

**MINUTES
LAKE COUNTY ZONING BOARD
SEPTEMBER 6, 2006**

The Lake County Zoning Board met on Wednesday, September 6, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, September 26, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

Staff Present:

Amye King, AICP, Deputy Director, Department of Growth Management
Brian Sheahan, Chief Planner, Planning and Development Services Division
Rick Hartenstein, Senior Planner, Planning and Development Services Division
Mary Harris, Public Hearing Coordinator, Planning and Development Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Fred Schneider, Engineering Director, Engineering Division
Sanford A. Minkoff, County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. He noted that a quorum was present. He confirmed the Proof of Publication as shown on the monitors.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	August 2, 2006	
Discussion of Consent Agenda		
Consent Agenda Approval:		
PH#83-06-2	Ralph Butler/Mr. Joe Pinckney of Bright House Network	1
PH#84-06-3	Bill Baker/Baker Groves	2
	Miller Legg/Todd Peetz	
CUP#06/8/2-5	Vantaggio Investment Group, LLC/Imilsis "Amy" Velazquez	3
PH#50-06-2	Clonts Groves, Inc./Cecelia Bonifay, Esq., Akerman Senterfitt	5
PH#78-06-2	Larry Grimes	6
CUP#06/9/1-1	Marcia P. Tucker	9
MSP#05/11/1-2	Rinker Materials Corp./Steven J. Richey	10
Regular Agenda:		
PH#82-06-3	Stephen Kane/Dan Matthys, Prinkin Development Consultants, LLC	4
PH#75-06-4	Wiley Davis, Jr. and Ann Davis/Land Use Associates, LLC/ Steven J. Richey, P.A.	7
PH#81-06-4	Otto E. Beyer Enterprises, Inc.	8
Adjournment:	11:25 a.m.	

Minutes

MOTION by Timothy Morris, **SECONDED** by Donald Miller to approve the August 2, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

Discussion of Consent Agenda

Chairman Bryan stated that PH#82-06-3, Agenda No. 4, has been removed from the consent agenda.

CASE NO.:	PH#83-06-2	AGENDA NO.:	1
OWNER:	Ralph Butler		
APPLICANT:	Mr. Joe Pinckney of Bright House Network		
CASE NO.:	PH#84-06-3	AGENDA NO.:	2
OWNER:	Bill Baker/Baker Groves		
APPLICANT:	Miller Legg/Todd Peetz		
CASE NO.:	CUP#06/8/2-5	AGENDA NO.:	3
OWNER/APPLICANT:	Vantaggio Investment Group, LLC Imilsis "Amy" Velazquez		
CASE NO.:	PH#50-06-2	AGENDA NO.:	5
OWNER:	Clonts Groves, Inc.		
APPLICANT:	Cecelia Bonifay, Esq., Akerman Senterfitt		
CASE NO.:	PH#78-06-2	AGENDA NO.:	6
OWNER:	Larry Grimes		
CASE NO.:	CUP#06/9/1-1	AGENDA NO.:	9
OWNER/APPLICANT:	Marcia P. Tucker		
CASE NO.	MSP#05/11/1-2	AGENDA NO.:	10
OWNER:	Rinker Materials Corp.		
APPLICANT:	Steve J. Richey, P.A.		

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of the above consent agenda, as presented.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#82-06-3

AGENDA NO.: 4

OWNER: Stephen Kane
APPLICANT: Dan Matthys, Prinkin Development Consultants, LLC

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and picture of the posting from the staff report on the monitor.

Chairman Bryan was informed by Mr. Hartenstein that Silverwood Lane is not a County-maintained road. If Silverwood Lane is to be used as access for this subdivision, Mr. Hartenstein said the road would be required to be brought up to County standards.

In response to Timothy Morris, Mr. Hartenstein said the applicant could put in its own central system for the subdivision as part of the platting process.

Dan Matthys was present to represent the case. He said they want to rezone the property to be consistent with the land use. He confirmed that Silverwood Lane is not a County-maintained roadway. They understand that improvements will be necessary if this property is developed. He said they are also talking to adjacent neighbors about access to the proposed Mission Rise. The issue of water will be addressed at the time of development. He submitted a sketch of description as Applicant Exhibit A.

Chairman Bryan stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

Michael Perez said he lives on Silverwood Lane to the north, ten acres away from the subject property. He was concerned that there are no provisions for water or the road. No. 2 Road, which provides access to Silverwood Lane, is a narrow country road. He thought that Silverwood Lane is a private right-of-way that was given to them by Mr. Blanton in order for them to get to their property. He did not know if it was the intent of Mr. Blanton at that time for this road to be access to a subdivision. He would like to see those issues addressed before this is approved.

Mr. Matthys said the easement is 66 feet wide, dedicated to the homeowners back there. There is language in the easement agreement stating that there will be development in the future and property owners cannot object to excess traffic going south. There is nothing in the agreement that would prevent them from improving the easement. With respect to No. Two Road, transportation concurrency will address that. They are aware that they must go through the concurrency process. Regarding water, they are still talking with Howey-in-the-Hills regarding that issue. He added that they may go through Mission Rise to access their subdivision. They are discussing that with the owners of Mission Rise. Another option for access would be from the south.

In response to Scott Blankenship, Mr. Matthys said the road would be funded through the developer. There would be no County funding of that road. There would also be no funding by other residents unless they worked out an agreement with the developer. Chairman Bryan thought it would have to be voluntary.

When Chairman Bryan asked what the primary access for Mission Rise would be, Mr. Matthys said the preliminary drawing shows the main access to be No. Two Road.

Regarding school concurrency, Larry Metz stated that the staff report says that school concurrency language is in the ordinance. This is a straight zoning request. For reasons he expressed at previous meetings, he did not find that sufficient; and he would be voting against this request. Chairman Bryan said he thought previous discussions had resulted in an agreement that the language was acceptable and enforceable even in straight zoning. Sanford A. Minkoff, County Attorney, said that at the September 5, 2006 Board of County Commissioners (BCC) public hearing, the BCC adopted an interlocal agreement with the School Board and the other 14 cities and also directed staff to prepare an ordinance that prohibits

CASE NO.: PH#82-06-3

AGENDA NO.: 4

OWNER: Stephen Kane
APPLICANT: Dan Matthys, Prinkin Development
Consultants, LLC

PAGE NO. : 2

the platting of any new subdivision or approval of a new site plan that would create more than four dwelling units or lots unless authorization is obtained from the School Board. The effective date of that ordinance would be for any preliminary plat that was filed after September 5, 2006. This would include five or more total units in any configuration, regardless of the size.

In response to Chairman Bryan, Mr. Metz said he still felt it would be vulnerable to rely solely on a condition placed on a straight zoning ordinance. He said he felt much more comfortable when this type of situation comes through as a Planned Unit Development (PUD) and there is contractual language. However, he was encouraged about the County having an ordinance with a date certain. Mr. Minkoff explained that the BCC had indicated that any application that was received after September 5 would have to get the authorization from the School Board. Applications already filed would have a year to get to final plat. If that did not happen, authorization would be needed from the School Board. Since he did not think this subdivision had applied for preliminary plat yet, it would fall under the new rule. It is anticipated that the ordinance will be adopted in October, but the effective date would be September 5.

When Mr. Morris asked how the School Board would be dealing with this internally, Mr. Metz said the School Board has approved two new staff positions in the growth planning department. In addition, the School Board will be considering its own policies that track the concurrency system set up in the interlocal agreement.

MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of R-3 zoning in PH#82-06-3.

FOR: Blankenship, Gardner, Herndon, Bryan, Miller

AGAINST: Morris, Metz

MOTION CARRIED: 5-2

CASE NO.: PH#75-06-4

AGENDA NO.: 7

OWNERS: Wiley Davis, Jr. and Ann Davis
APPLICANTS: Land Use Associates, LLC/Steven J. Richey, P. A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and maps listed as "Exhibit A" and "Exhibit C" from the staff report on the monitor.

When Timothy Morris asked the intention of the Board of County Commissioners (BCC) when they sent this project back to be rezoned to a Planned Unit Development (PUD), Mr. Hartenstein said the BCC felt more comfortable with a PUD as there were concerns about schools and whether school concurrency language should be included in a straight zoning ordinance. The BCC also wanted more open space and the project to be developed more along a plan that would be compatible with the Park at Wolf Branch Oaks, a subdivision to the south. Mr. Hartenstein agreed with Mr. Morris that there are questions regarding access.

Steve Richey was present to represent the case. He noted that the PUD ordinance has the provision for concurrency on Page 2, Paragraph 3. He acknowledged that the preliminary plat has not been submitted so it will be subject to the concurrency language in the PUD ordinance as well as the school concurrency language that Mr. Minkoff spoke of earlier.

Referring to "Exhibit A," Tony Roberts said this project will have 25 lots. The access will come through the platted street that enters the subject property. He spoke of the 3.8-acre open space park, an amenity for the residents. In response to Mr. Richey, Mr. Roberts said the distance between their closest house and the closest house in the adjacent subdivision to the south will be 250 feet. Mr. Roberts pointed out the open space in the adjacent subdivision. The houses will have a minimum square foot living area of 3,000 square feet. They estimate a typical house will be between 3,500 and 4,000 square feet of living area with the largest homes being 5,000 square feet of living area and a price range of approximately \$475,000 to \$1 million.

Donald Miller commented that previously the residents of the subdivision to the south were concerned about traffic coming through their subdivision. Mr. Richey agreed, adding that a road was platted to the subject property to serve this property; and that is the property they will be using. Chairman Bryan was informed by Mr. Richey that the area between the two subdivisions is open space. This preservation area is part of the subdivision to the south. Chairman Bryan confirmed that the existing road is platted to the boundary. Mr. Richey said the easement to this property comes through the adjacent subdivision. There is litigation involved with that issue.

Jack Baggelaar said nothing has changed since the last time this property was before this Board. There is still a legal debate regarding the property between the two subdivisions. The schools are still overcrowded, and the legality of the ingress/egress to this property is still in question. Both this Board and the BCC had said that they wanted this project to mirror the adjacent subdivision to the south. The subdivision to the south has over 60 percent open space. The subject project will have 25 percent open space. The BCC said at a previous meeting that they were not going to allow "hopscotching through one community to another community." This ingress/egress that they have was only for emergency vehicles. It was not used until there was a sale. To use that road, they were to bring it up to County standards; and that has not been done. The owners have not done what they were supposed to do. He said his community does not want three more years of heavy construction equipment on their roads. Their roads are narrow. He questioned whether the builder will be able to financially complete the houses. This is a concern of his community. He did not feel this request should be voted on until the legality of the ingress/egress has been resolved. He did not feel the developer of Park at Wolf Branch Oaks subdivision had any intention to develop the property to the north. Now the applicant is calling the subject property "Phase 5." That is not so. The builder has not done what he was supposed to do in his subdivision. He questioned what is going to happen on the subject property as it would be the same builder.

CASE NO.:	PH#75-06-4	AGENDA NO.:	7
OWNERS:	Wiley Davis, Jr. and Ann Davis	PAGE NO.:	2
APPLICANTS:	Land Use Associates, LLC/Steven J. Richey, P. A.		

When Chairman Bryan asked Sanford A. Minkoff, County Attorney, about the road situation, Mr. Minkoff said he did not think the road is platted to the property. He thought there was an easement that runs from the end of the platted road to the property to the north. He felt this was a factor that this Board could consider in terms of the traffic impact to the subdivision to the south. If the owners cannot establish the legal right to use that road, they could not develop in that way so the litigation itself would not be a factor.

Thomas Potter said he has 400 feet abutting the property to the west. After looking at "Exhibit A," he said he would like to withdraw his complaint. However, since this Zoning Board had rejected this development earlier, he would like to know the reasons if it is approved at this time; but he did not want to object to the Davises moving on with their lives.

John Ingersoll of Sorrento read from a newspaper article regarding concurrency and growth. He said not one new school was built in Lake County last year. There is no land in this area for a school to be built. There has been no relief for Round Lake Elementary School. He said he cannot understand this Board's interpretation of concurrency. There is no school in place for this proposed subdivision. Last year this Board turned down this project because of the overcrowding of Round Lake Elementary School. That school is more overcrowded now than it was then. He felt it would be a good idea for Lake County to factor schools into the point system. He also felt that it is too late at the time of final plat approval to determine if adequate school capacity exists. Adequate school capacity should be determined at this time. He did not understand mitigation in relationship to concurrency. He asked the Board to deny this request as it did last year. Nothing has changed. When Chairman Bryan asked Mr. Ingersoll if he had attended any of meetings regarding the development of concurrency, Mr. Ingersoll said he had.

In response to Chairman Bryan, Larry Metz explained that to implement Senate Bill 360, an interlocal agreement is required between Lake County, the School Board and the 14 municipalities; all must sign off on it. That is why the process has been so lengthy with much input from the communities and public. Mitigation is one of the requirements of Senate Bill 360. He explained the negotiation process known as proportionate share mitigation, which would allow the School Board to basically work out with a developer any deficiencies regarding concurrency and how they can be corrected. The concurrency management system is mandated by State law. The BCC as well as the School Board has to pass their policies/ordinances to implement it. It is a work in progress. The interlocal agreement has been drafted and conceptually agreed upon. He added that the School Board is committed to making it as effective as possible in order to alleviate the overcrowding.

Francois Tetu said he is not against the Davises or the fact that they want to sell their property and have houses on it. However, about a year ago, the BCC asked this proposed subdivision to include houses that were equivalent to or better than the houses in the Park at Wolf Branch Oaks subdivision. As Mr. Minkoff said, this proposed subdivision is to be connected to Park at Wolf Branch Oaks. The BCC had also requested equivalent common space in the proposed subdivision. He said Round Lake Elementary School is not ready for any more growth.

Mike Jeffes agreed that there has been no platting of the road between the two developments. He also agreed that the BCC had asked for a PUD. He referred to Page 3 of the November 22, 2005 BCC public hearing minutes regarding Commr. Hanson's statement that she wanted the subject development to be consistent with the open space of the Park at Wolf Branch Oaks, and she was not sure that those numbers were consistent. He also referred to Page 11 of the minutes regarding the concerns of Commrs. Cadwell and Hill on school issues. Commr. Stivender stated that she felt the two subdivisions should be consistent. Mr. Jeffes said the subdivision in which he lives (Park at Wolf Branch Oaks) is 120 acres, per the PUD. The requirement is 50 percent open space or 60 acres. The PUD allows 116 dwelling units within the subdivision. At this time there are only 115 because one house is on two lots. The plan that has been

CASE NO.:	PH#75-06-4	AGENDA NO.:	7
OWNERS:	Wiley Davis, Jr. and Ann Davis	PAGE NO.:	3
APPLICANTS:	Land Use Associates, LLC/Steven J. Richey, P. A.		

submitted for this proposed subdivision is far short of what the BCC expected to have. The plan shows only eight acres of open space. To be consistent with his subdivision as far as open space, 12-1/2 acres of open space should be provided. Approximately ten months ago this Board, by a vote of 5-1, denied the rezoning of these 25 acres. He referred to a newspaper article in the Orlando Sentinel regarding this decision. He asked that this rezoning should be postponed until additional services such as schools, roads, and police and fire protection are available.

David Autry, a resident of Park at Wolf Branch Oaks subdivision, said the access to the property in the rear is of major concern to all the residents. That is a legal issue that is being addressed. He was concerned that the open space in the proposed subdivision would not match the open space in their development. They are in the process of initiating a homeowners' association for their subdivision.

Carolyn Hayman said not everyone in Park at Wolf Branch Oaks is against this proposed subdivision. She would rather have the proposed contractor building this new subdivision since they know what kind of work he does. Her home was build by this contractor. She said this contractor is willing to build a community for people 55 years of age and older with no children. She did not feel the Davises should be denied access to their property and not be able to sell their property.

Mr. Richey acknowledged that there is an easement that is not platted. The improvement of that road will be part of the process of developing this property. This property has been under contract several times by the developer of the property to the south with the anticipation of it being developed as part of the existing subdivision. That has always been what was intended, and that is why the easement was placed there. They have a different plan this time. There is mandatory school concurrency now. An adult only community is an option they are considering. He acknowledged that the schools are overcrowded in this area. The proposed subdivision has one-half acre lots and 34 percent open space whereas the existing subdivision has one-third acre lots and 60 percent open space. If the subject property had smaller lots, they could not build the larger houses they expect to construct. He spoke of the park they are proposing to have. He felt this subdivision of larger lots with larger houses and a park will be compatible with Park at Wolf Branch Oaks. The road issue is in court; if they don't have access to this property, they won't be able to develop it. However, they feel they have the legal right to utilize the road because that is what was intended all along. He did not feel this request is premature; it is not speculative. They are moving forward in the process. He said they could put in smaller lots and more open space, but he questioned whether that would be best for the area.

Mr. Jeffes questioned whether there is more open space in this new plan as stated earlier. He asked the Board to compare the two plans. Both plans show 32 percent open space.

Mr. Richey reiterated that he felt this new configuration is more compatible than the prior plan.

In response to Scott Blankenship, Mr. Minkoff said the PUD ordinance incorporates a site plan so if they could not go the south, they would have to amend the PUD.

When Mr. Blankenship asked Mr. Metz if he was more comfortable with this project as a PUD rather than straight zoning, Mr. Metz replied that his understanding of a PUD is that contractual conditions can be imposed. That is why in prior cases he has been reluctant to accept concurrency language in a straight zoning ordinance. As an attorney, he would feel more comfortable defending the language in a PUD than the language in a straight zoning ordinance. He added that the School Board will have the ability under the PUD as well as under the new concurrency management system to give a certificate if the capacity is there or not give a certificate and require appropriate mitigation if concurrency is not there. Therefore, he felt the

CASE NO.:	PH#75-06-4	AGENDA NO.:	7
OWNERS:	Wiley Davis, Jr. and Ann Davis	PAGE NO.:	4
APPLICANTS:	Land Use Associates, LLC/Steven J. Richey, P. A.		

school issue is addressed by the interlocal agreement and the system being in place before this can be developed.

Mr. Metz did not feel this Board has any control over the access; the courts will speak to that issue. Regarding the compatibility issue, he felt it was very compelling when the residents explained that the BCC said they wanted the same open space as in the Park at Wolf Branch Oaks. Therefore, whatever recommendation comes from this Board, the BCC will know their past requirement of open space. He questioned whether this is something for the BCC to resolve or if it should be resolved at this Board’s level. Chairman Bryan said he would prefer to see the BCC resolve it. The issue is whether having slightly larger lots and less open space is compatible with smaller lots and more open space. The Zoning Board can make a recommendation on that. Donald Miller thought the BCC would address it because they will remember the lot size and access issues from the previous public hearing.

MOTION by Timothy Morris, SECONDED by Donald Miller to recommend approval of Planned Unit Development (PUD) zoning in PH#75-06-4.

Mr. Morris pointed out that the applicant came back with a PUD as requested by the BCC, giving the County more latitude with this subdivision. He questioned whether smaller lots with more open space versus larger lots and less open space would really provide more open space. He felt the road is the main issue, not the size of the lots or the open space. He recommended approving the request and letting the BCC and the courts deal with the issues.

James Gardner concurred with Mr. Morris regarding open space. He was informed by Mr. Hartenstein that he was not aware of any wetlands on the property.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

There was a ten-minute recess.

CASE NO.: PH#81-06-4

AGENDA NO.: 8

OWNER: Otto E. Beyer Enterprises, Inc.
APPLICANTS: Bobbie F. Hines and Jeanette White

Rick Hartenstein, Senior Planner, said staff has some issues with this case. Comments have been received from the City of Mount Dora, who is opposed to the rezoning request. They feel this is an industrial district with industrial zoning; and to put residential at that location could cause some inconsistencies at some point in the future if the new future land use map is adopted keeping the industrial designation that is set forth for that area now. At present, he said the future land use map shows Urban Expansion. Mr. Hartenstein showed the aerial from the staff report on the monitor. He presented the case and staff recommendation of approval. He noted that the following statement in the on page 1, first paragraph, line 7 of the staff report, "The maximum density of the Rural Residential zoning district, though, is one dwelling unit per acre," is a misprint. The request is for R-2 zoning, which permits development at a maximum density of two dwelling units per acre.

When Chairman Bryan asked if the residential development pattern Mr. Hartenstein spoke of in the staff report referred to new residential development along Robie Avenue or existing residential, Mr. Hartenstein said it is existing development that has been there for a long time. The new residential development is Sullivan's Ranch, which does not use Robie Avenue for access. The only access Sullivan's Ranch has from Robie Avenue is for emergency vehicles only. Chairman Bryan confirmed with Mr. Hartenstein that there is not a new pattern of residential development. He said he would anticipate seeing more of an industrial type of development. He had a compatibility concern for the future with this.

Mr. Hartenstein said he agrees with the City of Mount Dora that if the Board of County Commissioners (BCC) adopts the new future land use map as designated, that whole area is industrial; and he felt that there could be an inconsistency. Chairman Bryan said the bulk of the area is currently zoned industrial or light manufacturing. This request appears to be in the center of all industrial. Mr. Hartenstein said most of industrial is along U.S. 441.

James Gardner asked the location of the Adult Congregate Living Facility (ACLF), and Mr. Hartenstein pointed it out on the aerial.

Robert Herndon stated that he was at the City of Mount Dora Council meeting on September 5, and they did vote with their recommendations being consistent with what Mr. Hartenstein has stated.

Jeanette White questioned why the City of Mount Dora opposes this request. She said this is not an ACLF or a group home; it will be a residential home for people with mental disabilities. The residents are independent; staff will be there to assist them. Chairman Bryan said he thought the City's concern was that they believe there could potentially be a conflict of use with having a residential-type setting continued around potential industrial development.

Bobbie Hines said she somewhat understood the City's concern about this being an industrial area, but this residential home is existing and there are other residential homes in the area. Across U.S. 441, there is an industrial area. Chairman Bryan asked Ms. Hines if she would have a concern if an LM business moved in next to this house with trucks and a lot of noise during the day. Ms. Hines said that would not be a problem as the residents have jobs or school during the day.

Kathryn Corbett Christie said that when she had received the notice, she had no idea what kind of group home this was going to be. The subject property is a very small lot. To the rear of this lot is her stepmother's 13 acres. Her brother has the four acres next to that, and she has the four acres next to her brother's land. She spoke of other nearby properties with large acreage. There are woods, which are home to the animals in the area. When this house went on the market, she immediately tried to buy it; but within 48 hours, an investor had bought it. There is no access to this property except a small circular driveway out front. The man who owned the property used her stepmother's road and then came in behind his house. Others have been using that road. Because of the pitch of the property, there is a problem with runoff down

CASE NO.:	PH#81-06-4	AGENDA NO.:	8
OWNER:	Otto E. Beyer Enterprises, Inc.	PAGE NO.:	2
APPLICANTS:	Bobbie F. Hines and Jeanette White		

to the floodplain and wetland below. Her family has been on their property for 50 years. She was concerned about the additional traffic. She spoke about the ambulance or fire truck once a day on the road plus the employees speeding on the road from the existing ACLF. She was aware that this area will be industrial in 2007. About 35 years ago, this area was “piecemealed” into assigned designations. The three properties belonging to her family were grandfathered in. There is a lot of crime on the street now. She asked that the LM designation remain on the subject property. She will probably have no choice but to go to light manufacturing on her property next year.

Ms. Hines said crime is everywhere. She felt it is a good idea that institutions are being closed and disabled people are being brought into the life stream of living and having self-worth. The traffic will be the same as that generated by any residential home. She felt this home would be an asset to the community.

Chairman Bryan said that to him, the use is not the issue. Rezoning from LM in an area that appears to be predominantly industrial to a residential zoning is his concern. Ms. Hines reiterated that the home already exists. Chairman Bryan said it is currently a nonconforming use. Rezoning to R-2 would be putting a conforming use in an area that is zoned differently.

Following up on Chairman Bryan’s statements, Scott Blankenship said this appears to a use issue versus a zoning issue. Mr. Hartenstein informed Mr. Blankenship that what the applicants want to do is not a permitted use in the LM zoning district. They also cannot get a Conditional Use Permit (CUP) because it is not a permitted use, a family residential home in LM zoning. However, this use is a permitted use in all residential zoning districts.

Timothy Morris gave his accolades to the applicants for attempting this good deed. He said he would look at this request as a downzoning. He did not have an issue with this request at all. In response to Chairman Bryan, Mr. Morris said that if this area develops industrial and the applicants find they cannot live in this environment, they have a parcel they can sell. He supports this request wholeheartedly.

Ms. Christie said she did not know what this home was to be used for until ten minutes. She said she did not care whether it was to be used to care for dogs or people or used as drug rehabilitation; she is opposed because all of her family’s property “crowds up around it.” When she asked the square footage of the house, Mr. Morris said it is 2,328 square feet.

Mr. Blankenship said he would like to find a way for the applicants to be able to use this property in the way they want to. However, he also has a respect for the Joint Planning Area (JPA) Agreement with Mount Dora. He asked if there was any resolution to the zoning versus use. Mr. Hartenstein said that was the main reason why staff was asking the applicants if they would be willing to continue this case for 30 days so staff could discuss this with the City of Mount Dora in order to reach a compromise. Regardless of the potential incompatibility in the future, Mr. Hartenstein said he had to write this staff report based on what is currently in effect, not what is shown on the proposed future land use map as there is no guarantee that will be adopted. However, he understood Mount Dora’s concerns.

In response to Chairman Bryan, Mr. Hartenstein said there is no minimum lot size in industrial zoning.

Mr. Gardner felt this was an area in transition. It may be a long time before industrial develops in this area to any great extent or it may not develop this way at all. However, as it becomes more industrial, it will drive out these single-family dwellings. It will take care of itself. On that basis, he said he could support this request.

Mr. Herndon said he could support this request because he felt the City’s position is more “down-the-road,

CASE NO.: PH#81-06-4

AGENDA NO.: 8

OWNER: Otto E. Beyer Enterprises, Inc.
APPLICANTS: Bobbie F. Hines and Jeanette White

PAGE NO.: 3

hoped-for” use.

Chairman Bryan stated that the City of Mount Dora has, in some other cases he believed, encouraged industrial zoning. It is possible that this area could convert to residential depending on school concurrency and other issues. He could hesitantly support this request. Mr. Blankenship said he could support this request based on the fact that this is an area in transition; and if industrial should become the predominant use, it will “run everything else out.”

Mr. Morris stated that he has four children and five cars at his house. He felt his household may create more traffic than this proposed use would. That is why he did not have an issue with this request.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of R-2 zoning in PH#81-06-4.

FOR: Morris, Blankenship, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

MOTION CARRIED: 7-0

Adjournment

There being no further business, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman