

**MINUTES
LAKE COUNTY ZONING BOARD
SEPTEMBER 2, 2009**

The Lake County Zoning Board met on Wednesday, September 2, 2009 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning and conditional use permits.

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, September 22, 2009 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

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| Timothy Morris, Vice Chairman | District 1 |
| Scott Blankenship | District 2 |
| James Gardner, Secretary | District 3 |
| Egor Emery | District 4 |
| Paul Bryan, Chairman | District 5 |
| Larry Metz | School Board Representative |

Members Not Present:

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| Mark Wells | At-Large Representative |
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Staff Present:

Brian Sheahan, AICP, Planning 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
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Ross Pluta, Engineer III, Engineering Division
Melanie Marsh, Deputy County Attorney
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and Timothy Morris 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. Anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room. He added that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases later this month when a final determination will be made.

TABLE OF CONTENTS

| <u>CASE NO.:</u> | <u>OWNER/APPLICANT/AGENT/PROJECT</u> | <u>AGENDA NO.</u> |
|--------------------------|--|--------------------------|
| Consideration of Minutes | July 1, 2009 | |
| Discussion of Agendas: | | |
| PH#70-08-5 | Steven B. DeLuca/Fred Morrison, P.A./ McLin & Burnsed/All Star Sports Camp | 3 |
| PH#55-08-3 | Woodlands Lutheran Church of Lake Co., Inc. & Brian and Debra Kneser/John Arrington | 4 |
| Consent Agenda: | | |
| PH#12-09-2 | Grand Highway Baptist Church, Inc. Rev. Joel Shackelford | 1 |
| PH#10-09-3 | Sandra Didion and John W. Didion et al Sandra Didion and Lake County | 2 |
| PH#55-08-3 | Woodlands Lutheran Church of Lake Co., Inc. & Brian and Debra Kneser/John Arrington | 4 |
| Regular Agenda: | | |
| PH#09-09-4 | Sorrento Commons, LLC/Chris Roper, Akerman-Senterfitt/The Village Commons | 6 |
| PH#70-08-5 | Steven B. DeLuca/Fred Morrison, P.A./ McLin & Burnsed/All Star Sports Camp | 3 |
| CUP#09/9/2-1 | Lee Hess, Inc. (K. Owii)/George Mansour Auto Pass, LLC | 5 |

Minutes

MOTION by James Gardner, SECONDED by Timothy Morris to approve the July 1, 2009 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Metz

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

Discussion of Agenda

Chairman Bryan stated that staff has indicated to him that Agenda No. 3, PH#70-08-5, Steven B. DeLuca/Fred Morrison, P.A./McLin & Burnsed/All Star Sports Camp, will be pulled from the consent agenda and placed on the regular agenda. It will be the second item on the regular agenda.

Brian Sheahan, AICP, Planning Director, stated that although Agenda No. 4, PH#55-08-3, Woodlands Lutheran Church of Lake Co., Inc. & Brian and Debra Kneser/John Arrington, could remain on the consent agenda, staff would like to add the following information to Section 1. D. on Page 2 of the ordinance for this case: "A right-of-way dedication of up to 50 feet shall be required from the centerline of the southbound CR 455, along the eastern portion of the property that abuts CR 455 in conjunction with the required site plan review and approval." This information was included in a memorandum dated August 31, 2009 that had been sent to the Zoning Board members earlier in the week. The applicant was agreeable to this change.

Egor Emery asked that Agenda No. 5, CUP#09/9/2-1, Lee Hess, Inc. (K. Owii)/George Mansour/Auto Pass, LLC, be removed from the consent agenda and placed on the regular agenda. Chairman Bryan said it will be the third item on the regular agenda.

Consent Agenda

CASE NO.: PH#12-09-2 AGENDA NO.: 1
OWNER/APPLICANT: Grand Highway Baptist Church, Inc./
Rev. Joel Shackelford

CASE NO.: PH#10-09-3 AGENDA NO.: 2
OWNER: Sandra Didion and John W. Didion et al
APPLICANT: Sandra Didion and Lake County

CASE NO.: PH#55-08-3 AGENDA NO.: 4
OWNERS: Woodlands Lutheran Church of Lake Co.,
Inc. & Brian and Debra Kneser
APPLICANT: John Arrington

MOTION by Scott Blankenship, SECONDED by Timothy Morris to recommend approval of the above consent agenda.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Metz

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

CASE NO.: PH#09-09-4

AGENDA NO.: 6

OWNER: Sorrento Commons, LLC
APPLICANT: Chris Roper, Akerman-Senterfitt
PROJECT NAME: The Village Commons

Brian Sheahan, AICP, Planning Director, spoke of a memorandum that had been sent to the Zoning Board on August 27, 2009 stating that if the Board should wish to recommend approval of the ordinance, three additional uses should be added. Both staff and the applicant are agreeable to this addition.

Timothy Morris confirmed with Brian Sheahan that there is enough change in this case so that res judicata is not a concern.

Rick Hartenstein, AICP, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the final package on the screen. Mr. Hartenstein stated that staff has drafted a proposed ordinance for the Board's review in the event the Board determines that this request is consistent with the commercial locational criteria contained in the Comprehensive Plan. Staff has taken into consideration the visions and recommendations proposed by the Mount Plymouth-Sorrento Advisory Committee, the surrounding development pattern, and the compatible uses for the surrounding area as well as the proposed policies for the area contained in the proposed new Comprehensive Plan. He noted that eight letters of support, two petitions of support, and two letters of opposition have been received.

When Scott Blankenship asked if the bypass road plan that had been discussed at an earlier public hearing had been eliminated due to the downsizing of the project, Mr. Hartenstein said that if he is referring to the CR 437 realignment where it carried it on down south through another property and reconnected, there is nothing proposed on it on the County wish list.

Chairman Bryan said he has never agreed with the arbitrary 50,000 square feet. He did not feel that over time it has been consistently applied in cases. Although he could only speak for himself and not other planners, Mr. Hartenstein said he has tried to apply that policy consistently. At the request of Chairman Bryan, Mr. Hartenstein gave an example of applying this allocation.

Regarding locational criteria, Chairman Bryan said this has been a loosely applied regulation for many years. Mr. Hartenstein explained that the proposed project exceeds the 50,000 square foot limit. He added that staff has always looked at the one-quarter mile area around an intersection for development purposes as far as commercial on a designated activity center. When Chairman Bryan asked if this project meets locational criteria, Mr. Hartenstein answered that it does as far as location. However, it does not meet the other policies of the locational criteria as it pertains to the allocation of the square footage.

Chairman Bryan stated that there has been an indication that several of these intersections could fail and there would be a significant impact on SR 46. He asked if this was based on a traffic study. Mr. Hartenstein replied that Public Works would need to address that.

Melanie Marsh, Deputy County Attorney, was present on behalf of staff. She submitted Objective 1-3A of the Comprehensive Plan regarding the criteria to direct commercial development as County Exhibit A. She pointed out that the word "combined" is used under Neighborhood Activity Centers and Neighborhood Convenience Centers when referring to the square footage allocation, but that word is not used under Regional Activity Centers and Community Activity Centers. That is the basis of staff's interpretation. In response to Timothy Morris, Ms. Marsh said the parcel would need a Regional Activity Center or Community Activity Center designation to have that allocation per parcel rather than combined.

Cecelia Bonifay was present to represent the case. She noted that this project has been before this Board previously and has undergone significant change. She stated that this request for a small commercial center fits within what is envisioned in the Comprehensive Plan, specifically with the changes the County made to that Plan in April but not mentioned in the staff report.

| | | | |
|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 2 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

