MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
November 25, 2015

The Lake County Planning and Zoning Board met on Wednesday, November 25, 2015 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, December 15, 2015 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:
Paul Bryan, Chairman District 5
Kathryn McKeeby, Secretary District 1
Timothy Morris, Vice Chairman District 3
Rick Gonzalez District 4
Laura Jones Smith District 2

Members Not Present:
Donald Heaton Ex-Officio Non-Voting Military
Michael Mazzeo At-Large Representative
Debbie Stivender School Board Representative

Staff Present:
Chris Schmidt, Manager, Planning & Zoning Division
Steve Greene, AICP, Chief Planner, Planning & Zoning Division
Tim McClendon, Chief Planner, Planning & Zoning Division
Rick Hartenstein, AICP, Senior Planner, Planning & Zoning Division
Michele Janiszewski, Planner, Planning & Zoning Division
Christine Rice, Planner, Planning & Zoning Division
Donna Bohrer, Office Associate, Planning & Zoning Division
Seth Lynch, Public Works, Engineering Division
Erin Hartigan, Assistant County Attorney
Victoria Bartley, Deputy Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and gave the invocation. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.
TABLE OF CONTENTS

Agenda Updates

Consideration of Minutes November 4, 2015

CONSENT AGENDA

<table>
<thead>
<tr>
<th>TAB NO:</th>
<th>CASE NO:</th>
<th>OWNER/APPLICANT/PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tab 1</td>
<td>CUP#14/8/1-2</td>
<td>Al-Marah Arabian Horses</td>
</tr>
<tr>
<td>Tab 2</td>
<td>RZ-15-25-1</td>
<td>Gillman Property</td>
</tr>
<tr>
<td>Tab 3</td>
<td>RZ-15-26-2</td>
<td>John’s Lake Landing</td>
</tr>
<tr>
<td>Tab 4</td>
<td>RZ-15-07-5</td>
<td>Rafiki Foundation</td>
</tr>
<tr>
<td>Tab 5</td>
<td>RZ-15-23-1</td>
<td>Fresh Start Ministries</td>
</tr>
<tr>
<td>Tab 6</td>
<td>RZ-15-14-5</td>
<td>Laura’s Flea</td>
</tr>
<tr>
<td>Tab 7</td>
<td>CP-2015-05</td>
<td>Summer Lake Groves CP text amendment</td>
</tr>
<tr>
<td></td>
<td>Ordinance 2015-XX</td>
<td>LDR Amendment Landscape</td>
</tr>
<tr>
<td>Tab 8</td>
<td>Ordinance 2015-XX</td>
<td>LDR Amendment Portable Storage Container</td>
</tr>
</tbody>
</table>

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, reported that Tab 8 would be pulled and considered at a later date.

Mr. Bryan related that since they have received speaker cards for Tab 5, RZ-15-23-1, they would pull that case from the Consent Agenda.
MINUTES

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE the Minutes of November 4, 2015 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Bryan, McKeeby, Morris, Gonzalez, Smith

AGAINST: None

MOTION CARRIED: 5-0

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</tr>
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<td>RZ-15-26-2</td>
<td>John’s Lake Landing</td>
</tr>
<tr>
<td>Tab 4</td>
<td>RZ-15-07-5</td>
<td>Rafiki Foundation</td>
</tr>
<tr>
<td>Tab 6</td>
<td>RZ-15-14-5</td>
<td>Laura’s Flea Storage &amp; Flea Market</td>
</tr>
<tr>
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<td>Summer Lake Groves</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CP text amendment</td>
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<tr>
<td>Tab 9</td>
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</tr>
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MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda which includes Tabs 1, 2, 3, 4, 6, and 9.

FOR: Bryan, McKeeby, Morris, Gonzalez, Smith

AGAINST: None
Mr. Morris explained that he needed to declare a conflict, as he was a trustee at Lake Sumter State College and they had been gifted 20 acres in the rezoning CP change area.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby, with Tim Morris declaring a conflict to APPROVE Tab 7.

FOR: Bryan, McKeeby, Gonzalez, Smith

AGAINST: None

ABSTAINING: Morris

MOTION CARRIED: 4-0

REGULAR AGENDA
Tab 5 RZ-15-23-1 Fresh Start Ministries

Ms. Christine Rice, Economic Growth, Planner, reported that the applicant was McDuffie/ Fresh Start Ministry and was requesting to amend the Community Facility District (CFD) ordinance by revoking PFD Ordinance 69-86, adopting a new CFD ordinance that will allow the original church use and include additional community facility uses. She relayed that the property was 9.48 acres and was located in the Howey-in-the-Hills area, adjacent to State Road 19 and south of Fischer Lake Road. She specified that the applicant has agreed to remove several of the uses they had originally requested. She clarified that the current list of proposed uses for this property in addition to maintaining the current church on the property included religious education and seminary school, primary school, cultural institution, and a religious bookstore that will be in conjunction with the church. She related that staff recommended approval with the conditions as set forth in the proposed ordinance.

Ms. Smith inquired if the applicant had submitted a site plan for any of the proposed uses.

Ms. Rice replied that they had not at this time, but that they would be required to as the proposed uses were incorporated onto the property.

Ms. Emma McDuffie, applicant, remarked that they had nothing planned that would decrease the value of their neighbor’s property. She mentioned that they had withdrawn
several uses that they had originally requested and all of their current requested uses are consistent with the Comprehensive Plan and LDR.

Ms. Shannon McMiller, applicant, asserted that they did not currently have plans to develop on all of the proposed uses at once, but wanted to set the groundwork for these plans so that they will be able to pursue them as they become feasible in the future. She clarified that the requested uses for a day care and primary school for developmentally delayed students were their primary concerns.

Ms. Smith inquired how many students would attend the primary school and day care. She asked if they had applied to the Florida Department of Children and Families for the appropriate licensing.

Ms. McMiller replied that there would be 25 students each.

Ms. McDuffie explained that they were concentrating on getting the primary school at the moment and just wanted to ensure that they had the day care option available, if and when they decide to pursue it. She noted that the size of their building would not likely support over 25 students.

Ms. McMiller specified that they could remove the day care from the request if it was going to be a hindrance.

The Chairman opened the meeting for public comment.

Ms. Kathy Fischer, resident owner speaking in opposition, explained that she owned two parcels of property neighboring the McDuffie’s property. She commented that if the request was granted, then a screening such as fence or vegetative buffer should be built between their properties and that there be a 10 foot setback from her easement in front of her residential property. She asserted that a school would be disruptive to her daily life and peace due to the increased noise and traffic that would occur. She displayed several photos on the monitor of her property and the McDuffie’s property.

Mr. Greene commented that the original ordinance for the property had been approved in 1989 and that the 2011 site plan did not require that level of screening because they were only conducting a bible school, which is consistent with the preexisting CFD zoning. He explained that while there is language in the ordinance regarding buffering, but the application of the new landscape code does not require buffering from Agricultural (Ag) zoning to CFD zoning. He noted that the current language that the staff has presented states that no landscaping is required along the northern, southern, and eastern property lines adjacent to Ag zoning. He continued that other landscaping buffering and screening shall be in accordance with the LDR as amended. He specified that it was Board’s prerogative whether or not to insist on screening. He clarified that the proposed uses would be permissible under the existing structures, but the ordinance does not preclude the addition of
future buildings should the need demand it. He noted that the additional buildings would be evaluated by future site plans.

Mr. Bryan clarified that the intent of the ordinance was that it is not necessary to screen a CFD zoning from an Ag zoning.

Ms. Fischer stated that while the property is zoned Agricultural, they are in residential use as she lives there. She opined that the neighboring property would sometimes have extremely noisy festivals and events that were very disruptive for her. She remarked that noise and traffic from a full time primary school would negatively impact her life for an additional five days and reiterated that there should be a screening and visual buffer. She requested that the applicant limit their number of festivals to perhaps 2 to 3 a year. She noted that her easement to her 20 acre property is on the applicant’s property and requested that the 10 foot setbacks, 10 feet from the easement, not the property line.

Mr. Bryan clarified that easement was a civil matter.

Ms. Diane Dusold, property owner neighboring the applicant, asserted that her property was around 500 feet away from the applicant’s property and that they did hear noise from the events that are held there, so a 5 day a week school would be disruptive for her as well.

Ms. McDuffie related that she was unsure what festivals the opposition was mentioning, but they would occasionally rent a bounce house or waterslide on fifth Sundays, with minimal music. She commented that the students would be inside for most of the day, excepting for 45 minutes to an hour for PE. She mentioned that Ms. Fischer works during the hours that the school would be in session, so it would not be disruptive for her during peaceful hours. She remarked that the property already had large oak trees on it, which obscures the view to Ms. Fischer’s house, as well as a fence that separate the properties. She submitted that the school would only have 3 students to begin with and grow to only 18, she relayed that the requested uses would not devalue her neighbor’s property and that they have attempted to be accommodating to the opposition’s concerns.

Mr. Bryan clarified that limiting the number of special events to perhaps five a year was not unreasonable and may need to be addressed.

Mr. Greene announced that staff may have used an incorrect term with “special events”, and that charitable and fundraising events would be a more appropriate term, which is in line with the principle use of the property and allows the property owner to manage their events as they see fit for their charitable purpose. He explained that any special event must have a permit if it meets certain requirements, such as a particular number of people. He explained that staff could strike the term special event and substitute charitable or fundraising activities, as the applicant has indicated that that is more in line with what they have planned.
Ms. McDuffie reported that in order for them to go forward with the other requested uses, they will need additional buildings, and so those concerns can be addressed at a later date. She asserted that all of the proposed uses are consistent with the current land use.

The Chairman closed the public hearing.

Mr. Greene reported that staff had misstated that the applicant had agreed to remove religious education from the requested uses and that they had some replacement pages to address that clarification.

Mr. Bryan stated that he was in favor of the amended version of the staff’s request and that if the facility grew, then screening and additional buildings should be addressed at that time.

Mr. Morris remarked that he felt it was the job of the Board to monitor these requests before the site plan. He submitted that he did not feel comfortable granting so many different uses at once when they are not planned for.

Ms. Smith commented that they would be granting uses that are typically accessory or secondary with the religious use and everything they have planned so far would take place on the existing property, in their existing structure.

Mr. Greene displayed a map of the property on the monitor and indicated where the parking would be located. He indicated on the map where the easement was located.

Mr. Gonzalez noted that a 10 foot set back from an easement may be excessive and that he had never seen anything like that done before.

Ms. Erin Hartigan, Assistant County Attorney, clarified that the easement was referenced on Ms. Fischer’s deed, not on the subject property’s deed. She stated that their rezoning has no effect on the status of the easement and recommended that it not be addressed.

**MOTION by Rick Gonzalez, SECONDED by Kathryn S. McKeebey to APPROVE Tab 5, RZ-15-23-1, the request for Fresh Start Ministries CFD amendment with amended language as stated.**

FOR: Bryan, McKeebey, Gonzalez, Smith

AGAINST: Morris

MOTION CARRIED: 4-1
OTHER BUSINESS

There was brief discussion regarding the 2016 PZB meeting schedule included in the Board’s meeting materials. Mr. Greene mentioned that some meeting dates had been moved in response to changes in the Board of County Commissioners (BCC) calendar.

Mr. Gonzalez inquired if any progress had been made on the suggested CUP sunset clause that had been brought up the previous year.

Mr. Greene replied that staff needed to research the matter more comprehensively as they begin the LDR rewriting process.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

_______________________                                _______________________
Victoria Bartley          Paul Bryan
Clerk, Board Support                  Chairman