

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**May 2, 2012**

The Lake County Planning and Zoning Board met on Wednesday, May 2, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning and Comprehensive Plan Amendments.

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, May 22, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Ted DeWitt (arrived 9:10 a.m.)	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring (arrived 9:10 a.m.)	At-Large Representative
Jim Miller	School Board Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
Donald Heaton	Ex-Officio Non-Voting Military Representative

**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  
Melving Isaac-Jimenez, Planner, Planning & Community Design  
Mary Harris, Program Associate, 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 9:00 a.m. He led the Pledge of Allegiance, and 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**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/AGENT/PROJECT</u></b>
-----------------------	------------------------	---

**Agenda Updates**

Consideration of Minutes	April 4, 2012
--------------------------	---------------

CONSENT AGENDA

Tab 1	PH #19-12-2	Liberty Baptist Church/Lee Chapman
Tab 2	PH #13-12-4	Lake County BCC/D. Gray/W. Breeden Neighborhood Lakes
Tab 3	PH#15-12-4	Joseph Hussey, Jr./Stephens & Barrios Hussey Property

COMPREHENSIVE PLAN AMENDMENTS

Tab 4	LPA#12/5/-1	Protection of Shorelines
Tab 5	LPA#12/5-2	Pine Lakes Rural Support Corridor Amendment

REZONING AGENDA - REGULAR

Tab 6	PH#18-12-5	Nicholas B. Magrone/CHW, Inc. Magrone Property
Tab 7	PH#14-12-4	Lake County BCC/SJRWMD/W. Breeden Mt. Plymouth Lake Bottom <b>Postponed for 30 days</b>

**Adjournment**AGENDA UPDATES

Brian Sheahan, Planning Division Manager, Planning and Community Design, relayed that the County requested that the request to rezone the Mt. Plymouth Lake Bottom, PH#14-12-4 be postponed until June to allow Parks and Public Land staff to work with the property owners that have concerns about this project, since they have received several emails and phone calls related to that item, but they have set aside a conference room today for staff to answer property owners' questions.

MINUTES

**MOTION by Jim Miller, SECONDED by John Ameri to APPROVE the April 4, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.**

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

**AGAINST:** None

**MOTION CARRIED: 4-0**

**CONSENT AGENDA:**

Tab 1	PH #19-12-2	Liberty Baptist Church/Lee Chapman
Tab 2	PH #13-12-4	Lake County BCC/D. Gray/W. Breeden Neighborhood Lakes
Tab 3	PH#15-12-4	Joseph Hussey, Jr./Stephens & Barrios Hussey Property

**MOTION** by Jim Miller, **SECONDED** by John Ameri to **APPROVE** the Consent Agenda, consisting of agenda items 1, 2, and 3.

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

**AGAINST:** None

**MOTION CARRIED:** 4-0

**REGULAR AGENDA**

Tab 7	PH#14-12-4	Lake County BCC/SJRWMD/Breeden
-------	------------	--------------------------------

**MOTION** by Jim Miller, **SECONDED** by Rick Gonzalez to **APPROVE** the postponement of Tab 7 for 30 days.

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

**AGAINST:** None

**MOTION CARRIED:** 4-0

**COMPREHENSIVE PLAN AMENDMENTS:**

**CASE NO:** LPA#12/5--1 **TAB NO.** 4

**Policy III-2.2.7 Protection of Shorelines**

Mr. Sheahan explained that this amendment was simply to remove canals from the stipulation of a nonflexible 50-foot setback from the canal shoreline, since this has caused problems for some existing subdivisions, particularly in the Astatula and Astor areas. He related that the former policy under the Comprehensive Plan allowed variances to that 50-foot average wetland setback to give some relief where it was not possible to meet that full setback. He added that this would also provide for any previous dispensation such as a variance, development order, or average wetland setback to be recognized as well as allow any future applications to apply for a variance. He noted that there were design criteria required with any change to the setback, such as

compensating storage to ensure that stormwater from the site does not run into the wetlands. He responded to an inquiry regarding septic tanks, noting that they would still have to be at least 75 feet away, but the language is also clarified that it is to the drain field and not the septic tank, because that has caused some issues as well.

**MOTION by Rick Gonzalez, SECONDED by Ted DeWitt to APPROVE the staff recommendations for LPA#12/5-1, Policy III-2.2.7 Protection of Shorelines.**

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

**AGAINST: None**

**MOTION CARRIED: 6-0**

**CASE NO: LPA#12/5--2 TAB NO. 5**

**Extension of Pine Lakes Rural Support Corridor and related text amendments**

Mr. Sheahan related that this item is a County-initiated Comprehensive Plan small scale text map and text amendment, which has three components. This amendment expands the Pine Lakes Rural Support Corridor to include approximately two acres to the north on SR 44 in order to allow sufficient additional lands to be developed for commercial purposes to support the rural community out there. An increase in the building size allowed in the Rural Support Corridor, which currently limits building size to between 5,000 and 10,000 square feet, is included in this amendment. It was determined that in the first application of this policy that limitation would preclude most sundry retail establishments such as Family Dollar and Dollar General which have a wide variety of both grocery goods and dry goods to support the public in that area. He commented that this meets the intent of the Comp Plan because those rural support corridors and intersections were meant to provide the necessary goods for the rural communities without having full-blown commercial development. The third component to this amendment was the impervious surface ratio in Policy I-1.4.4 Rural Support Land Use Category, which currently stipulates a 20 percent impervious surface ratio. This allows concrete on 20 percent of the property, and it was determined in the first application of this policy that it would severely restrict potential development of the site parking and drive aisles. He noted that the policy did allow for civic, agricultural and recreational uses to have a 30 percent ratio, and this change would include rural support uses in that allotment.

Mr. Bryan commented that the 30 percent impervious surface ratio was still very low.

Mr. Sheahan showed on the overhead map the location of the Rural Support Corridor, with the subject extension of 2.6 acres shown in red.

Mr. Kesselring asked what the impetus was for this.

Mr. Sheahan responded that there were a couple of meetings about a year ago in the Pine Lakes community where several members of the community pointed out to the Board of County Commissioners that there was a need for something larger than a convenience store in that area, and the sundry stores are typically between 8,000 and 10,000 square feet. He added that the intent of the policy was to provide as many services without having larger stores there.



Mr. Bryan asked how it will make any difference regarding the water absorption on that site.

Mr. Hartenstein responded that it reduces the amount of stormwater pond area that is required by capturing it at the source and allowing it to seep into the ground. He continued to relate that the development pattern for the surrounding area was residential and neighborhood commercial, and the proposed project will result in an orderly and logical development pattern with the FLUC for this area and further promote the rural country character of the area. He replaced Exhibit B in the ordinance with an updated conceptual elevation that better depicted the design of the building that added more clarity and detail to it. He summarized that the proposed rezoning is in harmony with the general intent and the policies of the Comp Plan and Land Development Regulations, is in keeping with the surrounding character, and is within the square footage allotment for the commercial development within the Wekiva River Protection Area and the Future Land Use (FLU). He reported that they received a petition with 105 signatures in support and one email in opposition, and he concluded that staff recommends approval for this rezoning, subject to conditions contained in the attached ordinance.

Mr. Dewitt asked if the building size or the parking requirements affect the requirements for the septic tank in the Wekiva River Area.

Mr. Hartenstein responded that the building size will affect the septic tank, but the parking would not, and they would still have to comply with the requirements in that area for that.

Mr. Bryan commented that many of the signatures on the petition were not from the local area.

Mr. Guy Parola, representing the property owner, presented a power point presentation and showed an aerial of the site, pointing out that they were adjacent to an existing gas station-convenience store, and he noted that the CP zoning they were requesting would give the County an opportunity to invoke some site and elevation control on the site. He pointed out on their development plan that their 9100 square-foot building falls underneath the floor area ratio and that they were falling below the .25 for the impervious area, noting that they were planning to make some of the parking pervious, but he assured them that they were not planning on making that an open field or grassy area. He emphasized that they have tried to design that site to reduce their footprint, be attractive, and to keep the rural attributes of the property and also noted that County staff found their request consistent with the Comprehensive Plan and the LDR's.

The Chairman opened the public hearing.

Mr. Matt Cason with Concept Development assured everyone that they were putting extra effort into dressing up this building and giving the neighboring residents something good to look at, and he noted that they were purchasing significantly more property than they normally do in order to provide the impervious surface ratio in this area and retain plenty of trees on the property. He commented that they and their tenant think this is a good location and need for the community, and he mentioned that there was a neighborhood workshop held by the realtor that obtained signatures of people who were in favor of this development.

Mr. Charles Averitt, a resident of Pine Lakes who lived directly behind the proposed site, commented that he was concerned about stormwater runoff on the properties on Florida Avenue, which was a non-County-maintained road directly behind the site and which his daughter lived on, and he asked how commercial vehicles would access this store and whether they would use Florida Avenue for that. He pointed out that 90 percent of the people who signed the petition

lived in Royal Trails, which was two miles away west of that site. He opined that there was already enough traffic on Florida Avenue and Hall Drive, and he expressed concern about the building being in their back yards and how it would affect his property value. He related that the roads currently get washed out when it rains, and he asked whether consideration has been taken regarding stormwater runoff. He also mentioned that he was concerned about gopher tortoise nests that were currently on that property.

Mr. Bryan commented that it looked like a heavily wooded site which would provide a good natural buffer.

Ms. Katherine Averitt pointed out on the map on the overhead monitor just how close they live to the proposed site, and stated that there would be no buffer if they remove every tree on the proposed property. She suggested that the location be no closer than 100 feet from Florida Avenue to 44, and she opined that 50 feet is not enough for a noise and privacy barrier. She was concerned about the runoff when it rains because the property is so elevated, especially during hurricanes. She opined that the proposed development at that location is not a good idea, and she was concerned about young people congregating at that location, stealing, and defacing property. She commented that although the immediate area currently is quiet and nice, there are problems with drugs and crime not too far away, and this project upsets her very much.

Mr. James Brown, Jr., a resident of Pine Lakes, pointed out that many of the people whose names were collected on the petition a year ago at the meeting at the Cassia Community Center believed that they were just signing in to show they were present at that meeting, although a lot of those people were opposed to the rezoning and the project and just showed up to voice that opposition. He commented that he wondered why this was even being considered for rezoning, since he opined that there was ample property directly across the street from this that is available and is already zoned in the Master Plan for commercial property. He also pointed out that the motion the Planning and Zoning Board just approved in Tab 5 was connected to the rezoning of this property, and he believed that the people in the audience who were against this project would have spoken regarding that issue if they had known that, so he suggested they revisit that case. He noted that he was not against Dollar General, commercial property, or building in general, but he opined that the driving force behind this project are from people in Cassia and Royal Trails and not the residents of Pine Lakes. He also opined that this store is not needed in this community, since they already have everything they need and that this would put the small market that already exists in that location out of business.

The Chairman closed the public hearing and gave time for the applicant to rebut any comments.

Mr. Parola responded that they have no intention of using Florida Avenue, and the site plan showed a 15-foot buffer there. He specified that there is over a 78-foot distance between their property line and Florida Avenue, with a total of over 100 feet from those properties, and he noted that any mature trees within buffer areas or not part of the development footprint was required to be preserved and maintained as part of the conditions in Section 18-12-5 of this ordinance. He also related that a swale system would be used for retention, which would be a dry retention without the use of retention ponds; also, pre- and post-water runoff would be looked at and addressed when this goes through the site plan review, and they would have to solve any problem of flooding and do things that would improve drainage in the area. He mentioned that they looked at the signatures on the petition and believe that it was a valid instrument that the Board should factor into their decision-making. He opined that their business would be better at cleaning up litter on their property than the neighboring businesses were, and he pointed out that their consumers typically took the product to their home. He concluded that they take the

neighbors' comments seriously.

Mr. DeWitt asked if there would be additional clearing between the building and Florida Avenue for a retention pond even though they planned to use a swale system.

Mr. Parola answered that there may have to be as part of their developmental footprint, but he still believed that there will still be many trees that will be left. He added that their engineers will look at the topography, and they will arrange it according to the slope of the property. He commented that they could also convey to their engineers that they want the ponds to go on either side of the building rather than encroaching into the rear of the property.

Mr. Bryan indicated that they can make a recommendation to amend the ordinance to reflect that the ponds will not be placed behind the building if at all feasible from an engineering standpoint, which he felt was a very legitimate concern.

Mr. Parola noted that the property and general area slopes from the northwest to the southeast, and he was concerned about putting in a condition that precludes them from retaining water on the site. He assured the Board that they will do everything in their power to reduce the impacts to the rear property, but they want to be able to do some clearing to retain as a normal course of engineering if needed, and he pointed out that it would still be open space.

Mr. Bryan commented that they could put some language in the ordinance to minimize any impact between the rear of that building and Florida Avenue and to prohibit access on Florida Avenue.

Mr. Kesselring stated that he would want to include the provisions that there would not be any access off of Florida Avenue; maintenance of the tree buffer; if there was onsite stormwater, it would be placed to the right (northeast) or left (southwest) of the building; and to incorporate the tie-ins of the roof drains into those ponds as well to the east.

Mr. Bryan commented that he did want to address the concern about not opening up the rear property boundary to water retention, but he did not want to put something in the ordinance that was not feasible.

Mr. Hartenstein suggested that they could recommend that native vegetation has to be retained the first 30 feet from the property line at Florida Avenue inward, and they would still have 50 feet to work with.

**MOTION by Kasey Kesselring, SECONDED by Jim Miller to APPROVE the staff recommendations for the zoning for PH#18-12-5, Magrone Property, subject to conditions to the ordinance that would prevent any access to the property from Florida Avenue, that the native vegetative buffer remain in place consisting of no less than 50 feet along Florida Avenue, as well as staff's recommendations pertaining to parking requirements and replacement of Exhibit B with the latest conceptual.**

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

**AGAINST: None**

**MOTION CARRIED: 6-0**

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:20 a.m.

Respectfully submitted,



Susan Boyajan  
Clerk, Board Support



Paul Bryan  
Chairman