

**MINUTES
LAKE COUNTY ZONING BOARD
JUNE 6, 2007**

The Lake County Zoning Board met on Wednesday, June 6, 2007 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, June 26, 2007 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

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

Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management
R. Wayne Bennett, AICP, Planning Director, Planning and Community Design Division
Brian Sheahan, AICP, Chief Planner, Planning and Community Design Division
Alfredo Massa, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Karen Rosick, Planner, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
John Maruniak, Jr., Transportation Planner/Engineer II, Engineering Division
Sanford A. Minkoff, County Attorney
Melanie Marsh, Deputy County Attorney
LeChea Parson, Assistant County Attorney 1

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor.

Chairman Bryan 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 explained that anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	June 6, 2007	
Changes to Agenda		
Consent Agenda Approval:		
PH#25-07-2	Thomas G. Wenski, Bishop of the Diocese of Orlando	1
PH#27-07-3	Dianne L. Kramer with Miller, Einhouse, Rymer & Boyd	2
PH#28-07-2	Donald and Jill Markey/Donald L. Markey, Trustee	5
PH#59-05-3	Summer Bay DRI/John Adams, R. J. Whidden and Associates	9
Voluntary Revocations:		10
CUP#99/2/1-5	L. J. Norman	
CUP#516-3	J & H Investments of Clermont Inc.	
CUP#98/11/3-2	Sherry Jean Turner	
CUP#93/6/3-1	Carol Ann Hudson	
CUP#697-5	Herschel and Earlene Locke	
CUP#94/1/1-2	William T. Marshall	
CUP#840-4	DTZ, Inc., Clay Reynolds III	
CUP#89/3/5-1	Carl W. Stewart, Jr.	
CUP#97/4/1-3	Philip and Anita Jones	
Discussion	Future Land Use Map	
Regular Agenda:		
PH#24-07-1	Community Wesleyan Church/Clayton McPherson	3
CUP#07/5/1-2	Alex MacDonnell Jr.	4
PH#22-07-2	F & J Developers, LLC/Franco Scala	6
PH#26-07-5	Lake County Paisley Fire District and Frank K. Ellis, Trustee and Christine C. Ellis, Trustee	7
PH#50-06-2	Lake County Public Safety/Rob Richardson or Gary Kaiser Clonts Grove, Inc./Cecelia Bonifay, Esq., Akerman & Senterfitt	8

Minutes

MOTION by James Gardner, SECONDED by Timothy Morris to approve the May 2, 2007 Lake County Zoning Board Public Hearing minutes, as submitted.

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

AGAINST: None

MOTION CARRIED: 7-0

Changes to Agenda

Under the consent agenda, Wayne Bennett, Planning Director, stated that staff has requested a 30-day continuance of PH#25-07-2 pending further information, and the applicant for PH#59-05-3 has requested a withdrawal of that case.

Under the regular agenda, Mr. Bennett said that staff is requesting a 30-day continuance on CUP#07/5/1-2 because the legal description that was noticed had some problem; therefore, staff wants to ensure that an appropriate legal description is noticed. He noted the addendum that had been distributed for PH#28-07-2 regarding a proposed change to an existing Development of Regional Impact (DRI). It involves a request for an extension of the DRI that was problematic due to the number of years being requested. Staff had suggested a shorter time period that would not call into question State statutes regarding how long an extension can be requested and not be considered a substantial deviation. The representatives of the project have accepted staff's advice and have offered to revise their request to five years, which would change staff's recommendation to approval; therefore, the case could be moved to the consent agenda. In response to Scott Blankenship, Mr. Bennett explained that staff's initial advice was to request a short-term extension for the moment, which would allow them to continue development activities that are already approved. Then a separate substantial deviation package could be submitted and reviewed in a process similar to the original DRI. Timothy Morris confirmed that the vote before the Board is for a five-year extension only.

Consent Agenda

CASE NO.:	PH#25-07-2	AGENDA NO.:	1
OWNER:	Thomas G. Wenski, Bishop of the Diocese of Orlando		
APPLICANT:	Dianne L. Kramer with Miller, Einhouse, Rymer & Boyd		
CASE NO.:	PH#27-07-3	AGENDA NO.:	2
OWNERS:	Donald and Jill Markey		
APPLICANT:	Donald L. Markey, Trustee		
CASE NO.:	PH#28-07-2	AGENDA NO.:	5
OWNER:	Summer Bay DRI		
APPLICANT:	John Adams, R. J. Whidden and Associates		
CASE NO.:	PH#59-05-3	AGENDA NO.:	9
OWNERS:	Murray W. and Marsha P. Crawley		
APPLICANT:	Steven J. Richey, P.A.		
Voluntary Revocations:		AGENDA NO.:	10
CUP#99/2/1-5	L. J. Norman		
CUP#516-3	J & H Investments of Clermont, Inc.		
CUP#98/11/3-2	Sherry Jean Turner		
CUP#93/6/3-1	Carol Ann Hudson		
CUP#697-5	Herschel and Earlene Locke		
CUP#94/1/1-2	William T. Marshall		
CUP#840-4	DTZ, Inc., Clay Reynolds III		
CUP#89/3/5-1	Carl W. Stewart, Jr.		
CUP#97/4/1-3	Philip and Anita Jones		

There was no one on the Board nor anyone in the audience who wished to speak on any of the consent agenda items. Therefore, all the above cases remained on the consent agenda.

MOTION by Phyllis Patten, SECONDED by Scott Blankenship to recommend the following actions on the above consent agenda:

PH#25-07-2	Continuance to July 9, 2007
PH#27-07-3	Approval of CFD zoning and CUP
PH#28-07-2	Approval of five-year extension
PH#59-05-3	Acceptance of Withdrawal
CUP#99/2/1-5	Approval of Voluntary Revocation
CUP#516-3	Approval of Voluntary Revocation
CUP#98/11/3-2	Approval of Voluntary Revocation
CUP#93/6/3-1	Approval of Voluntary Revocation
CUP#697-5	Approval of Voluntary Revocation
CUP#94/1/1-2	Approval of Voluntary Revocation
CUP#840-4	Approval of Voluntary Revocation
CUP#89/3/5-1	Approval of Voluntary Revocation
CUP#97/4/1-3	Approval of Voluntary Revocation

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

AGAINST: None

MOTION CARRIED: 7-0

Discussion of Future Land Use Map

In response to Timothy Morris, Wayne Bennett, Planning Director, said a new future land use map has not been adopted. There is a current future land use map that has been approved and amended through the years. All recommendations made in the staff reports are based on the current future land use map. Staff cannot base their recommendations on a map that has not yet been adopted.

CASE NO.: PH#24-07-1

AGENDA NO.: 3

OWNER: Community Wesleyan Church
APPLICANT: Clayton McPherson

Karen Rosick, Planner, presented the case and staff recommendation of approval. She showed the aerial and a picture of the posting from the staff report on the monitor.

When Scott Blankenship asked about the criteria for dealing with the intensity of a daycare facility, Ms. Rosick said this will be addressed during site plan review.

Chairman Bryan stated that no speaker cards had been submitted for this case.

Clayton McPherson was present to represent the case. He submitted a sheet (Applicant Exhibit A) regarding the need for a daycare facility in this area and read it into the record.

MOTION by Timothy Morris, SECONDED by James Gardner to recommend approval of CFD zoning in PH#24-07-1.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: CUP#07/5/1-2 **AGENDA NO.:** 4

OWNER/APPLICANT: Alex MacDonnell Jr.

Brian Sheahan, AICP, Chief Planner, stated that staff is requesting a 30-day continuance due to a discrepancy between the submitted survey, warranty deed, and advertised legal description. This continuance is being requested to provide proper legal notice.

Chairman Bryan stated that no speaker cards had been submitted on this case.

There was no one present to represent the case.

MOTION by Timothy Morris, SECONDED by Mark Wells to recommend approval of a continuance of CUP#07/5/1-2 until the July 9, 2007 Lake County Zoning Board public hearing.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#22-07-2 **AGENDA NO.:** 6

OWNER/APPLICANT: F & J Developers, LLC; Franco Scala

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval, consistent with the proposed ordinance. He showed the aerial from the staff report on the monitor. He read updated comments from Public Works into the record and submitted the memorandum as County Exhibit A. He submitted a conceptual plan as County Exhibit B. Mr. Hartenstein noted the reasons why the City of Clermont City Council had recommended denial as listed on page 6 of the staff report. Mr. Hartenstein agreed that the traffic analysis was incomplete at the time the City Council received the staff report, but it has been updated to reflect that there is capacity on the roadways; however, there would have to be mitigation at the intersections based on this development's proportionate share of the impact.

At the request of Chairman Bryan, Mr. Hartenstein explained the purpose of an Affidavit of Deferral. With an Affidavit of Deferral, there are no vested rights as they relate to concurrency. Concurrency is determined at a later date when an application is submitted to move forward with development. When Chairman Bryan asked if it affects the way staff reviews a case and makes a recommendation, Mr. Hartenstein said staff has to know the impacts, especially with a Planned Unit Development (PUD). Since a traffic analysis is required in that case, staff will still get that information and will be able to determine whether there is going to be capacity to handle those impacts in the future. With an Affidavit of Deferral, it will still be necessary to meet concurrency at some point; if concurrency cannot be met at that time, the project will not be able to move forward. Timothy Morris said he did not like the idea of an Affidavit of Deferral with the Zoning Board recommending approval of a project and gambling on the fact that water and sewer can be provided at the time of construction or the project does not proceed.

Phyllis Patten summarized what she felt she had heard—overcrowded schools, inadequate roads, insufficient information on environmental issues, water and sewer not approved, and a recommendation of denial by the City of Clermont.

Referring to section 1.A.2 on page 2 of the proposed ordinance, James Gardner asked if the town home units in affordable housing would be the same size as the rest of the housing. Mr. Hartenstein said staff did not have building plans submitted indicating the size of the units. When Mr. Morris asked about the affordable housing range, Mr. Hartenstein said the County does not have one. His understanding is that it is based on the median housing for the Orlando Metropolitan area. Mr. Morris asked if this proposal for affordable housing meets those criteria. Mr. Hartenstein said it is his understanding that it does.

Larry Metz did not feel there is enough detail in the Ordinance regarding affordable housing. He questioned how that condition could be enforced if there are no standards within the Ordinance and the County is not aware of the standards outside of the Ordinance.

Alfredo Massa, Chief Planner, said the Housing and Urban Development (HUD) standards could be used for the Orlando Metropolitan Statistical Area (MSA); based upon that, it would define a criteria price range for what would be considered affordable housing. Mr. Metz suggested including that in the Ordinance so that there would be some standard of measure. He also asked about the statement made by Mr. Hartenstein regarding insufficient information about environmental issues and that information being provided as development occurred. However, that is not mentioned in the Ordinance. Mr. Hartenstein said there are standard review criteria in the LDRs pertaining to the preliminary plat, construction plans, and final plat review. One requirement with submittal of the preliminary plat is an environmental assessment. During that review process, any environmental issues would be addressed. Mr. Metz confirmed that Mr. Hartenstein did not feel the insufficient environmental information needs to be addressed in the Ordinance.

Mr. Wells asked if there were any studies being done on the cumulative effect of all the proposed projects planned for this area. Mr. Hartenstein explained that the traffic analysis takes into account the traffic impacts of proposed developments that are moving forward as well as the proposed development under question. Scott Blankenship confirmed that CR 455 is the Scenic Byway. Regarding the Urban Area

CASE NO.: PH#22-07-2 AGENDA NO.: 6

OWNER/APPLICANT: F & J Developers, LLC; Franco Scala PAGE NO.: 2

Residential Density Chart developed in the early 1990s, Mr. Blankenship questioned how current that analysis is for density purposes. He also asked how reflective of density it is on a scenic byway. Wayne Bennett, Planning Director, said Level of Service (LOS) is based upon the type of highway, not necessarily on the fact that it is scenic. However, the Scenic Byway is intended to remain two lanes, which determines its capacity. Being scenic does not change the capacity determination for the road.

John Maruniak, Transportation Planner/Engineer II, said several years ago a Minneola area-wide study was done for all the developments that were proposed or being spoken about in the area. Approximately 10,000 dwelling units were looked at; and at that time they identified that if those developments were approved, they would have to do certain improvements on the roadways. He discussed how traffic impacts are determined in a traffic study. He added that the scenic highway designation constrains it to two lanes and the type of development that should be placed on such a highway. He spoke of those intersections which would be subject to proportionate share contributions to correct problems at those points.

Regarding housing for the future employees of Plaza Collina, Mr. Bennett said staff suggested some affordable housing for that purpose within this project. Providing affordable housing in this project is purely voluntary on the part of the developer of this project. He applauded the effort of the developer to help address this issue. He added that the State Legislature has added a new requirement in which counties must develop an affordable workforce housing plan before mid-2008.

Cecelia Bonifay of Akerman Senterfitt was present to represent the applicant. She named others who were present on the team. Regarding density, Ms. Bonifay said this project is below what the Residential Density Chart would have projected for this area, which is 4.5 units per acre. However, because it is in an Urban Expansion future land use, the maximum density is four units per acre. This applicant is asking for 3.1 units per acre.

In terms of environmental information, Ms. Bonifay said an environmental study is not requested until the preliminary plat stage. However, after walking the site, nothing of any unusual circumstance has been detected that might impact the form of this development. A wetland analysis has been done, and it has been determined that there is a large wetland on the site. A large wetland buffer has been designated that will delineate that wetland from the rest of the site. They have also buffered it further by having a retention pond. She noted that this is a burned-out citrus grove. Further environmental studies will be done, and all necessary regulations must be met. Because this property is in the Apopka Basin, there are stricter storm water requirements for this area. Furthermore, it limits this area to residential only with up to four units per acre and central water and sewer or up to two units per acre if there are no central services. Commercial is not permitted in this area. This project is within the parameters that both the County and City of Clermont adopted through the Apopka guidelines, which were proposed and endorsed by Friends of Lake Apopka.

Regarding utilities, Ms. Bonifay submitted a memorandum from the City of Clermont Engineering Department as Applicant Exhibit A. This property is in their Chapter 180 utility district; therefore, they have a duty and responsibility to provide sewer within that area. This property is also within their Joint Planning Area (JPA), which means they have denoted that it is an area that is going to urbanize and for which central utilities should be available. The City has available capacity to supply the proposed development. The developer must negotiate a utility agreement with the City. That agreement would require annexation at the time the subject property becomes contiguous to the City.

As stated earlier, Ms. Bonifay said a traffic analysis has been completed, as required. The original traffic study was found to be deficient. Additional data and analysis were provided so there is now a determination that the roads are not insufficient and have adequate capacity. However, there are certain intersections which would fail at a certain point in time. Based on the fact that the County has adopted a proportionate share ordinance, Ms. Bonifay said they are required by law to pay their proportionate share if this project would impact those intersections. Although there was an Affidavit of Deferral submitted, that

CASE NO.:	PH#22-07-2	AGENDA NO.:	6
OWNER/APPLICANT:	F & J Developers, LLC; Franco Scala	PAGE NO.:	3

does not mean that this project was not reviewed from a concurrency management standpoint. Staff stated earlier that the impact of this development on those intersections is fairly moderate (16 percent).

Ms. Bonifay reiterated that the analysis shows the project generating 36 students within the three levels of schools. As school concurrency is not in effect at this time, staff has included in the ordinance the same language and the standard provision that it has included in a number of other Planned Unit Developments (PUDs). That language is shown on page 4, section II.C of the proposed ordinance. They will continue to work with the School Board and try to pay their proportionate share to address those issues. They will continue to work with the Board of County Commissioners (BCC) to determine the criteria for affordable housing. She added that the affordable housing town home units will be the same size as the other town home units. This project will have a trail walkway; the intersection will be signalized so people can exit this development, cross the street, and get on the trail in a safe manner. This was added at staff's request. This project will have 41 percent open space versus the required 25 percent.

Regarding the City of Clermont's comment that Lake County is going through its new Comprehensive Plan process, Ms. Bonifay said this process has been going on since 2005 and there is still no date of completion from the Local Planning Agency (LPA). Determinations must be made based on the adopted Comprehensive Plan until such time as a new Comprehensive Plan is adopted and found in compliance by the Department of Community Affairs (DCA).

Mr. Morris noted that the subject parcel is two pieces. When he asked if there is an easement that runs through this property, Ms. Bonifay said there is not. Jean Abi-Aoun from Florida Engineering Group said there was an old CSX right-of-way that went through this property, but it has been vacated so this is one parcel.

In response to Mr. Gardner, Ms. Bonifay said the ordinance states that ten percent of the housing units (nine town homes) will be provided for affordable housing. All of the town homes will be the same, but they have not designated which units will be affordable housing. Determination will be based on what the County defines as affordable housing.

In response to Mr. Morris, Ms. Bonifay said it will be 18 months or longer before they would be able to pull the first building permit.

In response to Mr. Blankenship, Mr. Bennett said the County has adopted an ordinance on school concurrency based upon the existing Comprehensive Plan. The LPA has transmitted a School Facility Element to the BCC; but at this time, the County is under the effect of the ordinance on school concurrency. Before the construction plan stage, the applicant must submit to the County a document from the School Board stating that concurrency has been met on this project or a proportionate share has been negotiated to mitigate their impacts. Before any construction can begin, the applicant must demonstrate concurrency. Mark Wells was informed by Mr. Bennett that the project must meet the concurrency standards in place at the time when concurrency is applied for.

James Hitt, Planning Director for the City of Clermont, said the City has a JPA agreement with the County in regard to the review process for developments. This development will also have to go through the review process with the City of Clermont for the lots to make sure they are in accordance with the JPA agreement. Their typical comment on developments when they go through land use and zoning changes is that the City Council feels that the majority of these developments should be delayed until the Comprehensive Plan has gone through the review process by DCA. He noted that the gross density for this project is 3.09 units per acre. However, once the wetlands are removed, the net density for the uplands is four units per acre. He commended the applicant for a mixed use development; it is a nice looking development. The City Council looked at the traffic analysis although it was incomplete and was concerned about the capacity issue regarding Old SR 50. He felt including language in the ordinance about

CASE NO.: PH#22-07-2 **AGENDA NO.:** 6
OWNER/APPLICANT: F & J Developers, LLC; Franco Scala **PAGE NO.:** 4

school concurrency is beneficial. He agreed with Ms. Bonifay that if no building permits will be pulled for at least another 18 months, utilities will probably be closer to the development by that time. At this time, nothing has been built on the north side of Old Highway 50. He asked that a copy of the current transportation analysis be e-mailed to him as soon as possible.

In response to Mr. Blankenship, Mr. Hitt said that any applicant who comes forward asking for utilities would have a contingency for annexation if their property is served by City utilities. When Mr. Blankenship asked what the City envisions for the north side of Old Highway 50, Mr. Hitt said they would like it to be less dense to a certain extent. He thought the future land use plan called for 2.5 units per acre in this area. Timing should also be a consideration.

Rob Kelly with the Citizens Coalition of Lake County said this project has 17 acres of uplands on which 58 units are to be placed, which is quite dense. Since the County has no affordable housing program at this time, the developer has no deed restrictions to keep a house affordable. There is no school concurrency at this time, and it could be a long way off if the Comprehensive Plan is challenged. The Coalition would recommend that environmental issues as well as other issues be more defined before moving forward. As a member of the LPA, he agreed that at this time the future land use map shows a density of 2-1/2 units per acre in this area; however, that could change. If this development is approved, it may not be compatible with what is there in the future. He pointed out that the Scenic Highway is crowded now. He questioned the size of the area for the traffic analysis. He felt it was significant that the City of Clermont has recommended denial even though they have the ability to annex the property if they provide utilities. In response to Mr. Morris, Mr. Kelly said his organization has about 200 members. There was a vote by the Coalition on Mr. Kelly’s presentation prior to it being given to the Zoning Board at this meeting.

Ed Mitchell, a resident of the Ferndale area, said he has been checking the zoning notices on the Internet for the past few weeks, and he found the notice for this property at 7 p.m. yesterday. He did not feel that the opposition was given much notice. He would prefer a 30-day continuance of this case. He said that at the BCC public hearing yesterday, they did not vacate Lake Avenue; they vacated an old grove road within the property itself although they did talk about closing the north end of Lake Avenue so traffic could not go from Highway 50 to Old Highway 50. He commented that this project is about 3/10 mile from the Orange County line, but nothing has been mentioned about the traffic impact on the Orange County side of the line. He also questioned whether it was taken into account that this development will open to the rear of a Wal Mart, which has plans to put a four-lane exit onto Old Highway 50. He added that a wall along the front of the development would not be consistent with the Scenic Highway or the bike trail. Neither the Scenic Highway nor the Lake Apopka Basin is consistent with three units per acre. He said nothing has been said about the traffic from other developments in the area. This development will just increase the existing problems in the area.

Glenn Burns, a resident of Montverde, said he is a consultant who does work with the Florida Scenic Highways Program. He has done work for the Scenic Highway Committee on the Green Mountain Scenic Byway. He was asked to speak at this meeting regarding a concern of the Committee regarding this development. The Committee members have been very successful with speaking directly to developers and coming to a solution about changing plans to a wrought iron fence or a berm and landscape buffer instead of a brick wall. It appears from the plans that a brick wall with a 25-foot landscape buffer on the inside of the wall is planned. He asked if it would be possible to remove the wall from the plans and add a wrought iron fence to make it more consistent with the rest of the developments along the highway.

According to the letter they have been furnished, Ms. Bonifay said the City of Clermont has the capacity to serve the project’s utility needs, and it was just a timing issue with Plaza Collina. She felt that this proposed development is compatible with the area. Referring to the statement made by Mr. Kelly about 16

CASE NO.: PH#22-07-2 AGENDA NO.: 6

OWNER/APPLICANT: F & J Developers, LLC; Franco Scala PAGE NO.: 5

acres of uplands, Ms. Bonifay said that is incorrect; there are 22 acres of uplands. She reiterated that the nine units of affordable housing in the development was a voluntary offer by her client. There is a policy in the current Comprehensive Plan which states that affordable housing is defined as housing that would meet the requirements of the William Sadowski Act. However, if that is an issue for this Board, the offer of affordable housing can be withdrawn.

Regarding the wall Mr. Burns had spoken of, Ms. Bonifay said this was the first time she had heard from Mr. Burns or the Green Mountain Scenic Byway Committee about their objection to the wall. They have proposed a wall with landscaping in front of it mainly because the development is on a highway. They will talk to Mr. Burns prior to the BCC public hearing and see if they can work something out. She asked the Board to accept the staff recommendation for approval and move this forward to the BCC.

Ms. Patten said she was very concerned about the environmental review. When she asked about the “no take” policy, Mr. Hartenstein said the County has no regulations pertaining to the “no take” policy and gopher tortoises. That is regulated by the State. The County ensures that the permits from the State are in place before construction plan approval.

Ms. Patten felt the biggest issue is the City of Clermont and their concern as it relates to density. Mr. Hartenstein pointed out that in the proposed ordinance, it states that a utility service agreement would be required with the submittal of the preliminary plat for review.

Mr. Blankenship said he does not live far from the subject property, and he walks and bikes the trail that Ms. Bonifay spoke of. This is a congested area already. He had a real concern with traffic, knowing all the developments that will be coming in the near future. He did not have a problem with it being residential, although he would support a lower density in order to mitigate some of the traffic issues and other concurrency requirements; he could not support the development at the current density. He added that he is a believer in JPAs.

James Gardner made a MOTION to recommend approval of PH#22-07-2. When there was no second, Chairman Bryan passed the gavel to Vice Chairman Morris and SECONDED the motion.

FOR: Gardner, Bryan, Metz

AGAINST: Morris, Blankenship, Patten, Wells

MOTION FAILED: 3-4

MOTION by Scott Blankenship, SECONDED by Mark Wells to recommend denial of PH#22-07-2.

Mr. Blankenship said his motion was based on the comments received from the City of Clermont and Public Works.

Mr. Metz said that it appears that everything the law requires for this application has been complied with. Even though there may be a better way to complete this project and he agreed with Mr. Blankenship that a lower density would be consistent with the area, the applicant is within his rights under the current future land use plan. Therefore, he is uncomfortable with supporting a denial; he would prefer an approval with an appropriate density. He did not have a problem with the school language in the ordinance since this is a PUD. He felt he had no valid reason to deny the request. Mr. Blankenship said that was a good point. He added that the City of Clermont did not have a problem with the development at a lower density, and he could support the City on that.

CASE NO.: PH#22-07-2 AGENDA NO.: 6

OWNER/APPLICANT: F & J Developers, LLC; Franco Scala PAGE NO.: 6

Chairman Bryan confirmed that a recommendation could be made at a specific lower density since this is a PUD.

Mr. Blankenship and Mr. Wells withdrew their motion and second for denial.

MOTION by Scott Blankenship, SECONDED by Phyllis Patten to recommend approval of PH#22-07-2 with the following conditions:

1. The maximum density of the development shall be 2.5 dwelling units per acre.
2. No concrete wall shall be permitted on Old Highway 50; the developer shall meet with the residents to discuss a more consistent buffer such as a wrought iron fence and landscape buffer.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#26-07-5 AGENDA NO.: 7

OWNERS: Lake County Paisley Fire District
Frank K. Ellis and Christine C. Ellis, Trustees
APPLICANT: Lake County Public Safety/Rob Richardson
or Gary Kaiser

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor and submitted a revised conceptual plan as County Exhibit A.

Scott Blankenship confirmed that this is the same tower that was before this Board last month. Mr. Hartenstein said additional land has been added, and the proposed location of the tower has been changed. In response to Mr. Blankenship, Mr. Hartenstein said the urgency has not changed. Timothy Morris was informed by Mr. Hartenstein that this Board is hearing the case prior to the Board of Adjustment to expedite the process.

Sanford A. Minkoff, County Attorney, was present to represent the Lake County Department of Public Safety. He explained that the County has a contract to purchase the entire site from the Ellis's. The County anticipates closing on the property once the land uses are approved and the other due diligence is done. After the Zoning Board recommended approval on a small portion of this property, a variance was granted by the Board of Adjustment to put the tower on the two-acre site. There had been some objection from a property owner at the Zoning Board public hearing. After the Zoning Board last month, the County was able to secure a contract with the Ellis's including the ability to start the process for rezoning before the County closed on the property. Although an exact location has not been set for the tower, the County is anticipating that it will be placed as far to the north as possible, adjacent to the fire station and meeting the 100-foot setback requirement or more. However, the determination of the location of the tower will be based upon the action of the Board of Adjustment on the variance request. It will probably not be centered on the property as the County wants to preserve the naturalness of the property. Melanie Marsh, Deputy County Attorney, added that there is a house close to the center of the property; it will remain on the property. Mr. Minkoff said the mobile home will probably be removed once the management plan is developed for this property.

In response to Mr. Morris, Mr. Minkoff said the County leases some of the sites and owns some of the sites on which towers are located. When Mr. Morris asked if the preferred way is to own the sites, Mr. Minkoff said he thought the Department would prefer to own them although there may be times when it would be economically or otherwise better to collocate with someone else.

Chairman Bryan said it appears this new tower location would be an improvement over the location approved by the Board of Adjustment on the other side. Mr. Minkoff said it will be further to the east and further away from any property owner than what is currently approved.

George Connolly, who had submitted a speaker card, said his concerns had been addressed so he did not need to speak.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of CFD zoning in PH#26-07-5 to continue the use of a fire station, permit the placement of a 480-foot self-supporting lattice telecommunication tower, and provide conservation and passive recreational uses on the parcel.

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

AGAINST: None

MOTION CARRIED: 7-0

There was a five-minute recess.

CASE NO.: PH#50-06-2

AGENDA NO.: 8

OWNER: Clonts Grove, Inc.
APPLICANT: Cecelia Bonifay Esq., Akerman & Senterfitt

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor. He submitted a conceptual site plan as County Exhibit A and a GIS analysis (County Exhibit B) showing the amount of uplands, wetlands, open water, and total acreage.

Chairman Bryan commented that the residential portion of the project was 460 acres. He questioned why the base site area of 610 acres was used in determining the percentage of open space for residential rather than 460 acres, the residential portion of the project. The 610 acres would include office and commercial space as well as residential. Mr. Hartenstein agreed that the 25 percent of open space should be based on the 460 acres. He said he would check the math on that. Chairman Bryan said it appears that 115 acres would meet the minimum 25 percent of open space. Regarding the open space for commercial, Chairman Bryan noted that also needs to be readdressed as the commercial portion is 72 acres. Mr. Hartenstein said the base site area is not separated into residential and commercial; the base site area is calculated on the Planned Unit Development (PUD) as a whole.

Mr. Hartenstein submitted the GIS analysis of the surrounding development pattern for Clonts Grove as County Exhibit C.

Mr. Hartenstein said that the planning staff has received some updated traffic information but has not had the opportunity to review it. Public Works staff has reviewed it; and at some point in the presentation, John Maruniak can address any additional traffic analysis issues with this project.

Brian Sheahan, AICP, Chief Planner, clarified that even with the errors noted, it would not change staff's recommendation.

Chairman Bryan spoke of a presentation given by Wayne Bennett, Planning Director, several months ago regarding new procedures, timing, and requirements before a case came before this Board; each case must be deemed complete and having sufficient before moving forward to the next step. However, this staff report contains several instances of insufficient data. Mr. Hartenstein explained that this has been an ongoing project since 2006 and was submitted prior to the new procedures.

Chairman Bryan also asked about the total acreage difference. He asked if the calculations and requirements on the different acreage impacted the staff recommendation. Mr. Hartenstein said it changed some standards, but it would not have a significant impact as far as a change in the staff recommendation. Staff still felt it is a premature project.

When Timothy Morris asked if staff had given the applicant the option of not appearing before the Zoning Board at this time in order to resolve some of the issues, Mr. Hartenstein said that staff determined that it was time to move forward since this project has been ongoing since 2006. The applicant did not request a continuance.

Cecelia Bonifay was present to represent the case. She noted the other people present on this case. She said they received this staff report last Friday. She was handling a family emergency at that time so she did not receive it until two days ago. This process was started in May of 2006. No agenda for this public hearing was available until yesterday. The fact that there were insufficiencies was new to them. She spoke of the errors in the calculations, which resulted in findings of denial. In addition, the staff report ends on transportation with a filing of September of 2006. Since that time, they have done four revisions. She said no one wants to make a recommendation on this project until the new Comprehensive Plan is adopted. Mr. Maruniak was not called to make a presentation. He has reviewed the latest revisions online, and he has found it sufficient. They are on the third or fourth version of their development plan. The Clonts family did not want to go forward. They are in the citrus business and are happy doing this. However, as

CASE NO.:	PH#50-06-2	AGENDA NO.:	8
OWNER:	Clonts Grove, Inc.	PAGE NO.:	2
APPLICANT:	Cecelia Bonifay Esq., Akerman & Senterfitt		

Lake County continues to “drag out” its new Comprehensive Plan with the land use on this property changing four or five times, they have been told at the Local Planning Agency (LPA) that they have no vested rights. The owner felt that in order to protect the family interest, it was necessary to come forward with a zoning application. The family would prefer to never develop this property.

Ms. Bonifay said Tim Green could testify that he used the Lake County GIS system, and the acreage (731 acres) is correct. She said she did not want to put her client at risk after 14 or 16 months if the reasons in the staff report are the reasons that will be used for denial.

Mr. Morris asked Ms. Bonifay if a 60-day continuance would be sufficient time to get all these questions and concerns answered. Ms. Bonifay felt it could be done in 30 days if the information is reviewed.

Chairman Bryan said he had a lot of concern about moving forward at this time due to the inconsistencies and the late delivery of the staff report. He would like Ms. Bonifay and staff to review these inconsistencies even if they do not agree on anything but the facts. He would prefer a continuance. When Mr. Morris asked if this project is time sensitive, Ms. Bonifay said the owner would like this to be resolved; but there are no immediate development plans. However, it does need to be addressed prior to the new Comprehensive Plan.

Chairman Bryan asked if staff would concur with a 60-day continuance in order to review some of the findings and meet with the applicant to discuss the differences in calculations. Mr. Sheahan said the staff report was provided last Friday. He added that these inconsistencies have been recurring all through the process. The traffic engineering consultant, Donald Griffey, and Mr. Green were aware of them. Staff has been working very closely with Mr. Griffey and Mr. Green on these issues, but they have been unable to resolve the differences. However, staff has no objection to a continuance. In response to Chairman Bryan, Mr. Sheahan said the planning staff received the most recent revised traffic report this morning. Phyllis Patten felt it was important to continue the case so the Zoning Board will know all the facts when it considers the case. At the very least, Chairman Bryan said the open space calculations must be recalculated.

Tim Green said there was a discrepancy in the acreage calculations. They resubmitted with the acreage they felt was correct. Staff reviewed the case under the acreage they felt was correct. No boundary survey was submitted. All the information they submitted was from the Lake County GIS system. There is a nine-acre right-of-way that they are vacating; he did not know if staff did or did not include that figure in the acreage. He has not seen the staff data. He agreed that there are inconsistencies in the open space calculations.

MOTION by Timothy Morris, SECONDED by James Gardner to continue PH#50-06-2 until the August 1, 2007 Lake County Zoning Board public hearing.

Chairman Bryan noted that he had received two speaker cards for this case. Neither speaker wished to speak on the motion for a continuance.

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

AGAINST: None

MOTION CARRIED: 7-0

Mr. Gardner stated that this case came to this Board prematurely. He would like to avoid that in the future.

CASE NO.:	PH#50-06-2	AGENDA NO.:	8
OWNER:	Clonts Grove, Inc.	PAGE NO.:	3
APPLICANT:	Cecelia Bonifay Esq., Akerman & Senterfitt		

Chairman Bryan felt that some of the new procedures in place now would rectify some of these issues. Mr. Morris felt there was also a communication problem. Mr. Metz agreed with the prematurity of this case coming before this Board. He felt that when it is evident that a case must be continued as it was in this case, it should be taken care of at the beginning of the meeting before a full presentation is given. Chairman Bryan agreed.

Adjournment

There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman