

**MINUTES
LAKE COUNTY ZONING BOARD
MARCH 15, 2010**

The Lake County Zoning Board met on Monday, March 15, 2010 in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida to consider a petition for rezoning.

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, March 16, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Scott Blankenship	District 2
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
James Gardner, Secretary	District 3

Staff Present:

Amye King, AICP, Director, Department of Growth Management
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Terrie Diesbourg, Director, Zoning Division
Ross Pluta, Engineer III, Engineering Division
Melanie Marsh, Acting County Attorney

Chairman Bryan called the meeting to order at 11:31 a.m. He led in the Pledge of Allegiance and gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication as shown on the monitor.

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CASE NO.: PH#9-10-3

AGENDA NO.: 1

OWNER: Vedat Senturk, Senturk Marketing Inc.
APPLICANT: Kim Fischer, P.E.
PROJECT NAME: Eustis Plaza Convenience Store

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He submitted and displayed on the monitors an aerial as County Exhibit A. He also showed and explained the concept plan from the zoning packet. He said the relocation of the pumps creates a seven-foot improvement to the setback situation. Staff found it appropriate to establish new setbacks in the new ordinance. The front setback will be 21 feet; the side setback will be 26 feet. Landscaping shall be in accordance with the current Landscape Code. He noted that there are no additional impacts expected regarding transportation as this is a redevelopment to improve the site circulation and access. Lighting will be in conformance with all outdoor lighting standards. A noise study will be required at time of site plan review; but since there will probably be no more noise impact than what is already there, that can be discussed during site plan review.

In response to Mark Wells, Mr. Greene said storm water will be unchanged.

Leslie Campione was present to represent the case. She read the language in Section 1.B. of Ordinance No. 36-84 regarding the relocation of the existing gasoline pumps and the replacement of the existing canopy. She pointed out that the relocation will place them further away from the highway and reconfigures them so they can adapt to changes made to U.S. 441 by the Florida Department of Transportation (FDOT). These improvements were actually precipitated by the Florida Department of Environmental Protection (FDEP) notice that the tanks must be replaced. When they came in for a permit for the canopy, the provision, Section 1.B. of Ordinance No. 36-84, was found; by that time, construction was already underway. She pointed out that the building is also being renovated, bringing it up to today's standards. She noted the following areas of concern in the ordinance. On Page 2, Section G, Transportation, of the proposed ordinance, she wanted to clarify with staff that the traffic impact study would be triggered by an expansion; and this is not an expansion. Her next area of concern was on Page 3 under Section I, Noise Study. She said the site plan is already in progress. She understood this noise requirement for new uses, but they will not be adding any noise to the site by moving pumps and a canopy. Rather than offering a statement that they would not be increasing noise, she would like to have the requirement removed from the ordinance. The third and most disconcerting issue is found in the proposed ordinance on Page 3, Section J, Utilities. She stated that this property is currently on central water and a septic tank. She submitted Applicant Exhibit A and pointed out the location of the drain field. She pointed out that Vedat Senturk has owned the property since 2001 and has had no problem with the operation of the drain field. There is only one restroom at this gas station, and there are no kitchen facilities. She also noted the location of the sewer lines, adding that the only access to the sewer lines from this property is through the right-of-way. In the interest of moving this project along, she would like this to be an issue to be looked at and to work with the City of Eustis if sewer connection is feasible. She asked staff to treat these changes as a facelift of this existing business so it would not trigger the requirement for sewer connection. She said they have been told that if there is sufficient right-of-way, they would also need a lift station in order to get from the building to the location of the sewer lines. She asked that the requirement be removed or be addressed between the City of Eustis and the applicant and allow them to move forward with the zoning change.

When Larry Metz learned from Ms. Campione that the number of pumps would be the same after the relocation as before, he did not feel that a noise study should be required.

Egor Emery referred to Section 2.B on Page 3 of the proposed ordinance and asked if this would be followed in the future as it has not been in the past. Ms. Campione said they did go to the proper authorities. When Mr. Emery asked if Ms. Campione envisioned this property being annexed into the City of Eustis, she replied that typically connection is required for sewer and/or water connection; it was not required by the City of Eustis when this property was connected to central water.

Mr. Wells stated that if underground contamination should occur, there could be several methods to address

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APPLICANT: Kim Fischer, P.E.
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this. The Noise Ordinance could shift the choice to a quieter alternative. Ms. Campione pointed out that they have no contamination on this site. Chairman Bryan questioned whether the Noise Ordinance would control such a situation.

In response to the language in the ordinance regarding transportation, Mr. Greene agreed with Chairman Bryan that the traffic study would only be required if there is an expansion of the existing building. When he asked if the language should be clarified, Mr. Greene felt the language is clear. Any expansion would be included in the site plan. Chairman Bryan said the concern was in the wording “necessary improvements.” He suggested changing the wording to read: “any improvements as a result of an expansion.”

Chairman Bryan agreed with Mr. Metz that nothing has been done on this property to trigger a noise impact study. He questioned whether it was necessary for that requirement to be in the ordinance. Mr. Greene said he would not want to delete that requirement, but it could be added that any expansion to the structure shall require a future noise study. Both Chairman Bryan and Mr. Greene agreed that nothing being done on the site now would trigger a noise impact study. Mr. Metz felt that the language should state that to trigger a noise impact study, the future expansion must include something that would increase the noise.

Mr. Greene said the site plan provided did not show a septic tank, and he did not receive any indication from the City of Eustis that this property was not on central sewer. He felt that the applicant would likely be in contact with the City of Eustis as they move forward in that regard. He was agreeable to a change in the language that an expansion would require central connection. Chairman Bryan confirmed that since there is no additional impact on the existing septic tank, central sewer would not be required; but the applicant could choose to pursue that.

MOTION by Larry Metz, SECONDED by Scott Blankenship to recommend approval of PH#9-10-3 to amend Ordinance #36-84 to allow relocation and replacement of gas pumps and to establish development standards with the following amendments to the proposed ordinance.

1. **In Section 1.G.1, the second sentence shall be modified to indicate that also applies to any expansions of the existing building.**
2. **In Section 1.I.2, that language would be modified to indicate that any future expansions of the building or operations of the property would trigger the noise impact study but that no noise study is required presently.**
3. **In Section 1.J.1, that requirement would be limited to future expansions of the building or operations but would not be required at this time.**

Mr. Emery said he will probably vote in favor of this request since he would like to see this business move forward, but he felt it was very important that this property be connected to central sewer as soon as possible and be annexed into the City of Eustis.

FOR: Blankenship, Emery, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris, Gardner

MOTION CARRIED: 5-0

Adjournment

There being no further business, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman