

**MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
DECEMBER 20, 2007**

The Lake County Local Planning Agency met on DECEMBER 20, 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
Peggy Belflower	District 4
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Sean Parks	At-Large Representative
Cindy Barrow	School Board Representative

Members Absent:

Nadine Foley, Chairman	District 5
Michael F. Carey	District 3

Staff Present:

Sanford A. Minkoff, County Attorney
LeChea Parson, Assistant County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Fred Schneider, Engineering Director, Public Works
Ross Pluta, Engineer III, Public Works
Grant Wenrick, ASLA, Landscape Architect
Terrie Diesbourg, Zoning Director
Anita Greiner, Chief Planner, Zoning
Francis Franco, Senior GIS Project Manager, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

David Jordan, Vice-Chairman, called the meeting to order at 9:00 a.m. and noted that a quorum was present. He 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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After some discussion regarding the order of business, it was decided to proceed with the scheduled Public Works presentation first and then discuss the Landscape Ordinance.

LOT GRADING DISCUSSION - PUBLIC WORKS

Fred Schneider, Engineering Director, Public Works said the County has become aware of grading issues particularly with Single Family Residential (SFR) lots. He said Public Works would be proposing new regulations early next year.

Peggy Belflower arrived at 9:12 a.m.

Ross Pluta, Engineer III, narrated his PowerPoint presentation and discussed how difficult these problems can be to correct. Mr. Schneider said their focus was on SFR lot grading and explained that the regulations for commercial site grading and the mass grading of subdivisions were contained within other sections of the Land Development Regulations (LDRs). He said most problems occur on smaller lots and lots with steep grading. Sean Parks said some jurisdictions have site grading manuals. Keith Schue asked if problems were created within Planned Unit Developments (PUDs) and Mr. Schneider said Public Works addressed engineering problems during review of construction plans. He said most problems occur after the building permits are pulled. Cindy Barrow asked how the County intended to address these issues and Mr. Schneider said the County now has lot grading and stormwater inspectors.

PUBLIC COMMENT

Bob Curry was concerned if there were sufficient policies in the Comprehensive Plan to support LDRs addressing these issues. He suggested this issue be part of the Evaluation and Appraisal Report (EAR) process.

Discussion continued on the day's agenda and whether to continue to review the FLUM or proceed with the Landscape Ordinance. Mr. Sheahan said the Board of County Commissioners (BCC) had asked staff to proceed with changes to the Landscape Ordinance as soon as possible because of ongoing problems. He said this Ordinance was not intended to be a complete rewrite of the landscaping LDRs.

The meeting reconvened at 9:55 a.m. after a short break.

LOT OF RECORDS

Sanford Minkoff, County Attorney, said the remaining changes since the last discussion were very minor including the addition of “Future Land Use” in front of “amendment” and amending how close the house had to be from the public maintained road when it was on an easement. Mr. Minkoff corrected his statement from an earlier meeting and said staff’s proposed policies did not relate to the Wekiva vesting policies in the Comprehensive Plan but that the LPA could decide to address the Wekiva policies as well.

MOTION by Cindy Barrow, SECONDED by Sean Parks to approve the Lot of Record Ordinance as presented today.

FOR: Schue, Belflower, Kelly, Jordan, Zaneis, Parks, Barrow

ABSENT: Foley, Carey

AGAINST: None

MOTION PASSED: 7-0

Mr. Schue suggested that these policies also apply to the Wekiva River Protection Area.

MOTION by Keith Schue, SECONDED by Rob Kelly to delete Policy 3.2.2 of the working draft of the 2025 Plan, Vested Development in the Wekiva River Protection Area, and let the new lot of record and vesting policies discussed also apply within the Wekiva River Protection Area.

FOR: Schue, Belflower, Kelly, Jordan, Zaneis, Parks, Barrow

ABSENT: Foley, Carey

AGAINST: None

MOTION PASSED: 7-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER II, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED DEFINITIONS; AMENDING CHAPTER IX, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS ENTITLED DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; AMENDING SECTION 9.01.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LANDSCAPING STANDARDS; AMENDING SECTION 9.02.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PROTECTED TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Sheahan said this ordinance was drafted to address issues such as tree removal and replacement; irrigation regulations; allowable vegetation and parking lot landscaping. He said some irrigation regulations are in the Building Code and others are under the jurisdiction of the Water Management Districts. He said this ordinance is scheduled for a workshop with the Board of County Commissioners (BCC) on January 29, 2008.

After some discussion, the LPA agreed to proceed with staff's presentation, to take public comment and then continue this ordinance to the January 16, 2008 meeting.

Grant Wenrick, ASLA, Landscape Architect, said staff from several agencies had contributed to this draft. He said the County would compile a plant list for Lake County separate from the ordinance.

Mr. Wenrick reviewed the draft landscape ordinance and briefly discussed the following:

- parking lot landscaping
- replacement tree size
- trees around retention ponds
- location of street trees
- prohibition or limitation of St. Augustine grass in new construction
- prohibition of cypress mulch
- use of irrigation zones
- increase the number of canopy trees in commercial and industrial uses
- changes to landscape buffers "A" and "B"
- amount of change in use that would require a new landscaping plan
- non-turf areas
- requiring native or low water use plants
- removal of exotic/invasive vegetation
- encouraging rain gardens
- limiting the amount of palms and pines
- basing tree replacement on caliper size instead of quantity
- changes in how tree surveys are conducted
- designation of historic or specimen trees

Mr. Schue suggested the designation of specimen trees be based on caliper size. There

was discussion regarding street trees, root barriers and allowing for flexibility in parking lot landscaping.

The meeting reconvened at 11:07 a.m. after a short break.

Mr. Sheahan said the LPA has been invited to participate in a workshop with the economic study consultants and the BCC on January 15, 2008.

PUBLIC COMMENT

Tim Green, AICP, ASLA, President of Green Consulting Group, said he would focus on regulations that could be open to different interpretations. He discussed the following points:

- buffer credit for sites with adjacent Wetlands
- exemption of agriculture or single family residential (SFR) lots from Policy 9.01.02 and clarifying responsibility for new landscaping in Item “C”
- there was consensus to delete the requirement that listed plant materials had to be found planted within sixty (60) miles of the County
- elimination of the range of minimum sizes for replacement trees and clarification regarding credit for substitution of plant materials
- type “D” and “E” buffers height requirements
- use Diameter at Breast Height (DBH) measurements in the existing tree credit chart
- compliance with “how you test an irrigation system” because it requires a two hour field test
- requirements for landscape plans. The LPA agreed with changes in language regarding the irrigation issue.
- irrigation zones and related water use issues
- efficient micro-irrigation systems don’t conform to WMD watering restrictions
- possible required irrigation of conservation areas
- prohibition of St. Augustine grass
- calculations on the number of trees per one hundred linear feet
- requiring landscape buffers in residential zoning district instead of only in PUDs
- requirements for landscape buffer between zoning types
- flexible landscape buffer widths, tree credits in place of canopy trees; inconsistent shrub heights in “D” buffers and who exercises the “option”
- options for placing landscape materials in Zoning Based Buffering and Landscape Requirements, Item 5
- list of designated arterial roads
- tree planting in the road right-of-way (ROW)
- requiring trees along roadways without homes
- definition of landscape square footage applicable to parking rows; consensus by LPA to measure inside the curb or edge of impervious surface
- calculating the percentage of building perimeter
- requiring landscape plans for homes; who will verify
- landscape percentages applicable to multi-family dwellings; limiting sod

- landscaping requirements for “new urbanism” developments
- light and landscaping in parking lot areas “unprotected” by landscape islands
- parking lots designed for public safety
- guardhouses

The meeting reconvened at 2:00 p.m. after a break for lunch. Sean Parks returned at 3:00 p.m.

Timothee Sallin, owner of Cherry Lake Tree Farm, said he was speaking on behalf of Magic of Landscapes, a non-profit organization, which supports quality landscaping to improve quality of life. He discussed the advantages of landscaping and the challenges of conforming to governmental regulations while sustaining tree longevity. Mr. Sallin suggested that trees be considered as another type of infrastructure because they contribute to stormwater retention, erosion control, improve air and water quality and to consider how trees could reduce infrastructure costs. He discussed the economic benefits of landscaping in addition to the more intangible community benefits.

Mr. Sallin said he thought this was an excellent ordinance and he didn't want its adoption to be delayed. He thought if the LPA wanted to incorporate some of his suggestions, that those changes could be addressed during an update to the LDRs.

Mr. Sallin's recommendations included the following:

- professional/certified landscape installers be required to ensure accountability
- canopy trees larger than 2” caliper/30 gallon because they are more developed and more suited for public use. He said the value of a tree was related to it's cubic volume, however, because of cost issues, he did not suggest requiring trees larger than 3 inches
- basing tree credit on the value of trees or on the volume of the tree canopy and including a scale that would encourage developers to upgrade the size of trees they plant
- base tree quality standards on the Grades and Standards for Nursery Plants. He noted it was important to have qualified people inspecting the trees.
- matching landscape materials to the soil and climate conditions of the site
- investigate new developments in advanced irrigation controls. He supported use of irrigation zones.
- depth of mulch over root zones for most efficient use of water

Mr. Sallin said this ordinance would benefit water quality and quantity and he stressed the importance of educating the public on these issues.

Charles Fedunak, Horticultural Agent for Lake County with the University of Florida, discussed the following:

- tree size requirements were partly based on the amount of water needed to establish the trees
- recommendation for 2.5 or 3 inch tree size to obtain a better quality tree and avoid smaller trees that require more work such as pruning

- training and certification for every trade in horticulture and training inspectors to ensure that landscaping standards are met
- use of Water Star standards and education efforts
- limiting mulch depth
- watering zones and possible limitation of overhead watering to turf areas

The meeting reconvened at 3:30 p.m. after a short break.

Mr. Sheahan noted that with consensus of the LPA, he had made the following changes to the Landscape Ordinance:

- a two inch mulch depth
- prohibition of St. Augustine grass
- minimum tree caliper size of 2.5 inches

Ms. Zaneis and Mr. Fedunak discussed soil amendments and research that has shown trees are not sustained over time when soil is amended in the holes dug for planting. There was consensus of the LPA to delete the sentence regarding “soil enhancement” in Item “A” Soil Improvement.

Mr. Parks asked staff to consider his earlier comments about the allowable maximum number of parking spaces in a row because it could discourage clustering of landscaped areas or the preservation of a natural area. Mr. Sheahan said because so many landscape sites have unique features, some jurisdictions give staff the authority for an “Administrative Variance” based on a particular percentage. After some discussion, Mr. Sheahan said staff would draft language to address this issue.

Mr. Schue was concerned about some of the exceptions at the end of the ordinance. Mr. Sheahan said the plant list would be a staff prepared hand-out based on professional and industry standards. It was agreed to call the plant list a “landscape manual.”

Mr. Parks suggested allowing for some smaller parking spaces. Mr. Sheahan said staff was considering requiring that 1/3 of large parking lots be unpaved.

Mr. Kelly updated the LPA on the most recent Chamber of Commerce Economic Development Committee meeting in South Lake. He said the South Lake cities attended and discussed their FLUM sites for economic development, including the possibility of converting some vacant residential future land use areas to economic development. He said topics discussed included the individual situations of the cities, the percentage of tax revenue from residential and commercial uses, the balance between residential and commercial uses and how to improve that balance of uses.

The Chair continued the meeting until January 16, 2008 at 9:00 a.m.

Donna R. Bohrer
Public Hearing Coordinator

Keith Schue
Secretary