

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**May 4, 2011**

The Lake County Zoning Board met on Wednesday, May 4, 2011 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings and a Conditional Use Permit.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, May 24, 2011 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

James Gardner, Secretary	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Jim Miller	School Board Representative
Kasey Kesselring	At-Large Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
John Childers	Ex-Officio, Nonvoting Military Representative

**Staff Present:**

Brian T. Sheahan, AICP, Director, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Melving Isaac, Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Aziza Bryson, Public Hearing Coordinator, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:01 a.m. He led in the Pledge of Allegiance and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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CASE NO.:                      OWNER/APPLICANT/AGENT/PROJECT                      AGENDA NO.

**Opening Discussion**

**Consideration of Minutes**                      March 2, 2011, April 4, 2011 & April 6, 2011

CONSENT AGENDA:

CUP#11/5/1-5                      Ronald E. and Sharon K. Clifton                      1  
Norman's Outdoor Adventure Park  
Lewis J. Norman

PH#8-11-5                      Thomas L. & Marlene Bacsik and Twofus Investments, LLC                      2  
Lake Recreational  
Lake County Division of Planning and Community Design

REGULAR AGENDA:

PH#9-11-4                      Blue Chip Energy, LLC                      3  
Sorrento Solar Energy Facility  
Craig Livingston

**Adjournment**

**OPENING DISCUSSION**

Chairman Bryan noted that agenda item #1 - CUP#11/5/1-5 was pulled from the consent agenda to the regular agenda.

**MINUTES**

**MOTION** by Kasey Kesselring, **SECONDED** by Jim Miller to **APPROVE** the March 2, 2011, April 4, 2011, and the April 6, 2011 Lake County Zoning Board Public Hearing minutes, as submitted.

**FOR:** Kesselring, Miller, Bryan, Gonzalez, Gardner

**ABSENT:** Morris, Blankenship

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED: 5-0**

**CONSENT AGENDA:**

PH#8-11-5	Thomas L. & Marlene Bacsik and Twofus Investments, LLC Lake Recreational Lake County Division of Planning and Community Design	Agenda No. 2
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**MOTION** by James Gardner, **SECONDED** by Kasey Kesselring to recommend **APPROVAL** of the consent agenda, consisting of agenda item 2.

**FOR:** Bryan, Gonzalez, Gardner, Kesselring, Miller

**ABSENT:** Blankenship, Morris

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED: 5-0**

REGULAR AGENDA

**CASE NO:** CUP# 11/5/1-5 **AGENDA NO.** 1

**OWNER:** Ronald E. and Sharon K. Clifton  
**APPLICANT:** Lewis J. Norman  
**PROJECT NAME:** Norman's Outdoor Adventure Park

Melving Isaac, Planner, presented the case and the staff recommendation for approval. He showed the map of the property (EXHIBIT A) on the monitor and discussed where the motocross track, clubhouse, and campground area would be. Mr. Isaac stated that in the proposed ordinance, several conditions have been listed in order to minimize the impacts on adjacent properties. He also stated that all conditions will be addressed in detail with the site plan application and that the proposed use will be inspected annually by Code Enforcement to ensure compliance with the conditions of the ordinance. He did note that one letter of opposition had been received yesterday, May 3<sup>rd</sup> and had been provided to the Zoning Board.

Albert Musgrove, neighbor, stated that he lives one thousand feet (1000 ft.) from the property. He expressed his concern about the noise level and the forty-five (45) homes in close proximity that would be affected. He also spoke about his concerns regarding traffic on SR 44, the questionable characters that tent campers and motorcyclists may bring, the affect on the wildlife, the affects on Camp Boggy Creek, decreased property values, the waste, trash, and sanitation problems, violation of the wetlands, and the fact that he does not feel there will be an adequate buffer zone around the proposed property.

Jerry Sullivan, neighbor, stated that his main concern is the noise level and how it will affect his wife who is one hundred percent disabled and required to rest for approximately four – five hours every afternoon. He mentioned that they can hear dirt-bikes from another track that is about a mile away and reiterated his concern about the noise level from the proposed project.

Corey Van Dyke, neighbor, stated that he had his house built in the area approximately three or four years ago and he chose the area because of its current zoning. He expressed his disappointment that this project is being considered because he never saw anything like this coming. He stated that he feels this will completely change the quality of life in the area. He voiced his concern in regards to the noise and asked the Board to consider if this is the right location for the proposed project. He also mentioned his concerns regarding traffic, other expenses for tax payers, adequate fire rescue, road-way clean up, and possible traffic accidents.

Jack Bitter, neighbor, voiced his concerns in regards to the noise, dust, potential trespassing onto the State's property, dirt, and increased traffic. He submitted for the Board's consideration, a petition signed by 62 people in the area (OPPOSITION EXHIBIT A), opposing the project.

Joe Bishop, Forestry Supervisor for Seminole State Forest, commented that the proposed activity may be disruptive to the wildlife in the area and have a negative impact on the environment. He pointed out that he was in attendance to express his concern not objection.

Laurie Stahl, neighbor, stated that she lives adjacent to the property and can currently hear everything going on at the site. She mentioned that she just had a daughter who she wants to grow up in the country. She stated that her biggest concern is the noise. She also expressed her agreement with many of the concerns that were previously raised such as an increase in traffic, the destructive impact on wildlife, and the dust.

Tom Ball, Attorney representing Camp Boggy Creek, expressed his concerns in regards to the traffic and noise that the project may generate. He stated that this area is tranquil and passive and that the proposed activity is not compatible with the area. He stated that he would like to have more information about the proposed activity such as the capacity of use, the limitations of traffic, hours of operation, and many other factors.

L. J. Norman, the Applicant, stated that he appreciated all of the comments from the residents and expressed his desire to have people backing him on the project not objecting to it. He explained that he feels there is a tremendous need in Lake County for what he is proposing to do and that he chose the proposed area because it is further out and has good material. He commented that he just wants to create a fun, safe environment for families and children. He did point out that there will be dust, noise, and people coming in and out of the property, but that he is willing to do whatever he needs to do within reason to make things right for the neighbors.

In response to several questions from Board members, Mr. Norman expanded on what he is trying to do, he stated that there will be no alcohol allowed on the site, and gave a general idea as to the hours of operation.

Jim Miller, Board member, stated that he would be more comfortable with some sort of limitations on hours of operation during the week.

Chuck Hiott, Booth, Ern, Straughan & Hiott, Inc., noted that all of the concerns presented are concerns that the Applicant has as well. He stated that with the CUP being consistent with the zoning and the Land Use Map that they need to get through this part of the process before moving on to the site plan approval process where they will be able to address all of the concerns that have been brought before the Board.

Chairman Bryan mentioned that he feels that a lot of these concerns can be addressed but that he does not know how the noise issue will be dealt with. Mr. Hiott explained that they will be required to conduct a noise study as part of the site plan approval process.

Chairman Bryan allowed a few final comments from some of the neighbors.

Mr. Isaac read some of the conditions on page 2 of the proposed ordinance concerning the noise study, conditions for public safety, setbacks, and landscaping.

Chairman Bryan asked what type of noise could be anticipated. Mr. Isaac presented a staff analysis in relation to the adjacent properties and the projected noise that may be generated. A map (EXHIBIT B) was displayed showing the adjacent property owners and the distance from the track. He also provided some noise comparisons to show what the adjacent property owners may experience in relation to the levels of noise.

Rick Gonzalez, Board member, asked about the level of noise for ten motorcycles. Brian Sheahan, Director, gave a more detailed explanation about decibels, describing the different levels of noise. The Board members asked more questions related to noise levels and the noise study. Mr. Sheahan also explained that many variables play a role in a noise study and that each study is different based upon the specific site where the noise study is conducted.

James Gardner, Board member, expressed his concerns. He stated that he is concerned as to who will make sure that the All-Terrain Vehicles (ATV's) stay within the 20 of the 80 acres that are

being considered. He also mentioned the similar uses which are allowed and the fact that the conditions are easy to put into writing but harder to enforce. He stated that the minuses far exceed the pluses and that he can't see this project as being progressive for Lake County.

Mr. Miller commented that it might help with the noise level if the bikes were limited to the tracks only and were not allowed on the trails.

**MOTION by James Gardner to DENY the requested Conditional Use Permit, CUP#11/5/1-5. There was NO SECOND. MOTION FAILED.**

Further Board discussion took place. Kasey Kesselring, Board member, stated that he doesn't feel that he is in a position to vote until the noise issues are adequately addressed and wanted to know if the noise study could be conducted before voting.

Mr. Sheahan stated that the Board could ask the applicant to defer or postpone the hearing. Chairman Bryan stated that he is not willing to approve the request and asked the Applicant if he would be willing to postpone the hearing for sixty (60) days, conduct a noise study, and meet with the neighbors to work things out.

First, the Applicant agreed to a postponement but after some discussion, the Applicant decided that he would like to move forward and did not want to postpone the hearing.

**MOTION by Jim Miller, SECONDED by Rick Gonzalez to recommend APPROVAL of the requested Conditional Use Permit, CUP#11/5/1-5.**

Further Board discussion took place.

- FOR:** Miller, Gonzalez
- ABSENT:** Blankenship, Morris
- AGAINST:** Kesselring, Gardner, Bryan
- NOT PRESENT:** Childers
- MOTION FAILED:** 2-3

Erin Hartigan, Assistant County Attorney, advised Chairman Bryan that the previous motion failed and that a motion must be made to clarify the action of the Board.

**MOTION by Jim Miller, SECONDED by Kasey Kesselring to recommend DENIAL of the requested Conditional Use Permit, CUP#11/5/1-5.**

- FOR:** Kesselring, Gardner, Bryan
- ABSENT:** Blankenship, Morris
- AGAINST:** Miller, Gonzalez
- NOT PRESENT:** Childers
- MOTION CARRIED:** 3-2

CASE NO: PH# 9-11-4 AGENDA NO. 3

OWNER: Blue Chip Energy, LLC  
APPLICANT: Craig Livingston  
PROJECT NAME: Sorrento Solar Energy Facility

Rick Hartenstein, Senior Planner, noted that the property had been properly noticed (EXHIBIT A). He presented the case and the staff recommendation for approval. He showed the map of the property (EXHIBIT B) on the monitor and discussed the current zoning. He stated that the Applicant would like to rezone 201 +/- acres from Planned Unit Development zoning and Agriculture (A) to Community Facility District (CFD) to permit the construction and operation of a 40 megawatt Solar Energy Facility. Mr. Hartenstein added that the proposed rezoning is consistent with the Comprehensive Plan and the Land Development Regulations (LDR).

Mr. Hartenstein noted that the property is predominantly open pasture; however, 13 acres had been designated as a Longleaf Pine Community. Showing pictures (EXHIBIT C & D), he explained that the Longleaf Pine Community is listed as a sensitive habitat and that the applicant proposed to set this area aside for preservation and open space. He stated that during site plan review, the area would be dedicated as a conservation easement, should the request be approved. Mr. Hartenstein also mentioned the gopher tortoise population and how the applicant is working with the Florida Fish and Wildlife Conservation Commission to maintain the population on site.

Mr. Hartenstein mentioned a letter of support from the City of Eustis and also noted two other letters, one supporting the project and one in opposition. He also mentioned an adjacent property owner, Mr. Gray, who had some concerns with the project. Taking Mr. Gray's concerns into consideration, the Applicant requested that some conditions be inserted into the proposed ordinance. The proposed conditions are as follows:

1. BlueChip Energy, LLC (Blue Chip) will locate all Photovoltaic (PV) equipment 100' to the north of the Gray-BlueChip property line.
2. BlueChip will install an 8' black chain link fence 85' to the north of the property line.
3. BlueChip will provide a 500' long landscape buffer (see plan) along the south side of the fence referenced above.
4. BlueChip maintains ownership of the 100' buffer area created by Item 1 above and reserves the right to install any related items required to connect to the Progress Energy grid.
5. In the event gopher tortoises need to be relocated they will not be relocated within the 85' buffer area.

Craig Livingston, the Applicant and Project Manager for BlueChip Energy, showed an example of the low impact solar modules that will be on the site. He explained that the modules create no noise, they are fixed and don't move, it does not glow at night, there are no lights on it, there are no emissions, there is no steam, and they do not contain mirrors. He stated that the modules are a high tech, low impact, piece of equipment that have enough power to generate electricity for eight-thousand (8000) homes. He also added that this project will create jobs in Lake County and will have very little or no impact to the area. Mr. Livingston did confirm that they will be connecting to the Progress Energy substation and that an interconnection study is currently taking place. In closing, Mr. Livingston added that in these times of dependence on foreign oil, it is important to explore other means of renewable energy. He pointed out that this will be a clean renewable project and that they would like to be the case study on how to develop a solar farm in conjunction with nature.

Mr. Miller asked if the solar panels will absorb the heat. Mr. Livingston confirmed that the solar panels will not give off heat, but that they will absorb heat.

The Board members asked some general questions of the applicant about the panels, the grass around the panels, where they will hook in to the substation, how long the panels will take to be installed, and how many jobs this project may create.

Marcie Gray, neighbor, thanked BlueChip Energy for their hospitality in trying to meet all of their needs, yet voiced her concern in regards to the existing trees. She wants to make sure that all of the existing trees stay where they are to maintain the integrity of their property.

Bill Gray, neighbor, also voiced his concern about the existing trees. He also voiced concern about the transmission part of the project noting that there could be a series of poles all along their property. He stated that they asked Mr. Livingston if the poles could possibly be located underground.

Carol White, neighbor, spoke in opposition to the project. Her concerns were in regards to having to see solar panels every time she looks outside instead of the cows and trees that she sees now, the natural gas line that runs between the panels, the possibility of the panels drawing lightening, and how this will negatively affect the value of her property.

Heather Brush, neighbor, stated that she feels that this project is not in keeping with the existing uses in the area. She voiced her concerns about the affect this project may have on property values, the heat absorption of the panels, and the trees in the buffer area. She also mentioned that she has questions in regards to construction and maintenance of the property. Ms. Brush added that she is concerned about safety. She wanted to know the risks in the event of a storm and what type of wind load the panels are built to sustain.

Mr. Livingston addressed the concerns brought forth by the neighbors. He responded that BlueChip Energy will make sure that lightening protections are installed as part of the project. He stated that the gas line has no impact on the solar panels. He also mentioned that the materials used to make the solar panels do not rust and are guaranteed to last for twenty-five (25) years. As far as screening, trees, and related issues, he noted that they must still go through site plan approval. In addition, Mr. Livingston said that he is more than willing to meet with any residents in order to discuss further concerns.

Mr. Gonzalez asked about wind loads. Mr. Livingston stated that the panels are designed to meet the Florida building code and that they will withstand the hurricane code. He added that the soils have been tested for pulling value of the soil and the foundations will be designed accordingly.

Mr. Hartenstein reiterated that this is a very low impact project.

**MOTION** by James Gardner, **SECONDED** by Kasey Kesselring to recommend **APPROVAL** of the requested rezoning request – PH# 9-11-4 as amended with the conditions that Rick Hartenstein read into the record.

**FOR:** Kesselring, Gardner, Bryan, Miller, Gonzalez

**ABSENT:** Blankenship, Morris

**AGAINST:** None

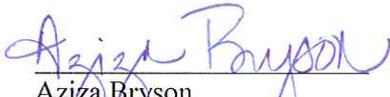
NOT PRESENT: Childers

MOTION CARRIED: 5-0

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:49 a.m.

Respectfully submitted,

  
Aziza Bryson  
Public Hearing Coordinator

  
Paul Bryan  
Chairman