

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**February 6, 2013**

The Lake County Planning and Zoning Board met on Wednesday, February 6, 2013 in County Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning and Comprehensive Plan and Land Development Regulation amendments.

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, February 26, 2013 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Kathryn McKeeby	District 1
Ted DeWitt	District 2
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring, Vice Chairman	At-Large Representative

**Members Not Present:**

Timothy Morris	District 3
Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

**Staff Present:**

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Anita Greiner, 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  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Scott Catusus, Environmental Specialist, Conservation and Compliance Department  
Erin Hartigan, Assistant County Attorney  
Ross Pluta, Engineer III, Public Works  
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:05 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and Kasey Kesselring, Board Member, gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

TABLE OF CONTENTS

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>
<b>Agenda Updates</b>		
<b>Consideration of Minutes</b>	January 2, 2013	
<u><b>CONSENT AGENDA</b></u>		
<b>Tab 1</b>	<b>PH# 1-13-5</b>	CHW, Inc./Crockett, Duncan, USB Crockett, Duncan, USB Property rezoning
<b>Tab 2</b>	<b>PH# 3-13-1</b>	Rubin Groves of Clermont, Inc. Rubin Groves PUD rezoning
<b>Tab 3</b>	<b>PH# 38-12-2</b>	J. Crawford/Colonial Acquisitions, Inc./ D. Reed Reed Nissan Stormwater Facility rezoning
<u><b>REGULAR AGENDA</b></u>		
<b>Tab 4</b>	<b>LPA# 13/12/1-5</b>	Comprehensive Plan Amendment FLUM change – Rural Transition to Industrial
<b>Tab 5</b>	<b>LPA# 13/2/3-1</b>	Comprehensive Plan Amendment FLUM change – Rural Transition to Regional Office
<b>Tab 6</b>	<b>Ordinance 2013-XX</b>	LDR Amendment Public Hearing Postponements
<b>Tab 7</b>	<b>Ordinance 2013-XX</b>	LDR Amendment Nonconformities
<b>Tab 8</b>	<b>Ordinance 2013-XX</b>	LDR Amendment Accessory Structures
<b>Tab 9</b>	<b>Ordinance 2013-XX</b>	LDR Amendment Mining
<b>Adjournment</b>		

**AGENDA UPDATES**

There were no changes to the agenda.

**MINUTES**

**MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE the January 2, 2013 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.**

**FOR: Kesselring, Gonzalez, McKeeby, DeWitt, Bryan**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**CONSENT AGENDA**

<b>Tab 1</b>	<b>PH# 1-13-5</b>	CHW, Inc./Crockett, Duncan, USB Crockett, Duncan, USB Property rezoning
<b>Tab 2</b>	<b>PH# 3-13-1</b>	Rubin Groves of Clermont, Inc. Rubin Groves PUD rezoning
<b>Tab 3</b>	<b>PH# 38-12-2</b>	J. Crawford/Colonial Acquisitions, Inc./ D. Reed Reed Nissan Stormwater Facility rezoning

Mr. Brian Sheahan, Planning Manager, pointed out that he received a phone call from Ms. Debbie Stivender, Board Member, stating that she was unable to attend the meeting and asked him to comment on Tab 2. Ms. Stivender indicated that the School Board believed the project would adversely affect Windy Hill Middle School by making it slightly over capacity; however, they thought that issue could be addressed through school concurrency as the development moved forward.

**MOTION by Rick Gonzalez, SECONDED by Kasey Kesselring to APPROVE the Consent Agenda, consisting of agenda items 1, 2 and 3.**

**FOR: Gonzalez, Kesselring, McKeeby, DeWitt, Bryan**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**REGULAR AGENDA****LPA# 13/12/1-5****COMPREHENSIVE PLAN AMENDMENT  
FLUM change – Rural Transition to Industrial****TAB NO. 4**

Ms. Anita Greiner, Chief Planner, stated that on May 25, 2010 Lake County adopted the 2030 Comprehensive Plan, which included this amendment. She noted that the amendment was approved by the BCC, but was not processed by the State Planning Agency because it was not included in the original transmittal on January 10, 2010. She indicated that the 2030 Comprehensive Plan became effective on September 22, 2011, which did not include this amendment, so staff was asked to bring this amendment back and process it for inclusion in the Comp Plan. She displayed a map showing a convenience store and Custer Trucking, which were located along CR 44, and related that these businesses were designated as Rural Village Future Land Use Category prior to the 2030 Comp Plan, but they became inconsistent with the current designation of Rural Transition. She indicated that staff was requesting to change the use to Industrial so those businesses would be in compliance with the 2030 Comp Plan.

