

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
SEPTEMBER 28, 2007**

The Lake County Local Planning Agency met on SEPTEMBER 28, 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
Cindy Barrow	School Board Representative

**Members Absent:**

Sean Parks	At-Large Representative
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**Staff Present:**

Melanie Marsh, Deputy County Attorney  
LeChea Parson, Assistant County Attorney  
Brian Sheahan, AICP, Chief Planner, Planning & Community Design  
Gregg Madsen Senior 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 9:10 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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Chairman Foley noted that the nonconforming policy would be addressed on October 12, 2007. She said policy would be discussed in the morning and they would continue with review of the Future Land Use (FLUM) in the afternoon.

**PUBLIC COMMENT**

Gary Cooney, Esq., Richey and Cooney, P.A., said he represented some landowners in the Wekiva area, south of SR 44. He said those landowners were in agreement with the Future Land Use Categories (FLUCs) shown on the Wekiva map transmitted to DCA, however, the draft FLUM shows different FLUCs.

Keith Schue said because the Objections, Recommendations and Comments (ORC) from the Department of Community Affairs (DCA) will not come back before the LPA, that this issue will be resolved when the FLUM is adopted. He asked staff if any action needed to taken to resolve this issue.

Brian Sheahan, AICP, Planning & Community Design Director, said there is an issue with consistency and that DCA would like to have an updated FLUM. Mr. Cooney said the property owners he represented would be satisfied with the definition and calculation of open space from the draft 2025 Comprehensive Plan.

**MOTION by David Jordan to designate Rural Transition Density the area discussed, south of SR 44.**

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

Cindy Barrow arrived at 9:40 a.m.

**MOTION by David Jordan, SECONDED by Keith Schue to designate Rural Transition Density the highlighted area south of SR 44 as depicted in Map Motion 1.**

There was discussion about reconciling FLUC recommendations from the cities with the vision of the LPA and that FLUCs can be used to negotiate with developers.

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

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)**

The LPA discussed the TND text, suggested changes and edits to the text, which were typed into the draft and shown on the screen. There was discussion regarding several topics including the function of and process for Special Area Plans (SAP). There was concern regarding SAPs preceding the rezoning process and discussion if SAP were needed. Mr. Sheahan said the SAP would allow for public input earlier in the development process. He said this policy would enable more extensive review of projects that fall short of the Development of Regional Impact (DRI) threshold. Mr. Jordan said he thought the SAP policy was a response to frustrated citizens that were not aware of development plans in their areas. There was discussion on how the public meetings would be conducted, what they should be called and the focus of the meetings. There was concern that this process could result in an impression that the subject development had already been approved before it was reviewed by the Zoning Board. Mr. Kelly thought this policy might not be necessary and Mr. Schue thought that input from the public could be obtained without the SAP.

**MOTION by Keith Schue, SECONDED by Vicki Zaneis to delete Policy titled Special Area Plan Requirements.**

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

**ABSENT: Parks, Carey**

**AGAINST: None**

**MOTION PASSED: 7-0**

There was discussion regarding the Policy on Functional Areas. Mr. Kelly asked how policy could be written to get the design results they wanted. Mr. Sheahan said those concerns could be addressed by requiring a PUD ordinance in the Land Development Regulations (LDRs).

**PUBLIC COMMENT**

Jon Pospisil asked if it would be better to use the number of residents as the threshold instead of the number of acres.

Michael Carey arrived at 10:30 a.m.

Mr. Jordan asked if the internal capture rate could be used to determine the threshold. Mr. Sheahan said the capture rate would depend on the level of service of major connectors.

The meeting reconvened at 10:53 a.m. after a short break.

Mr. Kelly said his intent was to determine a reasonable development threshold necessary to capture some of the road trips internally. The LPA discussed using a threshold of 750 units and above. Mr. Sheahan said a minimum of 100 acres would be necessary to meet the LPA's intent and he agreed that would be too small to support a commercial center.

He suggested specifying the Urban Land Use Series and he said there was sufficient policy in place to support LDRs addressing these issues.

The LPA agreed on “excess of 750 units” and to delete the paragraph relating to “major goods and services.”

**MOTION by Michael Carey, SECONDED by Keith Schue to approve the Policy 1.4.1 Traditional Neighborhood Development with the edits and changes as shown on the screen.**

**FOR: Foley, Schue, Carey, Belflower, Jordan, Zaneis, Barrow, Kelly**  
**ABSENT: Parks**  
**AGAINST: None**  
**MOTION PASSED: 8-0**

**PUBLIC COMMENT**

Bob Curry commented that at a density of 12 units per acre, 750 households could be built on 63 acres and he thought a development of that size would need its own commercial uses. He said 12 units per acre would be too dense to be a TND.

Mr. Schue suggested “TND with an overall density of less than seven (7) dwelling units per net buildable acre.” Chairman Foley said if this much detail was necessary perhaps the Urban High Density category should be excluded.

**MOTION by Keith Schue, SECONDED by Rob Kelly to modify Policy 1.4.1.3, Functional Areas to read “in excess of 750 dwelling units and greater than 200 net buildable acres.”**

Mr. Sheahan suggested setting standards in the LDRs because of the information presently available. There was discussion on the motion and that the standards could be reviewed during the Evaluation and Appraisal Review (EAR) process and having staff review these numbers.

**FOR: Foley, Schue, Carey, Belflower, Jordan, Zaneis, Barrow, Kelly**  
**ABSENT: Parks**  
**AGAINST: None**  
**MOTION PASSED: 8-0**

**PUBLIC COMMENT**

Bob Curry said he thought Policy 1.4.2 Workplace District (WD) should contain a more complete list of uses, and noted there was no provision for CUPs for daycare facilities.

Mr. Kelly thought WD should allow for a different balance of uses than TND and that implementation of WD should also be considered. There was consensus of the LPA to place WD on the agenda for further discussion.

The meeting reconvened at 11:50 a.m. after a short break.

**FUTURE LAND USE MAP REVIEW****MOTION by Rob Kelly, SECONDED by Keith Schue to designate the highlighted area Rural Low Density as depicted in Map Motion 2.**

Mr. Carey said he would be interested in a map showing the nonconformities allowed by the LPA. Mr. Sheahan noted, for the record, that the LPA is aware of staff's position on allowing nonconforming uses where there is a way to avoid them. Mr. Carey and Chairman Foley stated they would rather have those developments shown on the FLUM as they exist. Mr. Kelly said the FLUC recommended by the LPA for this development and Harbor Hills were the same as that on the adopted FLUM. Mr. Sheahan said the State Statutes require the eventual elimination of nonconformities. Mr. Schue suggested including language stating that developments existing prior to a certain date in the Rural Land Use Series shall be recognized as conforming. Mr. Carey said he was concerned that nonconforming developments would be used as justification for more development. He said he would like this FLUC to remain as is because these developments were nonconforming uses before this Plan went into effect. Mr. Sheahan said there was a standing motion to remove areas from the RPA when densities are increased to a certain level. He said a separate motion would be necessary to include this area within the RPA.

**FOR:** Schue, Belflower, Zaneis, Kelly  
**ABSENT:** Parks, Jordan  
**AGAINST:** Foley, Carey, Barrow  
**MOTION PASSED:** 4-3

**MOTION by Keith Schue, SECONDED by Rob Kelly to adjust the Rural Protection Boundary to include the highlighted area as depicted in Map Motion 3.**

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

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Rural Low Density as depicted in Map Motion 4.**

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

**MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Rural Low Density as depicted in Map Motion 5.**

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

Ms. Marsh explained that because nonconforming uses are inconsistent with the Comprehensive Plan they can not be rebuilt if any structures are destroyed. She said the County Attorney's Office is drafting a policy to address this issue. Ms. Barrow voiced concern about possible legal problems. Mr. Sheahan said there were a number of ways to address nonconformities. He said it was possible to have a policy stating that nonconformities meeting specific criteria would be considered conforming.

**MOTION by Rob Kelly, SECONDED by Keith Schue to designate the highlighted area Urban Medium Density, excluding the areas designated Conservation, as depicted in Map Motion 6.**

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

**MOTION by Rob Kelly, SECONDED by Keith Schue to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 7.**

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

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 8.**

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

**MOTION by Peggy Belflower, SECONDED by Michael Carey to designate the highlighted area Conservation as depicted in Map Motion 9.**

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

**MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 10.**

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

**MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Urban Medium Density as depicted in Map Motion 11.**

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

**MOTION** by Keith Schue, **SECONDED** by Cindy Barrow to designate the highlighted area Conservation as depicted in Map Motion 12.

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

**MOTION** by Keith Schue, **SECONDED** by Vicki Zaneis to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 13.

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

**MOTION** by Keith Schue, **SECONDED** by Vicki Zaneis to designate the highlighted area Heavy Industrial as depicted in Map Motion 14.

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

**MOTION** by Keith Schue, **SECONDED** by Vicki Zaneis to designate the highlighted area Light Industrial as depicted in Map Motion 15.

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

**MOTION** by Keith Schue, **SECONDED** by Vicki Zaneis to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 16.

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

**MOTION** by Keith Schue, **SECONDED** by Rob Kelly to designate the highlighted area Urban Medium-High Density as depicted in Map Motion 17.

**FOR:** Foley, Schue, Carey, Belflower, Zaneis, Barrow, Kelly  
**ABSENT:** Parks, Jordan  
**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 18.**

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

**ABSENT:** Parks, Jordan

**AGAINST:** None

**MOTION PASSED: 7-0**

The meeting reconvened at 2:25 p.m. after a break for lunch. Peggy Belflower and Keith Schue did not return after lunch.

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Conservation as depicted in Map Motion 19.**

**FOR:** Foley, Carey, Zaneis, Barrow, Kelly

**ABSENT:** Parks, Jordan, Belflower, Schue

**AGAINST:** None

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Urban Medium Density, excluding the Conservation area, as depicted in Map Motion 20.**

**FOR:** Foley, Carey, Zaneis, Barrow, Kelly

**ABSENT:** Parks, Jordan, Belflower, Schue

**AGAINST:** None

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Cindy Barrow to designate the highlighted area Rural Low Density as depicted in Map Motion 21.**

**FOR:** Foley, Carey, Zaneis, Barrow, Kelly

**ABSENT:** Parks, Jordan, Belflower, Schue

**AGAINST:** None

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Urban Low Density as depicted in Map Motion 22.**

**FOR:** Foley, Carey, Zaneis, Barrow, Kelly

**ABSENT:** Parks, Jordan, Belflower, Schue

**AGAINST:** None

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 23.**

**FOR:** Foley, Carey, Zaneis, Barrow, Kelly

**ABSENT:** Parks, Jordan, Belflower, Schue

**AGAINST:** None

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Cindy Barrow to designate the highlighted area Urban Low Density as depicted in Map Motion 24.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Urban Low Density as depicted in Map Motion 25.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 26.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to accept the Future Land Use Categories shown in the highlighted area North of SR 48 from the Leesburg line to the Town of Howey-in-the-Hills line as depicted in Map Motion 27.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Cindy Barrow to designate the highlighted area Urban Low Density as depicted in Map Motion 28.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 29.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to adjust the boundary of the Rural Protection Area shown in the highlighted area as depicted in Map Motion 30.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Urban Low Density as depicted in Map Motion 31.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

There was a short break and the meeting reconvened.

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Transition Density as depicted in Map Motion 32.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

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

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

**MOTION by Vicki Zaneis, SECONDED by Rob Kelly to designate the highlighted area Rural Medium Density as depicted in Map Motion 34.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Vicki Zaneis to designate the highlighted area Light Industrial as depicted in Map Motion 35.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**  
**ABSENT: Parks, Jordan, Belflower, Schue**  
**AGAINST: None**  
**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Medium Density as depicted in Map Motion 36.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Medium Density as depicted in Map Motion 37.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

**MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Urban Low Density as depicted in Map Motion 38.**

**FOR: Foley, Carey, Zaneis, Barrow, Kelly**

**ABSENT: Parks, Jordan, Belflower, Schue**

**AGAINST: None**

**MOTION PASSED: 5-0**

There was discussion regarding how to schedule and address the land-owner requests.

The Chair adjourned the meeting at 4:30 p.m.

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Donna R. Bohrer  
Public Hearing Coordinator

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Keith Schue  
Secretary



