

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**April 4, 2012**

The Lake County Planning and Zoning Board met on Wednesday, April 4, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning, Conditional Use Permits, and amendments to the LDR's.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, April 24, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

**Members Not Present:**

Donald Heaton	Ex-Officio Non-Voting Military Representative
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**Staff Present:**

Amye King, Growth Management Director  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Erin Hartigan, Assistant County Attorney  
Susan Boyajan, Clerk, Board Support  
Ross Pluta, Engineer III, Public Works

Chairman Paul Bryan called the meeting to order at 9:05 a.m. He led the Pledge of Allegiance, and Rick Gonzalez, gave the invocation. The Proof of Publication for each case confirming that the meeting was properly noticed was shown on the monitor. Chairman Bryan 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.

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Raymond Carroll  
South Forty Business Center
- Tab 2 PH #11-12-4 Kenneth E. LaRoe  
Green Consulting Group, Inc./Tim Green  
The Shop, LLC
- Tab 3 CUP #12/4/1-2 J. Tirri/T. Tirri  
Offroad Hummer Adventure  
(Staff Initiated Continuance)

**REGULAR AGENDA**

- Tab 4 PH #9-12-1 B. Potts, P.E./S. Rubin  
Rubin Groves
- Tab 5 PH #25-10-3 Cecilia Bonifay  
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**AMENDMENTS TO LDR**

- Tab 6 Ordinance 2011-XX Lake County  
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- Tab 7 Ordinance 2012-XX Lake County  
Amending Landscape Ordinance

**Adjournment**

**AGENDA UPDATES**

There were no updates to the agenda.

**MINUTES**

**MOTION by Kasey Kesselring, SECONDED by Timothy Morris to APPROVE the March 7, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.**

**FOR: Kesselring, Morris, Ameri, DeWitt, Gonzalez, Bryan, Miller**

**AGAINST: None**



that there has not been any opposition or complaints associated with this case.

Mr. Gonzalez asked how they could make a RaceTrac store green.

Mr. Hartenstein responded that there were certain building codes and landscaping standards, such as types of irrigation, that are used.

Mr. Kesselring added that some of those things include solar panels on the roof and collecting rainwater on the roof for irrigation purposes.

**MOTION by Kasey Kesselring, SECONDED by Lorenzo John Ameri to APPROVE PH#9-12-1, RaceTrac Store at Woodcrest Way, and move to consent agenda, subject to the revision of the ordinance to remove the waiver of the LDR parking requirements.**

**FOR: Kesselring, Ameri, Gonzalez, Morris, DeWitt, Bryan, Miller.**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**CASE NO: PH#25-10-3**

**TAB NO. 5**

**OWNER: West Orange Airport Authority**

**APPLICANT: Long & Scott Farms, Cecilia Bonifay**

**PROJECT NAME: Long & Scott Farms/West Orange Airport Authority**

Jennifer Cotch, Environmental Specialist, presented the case, stating that the applicant has applied to amend the Community Facility District (CFD) Ordinance #2004-85 to remove a specific condition that has now become irrelevant, and the site covered a six-acre tract south of the Lake Jem area and Duda Road along and west of the Lake County-Orange County boundary. She related that on November 16, 2004 the Board of County Commissioners (BCC) approved Ordinance 2004-85 that rezoned the site from Agriculture to CFD in order to allow for a private airstrip and stormwater management areas, which included a specific condition that stated "should Orange County land use approvals be changed, this ordinance will become null and void unless those changes are approved by the BCC." She explained that Orange County has changed its land use to include the Applicant's request, approved an ordinance that allows that request; and has been working with the BCC to create a developer's agreement that would be heard at the BCC Meeting on April 24. She mentioned that the request is consistent with the Comprehensive Plan Policy 1-1.6.7 that allows a paved airstrip on the subject property, as well as the LDR's that allow CFD zoning within the Rural Future Land Use and the conditions in the proposed developer's agreement. She reported that staff recommended approval of this request. She also stated for the record that staff received a letter yesterday indicating that Ms. Bonifay would no longer be representing the owners of the property and noted that they have received two letters of objection and one in support.

Chairman Paul Bryan clarified that this ordinance is simply to delete the specific language that is no longer relevant and has nothing to do with rezoning or the airport extension.

Mr. Guy Haggard, Chairman of the Airport Authority, stated that he concurs with all staff's

findings and recommendations.

Mr. Charles Lee, representing Audubon of Florida, presented some documents which were already included in the backup materials in the packet, and he disputed the factual accuracy of the statement that this hearing is irrelevant to the impact of the airport project, since proceedings regarding the airport property and the appropriateness of this facility are still going on, and discussion of this matter was scheduled to be heard by the Zoning Board in Orange County potentially on May 17. He stated that although the proposed Lake County Ordinance regarding this case has conditions including the requirements that there would be no jet aircraft allowed, no night operations and that the runway could not be lighted, the West Orange Airport Authority was proposing to extend the runway to 6500 feet to allow jet aircraft with a lighted runway for night operations for the intent to make it into a major regional airport, which were contrary to the ordinance being considered today. He commented that he was concerned that the people of Florida and the St. Johns River Water Management District (SJRWMD) have spent to date in excess of \$150 million to prepare the marshes north of Lake Apopka for the purpose of attracting birds, but if this project is approved, the regulations of the Federal Aviation Administration are going to come into play, which would cause that public money to be wasted by forcing the SJRWMD to drain those marshes to reduce a wildlife hazard. He opined that this matter needs to go back to the BCC, since this has great impact on a project that has major economic development and eco-tourism potential. He believed this request should not go forward.

Ms. Paulette Smariga, a resident of Mount Dora, pointed out that zoning regulations for airports take into consideration the protection of the citizens they serve from airport hazards and that 70 percent of crashes occur on either end of a runway. She opined that since the BCC never approved the changes in Orange County, this ordinance would be null and void, and that the removal of that clause would remove the voice of the citizens and residents of the area around there to their duly-elected officials. She noted that there was a change of usage applied for in Orange County in 2007, but that the airport is still one entity, and this affects the health, safety, and welfare of the citizens of the Lake Jem area and Lake County. She also commented that there were mathematical inconsistencies in the ordinance regarding the fact that there was not enough land available for the additional length of the runway. She strongly urged the Planning & Zoning Board to deny this request and to have the County rewrite the ordinance.

Mr. Bryan clarified with Erin Hartigan, Assistant County Attorney, that the only thing this ordinance would do would provide that the land use changes in Orange County would not nullify and void this ordinance and that everything else in the ordinance would still be enforceable.

Ms. Hartigan added that this application is meant to keep the validity of the zoning ordinance in place, but if the Planning & Zoning Board and the BCC both voted to deny this request, then the ordinance would become null and void and the applicants would need to seek new zoning for their property.

Ms. Cotch explained that Orange County Ordinance 2011-08, which would pertain only to the Orange County side, would allow a growth center that would include industrial uses, commercial uses, office, and 750,000 square feet of airport-related uses, and she pointed out that the airport is already there and was approved by Lake County in 2004.

Mr. Rich Dunkel, a resident of Mount Dora, stated that his concern is that they retain as much oversight as possible on this project and not to abdicate any of that oversight, and he believed that Lake County had to stay at the table and look very clearly at this issue.

Mr. Jake Farley, a business owner in Lake County, stated that he did not understand how it could become irrelevant if they do not approve the changes that Orange County made, and he believed the ordinance would have to become null and void and to be redone. He believed this would have some growth impact on them in the future, and he was in favor of some changes, but they needed to maintain oversight.

Ms. Lisa Hill from Long & Scott Farms mentioned that there has been an airport in that location for over 50 years, and she asked the P & Z Board to accept this.

Mr. Hank Scott from Long & Scott Farms commented that they were good stewards of the land and asked that the P & Z Board approve the request.

Mr. Bob Loomis, Airport Manager for the West Orange Aviation Authority, stated that they have been working for many years on this project and that the airport has been an existing and operating airport for 50 years. He emphasized that they were trying to make this a win-win situation for both Lake and Orange Counties, and he asked for approval of this request.

Mr. Phil Morris, a resident of Montverde, noted that he has never had a problem with birds in his 2,000 hours of flying of aircraft in that area and pointed out that the businesses involved pay ad valorem taxes. He asked for approval of the request.

Ms. Linda Bystrak, a resident of Leesburg, stated that she hoped the BCC would have an opportunity to vote on and keep oversight of this project, because she felt it was an important economic development project which could hurt and become competition for the Leesburg International Airport, which was only 8 miles away. She also mentioned that she believed that birds would become a problem for jets more so than for the smaller aircraft that is currently allowed.

Mr. Billy Long, part owner of Long & Scott Farms, asked that they look 100 years in the future and opined that this location is the best one for an airport.

Ms. Deborah Parks, who lives near the airport, stated that she opposes this application, and she noted that the airport previously ran north and south and was predominately used by a crop duster only. She expressed concern about safety and welfare issues for the Lake Jem residents, and asked the P & Z Board members to vote against the application.

Mr. Haggard assured the P & Z Board that all they were trying to do with this request was to maintain the status quo and the same restrictions as was in the 2004 ordinance, and he pointed out that the BCC still has oversight. He explained that Orange County was allowing construction of buildings for businesses to move next to the airport on the adjoining land in order to develop that as an economic engine for the area and part of an enterprise zone.

Mr. Gonzalez asked if they have any intention of allowing jets on their runway.

Mr. Haggard responded that it was not planned for the Lake County side, and if they expand the runway, they plan to do that east into Orange County.

**MOTION by Jim Miller, SECONDED by Rick Gonzalez to APPROVE the staff recommendations for PH#25-10-3, Long & Scott Farms/West Orange Airport Authority.**

**FOR: Miller, Gonzalez, Ameri, Bryan, Morris**

**AGAINST:** Kesselring, DeWitt

**MOTION CARRIED:** 5-2

**CASE NO:** Ordinance 2011-XX **TAB NO.** 6

**APPLICANT:** Lake County  
**PROJECT NAME:** School Board Position on Planning & Zoning Board Alternate Appt.

Steve Greene, Chief Planner, explained that this was a recommendation for an LDR change to create a process for a Zoning Board alternate for the School Board position and that staff recommends approval of this.

Mr. Bryan elaborated that he believed that the purpose of this is if the School Board appointee is not able to make the meeting, it provides for the ability for another voting member from the School Board to be present.

**MOTION by Timothy Morris, SECONDED by Lorenzo John Ameri to APPROVE an ordinance providing for a School Board Position on Lake County Planning & Zoning Board Alternate Appointment.**

**FOR:** Miller, Ameri, Kesselring, Gonzalez, Morris, DeWitt, Bryan

**AGAINST:** None

**MOTION CARRIED:** 7-0

**CASE NO:** Ordinance 2012-XX **TAB NO.** 7

**APPLICANT:** Lake County  
**PROJECT NAME:** Amending Landscape Ordinance

Mr. Hartenstein explained that this ordinance was to make some changes to the landscape code and the tree protection code in the LDR's which were necessary for clarification in several areas as well as to provide some flexibility and take out some redundancies. He specified that it added a new landscape buffer for areas where a full landscape buffer would not be practical or necessary and that it also added a lot of clarification to different requirements in the tree removal requirements. He related that there was a lot of public input from the Home Builders Association, South Lake Chamber, and citizens, and a committee made up of several different members did a lot of review on this. He stated that staff recommended approval of the ordinance.

Mr. DeWitt asked if the provision which allows the County Manager or designee to waive up to 25 percent would be automatic or if they would look at everything that comes in.

Mr. Hartenstein responded that this would not be applied arbitrarily and would be for unique and extenuating circumstances where there were issues regarding things such as land area and

configuration of the lot to allow for enough flexibility so that the applicant does not have to seek a variance in those cases. He also clarified that that condition would pertain to 25 percent of any landscape requirements.

Ms. Hartigan mentioned that the County Attorney's Office was making some minor changes to correct typographical errors in the ordinance, which would be done prior to it going to the BCC.

Mr. Jon Pospisil, a resident of Goldenrod, handed out a page of suggested changes he believed should be made to the ordinance, noting that the first item was irrelevant since he misread the intent. He related that the second item was regarding the allowance of thinning of trees in 9.02.05-A7 for the health of those trees, noting that if someone is going to the expense of identifying and making sure they meet the criteria for thinning and if it really is for the improvement of the forest, to require them to go through the additional expense of replacing or mitigating them is going to discourage them from doing something that would be beneficial. He believed that it would be good to waive the replacement requirement for a removal which meets all of the criteria of that section. He indicated that one of the objections he heard from the business community when this was before the LPA previously was that it prohibited rather than encouraged things that were desirable, such as trying to encourage more native plants, reduce water use, and be good for the environment. He suggested that they insert a condition for the waiver in Section 9.01.03 to have two-thirds instead of 50 percent native plants so that the decrease could come out of the non-native plants. He expressed concern about the section regarding tree sampling which requires them to account for every tree, since requiring someone to potentially count thousands of trees would impose a burden on someone who was trying to do something with his land in the way of development.

Mr. Tim Green, President of Green Consulting Group, mentioned that he worked on the committee that reviewed this and that they went through the ordinance line by line after staff reviewed it. He related that the changes included the reduction of the number of trees per hundred feet in every category, removing the ground cover requirement of 15 or 20 percent in addition to hedges and trees, took into consideration adjacent sites rather than treating all sites the same, and removing the minimum height requirement for shrubs, which had previously greatly limited the types of shrubs that could be used and put in a 3-gallon requirement instead. He opined that the landscape code was starting to fail and had needed to be looked at after development started picking up again.

Ms. Linda Nagle, Home Builders Association Executive Director and also a member of the committee that reviewed the ordinance, indicated that she wanted to reiterate what Mr. Green had stated, and she opined that the committee did a good job going through the ordinance, that staff did a wonderful job in preparation for their meeting, and that the results are much more water-friendly, business-friendly, and property-owner friendly. She related that the Home Builders Association is in favor of the revisions to the landscape ordinance.

Mr. Linda Bystrak representing Oklawaha Valley Audubon Society pointed out that many months of time was spent writing the original ordinance by people who were very knowledgeable from many different fields, including experts in landscaping and water conservation, and she opined that the recommendations they came up with were one of the best in the state. She commented that she believed it was important to protect the work they did, which she felt was very in depth, well-done, and professional, by voting against any changes. She related that there were 1,400 lakes in this county, and part of the original landscaping plan was designed to create buffers for those lakes with vegetation, which could change with this new ordinance. She commented that since they did not know how these changes will affect lake protection, the P & Z Board should not vote on it at all, since lake protection should be the first priority, and she noted that there was nothing else in place in the County that will protect the lakes, including fertilizer ordinances or septic tank rules.

Mr. Bryan commented that he believed that the new ordinance enhances water conservation. He pointed out that once the original landscape ordinance started being used, some problems with it were discovered, and another committee has tried to revise it to reflect some of the issues.

Mr. Miller asked for clarification on some of Mr. Pospisil's suggestions, including the reduction of the 25 percent from non-native plants, the revision for 9.02.05-A-7, and the tree sampling.

Mr. Hartenstein explained that the tree replacement section was one of the seven criteria as far as thinning up the 25 percent that would trip the threshold for needing a tree removal permit, and the whole reason for regulation of tree removal and mitigation was to protect the number of trees for bird and habitat, as well as production of oxygen. He elaborated that the mitigation for the trees that are removed is to provide some form of replacement so that they would get 50 percent of it back and there is not a total loss. He commented that staff would not see exempting it from mitigation as a good thing.

Mr. Bryan commented that he tended to agree with the language that Mr. Pospisil suggested regarding 9.02.05-A(7) and 9.01.06-C, since he did not understand why someone would have to mitigate thinning of trees if it was done for improving the health of those trees.

**MOTION by Jim Miller, SECONDED by Rick Gonzalez to APPROVE an amended Landscape Ordinance, including the recommended amendment to 9.01.06-C that trees removed which are exempt under Section 9.02.04 or removed pursuant to 9.02.05-A(7) shall not require replacement unless needed for the minimum tree requirement as well as an amendment stating that the County Manager or designee's allowance of a 25 percent waiver on required landscaping in 9.01.03 shall apply to non-native plants.**

**FOR: Miller, Gonzalez, Kesselring, Ameri, Morris, DeWitt, Bryan**

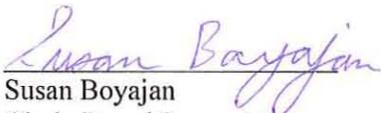
**AGAINST: None**

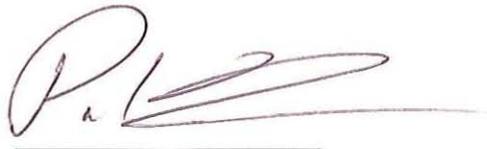
**MOTION CARRIED: 7-0**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:15 a.m.

Respectfully submitted,

  
Susan Boyajan  
Clerk, Board Support

  
Paul Bryan  
Chairman