MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
OCTOBER 24, 2008

The Lake County Local Planning Agency met on OCTOBER 24, 2008 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:

Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Terry Godts	At-Large Representative

Members Absent:

Jeffrey Schaffer	District 1
Rob Kelly	District 2
Cindy Barrow	School Board Representative

Staff Present:

Melanie Marsh, Deputy County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Ian McDonald, AICP, Planning & Community Design, Chief Planner
Pratima Strong, Geographic Information Systems (GIS) Analyst
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:07 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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Brian T. Sheahan, AICP, Planning & Community Design Director, discussed the items on today's agenda.

Avalon Lakes Development
T.J. Fish, AICP, Executive Director, Lake/Sumter Metropolitan Planning Organization (L/SMPO) discussed transportation issues in the Four Corners Area, the lack of east-west connectivity, environmental issues and the need for a 'partner' to build that connecting route. There was discussion regarding environmental issues in this area and concern that public funding would be needed.

Leslie Campione, Esq., Campione & Vason, said her client was proposing a Future Land Use Category (FLUC) specific to this development because the Comprehensive Plan does not have a mixed-use FLUC. She said the developer wants to create a viable employment center. She said with preservation of uplands and taking into consideration the wetlands, it would be possible to build approximately 900-1000 residences.

Chairman Foley discussed the advantages of the Workplace District FLUC that had been removed from the draft FLUE. Mr. Schue said he would not support restoring the workplace FLUC and he thought the development depicted in the conceptual site plan drawings were too intense. LPA members clarified that the Urban FLUCs provided for mixed-use development.

Jeffrey Rapson, JW Real Property Advisors, discussed the advantages of being able to cohesively plan for a large area instead of having the area develop in a piecemeal manner including the ability to address environmental factors specific to the site and to create a sense of community.

Ms. Campione discussed the benefits of this development. Chairman Foley said she thought the LPA should consider a FLUC with enough flexibility to accommodate developments such as this. The LPA reviewed this area on the draft Future Land Use Map (FLUM), discussed what would be allowed under the current FLUCs, storm water issues, the amount of open space, the amount of impervious and pervious surfaces. Chairman Foley said she didn't believe the LPA wanted brand new FLUCs for specific developments. There was discussion of how the proposed density differed from the draft FLUM. Chairman Foley discussed considering development across the county line from this location as they have done in other areas of the County.

Mr. Sheahan said the area east of this site was poorly planned, extremely dense and has significant transportation issues. He discussed alternative ways to accommodate this proposed development if the LPA wanted to do so. LPA members discussed their reluctance to treat a FLUC as a zoning category; a preference for using an established FLUC because it would be more precise; the Board of County Commissioners' (BCC) request to reduce density and having well-planned, compact, walk-able developments in the future. Some members thought they would like more time to consider this area.

The meeting reconvened at 10:55 after a short break.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER II OF APPENDIX E, LAND DEVELOPMENT REGULATIONS, LAKE COUNTY CODE, ENTITLED DEFINITIONS; AMENDING CHAPTER VI. OF APPENDIX E, LAND DEVELOPMENT REGULATIONS, SECTION 6.06.03, LAKE COUNTY CODE, ENTITLED MINING SITE PLANS AND OPERATING PERMITS; AMENDING CHAPTER IX. OF APPENDIX E, LAND DEVELOPMENT REGULATIONS, SECTION 9.07.06, LAKE COUNTY CODE, ENTITLED ADMINISTRATION AND ENFORCEMENT; AMENDING CHAPTER IX. OF APPENDIX E, LAND DEVELOPMENT REGULATIONS, SECTION 9.07.08, LAKE COUNTY CODE, ENTITLED DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS; MAKING ALL CHANGES FOR THE PURPOSE OF CHANGING REFERENCES FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 TO THE NORTH AMERICAN VERTICAL DATUM OF 1988; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Donna Bailey, Geographic Information Systems (GIS) Analyst, Public Works, explained that Federal Emergency Management Agency (FEMA) adopted revised flood maps in 2002 based on the North American Vertical Datum (NAVD) of 1988. However, when the County readopted flood maps, the datum referred to remained the National Geodetic Vertical Datum (NGVD) of 1929. This proposed ordinance will require the NAVD 88 to be used in applications for elevation certificates.

MOTION by Michael Carey, SECONDED by Keith Schue to transmit the proposed ordinance to the Board of County Commissioners with a recommendation of approval.

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

Jeffrey Schaffer, PE, Weaver Brothers Engineering and former LPA member, discussed the mixed-used diagrams he had previously provided. He said these diagrams address the relationship between intensity and density and show optional designs with percentages totaling from 100% to 120%. He said he remains concerned about bonuses for residential uses over non-residential because he felt any exception could result in loopholes.

The LPA reviewed Mr. Schue's draft policy which utilized Mr. Shaffer's approach regarding Density and Intensity of Mixed Use Development limited to a total of 100%. The LPA agreed to to incorporate this as Policy 1.2.5 in the current draft. Mr. Schaffer said in his experience designing development that the limiting factor was the Impervious Surface Ratio (ISR) and parking requirements, not the Floor Area Ratio (FAR).

MOTION by Terry Godts, SECONDED by Michael Carey to incorporate Policy 1.2.5, Calculation of Density and Intensity in Mixed Use Development as shown on the monitor into the Future Land Use Element.

PUBLIC COMMENT
Jon Pospisil suggested replacing "maximum percentage of the suggested..." with "percentage of the maximum allowable…" or the "percentage of the allowable…" He suggested allowing a percentage higher than 100% to encourage second story residential and he suggested there should be an incentive to encourage more open space.

There was discussion about locating urban densities within the municipal areas and densities necessary to support mass transit and central utilities.

The LPA agreed to change "specific" to "actual."

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

Mr. Sheahan noted that a section of Policy 1.2.6, Interpretation of Residential Density now contradicts Policy 1.2.5.

MOTION by Keith Schue, SECONDED by Peggy Belflower to strike the last sentence under Policy 1.2.3, add "Wekiva River Protection Area Receiving Area 1" and to change the title to "Calculation of Residential Density."

There was a consensus of the LPA with the above motion.

The LPA agreed to change the title of Policies 1.2.3 and 1.2.4 to reference "Calculations of" and in the title of Policy 1.2.6 to remove "Maximum" and "in Future Land Use Categories."

The meeting reconvened at 1:16 p.m. after a break for lunch.

Ian McDonald, AICP, Chief Planner, Planning & Community Design, discussed the basic principles of Low Impact Development (LID) and the proposed changes to the draft Future Land Use Element (FLUE). He said these policies would be the basis for Land Development Regulations (LDRs) to implement LID.

The LPA agreed to edit item 3 under "Regulatory Guidelines" replacing "are preferred" with language that requires compliance with LID principles. There was discussion about these design standards being applicable throughout the County. Mr. McDonald said staff would review the previously transmitted Stormwater Element; however, he believed these policies were sufficient to support appropriate LDRs. The LPA agreed to add a bullet item under Policy 7.2.3 regarding conservation subdivisions, ensuring that site development and stormwater systems would be implemented compliant with LID principles.

The LPA discussed possibly removing the second sentence under Policy 4.4.2; however, Mr. Sheahan said the State requires a statement regarding a comprehensive stormwater management ordinance in policies related to any Area of Critical State Concern. The LPA agreed to end the last sentence in the second paragraph at "practices of Low Impact Development."

The LPA agreed to include the language as shown on the monitor, which states that impacts to wetlands and floodplains in the GSACSC are prohibited except for legal ingress or egress.

The LPA reached a consensus with the edited Policy 7.12.5, Methods of Managing Stormwater as shown on the monitor and the LID policies as discussed.

REVIEW OF ACTION ITEM LIST

The LPA began discussion on Policy 5.1.1 under Rural Protection Areas and agreed to revisit this language in the afternoon.

The LPA reviewed Policy 5.1.2 and agreed with the addition of "or similar agreements" after Joint Planning Areas and to edit the time frame and to move it to the beginning of the paragraph.

The LPA reviewed Policy 5.1.3 and agreed to edits.

The LPA discussed bullet item number one regarding protection of environmentally sensitive areas and agreed to use "ensured through conservation easement or similar legally binding instrument." There was discussion regarding these different options and the LPA agreed to edit this bullet item stating "perpetual conservation easements or similar legally binding instrument."

PUBLIC COMMENT
Jon Pospisil suggested that homeowner associations (HOAs) hold title to property which in turn could be leased for silviculture purposes.
The LPA agreed with the staff edits for Objective 5.2, Wekiva-Ocala Rural Protection Area and Objective 5.3, Emeralda Marsh Rural Protection Area.

The LPA reviewed the draft of Objective 5.4 and agreed with the language shown on the monitor, combining the Lake Apopka and Yalaha areas into a single RPA, stating the location as between the Harris Chain of Lakes and the Clermont Chain of Lakes, and titling it the Yalaha-Lake Apopka Rural Protection Area.

MOTION by Terry Godts, SECONDED by Peggy Belflower to incorporate policies for the Wekiva-Ocala Rural Protection Area, the Emeralda Marsh Rural Protection Area and the Yalaha-Lake Apopka Rural Protection Area as edited and as shown on the monitor.

The LPA agreed to add "uplands" to the fourth bullet under Policy 5.1.3.

Michael Carey left at 3:00 p.m. The meeting reconvened at 3:18 p.m. after a short break.

The LPA reviewed draft policy regarding Sustainable Agriculture and there was a consensus to incorporate that language as Policy 5.1.4 Sustainable Agriculture.

MOTION Amended by Terry Godts, SECONDED by Peggy Belflower to include Policy 5.1.4 Sustainable Agriculture in the motion and to incorporate Goal 5 as edited and shown on the monitor into the draft Future Land Use Element.
FOR: Foley, Schue, Belflower, Zaneis, Godts
ABSENT: Barrow, Kelly, Carey
AGAINST: None
MOTION PASSED: 5-0

The LPA agreed that staff re-organize policies as made necessary by the previous motion for the LPA's review at a later meeting.

There was discussion regarding the desire of several LPA members to review the ORC-based changes to the Wekiva Ordinance. Chairman Foley repeated her stated position regarding transmittal of the Comprehensive Plan before the end of this calendar year.

REVIEW OF ACTION ITEM LIST

MOTION by Peggy Belflower, SECONDED by Vicki Zaneis to approve Policy 6.2.2, Florida Black Bear Scenic Byway Overlay Districts policy.
FOR: Foley, Schue, Belflower, Zaneis, Godts
ABSENT: Barrow, Kelly, Carey
AGAINST: None
MOTION PASSED: 5-0

There was discussion regarding the lot exemption for density policy. Chairman Foley noted that considerable time had been spent reviewing this policy and suggested that members who remained concerned about this policy meet with the Office of the County Attorney to resolve those concerns. Mr. Schue outlined his concerns with Policy 7.5.5, Existing Lot Exception for Density.

After some discussion on Policy 7.5.2, Nonconforming Lots and Subdivisions within the Future Land Use Categories, Mr. Sheahan said staff would draft policy to address the concerns discussed.

Ms. Belflower suggested extending the time frame of the Plan and naming it the 2030 Comprehensive Plan.

MOTION by Peggy Belflower, seconded by Terry Godts to reset the time frame of the new Comprehensive Plan to the year 2030 and to change the title to Planning Horizon 2030.
FOR: Foley, Schue, Belflower, Zaneis, Godts
ABSENT: Barrow, Kelly, Carey
AGAINST: None
MOTION PASSED: 5-0

The LPA reviewed the FLUE map series and agreed to delete the Wekiva River Protection Area (WRPA) boundary from the Transportation Map and to add a symbol for road interchanges. There was discussion regarding where bicycle trails were located in the County and about depicting those trails. Mr. Sheahan said significant time would be necessary to update this data because of a data lag. He noted that these maps are intended to be an overview and said the Bike and Trails plan is referenced in the Plan.

The LPA reviewed the Rivers, Lakes and Floodplains map and agreed to remove the delineation of the WRPA boundaries from this map.

The Chair adjourned the meeting at 5:00 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary