20 p.m. after a short break, David Jordan returned at 3:35 p.m.

MOTION by Rob Kelly, SECONDED by Cindy Barrow to accept the language shown on the screen for Policy 1.4.12 Allocation and Compatibility of Industrial Land Uses.

FOR: Foley, Schue, Barrow, Belflower, Kelly, Zaneis

ABSENT: Parks, Carey, Jordan

AGAINST: None

MOTION PASSED: 6-0

MT. PLYMOUTH-SORRENTO PROPOSED POLICY REVISIONS

The LPA reviewed the edits of staff and the LPA to these policies, there was discussion that some edits were made to make these policies more consistent with the Ferndale language.

PUBLIC COMMENT

Bob Curry pointed out an additional typographical error.

MOTION by Keith Schue, SECONDED by Peggy Belflower to approve the edits to the Mt. Plymouth-Sorrento Planning Advisory Committee Policies as reviewed by the LPA and shown on the screen.

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

OPEN SPACE /URBAN LAND USE SERIES

Mr. Kelly noted that the importance of Open Space was consistently highly rated by participants during LPA public meetings and in surveys taken on the County’s website. Mr. Schue presented his suggested language, which would require different percentages of the net buildable area of the site to be open space and different Floor Area Ratios for non-residential development, dependant upon the FLUC and density. Mr. Kelly said his review of PUDs in south Lake County showed that 20% open space was generally required and he thought Mr. Schue’s suggestion was similar. There was brief discussion regarding calculations to determine open space.

PUBLIC COMMENT

Bob Curry pointed out an inconsistency within the Traditional Neighborhood Development requirements as a FLUC.

The LPA said they were aware of these issues, and that this had been addressed by revisions to the Traditional Neighborhood Development policy, making it generally applicable within the Urban Land Use Series.

Mr. Sheahan said generally the amount of open space decreased as density increased, although the areas dedicated for active uses did not have to decrease. There was discussion regarding impervious surface ratio in urban areas.

Jon Pospisil suggested requiring 10% open space requirement plus an additional 5% for active recreation.

Mr. Sheahan said Mr. Schue’s draft language relating to open space would only address residential FLUCs, not Office or Commercial.

MOTION by Rob Kelly, SECONDED by Cindy Barrow to incorporate the sentence structure drafted by Mr. Schue to require specific percentages of Open Space within the Urban Future Land Use Categories dependent upon the density of the development (25% in Urban Low and Urban Medium, 20% in Urban Medium High and 10% in Urban High).

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

The LPA discussed the difficulties of addressing open space requirements within the Office and Commercial FLUC and that the County currently requires 30% common open space in Commercial PUDs. Mr. Schue discussed the differences between open space in

residential and commercial areas and said he thought an impervious surface ratio requirement might be preferable. Mr. Sheahan said neither Policy 1.2.3 nor Policy 1.2.4 defines intensity or impervious surface ratio and he thought that was essential for the further development of the LDRs. He said staff could draft language to address these issues.

MOTION by Keith Schue, SECONDED by Rob Kelly to ask staff to review Policy 1.2.4 and to recommend definitions for Intensity and Impervious Surface, and to review the Urban FLUCs and recommend numerical thresholds for things such a impervious ratio and the Floor Area Ratio.

FOR: Foley, Schue, Barrow, Belflower, Kelly, Jordan, Zaneis

ABSENT: Parks, Carey

AGAINST: None

MOTION PASSED: 7-0

The Chair continued the meeting until the following morning at 9:00 a.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary