MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY

OCTOBER 5, 2006

The Lake County Local Planning Agency met on THURSDAY, OCTOBER 5, 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.

Members Present:

David Jordan	District 1
Ann Dupee	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Sean Parks	At-Large Representative
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative

Members Absent:

Becky Elswick	School Board Representative

Staff Present:

Sanford A. Minkoff, County Attorney
LaChea Parsons, Assistant County Attorney
Cindy Hall, County Manager
Greg Welstead, Deputy County Manager
Amye King, AICP, Deputy Director, Growth Management Department
R. Wayne Bennett, AICP, Planning Director
Brian Sheahan, AICP, Chief Planner, Comprehensive Planning
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Francis Franco, Senior GIS Analyst, Comprehensive Planning Division
Walter Wood, Senior Hydrogeologist, Environmental Services
Donna Bohrer, Office Associate III, Planning & Development Services Division

Barbara Newman, Chairman, called the meeting to order at 9:02 a.m. and noted that 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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Chairman Newman addressed the audience and explained the protocol of the meeting including the use of speaker cards and the three-minute general rule for speakers unless they have requested an exemption earlier. Staff explained that they have received two requests for extended time to address the LPA.

FUTURE LAND USE ELEMENT (FLUE)
Brian Sheahan, Chief Planner, discussed the draft of Objective 8.8, Military Operations and explained the suggested changes shown in the underlined and strike through format received from other County staff. He said this is required by statute for any county with military operation areas in their jurisdiction. The LPA reviewed and then briefly discussed Objective 8.8.

MOTION by Michael Carey, SECONDED by Nadine Foley to approve Objective 8.8 as presented.

Ms. Foley said she supported this motion and explained that there have been improved relations between the military and the public. She thought including this in the 2025 Plan would give notice that a military operations area existed in parts of the Ocala National Forest.

FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

URBAN 22 LAND USE CATEGORY
Mr. Sheahan said this category is on the chart and mentioned in the preamble. He emphasized that the Urban 22 category is restricted to Ordinance #62-90 for Cagan's Crossing, a Florida Quality Development (FQD) and Planned Unit Development (PUD). Sean Parks said this category applied only in that ordinance, which was for Cagan's Crossing. Keith Schue thought that "gross net density" would generate confusion. After some discussion, there was agreement to accept "density according to the ordinance." Mr. Schue suggested changing the title to "Cagan" to avoid the perception that this category was portable. Mr. Parks said Urban 22 was the term used in the ordinance. Mr. Sheahan said changing the name would not alleviate that concern because any named land use can be subject to a land use application. However, any application for the Urban 22 land use category would have to meet all the criteria in the ordinance. There was a majority consensus of the LPA with Mr. Schue dissenting to support the continuation of the term "Urban 22."

MOTION by Keith Schue, to rename "Urban 22" to "The Cagan Future Land Use." The Motion died from lack of a second.

INFORMATION REQUESTS/STAFF RESPONSES
Mr. Bennett reviewed the land inventory and population data prepared by Alfredo Massa, Senior Planner. Richard Dunkel thought there was an adequate land inventory currently

available to accommodate the projected population. Mr. Bennett said one variable to be considered was how many lots were buildable. He discussed the Evaluation and Appraisal Report (EAR) process and said it was due in 2008. Nadine Foley said the Future Land Use Map (FLUM) needed to be reviewed because the location of growth was important. Mr. Schue had several questions such as: why the Workplace District (WD) did not show a population allocation; why all the rural categories are assumed to build out at one dwelling unit per five acres; whether or not the city population has been included and questioned the cities' projections. He believed there was too much population accommodation in excess of the projected need.

Ann Dupee questioned Clermont's population projections. Clermont Assistant City Manager Darren Gray said he would check with staff. Mr. Bennett said the State prohibits including potential annexations when calculating population projections. There was discussion on how to project population. Mr. Massa said staff reached their projection by subtracting the projections for the unincorporated area from the total County projections Mr. Jordan discussed taking the total of the cities and deducting it from the total Bureau of Economic and Business Research (BEBR) figures from the County. Ms. Foley said City and County boundaries constantly shift and thought they should work on a plan to direct that population growth. Mr. Jordan said using the BEBR medium-high projections was the best available data and it had been accepted by the Department of Community Affairs (DCA). Michael Carey saw two questions, the location of the growth and how that will affect the projections. Mr. Bennett suggested that some of these issues could be included in the Evaluation and Appraisal Report (EAR) process. Mr. Dunkel believed data was lacking for an adequate inventory of land for employment purposes, that there was inconsistency with the school concurrency numbers and commented on the lack of JPAs with all the cities. He asked why a new FLUM was necessary when the EAR was due very soon and didn't believe these numbers will work. Ms. Foley believed they had adequate data and said population numbers were provided by staff some time ago. She said the FLUM was an opportunity to put their vision for the County on the map and that the FLUM would be reviewed during the EAR.

PUBLIC COMMENT

Clermont Council Member Ray Goodgame asked why the BEBR medium high number was being used and thought the new commissioners should set the projection number.

Mt. Dora Vice-Mayor James Homich said the City was requesting no land use changes within their JPA area and he suggested not changing the current FLUM. He said economic factors, such as lower land prices, were incentives in the development of rural areas and thought it should be made more profitable to develop urban infill areas.

Rob Kelly discussed the land inventory issues. He said the current FLUM already has an over-allocation for the projected population, and didn't understand why densities were increased.

Mr. Parks said these projections were based on historical data and said the BEBR numbers are required by State law. Mr. Jordan said projections are by definition an

estimate, the data is sound and everyone had agreed on the medium-high BEBR number. He said they should proceed with their legitimate planning process and if it led to a build-out scenario, then it would be based on professionally acceptable methodology and on the law.

MOTION by David Jordan, SECONDED by Nadine Foley, to acknowledge the Bureau of Economic and Business Research's (BEBR) medium to high population projections and to approve an average of 58.8 percent of the 2025 projection as the population of the unincorporated area of the County.

There was discussion on the motion. Mr. Bennett said some variables should be considered in determining land inventory and allocation as they determine population projection policy. He thought adoption of a new FLUM, with new land uses focused on attracting employment opportunities was too important to delay for the EAR process.

David Jordan AMENDED the MOTION, SECONDED by Sean Parks to exclude land inventory FROM THE MOTION but agreed to plan for a population of 110,098 based on the projected population figures sent to the Department of Community Affairs.
FOR: Newman, Foley, Parks, Dupee, Jordan
ABSENT: Elswick
AGAINST: Schue, Dunkel, Carey
MOTION PASSED: 5-3

During discussion on the amendment, Mr. Bennett said the land use allocation would include both seasonal and permanent residents. Mr. Jordan said he wanted agreement with the population projection methodology approved by DCA, which is the 110 thousand number. Mr. Schue disagreed with the fifty-eight percent figure. Mr. Carey said the LPA had already agreed to use those numbers and the motion was unnecessary.

VOTE ON THE AMENDMENT
FOR: Newman, Foley, Parks, Dupee, Jordan
ABSENT: Elswick
AGAINST: Schue, Dunkel, Carey
MOTION PASSED: 5-3

VOTE ON THE AMENDED MOTION
FOR: Newman, Foley, Parks, Dupee, Jordan
ABSENT: Elswick
AGAINST: Schue, Dunkel, Carey
MOTION PASSED: 5-3

There was a ten-minute break at 10:55 a.m.

The LPA discussed the population multiplier per dwelling unit and the realistic build-out of the land use categories. Mr. Bennett said staff agreed with the build-out percentage

provided on the data sheet under "Average Units/Acres." He said no percentage was shown for the Workplace District because it was an unknown. There was discussion about the underlying assumptions necessary to project these percentages.

MOTION by David Jordan, SECONDED by Nadine Foley to accept that 66% will be the over all yield for the land uses 100 through 150.

There was discussion on the motion.

PUBLIC COMMENT
Rob Kelly, Citizen's Coalition of Lake County (CCLC), commented that one of the factors in computing "Total Net Developable Acres" was the subtraction of improved acres, which he thought didn't take into consideration possible density increases on those parcels.

FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

Mr. Bennett said DCA recommended a multiplier of 1.5, staff had recommended 2.5 and this was now about 1.6. He asked the LPA what methodology should be used in the rural areas.

MOTION BY Sean Parks, SECONDED by Nadine Foley to approve lines 440 (Rural Low Density) and 450 (Rural Medium Density) for 0.2 and line 460 (Rural Transitional) for 0.5 as the overall yield for those land uses.

PUBLIC COMMENT
Jack Champion believed some requirements for development, such as paved roads, would create lower densities in rural areas than that considered by the LPA.

FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

There was a consensus by the LPA that the 66% voted upon earlier would include seasonal residents.

MOTION by Nadine Foley, SECONDED by Richard Dunkel to allow 33% of the 25% in Workplace District for residential.
FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee**
ABSENT: **Elswick**
AGAINST: **Jordan**
MOTION PASSED: 7-1

During discussion about increasing employment opportunities, Mr. Bennett said that issue could be deferred to the EAR process and added that residential allocations were a factor in projecting economic figures. Mr. Schue thought office and employment opportunities were vital to the prosperity of the County and should be allocated at this time. Mr. Bennett said the County would be working on an economic strategic plan. There was discussion on economic issues and Mr. Jordan believed a commercial overlay would be better than designating specific properties. Mr. Minkoff said Comprehensive Plan changes are almost never a legal basis for a "taking" issue. Ms. Dupee thought relying on the Comprehensive Plan amendment process to designate land for economic purposes was too cumbersome. She said it was important to be able to respond to the needs of businesses in a timely manner. Mr. Carey suggested staff give detailed presentations with their recommendations on issues such as these. There was additional discussion on Office and Industrial uses.

There was a thirty-minute lunch break at 12:15. Mr. Jordan did not immediately return.

Chairman Newman distributed a letter to the LPA from the Lake County Water Authority (LCWA) stating that they would be making a recommendation on a particular parcel in the near future.

FLUM REVIEW - PUBLIC COMMENT

Bob Curry asked if the public would have an opportunity to discuss specific elements within the FLUE. The Chairman said the public would have that opportunity.

Mt. Dora Planning Director Mark Reggintin said the City would prefer to have no residential component in the Office and Commercial categories.

Mr. Gray clarified the population projections for Clermont and said 29,000 was the projected population for the City in 2025. He said 32,000 was the number based on the current FLUM. He said the City is recommending lower densities in their JPA and said that number could be cut in half. Mr. Gray said it was Clermont's recommendation that the Traditional Neighborhood (TN) category be restricted to the JPA and thought the minimum densities should be eliminated. He said the City favored removing the Workplace District (WD) from the FLUM but retaining it as a future land use category but without minimum densities. He said the City opposed the WD in the Karlton Project area.

City of Clermont Council Member Ray Goodgame thought the new designations of TN and WD should be located in the areas contiguous to the JPA.

Carol Saviac said she was the Executive Director for the Coalition for Property Rights. She thought some of the decisions made by the LPA could adversely affect property rights and values and was concerned that the impact of these regulations could reduce the market value of property.

Robert Curry referred to the amount of new language in the FLUE. He said Rural

Support was shown on the chart but there was no text and he reminded the LPA of his suggestion to have a General Use category. He said the Mount Plymouth-Sorrento Planning Area has the equivalent of a FLUE specific for that area in the Comprehensive Plan and he thought that area should have its own map series. Mr. Curry said the Rural Overlays should be Rural Protected Areas and the policies should be moved to 1.8.

Mr. Sheahan said he would be making changes to the draft FLUE on the screen as those changes were agreed upon.

Objective 1.1 Smart Growth
Some members were concerned that the first bulleted item would require locating employment based land uses only in Joint Planning Areas (JPAs); staff said the second bulleted item addressed that concern. Mr. Bennett said Small Area Plans (SAPs) would be used to locate employment based land uses within residential land areas.

David Jordan returned to the meeting at 1:20 p.m.

MOTION by Keith Schue, SECONDED by Sean Parks to accept staff's recommendation on Objective 1.1, which is to delete the paragraph and to insert new Policy 1.1.2, titled Smart Growth Strategy.
FOR: **Newman, Foley, Schue, Parks, Dunkel, Jordan**
ABSENT: **Elswick**
AGAINST: **Dupee, Carey**
MOTION PASSED: 6-2

The LPA agreed with Mr. Sheahan's suggestion that the draft FLUE posted on the website show today's decisions as a clean document. He noted that the previous drafts are part of the public record.

There was discussion on a General Land Use series. Mr. Bennett said Rural Support had been added by staff for discussion. He thought it was important to have clear distinctions between rural and urban land uses. He said including commercial uses in a General Land Use category could adversely affect rural preservation because some commercial uses would be more compatible with urban uses. Mr. Schue supported a general land use category to accommodate land uses such as Conservation and Public/Quasi-Public Uses because he believed some land uses do not fit in either rural or urban uses. Mr. Bennett said staff remained concerned about commercial uses.

Ms. Foley was concerned with the amount of detail necessary to accommodate areas such as the Mt. Plymouth-Sorrento Planning Area in this FLUE section. She said there should be a category to recognize these special historic areas of the County.

Mr. Bennett said in order to protect rural areas there should be a way to address non-residential uses in those areas. He said Mt. Plymouth-Sorrento was an anomaly not a model and said commercial uses in rural area were entirely different from commercial in urban areas. Mr. Carey asked if these unique communities could be recognized in an

addendum to the plan. Mr. Schue didn't believe the Mt. Plymouth-Sorrento Area was either exclusively rural or urban, and should not be forced into one category or the other.

MOTION by Keith Schue, SECONDED by Michael Carey to recognize the rural and urban attributes of the Mt. Plymouth-Sorrento Planning Area by placing it in its own land use series.

Ms. Foley thought this category should be available to other communities. She suggested having a reference to those policies because this level of detail in the FLUE was unnecessary. Ms. Dupee thought requiring a Comprehensive Plan Amendment would be too cumbersome for other communities.

Mr. Schue restated his motion as "instead of putting Mt. Plymouth-Sorrento in either the urban category or the rural category, which are two different objectives right now in this Comprehensive Plan, to put it under a separate Objective called Mt. Plymouth-Sorrento. It is a special area and when other special areas come in they can have their own objectives too."

Several members suggested calling the series "Special Areas." Mr. Schue was concerned about having a Special Area land use category in another location without policies for that area.

PUBLIC COMMENT
Robert Curry said it was important to define special areas and thought much of the detail regarding the Mt. Plymouth-Sorrento area belonged in the LDRs. He said it was important to have a procedure for these communities.

Jeanne Etter said she was speaking on her own behalf, not as a representative of the Mt. Plymouth-Sorrento Planning Advisory Committee (MPSPAC). She said the intent had been to have policies reflecting the uniqueness of that area and to have a process for other communities. She said she could support having an overall category for these areas.

Mr. Schue said it was the intent of his motion that areas such as Mt. Plymouth-Sorrento should be recognized at an "objective level" of Special Areas. There was discussion that policies for these communities would be subject to a Comprehensive Plan Amendment and that an ordinance would be necessary at the beginning of the process to recognize a citizens' group as being representative of the community.

MOTION to call the question by Nadine Foley.
FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

Mr. Schue restated the motion "to place Mt. Plymouth-Sorrento as its own series under an objective in the Comprehensive Plan which would be titled Special Areas

… it would be its own land use series because it has multiple categories within it, when other communities come together and develop policies for their own categories in a similar fashion, then they can also be inserted under this place in the Comprehensive Plan called Special Areas."
FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

During discussion clarifying the motion there was agreement that there will be an objective for the Rural Land Use Series, the Urban Land Use Series and one for Special Areas.

MOTION by Sean Parks, SECONDED by Michael Carey to continue the remainder of today's agenda to the regular meeting on October 19, 2006.
FOR: **Newman, Foley, Schue, Carey, Parks, Dunkel, Dupee, Jordan**
ABSENT: **Elswick**
AGAINST: **None**
MOTION PASSED: 8-0

PUBLIC COMMENT
Fred Cranmer, representing the Friends of Ferndale, presented a document titled "Policy Ferndale Community," which contained proposed policies and a boundary map. He requested recognition for their area and the boundaries in whatever portion of the Comprehensive Plan was appropriate. He said Ferndale is not an area awaiting urban development but is a true historic rural village with a variety of uses to serve the residents. They are requesting the recognition and preservation of their area and rural lifestyle through land use polices and LDRs. He said not all communities have equal resources available and not all of them would be able to undertake a project on the same magnitude as Mt. Plymouth-Sorrento. There was discussion regarding an overlap area between the Montverde JPA and the Ferndale boundaries. Growth Management Deputy Director Amye King, AICP, said the Montverde Mayor had indicated to staff that the Town wants to work with Ferndale to resolve this conflict. Tim Green, Green Consulting Group, said they are the planning consultants for Montverde. He said the Town has pending requests for annexation that included some of the areas shown on this map.

Valerie Deese, a Ferndale resident, discussed a rezoning application that had been continued which would allow densities of two units per acre bordering CR 455 (the Green Mountain Scenic Byway) in the Lake Apopka Basin Protection Area. She said the residents of Ferndale believed new development should be compatible with the existing development patterns. She said it was important to protect the wildlife of the area.

Ed Mitchell, a Ferndale resident, spoke in support of the policies for the Ferndale community discussed by Mr. Cranmer. He discussed the repercussions of development at the potential densities shown on the FLUM. And he was concerned about protecting the rural life style in Ferndale.

Vicki Zaneis said she is a County resident living close to Lady Lake. She believed the Town has pending amendments before the Department of Community Affairs (DCA) that would increase densities up to six units per acre on property adjacent to working agricultural areas. Ms. Zaneis spoke in support of protecting the area on the west side of the Oklawaha River in order to protect the wildlife in that area.

John Brautcheck discussed his property on Britt Road which is contiguous to the City of Mt. Dora and to a Pringle Development. He said the proposed FLUM shows two different land uses on his property and he requested land uses consistent with the contiguous existing land uses. He believed the fifty-percent open space requirement was in effect a "taking" of his property rights. He also disputed the City of Mt. Dora's position on extending city services to his property.

Hugh Kent explained he was presenting a letter and supporting documents for the LPA to consider regarding his property within the Eustis JPA.

Ottmar Olsen described his contacts with County and Eustis staff regarding his property located in the Eustis JPA. He said there were land use discrepancies between the County and the City's FLUMs regarding his property on the corner of 44 and the Eustis bypass. Ms. King said staff was working with the City of Eustis to resolve the discrepancies and would be attending a Eustis council meeting. There was discussion on how to resolve Mr. Olsen's situation.

Jeanne Etter wanted to comment on Policy 1.3.1.4, Rural Transitional, which is shown in the Mt. Dora JPA and the Mt. Plymouth-Sorrento Planning Area. She thought borrow pits and landfills were Conditional Uses in that land use. She said those uses would not be acceptable in that area, because it is within the Wekiva Basin Springshed Area.

Glen Burns discussed the mapping conflicts between the Town of Montverde and the Friends of Ferndale. He said the Montverde Planning and Zoning Committee voted unanimously to respect the boundaries of the Ferndale special area as it was delineated on a County map.

Janet Shira, B & H Consultants, said they are the planning consultants for the City of Mascotte. She said the City requests are not shown correctly on the FLUM which depicts the cities' recommendations. She said they would submit a map showing the City's recommendations.

Rob Kelly, Citizen's Coalition of Lake County (CCLC), discussed the rural area policies. He recommended modifying Policy 1.8.10 by changing "community based planning approach to rural areas" to "designation of rural protection areas".

The Chair adjourned the meeting at 3:05 p.m.

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Donna R. Bohrer
Office Associate III

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Keith Schue
Secretary