

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

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

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, February 23, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Members Not Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2

Staff Present:

Brian Sheahan, AICP, Planning 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
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Ross Pluta, Engineer III, Engineering Division
Dottie Keedy, Director, Economic Growth & Redevelopment
Melanie Marsh, Acting County Attorney
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance and gave the invocation. He noted that a quorum was present and confirmed the Proof of Publication for each case as shown on the monitor. He also confirmed 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. Anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room. He added that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases on February 23, 2010 when a final determination will be made.

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Minutes

James Gardner requested the following change to the January 6, 2010 Zoning Board Public Hearing minutes: Add the word “be” on Page 6, the first incomplete paragraph, Line 14, between the words “will” and “much.”

Sherie Ross, Public Hearing Coordinator, stated that Erin Hartigan, Assistant County Attorney, asked that the following sentence be added on Page 4 between the case heading and the motion: “Mark Wells stated that he would be abstaining from voting in the above Cemex case due to possible loss or gain from the business.”

MOTION by Egor Emery, SECONDED by Larry Metz to approve the January 6, 2010 Lake County Zoning Board Public Hearing minutes, as amended, to add the word “be” on Page 6, the first incomplete paragraph, Line 14, between the words “will” and “much.” In addition, the following sentence should be added on Page 4 between the case heading and the motion: “Mark Wells stated that he would be abstaining from voting in the above Cemex case due to possible loss or gain from the business.”

FOR: Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris, Blankenship

MOTION CARRIED: 5-0

Consent Agenda

CASE NO.:	PH#3-10-4	AGENDA NO.:	1
OWNER:	Northstar Lakeside LLC		
APPLICANTS:	Lake County Planning and Community Design Division and Ray Sindell		
PROJECT NAME:	Lakeside Memorial Gardens		

CASE NO.:	CUP#10/1/2-4	AGENDA NO.:	2
OWNER:	Florida Twin Markets, Inc./Edward Renninger		
APPLICANT:	Lake County Board of County Commissioners American Tower		

Chairman Bryan stated that no speaker cards had been submitted for either of the two cases on the consent agenda.

In response to James Gardner, Rick Hartenstein, Senior Planner, explained that the underlined words in the legal description on Page 9 of the final package in CUP#10/1/2-4 is new wording for the correct legal description. It had been omitted in the legal description of the original ordinance.

MOTION by James Gardner, SECONDED by Mark Wells to recommend approval of the above consent agenda.

FOR: Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris, Blankenship

MOTION CARRIED: 5-0

There was a short break so a video issue could be repaired.

CASE NO.: PH#17-09-3

AGENDA NO.: 3

OWNER: Lake County Board of County Commissioners
APPLICANT: Sandy Minkoff, Interim County Manager
PROJECT NAME: Christopher C. Ford Commerce Park DRI – NOPC

Steve Greene presented the case and staff recommendation of approval. He showed the aerial as well as Map H from the final package on the monitor. He stated that the County approved the Development Order in 1999. He noted the conservation area to the southwest of the property. He showed a memorandum that had been sent to the Zoning Board members indicating revisions to Exhibit E, which listed additional uses on the site; he submitted the memorandum as County Exhibit A. He said staff would recommend approval of these additional uses.

Chairman Bryan stated that no speaker cards had been submitted.

MOTION by James Gardner, SECONDED by Egor Emery to recommend approval of an amendment to the Christopher C. Ford Commerce Park Development of Regional Impact (DRI) approved by Development Order (DO), Ordinance No. 1999-80, with a new ordinance to improve the land management of the parcels within the DRI in PH#17-09-3.

FOR: Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris, Blankenship

MOTION CARRIED: 5-0

Dottie Keedy left the meeting.

CASE NO.: PH#5-10-2

AGENDA NO.: 4

OWNER: Headquarter Orlando, LLC
APPLICANT: Ms. Anita R. Geraci, Esquire, on behalf of
Headquarter Orlando, LLC

Brian Sheahan, AICP, Planning Director, presented the case and staff recommendation of approval. He showed the aerial from the final package on the monitor. He noted that Jefferson Street travels immediately adjacent to the rear of the property to the south, running east/west. In the original approval of Ordinance No. 2008-79, the Board of County Commissioners (BCC) allowed the car dealership with a specific condition that the service bays be oriented east/west. It was the understanding of the applicant that this limitation was specifically for repair work of vehicles such as heavy engine work. What was not made clear during the presentation was their intent to have a quick lube within the customer service area. He showed a copy of the approved site plan, which is included in the final package as Exhibit B – Concept Plan. The applicant’s design was approved by the BCC. The area in question is the customer service drop-off area. Staff visited the site about two months ago and discovered that this area had been set up with some lifts. Mr. Sheahan showed and submitted eight pictures (County Exhibit A) of the customer service drop-off area. It is not clear if light maintenance/service would be consistent with the Board’s condition that certain space be oriented east/west. The service bay in the picture is oriented north/south. The main purpose of that condition was to ensure that noise did not disturb the residents who live along Jefferson Street. Another area that was not clear was the car wash shown in one of the pictures. There was a statement made that this could be considered a service bay and should have been subject to the Board’s condition in the ordinance. That was on the original site plan in its current orientation and was not subject to any discussion. An additional clarification has been put forth in the proposed ordinance that makes it explicitly clear that the car wash would not be included as a service bay. Another condition of the previous ordinance was that the applicant provide a six-foot wall from the crest of Jefferson Street on the rear of the property. The applicant has been actively pursuing this, and it is 95 percent complete; it is a sound-deadening wall. It is basically a concrete block wall, with portions filled with concrete to make it structurally sound. They intend to put an additional stucco finish on the wall to make it even more soundproof and for aesthetics. On the Jefferson Street side, the wall is six feet from the crest of the road or more in some places. On the development side, the wall is eight to twelve feet high due to the grade of the property.

In response to Chairman Bryan, Mr. Sheahan said the wall is more than 180 feet from the rear of the car wash and 200 feet from the area where the quick lube would be located.

Mr. Sheahan showed a video taken from a staff vehicle driving along Jefferson Street at the rear of the property, traveling east to west. He noted the retention pond at the beginning of the wall. The building is behind that wall, and it was possible to see the building just above the wall towards the end of the street; the wall ends at the first residence on the street. He submitted this video as County Exhibit B.

Mr. Sheahan said the express lube could be considered a service area, but he did not feel it would generate a large amount of noise. He spoke of the standards for the noise that a stand-alone car wash would generate; at 200 feet, it would generate approximately what a home air conditioning unit would generate when running, based on preliminary analysis. The car wash would not be open to the public; it is for vehicles after service. In response to Egor Emery, Mr. Sheahan said the home air conditioner generated roughly 58 decibels of noise. Mr. Emery confirmed with Mr. Sheahan that the concept plan, Exhibit B, in the booklet is the same concept plan as that submitted in the previous case and ordinance.

Chairman Bryan thanked Mr. Sheahan for the pictures and video he provided to the Board; they were very helpful.

Anita Geraci-Carver stated that at the previous BCC public hearing, they spent a lot of time talking with the Commissioners about the neighbors’ concerns with the noise that may be generated from this site. Therefore, most of their attention was clearly focused on the service area where the heavier repairs would

CASE NO.: PH#5-10-2

AGENDA NO.: 4

OWNER: Headquarter Orlando, LLC
APPLICANT: Ms. Anita R. Geraci, Esquire, on behalf of
Headquarter Orlando, LLC

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take place. The commissioners were informed at that time that the area would have high-speed doors, that the doors would remain closed except when cars were being driven in, and the building would be soundproof and air conditioned. Little time was spent discussing the particular service area in question; it was shown on the site plan as a service area, but it was more of a quick lube and reception area for vehicles so the building was constructed with the doors facing north and south. The doors cannot be seen from Jefferson Street so she did not feel aesthetics was an issue. A noise study has been performed, but the final report is not available nor was anyone available to speak at this public hearing. She said there will be someone present at the BCC public hearing to testify about the noise study. The decibel levels that have been monitored are consistent with what Mr. Sheahan had said in his presentation.

Ms. Geraci-Carver said one of the owners of the project, Jeronimo Esteve, was present at this public hearing. He was also present when the noise study was done. She said they tried to mimic the sounds that would be coming from the property to determine the noise level. Mr. Esteve explained the procedure that took place during the study. The noise levels of Highway 50 past the wall were louder than the noise level behind the wall. They were confident that they would not be bothering the neighbors with noise.

Ms. Geraci-Carver said some of the types of service that will take place at this quick service area as indicated on Exhibit B would be lubricant services such as oil and fluid changes, tire rotation, and other light-duty maintenance such as windshield wiper replacement. The quick service area is located to the north on the property. The car wash is in between the quick service area and the rear of property wall and Jefferson Street. With the landscaping on the property, which includes more trees than required by the County Code, the sound barrier wall, and the other buildings, she did not feel the noise being generated will impact the neighbors at all. She noted that Tony Himenez, project architect, was available for questions.

In response to Mr. Emery, Ms. Geraci-Carver said there are six doors on the north side and six doors on the south side of the building. Three of the doors on the north side and three of the doors on the south side are for the quick lube area. The other three doors on each side are for the reception area.

Charley Crouse said he lives on First Avenue, east of the building and downhill from the retention pond. He said he is not opposing the project but felt that much of the service area is designed opposite of what was designated. His major concern was the drainage pond; he felt it was not draining like it used to. He would like to have someone come out to the property to inspect the pond so it will drain properly. He added that there are some tortoises on the property that are burrowing into the side of the retention pond. He commented that during construction, the leftover dirt was dumped over the wall and onto the field next door. He did not want that dirt to wash away and create problems.

Chairman Bryan commented that this is not the correct venue to address construction practices. He suggested Mr. Crouse see Mr. Sheahan for direction to the correct person to speak to about those issues.

Mr. Esteve said they have six lifts in the quick repair area and 17 lifts in the main repair area.

Chairman Bryan said it appears that the applicant has gone well beyond what was asked in order to keep the noise level down and has been cooperative. He was satisfied with staff's recommendation.

CASE NO.: PH#5-10-2

AGENDA NO.: 4

OWNER: Headquarter Orlando, LLC
APPLICANT: Ms. Anita R. Geraci, Esquire, on behalf of
Headquarter Orlando, LLC

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MOTION by James Gardner, **SECONDED** by Larry Metz to recommend approval of an amendment to Ordinance #2008-79 granting vehicular sales to specifically exempt a Quick Lube from the restriction on Service Repair Areas limiting the ingress/egress of such uses to an east-west orientation and to specifically exclude the car wash in PH#5-10-2.

FOR: Gardner, Bryan, Wells, Metz

AGAINST: Emery

NOT PRESENT: Morris, Blankenship

MOTION CARRIED: 4-1

Adjournment

There being no further business, the meeting was adjourned at 9:48 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman