

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY**

**SEPTEMBER 21, 2006**

The Lake County Local Planning Agency met on THURSDAY, SEPTEMBER 21, 2006 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 proposed changes to the Land Development Regulations.

**Members Present:**

David Jordan	District 1
Ann Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative
Becky Elswick	School Board Representative

**Members Absent:**

Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative

**Staff Present:**

Sanford A. Minkoff, County Attorney  
Cindy Hall, County Manager  
Gregg Welstead, Deputy County Manager  
Carol Stricklin, AICP, Director, Growth Management Department  
Amye King, AICP, Deputy Director, Growth Management Department  
R. Wayne Bennett, AICP, Planning Director  
Brian Sheahan, Chief Planner, Comprehensive Planning  
Karen Ginsberg, Senior Planner, Planning and Development Services  
Terrie Diesbourg, Director, Customer Services Division  
Anita Greiner, Senior Planner, Customer Services Division  
Alfredo Massa, Senior Planner, Comprehensive Planning Division  
Denna Levin, Associate Planner, Planning & Development Services 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 not yet present. The meeting was recessed until 9:04 a.m. when 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.

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**MOTION by Michael Carey, SECONDED by David Jordan to approve the minutes from the April 20, 2006 meeting as submitted.**

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

**MOTION by Michael Carey, SECONDED by David Jordan to approve the minutes from the July 10, 2006 as submitted:**

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

**MOTION by Michael Carey, SECONDED by David Jordan to approve the minutes from the August 17, 2006 as submitted.**

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

Wayne Bennett, AICP, Planning Director, said staff was requesting that the ordinance regarding Heavy Industrial Uses be continued until the October 19, 2006 meeting.

**MOTION by Richard Dunkel, SECONDED by Michael Carey to continue the Heavy Industrial Uses Ordinance to the October 19, 2006 meeting.**

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

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.11.00, LAKE COUNTY CODE, APPENDIX E. LAND DEVELOPMENT REGULATIONS, ENTITLED LOT SPLITS; ADDING PROVISIONS FOR SHORT SECTIONS IN THE CREATION OF LOTS FIVE (5) ACRES IN SIZE OR LARGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Terrie Diesbourg, Director, Customer Services, said there is no provision for short sections or fractional sections within the Land Development Regulations (LDRs) or the Comprehensive Plan. She said there is a five-acre minimum requirement for Minor Lot Splits and Agricultural Lot Splits in Agriculture (A) and Residential Agriculture (RA) zoning. She said staff was recommending provisions for fractional parcels for lots of five acres or more. Ms. Diesbourg said these proposed changes would allow minimum lot sizes to be reduced by 10 percent in short sections, providing that a surveyor certified that the section was short or fractional and, in addition, it would only apply to ¼ to ¼ to ¼ legal descriptions.

Sanford A. Minkoff, County Attorney, said only the Family Density Exemption would allow higher densities in the Rural Land Use areas.

There was discussion regarding the situations in which this ordinance would apply.

Ann Dupee arrived at 9:15 a.m.

Keith Schue commented this would increase densities to some extent and asked why this was being proposed. Mr. Minkoff described a recent Board of Adjustment (BOA) case and explained that the landowner thought his property was ten acres, however, in reality it was a fraction less than that. He said there are no minimum lot sizes only the density requirement, so ten acres could be divided into two lots of four and six acres. A variance would be required to create more than two lots. David Jordan said these short sections have been inventoried to possibly have two dwelling units and have been recorded as ten-acre parcels. He said this would remove bureaucratic obstacles for the average small landowner. Michael Carey said this would not significantly increase density because of the restrictions included with lot splits. There was additional discussion and Mr. Schue was concerned because this proposed change to the LDRs would not be based on Comprehensive Plan policy. Mr. Minkoff said this would be a technical interpretation of how acreage should be calculated, similar to allowing land included in road easements to also be included in the calculations to meet the five-acre lot threshold.

**MOTION by David Jordan, SECONDED by Michael Carey to approve an ordinance AMENDING SECTION 14.11.00, LAKE COUNTY CODE, APPENDIX E. LAND DEVELOPMENT REGULATIONS, ENTITLED LOT SPLITS; ADDING PROVISIONS FOR SHORT SECTIONS IN THE CREATION OF LOTS FIVE (5) ACRES IN SIZE OR LARGER as presented by staff.**

PUBLIC COMMENT

Tim Green, Green Consulting Group, said when the original Comprehensive Plan was written it was “assumed” that all the sections were full and therefore the inventory is probably over-allocated because short-sections were never taken into account.

<b>FOR:</b>	<b>Newman, Carey, Dunkel, Jordan, Elswick, Dupee</b>
<b>ABSENT:</b>	<b>Foley, Parks</b>
<b>MOTION PASSED:</b>	<b>6-1</b>
<b>AGAINST:</b>	<b>Schue</b>

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; CREATING NEW CHAPTER V-A ENTITLED NECESSARY PUBLIC SERVICES AND FACILITIES; CREATING SECTION 5A.00.00 GENERAL PROVISIONS AND PURPOSE AND INTENT; CREATING SECTION 5A.01.01, ENTITLED REQUIRED EDUCATIONAL FACILITIES TO BE IN PLACE PRIOR TO CREATION OF NEW LOTS OR CREATION OF NEW DWELLING UNITS THROUGH SITE PLAN APPROVAL; CREATING SECTION 5A.01.02 APPLICABILITY; AMENDING SECTIONS 14.07.01 SUBDIVISIONS, 14.09.01 SITE PLANS, 14.10.01 MASTER PARK PLANS, AND 14.11.01 MINOR LOT SPLITS; 14.11.02 FAMILY LOT SPLITS, AND 14.11.03 AGRICULTURAL LOT SPLITS TO REQUIRE AUTHORIZATION FROM THE LAKE COUNTY SCHOOL BOARD SHOWING THAT EXISTING SCHOOL CAPACITY EXISTS OR IS PLANNED PRIOR TO FINAL APPROVAL OF PLATS, SITE PLANS OR LOT SPLITS WHICH CREATE FIVE (5) OR MORE NEW LOTS OR DWELLING UNITS; CREATING SECTION 1.02.08 SPECIAL VESTING FOR SUBDIVISIONS, SITE PLANS AND LOT SPLITS TO PROVIDE A SPECIAL VESTING PROVISION FOR SUBDIVISION PLATS WHERE APPLICATIONS FOR PRELIMINARY PLAT APPROVAL WERE FILED ON OR BEFORE SEPTEMBER 5, 2006 AND FOR SITE PLANS AND LOT SPLITS WHICH WERE APPLIED FOR BEFORE SEPTEMBER 5, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Greg Welstead, Deputy County Manager, said this draft ordinance uses the existing Comprehensive Plan to implement consideration of school facilities in the permitting process from this time forward. He said that final plats and site plans must be approved within one year from September 5, 2006 in order to be vested.

Mr. Dunkel asked if changes were made today would this ordinance have to be approved by all agencies. Mr. Minkoff said this ordinance uses the existing Comprehensive Plan and case law to allow the denial of development when school capacity is not available. He said another ordinance would replace this after the School Element is adopted.

In response to Becky Elswick’s question about the current backlog of developments, Mr. Welstead said developments will have to conform with the school capacity requirements if that provision had been included in their zoning ordinance. Other pending projects must have final approval within the one-year time frame discussed earlier.

**MOTION by Michael Carey, SECONDED by David Jordan to approve an ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; CREATING NEW CHAPTER V-A ENTITLED NECESSARY PUBLIC SERVICES AND FACILITIES as presented.**

**FOR: Newman, Carey, Dunkel, Jordan, Elswick, Dupee, Schue**

**ABSENT: Foley, Parks**

**MOTION PASSED: 7-0**

**AGAINST: None**

**PUBLIC SCHOOL FACILITIES ELEMENT AND RELATED AMENDMENTS TO PROPOSED COMPREHENSIVE PLAN.**

Mr. Welstead proceeded to guide the LPA through staff's review of comments submitted by Mr. Schue. In addition to the following, there was agreement to accept minor grammatical comments.

During review of the Introduction, the LPA agreed as follows:

- To strike the last sentence in paragraph 3 – beginning with “backlog.”
- To retain the paragraph beginning with “exacerbating.”

During review of the Definitions, the LPA agreed as follows:

- Adequate yearly progress (AYP) relates to “No Child Left Behind.”
- To define school capacity “utilization of capacity as according to FISH.” Mr. Welstead said many of the definitions were taken from the Florida Inventory of School Houses (FISH) manual.
- To accept the definition of Capital project as presented.
- To add a definition of Charter Schools and Conversion Charter Schools.
- To remove the definition of the Clean Air Act.
- To use the statutory definition of Mitigation Options.
- To remove the definition of No Child Left Behind.
- To remove program utilization.
- Define Proportionate Share Mitigation as “The contribution by a developer or applicant through any of various means (see definition of mitigation options) of resources sufficient to offset or compensate for the site specific impacts generated by a development. The fair market value of this mitigation must be credited against any impact fees or other exactions levied against the development.”
- Agreed to remove the word “New” in “Proposed New Residential Development.”
- Agreed to delete the definition for Satellite Facility.
- Agreed to modify the last sentence of the Site Improvement definition to read “...on a site as a precursor and or accompaniment to construction.”

Goal PSF 1

- Agreement to modify second sentence as follows: “The implementation of school concurrency will be accomplished by cooperatively adhering to and recognizing Lake County’s authority....”
- Agreement to put the interlocal language in Policy 1.1.
- Agreement in Policy 1.3 to use the phrase “dependent upon” in place of “strictly conditioned” and “Lake County schools are encouraged to operate within the established LOS.” Mr. Minkoff explained that concurrency is measured at the Concurrency Service Area (CSA) level and the adjacent service areas to avoid student stations in one area of the County enabling over capacity enrollment in another area of the County.
- Agreed to have Mr. Welstead investigate and insert the correct title of the School Board’s Plan.
- Agreed in Policy 3.2 to modify that policy by adding language similar to “provided the location of such a development is consistent with the

Comprehensive Plan and Future Land Use Map.”

- Agreed in Policy 3.3 to use the language in the interlocal agreement.

#### Objective 4

- Agreed to replace “proper” with “appropriate.”
- Agreed to strike “also” in line six, replace “also continue” with “coordinate with the School Board.”

#### Objective 5.0

- Agreed to add “The County shall” at the beginning of each sentence.
- Agreed to accept the suggested wording in Policy 5.3 and 5.4.

#### Goal PSF 2

- Agreed to strike “applicability standards.”

#### Objective 6.0

- Agreed to add “The County shall cooperate with the School District in the implementation of....”
- Agreed to Policy 6.1 “The County shall recognize school capacity assessments conducted by the School District.”
- Agreed to minor changes to 6.2, plus adding “this review, which the County shall consider in evaluating development proposals.”

#### Objective 7.0

- Agreed to add suggested language to make the sentence complete.
- Agreed in Policy 7.1 to add “based solely on” after the parenthesis.
- Agreed in Policy 7.2 to accept the suggested language submitted by Mr. Schue. Mr. Minkoff said according to State statute concurrency approval was only required at final plat and that developments can be turned down only if they fail to obtain a certificate of capacity from the schools. Ms. Elswick said a fee structure would be set up to reimburse the School District for the cost of these reviews. Mr. Welstead said the cities and County must provide information on building permits and development approvals to the School Board. Mr. Minkoff said the rules and time frames regarding the reservation of capacity will be set up by the School Board.

#### Objective 8.0

- Agreed to add “the County shall coordinate with the School District to....” at the beginning of that sentence.

#### Policy 8.1

- Agreed to change reference to school “district” and to otherwise accept the suggested language.

#### Policy 8.3

- Agreed to change the reference from ‘Board’ to ‘District’ and to otherwise accept the suggested language.

There was a brief discussion on the possibility of developers selling excess school capacity in the schools they build only if the school board approves.

#### Policy 8.4

- Agreed to accept changes, except the suggested sentence beginning “The County.... mitigation plan.”

Policy 8.6

- Agreed with the suggested language.

School Facilities Capital Improvement Element

Policy 1.2

- Agreed to modify the language to be consistent with Interlocal Agreement.

School Facilities – Intergovernmental Coordination

Policy 2.1

- Agreed to change “annually” to “ongoing.”

Data, Inventory and Analysis

- Ms. Elswick said that Rimes Elementary School had not been included in the inventory.
- Agreed to delete the paragraph beginning “Historically..”

PUBLIC COMMENT

Cindy Barrow asked about the FISH capacity issue and it was explained that there would be a reference to the definition of FISH.

Melissa DeMarco said she had been Mt. Dora’s representative at the school concurrency meetings. She said these documents had been written to recognize jurisdictional responsibilities and the importance of coordination. She said the historical information was important to understand why this process had been put in place and it makes it easier to explain to the public. She cautioned against using too many “wobble words.”

Dawn McDonald, School Planner, referred to Section 6 of the Data, Inventory and Analysis and suggested reviewing how there can be more cooperation between County and school staff on facilities.

Mr. Welstead explained that each city must adopt this into their Comprehensive Plan. Mr. Minkoff said in reality all the plans must be consistent with each other.

**MOTION by Michael Carey, SECONDED by David Jordan to forward, with a recommendation for approval, the Public School Facilities Element and related amendments to the Intergovernmental Coordination and Capital Improvements Elements of the proposed Comprehensive Plan with the suggested changes.**

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

**MOTION by Michael Carey, Seconded by David Jordan to reconsider the motion.**

**FOR:** Newman, Schue, Carey, Dunkel, Jordan, Elswick  
**ABSENT:** Foley, Parks, Dupee  
**MOTION PASSED:** 6/0

**AGAINST:** None

**MOTION** by Michael Carey, **SECONDED** by David Jordan to approve to forward with a recommendation for approval the Public School Facilities Element and related amendments to the Intergovernmental Coordination and Capital Improvements Elements of the proposed Comprehensive Plan with the suggested changes, including a way to look for opportunities to coordinate capital improvements between the School District and the County.

**FOR:** Newman, Schue, Carey, Dunkel, Jordan, Elswick

**ABSENT:** Foley, Parks, Dupee

**MOTION PASSED:** 6/0

**AGAINST:** None

Director of Growth Management Carol Stricklin, AICP, explained that at the September 12, 2006 BCC meeting, the scheduled workshops and the transmittal hearing were cancelled. The BCC set a deadline of November 1, 2006 to receive the Comprehensive Plan from the LPA.

Planning Director Wayne Bennett, AICP, said that the LPA would be provided with a running totals for each FLUM change. He discussed the agenda for the next meeting. Mr. Bennett asked Mr. Jordan to put his question regarding population and inventory into writing to assist staff.

Mr. Dunkel was concerned about deadlines being put on the LPA and voiced his concerns regarding the available data. He suggested staff create a FLUM to reflect changes approved in the FLUE, including approved JPAs and recent annexations. He suggested updating the FLUM more often. The Chairman reminded the LPA members to send their written questions to staff. Mr. Carey discussed the difficulty of the task before staff and said every decision made by the LPA changes the data, the demographics and the costs of the plan. He thought these policies would increase the number of age-restricted communities. Mr. Schue didn't want the County to be put in a "reactionary position" instead of a pro-active planning position. He was concerned about the "moving target" created by annexations and the importance of planning for employment opportunities. Mr. Bennett commented that everything doesn't stop and the best anyone can do is to make the best decisions with the information at hand and move on. He said without an adopted FLUM, staff can't negotiate with cities and said planning is an art not a science. Mr. Dunkel thought it was essential to know exactly where "we are" and the inventory of vested properties before a FLUM can be adopted. Mr. Bennett suggested that the additional information be accumulated as part of the EAR process or the three month adoption process, but the information that is being requested today is not available at this time. Ms. Dupee said the deadlines are overdue and she was concerned about the costs of providing services to rural areas. She pointed out that without a new plan, that developments will go forward under the older, less restrictive rules. She said the BCC could move forward with the recommendations of staff and 'not bothering' with the LPA. There was discussion that the LPA is an advisory committee representing the citizens'

viewpoint and that staff has a responsibility to make comments on the LPA's recommendations. Mr. Schue stated that every decision on each parcel is a future land use change and didn't believe that a single vote on the entire FLUM was feasible.

There was discussion on the meeting schedule.

**PUBLIC COMMENT**

Robert Curry said he was concerned with the viability of the FLUM review process. He said not all of the overlays had been shown on the FLUM, such as the rural overlays.

The Chair adjourned the meeting at 12:10 p.m.

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Donna R. Bohrer  
Office Associate III

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Keith Schue  
Secretary