

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
September 4, 2013

The Lake County Planning and Zoning Board met on Wednesday, September 4, 2013 in County Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning and Land Development Regulation amendments.

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 24, 2013 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby	District 1
Ted DeWitt	District 2
Timothy Morris	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Debbie Stivender	School Board Representative

Members Not Present:

Kasey Kesselring, Vice Chairman	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Amye King, AICP, Director, Growth Management Department
Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division
Melving Isaac, Planner, Planning & Community Design Division
Jennifer Cotch, Environmental Specialist, Planning & Community Design Division
Ross Pluta, P.E., Engineer III, Public Works
Donna Bohrer, Office Associate, Planning and Community Design Division
Erin Hartigan, Deputy County Attorney
Courtney Vincent, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:03 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and Ms. Debbie Stivender gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and stated that he would forego explanation of the procedure for hearing cases on the consent and regular agendas, since only staff and those who are already familiar with those procedures were present.

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<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
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Agenda Updates

Consideration of Minutes	August 7, 2013	
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CONSENT AGENDA

Tab 1	PH# 20-11-1	Hillcrest Memorial Gardens Rezoning (Moved to Regular Agenda)
Tab 2	PH# 16-13-5	Lake Warehouse & Storage Rezoning
Tab 3	CUP# 13/9/1-4	Cheryl's Doggie Day Spa Conditional Use Permit
Tab 4	PH# 15-13-5	Camp Boggy Creek Community Facility District Amendment
Tab 5	PH# 17-13-4	Bailey Planning Unit Development Amendment

REGULAR AGENDA

Tab 6	PH# 13-13-4	Sanders/Duke Energy Rezoning (Postponed Indefinitely)
Tab 7	CUP# 17/7/1-1A	Revolution Driving Experience Conditional Use Permit Amendment

Other Business**Adjournment**

MINUTES

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the August 7, 2013 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: DeWitt, Bryan, Stivender, Gonzalez, McKeeby

AGAINST: None

ABSENT: Morris

MOTION CARRIED: 5-0

AGENDA UPDATES

Mr. Brian Sheahan, Planning Manager for the Planning and Community Design Division, stated that a request for a 30-day continuance had been received from the applicant for Tab 6, PH# 13-13-4 for the Sanders/Duke Energy Rezoning Case. He stated that staff's recommendation was to grant the continuance indefinitely because the applicant was under negotiations with the property owner, and because there was no indication how long the negotiations would take, staff wanted to ensure that the public was properly noticed when the case continued. He also stated that a minor change had been made to Tab 5, PH# 17-13-4, Bailey Planning Unit Development Amendment. He remarked that an amendment had been distributed to the board members earlier and had to do with the gated community provision within the ordinance. He explained that the applicant had requested some additional language and staff was in support of the change and the item could remain on the consent agenda. He also mentioned that staff had received opposition regarding Tab 1, PH# 20-11-1, Hillcrest Memorial Gardens Rezoning, and that case would need to be moved to the regular agenda.

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to APPROVE granting an indefinite continuance for Tab 6, PH# 13-13-4 for the Sanders/Due Energy Rezoning Case.

FOR: DeWitt, Gonzalez, Bryan, Stivender, McKeeby

AGAINST: None

ABSENT: Morris

MOTION CARRIED: 5-0

CONSENT AGENDA

Tab 2	PH# 16-13-5	Lake Warehouse & Storage Rezoning
Tab 3	CUP# 13/9/1-4	Cheryl's Doggie Day Spa Conditional Use Permit
Tab 4	PH# 15-13-5	Camp Boggy Creek Community Facility District Amendment

Tab 5 PH# 17-13-4 Bailey Planning Unit Development Amendment

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to APPROVE Consent Agenda consisting of Tabs 2, 3, 4 and 5, and including the amendment to Tab 5.

FOR: McKeeby, DeWitt, Bryan, Stivender, Gonzalez

AGAINST: None

ABSENT: Morris

MOTION CARRIED: 5-0

REGULAR AGENDA

Mr. Sheahan illustrated on the overhead monitor that all of the cases on the Agenda were properly advertised.

CASE NO. PH# 20-11-1 TAB NO. 1

OWNER: Hillcrest Memorial Gardens
APPLICANT: Jim Semesco
PROJECT NAME: Hillcrest Memorial Gardens Rezoning

Mr. Melving Isaac, Planner, Planning and Community Design Division, presented Case No. PH# 20-11-1, Hillcrest Memorial Gardens. He stated that the property, which consisted of approximately 26 acres, was located in the Leesburg area southwest of the CR 25A and Owens Road intersection. He explained that the applicant was requesting to amend the Community Facility District (CFD) Zoning District to add the use of a crematory, and the proposed ordinance would replace existing Ordinance No. 2008-3 and CUP# 450-2 if approved. He noted that the property contained an existing cemetery with an office building, maintenance barn, and sanctuary mausoleum complex buildings. He displayed the proposed site plan and pointed out that the proposed crematory building, measuring 30 feet by 60 feet, would be located adjacent to Owens Road with a minimum of a 50 foot setback from the road. He mentioned that there were two residences located north of Owens Road. He reported that that provisions have been included in the proposed ordinance to ensure emissions generated from crematory comply with the Florida Administrative Code, Rule 62-296.401, and in addition, crematory pollution control equipment shall be provided and comply with requirements of the Florida Department of Environmental Protection (FDEP). He stated that the proposed ordinance was consistent with the County's Comprehensive Plan and Land Development Regulations (LDR), and staff recommended approval.

Mr. Grant Watson, an attorney with Watson Law Firm in Mount Dora representing the applicant, stated that the property operated as a cemetery providing end of life services for the community for over 50 years. He explained that the applicant was requesting the addition of the crematory to the property because of the growing demand for cremation services coupled with the limited resources for those services within the County. He noted that the crematory was consistent with the existing use of the property and opined that staff's comments and recommendations adequately addressed any issues that might arise, including any environmental concerns regarding emissions.

Mr. Bryan asked what the typical hours of operation would be for the crematory.

Mr. Jim Semesco, the Applicant, replied that the typical hours would be approximately between 7:00 a.m. and 5:00 p.m. to accommodate staffing requirements and there were no plans for nighttime use of the facility.

Mr. Bryan asked if it was necessary for logistical purposes for the crematory to be located on site and what the anticipated volume of service would be.

Mr. Semesco replied that crematories could be located anywhere, mentioning one located on Main Street in Leesburg, and he estimated that his crematory would service between 400 and 500 cremations annually.

The Chairman opened the floor for public comment.

Mr. Randall Colley, a resident adjacent to Hillcrest Memorial Gardens, stated that he had lived in his home for the last 30 years. He estimated that the crematory would be about 60 feet from the edge of his property and around 100 yards away from his home. He expressed concern because of his lack of information concerning the crematory as well as the environmental impacts of the emissions from the facility. He expressed concern that any emissions such as smoke would reach his property and that the facility would negatively impact the local ecology. He asked why the crematory could not be located at the far end of the property or next to the office on the site as opposed to locating it so close to residences. He also asked if there would be any odor from the cremation process and how the remains not claimed by the families would be disposed of. He stated that he did not want the crematory to be located so close to his home and he added that his sister, who lived in the house next to his, also shared this opinion but she had not been able to attend the meeting today.

Mr. Watson stated that he did not believe there would be any environmental impacts from the crematory, and any emissions would be strictly regulated by the EPA and FDEP. He explained that the reason the crematory was being placed so close to the road instead of the back of the property was because of the proximity to the necessary utilities that would allow for better access and operations of the facility. He also specified that the cremation process took place at such high temperatures that no smoke would be emitted.

Mr. Bryan asked if the facility was smoke-free and if it generated a lot of noise.

Mr. Semesco replied that the facility was fully enclosed in the building and the emissions consisted of heat, not smoke. He stressed that if a crematory was working properly then there should be no smoke.

Mr. Bryan asked why the facility could not be located off of CR 25A.

Mr. Semesco replied that they did not want the crematory up front; they wanted it hidden in the back because they wanted to make it as discrete as possible.

Mr. Gonzalez asked if the site plan included a heavily wooded buffer between the crematory and neighboring properties.

Mr. Semesco replied that there were no plans to remove any existing trees along the road. He also noted that the proposed location for the crematory was ideal because that space was already a maintenance area.

Mr. Bryan asked if the facility included a smoke stack.

Mr. Semesco replied that the facility had a small smoke stack that was not off the roof, and he estimated that it would stand no more than eight or nine feet high.

The Chairman closed the public hearing and reserved comment to the Board.

Ms. Stivender asked what the buffering requirements were.

Mr. Isaac replied that the applicant was required to provide a Type-A buffer along Owens Road as well as provide 40 percent of plants and landscaping around the building. He added that the applicant would also need to conduct a noise study with the site plan application.

Ms. Stivender suggested that the proposed ordinance be amended to specify that the applicant be required to maintain the trees already existing along Owens Road to serve as a buffer. She then asked for clarification on the 25 spaces of off-street parking.

Mr. Isaac explained that the 25 parking spaces mentioned were part of the original CUP ordinance and those spaces were transferred to the proposed ordinance. He specified that the proposed ordinance was similar to the original ordinance with the exception of the addition of the crematory.

Mr. Tim Morris, board member, arrived at 9:30 a.m.

MOTION by Rick Gonzales, SECONDED by Debbie Stivender to APPROVE Rezoning Case PH# 20-11-1, Hillcrest Memorial Garden, and to amend the ordinance to provide that the existing buffer along Owens Road be maintained.

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

AGAINST: None

MOTION CARRIED: 6-0

CASE NO. CUP# 12/7/1-1A TAB NO. 7

OWNER: Kevin and Audrey Jowett

APPLICANT: Kevin Jowett

PROJECT NAME: Revolution Off-Road Driving Experience CUP Amendment

Ms. Jennifer Cotch, Environmental Specialist, Planning and Community Design Division, presented Case No. CUP# 12/7/1-1A, Revolution Off-Road Driving Experience Conditional Use Permit Amendment. She stated that the applicant was requesting to amend CUP Ordinance No. 2012-43 to increase the number of special events allowed per calendar year, extend the special event hours, and to add primitive camping as an allowed use. She reported that the 215 acre property was zoned

Agriculture in the Green Swamp Core Conservation Future Land Use Category and located east of SR 33 and north of CR 474. She noted that the only access to the property was through a private easement off of SR 33. She recapped that the applicant had obtained a CUP in November 2004 that granted a recreational facility for an off-road driving facility, and on June 26, 2012, the CUP was amended to allow various outdoor recreation uses and established conditions for special events such as limiting the number of events to no more than six per calendar year. She stated that the applicant was requesting an increase to eight special events per year due to the increased demand for special events in the area and that one event remaining a music festival, four events be allowed to exceed 2,000 people, and the remaining three events allow between 500 and 2,000 people. She specified that the existing conditions would be in effect, including the hours of operation, setbacks, and requirements for emergency personnel. She mentioned that there had been at least three large special events held on the property and two more are scheduled for later this year. She reported that the applicant had obtained an additional 20 acres since the approval of the current ordinance in order to use as overflow parking for special events and when this space was used for the last two events it greatly improved traffic delays off of SR 33 according to Sheriff's deputies and staff that were present. She added that the applicant was also requesting that the hours of operations for special events only be increased by two hours on Thursdays through Sundays, so that instead of operating from 7:00 a.m. to 7:00 p.m. they would be allowed to operate until 9:00 p.m. She noted that staff that had attended the last two events reported diminished attendance and traffic after 5:00 p.m. She mentioned that the applicant was also seeking to add primitive camping to the list of available uses. She explained that while the Comprehensive Plan and LDR did not have a definition for primitive camping, the use would fall under the definition of passive recreation which generally did not require a developed site and involved existing natural resources and minimal impacts to the area. She specified that passive recreation did not include the use of permanent showers, restrooms, or water station facilities, and the proposed ordinance would limit the number of tents to no more than 50 when in association with a special event and shall not extend beyond a 72-hour period. She added that the proposed ordinance would also define primitive camping as a camping unit site that was not accessible to vehicles and where no facilities would be provided for the comfort or convenience of the campers. She then noted that the proposed ordinance would also define a music festival as an outdoor musical entertainment event that was the principal event on the site, involved an assembly of more than 500 people, and operated for six hours or longer, and that music accessory to other special events shall not be considered a music festival. She stated that the proposed amendments to the CUP were consistent with the allowable uses in the Agricultural Zoning District, the Comprehensive Plan, the criteria for activities in the Green Swamp Core Conservation Future Land Use Category, and the LDR and staff recommended approval.

Ms. McKeeby asked what the site was currently using for restroom facilities.

Ms. Cotch replied that portable restrooms were used during special events and bottled water was used for hand washing. She mentioned that during everyday operations there was an office equipped with a septic system available for use.

Mr. Bryan asked how many events the applicant had held on the site since the initial ordinance was approved.

Ms. Cotch replied that there had been three special events held so far and she had not attended any of those events. She added that there was a special event scheduled for September and another scheduled for October.

Mr. Sheahan stated that he had attended one of the events, arriving just before lunch. He noted that he had spoken with the deputy directing traffic on site who mentioned that traffic had been backed

up for about 30 minutes, but the auxiliary parking on the additional 20 acre lot greatly alleviated the traffic congestion compared to prior events. He stated that he had stood on the easement at the entrance to the Jowett property while music was playing and he had only been able to hear the music faintly from that point. He mentioned that the stage had been turned to face east instead of west, helping to make a difference in the strength of the sound. He specified that the music was a combination of a band and a DJ, and the event was not classified as a music festival.

Mr. Bryan asked for Mr. Sheahan's impression of how disruptive the event had been.

Mr. Sheahan replied that there had been concerns about the noise from the event itself as well as security and noise related to the primitive camping. He stated that he did not visit the site overnight or the next day, but Mr. Tommy Carpenter, Emergency Management Director, was on site at various times, as well as other staff from Economic Growth and Tourism, and they had reported that the event was extremely well organized.

Mr. Bryan asked if there appeared to be a significant local economic impact from the special events.

Mr. Sheahan replied that it would be hard to determine the local economic impact. He stated that there had been a significant number of people on site and going to and from the site, and the local convenience store seemed to have increased business. He reported that he had been told that many of the attendees who stayed overnight were staying at facilities in Polk County.

Mr. Kevin Jowett, the Applicant and owner/operator of Revolution Off-Road Driving Experience, recapped that he had been asked to change his CUP in June 2012 by the County because the ordinance had been changed regarding the requirements for holding special events. He stated that he had been approved for a small number of events as trial before he was to come back and request a larger number. He remarked that his request was for four special events of over 2,000 attendees, noting that most of the demand for his property was for larger event, and he added that he was also requesting to formalize the camping and parking and to increase the event operating hours. He commented that there had not been any problems the one time there had been primitive camping on his property. He mentioned that there had been traffic problems for the first event held on his property and he had been told that he needed to rectify that issue, and he explained that the reason for the traffic backup was because admission was being collected at the entrance to the property. He reported that moving the admission further into the property as well as acquiring the additional 20 acres for use as overflow parking had helped to alleviate the traffic problems. He added that police officers were also present to control the traffic. He stated that four endurance races had been held since the first on August 27, 2011, with over 20,000 people total attending all of the events. He mentioned that there was an Incident Action Plan that had been created with the County for the large events that covered all possibilities to help ensure the safety and security of the attendees as well as the local community. He noted that, in regards to the request to extend special event hours, there had been only one event so far that had run until 9:00 p.m., and he explained that the reason for the request to extend the operating hours for special events was in anticipation of the needs of some future events and would not necessarily apply to every special event held. He reported that 97 percent of those at the special events were from outside of Lake County and their contribution to the local economy was massive, estimating an impact of \$500,000 for events over 500 people. He added that the special events also allowed him to expand his business, increasing the number of staff he hired and allowing him to hire sub-contractors for some of the work, and he mentioned that he had been approached by filmmakers wanting to use the property for advertisements. He stated that he had never had a complaint regarding amplified noise during an event, mentioning that he had a sound engineer go to the nearest neighbor to the property and the engineer had recorded the noise as ambient level noise.

The Chairman opened the floor for public comment.

Mr. Travis Ward, a resident of Clermont and neighbor to the subject property, addressed the Board in opposition to the CUP amendment. He remarked that he would not like to have a parking lot in front of his home during big events. He expressed his concern over the safety of people walking along the busy road after parking in the proposed overflow parking lot because that lot was about a mile away from the entrance to the event site. He stated that at the last event on the Jowett property the traffic had been backed up for miles on SR 33, which was another safety hazard. He suggested that a turn lane was needed off of SR 33 to turn into the Jowett property. He opined that the two additional events annually that were being requested were not necessary because Mr. Jowett could not handle the events currently being held, and that music should not be played for longer than six hours or else it should then be classified as a music festival. He stated that he had been raising deer and cattle last year to supplement his income but the events being held at the Jowett property had caused him to cease his efforts in raising deer because of the distress the noise was causing the animals. He added that the overflow parking area had ruined the value of his property. He requested that the CUP amendment be denied.

Mr. Gonzalez asked for clarification on Mr. Ward's statement that he no longer had deer because of the events held on the Jowett property.

He stated that it was because of the constant steady stream of noise and people from the events. He explained that the noise caused the deer to go crazy and sometimes crash into fences and break their necks.

Mr. John Moore, a resident of Clermont and neighbor to the subject property, addressed the Board in opposition to the CUP amendment. He stated that he lived on the property with Mr. Ward. He remarked that his main concern was the traffic, which he reported had not diminished as Mr. Jowett had stated because at the last event it had been backed up for about two miles on SR 33. He mentioned that he had talked to the convenience store mentioned earlier and had been told that the owner did not do a booming business; most of the people come in during events to use the restroom and nothing else. He added that the website for the Revolution Off-Road Driving Experience was promoting hotels located in neighboring counties and not Lake County. He opined that the overflow parking on the additional 20 acres did not have any impact on the traffic congestion because traffic was still backed up on SR 33. He stated that the 20 acres did not adjoin to the main Jowett property, and this forced people to walk across the right of way on Mr. Ward's property to get to the event.

Mr. Bryan asked if people walked along the road or Mr. Ward's property, and he asked if the property was fenced off.

Mr. Moore replied that people walked along the easement and that only a portion of the property was fenced partially on the east side along the right of way and on the north side where the cattle were. He then commented on the Applicant's request for primitive camping, opining that 50 tents was a lot of people and that those people could be coming and going at all hours of the night as well as possibly drinking. He expressed his concern over the security related to the primitive camping. He remarked that the CUP had originally been for the four-wheeler business only and not for special events, and he stated that Mr. Jowett had not talked to Mr. Ward regarding the changes to the CUP before starting to hold special events. He opined that the operating hours did not need to be changed because if an event ended at 9:00 p.m. because it would take additional time for things to quiet down and for the traffic to clear out. He commented that the skeet shooting that was allowed on the property was bad for the lake. He also stressed that the music festival definition needed to be

changed because there could be an event every weekend that was not considered a music festival even if music was played. He opined that music needed to be limited at the events to no more than six hours. He mentioned that he could hear the music from his yard. He also stated that the Applicant did not need to have the extra events. He requested that the CUP amendment be denied.

Mr. Donald Bronson, a resident of Clermont, addressed the Board in opposition to the CUP amendment. He stated that he could hear some loud music from an event on the Jowett property from his property about a year and a half ago, and he specified that he lived about 3 miles away. He did not think it was right that Mr. Ward was deprived of his livelihood because of the impacts of the special events, mentioning that deer would not breed properly because of the noise. He opined that SR 33 needed a decelerating lane to help with traffic. He asked if Mr. Jowett had a liability policy, and he also asked what types of drinks were being served on site. He stressed that the main issue was safety because the overflow parking was accessible on a clay road and rain could cause problems with the lot and the road for drivers. He stated that the property was in the heart of the Floridan Aquifer and so it needed to be protected against negative environmental impacts. He suggested that a complete environmental survey be conducted of the area.

Mr. Bryan asked if Mr. Bronson had any cattle.

Mr. Bronson replied that he ran a cattle ranch with several hundred head of cattle on 5,000 acres.

Mr. Jowett stated that his business did have liability insurance. He also noted that the property had a tree buffer as well as wetlands to help with noise attenuation. He mentioned that he was responsible for maintenance of the entrance road to his property and over the last year not one of the 50 complaints filed with the County about that section of road were upheld. He remarked that he was upset that the blame for the problem with the deer was being placed on him, stating that he had talked with Mr. Ward about the special events before the first was held and the only response he had received was from Mr. Ward's attorney threatening to sue if the deer were harmed. He explained that he went to the Wildlife Commission and asked if the noise from the events would upset the deer, and he had been told that the deer might be temporarily agitated but it would not have any lasting effects. He mentioned that Mr. Ward had notified him at one point that one of his deer had died two days after a special event had been held. He commented on the traffic issue, stating that the Sheriff knew how much traffic was on SR 33, and he mentioned that at a recent event the cars had started to back up and to resolve the issue the organizer of the vent decided not to charge the cars admission in order to keep the line moving. He stressed that cars showed up throughout the day during an event, they did not show up all at once. He stated that his business operated on a lot more than the 50 acres of land and he noted that two events had been held in the center of the property. He commented that he had performed noise checks and the level of noise away from the property was no more than what was generated by local traffic on SR 33. He stated that during special events they had five people stationed down the road and two gate posts that restricted movement to a single lane of traffic to slow cars down, so there was no problem with speeding cars. He confirmed that the overflow parking had only been used once so far, and people walked along the easement road and did not trespass on anyone's property. He estimated that his property was only about 100 yards from the overflow parking. He mentioned that he also had someone stationed during special events to look for Mr. Ward's nurse so that the nurse could bypass the traffic in an effort to provide every convenience.

Mr. Gonzalez asked Mr. Jowett was being sued because of the issue with the deer.

Mr. Jowett replied that he was not being sued; there had been litigation but it was settled through mediation outside of court. He stressed that they did not damage the deer.

Ms. Erin Hartigan, Deputy County Attorney, stated that the Board did not consider outside litigation.

Ms. McKeeby asked for clarification on the request and reason to extend the hours of operation.

Mr. Jowett stated that the current hours of operation were from 7:00 a.m. to 7:00 p.m. for special events and the request was to extend the hours to 7:00 a.m. to 9:00 p.m. He explained that there were some organizers who would like events to run to midnight, but he thought 9:00 p.m. was a good compromise and a reasonable time. He specified that not every event would run until 9:00 p.m., but he needed to plan for the future. He stated that there was security on the property overnight for campers as well as security on the main gate to prevent traffic from going in and out until the next morning.

Mr. Bryan asked how long it would take to clear the property when an event ended at 9:00 p.m.

Mr. Jowett replied that the property was well cleared by 9:30 p.m. because most people left earlier in the evening. He estimated that there were only about 150 people present at the end of the one event that had lasted until 9:00 p.m. and it had not taken long to clear them out.

Mr. Bryan ask how long it would take to clear out people if there were around 2,000 present.

Mr. Jowett replied that he did not think it would take more than 30 minutes.

Ms. McKeeby asked how many events had been held so far that ran until 9:00 p.m. and how had the time extension been granted.

Mr. Jowett replied that there had only been one event so far that lasted that late and the request had been granted by the County to serve as a trial run similar to the primitive camping. He explained that he had been told he could try it and if it worked then he should return and ask for the CUP amendment.

The Chairman closed the public hearing and reserved comment to the Board.

Ms. Stivender asked if the Incident Action Plan would be updated to reflect any changes approved to the CUP.

Ms. Cotch replied that that was correct, and she clarified that the approval for the camping and later hours for the one event had been granted through the special event permit application as well as the Incident Action Plan.

Ms. Stivender asked if a special event permit could be granted by staff in the future instead of amending the CUP.

Ms. Cotch replied that it had been allowed because at the time because of changes taking place to the requirements for special events. She specified that the request for extended hours would only apply to special events held Thursday through Sunday.

Mr. Gonzalez asked if staff had talked with the Sheriff's Office regarding the traffic problems and whether the issue was that traffic was backed up or that people were speeding through.

Mr. Bryan clarified that it had been stated that initially traffic had been majorly backed up but now they had changed the way they took admissions and added the additional parking.

Mr. Sheahan stated that he had talked with the Sheriff regarding the traffic issue. He reported that the measures taken by Mr. Jowett had helped mitigate the traffic problems. He then stated that the Incident Action Plan was a global plan for emergency management and public safety, and it included measures for the Sheriff, EMS, public safety and security. He reported that the one event he had attended there had been a deputy stationed with lights flashing at the corner of SR 33 and the access road directing traffic, and there were others on site. He also mentioned that he had spoken with the deputy directing traffic who had told him there was a backup of only about 30 minutes as opposed to hours at the first event. He stated that the offsite parking as well as having the deputy helped to improve the situation and that a turn lane would not likely alleviate the congestion because the events generated a large number of vehicles in a very short period of time.

Mr. Gonzalez asked for clarification on the noise check that Mr. Sheahan had performed.

Mr. Sheahan clarified that while music was being played he had stood on the easement in front of Mr. Jowett's house and he did not have a noise meter with him. He reported that he could hear the music but only as subtle background noise.

Mr. Morris commented that the Applicant had been allowed to go beyond the conditions of the CUP before, and then asked why they should amend the CUP when staff could override those conditions.

Mr. Sheahan explained that he had been out on leave during this particular incident so he did not have an answer. He stated that staff would not be able to grant the same allowances today. He explained that the special event ordinance was in the process of being rewritten at the time the Applicant's request had come in, so there were conflicting regulations and this could have been the basis for the Applicant being granted the special event permit that went beyond the parameters of the original CUP.

Ms. Stivender asked if Mr. Carpenter had reviewed the proposed changes to the CUP.

Mr. Sheahan replied that he had and he had indicated there were no issues with the request. He added that normally a special event ordinance required a 90-day advanced notice, but because this would be for similarly recurring special events, only a 30-day notice was needed for the Applicant's special events.

Ms. Stivender commented that she did not think that the special events needed to be extended until 9:00 p.m. because of the time it would take to clear people off the property. She opined that the other items in the original CUP cover everything and putting a deceleration lane off of SR 33 would not help the traffic issue.

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to APPROVE Rezoning Case CUP# 12/7/1-1A, Revolution Off-Road Driving Experience, amending the CUP but requiring that the hours of operation for special events remain from 7:00 a.m. to 7:00 p.m.

FOR: DeWitt, Bryan, Stivender, McKeeby

AGAINST: Morris, Gonzalez

MOTION CARRIED: 4-2

RECESS AND REASSEMBLY

The Chairman announced at 10:48 a.m. that there would be a ten-minute recess.

ECONOMIC DEVELOPMENT OVERLAY COMP PLAN AMENDMENT

Mr. DeWitt left the meeting at 10:48 a.m.

Ms. Amye King, Growth Management Director, addressed the Board to give a presentation on the Economic Development Overlay Comprehensive Plan Amendment along with Mr. Robert Chandler, Economic Development and Tourism Director. She stated that this was the same version of the presentation that was given to the League of Cities about a week and a half ago.

Mr. Chandler stated that the creation of this overlay came about from the County's experience with business attraction efforts from economic development. He remarked that there were a number of things that were critical to enhancing the County's ability to land a project, and two of those things are speed and risk. He noted that business recruitment was becoming very competitive regionally, nationally, and internationally, and a community needed to find their competitive advantages to be successful. He explained that increasing speed to market would play into the sense of urgency for businesses wanting the competitive advantages of being first to market, and the economic overlay would significantly reduce the development timeline from 180 days to 45 days.

Mr. Bryan asked if this would reduce the timeline on a land use change.

Mr. Chandler replied that this would create a land use overlay, and he remarked that it was very innovative from an economic development standpoint even though it was unconventional from a planning standpoint. He then stated that the other important variable was reducing the risk because companies could not afford the time or capital losses and certified sites were highly valued. He reported that the County had an abundance of available vacant lands, a good transportation network, and access to major markets, but the problem is that a large number of those lands do not have the proper land use to meet the time deadlines. He stressed that the County needed to be proactive about identifying the sites through the overlay and then allow the sites within the overlay to more expediently be granted the land use they need. He opined that the overlay would turn a negative into a competitive advantage for the County.

Ms. King continued the presentation, stating that if a company were to come in wanting to take advantage of the overlay, they would need to create at least 25 new jobs or have a \$10 million investment, or qualify for the State Incentive Funding through Enterprise Florida which followed a stricter guideline. She reported that additional criteria written into the policies for location, specifically that the location needed to be entirely within the overlay; had to have roadway access on an arterial or collector road or rail access; central water and sewer connections available; adequate infrastructure, such as fiber optics, energy, and telecommunications, to support the proposed use; and located a specific distance from any residential area. She clarified that the requirement concerning the distance from the residential area would be addressed in the LDR, not the Comprehensive Plan, because there may be room for variances. She stated that the overlay would not include property for conservation or in the Green Swamp Area of Critical State Concern, the Wekiva River Protection Area and Study Area, the Wellness Way Sector Plan, or municipalities. She reiterated that the Comprehensive Plan Amendment would reduce the process to 45 days, would enhance economic development, and qualifying projects would only be subject to quasi-judicial reviews and not quasi-legislative reviews, so they would still go before the Planning and Zoning Board. She noted that there were performance issues in terms of noise and smell, but those would be

issues that the Board would have an opportunity to look at in advance of site-plan approval. She added that Land Development Regulations would need to be developed to address compatibility to adjacent land uses.

Ms. Stivender asked what the implementation timetable was for this amendment.

Ms. King replied that the adoption hearing would probably be in February after the Department of Economic Opportunity reviewed the amendment, and so February would be when businesses could apply for this process.

Mr. Gonzalez asked what the required distances from residences would be.

Ms. King replied that staff had not looked into the LDR yet because they had wanted to ensure they had clearance to move forward before jumping too far ahead in the process. She stated that they would be looking at the LDR after this was transmitted through the BCC.

Mr. Bryan asked how the 25 new jobs or \$10 million threshold had been developed.

Mr. Chandler replied that those amounts had been calculated off of past projects and specified that this overlay was intended for large projects that would have a significant economic impact.

Mr. Bryan asked how many of these large projects did the County typically have annually.

Mr. Chandler replied that there were not many.

Mr. Gonzalez asked if there were any of those larger projects now.

Mr. Chandler replied that there were between three and five large projects right now through Enterprise Florida that could trigger the overlay.

Mr. Bryan stated that he loved the concept of the overlay, but he thought the threshold should be lowered a little to open it up more.

Ms. King commented that the Orlando Sentinel had mentioned that a very large industry had promised to come in Osceola County and a large building was renovated along with the County providing many incentives, and that building was still empty. She stressed that the County wanted to be careful on the planning end how easily the new overlay was applied to prevent such a thing happening here. She stated that she would be bringing the ordinance back for the Board to transmit to the BCC very soon. She mentioned that the League of Cities was very happy with the overlay.

OTHER BUSINESS

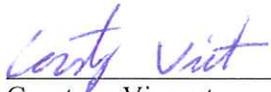
Mr. Sheahan stated that staff had been working on the Wellness Way Sector Plan and had just received the first draft of the Plan. He noted that comments had been received on the Plan stating that it was too much or not enough, and he opined that it was good they were receiving both comments because it meant the Plan was probably in the middle of either side. He reported that the Plan was posted on the Wellness Way website and he suggested that the Board might want to review the document. He stated that there would be a public workshop with the BCC on October 22, 2013, and once those comments came back they would be incorporated by the consultant and then would come before the Planning and Zoning Board on November 6th. He added that it would then go back

before the BCC on November 19th and there would be another public workshop on January 29, 2014. He commented that the consultant had come up with some creative approaches to try to stimulate economic development and have also tried to balance it with other complementary uses. He then reported that an ordinance for LDR on fire and one on Green Swamp Regulations should be coming before the Board in October. He also stated that the BCC had asked staff to implement some limited design guidelines, and staff had been working directly with the homebuilders and some commercial architects on this. He remarked that it looked like they had design guidelines that would work and they would be brought before the Board soon. He stated that he could have the LDRs for the Board to review about three to four weeks in advance of the meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:16 a.m.

Respectfully submitted,



Courtney Vincent
Clerk, Board Support



Paul Bryan
Chairman

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