The Lake County Planning and Zoning Board met on Wednesday, August 30, 2017, 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, September 26, 2017 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:
- Lawrence "Larry" King
- Rick Gonzalez, Chairman
- Jeff Myers
- Sandy Gamble
- Kasey Kesselring

Members Not Present:
- Kathryn McKeepy, Secretary
- Laura Jones Smith, Vice-Chairman
- Donald Heaton

Staff Present:
- Tim McClendon, Planning & Zoning Division Manager
- Steve Greene, AICP, Chief Planner, Planning & Zoning Division
- Michele Janiszewski, Chief Planner, Planning & Zoning Division
- Janie Barron, Planner, Division of Planning & Zoning
- Christine Rock, Planner, Division of Planning & Zoning
- Donna Bohrer, Office Associate, Planning & Zoning Division
- Diana Johnson, Assistant County Attorney
- Matthew Moats, Assistant County Attorney
- Susan Boyajan, Deputy Clerk, Board Support
- William White, PE, Public Works

Chairman Rick Gonzalez called the meeting to order at 9:00 a.m. and noted that a quorum was present. He led the Pledge of Allegiance, and Mr. Sandy Gamble gave the invocation.
AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, noted that the cases had been duly advertised as shown on the monitor. He stated that Tab 2 would be pulled from the Consent Agenda and placed on the Regular Agenda as there were residents present to speak on that case, and there could be a request of a possible postponement of that case as well.

Mr. Gonzalez disclosed that he was a listing agent on the property related to Tab 1, and he was recusing himself from voting on that case.

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Consideration of Minutes: August 2, 2017

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Other Business

Adjournment

MINUTES

MOTION by Larry King, SECONDED by Sandy Gamble to APPROVE the Minutes of August 2, 2017 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: Gonzalez, King, Myers, Gamble and Kesselring
AGAINST: None

MOTION CARRIED: 5-0

PUBLIC COMMENT

No one wished to address the board at this time.

CONSENT AGENDA

Mr. King pointed out that while the rezoning information for Tab 3 stated that the property consisted of 9.7 acres, only about 5.6 acres of it was uplands according to the Property Appraiser’s records, with the remaining being wetlands.

Mr. Greene responded that the acreage determination would be confirmed during the development review process with a survey of the property, and the Property Appraiser’s information was not the official records or data that the County used for planning purposes and was just an estimation of the acreage that they assess.

Mr. King expressed concern that the request was for a lot of buildings on property that would be less than 9.7 acres, and he asked whether that would be a problem for the County.

Mr. Greene answered that County staff had identified that matter to the applicant and indicated to him that the County would require more accurate surveys during the development review process. He elaborated that there were some conditions in the ordinance that mentioned that issue in regard to the prohibition of development and non-water related activities within the wetland areas.

Mr. King pointed out that Page 1 of 4 in the ordinance for Tab 3 referenced a section 03 in the second paragraph on that page that should be Section 35, according to the alternate key, but the other two alternate keys referenced in the ordinance were correct. He also noted that a legal description was not attached as stated in the ordinance.

Mr. Greene related that he would check the Section number and assured him that the attachment he referenced would be added before going before the BCC.

Mr. King asked for clarification on Tab 5.

Ms. Michele Janiszewski, Chief Planner, Planning & Zoning Division, explained that there were a few Future Land Use Categories (FLUC) which did not allow single-family residences when the Comprehensive Plan was adopted in 2010, although those FLUC were placed on
properties that were developed with single-family residences. She elaborated that they have encountered people wanting to either replace or expand their home over the last few years, so they wanted to allow existing single-family residences as a permitted use in that FLUC so that those property owners could expand their homes beyond 10 percent. In addition, the new Comprehensive Plan adopted very strict impervious surface ratio (ISR) requirements for FLUC’s, resulting in subdivisions that were developed with quarter acre lots being restricted to a 30 percent ISR, which was inconsistent with the approval. She added that this ISR amendment would exempt those residents from adhering to the ISR requirements as established in the Comprehensive Plan.

Tab 3 CUP-17-06-2 Violette Eco Lodge & Recreation CUP
Tab 4 FLU-17-06-1 Savanna Reserve Comprehensive Plan Amendment Transmittal
Tab 5 CP-17-09 Impervious Surface Ratio (ISR) Requirements Transmittal

MOTION by Sandy Gamble, SECONDED by Jeff Myers to APPROVE Tabs 3 through 5 on the Consent Agenda.

FOR: Gonzalez, King, Myers, Gamble and Kesselring
AGAINST: None
MOTION CARRIED: 5-0

Tab 1 CUP-06/6/4-3 Paddock Hills Equestrian Training Facility CUP Revocation

MOTION by Kasey Kesselring, SECONDED by Sandy Gamble to APPROVE Tab 1 on the Consent Agenda.

FOR: King, Myers, Gamble and Kesselring
AGAINST: None
MOTION CARRIED: 4-0

RECUSED: Gonzalez

REGULAR AGENDA
Mr. Greene explained that this case has been moved to the regular agenda because they had received speaker cards from the adjacent neighbor regarding an issue about a property line matter. He elaborated that the neighbor’s structure lies along the property line of the subject’s CUP request, and staff would recommend that this matter be postponed to allow the two parties to discuss and figure out where the property line would be before staff brings the CUP back to the P&Z board members.

Mr. Gonzalez asked whether the legal description would affect this CUP.

Mr. Greene responded that he was not certain about that, adding that he believed the CUP would cover the entire range of the property, and they wanted to make sure that the CUP conditions are not impinging or hindering any other structures that were not subject to the CUP.

Mr. Gonzalez expressed a desire for this case to move forward rather than being postponed and asked for the board’s desires regarding the recommendation for postponement for another cycle.

Mr. Kesselring opined that this was a property line issue that was not necessarily in their purview and that they should move forward with hearing this case.

Mr. Gonzalez asked whether this CUP could be modified after it was approved by this board to reflect the correct property lines.

Mr. Matthew Moats, Assistant County Attorney, responded that he believed that any needed modification could be addressed when it went before the BCC before it was executed.

Mr. David Fitch, the Applicant, explained that the issues that were addressed had to do with some structures that were too close to the property line, one of which was an old barn built in 1925 that was on the property that they were trying to get the CUP for. He related that his intention was to remove that building so that they would not have to get a variance for its location, and they would do everything they could to make sure that everything they had on the property followed code. He noted that the other buildings such as the neighbor’s garages that were mentioned were on the property line and not on the property according to the survey, and he opined that those buildings would not affect their request, since they were not their buildings. He commented that he believed that the neighbor’s intention to keep their garage on the property line would be between the neighbor and the County and did not ultimately involve them. He elaborated that other buildings that were currently in existence on the proposed property were a farmhouse and a barn besides the one that was too close to the property line.
Mr. Kesselring asked whether the barn that was too close to the property line could be grandfathered in rather than be demolished.

Mr. Fitch answered that the County told him that he could not get site plan approval without a variance for the location of the barn.

Mr. Greene elaborated that he would have to seek a variance to the setback requirements from the property line prior to site plan approval to facilitate the CUP uses, even for an existing building. He noted that the Board of Adjustment would most likely grant them typically in these cases, since he did not create the burden and it would be considered recognition of an existing condition. He explained that the purpose of the variance was to also protect the property owner in the event that he seeks to remodel or improve that building.

Mr. Gonzalez clarified that it was easier for the applicant to move forward by tearing the building down than apply for a variance.

Mr. Tim McClendon, Planning Manager, Economic Growth Department, explained that in this instance, a change in the use from a barn to a structure being used for commercial purposes would trigger the nonconforming status in the County’s code, which would require site plan approval and would need to meet all requirements of the code at that point.

Ms. Cherie Moore, a resident of Groveland and an adjacent property owner to the south of the proposed property, expressed a concern that the applicant’s statements were different from a letter she received from an attorney representing the applicant and owner of the property. She also stated that she had the original survey that was done when they first purchased their home, and she asked to enter both documents into the record. She opined that the property line issue needed to be settled before the P&Z board approved anything, since the setback could not be determined until they had a determination of the property boundaries. She also opined that the plan the applicant attached was not very professionally done, and it was hard to determine what exactly would be approved.

Mr. Gonzalez responded that the applicant would have an engineered site plan done before moving forward.

Ms. Moore indicated that she might not oppose this project after determining what exactly would be done but wanted assurances that there would not be any lighted fields or night-time activities that would disturb the nearby residents, that the hours of operation would be from sunrise to sunset, and that there would be no motorized sports vehicles that would create noise.

Mr. Fitch assured the board that the setbacks would all meet the County’s requirement of 100 feet from any residential uses, as well as that they would make sure that none of the lights were directed at any adjacent properties and that the lights would be used for a short amount of time. He added that they would also make sure that sound was mitigated, noting that there would be no motorized vehicles. He also pointed out that the property was adjacent to an airport and on a major state highway with a lot of tractor-trailer traffic, both of which created
much more noise than their business was expected to generate. He concluded that they would do their best to work with the neighbors to ensure that the setbacks would be proper.

Mr. Gamble clarified with the applicant that there would be a noise survey prior to site plan approval.

Mr. Gamble suggested that they install a good protective net between the ballfields and the homeowners.

Mr. Fitch responded that it has already been proposed and would be constructed.

Mr. Gamble noted that Google Earth indicated that the property line was where the Moores’ house was located.

Mr. Fitch elaborated that the information he has seen from the boundary survey and the GIS map has indicated that the property line was right where the Moores’ driveway and two garages were located, although he did not know if that has changed since then. He clarified that he has had a survey done within the past four months.

Mr. Gonzalez asked whether the board wanted to consider the request from staff to postpone this case.

Mr. Gamble clarified that the property line dispute did not involve the CUP.

Mr. Greene commented that the request for postponement was made before he realized that the applicant was present to respond to the neighbor’s comments, and he withdrew the postponement request.

**MOTION by Kasey Kesselring, SECONDED by Sandy Gamble to APPROVE Tab 2, CUP-17-07-1, Southwest Lake Sports Park.**

**FOR:** Gonzalez, Myers, Gamble and Kesselring

**AGAINST:** King

**MOTION CARRIED:** 4-1

**OTHER BUSINESS**
Mr. Greene announced that the next Planning and Zoning Board meeting was scheduled for October 4, 2017.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:30 a.m.

Respectfully submitted,

__________________________
Susan Boyajan
Clerk, Board Support

__________________________
Rick Gonzalez
Chairman
Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

Public Hearing

was published in said newspaper in the issues of:

Aug 18, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18th day of

Joanne French
Notary Public

(Print, Type or Stamp Name of Notary Public)

AD# 10067536
Affidavit of Publication

DAILY COMMERCIAL
Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomy

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida, that the attached copy of advertisement, being a notice in the matter of

FL-11-06-1

was published in said newspaper in the issues of:

AUG 18, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commis­sion or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 18 day of Aug, A.D., 2017.

Joanne Fre
Notary Public

(Print, Type or Stamp Name of Notary Public)
Affidavit of Publication

DAILY COMMERCIAL
Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostommy

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for publication in the said newspaper.

Sworn to and subscribed before me this 18 day of Aug., 2017.

Joanne Frech
Notary Public

(Seal or Stamp Name of Notary Public)