

**MINUTES
LAKE COUNTY ZONING BOARD
OCTOBER 3, 2007**

The Lake County Zoning Board met on Wednesday, October 3, 2007 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, October 23, 2007 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
James Gardner, Secretary	District 3
Phyllis Patten	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Members Not Present:

Scott Blankenship	District 2
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Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management
Brian Sheahan, AICP, Acting Director, Planning and Community Design Division
Alfredo Massa, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Stacy Allen, Senior Planner, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Jim Stivender, Jr., Public Works Director, Funding and Production Division
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:08 a.m. He led in the Pledge of Allegiance, and Mark Wells gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor.

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. These exhibits will be on file in the Planning and Community Design Division. Chairman Bryan explained the procedure for hearing cases on the agenda.

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CASE NO.: PH#32-07-4 AGENDA NO.: 1

OWNERS/APPLICANTS: Robert S. and Jane E. Walsh

Brian Sheahan, AICP, Acting Director, stated that there has been a request from the owners/applicants to remove this case from the public hearing agenda in order to revise their application. Staff supports this request.

MOTION by James Gardner, SECONDED by Phyllis Patten to accept the withdrawal of PH#32-07-4 from the public hearing schedule.

FOR: Morris, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#36-07-4 **AGENDA NO.:** 2

OWNER: Quinnette Durkin on behalf of the Lake
County Board of County Commissioners

APPLICANT: Tom Eicher on behalf of Bobby Bonilla,
Director of Parks & Trails Division,
Department of Public Works

PROJECT NAME: Pine Forest Park

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial and conceptual plan from the Zoning Board booklet on the monitor and referred to the memorandum dated June 26, 2007 regarding active recreation facilities within the Wekiva River Protection Area also found in the booklet. She stated that Tom Eicher was present to answer questions regarding this case.

In response to Timothy Morris, Ms. Allen said the radio tower was identified for future use, if needed. The actual location of the site may change as a result of an environmental assessment, but it would be located within the 47 acres.

James Todd said he was totally in support of this request. He was present to represent the Pine Lakes Community Association as well as speaking as a private citizen.

MOTION by James Gardner, SECONDED by Phyllis Patten to recommend approval of CFD zoning for the purpose of expanding the existing Pine Forest Park in PH#36-07-4.

FOR: Morris, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#50-06-2

AGENDA NO.: 3

OWNER: Clonts Grove, Inc.

APPLICANT: Cecelia Bonifay, Esq., Akerman & Senterfitt

Rick Hartenstein, Senior Planner, presented a brief overview of the staff report and the staff recommendation of denial. He showed the aerial from the Zoning Board booklet on the monitor. He said the applicant submitted a sixth revision of the traffic analysis on the afternoon of October 1. However, there was insufficient time to fully evaluate this revision and the proposed impacts to the surrounding transportation system. Although staff did address this revision and its analysis by a cursory review before this meeting, staff still concludes that a segment of US 27 will fail and, therefore, does not affect the conclusion of the staff analysis that was presented in the package. He showed pages 1 and 2 of the conceptual site plan from the package on the monitor. He said staff chose a one-mile radius to show the adjacent development pattern; in no way was this part of any timeliness. He referred to the map in the package showing this adjacent development pattern. Although consistent with the future land use category, the development contemplated in the rezoning is premature and will result in urban sprawl. He noted the three letters of opposition in the booklet.

Cecelia Bonifay, attorney for Ackerman Senterfitt, was present to represent Clonts Groves and Rex Clonts. They had no problem with the technical information such as the property location and surrounding zoning, but otherwise they were in disagreement with all of the findings. The Clonts are currently in the citrus business and would like to remain in that business for as long as they can, financially or from an environmental standpoint. She added that Mr. Clonts was provided no notice about the Joint Planning Area (JPA) meeting in Clermont. She said they had a concern about meetings being held with the subject of the meeting not being notified. They found out about it accidentally because they receive the Clermont agenda each week. She was out of the country at the time; a continuance was requested and denied. No information was able to be presented to Clermont, and the information Clermont City Council had was incomplete. They had no staff report, and none of the latest information from the client concerning land use or zoning. She said they could provide the County with the minutes.

Tim Green, president of Green Consulting Group, said he is a certified land planner and registered landscape architect. His company designed this Planned Unit Development (PUD), provided the conceptual plan to go with the application, and have since reviewed the staff reports for this case. Ms. Bonifay confirmed with Mr. Green that previously there had been additional information submitted and reviewed by staff. Mr. Green said this case was before the Zoning Board in June; the case was continued at that time to work out acreage calculations. That issue was resolved by Lake County redoing their numbers. Their numbers and the County's numbers now differ by only 1.7 acres. The numbers they originally submitted were correct. When Ms. Bonifay asked the major concern with the project as outlined in the June staff report, Mr. Green said most of the concerns dealt with the inability to evaluate open space and traffic. There was also an issue with incompatibility of the development with the surrounding areas. Traffic and incompatibility are still issues; open space has been resolved. However, the staff report for this meeting now lists commercial as a major obstacle, but it was not mentioned in June. The commercial aspect of the project is the same as in June. They clarified the open space within the commercial pods, but they did not change the square footage or acreage requirements. In response to Ms. Bonifay, Mr. Green said they have gone through each objection in the staff report and cited the language from the chapters and policies from the Comprehensive Plan that are quoted in the staff report. Mr. Green said there is a disagreement as to what these directives were in the Comprehensive Plan. There is a question as to whether they were directed to individual applications or to submit and approve a Comprehensive Plan amendment and a future land use map. They believe those directives by the Board of County Commissioners (BCC) were to prepare a map, submit it to the Department of Community Affairs (DCA) for review, and have it found either in compliance or not in compliance. In this case, the map was found in compliance. At that point, the directives were taken care of and the other issues within the Comprehensive Plan came into play as far as how to apply applications within those land use categories through the other policies in the Comprehensive Plan that further direct and the Land Development Regulations (LDRs) which further enforce the Comprehensive Plan. Ms. Bonifay confirmed with Mr. Green that many policies which were cited are really policies that deal with what the review standards should be when a

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Comprehensive Plan amendment comes to the County as opposed to a rezoning application. He submitted a chart noting specific pages from the staff report, the cited references, and the actual language as Applicant Exhibit A. Also submitted was a summary prepared by Green Consulting Group listing negatives and positives of the project, focus on the Comprehensive Plan as well as the other policies that should be applied once the rezoning comes before this Board (Applicant Exhibit B). Mr. Green discussed those two exhibits. Regarding Line 3 under Negative vs. Positives in Applicant Exhibit B, it should read 157% instead of 136.9%. Almost 49 percent of the site will be open space, including wetlands but not including waters. Regarding Policy 1-3A.1 (2)(a) under Commercial in Applicant Exhibit B, Chairman Bryan was informed by Mr. Green that there is no definition for appropriate distance. Mr. Green said he has no number that he would recommend as an appropriate distance; that would be a determination by the BCC. He added that he felt this project will definitely have a market area greater than two miles in order to attract enough customers to make this center work. Unless they would build 5,000 units on the site, they would not have a market area within the development to support the commercial and office space that is being proposed. He submitted a future land use map as Applicant Exhibit C, a Comprehensive Plan update as Applicant Exhibit D, and the conceptual plan as Applicant Exhibit E.

Mr. Green submitted e-mail communication between Bill Coates and Rick Hartenstein (Applicant Exhibit F) regarding the ability of Utilities, Inc. of Fla. to serve. It is not a positive statement, but it is also not a negative statement. When Ms. Bonifay asked if this property is located in more than one utility service area, Mr. Green said the property is located in the City of Clermont and Utilities, Inc. of Fla. utility service areas. She confirmed that this development has not received a denial from the City of Clermont that it will never provide water and sewer service. She was under the impression that the City has the capacity, but they have not entered into a utility agreement.

Regarding the points that were made by staff and their findings for denial, Mr. Green said he felt the basis of their findings was as if this was a Comprehensive Plan amendment rather than a zoning. The timing of this development is not subject to timeliness although the reviews seem to respond to the surrounding area rather than what is allowed by the Comprehensive Plan. He also felt the commercial criteria is misguided because he felt commercial is allowed within that center and the Urban land use category. Ms. Bonifay asked Mr. Green about the County's policy on schools in the past in terms of the capacity issue. Mr. Green said the County has been placing language within all rezoning ordinances stating that the rezoning is subject to whatever concurrency is in place at the time of development. Nothing could go forward until the procedure is in place. They had no objection to that language being added.

In response to Ms. Bonifay, Don Griffey, president of Griffey Engineering, gave his work experience. He said his role in this project is as traffic engineer. As indicated, six versions of the traffic study have been submitted. The findings in the staff report indicated that a complete and accurate preliminary traffic study was not submitted. The first traffic study was submitted in September of 2006. He submitted three location maps as Applicant Exhibit G. Ms. Bonifay confirmed with Mr. Griffey that this project is not a DRI. When Chairman Bryan asked why the study was expanded beyond what is expected, Mr. Griffey said this was a request by the County, the Lake Sumter Metropolitan Planning Organization (MPO), and the Florida Department of Transportation (FDOT) as part of this review. He noted that as they were going through the review and receiving comments, it appeared as it was being reviewed from a concurrency review level, almost like a final development order, whereas they were approaching it as zoning. Regarding traffic studies three and four, he said they were asked to look at long-term projections. However, future road improvements could not be claimed.

Mr. Griffey submitted language regarding the affidavit of deferral as Applicant H.

Mr. Griffey said the result of the fifth generation of the traffic study showed that there is capacity in the system to support the project with one small exception. On the north end of US 27, it is currently operating

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at capacity. However, it is programmed for six-laning in four years. If it was to be constructed in three years, they could claim it as existing and there would be no capacity problem. He stated that the development application submitted to the County is in compliance with the County’s concurrency management ordinance.

Rex Clonts said his family has been in the agricultural business for four generations and would like to keep it that way for a long time. However, he needs the flexibility to be able to use his land to its highest use and to be able to borrow on that land if necessary. In response to Phyllis Patten, Mr. Clonts said his grove has 550 producing acres. Mr. Clonts added that the City of Clermont never notified him of the JPA meeting in Clermont. Ms. Bonifay’s office notified him.

Darren Gray, Assistant Manager for the City of Clermont, said that at their meeting on September 11, 2007, the Clermont City Council reviewed the Clonts Grove PUD zoning request. The project is located in the Clermont JPA. At that meeting, the Clermont City Council was unanimous in their vote to recommend denial for the request. The request to change this approximately 731 acres from Agriculture to PUD is inconsistent with the future land use that is proposed by the Lake County Land Planning Agency (LPA) and supported by the City of Clermont. The proposed future land use for this area is Rural Transitional, which will allow one dwelling unit per five acres or one dwelling unit per acre if 50 percent open space is provided. Although the current future land use is Urban Expansion, which allows up to four dwelling units per acre, the owner is not entitled to the density or the zoning being requested. He did not feel that any zoning changes should be approved. Approval of this request would further urban sprawl and place significant hardships on our road system and schools. The City of Clermont requests denial of this project and zoning.

Chairman Bryan asked if the recommendation of denial by the Clermont City Council was based on the future proposed land use or the current land use.

Wayne Saunders, City Manager for the City of Clermont, said the Council looked at the project as being inconsistent with the surrounding uses at this time. There is a State park on one side of the project and rural property on three sides. There is nothing that is close to what is being proposed for more than a mile north or several miles south of the property. The Council also looked at the project as far as whether it is consistent with what is being planned for that area in the future. Regarding Ms. Bonifay’s comments concerning notification, Mr. Saunders said the applicant, but not the owner, is notified. Ms. Bonifay’s office was aware of the meeting five days prior to the meeting. The Council did offer to postpone their public hearing of this case if the applicant wanted to postpone the public hearing on October 3.

Regarding the availability of utilities, Mr. Saunders said the City may have capacity to serve this project; there are certain things they would have to go through the Water Authority to determine if allocations could be provided to serve a project of this magnitude. He agreed that under normal circumstances, the City of Clermont would have the first right of refusal in providing utilities. He added that several years ago the City of Clermont and Utilities, Inc. entered into an agreement, subsequent to some lawsuits that had been filed. The boundaries for utilities were established so the normal rules do not apply on this particular site. Because of that agreement, Utilities, Inc. could not serve this project unless the City of Clermont specifically gave them the authority to serve. When Chairman Bryan asked if that had been discussed by the City of Clermont and Utilities, Inc., Mr. Saunders said they have not had a request for utilities from Clonts Grove so that has not been discussed. The decision of whether or not to serve would be up to the City Council. The County staff, City of Clermont staff, Florida Department of Transportation (FDOT), and the City Council have all determined that the time is not right for this project. He asked that this project not be approved at this time.

Chairman Bryan asked if it was the commercial or residential component that is a concern to the City

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Council. Mr. Saunders said it is all of them. The applicant has failed to demonstrate a market for the commercial. The density for the residential is also an issue.

Chairman Bryan felt the typical commercial users will not come in until there is a market. After the houses are built, Mr. Saunders said the commercial could probably be justified. Chairman Bryan asked what the City wants to see in this area. Mr. Saunders replied that it is indicated in the JPA that it is all in the timing. At some point, it will probably be for some type of urban development. It was agreed that the City of Clermont should grow from its borders and expand out.

Although he filled out a speaker card, John Hitt chose not to speak.

Rob Kelly, president of the Citizens Coalition of Lake County and a member of the LPA, said he would be speaking on behalf of the Citizens Coalition. He pointed out that this project is the size of some of the smaller cities in Lake County. He agreed with Mr. Saunders that this is all about timing and achieving vested rights for higher density now before the Comprehensive Plan is adopted as it will likely change the use of that area. It is not about what is supported by the community, what is best for the community, or what is compatible with the area now or on the proposed future land use map. The Citizens Coalition of Lake County supports the staff recommendation of denial for the reasons cited. The property is probably one of the highest recharge areas in Lake County. It is located across from the Green Swamp Area of Critical State Concern. This density of development is inappropriate to help protect some of the water resources and recharge in the area. The community does not support this request. The City of Clermont has recommended a strong denial. This project has been on the Zoning Board agenda three or four times. Each time staff has recommended denial. This is the wrong development in the wrong place at the wrong time. The Citizens Coalition of Lake County does not support this request and asks this Board to deny this rezoning.

Chairman Bryan confirmed with Mr. Kelly that he had spoken against the project at the City of Clermont JPA meeting. There was a representative of the applicant at the meeting, and that person also spoke.

Larry Metz asked Mr. Kelly when he felt the LPA would complete its work and the Comprehensive Plan would be transmitted. Mr. Kelly said the LPA is significantly finished with the new future land use map as well as the policies. They are planning in late October or early November to take input from landowners who have requests on the map. After that, any potential revisions would be made. They are currently finishing up the policies and will then be ready to send it to the BCC.

Cindy Barrow, School Board member for District 3, said the schools that would serve this project are in District 3. The elementary school that was referred to has been built and is overcapacity. The information she will be referring to is from the Director of Growth Management for the School System. Dawn McDonald was present from that department. Sawgrass Bay Elementary School has not had one new resident move into the PUD in which the school is located. This school was to be shared by Greater Lakes PUD and Sawgrass PUD, which is over 1,000 residential units at build out. Lost Lake Elementary School, which would be the next available elementary school moving toward Clermont, was just rezoned; and this school now is overcapacity. No new elementary schools for relief are planned until 2013. Right now the School District is borrowing for the next 20 years against revenue that they are hoping to collect from the tax base. There have been approximately 10,000 residential units already approved that are "subject to school concurrency." That does not include the residential units approved prior to this County beginning their work on school concurrency. School concurrency is not in place in Lake County at this time. She added that she spoke at the JPA meeting in Clermont. At this time, the School District is behind in keeping up with construction costs and is asking for an increase in school impact fees. If this increase is not approved, this will gravely affect how school concurrency works and proportionate share mitigation will be paid by the development community. They will not be collecting the amount of revenues that is needed to

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build new schools because proportionate share is based on the current approved impact fee.

Ms. Barrow noted that DD Middle School will be at 80 percent capacity before it even opens. The new BBB high school will not be built for another three years. When it opens, it will probably be at capacity. East Ridge High School has 39 portables on its campus at this time. This is the high school that would serve this project. She added that it takes three years plus to build a high school. It takes over two years to build a middle school, and it takes about two years to build an elementary school. That is based on the School District having the funding to do it.

Chairman Bryan referred to the language used in PUDs regarding school concurrency. Ms. Barrow said that language gravely concerns her. Chairman Bryan said both the County Attorney and Larry Metz, the School Board representative on this Board, appear to have a comfort level with that language. The language requires classroom space to be available. He felt the school issue had been adequately addressed with the utilization of that language. Mr. Metz commented that the language in the draft ordinance in this booklet is not the same as the language used in the past. The prior language provided a contractual obligation in a PUD, but not in straight zoning. Chairman Bryan commented that Mr. Metz had requested that the prior language be included in all PUDs. Mr. Metz said he had done that based on the legal advice of Mr. Minkoff. Although an interlocal agreement has been signed, Mr. Metz said the implementation of mandatory school concurrency has not occurred.

Ms. Barrow stated that her intention in speaking was to give the Board a ground-level look at what was happening in her district. As a private citizen, she added that in her opinion this project is the worst case of urban sprawl at this time.

Although concurrency has been deferred, Mr. Hartenstein said staff must consider whether the necessary improvements can be achieved and whether they are within the Capital Improvement Plan (CIP) as well as through proportionate share. It was determined that these improvements are not part of the CIP nor can the County commit to proportionate share in this situation or that the County is obligated to commit to proportionate share.

Regarding commercial location criteria, it is part of the policies of the Comprehensive Plan. The Comprehensive Plan does not specifically indicate that a market study is required, but it does state that it needs to be shown whether the market can support the request.

As far as the LPA map that has been discussed, Mr. Hartenstein said it was not part of staff's determination as it has not been adopted. Staff used the current future land use map, the current Comprehensive Plan, and the current LDRs.

Regarding the traffic studies, Mr. Hartenstein said the revisions were required due to deficiencies that were identified in each traffic study that was presented. These deficiencies were determined by the Public Works staff, by the MPO staff, and by FDOT. Staff from these agencies was available for questions.

Mr. Hartenstein read the definition of urban sprawl from Chapter 9J-5 of the Florida Administrative Code.

Mr. Hartenstein said the Urban Area Residential Density Point Chart System is one of the determining factors for a possible rezoning; it is not a given right or guarantee.

Ms. Bonifay felt staff has found itself in a climate that is not conducive to approving anything. However, she does have a problem with their interpretation of the rules. Regarding Mr. Hartenstein's summary about why this is urban sprawl, she said Chapter 9J-5 is only applied when considering a Comprehensive Plan

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amendment. Chairman Bryan pointed out that Mr. Hartenstein was just reading the definition of urban sprawl, not applying that chapter to the project. Ms. Bonifay said the definition is not applicable in this situation. She added that the Urban Area Residential Density Point Chart System is the primary review technique in the Lake County Comprehensive Plan to determine the density within a certain land use. It is only applied in the Urban land uses. This property is in the Urban Expansion future land use.

Ms. Bonifay added that she did not feel Mr. Clonts' neighbors have any problems with this project because they are not present to object. He only has two neighbors between the subject property and the developed portion of Clermont.

Ms. Bonifay pointed out that Mr. Griffey testified as a professional engineer that there is one segment of the road that fails. That segment, from Highway 50 to Johns Lake Road, is in the CIP although staff said it was not. Mr. Hartenstein also stated that because it was not in the CIP, it would not be eligible for proportionate share. She said it is in the CIP, and the law requires that the way to mitigate is through a proportionate share agreement.

Regarding compatibility, Ms. Bonifay felt that was very much in the eye of the beholder. They felt the project is compatible and a market is present. She referred to the minimum single-family residential lot size of 13,000 square feet on Page 2 of the ordinance. That lot size would not allow this project to achieve the density they have requested. That is also in opposition to the policy cited by staff that requires clustering in PUDs. She said their lot size would be whatever the market requires. Regarding the minimum lot size for multifamily units, no number is indicated in the ordinance. She said it would probably be whatever is standard in the industry.

Ms. Bonifay stated that her office never received any notification from the City of Clermont regarding the public hearing on this case. Mr. Clonts received no notice.

On the subject of utilities, Ms. Bonifay said she would need to review the settlement agreement because Utilities, Inc. had told her that they did have the right to serve. There is an e-mail to that effect, and it is mentioned in the staff report. The bottom half of this parcel is in the Utilities, Inc. utility service district, and they do not need to ask Clermont for any authority to serve.

When Chairman Bryan asked if Ms. Bonifay had discussed a density of one unit per acre with her client, Ms. Bonifay said they originally came in with a higher density; but that was not acceptable. They reduced that density, but they were told a mixed use would be a better approach. They tried that but have never been told what an acceptable density would be. Originally this parcel was not in the City of Clermont JPA. She said she has asked for a special planning area study for this area. She did not feel it was fair to this Board, fair to the property owners in Lake County, or fair to the staff that no one can do anything in Lake County until the new Comprehensive Plan is adopted although that new plan is not used to guide the decisions. She questioned whether it is legal to keep this property at one unit per five acres. She felt Mr. Clonts should be allowed to rezone to at least one unit per one acre or it would be in violation of the Comprehensive Plan. In response to Chairman Bryan, Ms. Bonifay said Mr. Clonts feels he needs a greater density than one unit per acre to be able to use the land as collateral when applying for a loan. She did not feel five-acre tracts were appropriate utilization of the land nor what Urban Expansion and PUDs are about.

In response to Chairman Bryan, Ms. Bonifay said she had no problem with using the old school concurrency language in this ordinance. It is more of a contact with specific rather than vague language.

Mr. Metz commented that Ms. Barrow gave an accurate report of the school situation in District 3 at every level. He also felt Ms. Barrow's transition to her personal opinion was very clear.

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Regarding the 13,000 square foot minimum lot size requirement, Mr. Hartenstein said this property is located within the Clermont JPA so Chapter 15 of the LDRs would be considered. That chapter does not specifically refer to a PUD as far as minimum lot sizes. However, staff took into consideration that the density was between R-2 and R-3 zoning so staff gave them the benefit of the lower lot size of 13,000 square feet rather than the R-2 zoning minimum lot size of 21,780 square feet. Ms. Bonifay felt that was an incorrect interpretation. That only applies to straight zoning within the JPA. It does not apply to PUDs. This interpretation would only allow 500 units, not the number of units they have requested.

Mr. Morris commented there is another avenue that the applicant can pursue—Circuit Court.

Phyllis Patten said she was very sympathetic to Mr. Clonts’ situation. She stated that she felt this is a good plan on paper, but it is not the time or place for it. Despite the fact that they have applied for concurrency deferral, there are still issues to be dealt with such as the comments of the City of Clermont, Citizens Coalition, and the School System. It is incompatible and appears to be sprawl. She said her vote will be for denial.

Mr. Wells agreed that this project has a well thought out plan, but it needs to fit into its surroundings. The surroundings he considered from the cumulative effects standpoint would be the congested area of Clermont to the north and just south of the Lake County line. Therefore, he would also be voting for denial.

Mr. Metz felt that consistency of the Board is important although each case is judged on its own facts and merits. He said he shared the sentiments of Mr. Wells and Ms. Patton regarding Mr. Clonts’ position. He said it appears that everything is in the future except for the decision regarding rezoning. He felt it was a matter of compatibility and timing that troubled him the most about this project. However, he also felt Mr. Clonts should have an opportunity to do something with his property besides agriculture; but it should be addressed with the community in mind. Mr. Metz said there is time for that to happen; Mr. Clonts should not be forced to develop his property at one unit per five acres in an uncoordinated way. If this project is not approved at this time, he hoped that it will have the opportunity to be considered again in the future when the timing is right and when it is determined how the surrounding area will be developed.

MOTION by Mark Wells, SECONDED by Phyllis Patten to recommend denial of PUD in PH#50-06-2.

FOR: Morris, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

Urban Sprawl and Location Criteria

James Gardner stated that the Board heard two definitions of urban sprawl at this public hearing; he asked that the Board be provided those definitions via e-mail. Phyllis Patten thought it would be helpful to have a specific number for the “approximate distance from an intersection” in the location criteria. Chairman Bryan said a quarter section has been used for years. Ms. Patten said that should be added to the criteria. Ms. Bonifay agreed that it is important that everyone knows what the rule is so there are not a number of interpretations. Chairman Bryan acknowledged that there are too many interpretations at this time. Brian Sheahan, AICP, Acting Director, said staff has brought forth to the Land Planning Agency (LPA) with the new Comprehensive Plan, specific distance requirements for commercial location criteria.

Regarding the definition of urban sprawl, Mr. Sheahan said there is no definition specifically applicable to this case in the Comprehensive Plan. That is why staff had referred to Chapter 9J-5, which is a State document.

Adjournment

There being no further business, the meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman