The Lake County Planning and Zoning Board met on Wednesday, October 4, 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, October 24, 2017 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:
- Kathryn McKeefy, Secretary, District 1
- Laura Jones Smith, District 2
- Lawrence “Larry” King, District 3
- Rick Gonzalez, District 4
- Jeff Myers, District 5
- Sandy Gamble, School Board Representative
- Kasey Kesselring, At-Large Representative

Members Not Present:
- Donald Heaton, Ex-Officio Non-Voting Military

Staff Present:
- Tim McClendon, Office of Planning & Zoning Manager
- Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
- Michele Janiszewski, Chief Planner, Office of Planning & Zoning
- Christine Rice, Planner, Office of Planning & Zoning
- Donna Bohrer, Office Associate, Planning & Zoning Division
- Melanie Marsh, County Attorney
- Matthew Moats, Assistant County Attorney
- Seth Lynch, Public Works
- Angela Harrold, Deputy Clerk, Board Support

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.

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, noted that the cases had been duly advertised as shown on the monitor. He stated that Tab 4, case number CUP-17-09-1 for Hansen Retreat Life Skills and Water Sport Training Facility had been updated to include additional proposed conditions added by the applicant. He reported that Tab 5,
Ordinance 2017-XX Medical Marijuana, was to be moved to the Regular Agenda per a request to have discussion on the proposed ordinance.

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Agenda Updates

Consideration of Minutes:  August 30, 2017

CONSENT AGENDA

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REGULAR AGENDA

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<td>Tab 5</td>
<td>Ordinance 2017-XX</td>
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Other Business

Adjournment

MINUTES

MOTION by Laura Jones Smith, SECONDED by Kasey Kesselring to APPROVE the Minutes of August 30, 2017 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR:     Gonzalez, Jones Smith, McKeepy, King, Myers, Gamble and Kesselring

AGAINST: None

MOTION CARRIED: 7-0
PUBLIC COMMENT

No one wished to address the board at this time.

CONSENT AGENDA

Mr. King asked if the property in Tab 3, case number RZ-17-16-3 regarding the Folker Property, needed to be rezoned from Rural Residential District (R-1) to Agriculture (A) for the applicant to achieve the lot split they wanted.

Mr. Greene explained that the applicant was seeking to rezone the subject property to accommodate a lot split application.

Mr. King asked if the surrounding neighbors of the subject property in Tab 4, case number CUP-17-09-1 regarding the Hansen Life Skills Retreat and Water Sport Training Facility, had been notified of the rezoning request.

Mr. Greene replied that all residents within 500 feet of the subject property had been notified.

Tab 1  RZ-17-14-5  John & Carol Fredricks
Tab 2  RZ-17-15-3  Francis John Meinhardt, III
Tab 3  RZ-17-16-3  Jessie & Christine Folker
Tab 4  CUP-17-09-1  Hansen Retreat, Life Skills & Sport Training Facility

MOTION by Laura Jones Smith, SECONDED by Kathy McKeey to APPROVE Tabs 1 through 4 on the Consent Agenda.

FOR:    Gonzalez, Jones Smith, McKeey, King, Myers, Gamble and Kesselring
AGAINST: None
MOTION CARRIED: 7-0

REGULAR AGENDA

Tab 5 – MEDICAL MARIJUANA – ORDINANCE 2017-XX

Mr. Tim McClendon, Office of Planning and Zoning Division, Manager, reviewed the history of the ordinance and noted that the proposed ordinance bans medical marijuana treatment center dispensary facilities from being placed within the unincorporated areas of Lake County.
He explained that on November 8, 2016, the BCC (Lake County Board of County Commissioners) adopted an ordinance to establish a temporary moratorium on medical cannabis activities within unincorporated areas, the BCC extended the moratorium several times and the last moratorium period extension was set to expire November 30, 2017. He stated that during the BCC Meeting that took place on August 22, 2017, each Lake County Commissioner openly discussed their opinion regarding dispensary locations and then directed Lake County Planning and Zoning staff to prepare an ordinance banning the facilities from being located or operated within the unincorporated areas of the county. He reported that he had received numerous phone calls regarding the cultivation of medical marijuana and he pointed out that in Section 381.986, Florida Statutes it stated that counties and municipalities had the opportunity to ban the dispensing facilities; however, it also preempted the counties and municipalities from regulating the location of dispensing facilities. He stated that he wanted to make it clear that the proposed ordinance cannot and was not banning the cultivation of medical marijuana and was only seeking to ban the dispensing facilities.

Ms. Jones Smith clarified that the ordinance would not impact the local municipalities within Lake County to allow such dispensing facilities.

Mr. Gonzalez opined that the BCC did not give specific reasons as to why they proposed the ordinance and wondered if they had discussed the economic impact with the Lake County Economic Development Department. He felt that the banning of the dispensaries would create a loss of potential jobs for the county.

Mr. King clarified that the dispensaries would be allowed within city limits and he opined that if medical marijuana could be sold within city limits it should also be sold within unincorporated areas.

Mr. McClendon responded that it was up to each local municipality to ban or approve dispensaries within their city limits. He noted that there had been several municipalities that had already instituted bans.

Mr. Kesselring stated that he had spent some time researching the matter and stated that legalizing marijuana had been shown to reduce opiate addiction and related issues. He commented that he was a proponent of allowing access to medical marijuana for individuals that could benefit from it for medicinal purposes and was against the ordinance banning the dispensaries and thought they should be made permissible in unincorporated Lake County.

Ms. Jones Smith opined there was a direct disconnect by allowing the cultivation of the medical marijuana but banning the dispensaries to sell it. She explained that the areas where the marijuana was cultivated needed to be a reasonable distance to where it was sold. She stated that additional sales tax and increased property values could be generated by allowing the dispensaries, which would have a positive impact on the county. She added that there could be a positive social component as well by reducing opioid dependency that has long term, life limiting effects whereas repeated studies showed that medical marijuana, specifically the type of low THC (Tetrahydrocannabinol) marijuana being discussed, had very
little negative impact on a long term basis. She stated that she was opposed to the ordinance and she did not understand why the BCC was pushing the business to Orange County. She added that Lake County has the agricultural land to cultivate it and she felt it should be sold in Lake County where it is cultivated.

Ms. McKeeby asked if there were places within Lake County that a person with a prescription could obtain medical marijuana.

Mr. McClendon replied that residents within Lake County who have a prescription can obtain it through mail order.

Ms. Melanie Marsh, County Attorney, stated that currently the cities of Mascotte and Mount Dora allowed dispensaries within their jurisdictions; however, the majority of the cities had banned it and the City of Astatula was still undecided. She added that there was a facility in The Villages on the Sumter County side that could serve Lake County residents.

Ms. McKeeby wondered if there were regulation issues, such as how many dispensaries are allowed in one area that caused the BCC to ask for the ordinance.

Ms. Marsh replied that the State of Florida Legislature took away the County’s ability to regulate it in a more reasonable manner. She explained that the legislation regarding dispensaries stated that the local governments could either ban the dispensaries completely or allow them in any place a pharmacy is allowed, with the exception of being 500 feet of a school. She stated that the concern from the BCC was that the legislature had limited them so much. She commented that some of the other concern was that the dispensaries would be placed in areas where it would not make sense to have that type facility. She pointed out that the BCC was not against medical marijuana or the dispensaries but they feel they should be located closer to the city areas where the population is larger.

Ms. Jones Smith opined that going to a dispensary to obtain medical marijuana was no different than going to a pharmacy with a prescription to get opioids.

Mr. Gonzalez asked if anyone had reviewed Sumter County’s medical marijuana ordinance that he submitted. He felt that it should be reviewed. He explained that Sumter County immediately opened the door to dispensary businesses and he felt that Lake County had decided to close the door to new business by proposing the ordinance. He commented that the majority of the residents of the state want the medical marijuana and he stated that he had not heard a reasonable argument to support the proposed ordinance.

Ms. McKeeby commented that it should be looked at it from a medical perspective and the benefit for cancer patients as well.

Ms. Jones Smith stated that the existing dispensaries in Orange County were very high end and located in safe areas where security could be controlled. She pointed out that there were laws that prevented banning of other types of businesses and did not understand why it was
allowable to ban medical marijuana dispensaries after the residents of Florida voted to approve medical marijuana in the state. She wondered why other businesses in the state were protected but the dispensaries were not after the residents voted as a state to allow it.

Ms. Marsh replied that there would be two public hearings on the ordinance at upcoming BCC Meetings taking place on October 10, 2017 and October 24, 2017 and she invited them to attend and share their comments with the BCC.

Mr. King asked what the staff’s recommendation was.

Ms. Marsh responded that staff had not been asked to make a recommendation on the ordinance and that the direction from the BCC was for staff to bring it before the Planning and Zoning Board.

Ms. Jones Smith requested that the BCC review the discussion that took place during the Planning and Zoning meeting before determining approval of the proposed ordinance.

Mr. Gonzalez requested that the BCC review the Sumter County code regarding medical marijuana and its dispensaries before determining approval of the proposed ordinance.

MOTION by Laura Jones Smith, SECONDED by Larry King to recommend DENIAL of Tab 5, Ordinance 2017-XX, banning medical marijuana treatment center dispensing facilities from being located within the unincorporated areas of Lake County

FOR: Gonzalez, Jones Smith, McKeeby, King, Myers, and Kesselring

AGAINST: Gamble

MOTION CARRIED: 6-1

OTHER BUSINESS

Mr. Greene announced that the next Planning and Zoning Board meeting was scheduled for November 1, 2017.
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:19 a.m.

Respectfully submitted,

Angela Harrold  
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

Notice of Public Hearing

was published in said newspaper in the issues of:

Sept. 22, 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 26 day of Sept. A.D., 2017.

Joanne Fren
Notary Public

(Print, Type or Stamp Name of Notary Public)

AD# 1006 8443
NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m. public hearing on Wednesday, October 4, 2017, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petitions. Recommendations of the Lake County Planning & Zoning Board regarding these petitions will be transmitted to the Lake County Board of County Commissioners at a 9:00 a.m. public hearing, or soon thereafter, on Tuesday, October 24, 2017, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL.

All interested citizens are welcome to attend the public hearing and review the petitions in the Planning Division, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact (352) 343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0108, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.: RZ-17-15-3, Frands John Meinhardt, III
REQUESTED ACTION: Rezoning approximately 1.22 acres from Mobil Home Rental Park District (MHRP) to Mobile Home Residential.
GENERAL LOCATION: Leesburg area, 34646 South Haines Creek Road
AND
PUBLIC HEARING NO.: RZ-17-16-3, Jessie & Christine Folkers
REQUESTED ACTION: Rezone property from Rural Residential District (R-1) to Agriculture (A).
GENERAL LOCATION: Eustis area, South-east of the intersection of Tuscaloosa Drive and Sunnyside Drive
AND
PUBLIC HEARING NO.: RZ-17-14-5, John & Carol Frederick
REQUESTED ACTION: Rezone property from Community Facility District (CFD) to Agriculture (A).
GENERAL LOCATION: Eustis area, 20134 81st Avenue
AND
PUBLIC HEARING NO.: CUP # 17-09-4, Hansen Retreat, Life Skills and Sport Training Facility
REQUESTED ACTION: Amend CUP # 17-09-4 to reduce acreage and relocate lodging/cabins, life skills counseling, water sport training, special events and short-term recreational vehicle (RV) parking.
GENERAL LOCATION: Groveland area, 19022 Orange Avenue
AND
LAKE COUNTY ECONOMIC GROWTH DEPARTMENT

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Affidavit of Publication

DAILY COMMERCIAL

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

Before the undersigned authority personally appeared

Linda Rostomian

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:

OCT 10, 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, 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 10 day of Oct., A.D., 2017.

Joanne French

Notary Public

(Print, Type or Stamp Name of Notary Public)

AD# 10068703

NOTICE OF PUBLIC HEARING

The Lake County Board of County Commissioners will hold public hearing at 9:00 a.m. or soon thereafter on Tuesday, October 24, 2017, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petition.

All interested citizens are welcome to attend the public hearing and review the petitions in the Planning Division, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.: CUP-17-01-5, Village Pet Spa CUP Amendment

LAKE COUNTY ECONOMIC GROWTH DEPARTMENT
PLANNING & ZONING DIVISION
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10068703
October 10, 2017
NOTICE OF PUBLIC HEARING

The Lake County Board of County Commissioners will hold public hearing at 9:00 a.m. or soon thereafter on Tuesday, October 24, 2017, in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL, to consider the following petition.

All interested citizens are welcome to attend the public hearing and review the petitions in the Planning Division, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed. All oral and written communications between Planning & Zoning Board members and the public concerning a case are prohibited by Florida Law unless made at the public hearing on the case.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO: CUP-17-01-5, Village Pet Spa CUP Amendment
REQUESTED ACTION: Amend the existing Conditional Use Permit (CUP) regarding the use of the grass play area in front of the kennel on the property.
GENERAL LOCATION: Lady Lake area, 37601 Rolling Acres Rd.

LAKE COUNTY ECONOMIC GROWTH DEPARTMENT
PLANNING & ZONING DIVISION
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641
Ad No: 10068073
October 10, 2017

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**Date:** 09/26/17  
**Ad Taker:** liana.rickman
NOTICE OF PUBLIC HEARING

The Lake County Planning & Zoning Board will hold a 9:00 a.m., or soon thereafter, public hearing on Wednesday, October 4, 2017 in the County Commission Chambers, County Administration Building, 315 West Main Street, Tavares, FL to consider the following ordinance which proposes to amend portions of the Land Development Regulations (LDRs).

All Interested citizens are welcome to attend the public hearing and review the ordinance in the Planning Division, County Administration Building, Room 510, 315 West Main Street, Tavares, FL. Persons with disabilities needing assistance to participate in any of these proceedings should contact 352-343-9760, 48 hours in advance of the scheduled meeting.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by Board, they will need a record of the proceedings and they may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based. One or more County Commissioners and one or more members of different committees/boards may attend and may participate in discussions on any of the committee/board meetings noticed.

Ordinance 2017-___

ORDINANCE NO. 2017-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING LAKE COUNTY CODE, CHAPTER 3, ARTICLE K, ENTITLED "MEDICAL CANNABIS ACTIVITIES"; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED "DEFINITIONS" TO ADD DEFINITIONS RELATING TO MARIJUANA; ADDING NEW SECTION 3.15.00 IN LAKE COUNTY CODE, APPENDIX E, BANNING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE UNINCORPORATED AREAS OF LAKE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

LAKE COUNTY DEPARTMENT OF ECONOMIC GROWTH
DIVISION OF PLANNING & ZONING
315 WEST MAIN STREET
TAVARES, FL 32778
(352) 343-9641

Ad No: 10068548
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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:

SEPT 29, 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 29th day of Sept, 2017.

JOANNE FRENCH
Notary Public - State of Florida
Commission # FF 227705
My Comm. Expires May 5, 2019
Bonded through National Notary Assn.

AD# 10668532
Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida

STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomyan

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Sworn to and subscribed before me this 10 day of Oct, A.D., 2017.

Joanne French
Notary Public

(Print, Type or Stamp Name of Notary Public)

AD# 10068703