

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
July 11, 2012

The Lake County Planning and Zoning Board met on Wednesday, July 11, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, July 24, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

Members Not Present:

Timothy Morris, Vice Chairman	District 1
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Brian T. Sheahan, AICP, Planning Manager, 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
Ann Corson, Office Associate IV, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Ross Pluta, Engineer III, Public Works
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 1:04 p.m. He led the Pledge of Allegiance, and Lorenzo G. John Ameri, Board Member, gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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TAB NO: CASE NO: OWNER/APPLICANT/AGENT/PROJECT

Agenda Updates

Consideration of Minutes June 6, 2012

CONSENT AGENDA

Tab 1 **PH# 20-12-3** BLR-Windmill Rd. Commercial, LLC/
J. Hall, AICP
BLR-Windmill PUD Rezoning

Tab 2 **PH# 21-12-3** Floribra-Windmill 27 I & II, LLC/
J. Hall, AICP
Floribra-Windmill PUD Rezoning

REGULAR AGENDA

Tab 3 **PH# 25-12-5** Northside Christian Church of Fruitland
Park/Alan Wayne Bradley/
Northside Christian Church

Tab 4 **PH# 16-12-4** Timothy J. Bailey/T. Green, AICP, ASLA
Tim Bailey PUD Rezoning

Tab 5 **PH# 24-12-5** Central Florida Council of the BSA/
M. Harding, P.E./
L&M Williams Family Scout Reservation-
BSA

Other Business

Adjournment

MINUTES

MOTION by Ted DeWitt, **SECONDED** by Lorenzo G. John Ameri to **APPROVE** the June 6, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: DeWitt, Ameri, Gonzalez, Bryan, Kesselring, Miller

AGAINST: None

MOTION CARRIED: 6-0

CFD Zoning District; therefore, staff is recommending approval of the request.

Mr. Bryan commented that it should not be the Board’s responsibility to pursue rezoning Ms. Caborn’s remaining 1.75 acres even though it will be considered a non-conforming use. He added that she chose to sell the land so it should be her responsibility to rezone the property. Ms. Cotch mentioned that the area would eventually be rezoned by the County anyway because of the new Comprehensive Plan.

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE PH# 25-12-5, Northside Christian Church.

FOR: Kesselring, Gonzalez, DeWitt, Ameri, Bryan, Miller

AGAINST: None

MOTION CARRIED: 6-0

CASE NO: PH# 16-12-4 TAB NO. 4

**OWNER: Timothy J. Bailey
APPLICANT: Green Consulting Group, Inc./Timothy W. Green
PROJECT NAME: Tim Bailey PUD Rezoning**

AND

CASE NO: PH# 24-12-5 TAB NO. 5

**OWNER: Central Florida Council of the Boy Scouts of America (BSA) – Ron A. Oats, Officer
APPLICANT: Michael D. Harding, P.E.
PROJECT NAME: L & M Williams Family Scout Reservations/BSA**

Rick Hartenstein, Senior Planner, stated that Tab 4 and Tab 5 would be presented together, but he wanted to discuss Tab 5, which is the sending area property, first before discussing Tab 4, which is the receiving area property, and he also wanted to briefly explain how transferrable development rights (TDRs) are utilized in the Wekiva River. He noted that the purpose of the TDR process is to permit the owners of the property subject to density limitations established in the Comprehensive Plan to utilize the development potential of that property as it existed by zoning district density prior to March 12, 1990, and he defined TDRs as the conveyance of development rights from a sending area by deed, easement, or legal instrument to a designated receiving area, and recorded in the public records of Lake County. He indicated that within the Wekiva River Protection Area (WRPA) there are four designated Future Land Use Categories that are utilized for the TDR process and the WRPA A-1-40 and the A-1-20 Sending Area is the area in which the development rights are acquired. He added that the WRPA A-1-20 and the Mount Plymouth/Sorrento receiving area is utilized to establish additional density through a Planned Unit Development (PUD). He mentioned that the Comprehensive Plan establishes the process for determining the number of development rights and explained that the sending area property, which is the Boy Scouts Reservations property, is proposing to transfer 66 of their 78 total development rights from 394 acres of the 1,080 acre property. He pointed out that the property is currently zoned Community Facility District, but in

1990 the property was zoned Agriculture and the base density at that time was one dwelling unit to five gross acres. He added that the 394 acres will be set aside as a conservation easement that will only allow passive recreational uses, and the 12 remaining development rights ownership will remain with the Boy Scout Camp and may be transferred at a later date to another property or used on the 1,080 acres outside of the conservation easement. He related that the receiving area property, which is the Tim Bailey PUD property, is approximately 40 acres that is zoned Agriculture and is located in the WRPA A-1-20 receiving area and the Mount Plymouth/Sorrento receiving area. He then showed a chart depicting the density and TDR utilization for both receiving areas and briefly explained the number of TDRs necessary in order to increase the number of units for the project. He mentioned that, in regards to Tab 5, staff received email correspondence from an individual in the area expressing some concerns about the project and noted that staff met with the individual and addressed those concerns. He also indicated that, in regards to Tab 4, staff received 34 letters of support from individuals within and outside the area of the project. He stated that staff recommends approval of Tab 4 and Tab 5 with the conditions contained in the ordinances.

Rick Gonzalez, Board Member, asked what the density per acre would be for the receiving areas. Mr. Hartenstein answered that the density for the Mount Plymouth/Sorrento receiving area would be 2.4 dwelling units to the net acre and the density for the WRPA A-1-20 receiving area would be one dwelling unit to the net acre.

Mr. Bryan asked if the density could increase for the Mount Plymouth/Sorrento receiving area. Mr. Hartenstein replied "yes," adding that it could increase to 5.5 dwelling units to the net acre.

Mr. Bryan asked if the densities could be clustered. Mr. Hartenstein responded that the blending of densities is not allowed between the two Future Land Use Categories.

Mr. Gonzalez commented that his main concern is that the property would be sodded with St. Augustine grass which would subsequently waste water and cause excess chemicals to go into the Wekiva Receiving Area, and he asked if that would be addressed during the site plan approval. Mr. Hartenstein stated that the landscape ordinance will address that.

Ted DeWitt, Board Member, asked if there is septic service in that area. Mr. Hartenstein replied that provisions are placed in the ordinance specifying that the applicant must contact the City of Eustis to enter into a utility service agreement with the City to provide water and sewer services since those services are available in that area. He noted that the applicant must provide a fully executed utility service agreement prior to approval of the preliminary plat and if the City of Eustis and the applicant cannot work out an agreement, the applicant is capable of providing their own central water and sewer system.

MOTION by Kasey Kesselring, SECONDED by Ted DeWitt to APPROVE PH# 24-12-5, L&M Williams Family Scout Reservations/BSA.

FOR: Kesselring, DeWitt, Ameri, Gonzalez, Bryan, Miller

AGAINST: None

MOTION CARRIED: 6-0

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE PH# 16-12-4, Tim Bailey PUD Rezoning.

FOR: Kesselring, Gonzalez, DeWitt, Ameri, Bryan, Miller

AGAINST: None

MOTION CARRIED: 6-0

OTHER BUSINESS

Mr. Sheahan mentioned that the shoreline amendment to the Comprehensive Plan regarding wetland setbacks from canals was approved and it is tentatively scheduled for final adoption at the July 24, 2012 BCC Meeting and that staff was working on some additional amendments to correct some issues that the Department of Community Affairs had when the County adopted the Comprehensive Plan. He noted that he would be bringing forward an ordinance within the next couple of months that dealt with some statutory changes for the LDRs. He then requested that the Board members bring their copy of the Comprehensive Plan to the next meeting on August 1, 2012 so that some of the pages can be replaced.

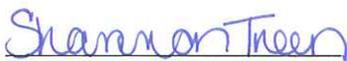
Erin Hartigan, Assistant County Attorney, addressed Mr. Gonzalez’s question from the previous meeting regarding whether the normal process for a CUP revocation was required when a property is annexed into another city and she explained that it was decided that the CUP revocation would not be done anymore because under the Statutes, the County zoning and future land use goes away when the annexing municipality adopts its own future land use for the annexed property. She also addressed another question raised by Mr. Gonzalez about whether the normal process was required when a property owner does not want a CUP anymore and she noted that the Code and the LDRs would need to be amended to specify that if a property owner does not want to continue the CUP, they could submit the request in writing to the County and the CUP would be withdrawn. She expressed that some things can be done administratively, but not everything because they have to provide due process.

Mr. Gonzalez asked if the office in general looked for ways to become more efficient to do away with unnecessary paperwork. Mr. Sheahan pointed out that they streamline the processes as much as possible.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:46 p.m.

Respectfully submitted,


Shannon Treen
Clerk, Board Support


Paul Bryan
Chairman