

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
NOVEMBER 15, 2007**

The Lake County Local Planning Agency met on NOVEMBER 15, 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:

LeChea Parson, Assistant County Attorney
Amye King, AICP, Deputy Director Growth Management
Brian T. Sheahan, AICP, Planning & Community Design Director
Francis Franco, Senior GIS Analyst, Planning & Community Design
Steve Green, AICP, Chief Planner, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, 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 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, addressed agenda changes and introduced Steve Green, AICP, Chief Planner with Planning & Community Design.

David Jordan said he had met with Melissa DeMarco, Mayor of Mt. Dora and Mark Reggintin, Mt. Dora Planning Director, and watched DVDs of pertinent meetings addressing the land use recommendations of the City. He said at the September 11, 2006 meeting with the City of Mt. Dora, they had voted to retain the one dwelling unit per five acres future land use recommended by the City of Mt. Dora. Then on April 13, 2007 the Future Land Use Category (FLUC) in the area of Brittany Road was changed to Rural Medium Density without the City being present. Mr. Jordan thought in order to have a successful Comprehensive Plan, it was important to have the support from as many stakeholders as possible. He was concerned about the relationship between the City and the County, particularly because there is an adopted Joint Planning Agreement (JPA). He suggested the original vote be restored and an “olive branch” be extended to the City. Keith Schue said he supported cooperation with the City; however, he did not support changing the FLUC in that area because of the input they had received from Mr. Brautcheck and Gary Cooney who represents a landowner in that area. Rob Kelly said he did not want to return to a previous motion but was willing to discuss this further with the City. Vicki Zaneis said she thought there was a misunderstanding regarding that FLUC including the range of densities and the open space provisions. Michael Carey said he would be willing to meet with Mt. Dora but would not support changing the vote. Chairman Foley noted that a letter had been sent to the City clarifying the densities of that FLUC. Mr. Jordan said his point was that the City was present when the FLUC was assigned, and then at a later date, it was changed when the City was not present. He was concerned that could affect confidence the City would have when dealing with the LPA.

MOTION by Rob Kelly, SECONDED by Keith Schue to invite the City of Mt. Dora to discuss the area in the east side of their JPA.

PUBLIC COMMENT

Gary Cooney, Richey & Cooney, P.A., said their firm represented Merry-Gro Farms, a landowner in that general area and if additional changes were to be made, they wanted to be given notice. He discussed Mt. Dora meeting minutes showing they wanted the 1:5 FLUC to use in negotiations with developers.

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

Mr. Sheahan said he would contact the City and invite them to attend the November 28, 2007 meeting.

LANDOWNER REQUESTS

BLR-Villa City, LLC, represented by Christina Ramsey, Broad & Cassel.

MOTION by David Jordan, SECONDED by Rob Kelly to designate the highlighted area Rural Transitional Density as depicted in Map Motion 1.

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

ABSENT: Parks, Barrow, Belflower

AGAINST: None

MOTION PASSED: 6-0

Ms. Ramsey suggested Commercial as a transition on the parcel highlighted on the screen. Mr. Sheahan said Regional Commercial and Office are outside of the commercial location criteria, and suggested that office or light commercial would buffer the industrial use from the residential use. Ms. Ramsey said her client had requested four dwelling units per acre or commercial. The LPA discussed the development in the area. Mr. Sheahan said this area had been identified as a critical economic node for the County.

MOTION by David Jordan, SECONDED by Michael Carey to designate the highlighted parcel from the previous motion as Office.

Mr. Sheahan noted that any new development would be subject to transportation concurrency and staff review.

MOTION withdrawn by David Jordan.

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 2.

FOR: Schue, Carey, Kelly, Jordan

ABSENT: Parks, Barrow, Belflower

AGAINST: Foley, Zaneis

MOTION PASSED: 4-2

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 3.

MOTION withdrawn by Rob Kelly.

MOTION by Rob Kelly, SECONDED by Michael Carey to designate the highlighted area Rural Transition as depicted in Map Motion 4.

FOR: Foley, Kelly

ABSENT: Parks, Barrow, Belflower

AGAINST: Carey, Schue, Jordan, Zaneis

MOTION FAILED: 2-4

MOTION by Michael Carey, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 5.

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

The meeting reconvened at 10:53 a.m. David Jordan was absent from the remainder of the meeting.

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area

MOTION amended by Rob Kelly, SECONDED by Michael Carey to retain the Office Future Land Use Category, except for the portion to be Medium-High Density as depicted in Map Motion 6.

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

Summetro, Inc., represented by Broad & Cassel

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 7.

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

Moonset, LLC, represented by Broad & Cassell

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 8.

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

Ms. Ramsey said there were two (2) additional properties which had not been included in the list. The first was the Windmill Property, originally submitted in January 2007. She said the request was for Commercial for the property that fronts Highway 27 and Medium Density Residential for the two (2) parcels located behind the first parcel.

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 9.

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

MOTION PASSED: 5-0

Ms. Ramsey said the second landowner request was for the Hartwood property. They are requesting commercial along Highway 27 and Medium Density Residential on the remainder. There was discussion regarding the boundaries of the commercial corridor located along this area of Highway 27.

MOTION by Keith Schue, SECONDED by Michael Carey to modify the boundaries of the commercial corridor terminating south at the S. Village Road intersection as depicted in Map Motion 10.

FOR: Foley, Schue, Carey, Kelly, Zaneis

ABSENT: Parks, Barrow, Belflower, Jordan

AGAINST: None

MOTION PASSED: 5-0

Loma Linda Corporation, represented by Cecilia Bonifay, Akerman & Senterfitt.

MOTION by Rob Kelly to retain the Future Land Use Category in the highlighted area.

MOTION withdrawn by Rob Kelly

MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Rural Low Density.

MOTION Amended by Keith Schue to designate the highlighted area Rural Medium Density.

MOTION Re-Amended by Keith Schue to designate the highlighted area Rural Low Density as depicted in Map Motion 11.

FOR: Schue, Kelly, Zaneis

ABSENT: Parks, Barrow, Belflower, Jordan

AGAINST: Foley, Carey

MOTION PASSED: 3-2

MOTION by Rob Kelly to retain the Rural Low Density Future Land Use Category on the remaining Loma Linda properties with the exception of the area in the Rural Protection Area.

Died for the lack of a second.

MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Rural Transition Density as depicted in Map Motion 12.

FOR: Foley, Schue, Zaneis

ABSENT: Parks, Barrow, Belflower, Jordan

AGAINST: Kelly, Carey

MOTION PASSED: 3-2

Center Lake Properties, LTD, represented by Cecilia Bonifay, Akerman & Senterfitt
Kathy Allison, Paralegal, Akerman & Senterfitt, said the settlement agreement reached with the Department of Community Affairs (DCA), Lake County and the property owner

would allow 120 units on the 117 acre property, known as Black East. It was decided to discuss this property after lunch when a copy of the settlement agreement will be available.

Tyler Investments, LLC, represented by Cecilia Bonifay, Akerman & Senterfitt Ms. Allison said the firm was not authorized to make a presentation on their behalf.

MOTION by Keith Schue, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 13.

FOR: Foley, Schue, Carey, Kelly, Zaneis

ABSENT: Parks, Barrow, Belflower, Jordan

AGAINST: None

MOTION PASSED: 5-0

Clondt’s Grove, Inc., represented by Cecilia Bonifay, Akerman & Senterfitt Mr. Sheahan said there was a request for a Planned Unit Development (PUD) zoning on this property which would allow 1,000 units, currently zoned Agriculture.

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 14.

FOR: Foley, Schue, Carey, Kelly, Zaneis

ABSENT: Parks, Barrow, Belflower, Jordan

AGAINST: None

MOTION PASSED: 5-0

The meeting reconvened at 1:05 p.m. after a break for lunch. Peggy Belflower arrived at 1:15 p.m.

Center Lake Properties - continued

Mr. Sheahan said it was staff’s recommendation to assign the next higher density, stating that the service agreement with the Town of Montverde would limit the number of units. The LPA discussed what would be an appropriate FLUC for this property. Mr. Sheahan said if the FLUC assigned to this property allowed less density than the stipulated agreement, then the owner could apply for a vested right determination. Mr. Kelly said he thought it would be best to assign future land uses consistent with the surrounding development and the stipulated agreement, possibly assigning two different FLUCs.

MOTION by Michael Carey, SECONDED by Rob Kelly to designate the highlighted area Rural Transition Density as depicted in Map Motion 15.

MOTION withdrawn by Michael Carey.

MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Urban Low Density and the remainder to remain Rural Transition as depicted in Map Motion 16.

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

ABSENT: Parks, Barrow, Jordan

AGAINST: None

MOTION PASSED: 6-0

Battaglia Properties, LTD., Southeast Lake County, represented by Cecilia Bonifay, Akerman & Senterfitt

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category (ULD) in the highlighted area as depicted in Map Motion 17.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Battaglia Properties, LTD., SR 561 and 561A, represented by Cecilia Bonifay, Akerman & Senterfitt

MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Office and to retain the Urban Low Density on the remainder as depicted in Map Motion 18.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Battaglia Properties, LTD., Mt. Dora area, represented by Cecilia Bonifay, Akerman & Senterfitt

MOTION by Rob Kelly, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 19.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Battaglia Properties, LTD., represented by Cecilia Bonifay, Akerman & Senterfitt

MOTION by Rob Kelly, SECONDED by Vicki Zaneis to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 20.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Battaglia Properties, LTD., represented by Cecilia Bonifay, Akerman & Senterfitt
Mr. Sheahan noted that not all of the alternate key numbers were included on the application but were attached to their documentation regarding their request.

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 21.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Harb Properties

MOTION by Keith Schue, SECONDED by Michael Carey to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 22.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Banyan Construction, Frank Gammon

MOTION by Keith Schue, SECONDED by Vicki Zaneis to designate the highlighted area Rural Low Density and Rural Medium Density as depicted in Map Motion 23.

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

ABSENT: Parks, Jordan

AGAINST: Kelly

MOTION PASSED: 6-1

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

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Richard E. Oswalt Property

Mr. Kelly briefly described the rural character of this area and said it is adjacent to Lake Louisa State Park. Mr. Schue discussed the Ridge and Transition FLUCs, noting that the Ridge category was based on a geographic assessment and said he could support retaining the Green Swamp Rural currently assigned to this area.

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 25.

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

ABSENT: Parks, Jordan

AGAINST: Foley

MOTION PASSED: 6-1

John Keating, Green Consulting Group, Eldorado Groves, represented by Amber Dickerson

MOTION by Keith Schue, SECONDED by Cindy Barrow to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 26.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

MOTION by Keith Schue, SECONDED by Cindy Barrow to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 27.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

The meeting reconvened at 3:00 p.m. after a short break. The LPA agreed to ask Leslie Campione to return and review the landowner's requests she presented earlier.

Lisa Aleman said she would like to have an urban land use category in order to be able to have commercial uses on her property.

MOTION by Rob Kelly, SECONDED by Keith Schue to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 28.

Mr. Carey noted that most economic activity in the Town of Howey-in-the-Hills was driven by the Mission Inn Golf Course and Resort.

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

ABSENT: Parks, Jordan

AGAINST: None

MOTION PASSED: 7-0

Zander Strong discussed the presentation he had made to the LPA at an earlier date in which he had requested the Workplace FLUC to replace the Rural Transition FLUC currently shown on the FLUM. He thought the Workplace category could help to attract large research, hospital, business facilities because the residential component was attractive to businesses. He added that the minimum size and the requirement for a small area plan would ensure that Workplace developments would be economically feasible. He said if the Workplace category was eliminated, they would request the Regional Office FLUC on this parcel.

Keith Schue was not present at this time.

MOTION by Rob Kelly, SECONDED by Cindy Barrow to retain the Future Land Use Category in the highlighted area as depicted in Map Motion 29.

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

ABSENT: Parks, Jordan, Schue

AGAINST: None

MOTION PASSED: 6-0

Mr. Sheahan said Ms. Campione's office would be contacting him regarding her appearance at the November 28, 2007 meeting. He suggested continuing work on the draft FLUM and said staff could prepare draft policies on air strips. Mr. Kelly said he would contact staff regarding drafting these policies. There was discussion regarding reviewing of the Workplace FLUC policies.

Mr. Kelly wanted to discuss the parameters to be used when calculating the inventory analysis. One topic he wanted to discuss was the average densities that should be assigned to the cities. Mr. Schue thought it would be best to analyze the FLUMs of all the cities and apply the same calculations to those maps as is used for the County FLUM. Mr. Sheahan said DCA has approved the methodology developed by the County and said changing that approved methodology would delay the transmittal of the Plan for a considerable period of time. Mr. Schue was concerned about cities changing their boundaries through annexations. Mr. Sheahan said the projections would be a moving target based on the best available data. Mr. Kelly said the Bureau of Economic Business Research (BEBR) numbers are not related to the actual land inventory. Mr. Sheahan explained that BEBR numbers were used by all the government agencies in their calculation for population growth, which makes that number a constant in all the projections. Chairman Foley said that the decision on the methodology had been made some time ago. She thought when their review of the FLUM was relatively complete, that the numbers should be run using that methodology and then make adjustment on the map as necessary. Mr. Kelly suggested calculating the inventory using the BEBR numbers, then calculate the densities of the individual cities and then compare them. There was continued discussion regarding different possible ways to calculate the populations of the cities. Mr. Sheahan said the State mandates that the Counties allocate sufficient land to accommodate the projected population. Mr. Carey asked about the fiscal analysis. Mr. Sheahan said the initial analysis is done by staff and noted that consultants would be available if needed. Mr. Schue remained concerned about BEBR not being able to track annexations. Mr. Sheahan said they track the best available data and emphasized that Comprehensive Plans are dynamic documents in response to changes in conditions. Chairman Foley commented that although properties annexed may have higher densities, those population figures are still part of the overall population of the County. Mr. Kelly said he would like to have the net buildable acres for the cities and use the BEBR to calculate and evaluate the densities. Mr. Sheahan said the gross acres from the cities would be available. Mr. Kelly said he would like the buildable area of the cities calculated using the same methodology as the County. Chairman Foley said the general trend in the County had been a 50-50 split in the population. Mr. Kelly thought a check should be done on the numbers to see if any adjustments should be made. Chairman Foley said a significant amount of density that is "assigned"/available was on land that would never be developed out to the full capacity allowed in that FLUC. Mr. Sheahan said the statistics would be compiled by someone qualified in this field. There was discussion regarding evaluation of the effects of the 2025 Plan and how it would impact the County on many levels. Mr. Kelly requested that staff provide the LPA the BEBR numbers for each city and the net-buildable area of each city based on the County's methodology. Mr. Carey said he agreed with Ms. Foley and would support finishing the map and then reviewing the questions regarding projections for the unincorporated areas and the cities. There was discussion regarding the methodology laid out in the Data Inventory and Analysis (DIA) and staff suggested that a professional be consulted regarding these calculations. Mr. Sheahan said this discussion means that the LPA wants to revisit the methodology used for calculations and the population projections with the current methodology. Chairman Foley stated that the actual percentage of the population in the unincorporated area was the basis for the projections.

Mr. Kelly asked about the effect of imbedding commercial in the urban land uses. There was discussion regarding the area used for non-residential uses such as churches.

There was agreement to review densities in the area east of Lady Lake to address some concerns raised earlier by Ms. Zaneis regarding the Urban Low Density FLUC assigned in that rural area. Upon review, there was discussion regarding some of those areas and the densities of the current FLUCs. There was also discussion regarding Carlton Village which is a non-conforming subdivision.

MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Rural Low Density, excluding the area designed Conservation as depicted in Map Motion 30.

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

MOTION by Keith Schue, SECONDED by Rob Kelly to designate the highlighted area Rural Low Density as depicted in Map Motion 31.

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

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

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

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

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

Cindy Barrow left the meeting at 5:05 p.m.

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, Kelly, Zaneis, Belflower
ABSENT: Parks, Jordan, Barrow
AGAINST: None

MOTION PASSED: 6-0

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

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary





