

## MINUTES

### LAKE COUNTY ZONING BOARD

APRIL 5, 2006

The Lake County Zoning Board met on Wednesday, April 5, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, April 25, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

#### Members Present:

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

#### Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management  
Amye King, Deputy Director, Department of Growth Management  
Terrie Diesbourg, Director, Customer Services Division  
Interim Director, Planning and Development Services Division  
John Kruse, Senior Planner, Planning and Development Services Division  
Rick Hartenstein, Senior Planner, Planning and Development Services Division  
Stacy Allen, Senior Planner, Planning and Development Services Division  
Jennifer DuBois, Planner, Planning and Development Services Division  
Mary Harris, Public Hearing Coordinator, Planning and Development Services Division  
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division  
Fred Schneider, Engineering Director, Engineering Division  
Ross Pluta, Engineer III, 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 on the monitor and that this meeting has been noticed pursuant to the Sunshine Statute.

Rick Hartenstein, Senior Planner, explained the public hearing procedure for rezoning cases including the consent agenda.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	March 1, 2006	
Discussion of Consent Agenda		
Consent Agenda Approval:		
CUP#06/4/1-5	Vantaggio Investment Group, LLC/Imilsis “Amy” Velazquez	2
PH#44-06-3	US Highway Twenty-Seven, LLC Michael Marder, Managing Director	8
PH#45-06-4	David Hurley, Keith and Anne Ryan, Michael and and Christian Mosler/Lake County Customer Services Division—Terrie Diesbourg	9
PH#39-06-3	Theo K. and Diane J. Carson Danny Seifried/Teamcason Golf	12
Withdrawal:		
CUP#05/11/1-4	Mary and Kathleen Draper	1
Continuances:		
PH#26-06-5	James W. Sims Jr. and Louise F. Sims, Trustees/Mark A. Maciel	6
MSP#05/11/1-2	Rinker Materials Corp./Steven J. Richey, P.A.	11
Withdrawal		
PH#23-06-2	Larry C. and Ann W. Linder/Cecelia Bonifay, Esquire, Akerman Senterfitt	5
Regular Agenda:		
PH#43-06-5	Green Acres Land Development, Inc./Max Frei	3
PH#40-06-2	Dr. George M. Mathew	4
PH#42-06-5	Emmer Development Corporation/Leslie Campione, P.A.	7
CUP#06/4/2-4	Mary Jane Reynolds	10
PH#39-06-3	Theo K. and Diane J. Carson Danny Seifried/Teamcason Golf	12
PH#38-06-4	Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust, and Joyce O. McCrary, Horacio and Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc./Real Property Acquisition Group, LLC/Jay E. Folk, Vice President	13
Elections	Chairman, Vice Chairman, and Secretary	

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**Minutes**

James Gardner stated that in the last paragraph on Page 22 of the minutes, he questioned the statement “but this Board is never given capacity figures, and portable classrooms are not taken into account.” If he said that, that needs to be clarified. This Board does get plenty of information on capacity. The point he was trying to make and will restate is that the figures this Board receives from the School System never includes the use of portables. To that extent, this Board does not know the relief of the crowding situation that is afforded by the portables. That is what he would like inserted in last month’s minutes. He did not feel the School System was giving 100 percent of the information; and, therefore, this Board is asked to make a judgment based on inadequate data.

Sherie Ross, Public Hearing Coordinator, asked that approval of the minutes be postponed until the May Zoning Board public hearing so she can check the tape and verify what Mr. Gardner said at that meeting.

Timothy Morris stated that the correspondence received from the School System this month did include classroom capacity figures as well as the cafeteria capacity. He complimented the School System for including those additional figures.

**Discussion of the Consent Agenda.**

Rick Hartenstein, Senior Planner, stated that speaker cards have been submitted for PH#42-06-5 and CUP#06/4/2-4. Therefore, these cases will be removed from the consent agenda and placed on the regular agenda. He noted that PH#39-06-3 has been added to the consent agenda.

Mr. Hartenstein referred to the withdrawals and continuances on the agenda. He noted the additional withdrawal of PH#23-06-2 and the continuance request of PH#26-06-5 from 30 days to 60 days in order for the applicant to provide additional information.

<b>CASE NO.:</b>	<b>CUP#06/4/1-5</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNER/APPLICANT:</b>	<b>Vantaggio Investment Group, LLC/ Imilsis "Amy" Velazquez</b>		
<b>CASE NO.:</b>	<b>PH#44-06-3</b>	<b>AGENDA NO.:</b>	<b>8</b>
<b>OWNER:</b>	<b>US Highway Twenty-Seven, LLC Michael Marder, Managing Director</b>		
<b>APPLICANT:</b>	<b>Robert Johnson</b>		
<b>CASE NO.:</b>	<b>PH#45-06-4</b>	<b>AGENDA NO.:</b>	<b>9</b>
<b>OWNERS:</b>	<b>David Hurley, Keith and Anne Ryan, Michael and Christian Mosler</b>		
<b>APPLICANT:</b>	<b>Lake County Customer Services Division—Terrie Diesbourg</b>		
<b>CASE NO.:</b>	<b>PH#39-06-3</b>	<b>AGENDA NO.:</b>	<b>12</b>
<b>OWNERS:</b>	<b>Theo K. and Diane J. Carson</b>		
<b>APPLICANT:</b>	<b>Danny Seifried/Teamcason Golf</b>		

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

There was no one in the audience who had any questions about these consent agenda items.

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

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

**AGENDA NO.: 1**

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

**MOTION by Donald Miller, SECONDED by Robert Herndon to accept the withdrawal of CUP#05/11/1-4.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.: PH#26-06-5 AGENDA NO.: 6**

**OWNERS: James W. Sims, Jr. and Louise F Sims, Trustees**

**APPLICANT: Mark A. Maciel**

Chairman Bryan stated that a 60-day continuance has been requested for this case.

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

**MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#26-06-5 until the June 7, 2006 Lake County Zoning Board Public Hearing.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

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

**AGENDA NO.: 11**

**OWNER: Rinker Materials Corp.**

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

Chairman Bryan stated that a 60-day continuance has been requested for this case.

There was no one in the audience who had an objection to this 60-day continuance.

**MOTION by Donald Miller, SECONDED by Robert Herndon to continue MSP#05/11/1-2 until the June 7, 2006 Lake County Zoning Board Public Hearing.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.: PH#23-06-2**

**AGENDA NO.: 5**

**OWNERS: Larry C. and Ann W. Linder**

**APPLICANT: Cecelia Bonifay, Esquire, Akerman Senterfitt**

**MOTION by Donald Miller, SECONDED by Robert Herndon to accept the withdrawal of PH#23-06-2.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#43-06-5

AGENDA NO.: 3

**OWNER:** Green Acres Land Development, Inc.  
**APPLICANT:** Max Frei

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor.

Max Frei, Pickett Engineering, stated that Greg Beliveau would be speaking on his behalf.

Greg Beliveau of LPG Urban & Regional Planners, Inc., stated that all the other indicators in the staff report show consistency or compliance except for the incompatibility and school issues. He submitted a map with an expanded view of the project location as Applicant Exhibit A, noting that the project site sits in the middle of an area that has grandfathered subdivisions and development around it, specifically to the south and west where there are lot densities greater than the existing R-1 zoning. There is a historical development pattern in the area that exceeds the current zoning. Therefore, from a compatibility standpoint, the request is very consistent with the immediate area, but not necessarily with adjacent properties. There have been rezonings to R-4 in previous months of property north of the subject property. This property is not that far from the City of Fruitland Park. He noted the City limits on Applicant Exhibit A.

Based on last month's analysis of the elementary school in Lady Lake, Mr. Beliveau said it is currently seven percent over capacity. That is a trend that just started this year. The school was built with extra capacity and was under capacity for five years. The school has a great reputation. Because it is an "A" school, it attracts children from out of zone and out of county. The number of children in this school who are out of zone or out of county exceeds the number of children being impacted by this development (16 elementary school students).

Timothy Morris referred to a letter of opposition from Rubye Moody in which she stated that a rezoning request for R-3 was heard by this Board in 2005. Mr. Hartenstein said he was not familiar with that. However, there has been development in the surrounding area.

Robert Moody was present to represent his mother, Rubye Moody, who has owned property at the northeast corner of the subject property since 1954. His father is now deceased. His mother still attempts to maintain the orange grove on her property. His mother is not opposed to orderly development. The environment is somewhat sensitive with Lake Hiawatha being located at the north end of the property in question. High-density R-3 development would further stress the environmental situation out there. Without central water and sewer at least, it would be a terrible situation. He said he and his mother support the staff recommendation of denial of this rezoning to anything that would cause a greater population density than R-1, which is the nature of the area.

Merle Peterson, who lives across Gray's Airport Road from the site, said she owns 60 acres and has horses and cattle on the property. She also supported the recommendation of denial. She was concerned about water usage, environmental problems, and traffic. Traffic on Gray's Airport Road is already relatively heavy. It is a narrow country road. It has no shoulders or turn lanes. She was also concerned about the need for emergency services for the new residences. She questioned whether the impact fees would pay for that or if taxes would go up as a result of this development. Schools are also a concern. She has not seen a plan and questioned the amount of green space proposed. This area has a rural atmosphere, and the residents would like to keep it that way. Her greatest concern is that the rezoning of this property will set a precedent for rezoning another property. In response to Mr. Morris, Ms. Peterson said she lives on the west side of Gray's Airport Road. She does not live on the lake.

Daphne Harvey said she owns and lives on a 5-acre parcel adjacent to this property on the west side of the development. She submitted two pictures as Opposition Exhibit A, and Mr. Hartenstein showed them on the monitor. She said the pavement is falling apart on the road in front of her house from the existing traffic. Her adjacent property is over eight miles to the Villages Elementary School and over six miles to

<b>CASE NO.:</b>	<b>PH#43-06-5</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Green Acres Land Development</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Max Frei</b>		

the grocery store. These developments have a place, but she felt that place is closer to town so people do not have to drive so far to facilities. In addition, it is completely out of character to put three houses per acre in this area. Although properties may be zoned R-1, most of the houses on that side of the road are on lots of five acres or more. Last year the neighbors were here for another rezoning, but it was dismissed. She submitted a plat of what was proposed on the property (Opposition Exhibit B) when the rezoning application was submitted last year. The proposed runoff area is located within 50 to 100 yards of Lake Hiawatha. Any overflow from the runoff would go into the lake, right across Ms. Moody's property. Regarding wildlife, she said that last year they photographed over 20 gopher tortoise burrows on the property. She said she has also seen indigo snakes, which are an endangered species, on the property. She did not have a problem with development of this property, but she felt it should be developed as five-acre ranchettes or no more than one house per acre.

Robert Osorio said there are many people present who are very concerned about this proposed development. He lives north of the subject property, across the road on the west side. There are mostly ten-acre to 25-acre lots. He owns a 20-acre ranch. He does not have animals, but he enjoys his neighbors' animals. It is very peaceful in this area. He felt one house per acre is reasonable although they would prefer one house per five acres.

Brian Eldridge said the 88 households would generate approximately 250 vehicles. The entire length of Gray's Airport Road would need resurfacing and shouldering. He questioned what 88 houses in a sugar sand environment would do to the water table. The runoff would affect the other houses around Lake Hiawatha. The overcrowding at the elementary school is increasing daily. He felt the zoning should remain at R-1.

Mr. Beliveau said this area is designated Urban Expansion. It lies within the utility service area of Lady Lake; the utility service area for Fruitland Park is south of this area. This project will have a central water system. He submitted a flood zone map (Applicant Exhibit B) and a wetlands map (Applicant Exhibit C), noting that there are no wetlands or 100-year flood on the subject property. It is an area of sugar sand, which is good for percolation; but they must obtain the proper permitting.

Regarding roads, Mr. Beliveau said Public Works has commented on this project; the staff report outlines their requirements. He reiterated that there is a development pattern that exists in the area. This is a transitioning area.

Robert Herndon stated that just because there is a greater density on the outside of this development is not necessarily an indication to have a higher density on the inside of the development.

Larry Metz said the compatibility issue is of concern to him although there is a school issue as well. Discussion of school concurrency in the pilot project included a level of service in the concurrency service area of 100 percent of permanent student station capacity plus portables not to exceed the total core capacity of the cafeteria. Those portables would be tolerable under that discussed, but not yet approved, standard. The level of service would have to meet the State Requirement for Educational Facilities (SRF) such as permanent walkways. In addition, the core capacity of dining would be defined with reasonable limits on lunch periods as regard to time.

Regarding the compatibility issue, Mr. Metz said staff has indicated spot zoning. In his opinion, the surrounding areas are not compatible with R-3 zoning.

<b>CASE NO.:</b>	<b>PH#43-06-5</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Green Acres Land Development</b>	<b>PAGE NO.:</b>	<b>3</b>
<b>APPLICANT:</b>	<b>Max Frei</b>		

**MOTION by Robert Herndon, SECONDED by Donald Miller to recommend denial of R-3 zoning in PH#43-06-5.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#40-06-2

AGENDA NO.: 4

**OWNER:** Dr. George M. Mathew  
**APPLICANT:** Greg A. Beliveau, AICP  
 LPG Urban & Regional Planners, Inc.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor. He asked the Board to make a special note of the following statement from the staff report "In addition, the site is located within a Regional Activity Center, in which 500,000 square feet or more of gross leasable area is permitted." He stated that the County has already approved development in this area including the Carter/Crittendon Planned Unit Development (PUD) that was approved this year that allows up to 780 units and up to 788,000 square feet of commercial. He reiterated that this Regional Activity Center is designated for an aggregate of 500,000 square feet. He noted other developments of dwellings units and commercial already approved in this area. In this immediate vicinity, there are 1837 dwelling units not including the 999 age-restricted dwelling units. The total amount of commercial that has been approved is 938,000 square feet of gross leasable commercial. That is 438,000 square feet more than is allotted for this region without considering this project. It is staff's contention that staff should not be reviewing three or four scenarios and trying to write a development order. Mr. Hartenstein read from Sections 4.03.01.A.6 and 4.03.01.A.7 of the Land Development Regulations (LDRs). It is difficult for staff to follow that policy with four separate scenarios.

Chairman Bryan stated that there were no speaker cards submitted for this case.

Greg Beliveau with LPG was present on behalf of the owner of the property. He said he received the staff report yesterday, adding that an abundance of what Mr. Hartenstein presented was not in the staff report. He submitted a conceptual development plan as Applicant Exhibit A. In approving the two adjacent PUDs, he said the Board of County Commissioners (BCC) restricted the PUDs to the mixed use and commercial options only. Mr. Beliveau said they would be agreeable to a restriction of the mixed-use option only on this project. This would decrease the commercial impact on the area. He was not aware of staff's concern over the abundance of square footage for commercial or he would have discussed this with staff prior to the public hearing. This amount of commercial was proposed because the property is across from the industrial park. They are aware of the square footage limitation on the commercial. The restriction of that square footage could be applied through controls within this PUD. In the adjacent PUDs, the BCC did not want a single-family or town home development. They preferred a mixed use of housing with some commercial. The commercial component in this project abuts the commercial in the adjacent PUD.

Mr. Beliveau said they are very much aware of the overcrowding in the area schools. In the two adjacent PUDs, they were agreeable to language in the PUD Ordinance that required them to comply with school concurrency as it is currently being drafted. It is his understanding that they could not proceed with platting until there were student stations available for the students generated by this development. He added that they are anticipating tying into the City of Groveland's water and sewer and are currently in discussions with them to utilize their middle and elementary schools.

In response to Mr. Bryan, Mr. Beliveau said that if the other developments precede them as far as commercial, then this development will only add commercial until it meets the cap on square footage. Mr. Bryan was informed that if this project could only add one-quarter of the commercial they had planned, then the commercial would be computed to back into the residential if there was residential remaining. They would also be capped as far as residential. They cannot go over the cap for residential or commercial. The density for this PUD is very consistent with the two adjacent PUDs. The proposed density is just under four units per acre, and the land use designation allows seven units per acre.

Timothy Morris confirmed with Melanie Marsh, Deputy County Attorney, that this Board can recommend to the BCC that this project must meet school concurrency. Larry Metz referred to the language in Item 1 at the bottom of Page 3 of the proposed PUD Ordinance regarding primary and secondary schools and read it into the record. This language was drafted by the County Attorney's office and would address Mr. Morris' concern regarding adequate school capacity.

<b>CASE NO.:</b>	<b>PH#40-06-2</b>	<b>AGENDA NO.:</b>	<b>4</b>
<b>OWNER:</b>	<b>Dr. George M. Mathew</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Greg A. Beliveau, AICP, LPG Urban &amp; Regional Planners, Inc.</b>		

In response to Mr. Metz, Mr. Beliveau said that in the adjacent PUDs, the BCC had expanded the list of commercial to include office and general retail in order to complement the industrial park across the street.

When Mr. Morris asked if he had understood correctly that excess commercial capacity has been approved, Mr. Hartenstein said that as far as rezonings are concerned, that is true. If the other projects develop their commercial first, it is possible there may not be commercial available for later projects once the cap is reached. Mr. Morris asked if the land set aside for commercial could be used for residential. Mr. Hartenstein explained that it would depend on whether the base density for that development had been reached. Mr. Bryan added that the developer would need to spread the density over the additional acreage or come back before the Board to amend the Ordinance.

When Scott Blankenship asked how staff felt about this request now that it has been reduced to one scenario, the mixed-use option, Mr. Hartenstein said he would need time to review this reduced request based upon the impacts of other previously approved projects. There should be adequate time prior to the BCC public hearing on April 25.

When Mr. Blankenship asked the consequences if a developer does not follow the conditions set in the PUD ordinance, Ms. Marsh said he would be in violation of the ordinance so it would either be a code enforcement issue or possibly an injunction issue.

Mr. Metz asked if a continuance was needed for further review. Mr. Hartenstein replied that it would take some of the pressure off staff in order to give a full review. Thirty days would be adequate time for this.

Mr. Morris asked if the School Board or its staff and superintendent would facilitate the appropriate mitigation. Mr. Metz replied that the language in the ordinance states that it would be the School Board. He will speak with the School Board attorney about putting a policy in place so there is a procedure for staff to follow when bringing it to the School Board when such situations arise. Mr. Morris asked if appropriate mitigation would be done as an additional impact fee. Mr. Metz said he did not have an answer to that at this time as the pilot project is underway; and this is being discussed with the School Board, BCC, and the municipalities.

Donald Miller asked if the City of Groveland requires annexation in order for a development to receive central sewer and water. Mr. Hartenstein replied that documentation was provided confirming that the City of Groveland has capacity available. Most municipalities enter into an agreement requiring annexation, whenever possible, when central services are provided.

After conferring with the applicant, Mr. Hartenstein stated that Mr. Beliveau has said he does not have the authority to agree to a 30-day continuance.

Mr. Bryan said he would have a comfort level in approving this project with the limitations they have discussed. Mr. Morris said he has a comfort level with the third scenario with the terminology regarding schools.

**MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of PUD zoning in PH#40-06-2 with the following conditions:**

- 1. The project shall be limited to the mixed-use option only with 44 single-family units, 194 multifamily units, and 71,100 square feet of commercial as long as it does not exceed the 500,000 square feet allowed in the region.**

**CASE NO.:** PH#40-06-2 **AGENDA NO.:** 4

**OWNER:** Dr. George M. Mathew **PAGE NO.:** 3  
**APPLICANT:** Greg A. Beliveau, AICP,  
LPG Urban & Regional Planners, Inc.

2. The language regarding schools, as stated on Page 3 of the proposed PUD Ordinance, shall remain.

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

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.: PH#42-06-5

AGENDA NO.: 7

OWNER: Emmer Development Corporation  
APPLICANT: Leslie Campione, P.A.

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval.

If this amendment is approved, Timothy Morris asked if this project would fall under the new impact fee. He referred to Section VII in the proposed ordinance. Paul Bryan said it would be subject to the existing impact fee. He noted that this case was on the consent agenda but was pulled because a speaker card was submitted.

Leslie Campione was present to represent the case. She said she would like to hear from the public before making a presentation.

Mr. Bryan reiterated that there is no additional density in this request. This is an existing Planned Unit Development (PUD). A request has been made to decrease the lot size to help design the project more favorably around the golf course.

James Magistro said he was concerned for the animals in the area. In addition, their roads are sugar sand. This is a quiet neighborhood with large lots. However, there is traffic from The Villages when shortcuts are taken. Mr. Magistro asked if a golf course would be built. This is a rural area. He has a total of 15 acres in the area. He was concerned about annexation and becoming another Clermont.

Ms. Campione reiterated that this is not a request to increase the number of units. They want to design around the old fairways so they can leave the trees. By utilizing smaller lots and bringing the setbacks in slightly, they will be able to cluster more and reserve more area for open space and trees.

James Gardner said this case comes to this Board with a staff recommendation of approval. Therefore, he would like to make a motion.

**MOTION by James Gardner, SECONDED by Larry Metz to recommend approval of an amendment to PUD Ordinance #2004-70 to recognize a minimum lot size of 9,200 square feet, a side setback of 7-1/2 feet, and a street side setback of 15 feet in PH#42-06-5.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO.:** CUP#06/4/2-4 **AGENDA NO.:** 10

**OWNER/APPLICANT:** Mary Jane Reynolds

John Kruse, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and site plan from the staff report on the monitor.

When Scott Blankenship questioned a review in three years, Mr. Kruse explained that that is the time period that has been historically used for conditional use permits (CUPs), and it has worked well. This gives the owner enough time to determine if the terms are appropriate. Mr. Blankenship asked the procedure if there was a problem prior to the three-year review period. Mr. Kruse explained that the owner/applicant would go before the Code Enforcement Special Master, and that person would make a determination as to whether there was a violation of the terms of the CUP.

Paul Bryan confirmed that noise problems are handled by the Sheriff's Department rather than Code Enforcement.

When Timothy Morris asked if this hearing is a result of a Code Enforcement complaint, Mr. Kruse said there were no complaints listed in the file.

Mr. Bryan pointed out that this is a nonconforming lot since it is less than five acres in Agriculture zoning. He asked if staff had taken that into consideration. Mr. Kruse said he had taken that into consideration. However, a majority of the tracts in the area are in the two-acre range. He looked at the weight and the number of dogs in making his recommendation.

Melanie Marsh, Deputy County Attorney, stated that if the property is five acres or less, the maximum number of dogs allowed is four. The number of dogs allowed increases as the acreage increases. This is the regulation in all zoning classifications and refers to adult dogs over six months of age.

Robert Herndon said there would not be 40 puppies at all times. Mr. Kruse said he wanted to include the worst case scenario.

Terry Reynolds was present to represent the applicant. He said they would never have 53 animals at one time. This will not be a puppy mill. They probably will not have more than eight puppies at one time. They are not doing this as a business to support themselves. In response to Mr. Bryan, Mr. Reynolds said he has seven dogs on the site at this time. All of them belong to him. He did not feel they would ever have 13 adult dogs at one time. All of the dogs are miniature dachshunds.

Betty Ann Christian said she lives catty-corner to the property with two houses between them. She has lived there 38 years. The houses in the area have septic tanks and wells. The dogs are in the front yard and bark all the time. It is very annoying. The roads are dirt. She was concerned that the animal waste will go into her septic tank or well. She said there are some five-acre parcels in the area; about one-half of the lots are 1-1/4 acres. The remaining lots are 2.6 acres. In her subdivision, there are 100 homes. They do not need more traffic or strangers coming into the subdivision. She felt it was inappropriate for this type of business to be in a neighborhood. She strongly opposed this request.

Mr. Bryan asked Ms. Christian if she was opposed to the fact that this was a business or to the number of dogs and the noise. Ms. Christian replied that her concerns include noise, the number of dogs in the front yard, and the traffic and strangers this business could bring into the neighborhood. The number of dogs has increased in the last six months. The dogs are not always inside at night. She submitted a petition of opposition with 14 signatures as Opposition Exhibit A.

Maren Anderson said she lives on Thoroughbred Trail. She owns four dogs, one horse, and four birds. The birds are kept in the house. She submitted eight pictures of the subject property as Opposition Exhibit B. The residents in the area are concerned that the property will get worse. Traffic is also a concern. Several neighbors are concerned about their children. Robert Herndon asked Ms. Anderson how many cars she felt

CASE NO.: CUP#06/4/2-4 AGENDA NO.: 10

OWNER/APPLICANT: Mary Jane Reynolds PAGE NO.: 2

would be generated by this operation. Ms. Anderson replied that she raised puppies, and no one knew it because she raised them in the house in a playpen. She had one male and one female. She had ten cars come to her house. There are ten to 15 cars coming to the neighborhood now. They are not from the neighborhood. This neighborhood has had several burglaries.

Mr. Reynolds said he will be putting the dogs in the backyard. Sometimes they will be in the front yard. He acknowledged that the dogs do bark. These dogs have not generated any additional traffic.

In response to Larry Metz, Mr. Reynolds said he has five female dogs and two males. Right now he has four puppies that are 5-1/2 weeks old. They will be sold at eight weeks old using their web site. The oldest dog they have is one year and two or three months.

Mr. Bryan was informed by Mr. Reynolds that he would be agreeable to a smaller number of dogs than recommended by staff. Mr. Bryan asked if he would be satisfied with the existing number of dogs on the property. Mr. Reynolds replied that he would like at least one more adult dog. Mr. Bryan said he was more concerned about the noise than the traffic.

Mr. Blankenship agreed that his biggest concern is noise.

Ms. Marsh said Code Enforcement does have the authority to investigate noise complaints. They typically take the Sheriff with them when they go to the property. The noise from barking dogs would be difficult to enforce. Mr. Bryan said he was told by Code Enforcement that the procedure for noise complaints is to call the Sheriff's office. Mr. Kruse said that is what has been historically done. He agreed that it is hard to regulate. Mr. Bryan suggested a six-month or 12-month review if there are concerns. He would also like to limit the dogs to what is currently on the property.

In response to Mr. Blankenship, Mr. Kruse said the seven dogs he has on the property now are not legal. No more than four dogs are allowed on this size tract. Mr. Kruse said the applicant is coming forth in good faith to try to be in conformance.

Mr. Morris suggested approving the CUP with his existing dogs and a review in six to twelve months.

**MOTION by Timothy Morris, SECONDED by Larry Metz to recommend approval of a Conditional Use Permit (CUP) in Agriculture for a dog breeding facility with the following conditions:**

1. Up to seven adult dogs shall be permitted on the site at one time. The language in the Ordinance regarding 53 dogs shall be deleted.
2. This Conditional Use Permit shall be reviewed six months from today's date.

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

**AGAINST: Gardner**

**MOTION CARRIED: 6-1**

In response to Mr. Herndon, Ms. Marsh said the County's Noise Ordinance is not based on decibels.

**CASE NO.:**

**PH#39-06-3**

**AGENDA NO.:**

**12**

**OWNERS:**

**Theo K. and Diane J. Carson**

**APPLICANT:**

**Danny Seifried/Teamcason Golf**

Chairman Bryan stated that he had not noticed that there was a speaker card for the above case and apologized to Mr. Conant for not calling him up.

**CASE NO.:** PH#38-06-4 **AGENDA NO.:** 13

**OWNERS:** Lake County Highway 46 Joint Venture,  
Frank E. Owens, Jr., Trust and Joyce O.  
McCrary, Horacio & Laurie Ann Molina,  
L. D. Plante, Inc., and High Hemlock, Inc.

**APPLICANT:** Real Property Acquisition Group, LLC/  
Jay E. Folk, Vice President

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed a picture of the posting of the property, a color-coded zoning map, aerial (County Exhibit A), development concept plan (County Exhibit B), preliminary development plan, aerial photograph, and notes, legal description (County Exhibit C) from the staff report on the monitor. He noted the 19-acre school site on the development concept plan, adding that the applicant is in negotiations with the Lake County School Board regarding this site. Mr. Hartenstein stated that the Board of County Commissioners (BCC) approved a letter to be sent to the City of Mount Dora requesting that they study the feasibility of providing water and sewer to this area. He also pointed out on the development concept plan the seven-acre site to be used for community facilities. Regarding the open space, Mr. Hartenstein said that it has been common practice for the open space to be dedicated to the homeowners' association for them to maintain.

Robert Herndon stated that the City of Mount Dora has asked him to convey to the County their desire that the language at the bottom of Page 1 of the staff report regarding the connection of utilities be included in the ordinance, should it be approved. Mr. Hartenstein referred to Section II.B Utilities on Page 4 of the Ordinance, which addresses that issue.

Regarding the requested variances, James Gardner commented that no alleys have been indicated. If that is the case, then he did not feel the variances should be granted.

In response to Timothy Morris, Larry Metz said 19 acres is enough for an elementary school site. However, the School Board has not been advised of any negotiations or been given any presentation.

Cecelia Bonifay with Akerman Senterfitt was present on behalf of the applicant. She introduced the team also representing the case. She said they are in concert with most of the recommendations in the staff report. Mr. Hartenstein placed the development concept plan on the monitor. Regarding school concurrency, she said there are no policies in place at this time to deal with school mitigation. She spoke of the language in Section II.C of the Ordinance regarding schools. They have been meeting with Dawn McDonald and Harry Fix and other members of the staff for the School Board. The school site has been increased from 15 acres to 19 acres for an elementary school, based on these meetings. They have also been working with the School Board staff regarding transportation impacts, location, and access. As this Board does not allow any ex parte communication, they have a problem if they take this to the School Board as Mr. Metz would be faced with the issue of whether he would have to recuse himself because he could not hear information prior to the case being heard by this Board. Therefore, they did not feel it was appropriate to take this to the School Board.

Ms. Bonifay stated that there are two issues in the Ordinance that would be problematic to them. One is a wastewater treatment plant of one-half million gallons. This site does not need that many gallons to operate. A subregional rather than a regional package treatment plant would meet their needs. Therefore, they would like the language for the number of gallons removed. Regarding the variances, staff has recommended approval if the Traditional Neighborhood Development (TND) concepts are utilized. However, the staff report also states that this project must be developed in compliance with what the Mount Plymouth/Sorrento study area indicates; but it has been three years, and there is still no development criteria. She questioned how they could be bound to something that does not exist. She felt it would be appropriate to stipulate that they must try to work with that to the maximum extent feasible.

Richard Levey, Director of Entitlements for Donald W. McIntosh Associates in Winter Park, FL, said his client has been working with the Mount Plymouth/Sorrento Planning Advisory Committee to try to

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

understand the needs and the vision of the community. He referred to the Main Street District as shown on the aerial. This area lies on both sides of SR 46. It is predominantly at the northern portion of the subject site. His client has reacted to this concept by placing the higher density components (the town homes) to the northern portion of the site to be consistent with the vision plan of the community. He said they have also been very cognizant of the existing character of the Mount Plymouth community to the east. Their development plan attempts to create independent neighborhoods that are more self-sustaining. He pointed out a neighborhood to the northeast of the site that is consistent in size and density to the adjoining properties to the east. They increase lot size as they go south through the project. At the request of the County, they have included as much open space as possible. A trail system was extremely important to the County so they have done that. This trail system attempts to link all the internal neighborhoods to the school and community center properties. The County also asked them not to put all of the traffic onto SR 46. The County wanted interconnectivity between this project and the surrounding community. They have four access points to the community—two on SR 46, one on Glen Eagle Street to the east, and one to the south on Adair Avenue. They understood that there may be concern when connecting to the neighborhood to the east so they have made that a local street connection to provide east/west movement between Mount Plymouth, community facilities, and the school site on the western portion of the property. Consistent with the staff report, the project will be designed to mitigate and calm any traffic impacts that occur down to Adair Avenue and to the neighborhoods to the east. Their traffic studies show single-digit percentages of the project traffic going east and south. This project has been designed to minimize the impacts to surrounding neighborhoods and meet the County’s objective of connectivity yet put the vast majority of the traffic to the north and do it in a fashion where they can still maintain a level of service on SR 46. That is why they added the second access point on SR 46 at the currently signalized intersection at CR 437. They will improve that intersection and make it a full four-way intersection.

When Mr. Morris asked if there will be an easement to CR 437 or if the traffic will come out of the subdivision onto CR437, Mr. Levey said there is currently right-of-way existing all the way to SR 46 except for one intervening property. His client is in discussion with that property owner to acquire that access.

Larry Metz asked when the School Board would have access to the school site to begin building a school. Ms. Bonifay replied that in the School Board’s capital improvement program, there is a school scheduled for this area. Mr. Levey added that they have been in discussion with the School Board staff regarding a reliever school for Round Lake Elementary School. He believed that opening was in 2008. Mr. Metz questioned whether it would fit the timetable of the School Board to have Elementary School J at this site in 2008. Mr. Levey felt it would, and he felt they would be ready to work with the School Board to get it done.

William Morris, resident of Eden Estates, said his property abuts the proposed development. There are approximately 17 plots of one acre minimum in his subdivision. The applicant, Mr. Folk, gave a nice presentation at their homeowners’ association meeting. He assured them that the houses abutting their neighborhood would be up to three houses per acre and would be in the range of \$500,000. He asked if there was any assurance that less expensive homes would not be put in. Paul Bryan said there was not. Mr. William Morris said they were also assured that there would be no sewage treatment plant in this development. That would be taken care of by an outside source such as the City of Mount Dora.

Joanne Ciancimino said she also lives in Eden Estates. Her biggest concern is Adair Avenue, which is a

**CASE NO.:** PH#38-06-4 **AGENDA NO.:** 13  
**OWNERS:** Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio & Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc. **PAGE NO.:** 3  
**APPLICANT:** Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President

small quiet road. There is already considerable traffic in the area. A new school is needed. She did not feel the timing is right at this time. Her husband, Federico Ciancimino, did not have anything to add.

Judy Crittendon said she owns the 50 acres that is contiguous to the west of the subject property and south of the property that they are designating for a school. She has lived in this area for 30 years. She spoke of the traffic and population in the area as well as the other proposed subdivisions in the area that will be accessing SR 46. There will also be school buses on SR 46 if a school is placed at this site. She said she is on the Mount Plymouth/Sorrento Planning Advisory Committee. Contrary to Ms. Bonifay’s statement, this Committee has accomplished a lot. Mr. Folk and his team made a presentation to this Committee. The Committee described to him exactly the rural character that they wanted to keep and what the people have expressed to the Committee.

Pete Stadler felt that the one entrance on SR 46 should be removed as it would be dangerous if this project is approved. Ingress and egress through CR 437 would be a better option. However, he felt this request should be denied.

Tommy King felt the roads should be taken care of before this subdivision is built. If the City of Mount Dora does not supply the water, he asked who would take care of it. There are many wells and septic tanks in the area.

Mr. Herndon stated that the City of Mount Dora can grow only to the north because they are surrounded on three sides by water and the City of Eustis. There are approximately 3000 homes on the north side that will be constructed in the next five years.

Jim Tenney said he owns property in the area. This is a rural area, and he would like to keep it that way.

Cody Gear was present on behalf of Marilyn Boyhan, who resides on Rainey Road and is a principal owner of Boyhan Transportation located off SR 46 between Plymouth/Sorrento Road and CR 437. The traffic issue on Adair Avenue must be addressed. However, more important issues are the fire department and the industrial nature of SR 46 and CR 437. There are three trucking firms at that intersection plus a cement processing plant and a concrete block plant as well as other heavy industry. There is an enormous amount of heavy traffic on SR 46.

Brad McClain, who lives off Niblic Street, was concerned about a back entrance being constructed in that area.

Betty Ann Christian agreed that the existing traffic problem needs to be addressed before proceeding further. She stated that she is on the Mount Plymouth/Sorrento Planning Advisory Committee; they have been working together for four years and have accomplished a lot.

Douglas Woodyard said he agreed with what has been said. He has been in this area for two years, and his front yard will be facing houses instead of cows. However, the housing boom has died, and he was concerned that the houses in this community could end up in foreclosure.

Kathie Beselica said her backyard is the highest elevation in Sorrento. She is a native of Orlando and has watched other communities grow, and they have not done well. She felt Lake County is fortunate in having hindsight on those communities’ mistakes. On her street, she has six homes and ten students. She

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>4</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

questioned the statistic of 300 students from a community of this size. She said that developers will build, they will profit, and they will leave; but the residents will live as a community with those results.

Robert Walsh, an adjacent property owner with 26 acres, said he moved to this area because it is a rural community. Traffic and schools are already problems. He spoke of the many proposed developments in the area. He felt existing residents are being forced to move as more development is approved. That is not fair. He commented on the dangerous situation on SR 46.

Charles Steeren said he has been working with Public Works to get speed tables for Adair Avenue because of the amount of traffic on that road.

Susan Brooks said she has lived in Mount Plymouth for 18 years. Her main concern was that if they bring in this amount of housing, they would need to get water from somewhere else. The City of Mount Dora has already annexed to Round Lake Road. If they provide water to this subdivision, it will only be a matter of time before they want to annex all of unincorporated Lake County. She does not want to be a part of Mount Dora. Regarding setbacks, she said that in the Fairways, which has about three or four house to the acre, no one parks in the driveway or garage, almost making it a single-lane road.

Ms. Bonifay said they realize this is an emotional issue. However, she felt the applicant has spent the last year listening to what the study group (Mount Plymouth/Sorrento Planning Advisory Committee) has had to say. She said they are not saying that this Committee has not done anything over the last four years. What they are saying is that there is not a set of development standards or guidelines after that period of time. Their concern was being held to something that currently does not exist. She asked that they be able to meet the guidelines to the greatest extent feasible.

Regarding the traffic issue, Ms. Bonifay said they are required to provide a traffic study. They have done that, and it has been furnished to Public Works. They will be working with Public Works to modify or update it. In talking with Turgut Dervish, their transportation planner, this project is concurrent and does not adversely affect levels of service on the roadways, based on the science, the criteria, and the standards that the County has put in place to evaluate objectively those developments that come before this Board and the Board of County Commissioners (BCC). Staff has found this project to be consistent and compatible with the surrounding land use and has recommended approval. This project is not tied in with any other developments; it stands alone.

Regarding schools, Ms. Bonifay said the School Board is looking for a new reliever school (School J) to be on line by 2008. This developer is willing to designate a 19-acre site and work with the School Board to meet the criteria. Due to the current population, a new school in this area is part of the five-year plan. She pointed out that the statistics used to track school-age children generation are not their statistics. That is what staff recommends. She noted that the high school is under capacity. The real problem is the elementary school.

Ms. Bonifay spoke of the man who lives on Niblic Street and had a concern about another road being constructed. She said there is no proposed road in that area. There have been no variances requested to the County's landscaping requirements. Staff is recommending approval, and she asked this Board to move forward at a density of 2.8 units per acre. She added that they will continue to work with the County on all forms of access management on the roads.

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>5</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

When Paul Bryan asked when this area was originally designated as the Urban Compact Node, Ms. Bonifay said it was discussed during the implementation of the Wekiva River Protection Area. It was included in the 1991 Comprehensive Plan and upheld again in the 1993 Comprehensive Plan. It has not been changed to date. The future land use designation for this area is Urban Compact Node (Non-Wekiva).

In response to Mr. Bryan, Ms. Bonifay said the BCC wanted the City of Mount Dora to look at expanding service of their water and sewer into this area. They have discussed a utility agreement with the City of Mount Dora that would not require annexation, if contiguous. If the City of Mount Dora is not able to provide sewer, Mr. Bryan asked what the alternate plan would be. Ms. Bonifay replied that they believe the City of Mount Dora will make central service available. However, as part of prudent planning, the County staff has said some kind of alternative is needed, and that would be to have an on-site wastewater system to service this development. The staff recommendation of a 500,000-gallon facility is much larger than what is necessary. If they are forced to put in such a facility, they want a system that would serve only this development. Mr. Bryan said the location of that plant has not been discussed, which concerns the residents in the area. Ms. Bonifay said it will be determined by the topography, soils, and engineering. Their goal would be to buffer it and keep it away the surrounding property owners to the maximum extent feasible. However, it would have to be in an area that works. They have not really worked out the details because they are very confident that they are going to be able to serve this site with central water and sewer. They would be willing to work with staff to have a backup location designated. Mr. Herndon added that the present new water treatment facility in Mount Dora is under capacity.

Regarding the requested setbacks, Mr. Bryan said the staff had indicated approval if this project is developed under a Traditional Neighborhood Development (TND) concept. He asked if that is what is proposed for this project. Mr. Bonifay replied that they do not plan to do a TND. That is not what they saw in this area, and they felt this would upset the surrounding residents even more. Therefore, they withdrew the variance requests and will use the standard setbacks.

Turgut Dervish, traffic planning and design, agreed that there is constant traffic on SR 46 at times and that it can be a problem to make a left turn onto SR 46. The highway is operating at level of service C and D at this time. They cannot exceed the level of service, which he understood was a level D. There is some additional capacity for development in the area.

Fred Schneider, Director of Engineering, stated that Tindale Oliver and Associates are under continuing contract with the County for a number of years. They have done studies for the County and have reviewed studies for the County. On this particular case, the company did not find any significant issues with the study that was presented. There are some minor issues to be worked through, but their overall comment was that they would recommend approval of the study that Turgut Dervish provided; they did not have any significant issues traffic volume wise. However, there are some other issues related to the local access points and how the developer may want to address that in order to alleviate some of the concerns with speeding, volumes, and using traffic calming methods. As far as improvements on SR 46, staff is recommending right and left turn lanes at their entrances. Traffic signals will probably be warranted. They will have to go through that process and will have to permit through the Florida Department of Transportation (FDOT) for whatever they are going to connect onto SR 46. It also may be necessary to look at signal coordination.

When Mr. Bryan asked about the main access to the project on SR 46, which has been indicated by

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>6</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

residents as being a poor location, Mr. Schneider said Public Works would ask that the intersection be evaluated for sight-distance requirements. It may need to be moved; it must follow the County's Access Management Ordinance and the state road system access requirements, which require connections on roadways to meet certain spacing standards.

Mr. Morris asked if the Sullivan parcel was included in the planning portion of the traffic study or if it included only what is in the area at this time. Mr. Schneider said they would be requesting some of the other trips that are reserved. However, he felt there would still be capacity when those trips are added. If there is no capacity, Mr. Morris asked what would be done. If the study showed that it did not meet level of service standards, Mr. Schneider said the project could not be approved or they could suggest some improvements that would bring it up to standard. Although he did not anticipate a problem with volume and the level of service, he did feel there would be a problem with intersections and the level of service. Improvements may need to be looked at.

Mr. Morris said there is a major roadway system coming through this development, but they have no access to SR 46 on the west side because they do not have an easement. If they cannot get an easement, he asked Mr. Schneider if he would have a comfort level that the roads could handle the traffic in the subdivision. Mr. Schneider replied that the preference would be for them to have access to the CR 437/SR 46 intersection. If they cannot get the easement, that will only drive up the need further for a traffic signal on SR 46 at their main entrance. If they can distribute the traffic and provide a route for their vehicle trips to get to a traffic signal, they may not need to focus as strongly on the second access on SR 46. Mr. Morris said now it is planned to use Colfax Avenue as a major artery to SR 46. He asked if Mr. Schneider was suggesting Carroll Avenue if they can't get the easement. Mr. Schneider said there is an existing traffic signal at CR 437 and SR 46. It is always Public Works' preference if an existing traffic signal can be utilized and make improvements at that intersection.

When Mr. Metz asked if the one access at Colfax Avenue and SR 46 could handle all the traffic including school buses if an easement to link up to SR 46 at CR 437 could not be obtained, Mr. Schneider said that if that entrance was signalized and had the appropriate turn lanes, he felt it could handle the traffic volume. It would have less traffic volume than the existing CR 437/SR 46 intersection currently has.

Mr. Blankenship asked how many trips an elementary school would generate. Mr. Schneider said he does not have that figure. Mr. Metz said Elementary School J would probably be a standard size school in the 942 permanent student station category. Mr. Schneider noted that the school being internal to the project would be better as far as addressing the number of trips coming into the school.

Judith Crittendon said she is a member of the Mount Plymouth/Sorrento Planning Advisory Committee. One of their goals is to keep Sorrento as a rural community. One of their biggest achievements was to keep SR 46, after it is no longer a state road, as a two-lane local highway. With all the signalization and turn lanes this project is proposing, there is no way this could remain a two-lane local road. This would wipe out all the work the Committee has tried to do. When Mr. Morris asked if there was an elementary school in this area in their study, Mr. Crittendon said there was one only when Mr. Folk made a presentation. With all this development, the Committee knew there would have to be another school; but they did not know where it would be located. This intersection is not the place for all the school traffic. It is a dirt road now. There is another 20 acres of commercial at that same intersection. Mr. Morris asked if the Committee had anything in writing stating what they want. Ms. Crittendon said they have worked with County staff. Mr. Morris said that would have been helpful information for this Board to have in order to base their

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>7</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

decision. Mr. Crittendon said staff should have transcripts of their meetings.

Mr. Bryan said it is his understanding that the applicant was willing to go to whatever extent is possible as far as what the Committee wants. Some of the team from this project have been to their meetings and know what the Committee has in mind. Mr. Morris asked if what is proposed is not what the Committee had in mind. Ms. Crittendon said it is not if they are proposing 900 homes with schools and bus traffic and taking away their two-lane local road.

Ms. Bonifay reiterated that the County engineers have accepted the study and found that it was accurately based. They did not see any degradation of level of service. The Ordinance contains a number of traffic improvements that they must look at and work on with staff, which they are committed to do. She asked that this Board consider recommending approval of this project with no variances.

In response to Mr. Bryan, Mr. Schneider said it is his understanding that at one time the FDOT had a Project Development & Environment (P D & E) study for SR 46 money, and they rolled that money into the expressway project, which is currently ongoing. They are looking at the alternatives to bring traffic from east of Mount Plymouth to west of Sorrento, sort of a bypass expressway link that would then allow SR 46 to remain as a two-lane road. The community’s desires are to take this road and make it less of an attractive highway and more into an attractive community-type roadway. Currently there is no fund to build the expressway, but there is also no funding to four lane SR 46. Typically a developer cannot include future lanes unless it is already funded for construction within the three-year window of an adopted program. Since it is not currently funded, SR 46 must be looked at as a two-lane roadway.

Mr. Blankenship said that generally he likes the PUD concept since one knows the overall plan beforehand rather than land being developed in piecemeal fashion. However, in this case, there are still unknown such as traffic. He felt the traffic may trigger a road expansion. He also felt there were still some uncertainties with the water and sewer. Therefore, the plan for this project is not solid enough for his support.

Mr. Herndon felt the traffic issues should be left to FDOT and the Lake County Director of Engineering to make a determination based on objectivity rather than subjectivity.

As the School Board representative on this Board, Mr. Metz said that according to the capital plan, 22.5 million dollars has been budgeted for Elementary School J. Two million dollars has been budgeted for fiscal year 2007 and 20.5 million dollars in fiscal year 2008, signifying the hope to have this school open in August 2008 as it is desperately needed to relieve Round Lake Elementary School. The School Board has not yet found a location for that school. However, this plan includes a 19-acre site designated for a school. Although he did not know what their negotiations have been with the School Board staff, it would eventually have to come before the School Board. In the past when the School Board has had an opportunity for a site dedication, if the dedication was accepted, no impact fee credits were given. He wants the School Board to have an opportunity to know about this possible school site. This project would add 161 elementary school students into Round Lake Elementary School in the absence of a new school. One hundred sixty-one elementary students is about one-sixth of the student population in a standard elementary school. He felt this school site may work for their capital plan at the elementary level. Any school concurrency issues at the middle or high school level would be covered by the concurrency language in the Ordinance. He was prepared to let this go forward so the School Board can review this proposed school site.

<b>CASE NO.:</b>	<b>PH#38-06-4</b>	<b>AGENDA NO.:</b>	<b>13</b>
<b>OWNERS:</b>	<b>Lake County Highway 46 Joint Venture, Frank E. Owens, Jr., Trust and Joyce O. McCrary, Horacio &amp; Laurie Ann Molina, L. D. Plante, Inc., and High Hemlock, Inc.</b>	<b>PAGE NO.:</b>	<b>8</b>
<b>APPLICANT:</b>	<b>Real Property Acquisition Group, LLC/ Jay E. Folk, Vice President</b>		

Mr. Blankenship said his concern was that frequently what is presented does not go forward in the same fashion. If this school site is not approved by the School Board, he questioned whether this PUD would go forward or if school concurrency would be met at another site. He also questioned what would happen if the trip generation would require FDOT to consider four lanes on SR 46 instead of two. He did not have a problem with the project going forward, but he did not want the PUD approved until those questions are answered. As far as four laning SR 46, Mr. Bryan said Mr. Schneider had indicated that it is not budgeted within the next three years so it must be reviewed as a two-lane road. It was Mr. Bryan’s understanding that if a four-lane road was required, then the PUD would not be approved. Mr. Blankenship felt the trip generation for the school is needed in order to properly analyze the situation. That is another unknown.

Regarding sewer plants and spray fields located near schools, speaking not for the School Board but as one member only, Mr. Metz felt that locating the sewer plant across from the school would be problematic. According to the staff report, Mr. Bryan said that would not be done.

**MOTION by Larry Metz, SECONDED by Robert Herndon to recommend approval of PUD zoning in PH#38-06-4 with the following conditions:**

- 1. A transportation easement and linkage of the project to SR 46 at CR 437 shall be required.**
- 2. All requested variances would be withdrawn.**
- 3. The language for the school student station availability contained in the draft ordinance shall remain in the ordinance in its final form along with the 19-acre site for the school.**
- 4. If the City of Mount Dora does not provide central sewer, a subregional sewer system would be acceptable. The applicant felt a 500,00 gallon-per day regional sewer system would be excessive. This shall not be located across from the school.**

Carol Stricklin, Director of Growth Management, said the condition in the PUD ordinance regarding the sewer system is not a requirement to build a 500,000 gallon-per-day regional plant. It is a requirement that this project connect to such a plant. The Ordinance does not provide for that plant to be located within the PUD. This land is within the Wekiva study area, and the adopted Wekiva Protection Act requires a master wastewater facility for this area. That plan has not yet been prepared so the BCC asked the City of Mount Dora to study the Sorrento/Mount Plymouth area. The intent of the staff recommendation is that there be no package plant to serve this development in the absence of a plan for a regional wastewater facility. The current Comprehensive Plan states that these package plants are allowed as an interim facility, meaning that it would only be in place until such time as a regional facility is planned. Staff wanted to ensure that this approval did not allow a package plant on a permanent basis. If it does become necessary to provide an interim facility on this site, she suggested that the site come back as an amendment to the PUD so the exact location is known and a public hearing can be held.

**AMENDMENT by Larry Metz, SECONDED by Robert Herndon to require that if a package plant becomes necessary, it must come back before the Lake County Zoning Board and the Board of County Commissioners as an amendment to the existing PUD Ordinance.**

**CASE NO.:** PH#38-06-4 **AGENDA NO.:** 13  
**OWNERS:** Lake County Highway 46 Joint Venture,  
Frank E. Owens, Jr., Trust and Joyce O.  
McCrary, Horacio & Laurie Ann Molina,  
**APPLICANT:** L. D. Plante, Inc., and High Hemlock, Inc.  
Real Property Acquisition Group, LLC/  
Jay E. Folk, Vice President

Mr. Morris suggested requiring connection to the City of Mount Dora. Mr. Bryan felt the motion and amendment cover that.

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

**AGAINST:** Morris, Miller

**MOTION CARRIED:** 5-2

**Elections**

**MOTION by Donald Miller, SECONDED by Larry Metz to elect Paul Bryan as chairman of the Lake County Zoning Board.**

Mr. Bryan said he was going to suggest Timothy Morris, but Mr. Morris said he had no problem with remaining as vice chairman. Mr. Bryan accepted the position of chairman.

**MOTION by Larry Metz, SECONDED by Donald Miller to elect Timothy Morris as vice chairman of the Lake County Zoning Board.**

Mr. Morris accepted the position of vice chairman.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to elect James Gardner as secretary of the Lake County Zoning Board.**

Mr. Gardner accepted the position of secretary of the Lake County Zoning Board.

**Adjournment**

There being no further business, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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