

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
SEPTEMBER 24, 2007**

The Lake County Local Planning Agency met on SEPTEMBER 24, 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
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative

**Members Absent:**

Sean Parks	At-Large Representative
Cindy Barrow	School Board Representative

**Staff Present:**

LeChea Parson, Assistant County Attorney  
Gregg Welstead, Deputy County Manager  
Brian T. Sheahan, AICP, Planning & Community Design Director  
Alfred Massa, Chief Planner, Planning & Community Design  
Francis Franco, Senior GIS Manager, 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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The LPA decided to discuss policy in the morning and continue review of the Future Land Use Map (FLUM) in the afternoon.

### **PLANNED UNIT DEVELOPMENT (PUD) SUNSET POLICY**

Rob Kelly suggested the LPA discuss several issues including requiring PUDs at a certain size threshold, if PUDs should be a Zoning classification or a Conditional Use Permit (CUP) and timeframes particularly regarding phased developments.

LeChea Parson, Assistant County Attorney, asked about the five (5) year time frame for phased development in Item 5.a. Mr. Kelly said as originally written it would apply to all phases; however, he thought time frames for each phase would be appropriate. The LPA discussed how to define realistic time frames for phased developments. Keith Schue thought the Comprehensive Plan should determine if PUDs would be a Zoning classification or a CUP. He thought developments of a certain size should be required to be a PUD so the time frame would be applicable. He was concerned about the zoning persisting after the time frame expired. Mr. Kelly said some jurisdictions include a notice of the time frames on the applications for development. Ms. Parson said the County Attorney' Office would prefer to have the expiration of the time frame trigger a hearing, not an expiration of development rights. David Jordan said that would allow for legitimate mitigating circumstances and it would give land-owners and the public an opportunity to voice their concerns. Chairman Foley said the LPA had agreed on a three (3) year time frame. Brian Sheahan, AICP, Planning and Community Design Director, preferred the five (5) year limit because of the amount of time needed to move through the development process. He said the time frame could be limited to a maximum of five (5) years in the Plan and three (3) years in the Land Development Regulations (LDRs). Chairman Foley thought having different time frames could be perceived as a mixed message. Michael Carey said he was concerned about the impact of economic circumstances on the ability of developers to proceed in a timely manner. Mr. Sheahan said the LDRs could provide higher density in a PUD using a CUP, which would mean if the CUP expired the zoning would revert to the base density. Mr. Jordan said they should decide on the actual time frame. Mr. Kelly said the LPA needed to discuss a size threshold for requiring a PUD zoning and if PUDs should be a zoning classification or a CUP.

Mr. Schue's suggested language was typed onto the screen.

### **PUBLIC COMMENT**

Bob Curry said he agreed with the longer time frame in the Plan and restricting it further in the LDRs. He thought the LPA really wanted to avoid "speculative PUDs."

Mr. Kelly thought there should be a single time limit.

Gregg Welstead, Deputy County Manager, asked when PUDs would be considered permanent, noting that some take years to be totally built out.

There was discussion if PUDs should be zoning classifications or a CUPs, Mr. Sheahan said staff could provide analysis of both possibilities during the revision of the LDRs.

**MOTION by Michael Carey, SECONDED by David Jordan to require Planned Unit Developments to be a zoning classification.**

**FOR:** Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis

**ABSENT:** Parks, Barrow

**AGAINST:** None

**MOTION PASSED: 7-0**

During discussion about if this should apply to commercial uses, Mr. Jordan said that could hinder economic development, which does not have the same impacts as residential uses. Mr. Kelly thought it should apply to any development that included residential uses.

The LPA discussed requiring PUDs for developments with a certain number of residential units because of their impact. There was consensus of the LPA to require a PUD on developments of fifty (50) single family residential (SFRs) units or more, applicable after the adoption date of this Plan.

The meeting reconvened after a short break, David Jordan returned at 11:07 a.m.

The LPA continued to discuss this draft policy for the Future Land Use Element (FLUE) as shown on the screen. The LPA agreed to set time frames for each phase in the PUD ordinance and on policy regarding time extensions.

**PUBLIC COMMENT**

Jon Pospisil said generally he agreed with the three (3) year time frame but thought there could be circumstances that could affect the ability of a developer to proceed. He thought a two (2) year extension should be provided for in the LDRs and suggested allowing extensions with a unanimous vote of the Board of Adjustment (BOA).

Bob Curry suggested the owner or developer of the PUD schedule the public hearing through the County or that the County set the hearing.

There was discussion regarding how to have the zoning revert to the previous classification. Mr. Sheahan suggested requiring a public hearing if the time frame expired before construction commenced. Ms. Parson said "consideration of PUD" would be sufficient information for the hearing advertisement. Mr. Sheahan said this was a LDR issue and that the Florida Statutes require a certain level of notice. Mr. Schue thought the hearing should address the rezoning issue in order to avoid one extension after another. There was discussion regarding specific language. Mr. Jordan said much of this discussion was redundant because Florida statutes require the County to hold a public hearing and said these issues could be addressed in the LDRs.

**MOTION by David Jordan, SECONDED by Peggy Belflower to adopt the initial portion of the language shown on the screen and paragraphs “A” through “E.”**

Mr. Schue was concerned that vesting could become an issue if a hearing was not scheduled on an inactive PUD. He suggested including language stating the LDRs will set a time-frame for the PUD hearing.

**The motion was withdrawn by David Jordan, the SECOND was withdrawn by Peggy Belflower.**

Gregg Welstead said this draft language would allow phase two and others to go forward even if the first phase wasn't built. There was discussion about making each phase conditional on the preceding phase. Mr. Jordan suggested the phasing issue could be addressed in the LDRs. Mr. Carey said the focus should be on the commencement date not the completion date. He asked staff how many PUDs commence within a three-year time frame and Mr. Sheahan said it varied widely but at this time it was very low. Mr. Carey thought a time frame should be reasonable in order to avoid unnecessary hearings and costs. Mr. Sheahan said the time frames could be specified in the PUD ordinance, which would require the ordinance to be amended to change the time frames.

The meeting reconvened at 1:48 p.m. after a break for lunch. Mr. Jordan returned at 1:58 p.m.

Mr. Sheahan left the meeting and Alfredo Massa, Chief Planner, took his place. It was decided to place the Sunsetting Policy under Goal 7.7. Mr. Kelly suggested defining the term “physical construction” in the LDRs.

**MOTION by Keith Schue, SECONDED by Rob Kelly to accept the language regarding Provisions for Planned Unit Developments as shown on the screen to be inserted as Objective 7.7.**

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

There was a short break and the meeting reconvened at 2:30 p.m.

**FLUM REVIEW**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Low Density as depicted in Map Motion 1.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by Peggy Belflower to designate the highlighted area Light Industrial as depicted in Map Motion 2.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Light Industrial as depicted in Map Motion 3.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Urban Medium Density as depicted in Map Motion 4.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

David Jordan was absent from the room for the following four motions.

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Urban Low Density as depicted in Map Motion 5.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: None**

**MOTION PASSED: 6-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Light Industrial as depicted in Map Motion 6.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: None**

**MOTION PASSED: 6-0**

**MOTION by Peggy Belflower, SECONDED by Rob Kelly to retain the Conservation designation in the highlighted area as depicted in Map Motion 7.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: None**

**MOTION PASSED: 6-0**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Medium Density as depicted in Map Motion 8.**

**FOR: Schue, Carey, Belflower, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: Foley, Kelly**

**MOTION PASSED: 4-2**

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Low Density as depicted in Map Motion 9.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

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

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Rob Kelly to designate the highlighted area Urban Medium Density.  
MOTION Withdrawn.**

**MOTION by Rob Kelly, SECONDED by David Jordan to accept the Future Land Use Categories in the highlighted area.**

**MOTION withdrawn by Rob Kelly, SECOND withdrawn by David Jordan.**

**MOTION by Peggy Belflower, SECONDED by Michael Carey to designate the highlighted area Conservation as depicted in Map Motion 11.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by David Jordan, SECONDED by Keith Schue to designate the highlighted area Urban Low Density as depicted in Map Motion 12.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**  
**MOTION PASSED: 7-0**

**MOTION by Rob Kelly, SECONDED by David Jordan to accept the Future Land Use categories in the highlighted area as depicted in Map Motion 13.**

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

There was a short break and the meeting reconvened at 3:50 p.m.

**MOTION by David Jordan, SECONDED by Rob Kelly to take no action on the highlighted area which is included in the Rural Protection Area in recognition of previously designated land uses as depicted in Map Motion 14.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan**  
**ABSENT: Parks, Barrow**  
**AGAINST: None**  
**ABSTAINED: Zaneis**  
**MOTION PASSED: 6-0**

**MOTION by Rob Kelly, SECONDED by David Jordan to designate the highlighted area Rural Low Density as depicted in Map Motion 15.**

**MOTION to call the question by David Jordan, SECONDED by Peggy Belflower, counted as Motion #16.**

**FOR: Foley, Belflower, Kelly, Jordan**  
**ABSENT: Parks, Barrow**  
**AGAINST: Schue, Carey**  
**ABSTAINED: Zaneis**  
**MOTION PASSED: 4-2**

**VOTE ON MAP MOTION #15.**

**FOR: Belflower, Kelly, Jordan**  
**ABSENT: Parks, Barrow**  
**AGAINST: Schue, Carey, Foley**  
**ABSTAINED: Zaneis**  
**MOTION FAILED: 3-3**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Medium Density as depicted in Map Motion 17.**

**MOTION to call the question by Rob Kelly, SECONDED by David Jordan counted as Motion #18.**

**FOR: Foley, Carey, Belflower, Kelly, Jordan**  
**ABSENT: Parks, Barrow**

**AGAINST:** Schue  
**ABSTAINED:** Zaneis  
**MOTION PASSED:** 5-1

**VOTE ON MAP MOTION #17.**

**FOR:** Schue, Carey  
**ABSENT:** Parks, Barrow  
**AGAINST:** Foley, Belflower, Kelly, Jordan  
**ABSTAINED:** Zaneis  
**MOTION FAILED:** 2-4

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Rural Low Density as depicted in Map Motion 19.**

**FOR:** Schue, Carey, Belflower, Kelly, Jordan  
**ABSENT:** Parks, Barrow  
**AGAINST:** Foley  
**ABSTAINED:** Zaneis  
**MOTION PASSED:** 5-1

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Rural Medium Density as depicted in Map Motion 20.**

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

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Medium Density as depicted in Map Motion 21.**

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

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Rural Medium Density as depicted in Map Motion 22.**

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

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Rural Medium Density as depicted in Map Motion 23.**

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

**MOTION PASSED: 6-1**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 24.**

**FOR: Foley, Schue, Carey, Belflower**

**ABSENT: Parks, Barrow**

**AGAINST: Jordan, Kelly**

**ABSTAINED: Zaneis**

**MOTION PASSED: 4-2**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 25.**

**FOR: Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: Jordan, Foley**

**MOTION PASSED: 5-2**

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 26.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 27.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Urban Medium-High density as depicted in Map Motion 28.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by David Jordan to designate the highlighted area Urban Medium-High density as depicted in Map Motion 29.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Jordan, Zaneis**

**ABSENT: Parks, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Keith Schue, SECONDED by Peggy Belflower to designate the highlighted area Urban Medium Density, retaining the Conservation area as depicted in Map Motion 30.**

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

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Urban Medium Density as depicted in Map Motion 31.**

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

David Jordan left the meeting at 4:53 p.m.

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Medium Density as depicted in Map Motion 32.**

**FOR:** Foley, Schue, Carey, Belflower, Kelly, Zaneis  
**ABSENT:** Parks, Barrow, Jordan  
**AGAINST:** None  
**MOTION PASSED: 6-0**

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Low Density as depicted in Map Motion 33.**

**FOR:** Foley, Schue, Carey, Belflower, Kelly, Zaneis  
**ABSENT:** Parks, Barrow, Jordan  
**AGAINST:** None  
**MOTION PASSED: 6-0**

**MOTION by Keith Schue, SECONDED by Peggy Belflower to designate the highlighted area Urban Low Density as depicted in Map Motion 34.**

**FOR:** Foley, Schue, Carey, Belflower, Kelly, Zaneis  
**ABSENT:** Parks, Barrow, Jordan  
**AGAINST:** None  
**MOTION PASSED: 6-0**

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 35.**

**FOR:** Foley, Schue, Carey, Belflower, Kelly, Zaneis  
**ABSENT:** Parks, Barrow, Jordan  
**AGAINST:** None  
**MOTION PASSED: 6-0**

**MOTION by Rob Kelly, SECONDED by Keith Schue to designate the highlighted area Urban Medium Density as depicted in Map Motion 36.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: None**

**MOTION PASSED: 6-0**

**MOTION by Keith Schue, SECONDED by Michael Carey to designate the highlighted area Urban Medium Density as depicted in Map Motion 37.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis**

**ABSENT: Parks, Barrow, Jordan**

**AGAINST: None**

**MOTION PASSED: 6-0**

The Chair adjourned the meeting at 5:10 p.m.

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Donna R. Bohrer  
Public Hearing Coordinator

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Keith Schue  
Secretary