In response to Ms. Bonifay, Greg Beliveau of LPG said that in April of 2009, Lake County adopted, based on permission by the Department of Community Affairs (DCA), the Wekiva rules; these rules were found in compliance in June. The 21-day appeal period on the Notice of Intent has expired so those rules are now in effect. This area is now designated Mount Plymouth-Sorrento Main Street future land use category; that category went into effect on June 26 with publication on June 27. Those new policies affect the subject tract. He submitted a page regarding this new classification as Applicant Exhibit A and Pages I-25 and I-26 from the Comprehensive Plan regarding Objective 1-3A as Applicant Exhibit B. Those policies are still in effect as far as locational criteria due to the fact that this parcel is outside of the Wekiva River Basin. He submitted a map of the area showing the Wekiva River Basin and its location to the project as Applicant Exhibit C and an aerial as Applicant Exhibit D. He noted that there is a condition in the proposed ordinance that the proposed extension of CR 437 is to be addressed by this application in that right-of-way for that extension is to be reserved if this is approved. Although it may not be on the County wish list, Public Works is asking for right-of-way for that future extension. He noted that this project is at the intersection of an arterial and collector road. There are plans to make this more in compliance with that criteria. He said the character of the area calls for something less intense.

In response to Chairman Bryan’s comment about how the 50,000 square foot allocation has been applied, Mr. Beliveau said that up until this current staff’s administration, a parcel by parcel basis was always used, not a combined or cumulative basis.

When Ms. Bonifay asked if anything in the Comprehensive Plan or Land Development Regulations (LDRs) calls for staff to use a quarter-mile radius, Mr. Beliveau said there is not. That radius number has evolved over time.

Mr. Beliveau submitted Page I-8 of the Comprehensive Plan regarding Policy 1-1.13 as Applicant Exhibit E. When he noted the requirements for Neighborhood Commercial Center and the other three categories, he said that historically this has been interpreted as being on a per parcel basis. Under the new Wekiva rules, the impervious surface ratios and the maximum floor area ratios have been modified. In the Mount Plymouth-Sorrento Main Street future land use classification, the impervious surface ratio is 60. Ms. Bonifay pointed out that the staff report states that this project exceeds that amount and is therefore inconsistent. Mr. Beliveau confirmed that it is not inconsistent. He submitted Table FLU-1 (Wekiva), Page 9 as Applicant Exhibit F showing the impervious surface ratio. He submitted three maps with different neighborhood commercial comparative analyses as Applicant Exhibit G and discussed each of the maps. Regarding the vested C-1 125,000 square feet shown on the third map of Applicant Exhibit G, Ms. Bonifay asked if it was vested prior to changes in the rules so that no additional commercial should have been approved because of this cap. Mr. Beliveau said that is a correct statement.

Mr. Beliveau said there is a reference in the staff report that this project does not comply with Policy 1-21.10. He submitted this policy as Applicant Exhibit H. This project is not located at one of the intersections listed in the policy because the project is not within the Wekiva River Protection Area, and the policy is specific to that area. Therefore, the policy is not applicable.

In response to Ms. Bonifay, Mr. Beliveau said that in every situation until recently, the allocation was determined on a parcel-by-parcel basis. Ms. Bonifay confirmed with Mr. Beliveau that because of the location of this project, it can meet either the neighborhood commercial or the community commercial criteria.

Mr. Beliveau stated that there are two approved Planned Unit Developments (PUDs) to the southeast within walking distance of this property.

| | | | |
|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 3 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

James Gardner was informed by Mr. Beliveau that CR 437, south of SR 46, is a future collector road now that will be classified as a collector road once it is extended.

At the request of Ms. Bonifay, Mohammed Abdallaul with Traffic Planning and Design gave a brief overview of his background. He submitted an aerial concept map as Applicant Exhibit I. He said a traffic impact analysis has not been completely performed for this project as of yet. The project has deferred its concurrency application to a later date, which is procedurally possible. They are currently working with staff and the Florida Department of Transportation (FDOT) through the required process to get a traffic analysis completed. He believed part of the determination was made based on an older traffic impact analysis, which was done for a much larger project as well as some more recent information. Mr. Abdallaul said the intersection of Wolfbranch Road and CR 437 is being signalized. As far as CR 437 South, that is the subject of the entire CR 437 realignment, which will change the entire character of that intersection. A detailed traffic impact analysis, which this project is committed and required to do as part of the concurrency process, will show the project's actual impacts, which will be assessed and quantified. They will also assess the final operational status of those intersections as well as any roadways within the area, as required by the process.

Regarding the number of access points onto SR 46, Mr. Abdallaul said there was an earlier plan that had a center access point and two boundary access points. The applicant requested a 30-day continuance to meet with Public Works and FDOT to discuss those points of access. There was an agreement to eliminate the center access point and deal with the access for the site from the east and west boundaries.

Ms. Bonifay asked if it is a normal practice to defer concurrency. Mr. Abdallaul said concurrency has a very short shelf life. It is typical for projects to delay concurrency to a point more feasible in the process, generally after the zoning. There are certain very clear requirements of what needs to be done when going through the concurrency process.

In response to Ms. Bonifay, Mr. Abdallaul said it is necessary to quantify and assess impacts before discussing proportionate share. He confirmed that the road is operating within its capacity. Egor Emery was informed by Mr. Abdallaul that the road is operating at Level of Service (LOS) C, which is the adopted LOS.

Lou Fabrizio, developer of the project, gave an overview of the project using Applicant Exhibit I that was submitted by Mr. Abdallaul. Mr. Fabrizio noted that five building locations are possible. He said they continue to embrace the concepts that have been worked on out there, starting with the Miller Sellen small area study and continuing on to the proposed language for the Comprehensive Plan. He submitted two renderings of the proposed project as Applicant Exhibit J.

Chairman Bryan commented that very nice rendering have been presented to the Board; but when the project was developed, it did not look at all like the renderings. He asked Mr. Fabrizio if he would be willing to make these renderings part of the ordinance. Mr. Fabrizio said they would include those; they are committed to that design.

Mr. Fabrizio submitted a map of the Trade Area Active Subdivisions/2000-2009 as Applicant Exhibit K. He submitted another map (Applicant Exhibit L) showing the CR 437 realignment, CR 46A realignment, and the Highway 429 proposed alignment. He submitted a trade area map as Applicant Exhibit M. An additional map showing the 1-1/4 mile service area required by the Neighborhood Activity Center was submitted as Applicant Exhibit N. He submitted a housing map showing the housing developments that have been approved and are active in the community as Applicant Exhibit O. There are approximately 1600 more housing units, either existing or within this 1-1/4 quarter mile service area. They are not

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|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 4 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

expecting to attract people from an 11-mile radius to come to this area and shop. He submitted a map showing the Publix locations in the area as Applicant Exhibit P.

When Mr. Emery asked the date of the market study, Mr. Fabrizio said it had been updated earlier this year. In response to Mr. Emery, Mr. Fabrizio said he does not have any data on trip lengths for this service area. However, he has estimated the number of trips per household per week to the grocery store and has calculated the number of miles that could be saved if there is a grocery store in this commercial center. He did not have that information with him but said he could share that information at a later date.

When Mr. Morris expressed concerned about the number of buildings proposed (5), Mr. Fabrizio said the buildings will be size appropriate to meet the needs of the community. He said there has been a tremendous investment in both time and dollars in this project, and they would like to move forward. Mr. Morris was concerned that there would be just one 45,000 or 50,000 square foot Publix grocery store. Ms. Bonifay stated that everyone is in unchartered waters in these economic times. What has worked in the past may or may not work today. She felt that if Publix should chose to build in this commercial center, they will build to suit the community. If the grocery store is designed and landscaped appropriately, she questioned why other small buildings would be problematic. When Mr. Morris said it sounds like they may come back and ask for more after the Comprehensive Plan is approved, Ms. Bonifay said this proposed design is a stand-alone center with 50,000 square feet. What may happen in the future is an unknown. She acknowledged that there is additional land at this site. Mr. Fabrizio stated that they do not have an immediate desire for anything more than what is before the Zoning Board at this time, but the most recent proposed language for the Market Square specifically identifies 40 acres, 100,000 square feet. In the long term, he expects more square footage in this Market Square, and he felt it would be appropriate.

Mr. Morris commented that Mount Dora will not be providing services for this project so the project will need to have its own services. When he asked where water and wastewater facilities would be placed on the property, Mr. Fabrizio said there is a location at the back portion of the property shown on the concept plan. Regional services are the ultimate solution. They are committed to that whenever they are available. If they move forward before the services are available, interim services will be provided.

Ms. Bonifay said they have some proposed changes to the ordinance, but she will address those at rebuttal or another appropriate time.

Regarding the new Wekiva Comprehensive Plan amendment that was referenced earlier, Erin Hartigan, Assistant County Attorney, said that is the subject of a petition for an administrative hearing that was recently filed; it is under appeal. Therefore, it should not be considered at this time.

Betty Ann Christian said she has lived in Sorrento for over 40 years. She felt it was time that Sorrento had something that will move the community forward.

Steve Jennelle, who lives outside of Eustis, encouraged the Board to support this proposal. Regarding the transportation issue, he said staff has indicated that this project would cause a significant impact on the SR 46/CR 437 intersection yet that same staff said the new elementary school would have no impact on that same intersection. A lot of traffic would be local. When Chairman Bryan asked if Mr. Jennelle would use such a facility, Mr. Jennelle said he would certainly consider it.

Although she lives outside of Eustis, Pam Jennelle said she works in Sorrento. She felt Village Commons would make Sorrento a better community and asked for the Board’s support of this project.

| | | | |
|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 5 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

Pete Stadler said he has lived in Sorrento for 30 years; the project is one mile from his home. Several of their local businesses have closed. This project would bring jobs to the community. He supported this proposal.

Peggy Belflower, who lives in unincorporated Lake County, said they have a vibrant grocery store in Mount Plymouth; she shops there now and will continue to shop there. She submitted the original site plan as Opposition Exhibit A and the old and new site plan as Opposition Exhibit B. She distributed copies of the exhibits to the Zoning Board members. She noted that the same number of stores in relatively the same square footage configuration is on the site plan that Mr. Fabrizio is willing to attach to the ordinance if it is approved. However, the new site plan shows about 110,000 square feet of retail space, not the 50,000 square feet he is asking for. She asked this Board to accept the staff recommendation of denial of this application. In response to Chairman Bryan, Ms. Belflower said that just as Mr. Morris was concerned about the number of buildings and square footage, she is also concerned. She feels Mr. Fabrizio may be coming back for an additional 60,000 square feet as shown on the site plan. When it was discussed earlier, Mr. Fabrizio did not deny that.

William Morris said he has lived in the area for five years. He said the prospect of nearby grocery shopping was exciting to him and his wife. He also liked the employment opportunities for young people that would occur with this project. The vibrant grocery store that Ms. Belflower spoke of is really a corner grocery store. A promised expansion of that grocery store was promised a year ago but has not taken place. He asked the Board to recommend approval of this project. In response to Mr. Emery, Mr. Williams said he has not testified on this project in the past. Mr. Emery was informed by Mr. Williams that he does not shop at the new drugstore located to the north of the subject parcel. He currently does his grocery shopping in Mount Dora or Sanford.

Susan Brooks said she has lived in Mount Plymouth for 23 years. She currently does her grocery shopping at the local grocery store and probably will continue to shop at that store even if this project comes to the area. However, she felt there were good reasons for the development of Village Commons. This community is in decline and has been for many years. This project will provide a place for their residents to shop and to gather for community events. As far as traffic, the 429 will soon be a reality; and the through traffic will be off SR 46. She felt diversity would bring people to Lake County and keep the tax revenues here.

Nakul Patel, owner of the local IGA grocery store, said he has been waiting to do a major renovation of the store because of this project. If this project is approved, he may not expand. People love this community because of the country setting; that is why they move to this area. This project will change the lifestyle of the community and devastate small businesses. He spoke of a market study he had done. The center may create jobs but will also take jobs away.

Chairman Bryan stated that if Mr. Patel’s demographics are correct, there will not be an anchor grocery store in Village Commons. That will be based on market demand. He felt a Public on SR 46 would be unlikely.

Tim Bailey said he is a lifelong resident of Florida and a resident of Sorrento. He noted organizations of which he was a part. He said it has been tragic to watch this community go down. He asked this Board to consider seriously what the community has worked on over the last nine years with the framework study regarding the components of Main Street. What is being proposed is the keystone in achieving that.

Dave Croson said he is a resident, a business owner, and property owner in Sorrento. He said this is exactly the kind of development that is needed for the community. There are no job opportunities in

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|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 6 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

the area. He urged the Board to support this request.

Nancy Moore, who has lived in northwest Orange County for over 30 years, said that section of Orange County is working very hard to maintain its rural character. However, she felt retail development is needed and would be appropriate on SR 46.

Ms. Bonifay said that in the professional opinion of their planners and consultants, this project is consistent with the Comprehensive Plan. They have met with Public Works, and this project is at an appropriate intersection. They will continue through the process to do whatever is required in terms of concurrency management. The utilities have been addressed. They will work with staff between now and the Board of County Commissioners (BCC) public hearing to make any necessary changes. As evidenced by the people who spoke today, there is a need for this type of development.

When Mr. Morris asked if the outcome of the Wekiva Comprehensive Plan amendment under appeal could change the staff recommendation of denial to approval based on the testimony heard today, Mr. Hartenstein said it would depend on how those Wekiva policies applied to that particular area that is outside the Wekiva. He has not looked at the plan at this time.

Mr. Morris also asked if the realignment of CR 437 would be moved up if this project is approved. Mr. Sheahan explained that improvements to roadways are put into the County's Capital Improvement Plan. He discussed the basic information regarding this plan and proportionate sharing. He stated that the necessary road improvements would not be made until all the funds were accumulated. In response to Chairman Bryan, Mr. Sheahan said the BCC is not required to accept a proportionate share agreement.

Ross Pluta, Engineer III, Engineering Division, said the realignment of CR 437 is development driven. Public Works must secure right-of-way from Mr. Fabrizio. If other development comes, then it will be possible to finalize the realignment. If this property were to be approved and developed, Chairman Bryan asked if that would facilitate the extension of CR 437. Mr. Pluta said it would help it to move up the list. Chairman Bryan was informed by Mr. Pluta that the County does support this realignment. Chairman Bryan commented that all the property that the alignment is shown to be going through is vacant. If this project is approved and constructed and it did cause other intersections to fail, Chairman Bryan confirmed that the developer would be responsible for the proportionate share of those improvements as well.

Mr. Emery confirmed with Mr. Pluta that under the County's current transportation plan, this road realignment is unfunded. Mr. Pluta explained that it is not in the five-year plan. The cost of the realignment is so great that the County cannot afford it if the County must buy the entire right-of-way. In response to Mr. Emery, Mr. Pluta said there are no plans to improve SR 46 anytime soon. Any improvements to this State road are associated with the Wekiva Parkway, not with the County.

Chairman Bryan commented that this has been a highly scrutinized piece of property over the past few years. In reviewing the staff report, it appears that the primary reason for not meeting the Comprehensive Plan is the 50,000 square foot figure. He reiterated that he has never agreed with that number because it is an arbitrary number put in place. This project is supported by many in the community. It will help facilitate some necessary road improvements. He felt it was good for the community, and he supported it.

Scott Blankenship said he supported this request the last time it came before this Board when it was on a larger scale. The project is economy driven; there is already a demand for these services. He will support it again this time.

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|----------------------|--|--------------------|----------|
| CASE NO.: | PH#09-09-4 | AGENDA NO.: | 6 |
| OWNER: | Sorrento Commons, LLC | PAGE NO.: | 7 |
| APPLICANT: | Chris Roper, Akerman-Senterfitt | | |
| PROJECT NAME: | The Village Commons | | |

James Gardner said he will also support this request. Fifty thousand square feet does not bother him.

In response to Mr. Emery, Ms. Marsh said it is her understanding that the Wekiva amendments are under appeal. Ms. Hartigan said Department of Community Affairs (DCA) recommended that it should be dismissed, but the appeal timeframe for that has not passed yet. If the appellant doesn't challenge that, the Wekiva amendments would go into effect. However, staff cannot base their decisions on that now because if they did that now, it was appealed, and the County lost, there would be developments out there based on a Comprehensive Plan provision that was not approved. County staff must base their recommendations on the current Comprehensive Plan. September 17 is when the final appeal time will run out. If nothing is done by that time by the appellant, the amendments would become final.

Even with the Wekiva policies that are under appeal, Mr. Hartenstein said the adopted future land use map still has the Neighborhood Activity Center overlay; the policies require compliance with the Neighborhood Activity Center requirements.

Since the BCC rezoning public hearing will be after the September 17 appeal date, Chairman Bryan asked if they will be reviewing this under a different set of rules. If it is not appealed further, Ms. Marsh said staff will look at that before it goes before the BCC to determine if it will change the recommendation.

When Mr. Emery asked if there have been any developers who have spoken to staff about removing the red dots from the future land use map, Mr. Hartenstein said that would require a future land use amendment. In response to Mr. Emery, Mr. Hartenstein said Hunter Avenue is currently a local road. However, if Hunter Avenue becomes part of the realignment of CR 437 and is developed as the southern extension of CR 437, then it would be reclassified as a collector. Chairman Bryan confirmed with Mr. Hartenstein that Public Works is requiring dedication of right-of-way as if Hunter Avenue were a collector.

Larry Metz said he also supports this petition. He felt the interpretation of the gross square footage allowed does not meet the common sense test. This allows the first developer to take all of the square footage and then prevents others from even trying to develop. He did not agree with that analysis. As far as the transportation issues, he said he had no reason to believe that the deferral of transportation concurrency satisfaction is abnormal or inappropriate. It will be scrutinized greatly to make sure the levels of service are met in order to go forward. He concluded that he did not feel the staff recommendation is supportable, given these requirements. He felt the square footage allotment determination has to be within the parcel.

MOTION by Scott Blankenship, SECONDED by James Gardner to recommend approval of PH#09-09-4 to amend CP Ordinance#20-88 on 17.71 acres to permit C-1 and limited C-2 uses to allow five commercial buildings totaling 50,000 square feet.

FOR: Morris, Blankenship, Gardner, Bryan, Metz

AGAINST: Emery

NOT PRESENT: Wells

MOTION CARRIED: 5-1

There was a five-minute recess.

CASE NO.: PH#70-08-5

AGENDA NO.: 3

OWNER: Steven B. DeLuca
APPLICANT: Fred Morrison, P.A./McLin & Burnsed
PROJECT NAME: All Star Sports Camp

Rick Hartenstein, AICP, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. He noted that the Board of County Commissioners (BCC) recently adopted some changes in the Land Development Regulations (LDRs) that permit agricultural uses within the Community Facilities District (CFD). He showed a map of the surrounding area from the staff report. Most of the area surrounding the subject property is the Ocala National Forest. He showed a map of the compound area with the sports activity facility as well as the pastureland and ranch. He also raises cattle and breeds deer. Staff recommended approval of this request.

Fred Morrison was present to represent this application. He explained that Mr. DeLuca bought this property that had historically been utilized for a number of purposes. It was a hunting camp, a cattle ranch operation, and a nursery at one time. Mr. DeLuca has continued raising cattle and taking part in a breeding program for deer. He has also developed a sophisticated sports camp on the site. He hired someone he thought was a licensed contractor, who was not licensed and did not obtain the necessary permits. When this came to light, Mr. DeLuca held a number of meetings at the site and in the County Administration Building with staff to determine what needed to be done. All of the life safety issues have been addressed. The BCC has voted to allow him to continue to operate while he went through this process. Code Enforcement Special Master heard the case and entered an order directing him to file a zoning application within a specific time period, which he did. Since then they have been working with staff in trying to develop a site plan. There is evaluative and possibly corrective work that needs to be done if the rezoning is granted. The rezoning process is the first step. Mr. DeLuca is committed to resolving any remaining Code violations at the appropriate time. Mr. DeLuca also provides significant public service to the community.

Steve DeLuca said he bought the facility in 1998. He said they have several operations that they consider public service. He spoke of the activities on the site and how they help students in the area such as working with the high schools and providing scholarships.

Timothy Morris was informed by Mr. DeLuca that there is one building on the site, which can sleep up to 60 people. Since he bought the property, Mr. DeLuca said he has had a net loss of buildings and a net gain in gross square footage. He lives on the property. In response to Mr. Morris, Mr. DeLuca said he does not have a residence or own property in Volusia County.

When Egor Emery asked how many trips are generated daily, Mr. DeLuca said he did not know. They have been operational for three years. They maintain the road with their grader. They have met with County staff and have agreed to put an apron in at CR 42. They have a good relationship with the Fire Department.

Mr. Morris noted that this facility pays \$27,000 in ad valorem taxes.

Shirley Smith was present on behalf of parents and athletes who could not be at this public hearing. She spoke of the facility and what it is doing for the students. She said the students are learning sports while also learning discipline and respect. Some of these athletes would not be able to participate if it was not for the scholarships offered by Mr. DeLuca.

Tanya Smith said this a state-of-the-art facility. No child is left behind at this facility; all are welcome. This is the kind of facility that Lake County should not only embrace but be proud that it is in Lake County.

Mr. Morrison requested that this Board forwarded a recommendation of approval to the BCC.

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|----------------------|--|--------------------|----------|
| CASE NO.: | PH#70-08-5 | AGENDA NO.: | 3 |
| OWNER: | Steven B. DeLuca | PAGE NO.: | 2 |
| APPLICANT: | Fred Morrison, P.A./McLin & Burnsed | | |
| PROJECT NAME: | All Star Sports Camp | | |

MOTION by Timothy Morris, **SECONDED** by Scott Blankenship to recommend approval of CFD zoning to permit a sports camp/athletic training facility (private club) and agricultural uses in PH#70-08-5.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Metz

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

CASE NO.: CUP#09/9/2-1

AGENDA NO.: 5

OWNER: Lee Hess, Inc. (K. Owii)
APPLICANT: George Mansour
PROJECT NAME: Auto Pass LLC

Steve Greene, AICP, Chief Planner, showed the aerial from the staff report on the monitor.

Grant Renne of Engineered Permits was present to represent the property owner, Tony Owii, and the business owner, George Mansour. Mr. Renne said he was worked closely with staff, and Mr. Greene has indicated that they may be able to do a Type 2 site plan to finalize this project.

Egor Emery said he tries to prevent future problems, and one problem common in Lake County is many enclave lands. This parcel is surrounded on three sides by the City of Leesburg; it is currently not served by the City of Leesburg. He felt this parcel should be in the City of Leesburg and served by the City of Leesburg so it is no longer on septic. He said he did not know if he has the mechanism to compel that, but that is his problem with the parcel and why he opposes it.

Mr. Renne said he has had lengthy conversations with City and County staff as well as the Lake County Health Department. This parcel has gone through the annexation process with the City. Toward the end of the process, the City staff informed Mr. Mansour that they would not support the used car use moving forward. The application was withdrawn after discussions with the City Manager. There would be no more used car lots in the City.

Chairman Bryan referred to an e-mail from Bill Wiley, Director of Community Development, City of Leesburg, in the staff report indicating that the project will be required to connect to City sewer. In his professional opinion, Mr. Renne said that is not correct and contrary to State law. It is not their intent to connect to sewer. He discussed the Florida Statute regarding availability of sewer facilities. There will be two bathrooms on the site. He said there is no gravity sewer available within 600 feet of this property. Chairman Bryan said that the use of septic on this parcel is not a concern for him. Mr. Renne said there was a convenience store on this site for 20 years with no septic problems. When Timothy Morris asked if the gas tanks were removed, Mr. Renne said they were.

In response to Mr. Morris regarding police protection, Brian Sheahan, AICP, Planning Director, said Lake County has interlocal service agreements with most of the jurisdictions.

Mr. Sheahan said the issue raised by Mr. Emery is a significant issue. One of the measures to correct that was the development of the interlocal service boundary agreement, which the County is pursuing in some jurisdictions. Hopefully that will alleviate some of those issues in the future.

Mr. Renne said they would be happy to sign a voluntary annexation agreement if the City annexes the subject property as is and with the use as is.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of CUP#09/9/2-1 in the C-2 zoning district to allow vehicular sales and vehicular rentals.

FOR: Morris, Blankenship, Gardner, Bryan, Metz

AGAINST: Emery

NOT PRESENT: Wells

MOTION CARRIED: 5-1

Adjournment

There being no further business, the meeting was adjourned at 11:36 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman