

**MINUTES
LAKE COUNTY ZONING BOARD
MARCH 3, 2010**

The Lake County Zoning Board met on Wednesday, March 3, 2010 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for a rezoning and two conditional use permits.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, March 23, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Staff Present:

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Ross Pluta, Engineer III, Engineering Division
Erin Hartigan, Assistant County Attorney
Marjorie Boyd, Director, Animal Services Division
Jack Fillman, Assistant Chief, Fire Rescue Division

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 this public hearing had been duly advertised and noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. 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. He added 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.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	February 3, 2010	
Consent Agenda: PH#4-10-5	Chet Anthony	1
Discussion of Regular Agenda: CUP#10/3/1-5	Zebulon B. & Ann Osborne/A.P.E.S.	2
CUP#10/3/2-2	Gabriela S. Lobe/Jewel Court Stables	3
Regular Agenda: CUP#10/3/1-5	Zebulon B. and Ann Osborne/A.P.E.S.	2
CUP#10/3/2-2	Gabriela S. Lobe/Jewel Court Stables	3
Special Public Hearing	March 15, 2010	

Minutes

MOTION by Timothy Morris, **SECONDED** by Scott Blankenship to approve the February 3, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

Consent Agenda

CASE NO.: PH#4-10-5 **AGENDA NO.:** 1

OWNER/APPLICANT: Chet Anthony

MOTION by Timothy Morris, **SECONDED** by James Gardner to recommend approval of the above consent agenda.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

Discussion of Regular Agenda

Brian Sheahan, AICP, Planning Director, stated that CUP#10/3/1-5 (Agenda No. 2) has been moved to the regular agenda. He stated that staff would like to request that Section 3.B. of the ordinances in CUP#10/3/1-5 and CUP#10/3/2-2 (Agenda No. 3) be changed to read: "This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto." There was a scrivener's error in the language but does not affect the staff recommendation or conditions in the ordinance.

In response to Egor Emery, Chairman Bryan said this could be addressed as an amendment to the motion when each case is heard.

CASE NO.: CUP#10/3/1-5 AGENDA NO.: 2

OWNERS: Zebulon B. & Ann Osborne
APPLICANT: Zebulon Bradford Osborne
PROJECT NAME: A.P.E.S./Zebulon B. Osborne

Jennifer Cotch presented the case and staff recommendation of approval with conditions. She submitted and displayed an aerial as County Exhibit A. She noted that the property is located west of Umatilla and south of Emerald Island Road on Whilden Lane. Mr. Osborne has submitted permits which allow him to keep Class 1 and 2 animals. She added that the United States Department of Agriculture and the Florida Fish and Wildlife Conservation Commission have facility and structural cage requirements for the safety of the animals and people. In addition, they require strict record keeping, veterinary care, and emergency management plans in the event of a hurricane or other disaster. Inspections by these two agencies are routine and often done unannounced. The applicant has stated that he has acted as a rescue organization for exotic animals; the animals will spend the rest of their lives on the property. No additional traffic is expected from the activity since it will not be open to the public. The waste generated from the animals will be disposed of in the trash and picked up during the routine garbage pickup. Ms. Cotch submitted a map showing the Osborne facility and two similar facilities in the area as County Exhibit B and displayed it on the monitor. She noted that one letter of opposition and four letters of support as well as a petition of support have been received by the County. The neighbors in opposition were not in attendance at the community meeting that was held on February 4, 2010. She reiterated the scrivener's error (Section 3.B.) in the ordinance that Brian Sheahan, AICP, Planning Director, spoke of. She added that the applicant as well as Marjorie Boyd, Director of Animal Services Division, was present to answer questions.

Chairman Bryan stated that no speaker cards were submitted for this case except for one from the applicant.

The applicant said he had nothing to add at this time unless there were questions.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of CUP#10/3/1-5 to allow for the housing of exotic animals with Section 3.B. of the ordinance being changed to read "This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto."

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: CUP#10/3/2-2 **AGENDA NO.:** 3

OWNER/APPLICANT: Gabriela S. Lobe
PROJECT NAME: Jewel Court Stables

Jennifer Cotch presented the case and staff recommendation of approval with conditions. She submitted an aerial as County Exhibit A and showed it the monitor. She said the property is located southeast of Clermont near the Orange County line and Terra Vista Court. The applicant requested and received a zoning clearance on December 28, 2009 for a 120-foot by 40-foot horse barn with 12 stables. At that time, the applicant was notified that she must obtain a Conditional Use Permit (CUP) in order to board horses on the property. On January 4, 2010, the applicant applied for the CUP and two variances requesting that the stables be allowed to be closer than 200 feet from the property lines and to waive the ten-acre minimum requirement for the riding stable. On February 11, 2010, the Board of Adjustment (BOA) approved both variance requests allowing the riding stable to be placed on the five-acre property and allowing the stables to be closer than the 200-foot requirement. The following conditions were imposed: The applicant must provide a Type "C" landscape buffer between the stables and the affected parcels; the animal waste generated by the riding stable must be disposed of off site on a weekly basis; the owner is required to maintain the public easement known as Terra Vista Court for the duration of the CUP, if approved; the parking area must be at least 200 feet from the parcel to the east for the duration of the CUP, if approved; the number of horses on the property would be limited to 20. Ms. Cotch stated that the concept plan submitted includes the conditions set by the BOA. She added that many of the surrounding properties contain horses and barns. She submitted and displayed on the monitor a concept plan (County Exhibit B) and a map (County Exhibit C) showing the owner's property, properties with personal horses, and properties with public riding stables. She said the County received a petition of opposition from several of the applicant's neighbors regarding the proposed use of this property. The petition requested the addition of several conditions to the ordinance. Ms. Cotch said a memorandum had been sent to the Zoning Board members listing two conditions to the ordinance regarding noise and lighting that were added as a result of this petition. She said she had spoken to the applicant who is open to adding conditions regarding hours of operation and limiting the number of people who can attend group lessons. As Brian Sheahan, AICP, Planning Director, had mentioned earlier, she asked that this Board address the scrivener's error in Section 3.B. of the ordinance. She pointed out that this morning staff had received a letter of support for this case from Sophie Sacagiu; Ms. Cotch submitted this letter as County Exhibit D and noted that copies of this letter were distributed to the Zoning Board.

Chairman Bryan confirmed that all the conditions approved by the BOA in the variance request were incorporated into the CUP ordinance. Ms. Cotch said any other conditions desired would need to be added prior to the Board of County Commissioners (BCC) public hearing.

Gabriela Lobe was present to represent the case. She stated that she purchased this property over three years ago. She has worked with horses for the past 20 years. This is a small business with two staff members. She has eight boarders and 20 to 25 students who take lessons once a week for 30 minutes to one hour. The students also learn about horse care. She submitted 32 pictures as Applicant Exhibit A. There are approximately ten boarding and lesson facilities within a 1.8 mile radius. Therapeutic riding is part of her operation as well as teaching underprivileged children. There are usually five to six children who take part in a six-week summer camp and are also part of her lesson program. She said she had been leasing a larger property in Orange County for about six years to run this facility, but she lost her lease. She said she does not want to intrude on her neighbors.

When Chairman Bryan asked about other riding stables in the area, Ms. Lobe said some of the riding stables are on five-acre tracts. When she leased the larger property, she had over 40 horses. She has downsized and feels this property is sufficient in size for the proposed use. The type of horses (show jumping horses) she has does not require large acreage. She lives on the property and maintains it.

Dr. June Thompson said she is a registered nurse and an injury epidemiologist with over 30 years of major trauma experience; she lives on Terra Vista Court. She said this property is no more than 4-1/2 acres since there is a house on the property. This property is less than half the size of what the County requires. She

CASE NO.:	CUP#10/3/2-2	AGENDA NO.:	3
OWNER/APPLICANT:	Gabriela S. Lobe	PAGE NO.:	2
PROJECT NAME:	Jewel Court Stables		

questioned the hardship of this case since the applicant has been approved for 20 very expensive horses.

Dr. Thompson referred to Section 2.C. of the staff report regarding fire and emergency care. There is no direct route within Lake County to get to this property; it is necessary to go into Orange County to get to Lake County. She said all the neighbors have been denied fire insurance from every insurance company except one because of their distance from a fire hydrant. Regarding equestrian injuries, she noted that on two personal occasions, she has had to call 9-1-1 for an elderly parent. In both cases, the response time was over 30 minutes; yet the staff report shows a response time of six to twelve minutes. She said there are three fire stations in the area rather than the two fire stations indicated in the staff report.

Mike Herman said he is the closest neighbor to the riding stables that are already built. He felt this request is inappropriate for this country estate subdivision; the applicant does not meet County regulations. The private stable is built and horses are in their stalls at this time. The majority of residents in the subdivision do not approve of this change. He spoke of the difficulty to a private citizen in trying to oppose such a request. He felt the County process is biased towards the applicant with County staff writing in the positive for the applicant. This leaves the party who is challenging the request at a disadvantage.

Mr. Herman said this property was previously orange groves. He felt some of the 200-foot setback could have been met with a different configuration. Activities already on the property include feed delivery, hay delivery, waste removal, portable toilets, trailering of horses in and out of stables, and arrival and departures of riders and spectators. This business is served by a one-lane, non-County maintained road with potential drainage problems. He also noted the excessive response time for emergency vehicles to this area. He spoke of horses roaming on his property. He felt 20 horses on the property are excessive. He said he would be interested in seeing proof that this is a five-acre tract. He said the neighbors have asked that the number of riders in the arena be limited to six at one time and that there be no horse camps, commercial parties, or corporate events offered through the academy. This would limit the academy to boarding, breeding, and training. The neighbors also asked that if the CUP is granted, the CUP be re-evaluated by County staff at the end of two years. In response to Egor Emery, Mr. Herman said his orange grove is currently in production.

Regarding bias in the staff reports, Chairman Bryan said based on his many years on this Board, he adamantly disagreed with that. There is no bias in the staff reports, either negatively or positively. However, he understood how it is difficult for the average citizen to make technical arguments. In response to Chairman Bryan, Mr. Herman said he was at the variance public hearing.

Carol Johnson was present to represent some homeowners in Lake and Orange County about a mile away. She has a large riding stable about ten acres from her property and does not have a problem with it. She spoke of their website, which showed on February 10 that they were offering a summer camp. At the public hearing on February 11, they said they were not offering a summer camp; but the website had not been updated. She said this riding academy is home to Team Orlando; she would like this clarified. The site plan appears to be out of proportion, and she questioned if it was an official site plan prepared by an engineer. Regarding hardship, she said the horses are imported from Europe and South America, and they were informed at the last public hearing that each horse costs at least \$100,000 to \$150,000. She questioned the number of horses that the applicant owns. The site Ms. Lobe used previously for this operation contained 40 acres for 40 horses, which met Orange County's requirement of one horse per acre. Due to the size of the property, these horses will not have an opportunity to run. The six paddocks are too small. The manure is not in a covered container. The trucks coming in to remove the container are getting caught in the sand. Any storage of manure must be 200 feet from a well; one of the paddocks is only 75 feet from the Herman's well. The requirement is one dwelling unit per five acres. On this property there is already one existing home, and an on-site manager appears to be living in a trailer. She was concerned about the effect of the traffic on Terra Vista Court. If this CUP is approved, the neighbors would like dark

CASE NO.:	CUP#10/3/2-2	AGENDA NO.:	3
OWNER/APPLICANT:	Gabriela S. Lobe	PAGE NO.:	3
PROJECT NAME:	Jewel Court Stables		

sky lighting to be used.

Ms. Johnson stated that currently there is no water in the paddocks that she is aware of. According to the staff recommendation, there are two buffers on the property, one along the east side and one along the north side. Paddocks are located up to the fence on the north side so she questioned how a buffer could be placed there. Currently there are portable toilets on the property; she questioned whether they were permanent. She also questioned the waste disposal method used by the trailer on the property. She pointed out that parking is located less than 100 feet from the property line; that may not meet the minimum requirement and would need to be moved. There is no riding area around there except on the road. With only 3.3 acres of open space for paddocks, she felt this is a mistake and detrimental to the physical and emotional health of the horses. It is an eyesore. The road dead-ends at their property. Commr. Renick has been contacted by an Orange County Commissioner regarding the concerns of the affected Orange County homeowners. She submitted some paperwork as Opposition Exhibit A.

At the request of Chairman Bryan, Ms. Johnson named the homeowners she was representing.

Hugo Cantellops said there are many orange grove trucks on this road. The paddocks on the property are two-horse paddocks. They have purchased an exercise machine for the horses. There is a riding arena in the center of the property, basically for show jumping. This is a small business with few employees that will have a positive effect on the community.

Ms. Lobe said if she does not care for her horses properly, she will not be in business. The size of the property and setback were addressed at the BOA public hearing through a variance. The manure has been moved; there is a portable toilet on the property until the bathroom is complete. The portable toilet has been moved further from Mr. Herman’s property. They have done everything they were told to do by the BOA in the variance. They will be responsible for maintaining the road as a condition of the variance. She said she would adhere to conditions imposed by this Board. She did not want to do anything to upset her neighbors.

In response to Scott Blankenship, Ms. Lobe said she has 17 horses at this time. Although she had leased 40 acres previously for her 40 horses, much of the property was wetlands so only 8.9 acres were used for the horses. She said her property is not an eyesore; it is a beautiful piece of property with a beautiful barn, which has increased her neighbors’ property values. She receives her horses on consignment; she trains them and then sells them. They are expensive horses. Trucks deliver food and hay to the property. She said she also breeds horses. The approved variance allows 20 horses on the property including foals.

Ms. Cotch said representatives from Public Safety and Animal Services were present. She said Lake County has no limit on the number of horses per acre; surrounding counties do have limits. At the request of Chairman Bryan, Ms. Cotch gave those statistics. Orange County has a limit of one horse per acre; Osceola County has a limit of one horse per two acres; Polk and Seminole County do not have limits; Marion County allows four horses per acre; and Sumter County allows three horses per acre.

Marjorie Boyd, Director of Animal Services Division, felt that 20 horses on five acres would be too many horses. On five acres, she would not recommend more than ten horses. She receives a high number of complaints for horses on smaller properties. Those complaints include manure, horses walking on roads and the waste not removed, odor, horses chewing on fences, too many horses, and riders in orange groves. She said it can be very expensive to maintain horses on a small piece of property.

In response to Mr. Emery, Ms. Boyd said there would not be much room for grazing on this property. Just from the horses walking around on the property, most of the land will become sand. Timothy Morris

CASE NO.:	CUP#10/3/2-2	AGENDA NO.:	3
OWNER/APPLICANT:	Gabriela S. Lobe	PAGE NO.:	4
PROJECT NAME:	Jewel Court Stables		

pointed out that these are thoroughbred horses, and it is his understanding that they are not outdoor horses as much as other horses. He did not think there would be a lot of use of the pasture.

Mark Wells confirmed with Ms. Boyd that she would be comfortable recommending ten horses on this property, considering either the gross or net acreage.

Jack Fillman with Fire Rescue said there are three fire stations within eight miles of this property. The closest station is 3.8 miles away. There is a fire station in Orange County that is 5.33 miles away. He said they have an automatic response agreement with Orange County. When Chairman Bryan asked if Assistant Chief Fillman would concur with the response time of six to twelve minutes as stated in the final package, he said typically that response time could be met. Mr. Emery asked if there were ambulances at the fire stations. Assistant Chief Fillman said there is not an ambulance, but there would be a paramedic on that engine, who could provide the same level of care as the ambulance but could not transport.

Ms. Lobe said she leases three acres of property from a neighbor, and that lease is good for the duration of the CUP. The BOA was aware of this additional acreage, and that may have been the reason why she was granted the allowance of 20 horses. She felt her horses get the nourishment they need from the grain and hay she provides. Florida grass does not provide much nutrition. At the request of Mr. Blankenship, Ms. Cotch pointed out the location of the three leased acres on the second aerial.

There was discussion regarding the type of materials used to maintain the road. Mr. Blankenship asked that this be researched further prior to the BCC public hearing since there was concern about the washout of the road, the culverts, and the pipe.

In response to Chairman Bryan, Erin Hartigan, Assistant County Attorney, said the jurisdiction of this Board remains with the standards of review for the granting of a Conditional Use Permit. She said the BOA was advised not to consider the three leased acres. However, this Board could choose to lower the number of horses set by the BOA. Mr. Emery was informed by Ms. Hartigan that the issues of the size of the parcel and the setback were settled by the BOA with the granting of the variance.

Mr. Morris said he had a problem with this Board standing in the way of Ms. Lobe making a living. On the other hand, Chairman Bryan felt this Board has a responsibility to make sure that the request is within reason and the land can support the request.

Mr. Blankenship had a concern with the number of horses and the size of the property; that is why he liked the idea of the three acres Ms. Lobe was leasing.

Ms. Cotch pointed out that there is a difference between the number of personal horses that a person owns and a public stable. Mr. Morris confirmed that Ms. Lobe could put her personal horses on the three leased acres.

Mr. Gardner said he did not subscribe to the idea that just because the BOA granted a variance last month, this Board must recommend approval of this request. He said he would have difficulty supporting this request because of the ten-acre requirement.

Based on what the County legal staff said, Chairman Bryan said this Board needs to accept that the variance was granted; but it does not mean this Board cannot limit the size of the operation. He reiterated that the Board has learned the County gets complaints regularly about this type of operation. He agreed with Mr. Morris that this Board needs to provide every opportunity for the owner to utilize her property. However, in order to support this, he would want some further conditions so it does not become a problem with the neighbors.

CASE NO.: CUP#10/3/2-2 **AGENDA NO.:** 3
OWNER/APPLICANT: Gabriela S. Lobe **PAGE NO.:** 5
PROJECT NAME: Jewel Court Stables

Mr. Cantellops said they have nineteen 12-foot by 12-foot stalls built in this facility. The barn has 16 stalls, and there are three others on the other side of the property so every horse can be under cover if it should rain. Allowing only ten horses will limit them greatly.

Chairman Bryan stated that he would not support this request with 20 horses. Mr. Blankenship said his concern is also with the number of horses.

In response to Mr. Blankenship, Ms. Lobe said she could be agreeable to 15 horses. Mr. Blankenship said he would be more agreeable to 15 horses.

Mr. Morris was informed by Ms. Lobe that she owns seven horses. Mr. Morris said those seven horses could be put on the leased three acres.

When Chairman Bryan asked about outdoor lighting and sound, Ms. Lobe said she does not use a sound system. If she decides to have outdoor lighting, it would only shine on the ring, which would not affect anyone else. In response to Chairman Bryan, Ms. Lobe said she has a small ring so she would be agreeable to a limit of six riders in the ring at one time. Ms. Lobe said she does not do events or corporate parties. The summer camp would be comprised of six or seven girls who are in her lesson program, who want to learn about the care of horses and to ride horses. When Chairman Bryan asked about Team Orlando, Ms. Lobe said that is the name used when they compete on circuit and wear uniforms.

Ms. Cotch said she had discussed with the applicant limiting the summer camp to the months of June, July, and August, Tuesday through Friday, 9 a.m. to 2 p.m.; group lessons would be limited to five or six riders at one time; the hours of operation for the riding stable itself during the summer months would be 9 a.m. to 7 p.m. and 9 a.m. to 6 p.m. during the winter months; and lighting would be contained on the subject property.

Mr. Emery said this Board should discourage dusk to dawn lighting.

Ms. Johnson said the neighbors would prefer dark sky lighting, no more than ten horses, and that the three leased acres not be considered.

Regarding lighting, Mr. Cantellops said that in the winter months when it gets dark very early, this would limit the lessons since the lessons cannot start until 5:00 due to the students being in school until 4:00. Chairman Bryan suggested that they set dark sky lighting requirements and then the facility must adhere to the hours of operation set. He added that he felt 15 horses was still a lot of horses on this property. He would prefer ten adult horses and five foals.

MOTION by Scott Blankenship, SECONDED by Timothy Morris to recommend approval of CUP#10/3/2-2 to allow a riding stable/academy with the following conditions:

1. **The hours of operation for the riding stable shall be 9 a.m. to 7 p.m. during the summer months and 9 a.m. to 6 p.m. during the winter months.**
2. **Group lessons shall be limited to six riders at one time.**
3. **The number of horses shall be limited to 15 including foals.**
4. **Dark sky lighting only shall be permitted.**
5. **No dusk to dawn lighting. Lighting shall be utilized only during normal hours of operation. Motion sensor lighting would be encouraged.**
6. **Maintenance of the road shall meet all Lake County standards.**
7. **No events or corporate parties shall be permitted.**

8. No outdoor sound system shall be permitted.

CASE NO.:	CUP#10/3/2-2	AGENDA NO.:	3
OWNER/APPLICANT:	Gabriela S. Lobe	PAGE NO.:	6
PROJECT NAME:	Jewel Court Stables		

9. Section 3.B. of the ordinance shall be changed to read “This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto.”

When Mr. Emery asked if the BOA conditions should be included in the motion, Chairman Bryan said they were already included in the ordinance. Mr. Emery said he was uncomfortable with the intensity of this project; he also was concerned about the manner in which it happened. He would prefer reviewing the property before development rather than after. Therefore, he could not support this request although the efforts of this Board have helped in making it better than it was.

FOR: Morris, Blankenship, Bryan, Wells, Metz

AGAINST: Gardner, Emery

MOTION CARRIED: 5-2

Special Zoning Board Public Hearing

Chairman Bryan reminded the Zoning Board members of the special Zoning Board public hearing that will be held on March 15, 2010 at 11:30 a.m.

Adjournment

There being no further business, the meeting was adjourned at 10:37 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman