

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**November 3, 2010**

The Lake County Zoning Board met on Wednesday, November 3, 2010 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning and conditional use permits.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, November 23, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Vacant	School Board Representative

**Members Not Present:**

John Childers	Ex-Officio, Nonvoting Military Representative
Egor Emery	District 4

**Staff Present:**

Brian Sheahan, AICP, Director, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Melving Isaac, Planner, Planning and Community Design Division  
Public Hearing Coordinator, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Ross Pluta, Engineer III, Engineering Division  
Erin Hartigan, Assistant 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 the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. 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. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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MINUTES

MOTION by Tim Morris, SECONDED by Scott Blankenship to approve the October 6, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.

**FOR:** Morris, Blankenship, Gardner, Bryan, Wells

**ABSENT:** Emery

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 5-0

**DISCUSSION OF AGENDA**

Steve Greene, AICP, Chief Planner said staff had received a request for withdrawal on Case Number PH# 32-10-2, Greater Lakes/Sawgrass Bay Community Development District and continuance requests for case numbers PH #31-10-4, Easter Seals Society/Camp Challenge and PH# 11-09-2, Lake Apopka Sound.

Chairman Bryan noted he had received a speaker request card for the Easter Seals Society case and said that case would be removed from the consent agenda. He said the request for withdrawal and the CUP Revocation CUP #90/3/4-3, Black Bear Land, Co. would remain on the consent agenda.

**MOTION by Tim Morris, SECONDED by Scott Blankenship to recommend approval of the consent agenda, consisting of CUP Revocation CUP#90/3/4-3, Black Bear Land, Co. and the withdrawal of PH# 32-10-2, Greater Lakes/Sawgrass Bay Community Development District.**

**FOR: Morris, Blankenship, Gardner, Bryan, Wells**

**ABSENT: Emery**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

CASE NO: PH# 31-10-4

AGENDA NO. 5

OWNER: The Florida Easter Seals Society, Inc.  
APPLICANT: Timothy W. Green – Green Consulting Group, Inc.  
PROJECT NAME: Easter Seals Society/Camp Challenge

Steve Greene, AICP, Chief Planner said staff had received a continuance request from the applicant to accumulate additional information in support of their application.

Tim Green, AICP, ASLA, Green Consulting Group, said the applicant needed additional time to provide more information. Chairman Bryan asked if that additional information had been requested by staff. Mr. Green explained that on Friday they had received a suggestion from staff that additional information may be helpful to address opposition concerns.

Scott Taylor said he was in opposition to the continuance, because he did not believe any additional information would change the facts of this case. He asked that the case be heard today.

Helen McCormick said she also opposed the continuance and agreed that additional information would not change the facts of the case.

Mr. Green said they believed additional information would impact the outcome of the case. He said an expert witness would be available for the next meeting that was not able to attend today.

Tim Morris noted that staff was recommending approval. Rick Hartenstein, AICP, Senior Planner, said information had been recently provided to staff that could affect the current recommendation. He said the applicant had requested the opportunity to have an expert to provide additional information and to review the material made available to staff. He said staff had no objection to the continuance request.

**MOTION by Tim Morris, SECONDED by James Gardner to approve the applicant’s request for a thirty (30) day continuance on Case No. PH#31-10-4, Easter Seals Society, to the December 1, 2010 Zoning Board meeting.**

**FOR: Morris, Blankenship, Gardner, Bryan, Wells**

**ABSENT: Emery**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

CASE NO: PH# 11-09-2

AGENDA NO: 6

OWNER: Eagles Landing at Ocoee, LLC  
APPLICANT: Rohland "Randy" June, Eagles Landing at Ocoee, LLC  
PROJECT NAME: Lake Apopka Sound

Steve Greene, AICP, Chief Planner, explained that the applicant is requesting a 60 day postponement in order to allow them time to complete negotiations for a Memorandum of Understanding (MOU) with Orange County. He added that staff had no objection.

John Starkovich said he had no objection to the continuance request. He said because of current road construction in that area, he believed any traffic studies done before the completion of the construction would not yield accurate data.

Jimmy Crawford, Esq., said the applicant was working to complete the MOU before a recommendation was made on this request so the County would have accurate data on which to base their decision. He said they supported the continuance request.

**MOTION by Scott Blankenship, SECONDED by Mark Wells to approve the applicant's request for a sixty (60) day continuance in Case No. PH# 11-09-2, to the January 4, 2011 Zoning Board meeting.**

**FOR: Morris, Blankenship, Gardner, Bryan, Wells**

**ABSENT: Emery**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 5-0**

CASE NO: CUP #10/11/1-4

AGENDA NO.: 3

OWNER: Eric B. Erickson  
APPLICANT: Christopher J. Shipley  
PROJECT NAME: Buchanan Estates

Melving Isaac, Planner, presented the case and the staff recommendation for approval. He showed the conceptual plan on the monitor and discussed access to the property. He placed "Attachment 1" on the monitor showing the equestrian activity on the surrounding properties and submitted as County Exhibit A. He noted that one letter of opposition had been recently received and had been provided to the Zoning Board.

Christopher Shipley, Esq., representing the applicant, said this request was consistent with the Comprehensive Plan and with the surrounding uses. He said that the letter of objection was requesting buffering on the applicant's property that was more consistent with an urban area. He discussed the easements that enabled residents to access equestrian trails in the Seminole State Forest. He added that the requests outlined in the letter would restrict currently allowable activities on the applicant's property. He said that this subdivision is both rural in nature and in use. Mr. Shipley said the applicant would like the opportunity to discuss and resolve some of their issues prior to the Board of County Commissioner's (BCC) meeting scheduled for November 23, 2010. He said this request is consistent with the Comprehensive Plan and the Land Development Regulations (LDRs).

Keith Williams discussed his letter of opposition and outlined the reasons for his objections to this request. He said that in the past he had been concerned about excessive noise and some issues regarding behavior of people boarding horses on the applicant's property. He was concerned about his privacy and the quiet neighborhood. He said another issue was the easement located on his property, which he believed was intended for use by the residents of the community. He objected to business use on an easement located on his property. He thought that business use could create a legal liability for him and invade his privacy. He said he would like the opportunity to discuss these issues with the applicant.

Mr. Bryan noted that some of Mr. Williams concerns were not land use issues but were civil issues. He added that the BCC would be making the final decision on this application and said Mr. Williams would have another opportunity to have his concerns addressed.

Tim Morris asked the Assistant County Attorney, Erin Hartigan, about the easement located on Mr. William's property. Ms. Hartigan said the documents particular to that easement would have to be reviewed; however, she believed the use of the easement would be a private legal issue between those property owners.

Margaret Moss said they lived across the road from the subject property and she had no objection to this request but she was concerned about their legal liability through the applicant's use of the easement on their property. She said the applicant had suggested to her in writing that she obtain adequate liability insurance. She discussed some past issues with people that boarded their horses at the applicant's stable. Ms. Moss provided copies of written communications in support of her comments and submitted as County Exhibit B.

Victor Moss said he agreed with his wife's comments and her concerns about the easement. He does not want to be sued. He noted that the number of horses shown on "Attachment 1" (County Exhibit A) were not current.

Mr. Shipley said that the legal issues involving the easement were not part of the Conditional Use Permit (CUP) request, which involves only the activities that take place on the applicant's property. He noted that the number of horses shown on "Attachment 1" (County Exhibit A) was representative of the general use of those properties.

<b>CASE NO:</b>	<b>CUP #10/11/1-4</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Eric B. Erickson</b>	<b>PAGE NO.</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Christopher J. Shipley</b>		
<b>PROJECT NAME:</b>	<b>Buchanan Estates</b>		

Scott Blankenship asked about the scope of the activities anticipated if the CUP was granted and asked about the hours of operation. Mr. Shipley noted that most activities would be outside of traditional work and school schedules. He said this was a recreational use, generally limited to daylight hours.

There was some discussion regarding lighting, arenas and night time activities, Mr. Shipley said the applicant would not object to those restrictions. He said the applicant would be willing to meet with his neighbors in order to draft language addressing their concerns.

Mr. Williams repeated his concerns about the easement and said he would be willing to meet with the applicant and discuss how to resolve their differences.

There was discussion regarding limiting the hours of operation and prohibiting the construction or use of an arena. Tim Morris noted that the draft ordinance contained in the staff report required lighting on the site and must conform to Dark-Sky principles and prohibits the use of public address systems.

Mr. Shipley said the applicant had a corral but there is only barn lighting. He wanted to avoid future problems through language that is subjective. He added that construction of a large arena on this site would not be possible because of the size of the wetlands.

Chairman Bryan addressed the concerns raised by the Zoning Board regarding possible large scale arena events and the impacts those events could have on the neighborhood. There was discussion about drafting ordinance language specific enough to avoid adverse impacts on the neighborhood. Chairman Bryan noted that staff could draft language consistent with the concerns voiced by the Zoning Board.

Ms. Hartigan suggested that the ordinance language be specific and based on ordinances for similar uses in the County.

Keith Williams said he remained concerned about the use of the easement located on his property. Chairman Bryan repeated that he understood his concerns but easement issues were beyond the purview of the Zoning Board. Mr. Williams said he believed the additional draft ordinance language restrictions should help to avoid neighborhood disputes and he was willing to discuss his concerns with the applicant and the owner.

There was additional discussion regarding the need for specific language in the ordinance and how to best draft that language.

<b>CASE NO:</b>	<b>CUP #10/11/1-4</b>	<b>AGENDA NO.:</b>	<b>3</b>
<b>OWNER:</b>	<b>Eric B. Erickson</b>	<b>PAGE NO.</b>	<b>3</b>
<b>APPLICANT:</b>	<b>Christopher J. Shipley</b>		
<b>PROJECT NAME:</b>	<b>Buchanan Estates</b>		

Mr. Greene repeated the concerns of the Board as: no stadium lighting, no spectator equestrian events/gatherings, no arena style training facilities, hours of operation from 7:00 a.m. to 9:00 p.m. and no night time training activities of any kind.

**MOTION** by Scott Blankenship, **SECONDED** by Tim Morris to approve the CUP #10/11/1-4 with the amended language limiting the hours of operation, prohibiting spectator events, night time training and stadium lighting.

**FOR:** Morris, Blankenship, Gardner, Bryan, Wells

**ABSENT:** Emery

**AGAINST:** None

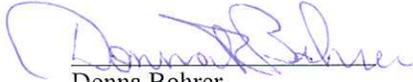
**NOT PRESENT:** Childers

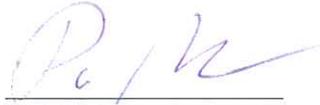
**MOTION CARRIED:** 5-0

Adjournment

There being no further business, the meeting was adjourned at 10:07 a.m.

Respectfully submitted,

  
Donna Bohrer  
Public Hearing Coordinator

  
Paul Bryan  
Chairman