

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY**

OCTOBER 25, 2004

The Lake County Local Planning Agency met on Monday, October 25, 2004 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:

Dan Matthys	District 2
Michael F. Carey	District 3
Richard Dunkel	District 4
Nadine Foley, Vice-Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Barbara Newman, Chairman	At-Large Representative

Members Absent:

David Jordan	District 1
Sean Parks	At-Large Representative

Staff Present:

Gregg Welstead, Deputy County Manager; Director, Growth Management
Department
Sanford A. Minkoff, County Attorney
Amye King, AICP, Chief Planner, Comprehensive Planning Division
Jeff Richardson, AICP, Planning Manager, Planning & Development Services
Division
Ross Pluta, Engineer III, Lake County Public Works
Alfredo Massa, Senior Planner, Comprehensive Planning Division
Amelyn Regis, Senior Planner, Comprehensive Planning 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 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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Jeff Richardson, AICP, Planning Manager, Planning & Development Services Division, explained that the Clermont Joint Planning Area (JPA) agreement had been formally adopted. The Joint Land Development Regulations (LDRs) were to be agreed upon by both parties, and they should meet the superior of the two Codes.

Chairman Newman said the items to be reviewed today would be those on which agreement has not yet been reached.

Minimum Lot Frontage

Mr. Richardson said the Customer Services Division has recommended a minimum seventy-five (75) foot lot frontage in both R-3 and R-4 zoning districts. There was concern that requiring wider lots would make lots smaller and generate additional variances to meet setback requirements for pools and accessory structures.

Wayne Saunders, City Manager of Clermont, said that because of land elevation changes, the City prefers the larger lot widths. If there is a concern about pool setbacks, the lot depth can be addressed during the design of the development. Mr. Saunders added that narrow lots do not allow for transition between lots. The wider lot width also meets the more restrictive requirement of the JPA agreement.

In response to a question from Richard Dunkle, Mr. Saunders said that lot width was a factor in storm water considerations.

Mr. Saunders said the City of Clermont has a minimum lot size. Keith Schue thought the larger lot size met the “stricter” requirement of the JPA agreement. Mr. Richardson said that the JPA agreement actually reads “the standards that are superior.”

Mr. Saunders agreed with Mr. Carey’s concern about retaining walls being problematic over time.

Elaine Renick, Clermont City Council member, commented that although the word “superior” is used within the JPA document, at the workshop the terms “stricter” or “more restrictive” were used.

MOTION by Richard Dunkel, SECONDED by Michael Carey to set lot widths of one hundred (100) feet in R-3 and eighty-five (85) feet in R-4.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Wetlands Alterations

Mr. Richardson explained that Clermont prohibits the alteration of wetlands. The County does allow wetland and floodplain alterations provided the proper permits are obtained from the appropriate state agencies. It is possible wetlands could be enhanced through development design. He suggested the wording “discouraged unless it is providing an enhancement or restoration” as opposed to the very restrictive “prohibited.”

Mr. Saunders stated that the prohibition of wetland alteration was a long-standing rule in the City. The City believes that at the very least it would take a very long time to re-establish the original natural environment. The City does not accept the filling in of wetlands even if compensating storage is created somewhere else. Restoration might be considered if wetlands had been degraded in some way.

Mr. Schue said he believes that there are certain key regionally significant eco-systems that should be protected, such as the Green Swamp. He believes the strongest standard should apply because the Green Swamp is an Area of Critical State Concern. He pointed out that protection of the Green Swamp is consistent with the Lake County Comprehensive Plan. He agreed with the City’s position within the Green Swamp; outside that area, there might be other considerations. He handed out a section of the Orange County Comprehensive Plan that related to wetlands. Mr. Schue said Orange County has a wetlands classification system with different levels of protection. He suggested that a similar system could be applicable to the Clermont Joint Planning Agreement (JPA) area outside of the Green Swamp.

Richard Dunkel agreed that the most “restrictive” prohibition should be applied within the Green Swamp. It might be possible to create separate regulations for wetlands outside of the Green Swamp. Michael Carey and Dan Matthys both agreed with protecting wetlands in the Green Swamp.

Mr. Richardson said he didn’t have a problem with prohibiting the alteration of wetlands within the Green Swamp. However, the County was concerned that access could be an issue in some areas. Mr. Saunders said access issues could be addressed through the variance process. He would be in favor of initiating a classification system for wetlands.

Ms. Renick asked if the classification of wetlands could be initiated and mapped soon to avoid potential conflicts. She would like to have those maps completed before seeking approval of the Joint LDRs from the Board of County Commissioners (BCC). Mr. Richardson said the final document would be brought back to the Local Planning Agency (LPA) before it was presented to the BCC.

Mr. Carey asked if the City of Clermont was standing by their recommendation for no alteration to wetlands. Mr. Saunders said that was their recommendation. However, if it is the LPA’s position that some wetlands alteration outside the Green Swamp could be allowed, then a classification system should be considered in those areas.

MOTION by Keith Schue, SECONDED by Michael Carey to accept the City of Clermont's position as it relates to the Green Swamp to protect wetlands, and that the City and County work together to consider a wetlands classification system applicable to the Joint Planning Agreement area outside of the Green Swamp.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Floodplain Management Regulations

Mr. Richardson said the floodplain management concerns mirrored that of the wetlands. He reiterated the County's concern with possible access issues. He felt floodplain alternation should be permitted for access to individual single-family residences.

Mr. Saunders stated that it was the City's experience that even minor flood plain encroachments can cause unanticipated problems. The City feels the variance review process is preferable to a staff person deciding what is or is not a minor encroachment.

Mr. Dunkel asked if the St. Johns River Water Management District (SJRWMD) would issue permits for individual single-family residences. Mr. Richardson said that the threshold of their permits is measured by the amount of fill. He is concerned about the number of variances that could be requested because of a prohibition.

Mr. Schue asked if this issue is separate from the next issue, which is Development in Special Flood Hazard Areas (SFHAs). Mr. Richardson said the issues are very similar. Mr. Schue asked if there were SFHAs within the JPA and if SFHAs were some but not all floodplains. Mr. Schue said his position was similar to that of the Green Swamp wetlands. He thought perhaps SFHAs outside the Green Swamp could be treated differently. Mr. Carey agreed with Mr. Schue.

Nadine Foley asked how frequently variances were requested on this issue. Mr. Saunders replied that he was only aware of one in the last year.

Ms. Renick said that from a practical standpoint even if it is only one case where we allow a house to be in the flood plain if something should happen it comes back on the city.

MOTION by Richard Dunkel, SECONDED by Michael Carey to agree with the City's recommendation.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys
AGAINST: None
NOT PRESENT: Parks, Jordan
MOTION CARRIED: 6-0

Development in special Flood Hazard Areas (SFHAs)

Because of the similarities between SFHAs and Floodplain Management Regulations Mr. Richardson suggested that the same recommendation be applied.

MOTION by Michael Carey, SECONDED by Nadine Foley to prohibit floodplain alteration within the Joint Planning Area Agreement.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys
AGAINST: None
NOT PRESENT: Parks, Jordan
MOTION CARRIED: 6-0

Signage

Mr. Richardson said the City Code prohibits scrolling, and red illumination. Lake County's Code only prohibits the flashing of scrolling signs or beacons.

Mr. Saunders said it was the City's position that prohibiting scrolling signs would be following the "stricter" intent of the JPA. He also stated that the County Code had prohibited such signage in the past. The City considers scrolling signs to be a safety issue.

Ms. Foley agreed that moving signs could be distracting to drivers particularly in congested areas. Mr. Schue he thought the stricter standard was pretty clear, and those signs should be prohibited within the JPA.

When Mr. Dunkel asked if the time and temperature signs would be prohibited, Mr. Saunders said the City interpreted scrolling as constant movement. However, the City allows changeable signs.

Ms. Foley asked Mr. Richardson how the County would interpret "scrolling" in the

unincorporated area. He said it would be difficult for the County to regulate signage from a permitting stand. Mr. Saunders reiterated the City's position and stressed the importance of consistency in the regulations in the area surrounding Clermont.

Ms. Renick stated it might be a matter of defining the term scrolling better. Mr. Carey asked if it was the City's position to recommend signs containing scroll/text messages be prohibited. Mr. Schue said the difference between alternating and scrolling text was problematic as well.

Mr. Welstead said that both the City and the County's sign codes may have to be rewritten to more accurately describe what types of signs will be allowed.

Ms. Foley suggested that sign size and how long it takes to read the message could also be taken into consideration.

Mr. Dunkle said that the City work up some alternative verbiage.

Chairman Newman said no motion was needed since the consensus of the LPA was sufficient.

Mr. Matthys said in some jurisdictions the speed of the message and time needed to read the message are taken into consideration. However, he would prefer no scrolling signs.

Road Location and Layout

Mr. Richardson said the following issues came out of the Chapter 9 rewrite that had been forwarded to the City of Clermont for their review and comment.

Mr. Saunders said the Chapter 9 regulations do not affect the City, and that the Joint Land Regulations will be in Chapter 15. If the County does not adopt the City's recommendation into their LDRs, then the City would prefer to have their recommendations incorporated into Chapter 15.

When Mr. Dunkle said the grade must affect the handling of storm water, Mr. Saunders agreed. He said their Code contains language regarding working with the land grade. However, sometimes a 12 percent grade for a short distance is difficult to avoid. Extra consideration must be given to storm water issues because the City requires curb and gutter. Mr. Dunkle asked about requirements for possible future variances, and which governmental entity would have oversight. Mr. Saunders said roads in the JPA are in the unincorporated area of the County. All permitting within the JPA would be done through the County. Clermont would have standing at any variance hearings. It is the City's position is that this grade requirement should be applied within the JPA.

Mr. Richardson explained that the County was working to identify items within Chapter 9 that would need to be included in Chapter 15. In this case, the County has the stricter

Mr. Dunkle said he was concerned about preserving as much of the character of an area as possible.

Mr. Schue asked if it was possible to find a way to allow flexibility on this issue. He suggested the City’s standard be accepted, and the County could change the grade dependant on safety or some other valid consideration. Mr. Richardson said the current regulations are very similar to Mr. Schue’s suggestions. The recommendations of the City would not prohibit someone doing a 10 percent grade.

Ms. Marsh said that when writing ordinances, County staff employee should not have discretion in make these types of allowances. Any extenuating circumstances would have to be very specific.

Chairman Newman felt the variance process would be the appropriate alternative.

Mr. Matthys asked if it would be possible to have it a 10 percent grade unless the natural slope is at 12 percent. Ms. Foley added it would apply only in Chapter 15.

Mr. Richardson stated he thought that would be acceptable to County staff. Mr. Saunders concurred.

Mr. Schue said some exception must already be in the LDRs, and he suggested expanding on those exceptions. Mr. Richardson said this proposed grading regulation would only apply in the JPA (Chapter 15), not to Chapter 9.

MOTION by Richard Dunkle, SECONDED by Dan Matthys to recommend adoption of the City of Clermont’s recommendation within the JPA regarding road location and layout.

FOR: Dunkel, Matthys

AGAINST: Newman, Foley, Schue, Carey

NOT PRESENT: Parks, Jordan

MOTION FAILED: 2-4

Commercial Site Plans

Mr. Richardson explained that it is the position of the County that all commercial sites do not necessarily have direct access to public right-of-way. Mr. Saunders said this requirement has been in the City’s Code for a long time, and they have not had any problems. If such a situation should arise, a variance could be applied for.

When Mr. Schue asked if Clermont has frontage roads, Mr. Saunders said they do. They

are considered public roads and would meet the public access requirement. Mr. Schue said he thought that frontage roads would a good way to limit the number of curb cuts.

Mr. Richardson explained that the County has lots of C-2 commercial, some of which may not have dedicated public access. In response to Mr. Schue, Mr. Richardson stated that there are functional frontage roads that exist within the county which are not public right-of-way.

Mr. Schue said some commercial areas are connected through the back or through private parking lots. He thought that limiting the number of curb cuts was good, and it would help to limit the number of intersections.

The Chairman said that no action taken would mean this requirement would not become part of Chapter 15.

Minimum Right-of-Way (ROW)

Mr. Richardson said it is the position of Public Works that a standardized set of ROW rules be applied in the unincorporated areas of Lake County. The County allows swales with a 66-foot right-of-way in rural areas.

Mr. Pluta explained that Public Works would prefer standardized ROW regulations.

Mr. Saunders said the City's regulations were the more restrictive. He asked the LPA to remember that the intent of the JPA is that the area would eventually be urbanized and probably become part of the City. Post-annexation ROW issues would be difficult to resolve. The installation of utilities in smaller ROWs would also be more difficult.

Mr. Dunkle asked for an additional 25-feet for trails if the roads were to be part of the trail system.

Mr. Schue agreed with the statements of the City, and he asked if roads within subdivisions were considered to be local roads subject to this policy. Mr. Saunders said they were. Mr. Schue said he could envision large estate subdivisions where larger ROW would not be needed. Mr. Saunders explained that 50 feet in some instances was adequate but he was not sure how to define those particular circumstances. Mr. Schue asked if there would be flexibility to allow less than 60 feet. He was also concerned about the amount of pavement.

Ms. Foley said the wider ROW would make the underground installation of utilities much easier.

Mr. Carey asked if the following item, Additional Right-Of-Way was related to this one. Mr. Richardson said the County does not require that lot sizes be adjusted to compensate for any additional ROW dedicated to the County.

Mr. Dunkle said he was in favor of the larger ROW.

Mr. Schue asked if swales could be used in the 60-foot ROW. Mr. Richardson thought if all roads have curb and gutter, then 60-foot ROW should be allowed. But require 66 foot ROW where there are swales and to allow for future conversion to curb and gutter. When Mr. Schue asked if the decision was also being made to require curb and gutter, Mr. Richardson said that this would require curb and gutter. Mr. Schue said he believed there were some places where swales would be more appropriate.

Ms. Renick said that if the additional ROW would be appropriate for swales, then more ROW land would also be better.

Mr. Saunders said there were two issues under discussion, the ROW and the use of swales.

Eileen Renick said the additional ROW would not be paved.

MOTION by Michael Carey, SECONDED by Dan Matthys to recommend adoption of the City of Clermont’s recommendation for a 60 foot Right-of-Way requirement within the JPA.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Additional Right-of-Way

Mr. Richardson explained that the City was recommending lot sizes be adjusted to compensate for additional ROW dedications. Mr. Richardson said the County does not penalize an entity for voluntary dedication of ROW.

Mr. Saunders stated the City has never been legally challenged on this requirement. They feel the minimum lot size must be met, even if more ROW is dedicated. The City does not feel the creation of substandard lots should be acceptable because of ROW dedication.

Mr. Carey said the size of homes may be limited because of setback requirements on the smaller lots.

Mr. Saunders said that if the ROW was increased by 10 feet, then the lot would become 10 feet shallower. The City doesn’t allow that; they do not believe lots should be more

crowded to compensate for ROW.

When Mr. Carey asked how this requirement would affect the setbacks, Mr. Richardson said they weren't going to require a variance because of the ROW. He explained that during the design of the subdivision, dedication of ROW might affect the density calculation. In those circumstances, if individual lot sizes are to be maintained, then a fewer number of lots could be created. The ROW for roads within the subdivision is not an issue, it is the additional ROW required from the lot fronts.

Mr. Schue gave the example of a turn lane that might need to be constructed along the length of a new development's property line in order to provide access to that development. Mr. Schue said he thought that losing a lot or two because of the additional ROW requirement necessitated by the impact of the subdivision was acceptable.

MOTION by Richard Dunkle, SECONDED by Michael Carey to recommend adoption of the City of Clermont's position on additional right-of-way.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

PERFORMANCE AND DESIGN STANDARDS FOR ROADS

Mr. Richardson said the City is proposing that only "F" curbs be utilized within the JPA. It is the position of the County Department of Public Works that where lanes are 16 feet wide, the elimination of Miami curbs is acceptable as long as median curbing can be maintained. If this position is not accepted, they would recommend keeping the current standards. Mr. Pluta said that an "F" curb on a narrower road could keep vehicles from being able to avoid a collision by jumping the curb easily.

Mr. Saunders said the City did not have a problem with median curbs where feasible. The standard of the City is the "F" curb because it keeps vehicles off the grass, and helps to retain and direct storm water runoff.

Mr. Schue said he wasn't against Miami curb as long as it can handle the storm water and that the proper engineering of a development's storm water system should take into account the type of curb being used. He added that the "F" curb often prevents some wildlife, like turtles, from being able to safely exit the roadway.

MOTION by Michael Carey, SECONDED by Richard Dunkle to support the recommendation from the City of Clermont that only the "F" curb be allowed in the

JPA.

Mr. Schue said he thought that requiring “F” curbs was too strict.

FOR: Newman, Carey, Dunkel, Matthys

AGAINST: Foley, Schue

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 4-2

Pavement Width

Mr. Richardson explained that the City is recommending that all traffic lanes be a minimum of 10 feet excluding curb and gutter. The position of Public Works is that 9 feet is sufficient, and a narrower roadway could slow traffic down.

Mr. Saunders felt that 10 feet was the higher standard. Parked vehicles on narrower roadways could make access more difficult for emergency vehicles.

Mr. Matthys asked if there were bicycle lanes in the City. Mr. Saunders replied that in bike lane areas, an additional 4 feet of pavement was required.

MOTION by Richard Dunkle, SECONDED by Michael Carey to support the recommendation from the City of Clermont regarding pavement width.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Sidewalks

Mr. Richardson said the City of Clermont was recommending that all sidewalks be installed at a 5 foot width. The County Public Works Department wants to continue to have the option of installing sidewalks that are 4 feet wide on existing streets if adequate ROW does not exist for the wider sidewalks.

Mr. Saunders felt consistency is important, and 5 feet has been the City’s standard for years. They want to promote outdoor pedestrian activities. On occasion the City has been able to negotiate with developers for sidewalks up to 8 feet wide.

Mr. Schue asked if it was possible to have sidewalks in the city if there was not adequate ROW available. Mr. Saunders said he thought that both the City and County have ten feet of easement outside of the ROW.

Mr. Dunkle asked how sidewalks were being built to accommodate trees. Mr. Saunders said tree cutting was not an option; sidewalks would go around trees and into the easement if necessary. He said their Code allows a narrower sidewalk where there is not adequate ROW available.

MOTION by Richard Dunkle, SECONDED by Dan Matthys to approve the City of Clermont’s standards that allow less sidewalk width when necessary.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Curb and Gutter

Mr. Richardson said that the City does not allow Miami curb, and the County Department of Public Works does not wish to prohibit the use of Miami curb.

The LPA agreed that this issue had been addressed earlier.

Storm Water Spread into Traveled Lanes

Mr. Richardson said the City of Clermont was recommending that the storm water spread into traveled lanes not exceed one-half the traveled lane width for both local and collector roadways. The County is not necessarily opposed to this suggestion; however, costs may significantly increase because of additional inlets being required.

Mr. Saunders said that this was a storm water issue; and without a strong objection from the County, the City’s standard should be applied.

MOTION by Michael Carey, SECONDED by Nadine Foley to support the language of the City of Clermont regarding storm water spread into traveled lanes.

FOR: Newman, Foley, Schue, Carey, Dunkel, Matthys

AGAINST: None

NOT PRESENT: Parks, Jordan

MOTION CARRIED: 6-0

Ms. Foley said that because most of the land within the JPAs would eventually be in the cities, adopting their regulations was important. However, she was concerned that standards in the unincorporated County not become too complicated.

Mr. Carey liked the idea that development standards were getting higher.

Mr. Saunders expressed his gratitude to County staff.

Mr. Schue asked how the Future Land Use considerations in the Clermont JPA were progressing. Darrin Gray, Assistant City Manager, replied that the City and County would be meeting very soon. Mr. Saunders said City staff has been reviewing information provided by the County, and he thought that part of the JPA Agreement would be back before the Local Planning Agency very soon.

When Mr. Schue asked about the land in this area that is owned by the Orange County, Mr. Saunders said that property was the Conserve II project.

Amye King, Chief Planner, updated the Local Planning Agency on how the Environmental Lands layer is being defined. She said a joint meeting between the BCC and the Local Planning Agency would be scheduled soon. The Planners' Forum to discuss Planning Zones has been scheduled for November 5th. The timeline for the comprehensive work plan is awaiting approval from the County Manager.

The Chair adjourned the meeting at 11:05 a.m.

Donna R. Bohrer
Office Associate III

Keith Schue
Secretary