Mr. Bryan asked if additional retail would be allowed under that land use designation.

Ms. Greiner replied that small, limited retail that would provide a use to the industrial properties currently there would be allowed.

**MOTION by Kasey Kesselring, SECONDED by Ted DeWitt to APPROVE Comprehensive Plan Amendment FLUM change – Rural Transition to Industrial, LPA# 13/12/1-5.**

**FOR: Kesselring, DeWitt, McKeeby, Gonzalez, Bryan**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**LPA# 13/2/3-1****COMPREHENSIVE PLAN AMENDMENT  
FLUM change – Rural Transition to Regional Office****TAB NO. 5**

Ms. Greiner explained that this was another amendment previously approved by the BCC where staff was asked to bring it back for inclusion in the 2030 Comp Plan. She noted that the property was located on Villa City Road and adjacent to the Christopher C. Ford Commerce Park and Langley Industrial Park. She pointed out that Woodlands at Church Lake, which was a residential subdivision, was also nearby. She mentioned that the parcels designated as Urban Low Density totaled approximately 280 acres and the future land use allowed a maximum density of four dwelling units per net acre, which would amount to a maximum of 484 single-family dwelling units. She added that the parcels designated as Rural Transition totaled 81 acres and the future land use allowed a maximum density of one dwelling unit per acre with 50 percent open space, which would amount to a maximum of 81 single-family dwelling units. She stated that staff was proposing to change the future land use to Regional Office to allow a buffer between the residential and industrial uses. She mentioned that the use would allow office and small commercial uses, as well as an intensity of 3.0 and one multi-family dwelling unit per 10,000 square feet of office space.

Mr. Ted DeWitt, Board Member, asked approximately how many jobs would be created by putting offices in there.

Ms. Greiner replied that it would depend on what type of office was there.

Mr. Jeff Wrede, General Manager of the Woodlands at Church Lake subdivision, stated that the subdivision was opposed to the land use change on one section of the parcel that adjoins their property and that they wanted it to continue to be pasture lands or residential. He mentioned that this community previously had to take legal action to oppose a cement factory that was planned to be built next to them, so he would hate to see the residents have to deal with another problem on the opposite side.

Mr. Franklin Reaves, who lives on Villa City Road, had some questions and concerns about the land use change. He asked who would monitor the landscaping, lighting and screening should businesses be built in that area, and why the Industrial Future Land Use Category was included. He wanted to know what was considered a multi-family residential unit and what uses would require a conditional use permit. He also questioned what the requirement was for notifying the residents in the area about this change, and stated that his primary concern was the increased traffic on Villa City Road and the additional damage that would cause.

Mr. Bryan replied that the use would allow one multi-family unit per 10,000 square feet of office space, such as an apartment building.

Ms. Greiner addressed his other questions and concerns, explaining that measures such as landscaping, lighting, and screening would be addressed through the rezoning and the site plan process and the applicant would have to meet the requirements of the Comp Plan and Land Development Regulations (LDR). She noted that the uses allowed inside a building were typical uses allowed in the Regional Office Future Land Use Category and that any uses allowed outside a building would require a conditional use permit. She pointed out that the Industrial Future Land Use Category was included to show that those uses were not conducive to having residential structures next to them, and she mentioned that the road would be addressed through the site plan process to make sure it met concurrency. She also noted that this amendment was advertised in the newspaper at least 10 days prior to the hearing, posted on the property about 12 days prior, and the residents around the property were noticed as well.

Mr. Robert Williams, who lives on Lake Arthur Road, commented that his property was adjacent to the commercial industrial park and his only concern was that there was an appropriate buffer between the residential properties and the commercial businesses, since that area was protected wetlands.

Ms. Greiner stated that the Comp Plan and LDRs required at least a 50-foot setback from any jurisdictional wetland line, and the buffering would be addressed through the site plan process.

Mr. Kesselring asked how many property owners were involved in this parcel.

Ms. Greiner replied that there were two.

Mr. DeWitt commented that the residents would be impacted by increased noise and traffic on the roads if all 484 single-family dwelling units were built.

Ms. Greiner mentioned that they would be impacted from the industrial sites as well.

Mr. Rick Gonzalez, Board Member, referred to the letter from the Lake County School Board stating that the proposed land use change would add approximately 2,075 new multi-family dwelling units and asked for clarification on that.

Ms. Greiner explained that that would only happen if the maximum development was allowed, which would be 26 million square feet of office space.

Mr. Robert Williams clarified that there were four dwellings involved in this change.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE Comprehensive Plan Amendment FLUM change – Rural Transition to Regional Office, LPA# 13/2/3-1.**

**FOR: Gonzalez, DeWitt, McKeeby, Bryan, Kesselring**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**ORDINANCE 2013-XX**

**LDR AMENDMENT  
Public Hearing Postponements**

**TAB NO. 6**

Mr. Sheahan stated that this ordinance was an amendment to the LDR Section 14.00.06 entitled "Procedures Governing Public Hearings." He noted that there was a previous zoning case where the applicant requested a postponement less than 10 days prior to the BCC public hearing, and the property owners related to the case were forced to come to the hearing to see whether or not the case would be heard. He related that the BCC asked to amend the ordinance to provide a five-day window instead of 10 days, so that there was more certainty for the public.

Mr. Bryan asked if this would preclude an applicant from being able to request a postponement at the public hearing.

Mr. Sheahan answered "no."

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the LDR Amendment for the Public Hearing Postponements Ordinance.**

**FOR: Gonzalez, McKeeby, DeWitt, Bryan, Kesselring**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**ORDINANCE 2013-XX**

**LDR AMENDMENT  
Nonconformities**

**TAB NO. 7**

Ms. Greiner noted that staff was in the process of rewriting the LDRs now that the 2030 Comp Plan was effective, so they would be bringing forward many LDR amendments. She pointed out some of the changes to the nonconforming development and uses ordinance and noted that section 1.08.03 (A) about minor expansions was added, and section 1.08.04 (A) regarding nonconforming structures and 1.08.04 (B) regarding nonconforming uses were originally combined but were now split up. She related that 1.08.04 (B)(3) regarding nonconforming parking lots was moved from Chapter 9 of the LDRs, 1.08.04 (B)(4) regarding setbacks for nonconforming lots was moved from Chapter 3 of the LDRs, and 1.08.04 (B)(5) regarding nonconforming wetland setbacks was moved from the Comp Plan. She indicated that 1.08.04 (B)(6) regarding impervious surface ratio was changed, and 1.08.04 (B)(8) regarding existing lots nonconforming to the density requirements was completely rewritten. She also mentioned that the definitions for nonconforming structures and nonconforming uses were added.

**MOTION by Kasey Kesselring, SECONDED by Kathryn McKeeby to APPROVE the LDR Amendment for the Nonconformities Ordinance.**

**FOR: Kesselring, McKeeby, DeWitt, Gonzalez, Bryan**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**ORDINANCE 2013-XX**

**LDR AMENDMENT  
Accessory Structures**

**TAB NO. 8**

Ms. Greiner explained that this was the accessory and temporary structures and uses ordinance, and she went over some of the changes. She indicated that accessory structures and uses were originally combined but they were now split up, and section 10.01.05 regarding accessory dwelling units was changed from dwelling structure to dwelling unit. She pointed out that the sections dealing with boat docks and ramps and home occupations were moved around, and that Comp Plan Policy 1-7.2.3 required them to add time limits for occupational licenses and to address parking. She related that section 10.02.04 regarding temporary housing for the care of infirm, terminally ill, or disabled persons was relocated, and regulations were added for temporary sales offices and temporary construction offices.

Mr. Kesselring asked how this ordinance would affect someone who owned property in a rural area and had a structure on the property, but did not live there.

Ms. Greiner replied that there was a provision in the ordinance that would allow the structure to be considered a principal structure on the property if it was for an agricultural use on agricultural zoned land.

**MOTION** by Kasey Kesselring, **SECONDED** by Ted DeWitt to **APPROVE** the **LDR Amendment for the Accessory Structures Ordinance.**

**FOR:** Kesselring, DeWitt, McKeeby, Gonzalez, Bryan

**AGAINST:** None

**MOTION CARRIED: 5-0**

**ORDINANCE 2013-XX**

**LDR AMENDMENT**  
**Mining**

**TAB NO. 9**

Ms. Greiner highlighted some of the changes to the mining ordinance and also addressed the memorandum that was submitted on February 1 as an addendum to the ordinance. She noted that the definitions for Improperly Closed Mine, Intermediate Confining Layer, and Protected Recharge Areas were added, and mentioned that they planned to add definitions for Borrow Activities and Borrow Pit. She indicated that the term mining site plan was changed to mining conditional use permit, since it had been confusing in the past and that the operating plan was now considered the site plan. She mentioned that the definition for Prime Aquifer Recharge Areas was added, but they would now like to delete that because it was not defined by the State. She stated that section 6.06.01 (I) regarding prohibitions on mining in environmentally sensitive areas had multiple changes and she briefly discussed those. She added that the Lake County Mining Committee had been created to review the language of the 2030 Comp Plan in regards to mining in the Green Swamp and made several recommendations. She noted that 6.06.01 (L) Protection of Mining from Urban Encroachment was moved to the preliminary plat section and additional language for 6.06.02 (B)(14) Reclamation Plans was added. She related that 6.06.02 (C)(9) Tree Removal and 6.06.02 (D)(6) Improperly closed mines was added, and the appeal process on page 29 was deleted because the LDRs already addressed that. She indicated that 6.06.02 (B)(2) Wetlands was amended to include vegetative and hydrologic reclamation, 6.06.02 (B)(5) Floodplain was amended so that the floodplain elevations would be determined by the Federal Emergency Management Agency, and 6.06.02 (D)(4)(d) regarding berms and swales was amended to allow other approved methods. She also mentioned that staff received emails from Mr. Keith Schue and Ms. Marjorie Holt with the Sierra Club Central Florida Group, which were distributed to the board. She related that she received an email from an environmental community that morning, and those concerns would be addressed before the BCC meeting.

Mr. Gonzalez referred to statements in the email from Ms. Marjorie Holt about how the mining ordinance would allow for new borrow pits in the Wekiva Study Area and that the Sierra Club believed the mining ordinance was not consistent with the Wekiva Parkway and Protection Act, and he asked if that was correct.

Ms. Greiner responded that the only time a borrow pit would be allowed in that area is if it was used strictly for public works projects or road construction within or near the environmentally sensitive area. She added that borrow pits were allowed under that act, so staff believed them to be consistent.

Mr. Kesselring asked Ms. Greiner to address Mr. Schue's concerns from his email.

Ms. Greiner stated that the borrow pit definitions came from the Comp Plan and that there were no

size limitations, because those would be determined by the size of the lot and the condition of the lot. She noted that the section regarding revegetation required a minimum of 10 percent reforestation, and the BCC had the ability to increase that requirement when a conditional use permit was brought before them.

Mr. Kesselring asked how much of a 100-acre site could be used for a borrow pit.

Mr. Scott Catusus, Environmental Specialist with Code Enforcement, replied that it would be site specific, because some sites could have wetlands on it which would require setbacks and there would be additional setbacks between residential areas, as well as open space requirements.

Mr. DeWitt asked if borrow pits could be turned into ponds or lakes.

Mr. Catusus replied that they could not, because the confining layer would not be breached. He added that typically what was taken off the top soil was being removed for fill dirt.

Mr. John Wright with the Sierra Club Central Florida Group expressed that staff had done a great job at addressing concerns, but he was still concerned about a provision regarding not planting species that were listed in the LDRs. He stated that the provision did not address the fact that the Florida Exotic Pest Plant Council (EPPC) existed under the Florida Department of Agriculture and that they identified invasive and exotic species. He indicated that class 1 species were highly invasive and could ruin a reclamation project, even after the reclamation was complete. He suggested that staff include a provision that addressed the class 1 species as identified by EPPC.

Mr. Sheahan pointed out that EPPC had a disclaimer stating that they could not be directly referenced because they were not a true governmental agency. He added that there was also language in the Florida Statutes that limited how local governments could reference lists not approved by the Department of Agriculture, because that designation was exclusively reserved to that agency. He noted that staff did look for those particular issues when reviewing revegetation and reclamation plans.

Mr. Kesselring asked if borrow pits were subject to environmental studies.

Mr. Sheahan replied that borrow pits were treated like any other mine, adding that they required approvals from agencies such as the Department of Environmental Protection and St. Johns River Water Management District. He related that they also had to receive environmental permits for any endangered species that were on the site.

Mr. Kesselring asked if this would apply to only Lake County road projects.

Ms. Greiner answered that the Code does not exclude other counties if they were within or near the area.

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the LDR Amendment for the Mining Ordinance, including the changes noted on the memorandum.**

**FOR: Gonzalez, McKeeby, DeWitt, Bryan**

**AGAINST: Kesselring**

**MOTION CARRIED: 4-1**

OTHER BUSINESS

Mr. Sheahan stated that staff was on a five-year work program to update the LDRs and that they have been diligently working on that. He mentioned that there were seven more County initiated Comp Plan amendments that needed to be resubmitted, and they were currently working on two applicant initiated Comp Plan amendments. He also pointed out that there were several interest groups in the audience for the various ordinances and that staff was making sure to involve them in the process so any concerns could be addressed before the ordinances reached the Planning and Zoning Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:11 a.m.

Respectfully submitted,



Shannon Treen  
Clerk, Board Support



Paul Bryan  
Chairman