

**MINUTES  
LAKE COUNTY ZONING BOARD  
FEBRUARY 7, 2007**

The Lake County Zoning Board met on Wednesday, February 7, 2007 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, February 27, 2007 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
James Gardner, Secretary	District 3
Phyllis Patten	District 4
Paul Bryan, Chairman	District 5
Larry Metz	School Board Representative

**Members Not Present:**

Scott Blankenship	District 2
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**Staff Present:**

Brian Sheahan, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, Senior Planner, Planning and Community Design Division  
Stacy Allen, Senior Planner, Planning and Community Design Division  
Karen Rosick, Planner, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division  
Fred Schneider, Engineering Director/PE, Engineering Division  
Ross Pluta, Engineer III, Engineering Division  
John Maruniak, Jr., Transportation Planner/Engineer II, Engineering Division  
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:05 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 the Proof of Publication for each case as shown on the monitor.

Chairman Bryan stated that he had received no speaker cards for any of the cases on the agenda. There was no one on the Zoning Board nor anyone in the audience who wished to have any of the cases removed from the consent agenda.

Chairman Bryan explained the procedure for hearing cases on the regular agenda. He added 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.

Chairman Bryan welcomed Phyllis Patten to the Zoning Board.

Timothy Morris asked the legal ramifications to the County if an ordinance is written wrong from the start. Melanie Marsh, Deputy County Attorney, said it would depend on the type of error. If it is just a typographical error, that can be fixed. However, if it is an error of substance, it would be necessary to go back through the process to fix it. Brian Sheahan, Chief Planner, said staff has identified two errors in legal

descriptions in ordinances for this meeting; and there will be several more in future months. Staff has implemented steps to ensure the occurrence of this is greatly reduced. However, there are some adopted ordinances with legal description issues, and they will be brought back through the public hearing process.

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Minutes

**MOTION by Timothy Morris, SECONDED by James Gardner to approve the January 3, 2007 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship**

**MOTION CARRIED: 5-0**

**Lake County Zoning Board Public Hearing Date**

Chairman Bryan pointed out that the regularly scheduled public hearing for July 2007 is July 4, which is a holiday. Therefore, the public hearing must be rescheduled. Based on available dates, it was decided to hold the public hearing on Monday, July 9. Since there is a School Board meeting that evening and the potential for a workshop prior to the meeting, Larry Metz said he could not say definitely that he would be able to attend the Zoning Board public hearing on that date.

**CASE NO.: CUP#92/9/6-2**

**AGENDA NO.: 8**

**OWNER: William J. Booth  
(Formerly Ted Wyatt)**

Brian Sheahan, AICP, Chief Planner, stated that the owner has withdrawn his request for the voluntary revocation of the above Conditional Use Permit, CUP#92/9/6-2.

**MOTION by Timothy Morris, SECONDED by Phyllis Patten to accept the withdrawal of the revocation request for CUP#92/9/6-2.**

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship**

**MOTION CARRIED: 5-0**

Consent Agenda

<b>CASE NO.:</b>	<b>PH#26-06-5</b>	<b>AGENDA NO.</b>	<b>2</b>
<b>OWNERS:</b>	<b>James W. Sims, Jr. and Louise F. Sims, Trustees</b>		
<b>APPLICANT:</b>	<b>Mark A. Maciel</b>		
<b>CASE NO.:</b>	<b>PH#74-04A-2</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Platinum Properties of Central Florida, Inc. (aka Millbrook Manor PUD)</b>		
<b>APPLICANT:</b>	<b>Lake County</b>		
<b>CASE NO.:</b>	<b>PH#8-07-4</b>	<b>AGENDA NO.:</b>	<b>4</b>
<b>OWNER:</b>	<b>Centex Homes</b>		
<b>APPLICANT:</b>	<b>Daly Design Group, Tom Daly</b>		
<b>CASE NO.:</b>	<b>MSP#05/11/1-2</b>	<b>AGENDA NO.:</b>	<b>5</b>
<b>OWNER:</b>	<b>Rinker Materials Corporation</b>		
<b>APPLICANT:</b>	<b>Steven J. Richey, P.A.</b>		
<b>CASE NO.:</b>	<b>PH#98-06-4</b>	<b>AGENDA NO.:</b>	<b>7</b>
<b>OWNERS:</b>	<b>Meredith B. and Lois M. Salyer</b>		
<b>APPLICANT:</b>	<b>William Houston Evans</b>		

Chairman Bryan stated that all of the cases on the above consent agenda have met all staff's recommendations, have had no speaker cards submitted, and have received no letters of opposition.

**MOTION by Timothy Morris, SECONDED by Phyllis Patten to recommend the following actions on the above consent agenda:**

<b>PH#26-06-5</b>	<b>Acceptance of withdrawal</b>
<b>PH#74-04A-2</b>	<b>Approval</b>
<b>PH#8-07-4</b>	<b>Approval with conditions</b>
<b>MSP#05/11/1-2</b>	<b>Acceptance of withdrawal</b>
<b>PH#98-06-4</b>	<b>Acceptance of withdrawal</b>

**FOR:** Morris, Gardner, Patten, Bryan, Metz

**AGAINST:** None

**NOT PRESENT:** Blankenship

**MOTION CARRIED:** 5-0

**CASE NO.:** PH#9-07-4 **AGENDA NO.:** 1

**OWNERS:** Jack L. Cassell and Barbara S. and Don R. Harvison

**APPLICANT:** Leslie Campione, P.A.

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor. She noted that on Page 2 of the staff report, paragraph 4, line 2, "1 to 4 du/a" should read "one dwelling unit per acre."

Chairman Bryan noted the one letter of opposition had been received.

Leslie Campione, applicant, disclosed that she is also an owner of this property. Her husband, Jack Cassell, is shown as the owner on the application. Barbara and Don Harvison are the owners of the parcel that they are requesting to be added to the existing PUD. She pointed out that tract on the aerial. She explained that they are proposing to reduce the number of single-family units that they had originally included with the first PUD to 20. In addition, they want to add a commercial component to the corner tract. She submitted a conceptual site plan as Applicant Exhibit A that had been prepared for this application and submitted to staff. On the corner tract, they would like to have "somewhat of a traditional neighborhood design" where they would have the ability to put up to 15 residential units above commercial; they would probably be in the form of a loft-type proposal with retail on the bottom floor and a condominium above the retail. There may not be as many as 15; there will probably be less than that. The condominiums must be owner occupied. It will be included in the ordinance that short-term rentals would not be allowed. The type of commercial uses requested would be limited to those they felt were more neighborhood oriented such as a restaurant or two (not drive-through), garden center, and specialty store. Medical offices and banks have been requested, but they don't necessarily feel that would work in that location from a market standpoint. Based on a plan submitted to the City of Eustis for property north of this site for about 2,000 units, a built-in clientele would be provided if that is approved and developed. They may not develop the commercial on their plan in the immediate future; but they would like to have it approved in concept so that at such time as the market is ready for the commercial, they could develop it.

Ms. Campione added that they had requested no minimum lot size in the Planned Unit Development (PUD) ordinance because they would like to cluster the homes to the extent necessary. They would like to increase the size of the single-family lots with a clustering effect over the commercial. They are planning at least 25 percent open space, but may exceed that number. As indicated in the staff report, central water and sewer are available. It is their intention to request that water and sewer be provided.

Regarding the letter of opposition, Ms. Campione said she had contacted the writer of that letter. Her understanding was that his concerns revolved around the commercial uses and the access to the property. She indicated to him that before any kind of construction would commence, they would have to go through the site plan process; and the Department of Public Works would have the final say as to where the appropriate location for ingress and egress would be so they would be putting the entrance in a way that would not impact the residents of the Clear Lake Subdivision.

Ms. Campione said they have prepared a traffic report, an analysis that shows there is adequate capacity through 2011. Public Works has indicated that they would require traffic studies at each phase of the project to ensure that the conditions haven't changed; and to the extent that mitigation is required for impacts, they would be responsible for that.

Ms. Campione stated that there was a survey prepared approximately 1-1/2 years ago for the company that is owner of the property that was purchased on the west side of the Eustis Bypass. The surveyor made a judgment decision that an old underlying plat would have brought one of the platted lot lines over into an area she pointed out on the conceptual plan and suggested that this property owner was actually in ownership of a 100-foot strip. She strongly disagrees with that survey. She has surveys from the 1980s and earlier that show ownership of the tract going out to the highway. The old plat would show that their

<b>CASE NO.:</b>	<b>PH#9-07-4</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNERS:</b>	<b>Jack L. Cassell and Barbara S. and Don R. Harvison</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		

ownership actually extends over on the other side of the road. However, their deed specifically states that any right-of-way is lessened out, and any portion of their lot situated on the west side of the road is lessened out. Therefore, they are not making any assertion that they have ownership there. It has been suggested that this owner would have had to join in on their application because of their ownership. They do not believe that the company owns the property. They believe they are the owners of that property and have title insurance that indicates as such. They have notified the title insurance company that this claim is being asserted. They do not feel this affects the zoning application in any way. From the standpoint of clearing the cloud that exists on that 100 feet, this portion of the property could not be platted without clear title. Therefore, this issue must be resolved before a plat could be filed. From a zoning standpoint, their deed indicates ownership to the road.

Chairman Bryan said that should not affect this Board. He presumed that when the County accepted the application, evidence of ownership was provided. That is more of a civil matter than a zoning matter.

Timothy Morris said the ordinance states that this project will have central water and sewer even though staff has said a well could be utilized. Ms. Campione said her concern is that if the City of Eustis would refuse or decline the service, they would not want to be in a situation where they could not proceed. She is going to ask staff to look at that provision between now and the Board of County Commissioners (BCC) public hearing to determine if a line could be added to the ordinance that would provide that services would be deemed unavailable if the City of Eustis refused to provide the services. She will work with staff to develop some language that would address the situation. They would like for this project to be on central services. That is their intent, but they do not want to be placed in a situation where they cannot proceed.

When Chairman Bryan asked about the large vacant tract where the cul-de-sac ends, Ms. Campione said that would be open space, possibly a park. In response to Chairman Bryan, Ms. Campione said the adjacent residence is their home. The intent is for them to continue residing there. The ordinance provides that if they should want to subdivide that lot, they would only be allowed three individual dwelling units. That is something that may happen in the future as they intend to continue living there now. The house was built in the 1890s, not long after this property was originally platted. Chairman Bryan asked why they had decided to add the commercial concept. Ms. Campione replied that one part of why they decided to do this was based on what was happening around the property. It appeared inevitable to them that there would be substantial development to the north. The land use designation on all the property to the north is five units to the acre. Even if it was developed at one unit per acre, there would still be a lot of activity in the area. The City of Eustis has slated the property to the west along CR 44A for planned industrial and planned commercial uses in its long-range planning. The owners of the subject property are attempting to preserve a sense of rural nature with a very low-density residential subdivision and then the clustering of some of the residences above the commercial uses.

In response to Phyllis Patten, Ms. Campione said they would ask that any requirements the City of Eustis puts on this project as far as open space and density in order to obtain water and sewer services be consistent with the ordinance. They would be happy to comply with any design requirements that the City of Eustis would impose with the City anticipating that this property would eventually be within their City limits.

When Chairman Bryan asked if the City of Eustis was notified of this rezoning request, Ms. Allen said the City of Eustis was notified and responded that water and sewer services are available and that the City has capacity to serve. However, they are waiting on their St. Johns permit at this time and could not commit to a definite answer.

Gary Cooney was present to represent John Kingman Keating, Trustee, who is the owner of a portion of the

<b>CASE NO.:</b>	<b>PH#9-07-4</b>	<b>AGENDA NO.:</b>	<b>1</b>
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<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		

subject property. It is his client’s contention that he owns a portion of the property that is going to cut through the proposed commercial. A title search has been done numerous times and a survey done by the same company that prepared the conceptual plan that was submitted as an exhibit. He said the line comes in about 100 feet, and it appears that line would come through one of the buildings. His client felt this is premature as the County would require all of the owners to apply. In addition, his client is concerned that this applicant is asking for 36,000 square feet of commercial at an intersection where the maximum allowable is 50,000 square feet. His client would then be precluded from having any commercial on his property, which is adjacent to a more densely designated area.

When Chairman Bryan asked if the County Attorney’s office had a problem with the disputed property boundary line in this rezoning application, Melanie Marsh, Deputy County Attorney, said she met with staff on February 5 to look at this issue. Currently the disputed section is already zoned under the existing PUD so the County would not need their signature on the application to add the property that they are not making a claim to. Therefore, the County Attorney’s office does not have a concern.

Mr. Cooney said what is being asked is to change the current PUD from one unit per acre to commercial. It is the commercial his client objects to. Chairman Bryan said it is staff’s contention that there is a legal application for rezoning. For the record, Mr. Cooney said they are objecting to that.

Mr. Cooney said their second concern regards staff’s interpretation of the Land Development Regulations (LDRs) about the amount of available commercial space at an intersection. He has heard various interpretations of that rule. He asked that staff’s interpretation of the 50,000 square feet of commercial rule in this case be put on the record. He also asked if the County will be requiring that the lofts be over the commercial buildings or will the commercial buildings be allowed to be solely commercial with no lofts.

Rick Hartenstein, Senior Planner, said that at the adoption of the Comprehensive Plan in the early 1990s, different activity centers and the amount of square footage were established. If an intersection was partially developed prior to the Comprehensive Plan, the common practice has been that from that point forward, any existing commercial that had been there at adoption of the Comprehensive Plan was not in that calculation; only new commercial was counted. The intersection in question is not developed commercially at all so it would be limited to 50,000 square feet of commercial on a first come, first serve basis. Chairman Bryan confirmed with Mr. Hartenstein that once this property is approved and platted, 36,000 square feet of commercial out of the allowable 50,000 square feet would be reserved. When Chairman Bryan asked if that would mean an adjoining property on the other corner could not request more than 14,000 square feet of commercial, Mr. Hartenstein said the property owner could ask for more than 14,000 square feet; it is possible that it would qualify for a different commercial designation as an overlay district and come in as a land use amendment to change that.

Mr. Morris said another option would be for the property to be annexed into the City of Eustis and follow their guidelines.

Mr. Cooney asked if the 50,000 square feet is “sewn up” when this ordinance is approved or when the site plan is approved. If the ordinance is approved with 36,000 square feet of commercial and an application is submitted at a later date to develop the site, Mr. Hartenstein said they would be locked in with that amount of commercial. He said it would be staff’s position that if there is 36,000 square feet of commercial already approved at this location and another application was submitted for a rezoning for 50,000 square feet of commercial, staff would have to consider the 36,000 square feet of commercial. Ms. Marsh agreed that the ordinance would lock in the 36,000 square feet of commercial, not the site plan.

Mr. Cooney was informed by Mr. Hartenstein that the zoning on the west side of the road is Residential

<b>CASE NO.:</b>	<b>PH#9-07-4</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNERS:</b>	<b>Jack L. Cassell and Barbara S. and Don R. Harvison</b>	<b>PAGE NO.:</b>	<b>4</b>
<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		

Professional (RP). When he asked if some of the 50,000 feet of commercial could be used under that designation, Mr. Hartenstein said it could be if the uses are residential professional-type of uses. In response to Mr. Cooney, Mr. Hartenstein said that if the subject application is approved for 36,000 square feet and there are no other applications, future applications would be limited to square footage that would remain for that intersection. In response to Mr. Cooney, Mr. Hartenstein said the application before the Zoning Board for this case is a request for a rezoning to approve specific uses for a PUD. When Mr. Cooney said it is a rezoning application, Mr. Hartenstein said it is different with a PUD. It states in the LDRs that the County is giving the applicant reasonable assurances that the applicant will be able to develop what is approved based on the plan adopted. Chairman Bryan said that some of Mr. Cooney’s issues and concerns may need to be addressed after the public hearing.

Mr. Cooney said he had heard Ms. Campione say that they did not have any immediate plans to develop this as commercial. Yet according to staff, the owners have the opportunity through a zoning ordinance to lock up the majority of the commercial for which they have no immediate plans to develop to the detriment of a neighboring property owner and perhaps even a property owner of this piece of property that already has appropriate zoning to take some of that commercial. To that extent, they would object to anything that would lock up 36,000 square feet of commercial for which there are no immediate plans to develop. Since this is a PUD and staff can write it any way they want to, Mr. Cooney said he hoped that would not happen in this ordinance. If this project is allowed to go forward, he would like his client to have the opportunity to submit a site plan to take up the 50,000 square feet as the applicant of this case has done.

Mr. Cooney added that they feel there is an error in the legal description that was advertised; they believe that parts of it do not close.

When Mr. Morris asked if the Board can still hear this case if it was advertised incorrectly, Ms. Marsh said staff verified the legal description on Monday and did not find an error. However, she would be glad to meet with Mr. Cooney to see what the error is; but at this time, staff is not aware of any error.

If the properties are annexed into the City of Eustis, Ms. Campione said the issue of maximum square footage of commercial would basically go away because this restriction is applicable only as long as these properties are in the County. The City limits are close to all these properties being discussed. Therefore, annexing into the City of Eustis would be another option for an adjacent property owner who wanted more commercial than would be available under County rules. If setting a timeframe for developing the commercial became an issue, Ms. Campione said they could consider setting a timeframe. She did not feel, though, that it is an issue as this is the way it has been done in Lake County since the adoption of the Comprehensive Plan. PUD zoning is different than straight zoning such as the RP zoning on the adjacent property; in straight zoning, there are no specific plans or anything of that nature that has been submitted.

Ms. Campione said they are asking for a recommendation of approval. They feel this project is a good balance for an area that is emerging as a more urbanized area while still preserving rural attributes of the property by setting aside considerable green space and clustering along the main roadways in that area as well as providing for the immediate needs of the adjoining community from a commercial standpoint.

Mr. Cooney said his client already has plans drawn for 50,000 square feet of commercial. It is his understand of staff’s interpretation that unless language to the contrary is added to the PUD ordinance, his client will be prevented from submitting plans first or being allowed to have more than 50,000 square feet if there is 50,000 square feet across the street.

In the past, Mr. Morris said this Board has treated similar requests as reserved.

<b>CASE NO.:</b>	<b>PH#9-07-4</b>	<b>AGENDA NO.:</b>	<b>1</b>
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<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		

Ms. Campione commented that Mr. Cooney’s client has owned this property zoned RP for 1-1/2 years.

They could have submitted a PUD on their property. They did not pursue that; they did not submit a site plan. Now they are saying that they would like the ability to take all 50,000 square feet of commercial if they get their site plan in first. If that was their true intention, they would have made that request earlier after purchasing that property.

Mr. Cooney stated that they have already had a pre-application conference with staff.

In the process of submitting for a PUD, Ms. Campione said the cost of getting that application together is a lot more burdensome on the applicant as opposed to a straight zoning application.

Fred Schneider came into the meeting.

In response to Chairman Bryan, Mr. Hartenstein said the future land use is the governing force of where development is located. The property is not designated as a Neighborhood Activity Center on the future land use map; but in the Comprehensive Plan, it states that if a property meets the definition of a neighborhood activity center, then a future land use amendment is not necessary to put that overlay district there. With two collector highways, this location would meet the criteria for a Neighborhood Activity Center, which allows an aggregate of up to 50,000 square feet of gross leasable. If the PUD ordinance is approved and the owners follow the requirements in that ordinance and also follow the master conceptual plan without changing it, the County is giving them reasonable assurances that they can proceed with that development. Chairman Bryan said this ordinance is based on a rezoning, and the contention is that the other property owner already has his zoning in place. He questioned why this does not offer some type of guarantee to the property owner with the zoning that allows residential professional. Mr. Hartenstein reiterated the expenditure of time and money that is involved with a PUD versus straight zoning.

Chairman Bryan asked if this Board could approve this PUD and provide that it does not count against the 50,000 square feet of commercial since it is a PUD and not straight zoning. Mr. Hartenstein said this would be a question for the County Attorney’s office. Mr. Morris said the other option would be to continue with requiring central services it would be under the control of the City as far as the commercial on both properties. Chairman Bryan said the properties could get City services without annexing and stay under the County’s zoning. When Mr. Morris said there is usually an agreement to require City services, Chairman Bryan said that would take place only when the property is contiguous. Mr. Morris said it appears that the property is right across the street from the City of Eustis. Chairman Bryan said most municipalities require annexation to obtain city services; the City of Eustis tends to have a property develop in the County and then annex. Mr. Hartenstein said the City of Eustis usually work out many of their issues through a utility service agreement. When Chairman Bryan asked about approving the PUD but not counting the 36,000 square feet against the 50,000 square feet, Ms. Marsh felt there would need to be other conditions put in the ordinance in terms of first come, first serve. If that 50,000 square foot requirement is in the Comprehensive Plan and the LDRs, she did not believe this Board has the authority to exempt this project from the requirements of the Comprehensive Plan and LDRs.

Larry Metz did not feel this is a problem the Zoning Board can solve at this level. He felt this Board should look only at the application and staff recommendation before them and go forward.

**MOTION by Larry Metz, SECONDED by Timothy Morris to recommend approval of the request to amend PUD Ordinance #2005-79 to add 5.93 acres zoned Agriculture, rezone said acreage to PUD, and add multifamily and commercial uses in PH#9-07-4.**

<b>CASE NO.:</b>	<b>PH#9-07-4</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNERS:</b>	<b>Jack L. Cassell and Barbara S. and Don R. Harvison</b>	<b>PAGE NO.:</b>	<b>6</b>
<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		
<b>FOR:</b>	<b>Morris, Gardner, Patten, Bryan, Metz</b>		
<b>AGAINST:</b>	<b>None</b>		
<b>NOT PRESENT:</b>	<b>Blankenship</b>		
<b>MOTION CARRIED:</b>	<b>5-0</b>		

CASE NO.: PH#4-07-1

AGENDA NO.: 6

OWNER: Build Florida, Inc.  
APPLICANT: Rudolph Rode

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

Regarding the letter of opposition, Chairman Bryan was informed by Mr. Hartenstein that the County cannot require a brick wall as requested in the letter; there is no such requirement for a wall separation or landscaping between two parcels zoned R-4.

The applicant was present but did not wish to speak.

**MOTION by Timothy Morris, SECONDED by James Gardner to recommend approval of R-4 zoning, to correct scrivener's errors in the legal descriptions for Ordinance Nos. 2004-20 and #2004-76, and to combine the conditions in these ordinances into the proposed ordinance, thus rescinding Ordinance Nos. 2004-20 and 2004-76.**

FOR: Morris, Gardner, Patten, Bryan, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 5-0

**Discussion**

Regarding PH#9-07-4, Timothy Morris said the Zoning Board left the central water and sewer service language in the proposed ordinance. It concerned him that the applicant had said they would fix it between now and the Board of County Commissioners (BCC) public hearing. The recommendation of this Board is to include central water and sewer in the ordinance, and he hoped it would not get fixed as stated by the applicant. Mr. Hartenstein said it is his understanding that the Comprehensive Plan states that in the Urban Expansion land use designation, central water is required. Depending on the density, central sewer may or may not be required. However, the project must be set up in such a way that when central sewer is available, connection will be required and the septic system must be abandoned.

Mr. Morris asked the status of the communication between developers and the BCC. Melanie Marsh, Deputy County Attorney, replied that there has been no change in ex parte communications at this time. BCC has directed the County Attorney's office to bring back options for them to review and discuss. As a citizen, Mr. Morris said he wants the same rights as anyone else. If the developers cannot talk to the Commissioners, he did not feel the public should be able to talk to them either. If the developers can talk to the BCC, then the public should have the same right to talk to them.

**Adjournment**

There being no further business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

\_\_\_\_\_  
Paul Bryan  
Chairman