

MINUTES

LAKE COUNTY ZONING BOARD

SEPTEMBER 7, 2005

The Lake County Zoning Board met on Wednesday, September 7, 2005 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 27, 2005 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:

Jeff Richardson, AICP, Planning Manager, Planning and Development Services Division
John Kruse, Senior Planner, Planning and Development Services Division
Rick Hartenstein, Senior Planner, Planning and Development Services Division
Stacy Allen, Senior Planner, Planning and Development Services Division
Mary Hamilton, Senior Planner, Planning and Development Services Division
Jennifer DuBois, Senior Planner, Planning and Development Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Fred Schneider, Director, Engineering Division
Sanford (Sandy) A. Minkoff, County Attorney
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed that Proof of Publication is on file in the Planning and Development Services Division. He explained the procedure to be used in hearing the cases. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. These exhibits will be on file in the Planning and Development Services Division.

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Minutes

MOTION by Timothy Morris, SECONDED by Robert Herndon to approve the August 3, 2005 Lake County Zoning Board Public Hearing minutes, as submitted.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.:	PH#73-05-2	AGENDA NO.:	6
OWNER:	Lake Grove Utilities, Incorporated		
APPLICANT:	Karl Saunders, Esquire		

CASE NO.:	PH#77-05-4	AGENDA NO.:	9
OWNERS:	Wiley C. Davis, Jr. and Ann Davis		
APPLICANTS:	Anthony Roberts and Wicks Consulting Services		

CASE NO.:	PH#34-05-3	AGENDA NO.:	13
OWNER:	Kerry Wrobel		
APPLICANT:	Jayson Stringfellow		

Jeff Richardson, Planning Manager, stated that the applicant for PH#73-05-2 has requested a 60-day continuance as the applicant is still addressing variance issues with the Board of Adjustment. A 30-day continuance has been requested for PH#77-05-4. In this case, the applicants may change the application to file as a Planned Unit Development (PUD). However, thirty days may not be enough to revise the application and review it for a PUD. From a staff standpoint, sixty days may be more appropriate. PH#34-05-3 has been withdrawn. They will probably be refileing this request at some time in the future after some issues have been resolved.

There was no one in the audience who was opposed to either of the two postponements or the withdrawal. There were no applicants in any of these cases who wished to speak.

When Timothy Morris asked whether PH#77-05-4 was being continued for 30 or 60 days, Sharon Farrell, the applicant’s representative, said they will be lowering the density and want to work with the neighborhoods. She was agreeable to a 60-day continuance.

MOTION by James Gardner, SECONDED by Timothy Morris to approve a continuance until the November 2, 2005 Lake County Zoning Board for PH#73-05-2 and PH#77-05-4 and the acceptance of the withdrawal of PH#34-05-3.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#80-05-3

AGENDA NO.: 1

OWNER; Florida Made Door Manufacturing Company
APPLICANT: Steven J. Richey, PA

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Timothy Morris noted that mandatory connection is not mentioned in the Ordinance at all. Ms. DuBois explained that it was not in the Ordinance since it is a requirement in the Comprehensive Plan. However, she can add it to the Ordinance if that is the desire of this Board. Mr. Morris said he brought this up so that in the event this property is sold, the new owner would be aware of the mandatory connection.

There was no opposition in the audience to this request.

Steve Richey was present to represent the case.

MOTION by Timothy Morris, SECONDED by Robert Herndon to recommend approval of MP zoning in PH#80-05-3 in order to expand the existing door manufacturing facility with the inclusion of mandatory connection to a public wastewater and/or water system when available in the Ordinance.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#75-05-5 AGENDA NO.: 2

OWNER/APPLICANT: Raymond Jones/PECS International, Inc.

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Scott Blankenship asked how a future homeowner would know that mandatory connection would be required. Jeff Richardson, Planning Manager, stated that there are several different mechanisms by which homeowners are made aware. One way would be through the covenants and restrictions. It would also be partially the utilities' responsibility to enforce those connections for any existing residences. For new residences, the zoning permit will have that tied to it. Depending on when the development plan is filed, that may trigger the threshold for mandatory connection.

When she spoke with the Lady Lake Public Works director, Ms. DuBois was informed that he had met with the applicant and that they are in the process of working out a developer's agreement for central services. In response to Mr. Blankenship, Ms. DuBois explained that since this property is located within an approved utility service area, connection would be mandatory.

There was no opposition to this request in the audience.

Rob Ern of Farner Barley was present to represent Mr. Jones. He said they have met with the Town of Lady Lake, which has sufficient capacity to serve this subdivision with both water and sewer. Central water already exists on Edwards Road, close to the property. Central sewer is being installed at the apartment complex on the corner of US 27 and Edwards Road. Therefore, they will be connecting to that.

MOTION by James Gardner, SECONDED by Robert Herndon to recommend approval of R-3 zoning in PH#75-05-5.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#74-05-5 **AGENDA NO.:** 3

OWNERS: Joseph and Carrie B. Prevedel

APPLICANT: Dave Lindstrom of DML Associates of Palm Beach, Incorporated for Nextel Communications

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

Herbert Gibson, a resident of Lady Lake, questioned what CFD zoning entails and what will happen if this is approved. This parcel is located between two residential areas and is not consistent with the area. He spoke of the noise from the generators used during the hurricane season last year. He was also concerned about the resale values of their homes. This tower was constructed before it was required. He did not want a paved road for their ingress and egress. He questioned whether this equipment shelter would be used as a storage shed for other Nextel towers and if there would be equipment moving in and out of the property constantly. He submitted a petition of opposition as Opposition Exhibit A.

Dave Lindstrom was present to represent Nextel Corporation. He said this tower was originally permitted in 1994 by AT&T. AT&T is the tower owner. The Nextel Corporation leases space at this site as well as on the tower for its equipment. They are required under law to collocate if possible provided that the tower meets the zoning and Code requirements for that specific geographic area. They want to add a 10-foot by 20 foot building that is approximately ten feet tall that will hold additional electronic equipment to allow them to increase the scope of coverage in this area in order to handle additional call volume. They have no plans to add anything to this tower in the future or pave or otherwise improve the ingress/egress easement they have with the landowner. For public safety, the generators are needed to keep the tower up and running.

When Timothy Morris asked how often Nextel would be at this facility, Mr. Lindstrom said they would be there only for prescribed maintenance or emergencies. Heavy equipment is not needed for normal maintenance.

Mr. Gibson noted that this parcel has a gated entrance very close to some homes. He thought they were required to add a buffer at that point and felt that should be done. Paul Bryan said all Code requirements must be met. Regarding the use of generators, these are used in times of emergencies.

Jeff Richardson, Planning Manager, said at the time of the original construction of this tower facility, there were no codes in place regarding landscaping or anything else. With the change to CFD zoning, staff could add to the Ordinance that some minor landscaping should be done. He agreed that generators are needed in emergencies. Since this request would not increase the nonconformity, staff did not request any additional conditions or terms. Mr. Bryan suggested that staff meet with the applicant prior to the Board of County Commissioners (BCC) public hearing and decide on some nominal additional buffers. Since AT&T is the tower owner in the original compound, Mr. Lindstrom said Nextel would need to coordinate with them as far as anything the County would like them to do. They will attempt to accommodate Mr. Gibson's request.

In response to Mr. Gibson, Mr. Bryan said the County notifies all property owners within 300 feet of the subject site. Mr. Bryan said staff has a record of all property owners notified that Mr. Gibson can review.

MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of CFD zoning in PH#74-05-5 with staff and the applicant meeting prior to the September 27, 2005 Board of County Commissioners public hearing to discuss additional landscaping on the site.

CASE NO.: PH#74-05-5 **AGENDA NO.:** 3

OWNERS: Joseph and Carrie B. Prevedel **PAGE NO.:** 2
APPLICANT: Dave Lindstrom of DML Associates of Palm
Beach, Incorporated for Nextel Communications

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#84-05-4

AGENDA NO.: 4

OWNER: Jack Cassell
APPLICANT: Leslie Campione

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

In response to Timothy Morris, Ms. Allen said she has documentation that the City of Eustis will provide the development with central water and sewer services.

Robert Herndon asked if staff has some type of formula as to when a development is opposed based upon its impact to the schools. Jeff Richardson, Planning Manager, replied that staff has been trying to follow the direction of the Board of County Commissioners (BCC) based on action it takes on individual cases. Capacity in schools is one of the issues to be considered when staff reviews cases. The present direction is that if there is more than one issue of concern, a school's overcapacity can be used as support in the staff's recommendation. However, school capacity would generally not be used as the sole reason for staff's recommendation unless there is a gross overcapacity. Until a new policy is put in place in the Comprehensive Plan relating to school policy, a staff recommendation will not be based on school capacity alone. In this particular case, Paul Bryan asked if staff would have taken into consideration that the existing density entitlements were greater than the request. Mr. Richardson replied that it was.

There was no opposition in the audience.

Leslie Campione was present to represent the case. She said there are three items they wanted to ensure were addressed in the Ordinance. This site is at a very busy corner, CR 44A and the Bypass. Therefore, they are considering ways to mitigate the noise. They would like to have permission to construct a wall as high as ten feet in some areas if they decide that would be the best way to mitigate the sound. That would be coupled with landscaping for the same purpose.

Ms. Campione pointed out that the Ordinance now lists 30 units. They would like 34 units so the density would be one unit per one acre. This would allow them more flexibility in the design of the project.

Ms. Campione added that they would like to be able to incorporate lots within the outbuildings currently on the site with the understanding that the buildings would either be incorporated in a primary residence at the time the lots were sold or they would be removed. She said Randall Arendt, a land planner who is known for his conservation-based land planning principles, evaluated this property. Therefore, a large percentage of this property will remain natural in its current state, either as grove and agricultural property or as forested or passive recreational areas.

Mr. Bryan confirmed that the existing structures on the property that will be incorporated into lots are included in the 34-lot count. Ms. Campione said that is why they asked for the additional lots. Regarding the wall, he said he would want to ensure that it has a fair amount of landscaping. In order to be functional as a sound barrier, Ms. Campione said landscaping would be needed in addition to the wall.

In response to Mr. Bryan, Jeff Richardson, Planning Manager, said there is no existing maximum height. Six feet is generally the height limit for a fence. Anything above that usually requires a permit. Staff can add the wall to the Ordinance, but it does not necessary need to be a specific waiver or condition. Staff does not have a problem with the wall request, but it must be separately designed and permitted.

Scott Blankenship was informed by Mr. Richardson that any changes in terms and conditions to the development order (Planned Unit Development (PUD)) would require the owner/applicant to come back before this Board and the Board of County Commissioners (BCC).

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of Planned Unit Development (PUD) zoning in PH#84-05-4 for 34 lots with a landscaped ten-foot wall

CASE NO.: PH#84-05-4
OWNER: Jack Cassell
APPLICANT: Leslie Campione

AGENDA NO.: 4
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and the capability of existing outbuildings to be incorporated into the 34 lots as primary residences.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#83-05-4

AGENDA NO.: 5

OWNERS/APPLICANTS: David Bartels and Kyle Burnett

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor.

The applicant was present to represent the case.

There was no opposition in the audience.

MOTION by Robert Herndon, SECONDED by James Gardner to recommend approval of RP zoning in PH#83-05-4.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#82-05-1

AGENDA NO.: 7

OWNER: Jim Hartman, Hartman Golf Course
Management, Inc.APPLICANT: Sam Bowyer, PE, Bowyer-Singleton and
Associates, Inc.

Mary Hamilton, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the monitor. Regarding the Urban Area Residential Density Point System, Ms. Hamilton noted that although the 47 points would allow a maximum density of 4.5 dwelling units per acre, the Urban Expansion future land use designation would cap it at four dwelling units per acre. Staff has reviewed the chart and found some additional points, but it did not change the overall density.

Timothy Morris confirmed that the zoning requested would run concurrent with the property. If this zoning request is approved, he asked if the owner and/or applicant could come back and request additional houses since this is a Planned Unit Development (PUD). Ms. Hamilton said they could come back through the process and request more houses. In response to Mr. Morris, Ms. Hamilton said conditions could be placed on the PUD. He asked if this Board could condition this PUD to maintain the 18-hole golf course or have it revert back to open space if it does not remain as an 18-hole golf course. Jeff Richardson, Planning Manager, said he did not know if this Board could require the golf course to remain, but it could require a certain amount of open space to remain. His understanding was that part of the reason the applicant made this request is financial feasibility. When their consumptive use permit comes up for renewal, some thresholds under the Golf Course Ordinance will be triggered, which will require some retrofit. Part of the reason for requesting the residential units is to be able to finance and possibly continue to operate the golf course.

In response to James Gardner, Mr. Richardson said the amount of open space this Board could require would be consistent with a PUD in Urban Expansion, which is a minimum of 25 percent. However, this Board and the Board of County Commissioners (BCC) can set that threshold at a higher level, if they so choose.

When Scott Blankenship asked if the density could be restricted to 1.25 units per acre on the 105 acres, Mr. Richardson said the PUD itself would do that. Any other changes would require an amendment to the Ordinance.

Larry Metz stated that he noticed in the staff report that it says the community would be age restricted so there will not be an impact on schools. In the Ordinance, it states only that the community will be age restricted. He asked if the Ordinance could be more specific on that subject. Mr. Richardson said they could change the language to match the definition of age restricted in the Florida Statutes. Since the development will be age restricted, Mr. Blankenship confirmed that no school impact fees would be paid.

Mr. Morris said he would like to hear from Public Works about trip generation. Fred Schneider, Engineering Director, said they have reviewed a study that was provided to them by Bowyer-Singleton and Associates. As part of that study, they have used the ITE Trip Generation Manual and projected a total number of trips from the site to be 1,492, about 750 trips entering and 750 trips leaving. The total number of trips on their latest (2005) traffic count on Silver Lake Drive is 2,800. With the new development, that would be a total of 4,300 trips on that roadway. The adopted level of service is "D," and this would fall within the level of service volume thresholds.

Sam Bowyer, project manager, was present to represent the owner of the golf course. Mr. Hartman is proposing 140 condominium units to be divided between five buildings. These buildings would be placed on the existing driving range area, tennis court area, and clubhouse area of the golf course. Bowyer-Singleton and Associates did perform the traffic study that Mr. Schneider spoke of. He confirmed the 1,492 trips would be distributed along Silver Lake Drive, down to Morningside Drive and College Drive and out to US 441. They agree with staff's recommendation of approval. This will be well within the density limits for the future expansion.

CASE NO.:	PH#82-05-1	AGENDA NO.:	7
OWNER:	Jim Hartman, Hartman Golf Course Management, Inc.	PAGE NO.:	2
APPLICANT:	Sam Bowyer, PE, Bowyer-Singleton and Associates, Inc.		

At the request of Paul Bryan, Mr. Bowyer submitted a site plan as Applicant Exhibit A and showed it on the monitor. He noted that the existing driving range is no longer open at this time. The existing tennis courts are in operation. The proposed development consists of five buildings, ranging in height from two-story to four-story buildings. In response to Mr. Morris, Mr. Bowyer said the four-story building would be five stories including the parking underneath. Regarding the area marked on the other side of Silver Lake Drive, Mr. Blankenship was informed that no improvements are planned for that area. There will be no activity on the lake. In response to Mr. Bryan, Mr. Bowyer said the primary access to the development would be the existing driveway. The other driveway will be closed. There is another driveway that will be used for the golf course and clubhouse parking. When Mr. Morris asked if there are any plans for a marina or any access to the lake, Mr. Bowyer said there are no plans for a marina. No access to the lake will be granted to these property owners. Mr. Bowyer informed Mr. Bryan that he had no architectural renderings of these buildings at this time. However, they will be architecturally compatible with the surrounding area. When Mr. Bryan asked if they have had any opportunity to meet with any of the neighbors to discuss their concerns. Mr. Bowyer replied that he believed that the owner has met with some of the neighbors in the area, but those in the audience said he had not.

Bruce Duncan was present to represent some of those in the audience who were in opposition. He asked Mr. Bowyer the size of the lots adjacent to the single-family estate lots in this development, but Mr. Bowyer did not know. He then asked Mr. Bowyer the net density of the 6.5 acres on which these 140 units would be placed. Mr. Bowyer said they are rezoning the entire site for a PUD, and that density is 1.25 units per acre. Mr. Bowyer said the net density on the 6.5 acres would be 140 divided by 6.5. When Mr. Duncan said that would be about 23.5, Mr. Bowyer agreed.

Bruce Duncan with the law firm of Potter, Clement, Lowry & Duncan, said he and Steve Richey were present to represent many of those in opposition to this request. He asked all those in opposition to this request who were in the audience to stand up. He said there have been two previous attempts in the Silver Lake area to do multifamily development. The first attempt was denied by the BCC, who made it clear that this area around Silver Lake was to be preserved for single-family development. The second attempt was to expand a long-time multifamily complex. The BCC also denied this request for the same reason as before. He spoke of the scare tactics used by the developer in this particular case. Some residents have been threatened with four units to the acre if the developer does not get what he wants. Most of this property is zoned R-1, with a small portion zoned R-6. He felt these scare tactics were used to get some signatures for a petition of support.

Greg Beliveau with LPG in Mount Dora noted that the staff report states that this request is compatible with other high-density developments in the area. However, those approvals were done on the periphery of this neighborhood and area. They were not approved within this area. The only high-density development within this area is a grandfathered multifamily complex. The higher-density developments were approved with the condition that they not have access on Silver Lake Drive. Silver Lake Drive does not have right-of-way. Much of Silver Lake Drive is prescriptive. This is a neighborhood street that has served a neighborhood that has been in existence since before 1920. This is an estate-type community with most lots along Silver Lake Drive being two acres and larger. Putting 140 units on 6.2 acres at a density of almost 25 units per acre is not a compatible land use for this area. Another reason staff supported this was due to the over-55 component offering a new alternative and a needed housing option. There are currently over 20 over-55 housing developments between Leesburg and Eustis on CR 44A. He questioned the need for another such community. As a previous airport manager of the Leesburg Municipal Airport, he spoke of the many complaints he received from Silver Lake residents regarding the approach to the runways. The flight pattern for landing is over this property. He questioned whether staff had researched the Airport

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OWNER:	Jim Hartman, Hartman Golf Course Management, Inc.	PAGE NO.:	3
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Ordinance as far as the approach and glide slopes for the approach to the runway and whether these four- and five-story buildings would have a negative impact. He will have the results of that analysis for the BCC public hearing on September 27.

Mr. Beliveau stated that he was under the assumption that if an amendment was filed for a PUD, CFD, or CUP with an existing golf course, the golf course must be retrofitted to meet the new golf course requirements in the Code. Lake County has one of the most restrictive requirements for retrofitting. Nowhere is this addressed in the PUD Ordinance. In addition, someone will be providing documentation to the BCC on impacts to property values on adjacent tracts. However, compatibility is the main issue. Using the site plan submitted as Applicant Exhibit A, he pointed out several single-family dwelling units. He noted the access point against a single-family estate lot. There is no buffering. This request is an intrusion to an established historical residential community of very low density.

Frank Kutch said he is chairman of the airport advisory committee for the Leesburg Regional and International Airport. He said he did not hear Mr. Bowyer speak about the impact of the development on the west side of US 441 on College Drive. Also he did not speak about the impact of the college expansion. These are new traffic impacts that need to be taken into consideration. It is difficult to ride bicycles along the lake due to the traffic. There is no guarantee that the traffic study is correct and that traffic will not impact them more. It is community spirit that has made Silver Lake what it is today. High density is not in conformity with what is built there now. There is no buffer, and this request will create many problems. He asked this Board to remember that the airport environment is growing. They have noise abatement problems all the time. High density should not be placed near an airport.

Dan Robuck, 50-year resident of the Silver Lake area, felt that putting such tall buildings in a residential neighborhood with large lots is the wrong thing to do. It will destroy the integrity of the area. He said the traffic count probably did not take into consideration the 200 units being built on CR 44. They will be cutting through Silver Lake Drive and going up Morningside Drive to go to the mall. Morningside Drive is already heavily traveled. If this request is approved, it will be just a matter of time before the owner will be back wanting more homes. This is just the start. Donald Miller asked Mr. Robuck if two-story buildings would be acceptable. Mr. Robuck replied that it would be difficult to disagree with that if Mr. Hartman used the density allowed under the current zoning for two-story buildings.

Norm Endall, who lives adjacent to the property, read into the record and submitted as Opposition Exhibit A a report of the power outages in this area over the past three months. Their power grid is inadequate now. It has gotten steadily worse over the years. Adding 140 more units will not help the situation. He felt the City of Leesburg has to straighten out the situation before considering multifamily dwelling units. He questioned the fire coverage for these multistory buildings. He also questioned police/sheriff protection and whether this property would be annexed into the City of Leesburg. He was also concerned about water for the area. When Robert Herndon asked Mr. Endall if he would be comfortable with two-story units, Mr. Endall said that might be acceptable if it was reasonable, the power grid can handle it, and there is adequate fire and police protection. He could not say yes or no. He likes it the way it is, but nothing stays the same. He did not object to everything that Mr. Hartman wants to, but he would object to anything that would cost him.

Don Perlow, a resident on Wedgewood Lane, was concerned about evacuation in the event of a major catastrophe.

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OWNER:	Jim Hartman, Hartman Golf Course Management, Inc.	PAGE NO.:	4
APPLICANT:	Sam Bowyer, PE, Bowyer-Singleton and Associates, Inc.		

Carl Lindstrand stated that when this first came to his attention, he sent his concerns to the County. One of his concerns was the height of the buildings. The Code limits the height to 40 feet. He said he has had discussions with the Planning & Development office on several occasions, and he was told the height limitation is 40 feet. He questioned whether the four-story building with parking underneath would meet the Code. Based on the map and color slide that was distributed by the developer, there appears to be ample parking for the facility. He did have a concern about access to these condominiums. A photograph shows one entrance through the parking lot. He has a plot plan that this Board has seen that shows three access points. Those three access points could create problems. The map shows a gate at the Wedgewood Lane entrance. He would like that gate designated for emergencies only and be designed as a crash gate. If this development is approved, he would like that included in the Ordinance. His next concern was the traffic pattern. Jackson Drive is a very narrow lane with many turns. He spoke of another new development of 27 units, which will add to the traffic. He described the route from Jackson Drive to Silver Lake Drive, noting that there are about 600 trips per day just for the residents. This is also a road used by many who are not residents of the area. With the condominiums, that will add about 1,200 trips per day. He felt the traffic could be minimized if there is a gate on Wedgewood Lane.

Mr. Lindstrand did not feel Leesburg can handle the additional water, sewer, and trash needs for these condominium units. He said the plot plan shows 140 trash bins behind the condominiums. He questioned whether that is an adequate way of handling trash in an upscale community. He was concerned that the residents of this condominium facility would have access to the lake. He did not feel that would be a good idea. If this request is approved, he wanted to know what would happen to Silver Lake golf course. The staff report states that rezoning would result in orderly and logical development. He did not agree with that statement. One hundred forty condominiums would almost double the load on public facilities. He felt the proposed zoning would conflict with public interest and harmony. The request will not blend into the existing community. Although these are concerns he had, he said he has not taken a position on either side.

Sharon Graikowski, a resident of Silver Lake Drive, said she has great concerns about how these new condominiums would impact the traffic that would go past her home. This is a tremendous safety issue even now. When Mr. Herndon asked what type of improvement she would be comfortable with for this area, Ms. Graikowski said she did not want the beauty and integrity of Silver Lake taken away. Better access would be helpful.

Al Hollins spoke of his traffic concerns. Morningside Drive is a very narrow road with no sidewalks. Approving these condominiums will bring additional traffic.

Carl Tiner asked that the site plan be placed on the monitor. He pointed out where he lives. He wanted to ensure that the detention pond is built to proper standards. All the houses on Wedgewood Lane utilize septic tanks. He questioned whether there would be any impact from the runoff due to the lack of green space from this construction. He was opposed to any vehicular access to Wedgewood Lane from this proposed project. One of the reasons he bought his home was because of the privacy. He asked that the emergency exit be placed so that headlights will not shine into specific homes.

Jesse Gonzalez said he is new to this community. He pointed out his home on the monitor, noting that the condominiums will be in his backyard. The density calculated by the applicant is based on 111 acres. These five buildings are being placed on 6.5 acres at approximately 23 units per acre. He questioned these condominiums being presented as high-end luxury units on a golf course when there will be ten units per floor. He asked the size of each condominium. Not enough information has been submitted for this development for the neighbors to assess the impact on the community. This project is not in harmony with the area.

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OWNER:	Jim Hartman, Hartman Golf Course Management, Inc.	PAGE NO.:	4
APPLICANT:	Sam Bowyer, PE, Bowyer-Singleton and Associates, Inc.		

Cheri Rennner spoke of the dangerous situation now when one tries to walk or ride a bicycle around the lake. She was concerned about the odor from all the trash bins. She felt higher density could bring higher crime. Although she was not opposed to reasonable development, she would like to see the people and property already there protected.

Steve Richey stated that the main issue with this project is consistency. He did not feel multistory condominiums on 6.3 acres contiguous to single-family residences on estate lots could be made consistent. There may be some proposal that could be consistent with the single-family nature of this community. The existing neighborhood is not speculative. Because this doesn't fit and because the information presented does not provide a picture that would allow this Board to make it fit, he asked that this request be denied.

Mr. Morris disclosed that he lives on Silver Lake Drive. However, he did not feel that this project would have a financial impact on his property values so he will be voting on the case.

Michael Holbrook, Director of Planning for Bowyer-Singleton and Associates, pointed out that this application has gone through the County's professional staff. Questions have been answered that the staff brought up. The traffic study was done based on staff's requirements. Based on 140 units on 6.5 acres, the net density would be 21.53 units per acre. Based on 140 units on 111 acres, the net density would be 1.25 units per acre. He submitted a zoning map (Applicant Exhibit B) showing the subject site surrounded by R-1, R-3 and R-6 zoning. He said Mr. Hartman purchased this property 1-1/2 years ago as it was going into bankruptcy. He has spent a considerable amount of money to maintain the golf course and revitalize the clubhouse. When he asked how many people in the audience had played golf on this course in the past year, several people raised their hands. It is Mr. Hartman's intent to try to keep the golf course and clubhouse intact, but it is a business decision. With no change in zoning, Mr. Hartman would be entitled to build approximately 155 units.

Mr. Holbrook submitted a future land use map as Applicant Exhibit C. Regarding the airport, he said they understood that there are restrictions; and the Federal Aviation Authority (FAA) must approve any height restrictions. This will be addressed at site plan review.

Mr. Holbrook reiterated that staff has analyzed this project. Water and sewer will be provided. Drainage will be internalized. There will be a central trash receptacle provided for the residents. This will be an enclosed container within an enclosed screened area. Regarding this project being a detriment to property values, Mr. Holbrook said these units would be valued at between \$250,000 and \$450,000 each. Each residential unit will be sized at 1,100 to 1,300 square feet, which is consistent with what is seen in the R-6 zoning district. This property has approximately 480 feet of frontage along Silver Lake Drive. There is no sidewalk on this road. He thought sidewalks were offered to the community years ago, but it was decided by the community not to have sidewalks as it would raise taxes or cost money in some other way. Mr. Hartman does own property on Silver Lake. However, lake access is not part of this application. To gain lake access for these residents, Mr. Hartman would have to come back before this Board and the BCC to amend the PUD. The drainage issue will be addressed during site plan review. This acreage has access on Silver Lake Drive, Morningside Drive, and Wedgewood Lane. However, the traffic study has recommended one gated access and a gated emergency access on Wedgewood Lane.

Mr. Herndon asked if Mr. Hartman has conducted any economic feasibility studies regarding two-story units. Mr. Holbrook said they have looked at that alternative. To achieve 140 units in a two-story configuration, they would probably lose nine of the eighteen holes. It would not make economic feasibility for Mr. Hartman to develop in that fashion. If they do not develop with the condominiums, they will

CASE NO.:	PH#82-05-1	AGENDA NO.:	7
OWNER:	Jim Hartman, Hartman Golf Course Management, Inc.	PAGE NO.:	5
APPLICANT:	Sam Bowyer, PE, Bowyer-Singleton and Associates, Inc.		

probably have a conventional single-family subdivision.

Mr. Morris commented that Mr. Hartman was looking at the project in order to keep the golf course open. Mr. Morris asked if Mr. Hartman was willing to put in the Ordinance that he will maintain the golf course forever if the condominiums are approved. Mr. Holbrook said he did not think Mr. Hartman was in a position to make that decision at this moment. He thought it should be considered.

Mr. Richey confirmed with Mr. Holbrook that he had said there was R-1, R-3, and R-6 zoning. In response to Mr. Richey, Mr. Holbrook replied that he had also said that this would be a transitional use between those zonings. Mr. Richey asked Mr. Holbrook to show him on the aerial where there is any property that is developed to the R-6 zoning standards. Mr. Holbrook said the neighborhood in the upper right hand corner is beginning to approach it, but there is entitlement under current zoning that they could. Of the platting and existing lots in the area that surround this site, Mr. Richey asked Mr. Holbrook to show him one that has been developed to the R-6 standards. Mr. Holbrook said he did not know. In response to Mr. Richey, he said he could not point out any properties developed to R-3 standards.

Mr. Holbrook pointed out that some of these neighborhoods are approaching 80 years old. He questioned whether there is a need for redevelopment within the urban core since there are urban services provided. This is a question to be answered. Should density take place within the urban core or should sprawl continue?

Mr. Richey asked if there is any density shown on the aerial that is remotely near the 22.22 units per acre that Mr. Holbrook had spoken of. Mr. Holbrook said there is none in this region, but there are properties in the City of Leesburg that have that density. Mr. Richey confirmed with Mr. Holbrook that the future land use for this property is Urban Expansion, not Urban. Mr. Richey asked Mr. Holbrook if he felt 22 units to the acre was Urban density. Mr. Holbrook replied that on 110 acre, he felt it was. When Mr. Richey asked if it was Urban density on 6.3 acres, Mr. Holbrook said they are not asking for Urban density on 6.3 acres.

When Mr. Hartman bought this property, Mr. Perlow said he thought Mr. Hartman signed an agreement saying that he would not develop any part of the golf course for two years. Mr. Holbrook said that was correct. Mr. Perlow pointed out that within a short time of buying the property, Mr. Hartman closed the driving range and created a loophole for this project. Mr. Perlow was concerned about future development. Mr. Holbrook was informed by Mr. Hartman that the two-year restriction never applied to the driving range area.

In response to Mr. Herndon, Sandy Minkoff, County Attorney, said that it would not be necessary to make a motion for denial without prejudice so the applicant could come back within a short time. If an applicant comes back with a substantially different application, there is no time restriction. However, the same application can never be brought back.

Larry Metz said he is very persuaded by the fact that this is not compatible with the area. To put mid-rise condominium units in the middle of an established low-density single-family neighborhood is simply not compatible. Therefore, he intends to oppose this request.

MOTION by Larry Metz, SECONDED by Scott Blankenship to recommend denial of PUD zoning in PH#82-05-1.

Mr. Morris said he had two concerns about this request. The first concern is the size of the project in the limited amount of space, which is the known. His biggest concern, though, is the unknown. Therefore, he

CASE NO.: PH#82-05-1 **AGENDA NO.:** 7
OWNER: Jim Hartman, Hartman Golf Course **PAGE NO.:** 6
APPLICANT: Sam Bowyer, PE, Bowyer-Singleton and Associates, Inc.

Could support the motion of denial. However, with the zoning already on the property, Mr. Hartman has the ability to develop so the property may not remain as a golf course.

Mr. Bryan agreed that this project is not compatible for the neighborhood. However, he would not be opposed to another request being brought forward that was more compatible and also allowed the golf course to remain. He would also support a denial in this case.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#78-05-4

AGENDA NO.: 8

OWNER: Mildred M. Hobdy
APPLICANT: Solid LLC/Ben Champion

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. This would be infill to the existing commercial located nearby.

The applicant was present to represent the case. There was no opposition in the audience.

MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of CP zoning in PH#78-05-4.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#76-05-4 AGENDA NO.: 10

OWNERS/APPLICANTS: George and Tina Weeks

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and picture from the staff report on the monitor. He pointed out on the aerial the three existing C-1 zoned lots owned by the Weeks. He said he had verified with the Property Appraiser's office that all these lots are appraised as commercial because that is the highest and best use for the area. He pointed out on the aerial developed commercial property in the area.

The applicant was present to represent the case. There was no opposition in the area.

MOTION by Donald Miller, SECONDED by Timothy Morris to recommend approval of CP zoning with C-1 uses in PH#76-05-4.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#81-05-5 AGENDA NO.: 11

OWNER/APPLICANT: Free Methodist Church of North America, Inc.

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

The applicant was present to represent the case. There was no opposition in the area.

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of CFD zoning with the revocation of CUP#959A-5 in PH#81-05-5.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#59-05-3

AGENDA NO.: 12

OWNERS: Murry W. and Marsha P. Crawley
APPLICANT: Steven J. Richey, PA

Sherie Ross, Public Hearing Coordinator, stated that she had received a letter this morning prior to the meeting from Kathleen Patterson, Chair, Green Mountain Scenic Byway Committee. She had distributed copies to the members and submitted the letter as County Exhibit A.

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

Timothy Morris asked if R-1 zoning with individual wells and septic tanks would be acceptable to staff. Mr. Hartenstein stated that R-1 would have less impact. Wells and septic tanks would be addressed during the development review. Conditions cannot be placed on straight zoning.

Steve Richey was present to represent the case. He said he has just been approached by some people in the audience who have concerns and are opposed to this request. He agreed to continue this case 30 days so he could meet with these people to work out some of their concerns. This property has a future land use designation of Rural Village, which requires a Planned Unit Development (PUD). In addition, it is not addressed in the staff report that in Rural Village, there is a limitation of 200 building permits per year in all 15 Rural Villages in the County. He needs staff to look at that because he did not know if there would be an issue with schools.

There was no opposition in the audience to a 30-day continuance.

MOTION by Larry Metz, SECONDED by Robert Herndon to recommend a continuance of PH#59-05-3 until the October 5, 2005 Lake County Zoning Board public hearing.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: PH#79-05-2

AGENDA NO.: 14

OWNER: Kathleen D. Pagan

John Kruse, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor, noting that the property would be split north to south. Both properties would front on Johns Lake Road.

The owner was present to represent the case. There was no opposition in the audience.

MOTION by Scott Blankenship, SECONDED by Robert Herndon to recommend approval of AR zoning in PH#79-05-2.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO.: CUP#05/7/1-4

AGENDA NO.: 15

OWNERS: Robert and Shirley Grantham
APPLICANT: Jimmy Crawford

John Kruse, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor.

In response to Paul Bryan, Mr. Kruse said he has received no written comments from the City of Mount Dora.

Timothy Morris asked Mr. Kruse if they would have to move existing debris in order to conform to the regulations for a 200-foot setback. Mr. Kruse replied that the majority of the landfill would shift to the south from the northern property line. He showed the photographs from the staff book on the monitor.

In response to Donald Miller, Mr. Kruse said it is his understanding that this was a clay pit. It is also his understanding that the additional height is already at the landfill.

James Gardner said he visited the site, and he could not see over the big hump that is beside the roadway. He asked if it would be possible to use a bulldozer on the site to push the additional height into another corner so the pile is at an acceptable height. Mr. Kruse said he does not have that detailed information; but by looking at the photograph, it would appear that moving the debris somewhere else may put it into the existing setbacks. It could be hauled off. Mr. Gardner said the things he saw, old automobiles, junk boats, and other things, which would be hard to move out.

When Robert Herndon asked whom the County had contacted for comments from Mount Dora, Mr. Kruse said Mary Harris would have sent the request to the Planning Department in Mount Dora.

Jimmy Crawford, attorney with Gray Robinson in Clermont, was present to represent this case. He said this is a historical clay and sand pit with a vesting letter received in October of 1994 to allow it to continue to operate as a clay pit and C&D landfill. The 1994 vesting letter was challenged by some of the neighbors. That resulted in a settlement agreement in 1996. He submitted a copy of the settlement agreement as Applicant Exhibit A. He discussed the requirements of the agreement. The Department of Environmental Protection (DEP) now requires all C&D landfills to get individual permits, which they have done. The project proceeded based on the settlement agreement. He noted that the setbacks were included in the settlement agreement. Since there was no height limitation in the settlement agreement, the owners and applicant assumed that there was none. They went to DEP and applied for a height increase on some portions of the landfill and a redistribution.

Mr. Morris asked if there was a state height limitation on the landfill at the time of the settlement agreement. Mr. Crawford said Ted Wicks should be able to answer that question, but there was only a general permit at that time so he did not think there was any height limitation at all in that general permit. The permit that they got later had a height limitation of 133 feet. They originally applied to go to 162 feet. DEP issued a notice of intent to issue a permit. That notice was appealed or challenged by the neighbors again. They attended a settlement agreement meeting on April 10, 2003 at the Orlando DEP office. An agreement was reached, but it was not formalized and signed for several months after that. The agreement was that the height limit would be 145 feet rather than 162. He submitted this settlement agreement and mutual release as Applicant Exhibit B. He discussed the terms and restrictions of this document. They moved forward on April 15, 2003 to implement that. He submitted a list of those in attendance at the April 10, 2003 DEP meeting as Applicant Exhibit C. He said the City of Mount Dora had written an objection letter in January of 2003 regarding the 162-foot request. He left that meeting thinking they had a global settlement. He would not have signed the agreement if he thought there was a collateral challenge coming from somewhere else. He submitted an e-mail between Walter Wood and Melanie Marsh dated May 7, 2003 (Applicant Exhibit D) that reviewed the draft settlement agreement. The draft settlement agreement allowed them to go to 145 feet and modified the setbacks. Mr. Crawford noted the four issues that Mr.

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OWNERS: Robert and Shirley Grantham **PAGE NO.:** 2
APPLICANT: Jimmy Crawford

Wood felt must be included. The final agreement included all the issues except an approved operations plan. He read the e-mail from Melanie Marsh to him dated May 7, 2003. He said there was a subsequent e-mail in which the County later said it would like to renegotiate the 1996 agreement. In May of 2003, they were working with the County on the implementation of the agreement, and nothing was said about an objection to the height. About August of that year, the County had a "change of heart." He felt that was wrong. The County sent him a letter in August explaining that the County felt this project was a nonconforming use and the height cannot be expanded. He replied to the County that there is no height restriction in the 1996 settlement agreement so he did not know how the landfill could be in violation. In 2004, Code Enforcement cited the Granthams for several issues, the only one of which made it to the hearing was the issue of expanding a nonconforming use. They went to a Code Enforcement hearing in November of December of 2004, which culminated in an order from the Code Enforcement Special Master, who found they were in violation. Therefore, they either needed to apply for a Conditional Use Permit (CUP) or lower the height to 133 feet. He said the staff report recommends denial because this project does not meet the setbacks that are generally applied to C&D facilities today. It cites the Coddling mine and the Hewitt landfill. The staff report acknowledges that there are no setback limitations in the Land Development Regulations or the Comprehensive Plan. However, staff said that historical policy implements this 200-foot setback. There is another unwritten County policy that says C&D landfills should be restored back to "somewhat" the original topography that existed prior to the mining starting. That is also not in the Land Development Regulations or Comprehensive Plan. Staff denied the 145-foot height because they believe it goes beyond the natural topography that existed prior to the mining.

Ted Wicks said he has been involved in this project since the time when this type of operation required a full standard permit instead of a general permit, around the year 2000.

Mr. Bryan left the meeting, and Mr. Morris took over as chairman.

Ted Wicks of Wick Consulting Services, project engineer, said he was also the project engineer for the two Conditional Use Permits referred to by staff. The staff has cited some setback issues that he felt were very important to discuss. These involve setbacks from property lines. Staff has accurately stated a portion of those setback requirements. However, they failed to move forward in the actual document to determine what it said. He submitted a copy of the CUP Ordinance for Coddling Sand Mine as Applicant Exhibit E. He read a portion of Page 5 regarding the setbacks. He then submitted the ordinance from the Hewitt CUP as Applicant Exhibit F, which was basically the same. Regarding the landfill in question Mr. Crawford asked if any new digging had taken place in these 10-foot, 15-foot, and 25-foot setbacks or if this was a filling in of the existing pit. Mr. Wicks replied that they were filling in the existing pit. In response to Mr. Crawford, Mr. Wicks said that in his opinion this would be consistent with what staff recommended and the Board of County Commissioners (BCC) approved with both Hewitt and Coddling.

Mr. Crawford spoke about the policy of the County to not allow C&D landfills to go above the historical natural grade. Mr. Wicks stated that to be consistent with a good reclamation plan, it was basically the idea to try to approximate the grades that existed before the mining was conducted.

At the request of Mr. Crawford, Mr. Wicks submitted a proposed fill plan as Applicant Exhibit G and the final grading plan as Applicant Exhibit H. Mr. Crawford said this is the grading plan for the approved DEP permit for the modification they are requesting. Mr. Morris confirmed with Mr. Crawford that this plan has been approved by DEP. When Mr. Crawford asked the historical height of this property, Mr. Wicks said that based on the USGS quadrangle maps from 1960, the top of the hill elevation was around 145 to 150 feet. Their property line elevation on the west side was a minimum of 145 feet Mean Seal Level (MSL). They want to bring it back to that height and grade off and across slope to end up at another elevation of 125 feet down at the toe. They are trying to be consistent with good reclamation standards and basically try to put it back in the best possible way.

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AGENDA NO.: 15

OWNERS: Robert and Shirley Grantham
APPLICANT: Jimmy Crawford

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In response to Mr. Crawford, Mr. Wicks said the Codding facility is about one-half to three-quarter of a mile to the east, south of SR 46. Mr. Crawford submitted a map (Applicant Exhibit I) showing the location of that facility. Mr. Crawford asked if the Codding sand mine was approved for an elevation similar to the subject landfill. Mr. Wicks said the design of that landfill used the same policy and proposed the top of the landfill to be approximately at the same pre-mining elevation as the subject property. Codding is actually a little bit higher at elevations as high as 160 feet. Mr. Crawford confirmed that Codding is 15 feet higher than this request, but it is consistent with the policy as that hill was higher before it was excavated. Mr. Crawford confirmed with Mr. Wicks that it is his testimony that the current Grantham proposal is consistent with both that height policy and with the setback policy.

Gene Bebbler, president of the Sunset Pond Homeowners' Association, said that all the Association asks is that Grantham meet the County regulations. They want this landfill to meet the same qualifications as everybody else.

Mr. Crawford reiterated that Mr. Wicks has said this project is consistent with the County policy because they did not dig new areas within the 200-foot or 50-foot setback. They filled an existing pit. They cannot "pull back" to the 200 feet. They set a shortened timeframe in the DEP permit to give the neighbors some certainty as to when they will be done. While he does not agree that they are expanding a nonconforming use, that was the determination. They have a plan that they believe complies with all County regulations. He requested approval of this case with the same limiting conditions that are in the DEP permit.

Mr. Bebbler said the Granthams applied for a five-year permit, but it was cut back two years. That was forced on them. He questioned why the Granthams went to the State first instead of the County.

In response to Scott Blankenship, Mr. Kruse explained that if the Granthams applied for a new C&D pit, staff would permit it as proposed in the ordinance with the setbacks listed. The Special Master concluded that this was an expansion of a nonconforming use. Therefore, staff treated it as a new C&D pit. That is the reason for the setbacks listed. In terms of the 200-foot and the 50-foot setback, C&D materials are not allowed within that setback. When Mr. Blankenship confirmed that it is already dug and filled, Mr. Kruse said that is why the landfill was allowed to go to 133 feet. Now the Granthams want to expand the nonconforming use to 145 feet. The 200-foot setback was not a requirement when the height was approved for 133 feet.

In response to Mr. Morris, Melanie Marsh, Deputy County Attorney, said Mr. Kruse's statement was correct that an expansion of a conforming use must meet the current County Code. However, it would be up to this Board to decide whether or not setbacks would be an issue. Conditions could be placed in the ordinance.

Mr. Gardner confirmed that this project is not in violation with the state as the state allows 145 feet. Mr. Crawford said they have a valid final DEP permit to go to 145 feet. Mr. Kruse agreed that this project does have a DEP permit to go to 145 feet.

When Larry Metz asked if staff agreed with the map illustrating the pre-excavation elevations on the property and the testimony of the expert that this 145-foot height would be in conformity with those prior topographical levels, Mr. Kruse said this has been argued several times in the past with the County's professional geologist. He has no evidence to dispute that.

Mr. Crawford noted that it has been said that the setbacks are different in their permit now than they were in the 1996 settlement, but they are the same except that the setback on the west by the Mount Dora spray field changed from 15 feet in 1996 to ten feet in 2003. The setbacks on the residential property side stayed the same.

CASE NO.: CUP#05/7/1-4

AGENDA NO.: 15

OWNERS: Robert and Shirley Grantham
APPLICANT: Jimmy Crawford

PAGE NO.: 4

MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend approval of a conditional use permit for a construction and demolition debris landfill in CUP#05/7/1-4. Larry Metz suggested incorporating the termination dates of December 31, 2009 with a one-year reclamation (December 31, 2010) that were part of the 2003 settlement agreement. Mr. Miller and Mr. Blankenship were agreeable to that amendment.

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

AGAINST: None

NOT PRESENT: Bryan

**MOTION CARRIED, 6-0
AS AMENDED**

CASE NO.: PH#72-05-2

AGENDA NO.: 16

OWNERS: Wolfgang Dueren/Lake Susan Lodge Trust
APPLICANTS: Jimmy D. Crawford, Gray Robinson/
Steven J. Richey, PA

John Kruse, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial from the staff report on the monitor. This property is located in the Green Swamp Area of Critical State Concern. He noted that the Local Planning Agency heard this request for a small scale land plan amendment to change the future land use from Transitional to Ridge; the Local Planning Agency recommended denial of the request.

Steve Richey was present to represent the case along with Jimmy Crawford. He said this is an example of trying to apply common sense, both with the Land Development Regulations and Comprehensive Plan, to improve a situation that has the potential of deteriorating over the years. The only issue has to do with economic availability and feasibility versus leaving it like it is.

Jimmy Crawford gave a history of this property. He stated that Lake Susan Lodge was established as a fish camp in the 1940s. This is a legally existing nonconforming use. It is located in the Green Swamp Area of Critical State Concern. Since 1991 or 1992, the lodge has become increasingly run down. The owners want to upgrade the property. They contacted the neighbors, who would like to see the motel removed and converted to a residential use. A plan was formed based on environmental improvement. The fish camp was built with disregard to many of the environmental regulations that are in effect at this time. The plan addresses the recommendation of the special master. This would include removing the impervious surface that is within 50 feet of Lake Susan, taking out the boat ramp, putting in an Outstanding Florida Waters (OFW) storm water system, allowing no underground irrigation, and adding Xeriscape. There are two driveway entrances, which is nonconforming under current standards. One will be closed. In addition, the new development will be connected to a central sewer system, which would be provided by the residential development to the south. When the plan for 36 townhouse units was brought to the County, staff was not comfortable with that number. However staff felt it was a good idea and suggested the owners file to go through a special master proceeding. That was in 2001. In 2004, they were still going through the special master process. It was determined that the special master process was not the best way to settle this. A rezoning or/and a land use plan amendment needed to be filed. They went through that process. Three negotiating sessions were held at which density was the only real issue. Mr. Gerken was the special master and wrote the recommendation. He agreed that this was a good idea but the wrong process. Since the project makes sense and everyone agrees that based on the environmental improvements some density is appropriate, he felt a land use plan amendment should be done. The Board of County Commissioners (BCC) approved the special master recommendation, and the applicants filed for a land plan amendment and a rezoning. The Ridge classification is the only classification that he felt clearly allows what they want to do. The Ridge classification is allowed in the Green Swamp Area of Critical State Concern so that is what they applied for.

Mr. Crawford said Department of Community Affairs (DCA) agreed that no more than 21 units should be allowed if all the environmental restrictions are included. The County did not agree with that determination. He explained that all parties to a special master proceeding, in this case DCA, the County, and the owners and the applicants, must accept, reject, or modify the recommendation. He submitted a letter from DCA (Applicant Exhibit A) regarding this recommendation and read a portion of it into the record. Even with the DCA letter, staff continued to recommend denial. In his report, Mr. Kruse said multifamily should only be allowed as a transition between a higher intensity use and a residential use. He felt that is what is being done in this request. They have high intensity use, a commercial restaurant, and residential use across the road. On both sides, they want to buffer that with the townhouses they are proposing. The other policy used as a basis for denial concerned neighborhood cohesiveness. They want to replace a transient motel with upscale townhouses, unit for unit. He submitted eight letters of support from the neighbors in the area as Applicant Exhibit B. He read one of the letters into the record.

Sandy Minkoff, County Attorney, came into the meeting.

CASE NO.:	PH#72-05-2	AGENDA NO.:	16
OWNERS:	Wolfgang Dueren/Lake Susan Lodge Trust	PAGE NO.:	2
APPLICANTS:	Jimmy D. Crawford, Gray Robinson/ Steven J. Richey, PA		

Timothy Morris said there has been talk of 12 townhouses, 15 townhouses, and 21 townhouses. He questioned which was correct. Mr. Crawford reiterated that the original plan was for 36 townhouses. When this application was filed, they were under the impression that there were 15 existing motel units on the property. However, when they visited the property they found only 12 units. Some were two-bedroom units. Eighteen units are permitted in their Conditional Use Permit (CUP). They want to replace the existing 12 units on the Lodge property and add three more units, or possibly four if the land plan amendment is approved, on Mr. Dueren's property for a total of 15 townhouses.

Steve Richey confirmed with Mr. Crawford that central water and sewer is available and is currently serving the restaurant. Mr. Crawford added that they have bought capacity for 36 townhouses. Mr. Richey also confirmed that the capacity was reserved when the restaurant was added to central water and sewer.

There was no opposition in the audience.

Greg Beliveau with LPG said he has done a cursory review of the timeliness analysis to determine if timeliness could be met on the property. He submitted an assessment map as Applicant Exhibit C. He noted that the development around the site is quite intensive. He looked at the area within one-half mile radius of the property, and this property can easily meet the "rooftop test" of over 40 percent. It almost reached 70 to 80 percent rooftops within a half-mile radius. He felt this project could meet the transition requirements for timeliness to allow development of this site. They did an aerial search and found the majority of these developments do meet the test of at least over 50 percent, if not 100 percent, of the subdivisions have developed. Staff also stated that the site has some constraints on it that made the site somewhat of a problem to development. He submitted a flood plain acreage map as Applicant Exhibit D and a land use/land cover map as Applicant Exhibit E. This property was developed in the 1940s when environmental constraints were not part of the culture. He pointed out areas of fill material, noting that the actual wetlands on the site have been reduced through impacts historical from the 1940s to the 1960s. He also looked at the 100-year flood plain since it was stated that residential development could not be placed on the site because of 100-year flood plain restrictions. He noted that again through historical impacts, portions of the 100-year flood plain have already been impacted and paved over. Therefore, they can place residential units above the 100-year flood plain so they can design approximately 15 units on this site and comply with open space requirements and other requirements in the Transitional and/or Ridge future land use classification.

In response to Mr. Morris, Mr. Beliveau said he does not have a site plan; but one will be available for the BCC public hearing. The site plan will show compliance for the 15 units. He spoke of the densities in the area that already comply with the Ridge criteria. From a land use prospective, having the Ridge future land use classification at this location could be a good transition. They will be converting to a residential use with a restaurant that is more upscale, which is something the area desires and supports. Mr. Richey confirmed with Mr. Beliveau that the 15 proposed townhouses are consistent and compatible.

Scott Blankenship was informed that the restaurant would remain. The liquor store and boat ramp will be removed. Mr. Richey said that if the restaurant was removed, they would not be adding additional residential units. What is grandfathered and vested is what is being rolled into this Planned Unit Development (PUD). Mr. Crawford said the restaurant is built almost entirely within the 100-year flood plain and wetland areas.

Eric Schwalback, a resident on Lakeshore Drive, five houses from this property, said the entire City of Clermont wants the restaurant to remain. They do not want the existing units on the site. What is there now does not benefit the community. He said the most recent card he got said 15 units were being requested. The neighbors do not have a problem with 21 units. However, they would like that portion of

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the canal cleaned up and the restaurant improved. This project will not affect the schools.

Mr. Richey clarified that these will be adult only homes.

MOTION by Donald Miller, SECONDED by Scott Blankenship to recommend approval of PUD zoning for 15 units in PH#72-05-2.

FOR: Morris, Blankenship, Gardner, Herndon, Miller, Metz
AGAINST: None
NOT PRESENT: Bryan
MOTION CARRIED: 6-0

Adjournment

There being no further business, the meeting was adjourned at 1:25 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman