

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
September 2, 2015

The Lake County Planning and Zoning Board met on Wednesday, September 2, 2015 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, September 29, 2015 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Paul Bryan, Chairman	District 5
Kathryn McKeeby, Secretary	District 1
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Michael Mazzeo	At-Large Representative
Debbie Stivender	School Board Representative

Members Not Present:

Laura Jones Smith	District 2
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Chris Schmidt, Manager, Planning & Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Tim McClendon, Chief Planner, Division of Planning & Community Design
Rick Hartenstein, AICP, Senior Planner, Division of Planning & Community Design
Donna Bohrer, Office Associate, Planning & Community Design Division
Erin Hartigan, Assistant County Attorney
Victoria Bartley, Deputy Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and Mr. Tim Morris gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

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Tab 1	RZ-15-11-5	Stills & Navarre Property Rezoning
Tab 2	RZ-15-17-3	Midway Baptist Church Rezoning
Tab 3	RZ-15-18-5	Loves Landing PUD

Other Business

Adjournment

AGENDA UPDATES

Mr. Bryan related that Tab 3, RZ-15-18-5, would be pulled for discussion, as they had received several speaker cards from the audience for it.

Mr. Greene reported that Commr. Cadwell would be giving a presentation on the Infrastructure Sales Tax.

MINUTES

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the Minutes of July 29, 2015 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, McKeeby, Morris, Gonzalez, Mazzeo, Stivender

AGAINST: None

MOTION CARRIED: 6-0

INFRASTRUCTURE SALES TAX PRESENTATION

Commr. Welton Cadwell gave a presentation on the history of the Infrastructure Sales Tax. He explained that the Infrastructure Sales Tax, also called the Penny Sales Tax or One-Cent Surtax, was first established in Lake County in 1988 for a term of 15 years, and allows for an extra penny to be added to the state's existing 6 cent tax on most purchases. He reported that it had been renewed by the voters during a special election on Nov. 6, 2001, and is set to expire Dec. 31, 2017. He detailed that an ordinance was approved by the Board of County Commissioners on June 9, 2015 that authorizes the extension of the Infrastructure Sales Tax pursuant to state law, authorizes a special election on November 3, 2015, and defines the duration, which will be for 15 years, from January 1, 2018 to December 31, 2032. He specified that the ordinance states that the revenues will be distributed evenly among the Lake County Board of County Commissioners, the Lake County School Board, and the municipalities and stipulates the creation of a citizen committee to monitor expenditures of sales tax proceeds, or the Sales Surtax Oversight Committee. He recounted that via the ordinance, there are 6 categories for eligible projects, which are law enforcement; fire/EMS vehicles and equipment; Construction, reconstruction, or remodeling of school facilities; Parks, trails, recreation, and libraries; roads, sidewalks and transportation; water quality; utilities and drainage improvements; and other public infrastructure. He remarked that the Infrastructure Sales Tax can only be used to support capital projects and infrastructure or equipment with a life-span of greater than 5 years, but cannot be used for operations and maintenance. He commented that some examples of allowable use included things such as new park equipment, resurfacing of roads, building sidewalks or purchase of ambulances and public safety vehicles.

Commr. Cadwell reported that the use of the Infrastructure Sales Tax is reviewed by a volunteer committee known as the Sales Surtax Oversight Advisory Committee that has nine members comprised of six citizens and three constitutional officers or their designees. He relayed that the committee meets at a minimum of bi-annually to review the expenditures to ensure they are complying with the ordinance and state law and reports their findings bi-annually to the Board of County Commissioners at a public meeting. He relayed that the county had completed numerous road, park, and facility capital projects over the past 13 years using funds generated by the Infrastructure Sales Tax, such as the South Lake Trail, the North Lake Community Park, the Minneola Athletic Complex, and the North Hancock Road Extension. He related that some examples of construction, renovation, and remodeling projects completed by Lake County Schools include Eustis High School, Leesburg High School, Mount Dora High School, South Lake High School, Tavares High School, Umatilla High School, and Eustis Heights Elementary School. He gave some examples of projects completed in the cities, using funds generated through the Infrastructure Sales Tax, such as the City of Minneola's Wastewater Treatment Plant, the City of Astatula's construction of a new Town Hall, and the City of Leesburg's Leesburg Library, Public Works Facility, and Canal Street Project.

Commr. Cadwell reported that, if extended, the Penny Sales Tax revenue for the County in the first five years is projected to be \$74 million. He detailed that the potential uses for that

revenue in the first 5 years are categorized into the 4 groups of Public Safety, Quality of Life, Public Works, and Other Public Infrastructure. He explained that some of the projects the County could undertake within these guidelines included the replacement of Sheriff, EMS and Fire vehicles and equipment; enhancements of parks, trails, and libraries; and repairs and improvements to infrastructure. He gave examples of other potential projects that the School District could complete, such as the construction of a new kindergarten through eighth grade school or funding technology, infrastructure, and facility renovations such as HVAC, re-roof, painting, flooring, and plumbing at numerous schools. He noted that potential projects for Lake County cities to complete included Public Safety facilities for Tavares, Minneola, and Leesburg and downtown infrastructure, gateway, streetscape improvements for Mount Dora and Clermont.

Commr. Cadwell stated that voters will be asked if they wish to extend the Infrastructure Sales Tax for an additional 15 years on the November 3, 2015 ballot. He displayed on the monitor an example of how the ballot will appear in the election. He recounted that the absentee ballots will go out in September and early voting will take place from October 19 to October 31.

Mr. Morris inquired which of the 6 categories would higher education fall under.

Commr. Cadwell related that higher education was not included under the categories at this time due to a lack of inquiries, but it could be added. He pointed out that the School Board may also be looking into this.

Mr. Morris asked how the tax might be removed if the residents become unsatisfied with it sometime in the future.

Commr. Cadwell reported that he was unsure of the specifics, but more than likely an ordinance would be created to repeal tax. He asserted that he would ask the County Attorney to send Mr. Morris and Ms. Hartigan the specific details of the process.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
Tab 1	RZ-15-11-5	Stills & Navarre Property Rezoning
Tab 2	RZ-15-17-3	Midway Baptist Church Rezoning

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda which includes Tabs 1 and 2.

FOR: Bryan, McKeeby, Morris, Gonzalez, Mazzeo, Stivender

AGAINST: None

MOTION CARRIED: **6-0**

REGULAR AGENDA

Tab 3 RZ-15-18-5 Loves Landing PUD

Tab 3 - RZ-15-18-5 - LOVES' LANDING PUD

Mr. Rick Hartenstein, Senior Planner, presented case RZ-15-18-5, Loves' Landing PUD, and explained that the applicant Mr. John H. Love was requesting to rezone property from Ranchette (RA) and Estate Residential (R-2) to Planned Unit Development (PUD) for single family residential development in accordance with Special Master Settlement Agreement (SM-02-14). He related that in 1982, the BCC approved a Conditional Use Permit for a private airstrip facility and amended the permit in 1991 for development of a 20 unit residential aviation community. He relayed that the developer platted 9 of the 20 lots and that plat was recorded in 1993. He stated that the owner applied for a preliminary plat to complete the development of the remaining 11 lots approved under the conditional use permit. He disclosed that during the review of the application, the County issued a response letter stating that the preliminary plat was inconsistent with the rural future land use category's maximum density allowance of 1 dwelling unit to 5 net acres and would not be able to approve the application. He recounted that in 2014, the owners had filed a request for a Special Master's Hearing, stating that the impact of Lake County's development order denial was preventing the owners from completing the Love's Landing development as approved by the County under the CUP. He related that in early 2015, the Board approved the settlement agreement SM-02-14 granting the owners' permission to move forward with the development as described in the proposed ordinance. He displayed the conceptual plan on the monitor. He concluded that staff recommended approval of the PUD as presented.

Mr. Morris inquired if the runway would be staying.

Mr. Hartenstein replied that it would, as it is an aviation community.

Mr. Bryan clarified that the request was only for platting the additional 11 lots and that it was based on a settlement agreement. He asked if that had any additional bearing on the way the case should be viewed.

Ms. Hartigan answered that no it did not and that it should be considered like any other PUD, as the only reason the request is coming through this Board is because the applicant was required to rezone the property as a part of that settlement agreement.

Mr. Love requested to reserve his rebuttal.

The Chairman opened the public hearing.

Mr. Byron Covey, a resident of Love's Landing, pointed out that it was impossible to ensure that all contractors comply with the rules and regulations of a facility. He reported that there was a safety issue connected to the request for new construction, such as an instance of a collision between service vehicle and airplane that occurred 3 years ago. He asserted that what has been described as roads in the complex are actually taxi lanes for airplanes, which are not easily able to avoid collisions with unauthorized vehicles that may inadvertently cross their landing paths. He relayed that another concern was of possible damage to the taxi ways themselves, which will lead to repaving. He stated that he would support the rezoning request if there were criteria for a separate construction entrance for construction vehicles to keep them off the existing taxi and runways.

Mr. Morris clarified that Mr. Love was responsible for maintaining the taxi and runways.

Mr. Covey relayed that residents of Love's Landing have dues and fees that are put toward the maintenance of the facilities.

Mr. Ray Brown, a resident of Love's Landing, echoed the concern for safety and road conditions, and agreed that construction vehicles should be restricted to enter through the north gate. He asserted that he would like to have the access agreement in writing, as a part of the PUD. He inquired if there was an organization that protected trees that he might contact, as there were several in the residential area that he was concerned about.

Mr. Hartenstein that the County currently has a tree ordinance in effect that regulate tree removal.

Ms. Stivender inquired if the FAA had been involved with the accident that was mentioned.

Mr. Brown explained that this had been classified as an "incident", rather than an "accident" since there had been no injuries, and the FAA does not investigate incidents.

Mr. Charles Mosely, President of the Love's Landing Home Owner's Association and member of the Love's Landing Architectural Review Committee, revealed that the developer had presented his proposals to the members of the architectural review committee and they had supported the proposal except for the adamant suggestions concerning the access road for heavy equipment and construction off of Haywood Grove Rd. from west to east so that residents would have access to the property on the opposite side of the runway. He reported that the primary concern was safety and the wear and tear on the existing runways.

Ms. Judie Betz, resident of Love's Landing, voiced her concern on how residents would to get to the proposed houses if the taxiways were in between the houses and the main entrance, which are not safe to cross.

Mr. Bryan inquired if Mr. Love was willing to commit to the construction entrance in the north.

Mr. John Love, applicant, replied that he would and that he owned land that abuts this property along the north boundary out to Haywood Grove Road which is paved and will commit to stabilizing the unpaved section.

Mr. Hartenstein explained that this stipulation was not in the ordinance at this time as they did not know that it was a concern, but can be added as a "B" clause on page 2 after line 25.

Mr. Love asserted that this was agreeable, but pointed out that if workers do use the wrong entrance, they would be using Kitty Hawk Drive which is a part of the PUD and so will need to be protected from damage as well.

Mr. Bryan asked for Mr. Love's input on the safety issues and taxi way condition.

Mr. Love relayed that Love's Landing met all FAA requirements and is a properly registered airport. He acknowledged that vehicles coming from the south would be near a runway, but there is a displaced threshold where any incoming aircraft is required to touch down 300 feet to the north to give at least a 15 foot clearance above the ground. He reported that the mentioned incident occurred when a taxiing plane hit a parked trailer with a wing tip. He pointed out that there was a replacement requirement for trees that are cut down. He explained that access to the houses on west side would be the same as on east side, using the taxi road.

Ms. Stivender indicated that the access off of Haywood Grove Road was a cul de sac.

Mr. Hartenstein related that this was an easement for construction equipment only and had no bearing on an actual physical road. He remarked that it will be the developer's responsibility to ensure that his contractors know where they need to enter. He informed the Board that this would be included in the PUD

Ms. Stivender relayed that if the contractors do not adhere to this, residents would be able to call code enforcement.

Mr. Gonzales asserted that this is a gated community, so if the gate is kept closed, it should alleviate some of these concerns.

Mr. Covey reported that the current rules require that all construction vehicles come through the north gate, but the real concern is when they cross the east to west runway, as they frequently do not stop. He disclosed that the incident that occurred happened when a service driver panicked when he saw a landing plane and turned the wrong direction, but was hit because the airplane did not see the truck.

The Chairman closed the public hearing.

Ms. Stivender recommended that they be very descriptive in the PUD when referencing the north entrance and Haywood Grove Rd.

Mr. Hartenstein relayed that as part of the road is a part of Marion County, they have no control over what happens there.

Mr. Bryan clarified that the roads, taxi way, and airports are all privately owned and the County had no control over what the construction workers may do, as it is a civil matter.

Mr. Hartenstein read the proposed new addition to the ordinance language as follows “the construction entrance shall be from Haywood Grove only. No unauthorized vehicle access to the north-south runway.”

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to APPROVE Tab 3, RZ-15-18-5, the request for Loves’ Landing PUD with amendment as stated.

FOR: Bryan, McKeeby, Morris, Gonzalez, Mazzeo, Stivender

AGAINST: None

MOTION CARRIED: 6-0

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:51 a.m.

Respectfully submitted,

Victoria Bartley
Clerk, Board Support

Paul Bryan
Chairman