

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
April 3, 2013

The Lake County Planning and Zoning Board met on Wednesday, April 3, 2013 in County Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings and Land Development Regulation amendments.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, April 23, 2013 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby	District 1
Ted DeWitt	District 2
Timothy Morris	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Debbie Stivender	School Board Representative
Kasey Kesselring, Vice Chairman	At-Large Representative

Members Not Present:

Donald Heaton	Ex-Officio Non-Voting Military Representative
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Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Anita Greiner, Chief Planner, Planning and Community Design Division
Melving Isaac, Planner, Planning and Community Design Division
Donna Bohrer, Office Associate, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Ross Pluta, Engineer III, Public Works
Susan Boyajan, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and Debbie Stivender, Board Member, gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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Agenda Updates

Consideration of Minutes March 6, 2013

CONSENT AGENDA

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Tab 2	PH#9-13-3	S.Lake Tavares Complex Rezoning Amendment
Tab 3	CUP#13/4/1-5	Gator Dave CUP
Tab 4	PH#7-13-1	Grassroots Airport PUD amendment

REGULAR AGENDA

Tab 5	CUP#13/1/1-1	Seminole Lake Gliderport CUP Amendment (Postponed until April 24, 2013)
Tab 6	MSP#13/3/1-2	J. D. Mott/Cemex Construction Sand Mine
Tab 7	LDR Amendment	LDR Amendment/Lot Grading
Tab 8	LPA#13/3/4-4	Comprehensive Plan Text Amendment Wekiva Borrow Pit Exemption
Tab 9	PH#10-13-1	TD Bank/Crawford/Langley Ind. Park Rezoning
Tab 10	Revised 2013 Rezoning and CUP Public Hearing Schedule	

Adjournment

AGENDA UPDATES

Mr. Bryan requested that Tab 7, which was the lot grading amendment, be moved to the Consent Agenda if no one had any concerns about that case.

Mr. Brian Sheahan, Planning and Community Design Manager, stated that there were a couple of changes to the Agenda, specifying that Tab 5, CUP #13/1/1-1 for the Seminole Lake Gliderport CUP Amendment, was postponed until the next hearing cycle; and he noted that PH#8-13-5, the Tracy property rezoning, was withdrawn.

MOTION by Kasey Kesselring, SECONDED by Tim Morris to APPROVE moving Tab 7 to the Consent Agenda.

FOR: Morris, Stivender, McKeeby, DeWitt, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

MOTION by Debbie Stivender, SECONDED by Kasey Kesselring to postpone Tab 5.

FOR: Morris, Stivender, McKeeby, DeWitt, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

MINUTES

MOTION by Kasey Kesselring, SECONDED by Debbie Stivender to APPROVE the March 6, 2013 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: DeWitt, Gonzalez, McKeeby, Morris, Bryan, Stivender, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

CONSENT AGENDA

Rick Gonzalez recused himself from voting on Tab 1, the Buckner Property Rezoning, since he was the listing agent on that property.

Tab 2 PH#9-13-3 S.Lake Tavares Complex Rezoning Amendment

Tab 3 CUP#13/4/1-5 Gator Dave CUP

Tab 4 PH#7-13-1 Grassroots Airport PUD amendment

Tab 7 LDR Amendment Lot Grading LDR Amendment

MOTION by Kasey Kesselring, **SECONDED** by Tim Morris to **APPROVE** the Consent Agenda, consisting of Tabs 2, 3, 4, and 7, excluding Tab 1, along with staff's recommendations for Tab 4, Grassroots Airport PUD, reflected in the memo dated March 25, 2013 as part of the motion.

FOR: Morris, Stivender, McKeeby, DeWitt, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

MOTION by Kasey Kesselring, **SECONDED** by Debbie Stivender to **APPROVE** Tab 1, Buckner Property Rezoning, PH#6-13-1, on the Consent Agenda.

FOR: Morris, Stivender, McKeeby, DeWitt, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 6-0

ABSTAINED: Gonzalez

REGULAR AGENDA

Mr. Sheahan illustrated on the overhead monitor that all of the cases on the Agenda were properly advertised.

Tab 6 – MSP#13/3/1-2

Mr. Sheahan explained that this case is for a sand mine conditional use permit for the Four Corners Sand Mine, Case MSP#13/3/1-2; the applicant is James Mott with Cemex Construction Materials Florida LLC, and the owner is Lake Louisa LLC. He showed the location of the property on the map, noting it is in the South Lake area south of Conserve II and Hartwood Marsh Road and bounded by US Hwy 27. The property is currently zoned Agriculture, has a Future Land Use of Rural, and is within the proposed the Wellness Way Sector Plan. He noted that mining is allowed in the Rural Future Land Use category of the Comprehensive Plan policy and the LDR's in Chapter 6. The applicant proposes to mine approximately 576 acres of the total property of 1196 acres, with 52 percent or about 500 acres of the property placed into open space. He related that the mine life is approximately 30 years and will depend on market conditions, although the applicant indicates that could be less, and he commented that no wetlands are proposed to be mined or impacted. He added that water for the processing will be obtained through existing wells and the use of reuse water. He noted that the property was surrounded by largely agricultural rural uses and vacant lands, with the

nearest subdivision 1.5 miles away. He reported that they have received 15 letters in support and 5 in opposition, which have been provided to the board. He indicated that four of the letters of opposition are requesting to defer the application until after the completion of the South Lake and Wellness Way Sector Plans. He added that the type of uses allowed by the sector plan will not be known until it is completed, but there is a provision allowing any property owner to opt out; however, this property is located right in the middle of it. He explained that staff has worked with the applicant to propose multiple phases of 100 acres or less, which could afterwards potentially be eliminated from the mining operation and made available for development. He concluded that staff recommends approval of the ordinance with the conditions stated in the ordinance.

Mr. Bryan clarified that Mr. Sheahan indicated that 15,000 acres of land is necessary to move forward with a sector plan, and he asked how many acres is currently involved in that plan.

Mr. Sheahan responded that 16,200 acres is needed, and they would still have approximately 15,100 acres if this property withdrew.

Ms. McKeeby asked when they would start this project if it was approved.

Mr. Sheahan responded that the ordinance contains a requirement that they begin operation within three years, although the applicant had some concerns about that.

Mr. Dewitt asked if this was in joint approval with the City of Clermont.

Mr. Sheahan stated that it was within the joint planning area, but they had received an opposition letter from the City of Clermont which indicated they would like this project delayed until completion of the sector plan, and noted that the Clermont City Council voted against it 5-0.

Mr. Morris asked whether they could opt out of the sector plan if they did not want to be part of it.

Mr. Sheahan responded that they can opt out of the sector plan up until the adoption of the sector plan; however, after the sector plan is adopted, that land use is applied to the property and they would have to do a Comp Plan amendment to change it.

Mr. Kesselring asked for clarification of whether the applicant and the owner were the same group.

Mr. Sheahan answered that Cemex has obtained a long-term lease on the property, and the owner of the property is Lake Louisa LLC and not Cemex.

Mr. Roger Sims of the Holland and Knight law firm in Orlando, representing Cemex, the applicant, presented a power point presentation and showed on a map the areas set aside for open space, noting that it was a substantial portion of the reserve of about 50 percent. He commented that the company is requesting to mine this reserve because it is the place where this grade of construction sand is available, since it is a very specific product. He indicated that this mine will be used for a number of applications, including concrete, asphalt, and DOT construction sand. He also noted that the legislature has declared this type of sand resource to be of critical state importance and a strategic resource, and mining of it is in the public interest. He mentioned that they find the staff report and conditions to be acceptable with some qualification he will address later. He commented that Cemex has already supported the Wellness Way Sector Plan financially, was a stakeholder in the plan, and intends to participate actively in the plan, emphasizing that opting out was not their intent. He opined that a number of stakeholders would benefit from construction of a roadway between US Hwy 27 and CR 429, and Cemex has already agreed to pay the portion from US 27 into the mine

entrance, and they would be willing to discuss with the stakeholders a way to equitably proceed with a corridor or roadway. He also opined that they were entitled to an approval of this project if they meet all of the legal criteria of the current laws and bylaws of the County, and he pointed out that no one knows when the sector plan will be adopted and that Cemex has some very substantial business commitments that would not allow it to wait until the sector plan is adopted. He assured the board that the mining of this sand deposit would be above the water table and that they would be leaving 100 percent useable uplands after backfilling, which will be different from anything which has been done before; also, each unit of the entire project will be reclaimed to uplands immediately after that stage of the project is done. He showed pictures of actual reclamation projects under similar conditions, noting buffers and visual berms they have used such as fences, vegetation, and trees. He commented that this project will bring significant economic benefits to the county, generating \$1.1 million in wages and \$4.7 million in annual economic impact. He asked the Planning and Zoning Board to approve the project and recommend it to the Board of County Commissioners.

Ms. McKeeby asked when the project will start if it is approved.

Mr. Sims responded that they will start as soon as they get all of the permits, and he mentioned that although they will honor the three-year time table, the total environmental resource permit process could take longer than three years if it was challenged, which would require them to ask the Board of County Commissioners for an extension.

Mr. Sheahan pointed out that the reason for the three-year time frame is to ensure that the development proceeds in a timely manner, noting that several things could change during that time such as regulations, state legislations, and other conditions.

Mr. Bryan clarified with Mr. Sheahan that the purpose of breaking this into multiple smaller phases was to allow the property to potentially be available for development because of the sector plan.

Mr. Mark Stephens, a hydrogeologist with the Collinas Group in Lakeland, mentioned that this was an abandoned citrus grove property, and there was an existing irrigation well on the property which they were planning on using for makeup water when needed; however, the primary source of water will be reuse reclaimed water from OUC, and they were building a nine-acre lined pond in the northeast part of the property for the reclaimed water. He specified that the total quantity of water they expect to use would be less than 500,000 gallons per day. As far as the depth of mining, he explained that in general, the bottom of the excavation areas will be approximately to an elevation of 85 feet NGVD, a lot of which will be backfilled to 30 to 40 feet higher than that.

Mr. Brian Smalkoski, a transportation planner, stated that they did a traffic impact analysis and looked at the number of trucks generated on a daily basis, noting that it varies throughout the day, and related that they were looking at a rate double of what was expected for the mine. They were looking at 2 million gross tons of material hauled offsite on an annual basis or about 640 total truck trips throughout the day, although 1 million tons and half that number is what is really expected.

Ms. Stivender asked about the traffic pattern.

Mr. Smalkoski responded that they anticipate about 65 percent of trucks traveling to the north on Hwy 27 and about 35 percent to the south on Hwy 27, noting that the trucks will try to stay on the largest roads or state highways as much as possible, which makes up less than 1 percent of the allowable service volume on Hwy 27. He clarified that they do not expect the trucks to travel on Hartwood Marsh Road.

Mr. Sims added that other facilities will be taken offline as this facility comes online, so there should be basically no net traffic impact because of that transition.

Ms. Stivender clarified that County staff has looked at these traffic patterns and had no concerns other than the conditions placed in the ordinance.

Ms. Lisa Hill, an adjacent property owner who owned 120 acres consisting of tree and blueberry farms, expressed some concerns regarding water and how this proposed project would affect the well they use for freeze protection. She asked if the well on the proposed property was already permitted to be used by St. Johns and whether there will be any other permitting on the property, since she did not think the one well would be sufficient even though they were using reclaimed water. She also asked if it would be wiser to postpone this project until the sector plan is finished, and she commented that she just wanted what was best for this area. In response to a question from Mr. Bryan, she stated that she had a 12-inch well on her property, adding that she only uses the well for overhead freeze protection and uses Conserve II water for the trees. She also mentioned that there have been water problems in that area since it was a sandy location.

Mr. Sims responded that the agricultural well on the property will be used as a backup water supply, but they have not even had a pre-application meeting with St. Johns yet, which will be a public process, although it is not expected to be a difficult permit. He opined that it will not interfere with Ms. Hill's operation, and under the rules of the District they could not interfere with any operations in the area.

Ms. Stivender commented that she believed after reviewing this and confirming that staff has reviewed this, she was in favor of approving it and believed the economic component this project would bring is needed.

Ms. McKeeby expressed concern about any interference with the sector plan and asked what the consequences of waiting 7 months for the sector plan to be completed would be.

Mr. Gonzalez remarked that he believed the plan would take much longer than that to be completed.

Mr. DeWitt believed the continual hours of operation may affect the future properties around it when the sector plan is completed, including weekend and after-hour operations that may affect future businesses coming to the area.

Mr. Bryan opined that the area will not be developed until far into the future, and there will be only a small portion of that property that will be active for the life of the mine, since it will be done in phases. He also commented that it appears that the applicant is committed to work with the sector plan. He also pointed out that approval of this application is recommended by staff and is a needed industry, and he would support it based on that.

Mr. Kesselring commented that although he sees the merits and economic value of this project and that there has been care given to buffers and things of that sort, he was concerned that since there was one opportunity to get the sector plan right, he did not want to make a premature decision that might affect that planning process, especially regarding the road corridor. He also stated that he would be more in favor of being able to make a decision that he believed to be in everyone's best interest in a delayed time period once that was figured out rather than having to come back and reexamine issues later. He added that he was not against the project, but thought the timing was unfortunate.

Mr. Bryan reminded everyone that the applicant had the option of opting out of the sector plan. He also suggested that they have some discussion with the landlord on releasing the property to be developed, since he believed that was a key component in this.

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to APPROVE Tab 6, Four Corners Sand Mine, MSP#13/3/1-2, with the conditions as outlined and with all of the statements that have been made by applicant and staff that it would be monitored; also, the applicant could decide what to do regarding the sector plan in the future.

FOR: Morris, Stivender, Bryan, Gonzalez

AGAINST: Kesselring, DeWitt, McKeeby

MOTION CARRIED: 4-3

TAB 8. LPA#13/3/4-4 TOM WEST BORROW PIT

Mr. Sheahan stated that the case before them is LPA#13/3/4-4 entitled Tom West Borrow Pit Amendment, which was a property-specific text amendment to allow exemptions from open space, environmental and tree preservation requirements; the property owner is Tom West, Inc., and the applicant is Anita Geraci-Carver, Esq. He explained that this application seeks to create a policy specific to this property for incorporation into the Comp Plan that would preempt other policies within the Comp Plan, and the property is located within the Wekiva River Protection Area and the Wekiva Study Area, pointing out the location of the property on the overhead map. He explained that borrow pits are approved through a similar process as mines, with the major difference being that no processing takes place on the property, and these are dawn to dusk operations where materials are taken in its raw form and used for construction purposes. He related that Comp Plan policy states that borrow pits may be allowed through action by the Board of County Commissioners for public works projects within those environmentally sensitive areas, and this was foreseen to be a concession to the public and quasi-public agencies that would be doing the construction for the Wekiva Parkway for material needed in close proximity to that project.

He relayed that the applicant originally applied for a mining CUP for a borrow pit, but the open space preservation requirement of 50 percent was not acceptable to the applicant. However, the applicant finally decided to go with a more property-specific policy rather than affect the entire plan long-term, since the need for that material was not unlimited and was to specifically provide for the Wekiva Parkway and immediately related projects. He noted that several conflicts arise with requirements throughout the Comp Plan in regards to environmental protection, protection of the recharge areas, tree protection requirements, species protection, and protection of the hydrologic conditions, and he reported that the applicant asserts this is necessary to serve a public need and would be limited in its scope to this property. He mentioned that staff did not receive any documentation that existing borrow pits could not meet that need in order to evaluate that issue. He commented that the open space and environmental protection policies of the Comp Plan that were developed over five years are to limit the potential impacts of development on what is considered an environmentally-sensitive area and were modeled in large part by the stipulations and guidelines by the state. He opined that it has not been demonstrated by the applicant that approval of the significant exemption to the Wekiva River Protection and Study Areas objectives and policies is necessary, and no evidence has been provided demonstrating that there is additional need. He also mentioned that if the amendment is approved for transmittal, the applicant should submit a mining site plan conditional use permit prior to final approval of the amendment and that the request be

amended to require a minimum open space requirement of 30 percent, which is a 5 percent reduction of the minimum required within the Wekiva to set aside for tree preservation and relocation of the significant amount of gopher tortoises on this property. He also recommended that this be placed in a future conservation easement to ensure its future viability. He related that there were concerns about transportation from adjoining property owners, and he pointed out on a map that this is in fairly close proximity to the Sorrento Hills Subdivision and that there could be impacts to the intersection of Walkabout Ranch Road and CR 437. He noted that they received letters of opposition submitted from adjoining property owners as well as the Wekiva River group.

Mr. Bryan asked whether the conflicts to the Comp Plan would exist outside of the Wekiva.

Mr. Sheahan answered they likely would not exist and noted that compatibility with the existing policies are the issue.

Mr. DeWitt commented that the Wekiva Parkway will contain a lot of bridges over the wetlands, so it will take a lot of imported sand, and he believed that this material could probably be used for the construction of the Wekiva Parkway. He also pointed out that the location was one of the shortest distances away from where the construction would be.

Mr. Bryan asked whether the purpose of those additional regulations was to protect site specific property from development or the impact it may have on other properties within that district that are environmentally sensitive, although this property is not environmentally sensitive land.

Mr. Sheahan responded that there are policies which specifically cover environmentally sensitive and important habitats, such as sand hill and oak scrub, but which do not exist on this property, and the provisions which do cover this property relate to the preservation of protected species and existing and native vegetation and preserving open space for recharge. He explained that there will be less filtration if material is removed from the surface, and nutrient loading is also a concern in this area, which could perhaps be mitigated.

Mr. Gonzalez disclosed that he had received a phone call from Mr. Keith Schue expressing opposition to this project and in support of staff's recommendation to deny the application.

Anita Geraci-Carver, Esq., representing the applicant, opined that this property does not have significant environmental issues or protection needed, except for the protected species of gopher tortoise, and they are proposing that those within the buffer area remain within their natural habitat on site and the remainder removed pursuant to an environmental resource permit to an approved site. She pointed out that there will be approximately 20 million yards of material needed for the Wekiva Parkway project, and this site's location is closest to many of the construction sites and will less require less traffic on the roads and shorter distances in travel. She mentioned that she had a copy of the Ethological Consulting Solutions Report describing what was found on the property, which she provided to the Clerk for the record. She pointed out that the Comp Plan and the statute contemplated for the Wekiva Parkway area would allow borrow pits in this protected area for the purpose of providing fill for that important project, and the statute also states that governments should amend their Comp Plans and recognize with various strategies that do optimize open space and promote a pattern of development on a jurisdiction-wide basis and not just site specific; the strategy should also recognize property rights and varying circumstances within the Wekiva Study area. She contends that this particular property should not be viewed exactly like every other piece of property in that overlay area, noting that this 83-acre property consisted of former orange groves and was currently used for pasture land, and she related that they would be changing the elevation of the property and will not affect the rechargeability. She noted that they were not asking that they not

meet the open space requirements indefinitely, and they were planning on turning it back to agricultural use after the project was completed, which was an encouraged use in that community. She also commented that setting aside 50 percent of the project at this point was not feasible and would also limit the future agricultural use to 50 percent. She pointed out that 100 percent of the vegetation could be removed if it was used for an agricultural use, but they were proposing to leave existing trees in the perimeter buffer, and there were no wetlands, open water bodies, or protected birds on the site. She also opined that they would not have any adverse impact on the aquifer or rechargeability. She opined that the need for this project substantially outweighs the risks to the property by not setting aside 50 percent, and the economic effects of this project will be a major benefit to Lake County.

Mr. Ted Wicks, Wicks Consulting Services, pointed out that this was not a typical borrow pit but rather a mass grading project starting at the top of the hill to remove the clean soil mantle that lies within about ten or fifteen feet of the higher elevations and end up grade at the lower elevations, which would allow them to remove the material that meets the specification for the clean fill for the Wekiva Parkway or any other public works project that might need this type of material. He related that they have done a complete exploration of the project and a geotechnical report to figure out where the useable material is. He assured everyone that this project will not extract material from the low seasonal high water table, and they would put this back as an improved pasture. He added that the material would not be processed onsite, and they will be following the mining best management practices for this entire operation and provide erosion sediment control devices that are necessary. He commented that they are expecting to pull a little over one million yards of dirt off of this project, but it would not be economically feasible to only use 50 percent of the property after going through the permitting process and preparation to remove the material. He emphasized that site reclamation would be completed very quickly, and he mentioned that he has done many of these types of projects with a high site reclamation rate, resulting in a higher and better use of the property. He added that their goal was to use the site for a viable agricultural operation and improved pasture, and he opined that this project will have no net measureable impact hydrogeologically and will leave permeable soil that will continue to promote the current recharge. He also stated that they expect to haul 25 peak hour truck trips per day.

Ms. Stivender expressed a concern about truck traffic coming out of the entrance on Walkabout Ranch Road with the Sorrento Hills subdivision nearby.

Mr. Wicks assured her that they will develop a traffic maintenance plan, and they had planned to have a traffic manager at that location, since there is an offset between their driveway and the subdivision, to avoid any conflicts with those turning movements. He also pointed out that the residents of Sorrento Hills use other entrances and that that entrance was not a main entrance.

Mr. Bryan commented that traffic concerns him as well, and there is a potential for that commercial portion of that development to be developed very soon, which would increase the traffic in that area.

Mr. Gonzalez asked about any native species on the site.

Mr. Wicks responded that they have done a complete T & E Report and a species report, and they found no protected plants or animals, except for the gopher tortoises, which they will go through the permitting process to relocate.

Mr. Bryan asked what amount of open space they would agree to if this was approved.

Ms. Geraci-Carver responded that she would be willing to discuss that with her client.

Mr. Sheahan clarified that a minimum of 30 percent or one acre of open space would be acceptable, and he calculated that the 50-foot buffer would leave roughly six percent in open space. He pointed out that the buffer would not be a viable location to relocate the gopher tortoises on that site.

Ms. Geraci-Carver stated after conferring with the applicant that they are willing to set aside ten percent of open space, and she also clarified that they are not proposing to relocate the gopher tortoises onsite but rather to just leave those that are already in the buffer area in place.

Mr. Sheahan added that the County's regulations dictate the requirement of a 100-foot buffer, but the applicant indicated that they will seek that to be reduced to 50 feet, which would be recommended by this board and decided by the Board of County Commissioners and approval of the mining CUP.

Ms. Geraci-Carver stated that the reason she is asking for the reduction of the buffer is because it is surrounded by vacant pasture land on the west, east, and south side, but they are willing to discuss a larger buffer on the northern side where there is some residential.

Ms. Erin Hartigan, Assistant County Attorney, clarified that Subparagraph A states that all mining operations need to meet a setback of 200 feet from churches, schools, hospitals, residentially zoned property and property used for public purposes and 100 feet from all their property lines; and Subparagraph B states that setbacks can be increased or decreased in special situations.

Mr. DeWitt commented that this was not permanent or long term and that the impact would only be seen during the Wekiva Parkway construction, and the closest the source of the material was, the less traffic impact there would be.

MOTION by Debbie Stivender, SECONDED by Tim Morris to APPROVE Tab 8, LPA#13/3/4-4, Tom West Borrow Pit Amendment, for transmittal of this amendment with the requirement of open space of ten percent, set aside tree preservation, relocation of gopher tortoises and other wildlife if necessary, and that the open space be placed in a conservation easement to ensure future viability and to restrict any future development in perpetuity.

FOR: Morris, Stivender, McKeeby, DeWitt, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

TAB 9 PH#10-13-1 LANGLEY INDUSTRIAL PARK

Mr. Steve Greene, Chief Planner, presented Case PH#10-13-1 regarding the Langley Industrial Park with TD Bank as the owner and Jimmy Crawford as the applicant. He explained that this rezoning application was a request to amend the 80-acre Langley Industrial Park LM zoning district by creating a new Planned Industrial (MP) zoning district on 51 acres for a block plant and light industrial uses, and he showed the location on the overhead map. He added that this amendment would also create the need to develop a new ordinance to replace existing LM Ordinance No. 2005-112 for the reduced acreage. He related that this property is located west of the Chris C. Ford Commerce Park in the Groveland area, and some of the adjacent land uses include existing Urban Low to the north, proposed Regional Office and Industrial to the south and east, and Rural Transition with a proposal for Regional Office land uses in the near future to the west. He noted that the property could be serviced by central water and sewer by the City of Groveland, and he reported that

the new MP zoning would require a reduction in the existing LM zoning district. He added that this request is consistent with the LDR's, as the MP zoning is permissible in the existing Industrial Future Land Use of the property and with adjacent land uses to the south and east. He indicated that the applicant desires to conduct block plant activities which are not permissible in the current LM zoning district, and he commented that no additional impacts are anticipated by this rezoning request. He pointed out that there is a fully-designed public drive that essentially connects to this property which meanders to Hwy 27 and 19 through the Chris Ford Commerce Park. He stated that although no environmental data is provided at this time, an environmental assessment and tree removal permit would be required pursuant to the LDR, and a condition of this ordinance is that some of the planted pines be retained at the perimeter to mitigate any dust impacts and provide additional screen for the undeveloped properties to the north and west. He mentioned that although there is no limitation in the proposed ordinance to have the block plan activity conducted indoors, that could be added to it. He showed the concept plan provided with the application illustrating how the operation would look and reported that staff recommends approval of this request.

Ms. Stivender disclosed that the School Board has been involved in litigation with Mr. Langley over the past few years, but she has clarified with the School Board attorney that she had no conflict regarding this case, since it was a separate issue from the lawsuit.

Mr. Jim Crawford, Attorney representing the owner and the applicant of the property, pointed out that the end user of this request was Rainey Construction, which already operates existing truss and block manufacturing facilities, and he emphasized that this will result in 70 new or relocated jobs from Orange County to Lake County. He indicated that all of the manufacturing will be enclosed and that he wanted to make sure that was stated in the ordinance for the protection of the adjacent property owners. He also suggested an additional condition under land uses stating that all manufacturing and assembly uses shall be fully enclosed, and he assured the board members that that condition would take care of the noise level. He explained that the problem with the existing LM zoning is that it limits outdoor storage to 100 percent of the floor area of the building, and the users potentially need more outdoor storage area than that.

Mr. Ashley Hunt, who represents Lakeview Industrial Properties, Inc., the adjacent property owner of 75 acres on the southeast corner of the proposed project, commented that besides the serious concerns this project has raised, his client was also concerned that the project was rushed through and that he just received notice of it last week and was not able to do any due diligence or hire experts for this hearing. He commented that he does not understand how a concrete plant can be indoors, since there is no other existing indoor block plant in Lake County. He related that one concern was that the use of the concrete plant could create a nuisance and an obnoxious atmosphere for his client's property and would decrease the property value. He also mentioned a concern that changing the use from LM to MP could create a precedent for other applicants to ask for the same type of rezoning in the future for outside, heavy industrial uses, which would have significant potential impacts on the environment of the adjacent owners such as noise, vibration, trucks, and dust. He also related that another concern was that the concrete block plant appeared to be as close to his client's property as possible on the southeast corner of the property. He requested that the process for this application be slowed down and that his client be afforded the opportunity to hire experts to intelligently research the impact that this project would have on the value of the surrounding properties and the potential nuisance problems that could come along with this type of project and afford his client the due process regarding this case. He also mentioned that he believed there were other property owners who wished to be in attendance, but did not get the notice in time for them to logistically be able to be there. He requested that the board not recommend the project, or at least recommend that his client be afforded sufficient time to hire the previously-mentioned experts or at least 30 days.

Mr. Bryan asked what his client's property was zoned.

Mr. Crawford responded that it was LM, which was the zoning for all of the other property in the industrial plaza, noting that this property would be the only one zoned for heavy industrial.

Mr. Bryan clarified for the record that they should look at every case on its individual merits and not whether it would set a precedent for another use.

Mr. Sheahan clarified that this case was not being processed faster than any other case, adding that this case was on a 62-day cycle like any other case; however, staff did get the staff report done a little quicker, but all of the notice requirements have been followed, with the notice sent out and the property posted 15 days prior to the hearing when only 10 days was required.

Mr. Morris suggested that the applicant contact and meet with the neighboring property owners quickly before the BCC meets to make a final decision on this issue.

MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE Tab 9, PH#10-13-1, Langley Industrial Park, as amended by the applicant's attorney adding to Section 1, Item 4, that all manufacturing and assembly uses shall be fully enclosed.

FOR: Morris, Stivender, McKeeby, DeWitt, Gonzalez, Bryan, Kesselring

AGAINST: None

MOTION CARRIED: 7-0

Tab 10 Revised 2013 Rezoning and CUP Public Hearing Schedule

Mr. Greene stated that the last item of business on Tab 10 was the acknowledgement by the Planning and Zoning Board of the new public hearing dates, which were proposed as a result of the BCC's action to move up meetings during certain months of this year, as follows: April 24, May 29, October 30, and November 27. He commented that moving the meetings up a week worked well last November and December, since staff did not have to prepare for two meetings in one week.

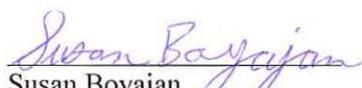
Ms. McKeeby mentioned that she will be out of town on April 24, 2013.

Mr. Bryan clarified that the Board received and acknowledges these new meeting dates.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,


Susan Boyajan
Clerk, Board Support


Paul Bryan
Chairman