

## MINUTES

### LAKE COUNTY ZONING BOARD

JANUARY 4, 2006

The Lake County Zoning Board met on Wednesday, January 4, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, January 24, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

#### Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

#### Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management  
John Kruse, Senior Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Jennifer DuBois, Senior Planner, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Ross Pluta, Engineer III, Engineering Division  
Sanford A. Minkoff, County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed that Proof of Publication is on file in the Planning and Development Services Division and that the meeting has been noticed pursuant to the Sunshine Statute. He explained the procedure to be used in hearing the cases, explaining that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases later this month when a final determination will be made. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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Minutes

**MOTION** by Donald Miller, **SECONDED** by Robert Herndon to approve the December 7, 2005 Lake County Zoning Board Public Hearing minutes, as submitted.

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

**CASE NO.:** CUP#05/11/1-4

**AGENDA NO.:** 2

**OWNERS:** Mark and Kathleen Draper  
**APPLICANTS:** Craig & Associates/Deanna Beyer

Rick Hartenstein, Senior Planner, stated that staff has requested the above case be continued until February so additional information can be obtained.

There was no one in the audience who was opposed to this continuance request.

**MOTION by James Gardner, SECONDED by Robert Herndon to continue CUP#05/11/1-4 until the February 1, 2006 Lake County Zoning Board Public Hearing.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

**CASE NO.: PH#106-05-2**

**AGENDA NO.: 6**

**OWNER: Gladys Casta and Gladys DeJesus**

**APPLICANT: Marco Ossa**

Rick Hartenstein, Senior Planner, stated that the applicant for this case has requested a withdrawal.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to accept the withdrawal of PH#106-05-2.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.: PH#8-06-5**

**AGENDA NO.: 9**

**OWNERS: Roger D. and Barbara G. Howard**

**APPLICANT: Roberto Luis Boselli**

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 30-day continuance.

There was no one in the audience who had an objection to the continuance.

When Timothy Morris asked when the variance would be heard, Mr. Hartenstein said he did not know the exact date.

**MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#8-06-5 until the February 1, 2006 Lake County Zoning Board Public Hearing.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.:** MSP#05/11/1-2

**AGENDA NO.:** 13

**OWNER:** Rinker Materials Corp.

**APPLICANT:** Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 30-day continuance of the above case.

**MOTION by Donald Miller, SECONDED by Scott Blankenship to continue MSP#05/11/1-2 until the February 1, 2006 Lake County Zoning Board Public Hearing.**

There was no one in the audience who had an objection to the continuance.

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

**CASE NO.:** PH#87F-05-3 **AGENDA NO.:** 14

**OWNER:** Earl Thiele, President, The Plantation at  
Leesburg Limited Partnership  
**APPLICANT:** Miranda F. Fitzgerald, Esquire  
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Rick Hartenstein, Senior Planner, said the applicant has requested a 30-day continuance to allow sufficient time to receive responses from the Florida Department of Transportation (FDOT) and the Department of Community Affairs (DCA) on traffic issues.

There was no one in the audience who had an objection to the continuance.

**MOTION by James Gardner, SECONDED by Robert Herndon to continue PH#87F-05-3 until the February 1, 2006 Lake County Zoning Board Public Hearing.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.: PH#93-05-2

AGENDA NO.: 1

**OWNER:** Nola Land Company, Inc.  
**APPLICANT:** Sean Froelich, Vice President, Park Square Enterprises, Inc.

Rick Hartenstein, Senior Planner, began to present the case and then Jennifer DuBois, Senior Planner, took over. The pictures and aerial from the staff report were shown on the monitor. In response to Robert Herndon, Ms. DuBois said this property lies within the City of Clermont's water and sewer service area. City water and sewer are available pending City Council approval. Mr. Herndon asked if the City has prefaced their providing of water with requiring annexation. She said she received a letter from James Hitt, City of Clermont Planning Director, on September 8, 2005, which stated that the parcel should be annexed into the City and developed by its standards. Another letter was written on October 14, 2005 by Darren Gray, Assistant City Manager, in which it stated that the Clermont City Council had voted to issue a strong recommendation for annexation. She noted that neither of those letters specifically stated that water and sewer would not be provided if the property was not annexed. However, they still would have to receive City Council approval in order to receive municipal services. When Timothy Morris asked about the zoning if the property was annexed into the City, Ms. DuBois said there are representatives from the City present who could explain the density that would be permitted. The City of Clermont did have an issue with the density requested, but she did not know what kind of density the City wanted on that parcel. In the Joint Planning Area (JPA) Agreement, Mr. Morris asked whether the City or County zoning would take precedence. Ms. DuBois replied that it would be the County since the property lies within the boundaries of unincorporated Lake County.

Steve Richey was present to represent the applicant along with his co-counsel, Cecelia Bonifay. He referred to the statement in the staff report regarding Policy 1-13.2 in which Ms. DuBois writes that a Comprehensive Plan amendment is mandatory when a proposed use exceeds the density or intensity of the specified land use category. He asked if the word "mandatory" is in that policy. Ms. DuBois said the policy reads, "A Comprehensive Plan and Map amendment shall be required to amend the boundary of a land use category or when a proposed use is above the allowable density or intensity for the specified land use category. Mr. Richey confirmed that this policy is speaking in terms of applicants pursuing amendments. He asked Ms. DuBois if there is a requirement in the JPA Agreement that property within the JPA must annex into Clermont. Ms. DuBois said she did not think there was such a requirement, but it is the City's position that this property should be annexed into the City's limits and developed to its standards. Regarding the sentence in the staff report that reads "It is the position of the City Council of Clermont and the County staff that the subject parcel should be annexed into the City," Mr. Richey asked on what agreement or policy adopted by the Board of County Commissioners (BCC) was that sentence based. Ms. DuBois stated that the sentence was based on the letters from Mr. Hitt and Mr. Gray in which they both stated that this property should be annexed into the City and annexed and developed to its standards. The staff's position in that statement was based on the spirit of cooperation in honoring the JPA Agreement. Mr. Richey confirmed with Ms. DuBois that there is nothing in the JPA Agreement that requires annexation. When he asked if this development order would be subject to the rules of the JPA Agreement whether it is in the City or in the County, Ms. DuBois said it would be.

Ms. DuBois explained to James Gardner that a Comprehensive Plan amendment would be required to change the underlying land use designation because the density that is being requested within the Rural portion of that property exceeds the maximum allowable density of one dwelling unit per five acres. Mr. Richey added that they will be providing a substantial amount of testimony with regard to the requirement of a Comprehensive Plan amendment for this project, as proposed, because their position is contrary to the position of staff on that issue. They plan to show the Board a history of how that has not been the case in Lake County since the Comprehensive Plan was adopted in 1993.

At the request of Mr. Richey, Richard Levey of McIntosh Associates explained his education and experience. He submitted photographs of the existing conditions on the site as Applicant Exhibit A and showed them on the monitor.

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Mr. Richey noted that a grading plan had been submitted to the County. In response to Mr. Richey, Mr. Levey said this property is slightly over 550 acres. The overall density is slightly over two units per acre, 894 total units with 202 of the units being town home units. The lot configuration includes a mixture of 50-foot, 70-foot, and 90-foot lots. Without a Comprehensive Plan amendment, a total of 1,470 units could be constructed within the Rural and Urban land use designations currently on the property. The proposed 894 dwelling units would be age restricted. Mr. Richey confirmed with Mr. Levey that this age-restricted community will be developed as part of reclaiming this mining operation. Mr. Levey said the open space required under the County Code is 103 acres; this project will have 116 acres. A central provider, either Clermont or another company, will provide central water and sewer. Mr. Levey showed a development concept plan (Applicant Exhibit B) on the monitor. He said SR 50 is to the north, accessed through Emil Jahna Road. Mr. Richey confirmed that SR 50 is the access to this project. Mr. Richey said the majority of the town homes will be located to the north of the property, closer to SR 50 where they are more compatible activities. The lowest density on the property will be to the southeast and southern portions of the site, adjacent to the existing residential subdivisions, particularly the Magnolia Island Subdivision to the east. The balance of the property has 50-foot and 70-foot lots. There is a system of parks throughout the subdivision, taking advantage of the post-development water features on the site. There will be a central amenity center located so every resident of the project will have access to that center. When Mr. Richey said they would be accommodating the right-of-way of the proposed Hook Street Extension, Mr. Levey said that would be done to the extent that the geometry of the roadway can be designed to locate on their site. In response to Mr. Richey, Mr. Levey said he attended a meeting recently on the County’s evaluation of extensions to Hartle Road in this area. Their commitment is to try to accommodate a realignment of Hartle Road to come through this area. Mr. Levey said Hartle Road comes down through an existing subdivision. The County’s goal is to look at an alternative that has Hartle Road being realigned. They have agreed to work with the County to try to alleviate the problem of Hartle Road going through an existing subdivision. There is no commercial element to this project. Some smaller lots are proposed because their marketing analysis indicates that retired people do not want big yards. Under the JPA Agreement, Planned Unit Developments (PUDs) are exempt from the minimum lot size requirement; therefore, their proposed PUD is consistent with the standards in the JPA Agreement, as adopted by the BCC and the City of Clermont.

Greg Beliveau of LPG Urban & Regional Planners in Mount Dora said he has been involved with the Lake County Comprehensive Plan from its inception. The policies have been consistent through the years. He spoke of the Barrington Estates project in the Green Swamp Area of Critical State Concern. He started the process with a blended design for the three land use categories. The interpretation of the Comprehensive Plan at that time did not allow blending only in the Green Swamp Area of Critical State Concern. They tried to do text amendments on two occasions to allow blending in the Green Swamp, but very heated opposition caused them to withdraw the requests. Through meetings with DCA regarding the Comprehensive Plan, it was found that the Lake County Comprehensive Plan is silent on the topic of blending. There was not a prohibition to blending, and there was not a policy to allow blending. However, there was language in one policy that stipulated that land uses in the Green Swamp Area of Critical State Concern could not be increased in intensity. With that determination, the plan for Barrington Estates was altered. They did not change the density or intensity of the project. The number of units stayed the same. However, the configuration of the plan changed. Regarding the staff report written by Ms. DuBois for this case, Mr. Beliveau noted that the whole staff report is very supportive except for the new interpretation of Policy 1-13.2 that a Comprehensive Plan amendment is mandatory because of the blending.

Mr. Richey confirmed with Mr. Beliveau that it was DCA’s position that there was no prohibition on blending except in the Green Swamp Area of Critical State Concern so there was no need for a Comprehensive Plan amendment to clarify in the County’s non-Green Swamp Area of Critical State Concern because there was no prohibition. Mr. Beliveau said it was also the position of staff at that time.

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Within the last several months, Mr. Richey said staff's position has changed. Mr. Beliveau said he as well as others have come before the County until recently and brought PUDs with blending. He spoke of a project south of Leesburg, which is now called Legacy of Leesburg and has been annexed into the City of Leesburg. It was a PUD that had Suburban, Urban Expansion, and Rural land use categories. It was approved with a design that incorporated a spread of the density around the property, just as they are proposing on the subject property. He submitted Policy 1-10A.1 as Applicant Exhibit C. and showed it on the monitor as well as a chart that was submitted as Applicant Exhibit D. To comply with the staff interpretation, they would have to move 253 units from the Rural to the Urban land use designation. This would result in over 500 townhouses on the frontage area and delete some of the open space and amenities. The density would be the same, but it would not be as sensitive to the environment and the topography if the staff's position is followed. He submitted an aerial site plan as Applicant Exhibit E and discussed the development pattern in the area. Between 1993 and 2000, there were no restrictions on blending except in the Green Swamp. However, there is now a new interpretation that allows no blending. When Mr. Morris asked if the JPA Agreement could have something to do with the change, Mr. Richey and Mr. Beliveau said that Agreement does not address it. Mr. Richey said this issue has come up in the last six months, independent of the JPA Agreement and in areas that are not subject to the JPA Agreement.

In response to Larry Metz, Mr. Beliveau said Policy 1-13.2 has been in the Comprehensive Plan since 1992. Historically this is not the policy that has been utilized when discussing blending. He showed Policy 1-13.2 on the screen and submitted it as Applicant Exhibit F.

Sandy Minkoff, County Attorney, stated that the testimony this Board has heard so far has been that there is nothing in the Comprehensive Plan that authorizes blending, but there is nothing that prohibits blending. However, the policy does state that a Comprehensive Plan amendment shall be required to amend the boundary of a category when a proposed use is above the allowable density or intensity for that specified land use category. That is what staff is recommending. There is nothing in the Comprehensive Plan that allows blending from one category to another. This Board must draw its own conclusion from the information presented. Mr. Morris asked Mr. Minkoff if he agrees with the statement that 1,470 dwelling units could be allowed on this site. Mr. Minkoff replied that the Comprehensive Plan categories are maximum numbers, but that may not be what would be allowed in the rezoning.

Paul Bryan asked Mr. Richey and Mr. Beliveau if they had had discussions with staff regarding the potential ability to shift the density and accommodate the maximum number of units requested, and he questioned whether staff would have recommended approval of that. Mr. Beliveau said he was not involved in those discussions. Mr. Richey said that when the project went through the Development Review Staff (DRS) for a pre-application conference, it was based on the preliminary site plan. The discussions centered on the fact that they felt blending allowed the project to be more sensitive to the site.

Donald Miller confirmed with Mr. Richey that this project would not impact the School System.

Mr. Richey stated that the traffic analysis supports the idea that adult only communities generate less traffic. They are going to accommodate some major road systems such as the Hook Street Extension and the Hartle Road Extension.

Cecelia Bonifay, land use attorney with Akerman Senterfitt, was present to represent the landowner, Nola Land Company and Corbie Myers, who is an officer in Nola Land Company. She is monitoring this case and working with Mr. Richey as ultimately Nola Land Company would be responsible if Mr. Richey's client did not go forward. She has been involved in all the planning and decision-making that has gone along with this site. Nola Land Company feels Park Square will do an effective job of developing this site. This situation is similar to a case about two years ago when portions of the Tarmac sand mine, located off

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Hartwood Marsh Road, were removed from the mining operation. The area had been mined. That property was then sold to Lennar, who did an expansion of Kings Ridge. The redevelopment of the site as a residential community became the reclamation of the site. That is essentially what will happen in this case if it is approved. She said she has discussed the issue of blended densities with Mr. Beliveau. She has been working in Lake County since the Comprehensive Plan of 1993; the official policy of Lake County has been that if a parcel has various land uses, blending of those densities is allowed if that results in a better plan for the PUD. She showed Applicant Exhibit D on the monitor. This is a very old mine and has become encroached upon by surrounding residential development.

Ms. Bonifay said she has prepared a memorandum of law (Applicant Exhibit G) that supports the statutory interpretation that if the Comprehensive Plan is silent, one can look to the past actions and conduct of the entity involved. In this case, as evidenced by testimony and her own experience, they have interpreted that to allow density per the policy dealing with PUDs. That is based on a common sense approach as well as one of statutory or legal interpretation.

When Mr. Bryan asked for examples of other PUDs in which blending of land use categories within a single PUD had taken place, Ms. Bonifay said there was one at SR 19 and the Turnpike, Ginn Property, Bella Collina, and a proposed but not submitted parcel in the Clermont JPA.

Mr. Richey said it is difficult to name blended PUDs as they were not documented because the blending concept was not a problem and was commonly done since 1993. He gave Highland Lakes as an example of an approved blended PUD. Blended PUDs were not an issue until the last few months.

Darren Gray, Assistant City Manager with the City of Clermont, said they reviewed this project in October of last year per the JPA Agreement. They support the staff recommendation to require a Comprehensive Plan amendment for the 300 acres of Rural-designated land before moving forward with the PUD. Since this property borders the City of Clermont on the north and west sides, they feel this property should be annexed into the City and developed to its standards. When Mr. Morris asked about the City standards, Mr. Gray said they have not reviewed the plans in depth. With the new Comprehensive Plan, they are looking at this area to be an Employment Center or light industrial. They were not planning residential. However, that has not been adopted in the new Comprehensive Plan. The City Council has approved densities of 2.5 dwelling units per acre in this area in the past.

Mr. Bryan stated that there has been some previous testimony that based on the JPA Agreement, the standards would not be any different whether the property was developed in the City or in the County. Mr. Gray said there may be a few changes. The JPA Agreement and the City's Land Development Regulations (LDRs) are very similar except for the PUD process when negotiations begin.

In response to Mr. Herndon, Mr. Gray said their standard utility agreement states that when a property is contiguous with the City, the property must annex into the City of Clermont.

Mr. Morris said his concern is that the City cannot give the owner of this property an idea of what will be allowed on this property when it is annexed into the City. Mr. Gray said it was his understanding that representatives from this property have met with the City of Clermont. Mr. Bryan asked if the City felt an Employment Center or light industrial designation would be more compatible than a single-family residential designation. Mr. Gray replied that the City would like to plan for areas where people can both live and work. When Mr. Morris asked if the City felt comfortable with the Hartle Road Extension on the plan, Mr. Gray said he would need to review that. However, he did not think it would be a problem.

Mr. Bryan said Mr. Gray had indicated that the City supported the staff recommendation of a Comprehen-

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sive Plan amendment for the Rural portion of the property. He asked what the City’s position would be if the density was moved out of the Rural portion of the property into the Urban area and reapplied as a PUD. Mr. Gray said he would have to take that back to the City Council, but he reiterated that the City would like an Employment Center or light industrial in that area.

Mr. Richey stated that Mr. Gray had indicated that the City had approved a density of 2.5 dwelling units per acre in this area. The proposed project has a density of 2.1 dwelling units per acre. Mr. Gray agreed that that is what they have approved in the past. Mr. Richey added that he and others on this team had met with the City of Clermont for 18 months and could not get a definition of what the City would approve on this property. When they could not get that resolved, they filed an application with the County. Mr. Richey said none of this property has the Employment Center designation now. He asked if the City of Clermont has any information or knowledge that this piece of property could be developed into the kind of industrial park that the City is proposing. Mr. Gray said they are looking into the uses that are now in this area. Mr. Richey said they are mining this property now and confirmed with Mr. Gray that there is residential to the east and west.

Mr. Metz asked if the City of Clermont had taken any official action to annex this property in the past. Mr. Gray said there has been no City-initiated annexation. It has been his experience with the City that it uses the voluntary annexation process. The City of Clermont does not seek annexations. Mr. Bryan said most municipalities are hesitant to do involuntary annexations.

Ms. Bonifay asked if the City of Clermont had prepared any text that would describe what would go into the Employment Center that the City wants to have in this area. When she asked if the City had transmitted to Lake County or had discussions with Lake County staff about having the Employment Center be the land use for the new Comprehensive Plan, Mr. Gray said “yes.” Chairman Bryan explained to Mr. Gray that as a ‘member speaking on the public,’ he does not necessarily have to agree to cross-examination. Mr. Minkoff added that the Code says that witnesses should not be cross-examined. Ms. Bonifay said she found it interesting that this standard was invoked at this meeting. The rules were changed from quasi-judicial a year ago, but this is the first time in a hearing like this that that has been invoked since the change.

At the request of Mr. Morris, Ms. Bonifay distributed copies of Applicant Exhibit G to each member.

Mr. Morris said the County is seeing a tremendous amount of age-restricted communities coming to the County due to the fact that the school concurrency issue is at hand. He asked if the developers of this project would be allowed to come back at a later date to this Board and ask for a change from age restricted to a family development. Mr. Minkoff said there is nothing to prohibit this Board and the BCC from removing that requirement. At that point, however, any impact fees that would be due would have to be paid. Mr. Morris asked if there is any requirement that this Board can provide in the Ordinance that would prohibit them from coming back and changing to a family development. Mr. Minkoff replied that this Board cannot tie the hands of a future BCC so it is impossible to legally restrict that. Mr. Richey added that once they begin construction on a particular section of a retirement community, it would be difficult to change mid-stream. For any particular section or area of the development that has not been developed, sold and restricted as age restricted, if the school situation improves, there might be an opportunity to all of these kinds of developments to come in and change. He felt that would be highly unlikely once they are sold and developed.

Ms. DuBois read Policy 1-1.11, which deals with treatment of property that is contained within more than one land use category, into the record. Item c in that policy would be an issue in this case because they would be expanding into an area where wetlands and water bodies are present. Regarding Item e of that

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policy, Ms. DuBois said that in this case, the property that is presently designated as Rural is over 200 acres of land. The only consensus in which blending could apply would be in an area no greater than ten acres in size. It is staff’s position that in this case, if they want to develop the property in accordance with the plan they have presented, a Comprehensive Plan amendment to change the underlying land use designation from Rural to Urban or Urban Expansion would be required.

Regarding Policy 1-10A.1, Ms. DuBois said that policy specifically reads that a PUD’s density and intensity shall be subject to the density and intensity of the underlying land use category. In this case, there are more than 200 acres presently designated Rural. Her interpretation of this policy is that that portion of the PUD shall be subject to a maximum allowable density of one dwelling unit per five acres. Otherwise, a change in the underlying land use through the Comprehensive Plan amendment process would be required.

Mr. Richey stated that Mr. Beliveau had testified that since 1993, blending has been a common practice. Ms. Bonifay and Mr. Richey also indicated that. He asked Ms. DuBois if she had any information or knowledge that this is not the case. Ms. DuBois replied that her interpretation when she reviewed this project was reviewing it for consistency with the LDRs and the Comprehensive Plan. When he asked her if she had any personal knowledge that what has been done historically since 1993 was not accurate, Ms. DuBois said that blending may have been allowed to occur in previous projects. However, in reviewing this project, she based her review on consistency with the LDRs and the Comprehensive Plan. When conducting her review, her interpretation was that this project was not consistent with the Comprehensive Plan.

Mr. Bryan asked Ms. DuBois if she agrees that based on the existing Comprehensive Plan, they could at least request an additional density of 894 units. In order to develop it as presented, Ms. DuBois said a Comprehensive Plan amendment would be needed to be able to distribute the density across the 541 acres. Mr. Bryan asked Ms. DuBois if blending it across the acreage as they have proposed is a better plan than if they requested to stack the density on a portion of the property and have the other portion at one dwelling unit per acre. Ms. DuBois said she could not say as she reviewed the preliminary development plan, not where the individual units would be located, the layout of the roads, or where the public recreational amenities would be provided.

If blending was not an issue, Mr. Metz asked if staff would feel the project is consistent. Ms. DuBois felt it would be consistent. However, there is still the issue of Clermont wishing to annex the property and develop it to City standards. Mr. Bryan confirmed that the City and County general design standards are similar. Mr. Minkoff said there are some differences such as impact fees.

Using Applicant Exhibit E, David Stimmel noted that Magnolia Bay has one-acre homes; Johns Lake Estates was recently developed under a pre-1992 platting and was developed on one-third acre lots. He pointed out houses on five-acre and ten-acre lots. This is a rural area. In response to Scott Blankenship, Mr. Stimmel said he lives in Magnolia Bay.

Regarding Policy 1-1.11, Mr. Richey confirmed with Mr. Beliveau that the ten-acre rule has been in the Comprehensive Plan since the settlement in 1993. Mr. Beliveau said that is a specific policy that he was told while working on Barrington Estates that allowed blending in all categories except in the Green Swamp Area of Critical State Concern. When Mr. Richey said the ten-acre rule is not applicable in this case because density is not being increased, Mr. Beliveau agreed that blending does not increase the density.

Regarding Mr. Stimmel’s concerns, Mr. Richey said the plan they are using has larger lots, 90-foot lots, going down that area and will utilize central water and sewer. This project would be comparable to the

<b>CASE NO.:</b>	<b>PH#93-05-2</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNER:</b>	<b>Nola Land Company, Inc.</b>	<b>PAGE NO.:</b>	<b>7</b>
<b>APPLICANT:</b>	<b>Sean Froelich, Vice President, Park Square Enterprises, Inc.</b>		

densities in the project’s north and east sides. Since this area has not been mined, Mr. Richey said it does not have the disturbance that the rest of the site has. This is a difficult site to develop for residential and would be impossible to develop for warehousing and light manufacturing based on the topography and the nature of the site. Therefore, this area is appropriate for residential.

Mr. Blankenship asked if Mr. Richey would consider one-acre lots on the lakefront property. If this Board approves the blending as proposed, Mr. Richey said that between now and the BCC, they will look into how they could accommodate the larger lots along the lake. Mr. Bryan said he would be more supportive of that. However, Mr. Richey pointed out that larger lots are not something retirees may want to own. Under the current plan, they are proposing 56 lots on 49 acres in that area so it is not high density.

Mr. Blankenship said he personally did not have a problem with the strategy of blending. He felt it makes sense. However, he did have a concern about what the City of Clermont wants in this area. He encouraged the City to be assertive about what they want this property to look like.

Mr. Richey said this project will comply with the JPA standards, whether it is developed in the City or the County. They will not be paying recreation impact fees to the City of Clermont. Since this is an adult-only community, they will not be generating children who would utilize the recreational facilities. This community is self-contained with its own amenity package. However, they will be paying water and sewer impact fees. They will also be paying the County’s fire impact fee.

John Barrone was present to represent the homeowners in Magnolia Island. He said there has been some contradiction. First it was said there would be 90-foot lots abutting Magnolia Island. Then he just heard there would be 56 homes on 49 acres. Behind the wall in Magnolia Island is 12 acres of buildable land. On the other side of Island Boulevard is another 12 acres. To the west of that are wetlands, where no building can be done. There is also talk about working with the County on the extension of Hartwood Marsh Road into Hartle Road. He felt there needs to be more consistency.

Mr. Levey showed the development concept plan (Applicant Exhibit B) again. He said he has attended the public workshops on Hartle Road and personally met with the County’s consultants to let them know that he and his team would be open to discussing the impact of the alignment on their project should the County decide to proceed with the alternative to bring the realigned Hartle Road down the project’s eastern boundary through the southern portion of their site. He added that they have conducted an extensive environment analysis on the tip of project. There are four tracts of land that would contain the 56 homes on 49 acres. He pointed out the four parcels on Applicant Exhibit B. The open space will stay as it is. Mr. Bryan noted that the areas Mr. Barrone pointed out on the map as not being buildable will not be built upon. Mr. Levey said that is correct. Mr. Blankenship questioned whether the density is higher than one-acre lots. Mr. Levey said this is the area of the largest lots, 90-foot lots. That would be slightly higher density than one-acre lots. With roads and drainage, Mr. Blankenship said that would be about one-half acre lots.

Mr. Blankenship said he did not have a problem with residential in this area. The BCC may have some discussion of how the County is moving toward age-restricted communities only. He did have some concerns about the densities in the wetland area. He would like a net density of one house per acre there. He would be more inclined to support this request with that condition. He felt that would be more conducive to the immediate surrounding area.

Mr. Metz felt the blending issue is something on which the BCC should give direction to staff. That issue is not something for this Board to resolve. However, by applying a blended analysis, a lower density results. He agreed with Mr. Blankenship about the larger lot sizes in the wetland area.

**CASE NO.:** PH#93-05-2 **AGENDA NO.:** 1  
**OWNER:** Nola Land Company, Inc. **PAGE NO.:** 8  
**APPLICANT:** Sean Froelich, Vice President, Park Square  
Enterprises, Inc.

Mr. Herndon agreed that blending should not be an issue. He also felt the City of Clermont's wish list for improvements should not be a factor in this zoning case.

When Mr. Herndon asked if the imposition of an acreage requirement could constitute contract zoning, Mr. Minkoff said the whole intent of a PUD is to put conditions on zoning. The County is not getting anything in exchange so it is not a contract zoning issue.

**MOTION by Scott Blankenship, SECONDED by Larry Metz to recommend approval of PUD zoning for 894 single-family and townhouse units in PH#93-05-2 with the condition that in the rural area contiguous to Magnolia Bay and Island, east of the potential Hartle Road Extension, all lots shall have a net acreage of one acre with the overall density of the project remaining the same. The project would be age restricted.**

Mr. Blankenship stated that he would like the BCC to work out the blending issue.

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

There was a five-minute break.

**CASE NO.: PH#2-06-3**

**AGENDA NO.: 3**

**OWNER: Robert Eugene Smith**  
**APPLICANT: Crossroads Family Fellowship, Inc.**

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval to CFD zoning. She showed the aerial from the staff report on the monitor.

There was no one present to represent the case nor was there any opposition in the audience.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of CFD zoning in PH#2-06-3.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

CASE NO.: PH#3-06-2 AGENDA NO.: 4

OWNERS: Daryl M. Carter and Earl "Duke" Crittenden  
APPLICANT: Greg A. Beliveau, LPG Urban & Regional  
Planners, Inc.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of denial to PUD zoning. She showed the aerial from the staff report on the monitor.

Paul Bryan confirmed that the staff recommendation of denial was based on the potential students generated by this project and the overcrowding of the schools. In response to Mr. Bryan, Ms. DuBois said that if an all-commercial project was the only option, her recommendation would not be for denial; but since the applicant wants the flexibility to choose any of the scenarios, her recommendation is that of denial. When Mr. Bryan asked if all the scenarios requested were allowed under a Planned Unit Development (PUD), Ms. DuBois said they would be.

Chairman Bryan noted that the applicant was present. There was no opposition in the audience.

Steve Richey was present to represent the applicant. He said they kept the residential element in this PUD because they had been approached by members of the Economic Development Council and the Industrial Development Authority to try to create a housing market to serve the industrial community in the industrial park in this area. These multiple types of housing will meet that need. Availability of water and sewer makes this residential use feasible.

Greg Beliveau of LPG Urban & Regional Planners, Inc., applicant, said staff depicted this project accurately. Although they would be allowed up to ten units per acre but are restricted to seven units per acre by the Urban land use designation, the density they are requesting ranges from 2 units per acre to 4.9 units per acre. LPG was the consultant that worked on the nearby industrial park. One of the major concerns of the tenants of the park was housing for their employees. He said they are working with the Town of Groveland to hook up to their water and sewer. He submitted a preliminary development plan as Applicant Exhibit A. Groveland collects an additional education impact fee. They are using that impact fee to construct a middle school and elementary school in Groveland, which has been approved by the School Board. If they use Groveland utilities and are contiguous to the Town, per the utility agreement, they will be required to annex into the Town of Groveland sometime in the future. As an addendum to that agreement, they are going to ask to be allowed to voluntarily pay the additional \$2,000 education impact fee even though the property is not within the city limits and then have children from this project attend the Groveland schools that are being constructed. In response to Mr. Bryan, Mr. Beliveau said that prior to annexation and upon execution of the utility agreement with the Town of Groveland, they would adopt the additional education impact fee. Mr. Richey said they plan to have an agreement on that issue prior to the BCC public hearing.

Mr. Blankenship asked about the time frames on this development versus the two schools that are being built in Groveland. Mr. Beliveau said the School Board has already approved the charter schools, and they are hoping to have them open by next year. Twenty acres were donated to Groveland for the schools by a developer as well as a site next to it for a park. Mr. Richey added that the road system from this parcel to that school is a direct route that is being built. They will not be generating any students for more than a year.

Mr. Bryan said the school issue is the only issue he has. Mr. Richey noted that schools were the only issue that staff had.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of PUD zoning in PH#3-06-2 with the condition that no residential shall be built until the schools meet concurrency, whether it be public schools or charter schools.**

**CASE NO.:** PH#3-06-2 **AGENDA NO.:** 4

**OWNERS:** Daryl M. Carter and Earl "Duke" Crittenden **PAGE NO.:** 2  
**APPLICANT:** Greg A. Beliveau, LPG Urban & Regional  
Planners, Inc.

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

**CASE NO.: PH#9-06-5**

**AGENDA NO.: 5**

**OWNER: Raymond Erjavec**  
**APPLICANT: Steven J. Richey, P.A.**

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval to R-1 zoning. She showed the aerial from the staff report on the monitor.

There was no opposition in the audience.

Steve Richey was present to represent the case. He submitted an assessment map as Applicant Exhibit A.

**MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of R-1 zoning in PH#9-06-5.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

CASE NO.: PH#105-05-5 AGENDA NO.: 7

OWNERS: Gregory L. and Lisa A. Gottsch
APPLICANT: Larry Johnson of Bee Line Partners

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial to R-3 zoning. She showed the aerial from the staff report on the monitor.

Sanford A. Minkoff, County Attorney, reiterated from last month that Lisa Gottsch is an administrative assistant in his office.

In response to Robert Herndon, Ms. Allen said this property is in unincorporated Lake County.

There was no one present to represent the case.

Ray Biziek said he lives in Grand Island. He wanted to know their plans for Sugarsand Road.

In response to Paul Bryan, Ms. Allen said no conceptual plan has been submitted.

Mr. Biziek said Sugarsand Road goes through the middle of his property. It is a dirt road, and the County does a poor job of maintaining it. If the owners of the subject property will be using Sugarsand Road, it will need to be improved. Mr. Bryan said that if this rezoning is approved and Sugarsand Road is used for access, it will have to be brought up to minimal County standards.

Mr. Bryan said this case was postponed so it could be determined whether the owners wanted to age restrict this project as that would address the school issue. Ms. Allen said the owners decided to move forward, as proposed.

Based on lack of information and the school issue, Mr. Bryan and Scott Blankenship said they could not support this case.

MOTION by Robert Herndon, SECONDED by Donald Miller to recommend denial of R-3 zoning in PH#105-05-5.

FOR: Morris, Blankenship, Herndon, Bryan, Miller

AGAINST: Gardner

NOT PRESENT: Metz

MOTION CARRIED: 5-1

**CASE NO.:** PH#6-06-1 **AGENDA NO.:** 8

**OWNERS:** Ronald C Davis, Keith Whitmore, and  
Rudolph Reiher

**APPLICANT:** Ronald C. Davis

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval to R-2 zoning. She showed the aerial from the staff report on the monitor.

There was no opposition in the audience to this request.

Ron Davis was present to represent this case. He said they plan to cater to retirees with homes in the range of \$300,000 to \$400,000.

**MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of R-2 zoning in PH#6-06-1.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

CASE NO.: PH#10-06-3 AGENDA NO.: 10

OWNER: St. Johns River Water Management District
APPLICANT: Gene Caputo

John Kruse, Senior Planner, presented the case and staff recommendation of approval to CFD zoning. He showed the aerial from the staff report on the monitor.

Gene Caputo, intergovernmental coordinator with St. Johns River Water Management District, was present to represent the case. He said the original intent of this request was to improve and enhance the current field operation station that is located in the corner of the property. When he met with staff to talk about the necessary improvements, he learned that the property was currently not zoned properly and, therefore, has come before this Board to get the proper zoning. At that time, it was staff's suggestion to rezone the entire 42 acres. The long-term benefit to them as well as to the County would be that if there is a future need for further expansion, which they do not anticipate at this time, then the zoning would be compatible.

Anthony J. Lukas said he shares a 2,000-foot fence with this property. He said he objected to the rezoning because the border of his land and the subject land is going to be in contention. He purchased his property in 1990. In response to Paul Bryan, Mr. Lukas said he is objecting to the rezoning and is contesting the fence line. Chairman Bryan said the contesting of fence lines or lot lines should not be part of this hearing. That is a civil matter. Mr. Lukas said he would like this case continued until he can meet with an attorney who specializes in these matters.

Chairman Bryan asked the applicant if he had an objection to a 30-day continuance. Mr. Caputo said this application has been in process for well over a month, and Mr. Lukas has had ample time to look into his concerns and speak to counsel. However, he was agreeable to the continuance. He would like to have the gentleman's concern resolved.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#10-06-3 until the February 1, 2006 Lake County Zoning Board Public Hearing.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: None

NOT PRESENT: Metz

MOTION CARRIED: 6-0

CASE NO.: PH#11-06-1 AGENDA NO.: 11

OWNERS: Dallas McLaurin, Richard Richardson, Ronald and Carole Reinighaus

APPLICANT: Leslie Campione, P.A.

John Kruse, Senior Planner, presented the case and staff recommendation of approval to R-1 zoning. He showed the aerial from the staff report on the monitor.

Ann Lightner said this property is behind her home. She was informed that this property was a preserve. She confirmed with Mr. Kruse that the request is for one home per acre. Mr. Kruse explained that the owners are entitled to that at this time. Based on the acreage of this property, 13 homes could be placed on this property. In response to Ms. Lightner, Mr. Kruse said the location of the entrance has not been decided. The property has access off Pala Verda Avenue, Rancho Drive, or Fairmont Avenue on the west side. Lake Pines Road runs into the south portion of the property. Mr. Kruse said he did not know when construction would begin.

Leslie Campione was present on behalf of the Buellers as well as the owners listed above. Their intention is to build one single-family home. They do not have development plans for this property, but they do not want RMRP zoning. As far as access, they will use the most improved and most direct route. There has been much illegal dumping on this property. They will be fencing this property. They do not intend to subdivide the property at this time. It would definitely be an improvement for the area.

**MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of R-1 zoning in PH#11-06-1.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

CASE NO.: PH#12-06-1 AGENDA NO.: 12

OWNER/APPLICANT: Corley Island Development, LLC

John Kruse, Senior Planner, presented the case and staff recommendation of approval of C-2 zoning. He showed the aerial from the staff report on the monitor. Construction has already begun on the building.

There was no one present to represent the case.

Joyanne Stahl said her property is on the canal that this property abuts. She can see the construction of this building from her home. When she asked if the current C-1 zoning requires one parking space per 100 square feet of construction, Mr. Kruse said that in both C-1 and C-2 zoning, the actual use determines the number of parking spaces. She said it was originally built to be used as a restaurant facility. Mr. Kruse said a restaurant would require more parking spaces, one parking space per 75 square feet. She felt it was a very large building for the size of the lot. When she questioned whether there was adequate parking spaces for the original use, Mr. Kruse said he did not review the original plan. However, the site plan would not have been approved if there were not enough parking spaces and landscaping that met County standards.

Ms. Stahl said she was concerned about the impact on the canal from this rezoning. There is some construction fencing now; but it is not adequate, and there is a lot of runoff into the canal. She was also concerned about approving all C-2 uses and would like some restrictions.

Paul Bryan questioned whether a medical office would be more of an RP request. Mr. Kruse said another option to meet their need would be CP zoning with C-1 uses and medical offices only. That would accomplish what is being requested. Mr. Bryan was concerned that approving all C-2 uses could open up the property to some uses that would not be appropriate.

Mr. Kruse submitted a chart showing the zoning classifications in which medical service would be permitted as County Exhibit A and showed it on the monitor. He said it is permitted in RP, C-2, and C-3 zoning, but it is not permitted in C-1 zoning. It is his understanding from talking to one of the residents in the area that this was originally planned for a restaurant, which is permitted under the C-1 use; but that did not materialize. Then another person was interested in medical offices.

Mr. Bryan said he would tend to agree with Ms. Stahl's concern that C-2 zoning could open it up to some other uses that may not be acceptable. He did not have a problem with the medical service use on this site. With the applicant not present, he would prefer to rezone it to RP. Sanford A. Minkoff, County Attorney, said it could not be rezoned to RP zoning because of advertising, but it could be rezoned to CP with C-1 uses and medical office.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of CP zoning with C-1 uses and medical service uses in PH#12-06-1.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

**CASE NO.:** PH#89-05-2 **AGENDA NO.:** 15

**OWNERS/APPLICANTS:** Carlos Martinez and Anna Maria Forte Martinez

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval of CP zoning with C-1 uses only but denial of C-2 uses. He showed the aerial from the staff report on the monitor as well as a picture of the posting. He noted that a letter of opposition had been received from the City of Clermont.

There was no opposition in the audience.

Brett Jones, attorney for the applicants, was present to represent the case. He reiterated that the variance issue has been resolved. They would like to provide retail and professional services on this property, which would require both C-1 and C-2 uses. In response to Paul Bryan, Mr. Jones said he has spoken with staff and is willing to accept the staff recommendation of CP zoning with C-1 uses only.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of CP zoning with C-1 uses only in PH#89-05-2.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

CASE NO.: PH#1-06-4 AGENDA NO.: 16

OWNER/APPLICANT: Bramdeo Arjune

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval of R-2 zoning. He showed the aerial from the staff report on the monitor as well as a picture of the posting. At the request of Scott Blankenship, Mr. Hartenstein pointed out the zoning in the surrounding area. Staff felt R-2 would be compatible with the surrounding area as it is still a low density.

Bramdeo Arjune was present to represent the case. With four lots, he said there would be enough room for a 30-foot wide road with a cul-de-sac at the end. He has not prepared any plans for the subdivision at this time. The proposed four homes would have 2500 to 3000 square foot. He felt there would be enough room on the lots for well and septic.

Mr. Hartenstein agreed with Paul Bryan that this site may not be able to accommodate four lots due to requirements that must be met.

George Gideon, a resident on Wolf Branch Road, said he was opposed to this request. He spoke of other proposed new developments in the area. He was concerned about more wells and septic tanks as well as additional students for the schools.

If there is not enough room for four homes, Mr. Arjune requested residential zoning with a minor lot split.

Mr. Hartenstein said that if this property had R-1 zoning and could meet the requirements for a minor lot split, Mr. Arjune could move forward with a minor lot split and create two lots. The parcel would be subject to Chapter 14's requirements for a lot split.

In response to Timothy Morris, Sanford A. Minkoff, County Attorney, said the lot split would have to go through the normal process.

Mr. Arjune said the application is for R-2 zoning so he would like to base the decision on that for now. Mr. Bryan pointed out that this Board can make a recommendation for R-1 zoning, but it will base the request on R-2 zoning

**MOTION by Robert Herndon, SECONDED by James Gardner to recommend approval of R-2 zoning in PH#1-06-4.**

**FOR: Gardner, Herndon, Bryan**

**AGAINST: Morris, Blankenship, Miller**

**NOT PRESENT: Metz**

**MOTION FAILED: 3-3**

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of R-1 zoning in PH#1-06-4.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

**CASE NO.:** PH#4-06-4 **AGENDA NO.:** 17

**OWNER:** East Lake County Chamber of Commerce  
**APPLICANT:** Stephen D. Jennelle, CPA

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval of CP zoning. He showed the aerial from the staff report on the monitor as well as a picture of the posting.

There was no opposition in the audience.

**MOTION by James Gardner, SECONDED by Scott Blankenship to recommend approval of CP zoning in PH#4-06-4.**

**FOR:** Morris, Blankenship, Gardner, Herndon, Bryan, Miller

**AGAINST:** None

**NOT PRESENT:** Metz

**MOTION CARRIED:** 6-0

**Revocation of CUP#00/4/2-4**

**AGENDA NO.: 20**

**John and Tammy Negri**

Sanford A. Minkoff, County Attorney, suggested the Board hear Agenda No. 20 as the applicant for the next case is not present.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval of the applicant's request for a voluntary revocation of CUP#00/4/2-4.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of the applicant's request for a voluntary revocation of CUP#00/4/2-4.**

**FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller**

**AGAINST: None**

**NOT PRESENT: Metz**

**MOTION CARRIED: 6-0**

**CASE NO.: PH#5-06-4**

**AGENDA NO.: 18**

**OWNER: Centex Homes**

**APPLICANT: Thomas Daly, c/o Daly Design Group, Inc.**

Cecelia Bonifay stated that she is waiting for her client to arrive as she felt there was a good chance that a continuance may be requested, but she does not have authorization to make that request. Some new issues have arisen today.

There was a five-minute break.

CASE NO.: PH#13-06-4

AGENDA NO.: 19

**OWNER:** Sorrento Hills, Inc.  
**APPLICANT:** John C. Gray, Jr.  
Manager, Eagle Dunes II, LLC

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial of PUD zoning at a density of 5.5 units per acre but approval of PUD zoning at a density of one unit per acre. He showed the aerial from the staff report on the monitor. He submitted the revised comments from the School Board as County Exhibit A and showed them on the monitor. If the Board of County Commissioners (BCC) approves this project, the age-restriction factor must be incorporated into the Ordinance as a specification that they meet the requirements in the Florida Statutes for an age-restricted community, thus not causing an impact to the School System. He submitted a GIS map as County Exhibit B, pointing out that most of the area is developed either as one dwelling unit per acre or one dwelling unit per five acres. Based on compatibility with the surrounding area, staff has found that a density of 5.5 units per acre is too high. Staff could support one dwelling unit to the acre and an age restriction so there would be no impacts to the schools.

When Paul Bryan asked the maximum number of units allowed in the Urban Compact Node (Non – Wekiva), Mr. Hartenstein replied that it would be 5.5 units per acre. However, that is only one criterion that staff looks at when making a recommendation. Mr. Bryan felt it was unusual that the point system provides potentially for a much greater density than what staff is recommending.

Jimmy Crawford, attorney with Gray Robinson from Clermont, said he represents the applicant. Until today, he was not aware there was opposition. The staff report is uniformly positive except on the issue of compatibility. He feels this request is compatible with the area. The one unit per acre development pattern is “death” to the Wekiva area. In order to preserve the lifestyle of these rural areas and the Wekiva, the rural area that surrounds this Urban Compact Node, the Comprehensive Plan, the Land Development Regulations (LDRs), and the State Statutes state that the Urban Compact Node should be used as an urban growth boundary. Densities must be piled into those densities where water, sewer, roads, and schools are available. They are proposing to utilize the criteria in the Comprehensive Plan and the LDRs to direct that appropriate density to the area that the Comprehensive Plan and the LDRs specify. This property is adjacent to the Sorrento Springs PUD. They were originally going to amend the Sorrento Springs PUD, but staff at that time said they would rather see it as a separate PUD. This PUD will have private roads and full access to the golf course. Golf course paths and pedestrian paths are interconnected with the existing Sorrento Springs PUD.

Michael Holbrook, Director of Planning for Bowyer-Singleton & Associates, submitted an aerial of Sorrento Springs PUD as Applicant Exhibit A. He said they have been working on this project for almost a year in order to come up with a comprehensive program that they could integrate into the existing Sorrento Springs project. The Urban Compact Node runs along two-thirds of their property with a 40-acre Rural area outside of the PUD. Sorrento Springs PUD has shown to be very successful. All 678 units have been sold and now need to be built. This project has central water and sewer plus the ability to take reuse back. They plan to continue the same type of densities in this proposed development as that established in Sorrento Springs, knowing that they have to cluster, protect, and buffer in utilizing the standards that are brought forth in the LDRs and in the Comprehensive Plan. Immediately to the north of the subject property is Phase 2 of the existing Sorrento Springs. That is in an area of an existing density of approximately 2.3 units per net acre with 55- and 65-foot wide lots approximately 135 feet deep. Therefore, there would be compatible residential units to what exists to the north. He spoke of the beautiful oak trees on the property and that they are looking for ways to preserve and protect as well as integrate their open space and recreation area into that live oak hammock. Low density residential will be placed to the south, which will be similar to their larger lots in Sorrento Springs. At this time, they have been told that they can only have eight units total in the 39 acres of Rural land use-designated property. They will be asking for the opportunity to blend some of those and then in return to provide additional buffer along the southern boundary line where it is adjacent to the Rural area. To the west is a spray field for the City of Eustis. Right now there is not enough reuse being developed to spray the golf courses at both Sorrento Springs and

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Heathrow Woods. They have discussed the option that if the capacity of the wastewater plant was increased, this phase of development would have reuse integrated into the open space system. That will be discussed further as they develop their utility agreement. They are proposing one primary entrance, lining up with the existing entrance to the east. There would also be an internal access going to Sorrento Springs to the north. If necessary, they could provide an emergency access only to Equestrian Way. The upgrade of CR 437 has been discussed with other departments. They are in agreement with the additional right-of-way. He reiterated that they are looking at this as a stand-alone PUD. They are in agreement with the need for buffering and open space in order to provide a variety of housing types but also to integrate it into the project to the north, which would allow them to have interconnectivity for pedestrians, open space, and recreational elements. At this point, it is a gated community.

Donald Miller asked Mr. Holbrook if he felt the age-restricted element would be compatible with the existing subdivision. At this time, Mr. Holbrook said they believe they can make it work. In the future, if they can see the direction in which the School Board is going, they would like to come back and amend it to perhaps allow families. However, at the current time the buyers in the Sorrento market can easily accommodate age restriction. Mr. Crawford reiterated that there is golf course connectivity up to the commercial parcel in the north and road connectivity. It was built like a retirement community, but it was not age-restricted. They did not want to make Sorrento Hills an age-restricted community, but they knew of no other solution at this time.

In response to Timothy Morris, Sam Boyer of Bowyer, Singleton & Associates said GMB did the traffic study for this project. It was submitted to the County staff and included in their report. The p.m. peak hour total trips generated were 814 total trips for the project. Daily trips are 8242.

Mr. Crawford said the density issue becomes very confusing. If the non-residential portions of Sorrento Springs were taken out, it would be 2.5 dwelling units per acre. A lower density had been discussed with staff, but they did not get any indication that staff could recommend approval of any specific density. One dwelling unit per acre was not feasible for them, and 5.5 dwelling units per acre was not agreeable to staff. If four units per acre were approved, it would raise the overall Sorrento Springs PUD to just under three units per acre if the densities were blended. They look at this as one single development even though staff is evaluating it as a separate PUD. The site that is impacted is not a natural system with the exception of the oak trees, which provide a border and will remain. It is an improved pasture with a utility line going through the middle of it. He questioned the staff's recommendation of denial unless the density was one unit per acre as the nearby Arjune case that was heard today received a staff recommendation of approval for two units per acre with no central water or sewer, no adult restriction and transportation infrastructure, and located in the Urban Compact Node surrounded by agricultural properties of five dwelling units to 40 acres. In addition, the Arjune property received 25 points in the Urban Area Residential Density Chart while the subject property received 60 points. That does not make sense from either a planning prospective or from a consistency with the Comprehensive Plan prospective.

John Gray, applicant and developer of Sorrento Springs, said the Sorrento Springs community of 678 units has a density of more than one unit per acre. It includes 18 acres of commercial. When they did the analysis, they took out the golf course, the natural lakes, and the eagle preservation area, which accounts for almost 70 acres. Those would not be duplicated in this project. Mr. Gray said the density at Sorrento Springs is 2.5 dwelling units per acre, up to three. When the two proposed PUDs are blended, it is less than two dwelling units per acre. He said they spoke with the School Superintendent, Harry Fix, and Dawn McDonald about the school situation. It has been recommended by a number of outside sources that they make this an age-restricted community. Because of the existing infrastructure, they feel this could be very successful. They want to work with the residents. This property is bordered by the Urban Compact Node (Non-Wekiva) to the west. This property does not border Equestrian Trail. There are 32 acres that are not

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part of the project. The one resident that does abut this property lives at the end of Equestrian Trail. They will do whatever they reasonably can to buffer that. The 300 acres of spray field is not going to be moved. It is the City of Eustis' sole site for untreated effluent. In response to Mr. Morris, Mr. Gray said they are requesting 906 units on this property, based on the point system. In reality, Mr. Crawford said they probably would not be able to put that many units on the property. Mr. Gray said they are willing to work toward the most appropriate density for this site.

Leslie Campione was present on behalf of several property owners who live on Equestrian Trail and Integrity Way. She named her clients and pointed out on a map where they live. She noted nearby property that she represented in order to obtain a variance for a 30-foot wide easement down Equestrian Trail to Wolf Branch Road. The development pattern for this area is five-acre, ten-acre and 15-acre tracts. Sorrento Springs is a vested project, based on the density obtained through a Special Masters hearing. That project would not have happened under the existing LDRs. By separating these two projects, it allows both projects to stay under the Development of Regional Impact (DRI) threshold. Therefore, it would not be consistent with the Lake County Comprehensive Plan or the State of Florida regulations to now blend the density between the two projects. In order to get the benefit of blending density, it must be one project. This project abuts her clients' properties, which are five- and ten-acre parcels. She felt this property is definitely a good location for innovative land use design. If the County is going to allow this property to develop adjacent to large tracts of land, she asked that the County require the open space to provide significant buffers between the two land uses. Under the PUD provisions, there is a minimum of 25 percent open space, but it would make more sense in this instance to recommend as much as 40 percent open space. If the developer wants to cluster, that should be closer to CR 437, pushing it away from the existing low-density properties.

Ms. Campione stated that the proposed layout shows a secondary access or emergency access from this property down Equestrian Trail. That is the biggest concern of residents as it would have the greatest negative impact on adjacent property owners. If this property is tying into the subdivision to the north, they have multiple points of access for emergency purpose so there would be no need for a secondary access at that location. She requested that it be stated very specifically in the PUD Ordinance that Equestrian Trail would not be permitted as a secondary or emergency access.

Ms. Campione said the 32-acre tract that Mr. Gray referenced is being offered for sale. It is not part of this plan, but it was indicated by the developer that it might be considered for inclusion in the plan. That would bring it even closer to the low-density properties. She added that the development plan shows medium density (up to six dwelling units per acre) in close proximity to the five- and ten-acre tracts. The plan also shows low density (up to three dwelling units per acre) close to CR 437.

Ms. Campione said she could not find the point work sheet in the staff report. It was her understanding that the water and sewer is one of the reasons for the higher points, resulting in higher density. The Urban Compact Node is located throughout this area, and the BCC has not been approving high densities in those areas. She pointed out that there is no reference to the Wekiva Study Area in the staff report. She felt it should be a consideration by the County when reviewing this project.

Ms. Campione agreed with the staff recommendation of one dwelling unit per acre. The residents feel that is consistent. She did not feel the open space and golf course areas should be taken from the property to the north and blended. She asked the Board not allow any ingress/egress to Equestrian Trail and to require the higher densities to be placed closer to CR 437 and away from the adjoining lower density areas.

Coleman Holt, a resident on Equestrian Trail, said that emergency access on Equestrian Trail would have an effect on everyone on Equestrian Trail to Integrity Way. That is probably the biggest issue of

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incompatibility. Regarding the medium density area, that area contains one of the few major mature long-leaf pine stands left in Lake County. If any density adjustments or clustering are done, he recommended to the Board that that area be established as a conservation area not to be developed. He did not want Sorrento Springs to the north, a vested development, to act as a benchmark for what should happen to the south.

Heather Brush said her property lies toward the end of Equestrian Trail where they want to use it as a secondary entrance. The road is privately maintained, mostly by her family. They are all very concerned that Equestrian Trail is being considered as an emergency access. If the 32 acres for sale are added to this property, it would be very detrimental to all the residents. There is already a problem with traffic on Equestrian Trail without using it as a secondary or emergency access. She submitted a petition of opposition with 65 signatures as Opposition Exhibit A. She said more people in opposition had come to this public hearing but had to leave after several hours. There are some 20-acre tracts in the area. Robert Herndon asked if any of the residents had asked their counsel to express to the applicant their concern with the secondary access. Ms. Brush said there was not enough time.

Mr. Gray said that based on the concern over Equestrian Trail, he has spoken with the Public Works staff; and they would not have a problem with him withdrawing Equestrian Trail as an access point. If it is possible to develop without that access, they are willing to do that. The 32 acres referenced earlier is not part of the contract; and with the comments spoken today, he said he has no interest in imposing on this community on Equestrian Trail. They have a very good natural buffer, mature live oaks, along the fence line. Anyplace the property is adjacent to a resident, which is only one, they would be willing to install 100 feet of buffer or do something even more creative. They want to work with the residents.

Marcie Gray, adjoining property owner to the 39 acres at the end of Equestrian Trail, said she is also across the street from the 32 acres that have been mentioned many times. There is an offer on the table for the developer to purchase that. While both PUDs are supposed to stand alone, the developer appears to be using Sorrento Hills to develop the area. She said they did not receive notice of this hearing until December 20, and then only three property owners were within 300 feet and received a notice. She said she was happy that the density of one dwelling unit per acre in the Rural land use category would be maintained, but she was opposed to the medium density that Mr. Holt made reference to because the density would be diagonal to her driveway.

Mr. Bryan left and Mr. Morris took over as Vice Chairman.

Ms. Campione said she was sure that all the residents appreciate the fact that if the Equestrian Trail access is removed from the development plan, that will help to preserve their community. However, there would still be a concern with the medium density being diagonal from her clients' larger tracts. In addition, with this area having the special vegetation, this is an opportunity for this Board to recommend to the BCC that the PUD be used as a way to preserve open space for conservation, recharge, and buffers. That can be accomplished by pushing the density away from these adjoining properties and moving it toward CR 437.

Mr. Crawford reiterated that they have no problem with not using Equestrian Trail as an access. There would be no density spreading into the Rural land use category as well as low density in the south area where the trees are located. Mr. Gray spoke of the natural buffer along the entire fence line. It drops off after the corner in front of Ms. Gray's property. That is where they would increase the buffer substantially to accommodate Ms. Gray's concerns. They want to preserve the oak hammock and pine hammock, but they want to have some amenities into that area. He said they would be agreeable to moving the medium density to the area where the residents requested. Mr. Crawford said they would also agree to not pursue the 32 acres. It is not part of this rezoning request so he was unsure how that could be incorporated into the

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Ordinance. He noted that the staff report states that this request is consistent with the LDRs and the Comprehensive Plan. They cannot develop this property without the utilities. For Department of Community Affairs (DCA) purposes, they require that calculations be done as if these two projects are aggregated. However, they are under DRI thresholds. He showed the Urban Area Residential Density Calculations (Applicant Exhibit B) on the monitor and explained how the 60 points had been obtained. He submitted an aerial location map as Applicant Exhibit C.

Regarding recharge, Mr. Crawford said they would design it to County standards, St. Johns River Water Management District standards, and any additional standards that the Wekiva River Protection Area requires. Recharge under current development standards is either neutral or it increases after development.

Mr. Gray said an application has been submitted to St. Johns River Water Management District. He has been given the right and power to modify the consumptive use permit for the St. Johns River Water Management District's permit. Storm water reuse will be utilized on this property. They will collect the storm water in the ponds and use that same storm water for all the irrigation throughout the community. Potable water from the wells will be used for drinking water.

No matter what this Board's recommendation is, Mr. Crawford said they would be redrawing their plan before it goes to the BCC.

Scott Blankenship asked Mr. Crawford if he and Ms. Campione could meet in the next 30 days and draw a map for this PUD that would satisfy both sides. Mr. Crawford said they would be able to meet the concerns regarding no access to Equestrian Trail, lower density, preserving the trees, and a bigger buffer. Mr. Morris asked what density they were talking about. Mr. Gray pointed out that they have already said on record that they are going to address those specific concerns, but he could not redraw a plan right now. Mr. Crawford said they will address the concerns in a bubble plan, and they will write them into the Ordinance before the BCC public hearing. They would rather not postpone this case. As far as density, the project works at a density as low as 3.5 dwelling units per acre. On the overall project (both developments), the density is below two units to the acre.

Mr. Blankenship asked if there was any way to include language that the 32 acres cannot be part of this future PUD. Legally, Mr. Crawford said he did not know how that could be done. Ms. Campione suggested no interconnect being allowed; Mr. Gray said they could put up no-vehicular easements at that point if it can be worked out with staff. Mr. Minkoff said there is no way that the County can permanently do that, but perhaps a contract between the owners and the residents could be done. However, a future BCC can change any part of this PUD so putting that language in the Ordinance would not guarantee that there would be no interconnection. Mr. Crawford said that provision may not be legally enforceable. They were agreeable to adding language that there would be no connection and that the 32 acres is not and shall not be a part of this PUD.

Mr. Hartenstein said that if there is a new plan for the BCC to review, staff would like this Board to review it first. Mr. Morris said that would be his recommendation also. Mr. Gray said they could bring a new bubble plan, which speaks to the density issue discussed. There has to be some level of density to make it feasible to have central water and sewer and the amenities that people want. He is willing to reduce the density, but he would like to proceed forward in good faith.

Mr. Blankenship felt this project should go forward based on the testimony given at this public hearing. He had a high degree of confidence that they are going to do the right thing and meet with the residents and Ms. Campione to work out the concerns.

**CASE NO.:** PH#13-06-4 **AGENDA NO.:** 19

**OWNER:** Sorrento Hills, Inc. **PAGE NO.:** 6  
**APPLICANT:** John C. Gray, Jr.  
Manager, Eagle Dunes II, LLC

**MOTION by Scott Blankenship, SECONDED by Donald Miller to recommend approval of PUD zoning in PH#13-06-4 with the following conditions.**

1. There shall be no access to Equestrian Trail.
2. There shall be a decrease in density to 3.5 dwelling units per acre.
3. The buffer shall be increased from 25 feet to 100 feet along the Rural portion of the property.
4. The accesses to this PUD shall be restricted to CR 437 and through the existing Sorrento Springs development.
5. The medium density shall be moved closer to CR 437 where the low density is now located.

**FOR:** Morris, Blankenship, Herndon, Miller

**AGAINST:** Gardner

**NOT PRESENT:** Bryan, Metz

**MOTION CARRIED:** 4-1

CASE NO.: PH#5-06-4 AGENDA NO.: 18

OWNER: Centex Homes
APPLICANT: Thomas Daly c/o Daly Design Group, Inc.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval of the requested amendment. He showed the aerial and a picture of the posting on the monitor. He said the amendment would be compatible with the surrounding area. The Water Resources & Environmental Programs Division staff reviewed this case for impacts to the Wolf Branch Sink and saw no real impacts that this would cause.

Cecelia Bonifay with Akerman Senterfitt was present to represent the case. She noted the other members of the team that were present. This was an old Planned Unit Development (PUD) that was done a number of years ago. Then Centex Homes purchased it and eliminated the golf course and added some units. The original stable was removed, and a nice new equestrian center was built. They have met with Fred Schneider with the Lake County Public Works Department and the City of Mount Dora to discuss the areas on Robie Avenue where a 24-foot pavement width cannot be done without destroying all the trees. Staff felt a good compromise would be to allow a 20-foot pavement width and leave the trees intact. She said the equestrian center will be located between the housing and the road, set back 100 feet. Timothy Morris confirmed with Ms. Bonifay that this amendment would not create any more lots. Ms. Bonifay submitted a picture of the equestrian center as Applicant Exhibit A.

George Pandoff said he has a business and a home on Robie Avenue. He has most of the property that would be affected by the removal of the trees. He said he was representing many residents on Robie Avenue. Those residents were under the impression that the road access to Highway 441 was stopped by Mrs. Simpson.

Sanford A. Minkoff, County Attorney, said the developer has been working with the Public Works Department to obtain the right-of-way. If the right-of-way cannot be obtained, another amendment may come before this Board to take out the entire Robie Avenue connection.

Ms. Bonifay agreed with Mr. Minkoff. However, the City of Mount Dora has put utilities in areas where they have no right-of-way. Centex Homes assumed that the right -of-way had been acquired. A letter was received from Anita Simpson stating that she had not given any right-of-way and did not plan to do so. They had several phone call exchanges with Ms. Simpson. There were some easements recorded that showed she had given 30 feet for both road and utility access. If the road issue cannot be resolved, they may look into making some improvements in the area. For now, Robie Avenue would be a secondary access. Mr. Pandoff confirmed with Ms. Bonifay that Robie Avenue would be a secondary access for the entire project. He said all the amenities for this area are in Mount Dora. He felt Robie Avenue would become much more than a secondary access.

Ms. Bonifay said this would be a private, gated community with limited access to Robie Avenue. County Engineering was comfortable with this recommendation.

MOTION by James Gardner, SECONDED by Robert Herndon to recommend approval of an amendment to the Sullivan Ranch PUD Ordinance #2004-73 to include the following: An equestrian training facility, which may be used by the residents of the PUD and the general public; a request to reduce the 24-foot pavement width for Robie Avenue to a width of 20 feet; and a request for a variance to the 200-foot setback requirement for the equestrian center structures that house animals to be set back 100 feet from the right-of-way of Round Lake Road and any residential lot in PH#5-0-4.

FOR: Morris, Blankenship, Gardner, Herndon, Miller

AGAINST: None

**LAKE COUNTY ZONING BOARD**

**JANUARY 4, 2006**

**CASE NO.: PH#5-06-4**

**AGENDA NO.: 18**

**OWNER: Centex Homes**  
**APPLICANT: Thomas Daly c/o Daly Design Group, Inc.**

**PAGE NO.: 2**

**NOT PRESENT: Bryan, Metz**

**MOTION CARRIED: 5-0**

**Adjournment**

There being no further business, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman