

**MINUTES
LAKE COUNTY ZONING BOARD
FEBRUARY 4, 2009**

The Lake County Zoning Board met on Wednesday, February 4, 2009 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

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 24, 2009 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Scott Blankenship	District 2
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
-------------------------------	------------

Staff Present:

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Stacy Allen, 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
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:01 a.m. He led in the Pledge of Allegiance and gave the invocation. He noted that a quorum was present. He confirmed that this public hearing had been duly advertised. He explained the procedure for hearing cases on the consent agenda. He added that no speaker cards have been submitted for either of the two cases on the consent agenda today. There are no cases on the regular agenda for this public hearing.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	January 7, 2009	
Discussion of Agenda		
Consent Agenda: PH#67-08-1	The Board of Trustees of the Florida Annual Conference of the United Methodist Church, Incorporated/Steven J. Richey, Richey & Cooney/ Methodist Life Enrichment Center and Warren W. Willis Camp	1
PH#69-08-2	The Bert E. and Barbara C. Roper Family Limited Partnership, John Kingman Keating/Progress Energy Florida, Inc./Hancock Road Substation	2
Discussion	Review Process	

Minutes

Sherie Ross, Public Hearing Coordinator, stated that Steve Greene, AICP, Chief Planner, had asked that the following sentences be added to the end of Paragraph 7 on Page 13 of the January 7, 2009 Zoning Board public hearing minutes: “Mr. Greene pointed to the land areas being proposed for the development of RIB Site #1 and RIB Site #10 and the nearby existing RIB Site #2. He indicated that RIB Site #1 and RIB Site #10 would be developed similarly to RIB Site #2. He also noted that the existing RIB Site #2 is just south of a Clermont subdivision, east of US 27.”

MOTION by Scott Blankenship, SECONDED by James Gardner to approve the January 7, 2009 Lake County Zoning Board public hearing minutes, as amended, with the following addition to the end of Paragraph 7 on Page 13: “Mr. Greene pointed to the land areas being proposed for the development of RIB Site #1 and RIB Site #10 and the nearby existing RIB Site #2. He indicated that RIB Site #1 and RIB Site #10 would be developed similarly to RIB Site #2. He also noted that the existing RIB Site #2 is just south of a Clermont subdivision, east of US 27.”

FOR: Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 6-0

Discussion of Agenda

Brian Sheahan, AICP, Planning Director, showed the proof of publication on the screen. He noted that today’s agenda includes two cases on the consent agenda with neither of the cases receiving any letters of opposition or requests for continuances so those cases can remain on the consent agenda.

Consent Agenda

CASE NO.:	PH#67-08-1	AGENDA NO.:	1
OWNER:	The Board of Trustees of the United Methodist Church, Incorporated		
APPLICANT:	Steven J. Richey, Richey & Cooney		
PROJECT NAME:	Methodist Life Enrichment Center		

CASE NO.:	PH#69-08-2	AGENDA NO.:	2
OWNER:	The Bert E. and Barbara C. Roper Family Limited Partnership, John Kingman Keating		
PROJECT NAME:	Hancock Road Substation		

MOTION by Scott Blankenship, SECONDED by Mark Wells to recommend approval of the above consent agenda.

Egor Emery stated that he was frustrated and dissatisfied with the conceptual plans that were in the zoning booklet given to the Zoning Board members. They were terrible reproductions, which made it difficult to evaluate the proposals. However, he felt that the cases could still go forward.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 6-0

Brian Sheahan, AICP, Planning Director, explained that the problem with the clarity of the conceptual plans was not identified until the product had been printed. Steps have been taken to rectify the situation. He added that if a Zoning Board member should have a problem with the information provided for a case, he should feel free to call a staff member. In this case, the original conceptual plans were very clear and readable.

Discussion

In reading the minutes from last month's public hearing, Mr. Sheahan noticed that there had been concern discussed by this Board about the amount of analysis required for one of the cases heard last month. It was compared to a similar case heard several months ago. The case heard several months ago was a conditional use; staff has broad discretion on the amount of information that can be requested from the applicant on that type of case because of the nature of the case. Conditions must be provided to make the use compatible with surrounding land uses. The other case, the case heard last month, was a rezoning. Staff is working on getting additional information on that case. Staff does not have as much discretion to ask for an abundance of information on a rezoning case versus a conditional use. Staff must balance the needs of the applicant and compliance with the Code. Staff must be cautious not to penalize the applicant unnecessarily.

When Chairman Bryan asked if the applicant of the case in question had provided the minimum requirements for zoning, Mr. Sheahan said he had. Chairman Bryan commented that there appeared to be practically nothing in the final package for that case. Since this was an expansion of an existing facility, Mr. Sheahan said a decision was made not to ask for an abundance of additional information. However, it is his understanding that there are other concerns so additional information may be needed.

Steve Richey pointed out that Community Facility District (CFD) is a conditional zoning, which requires specificity and conditions according to the Land Development Regulations (LDRs). That is required of a Conditional Use Permit (CUP) but was not required of a specific rezoning classification that involves conditions. He did not feel that CFD zoning is straight zoning. In the past, much information was required for CFD cases. Regarding the case in question, he said it was his understanding that this Board had given the applicant 30 days to provide the information with a continuance of 90 days for the public hearing. However, no information has been received by staff at this time. The continuance for 90 days was based on the fact that the information would be provided with ample time for Mr. Richey and his team to review that information before the public hearing. If this is an indication of the minimum required for that type of use, Mr. Richey felt it may be prudent to revisit the CFD requirements.

In response to Chairman Bryan, Steve Greene, AICP, Chief Planner, stated that he had received a communication yesterday about the list of information that is expected to be received; but nothing has been submitted at this time. Chairman Bryan suggested that staff encourage the applicant to submit that information as soon as possible. As a Board, the members were concerned about the timing. They wanted to ensure that those who had concerns had ample time to review the information. Mr. Greene added that staff also needs time to review the information and assess whether or not the final package must be changed.

Adjournment

There being no further business, the meeting was adjourned at 9:15 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman