

**MINUTES
LAKE COUNTY ZONING BOARD
JUNE 2, 2010**

The Lake County Zoning Board met on Wednesday, June 2, 2010 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning, conditional use permits, and conditional use permit revocations.

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, June 22, 2010 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
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Larry Metz	School Board Representative

Members Not Present:

Mark Wells	At-Large Representative
------------	-------------------------

Staff Present:

Amye King, AICP, Director, Department of Growth Management
Brian Sheahan, AICP, Planning Director, Planning and Community Design Division
Steve Greene, AICP, 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
Grant Wenrick, Landscape Architect, 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
Melanie Marsh, Acting County Attorney

Chairman Bryan called the meeting to order at 9:04 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. These exhibits will be on file in the Planning and Community Design Division. Anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	May 5, 2010	
Discussion of Agendas:		
PH#16-10-5	Michael Quinn, City Manager, City of Mount Dora/ Thrill Hill Mining, Inc., William & Jennifer Whitlock/ Thrill Hill Reservoir	2
PH#15-10-3	Grass Roots Estates, LLC/David Gay, Managing Member/Grass Roots Estates PUD	6
<u>CONSENT AGENDA:</u>		
CUP#10/6/1-4	Harry & Karen Stauderman/Oak Haven Micro Winery	1
PH#14-10-1	Gregory and Ryan Wilhelm	3
PH#20-10-2	Ash Shoeibi	4
PH#8-10-2	FDEP Greenways and Trails – Todd McGee/William S. Neff/Bay Lake Road Trailhead	5
CUP Revocations: CUP#731A-2 & CUP#731B-2	City of Clermont	9
<u>REGULAR AGENDA:</u>		
PH#16-10-5	Michael Quinn, City Manager, City of Mount Dora/ Thrill Hill Mining, Inc., William & Jennifer Whitlock/ Thrill Hill Reservoir	2
PH#15-10-3	Grass Roots Estates, LLC/David Gay, Managing Member/Grass Roots Estates PUD	6
CUP#10/6/2-3	Andy and Joni Hansen/Hansen’s World Wakeboard Center	7
PH#13-10-3	Jim Hall, AICP (VHB Inc.)/Floribra USA, Inc./BLR - Windmill Road PUD	8
Appointment	Zoning Board Liaison - Affordable Housing Advisory Committee	

Minutes

MOTION by Tim Morris, SECONDED by Jim Gardner to approve the May 5, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.

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

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

Consent Agenda

CUP#10/6/1-4	Harry & Karen Stauderman/Oak Haven Micro Winery	1
PH#14-10-1	Gregory and Ryan Wilhelm	3
PH#20-10-2	Ash Shoeibi	4
PH#8-10-2	FDEP Greenways and Trails – Todd McGee/William S. Neff/Bay Lake Road Trailhead	5
CUP Revocations: CUP#731A-2 & CUP#731B-2	City of Clermont	9

MOTION by Jim Gardner, SECONDED by Tim Morris to recommend approval of the above consent agenda.

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

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

Discussion of Agenda

Brian Sheahan, AICP, Director of Planning & Community Design, stated there were no changes to the regular agenda and advised that staff had sent out two memorandums after the ZB Final Packages had gone out. The memorandums were concerning case PH#16-10-5/Thrill Hill Road Reservoir, Agenda Item #2 and PH#15-10-3/Grass Roots Estates, LLC, PUD, Agenda Item #6; the Board was given a hardcopy prior to the meeting this morning.

CASE NO.: PH#16-10-5 **AGENDA NO.:** 2
OWNER: Thrill Hill Mining, Inc. & **PAGE:** 1
William & Jennifer Whitlock
APPLICANT: Michael Quinn, City Manager, City of Mount Dora
PROJECT NAME: Thrill Hill Reservoir

Melving Isaac, Planner, presented the case and staff recommendation of approval. He showed the aerial from the final package on the screen. He explained the request is to rezone the property from Agriculture (A) to Community Facility District (CFD) to allow the conversion of a Clay Mine to a Reservoir. He advised that it is 36 acres located east of Thrill Hill Road approximately ¼ mile north of SR44. The City of Mount Dora is proposing to use this site for a water reservoir for municipal utility service. The City has indicated that the reclaimed water will be stored for future use rather than being disposed of. The water will be available for irrigation and other non-potable uses. The City has also indicated that as restrictions on potable water uses increase, there is also the potential to treat the water for potable uses, further decreasing the demand on the aquifer for fresh water supply. Lake County Public Works Department has indicated that the City of Mt Dora shall be responsible for any and all repairs to damaged roadway, and a performance bond shall be posted to guarantee such repairs. An appropriate Developer’s Agreement between the City and Lake County may be necessary to ensure this condition prior to the Site Plan approval. This condition was added after the Staff Report and included in the memo you received this morning prior to the hearing. This condition is included in the attached Ordinance. Also, under Specific Conditions, it is stated that the Site Plan shall include a Hydrogeologic Report that will demonstrate that no adverse impacts will occur from the proposed reservoir development, including but not limited to ground water quality degradation or sinkhole formation. Also, upon the approval of the Site Plan, the applicant would be required to submit an application to revoke the existing Mining Conditional Use Permit (CUP) #113-4. As indicated in the Staff Report, this proposed rezoning request is consistent with the Comprehensive Plan and LDR; based on these findings staff recommends approval of the rezoning request.

Mr. Isaac advised that Mark Reggentin, Planning Director of the City of Mount Dora is also present if you should have any questions.

Tim Morris, Vice Chairman of the Zoning Board, asked if this goes through will it relieve the owner of the reclamation process of the mine and would it then be the responsibility of the city?

Mr. Isaac answered that there would be no necessity for reclamation since this clay mine would convert to a reservoir that will be like a small lake or pond.

Brian Sheahan, AICP, Director of Planning & Community Design, answered that there is no reclamation plan on file for this mine because it predates that requirement; this approval of the reservoir would actually supersede and serve as the reclamation plan.

Mark Reggentin, Planning and Development Director for the City of Mt Dora, said that as stated in our application, due to the current regulatory environment regarding water resources, the regulations have grown significantly more challenging over the last few years. New regulations have forced water providers like the City of Mount Dora to look at alternatives to our traditional means of providing water to our customers through rapid water which is our primary means of providing waters by pulling from the aquifer.

What is good about this is I am sure most of you know that the most significant amount of water is used for outdoor uses as opposed to indoor uses such as drinking and bathing purposes and up to 50% of our water from this use could be used for outdoor irrigation and car washing purposes. We have been aware of this over the last several years and have taken a lot of steps to reduce the outdoor use of water, we added very progressive landscape plan for new development to reduce the water in outdoor areas and we also have developed an extensive reclaim water system where we have a separate system highly treated sewage water that goes back into the system to be used for outdoor uses. Unfortunately, the way the reclaim system

CASE NO.: PH#16-10-5 **AGENDA NO.:** 2
OWNER: Thrill Hill Mining, Inc. & **PAGE:** 2
William & Jennifer Whitlock
APPLICANT: Michael Quinn, City Manager, City of Mount Dora
PROJECT NAME: Thrill Hill Reservoir

works is that during the summer months when we get a lot of rain there is not a whole lot of demand for our reclaimed water. We dispose of that in our spray field and our rapid infiltration basins. During the winter months when there is a high demand for our reclaim water we cannot provide enough. As the demand for this potable water has risen the regulatory which is primarily the Water Management District are requiring all the water suppliers to develop alternate water supplies to address the increased need.

I am sure most of you have heard about the Yankee Lake Project over in Seminole County where they are pulling water the St Johns River and treating it and delivering it for nonpotable needs. We have also participated in the Coquina Coast Desalination Project, unfortunately both of those projects due to the upfront capital cost for the actual infrastructure for the plants, the cost of providing that water, and more importantly the delivery systems to deliver that water so far inland have made those essentially cost prohibitive to the inland cities.

Based upon these facts, we looked to develop some local alternatives and, fortunately or unfortunately depending on how you look at this, due to the reduced demand for clay under the current economic conditions, we were approached by Hiram Whitlock to see if there was any interest in purchasing his mine site.

As it turns out, the mine site is suitable to create a reservoir to store water during the peak wet months and distribute it from the site during the dry months. What this will allow us to do is that during the summer months, we will be able to pump the water that is not being used currently and put it in our rapid infiltration basins and our spray fields into a reservoir for storage during the summer and that in combination with the rain water and storm water runoff that naturally goes to this site will fill that reservoir so we will be able to draw that down during the winter months to provide a more constant supply of water to our customers. This is a much more affordable option for the city especially with the limited resources that we have to invest in this significant issue. We also believe it is a more ecological option than pulling from St Johns or going with the desalination.

However, to get where we need to be, we need to go through this rezoning process. We have done some preliminary engineering on the site and all indications are that the site will be suitable for the reservoir. We will have to push some dirt around and build some berms. That's ultimately going to be lined with a synthetic liner; there is not enough clay, at least our preliminary geological survey indicates that there is not enough clay to do a clay liner due to the depth of the clay that would be required for that, so we will be using a synthetic liner to hold the water. Ultimately what this will look like instead of what would be a worst option where a mine was reclaimed as class 3 land fills and filled back up, is that the reclamation plan would be creating a lake in this area of the county.

Scott Blankenship, Zoning Board member District 2, asked if it was the city's intent to purchase this property.

Mr. Reggentin replied, "Absolutely yes."

Mr. Blankenship asked, "How far is this property from the city limits?"

Mr. Reggentin answered, "About ¼ mile."

Mr. Blankenship, "Is it your intention to annex?"

CASE NO.: PH#16-10-5 **AGENDA NO.:** 2
OWNER: Thrill Hill Mining, Inc. & **PAGE:** 3
 William & Jennifer Whitlock
APPLICANT: Michael Quinn, City Manager, City of Mount Dora
PROJECT NAME: Thrill Hill Reservoir

Mr. Reggentin, “Actually no, it is outside of our Joint Planning Area, and based upon our agreement with the county we are not allowed to annex outside.”

Egor Emery, Zoning Board member District 4, asked “What are you going to do to separate this reservoir from the surrounding drainage basin and none of my stuff had anything about what is the drainage basin for this area, have you done a map of that?”

Mr. Reggentin replied, “We have just done some preliminary work on that; we have done the preliminary engineering to see if it would work as a reservoir, but we did not want to get too far into it because we did not want to spend all that money to do the design work; we wanted to get the zoning in place.” So we need to purchase the property from Hiram first before we move forward through the Site Plan process that would involve all the detailed engineering work that will actually be put together at the time of Site Plan.

Mr. Emery: And currently you intend to use it for reuse and potable is it a possibility in the future.

Mr. Reggentin: It is a possibility in the future for a lot of the local governments; it is somewhat unusual in Florida, but throughout the nation local governments pull from reservoirs and treat to a drinking water standard and deliver as potable. Depending on the regulatory environment, we may have to go there so that would be a long term option. For right now we are looking at it for reuse water for irrigation purposes primarily.

Mr. Emery: And your current RIBS communicate with what aquifer?

Mr. Reggentin: Florida.

Mr. Emery: So you would decrease the amount of recharge you are doing on the Florida aquifer in order to fill the reservoir.

Mr. Reggentin: Yes. One point though, ultimately all water gets recycled back into the aquifer and is pumped back into the system for irrigation.

Mr. Emery: That is not necessarily true; not all the lawns and other surfaces in Mt Dora communicate with the Florida. Most of them are surficial and discharge.

Mr. Reggentin: There is that option and there is transfer and evaporation that we have to deal with, too. It is not 100%.

Paul Bryan, Zoning Board Chairman, District 5: Utility lines for supplying that.

Mr. Reggentin: Our closest utility lines are at the Lakes of Mt Dora, Pringle development, which is about ¼ mile south so we would have to extend them up Thrill Hill Road. Public Works has been very helpful to work with us to identify the lack of right of way along Thrill Hill Road so we realize we are going to have to acquire some easements to get up there.

Mr. Emery: So there is no planning for that yet.

Mr. Reggentin: Yes we have not got to that point yet.

CASE NO.: PH#16-10-5 **AGENDA NO.:** 2
OWNER: Thrill Hill Mining, Inc. & **PAGE:** 4
William & Jennifer Whitlock
APPLICANT: Michael Quinn, City Manager, City of Mount Dora
PROJECT NAME: Thrill Hill Reservoir

Chairman Bryan: Are there any questions at this time.

Chairman Bryan stated there was one speaker card brought and we will see if anyone from the audience wishes to speak and if so we will offer the applicant a chance for a rebuttal.

Ann Heston, member of the audience, “We live on Thrill Hill just south of where the lake would be and there is a well there and are you using that existing well? I know it is a shallow well and then what about the adjacent property that is around that area. Have you already checked to see how deep the well is that is there? So they don’t know how much they are going to need to access pipes to be able to carry that to Mt Dora, correct.”

Chairman Bryan: That is correct, at this time they don’t. Do you have any concerns you wish to bring forward at this time?

Ms. Heston: Our water has changed tremendously in the last 15 years. We used to have people come out and try to sell us water conditioners and they said we can’t since your water is perfect; it is not too hard or not too soft and in the last 15 years especially when the Lakes of Mt Dora went in, the water has gotten harder; it has changed. I have lime deposits now all the time and it has changed the water. I hate to see more water taken out of the Florida Aquifer to use on yards. We do not even water our pasture now; we water just around the house but not the yard. It has just changed tremendously.

Chairman Bryan: We will allow the applicant to come back up and address that concern, and I believe he will be able to do that.

Mr. Reggentin: Concerning the existing well on site that is not going to be part of our plan. The only water that will be going in there will be the storm water that runs to it naturally and the reuse system; the Water Management District under their current position isn’t allowing us to fill reservoirs with ground water; it is shallow water or deep water wells. On terms of the adjacent properties, we have agreed to the same stipulation that the mine did as far as 50 foot buffer around the sites, we will be maintaining a 50-foot buffer around the site, and we will be negotiating and putting in according to your Land Development Code. We go through the Site Plan review process. We have not looked into the depth of the well because that has not really been an issue or a concern for us. In terms of the access to the pipes, Ross Pluta of Public Works has indicated that there will not be enough right of way there so we will have to acquire easements and I believe those are 20 to 30 feet depending on the size and depth of the pipe. In terms of access to the site itself, it is not going to be a manned site at this point in time, and there will be a small pump station there and a small parking area. We will do regular maintenance, which runs about once every two weeks on the same schedule as our sewage lift stations so it will be pretty low impact.

Mr. Emery asked ,”What is the depth of the reservoir going to be?”

Mr. Reggentin replied, “The preliminary is 60 to 80 feet.”

Mr. Emery asked “Are you intending to separate storm water from the reservoir; will there be no opportunity for storm water to flow into it?”

Mr. Reggentin: During our initial discussions with the Water Management District that have no other concerns, the most current design we have is a two pond design; they are not quite sure how to handle the reservoir issue either since they have not dealt with it before and one of the issues that they brought up in

CASE NO.: PH#16-10-5 **AGENDA NO.:** 2
OWNER: Thrill Hill Mining, Inc. & **PAGE:** 5
 William & Jennifer Whitlock
APPLICANT: Michael Quinn, City Manager, City of Mount Dora
PROJECT NAME: Thrill Hill Reservoir

the past is the mixing of the storm water and the reused water and how to handle that so as we move through the permitting process, that is one of the things we will have to be dealing with.

Chairman Bryan asked if there were any further questions. To reassure the lady that spoke and any others that you will not be pulling any water from the aquifer to fill this reservoir.

Mr. Reggentin: No sir, and we are in a little different situation since we are a public entity, as we move through the Site Plan review process, it is going to be a very open process and all of our records are open to the public so I would be happy to meet with any of the surrounding property owners to go through the generation of this as we go through this and move into more detail.

Chairman Bryan: It sounds to me like it would be a more powerful use for the surrounding property owners than what is existing there now.

Mr. Emery: I have a question for staff before we get too far along. I thought I saw this language that came out in the memo somewhere else. Was it in the document? I couldn't find it this morning. I want to find out what is different than what we saw before.

Mr. Isaac: Yes, it was included as I mentioned in my presentation and the staff report that we copied and pasted this same wording to the Ordinance at Public Works' request.

Mr. Emery: So there were no changes in what I saw.

Mr. Isaac: No, it was the same information, just copied and pasted to the Ordinance.

Mr. Emery: My family in North Carolina was affected by a reservoir for Chapel Hill. We were farming at that time and it became an issue with what ran off of our land. I think we are going to see more reservoirs in the future. I think we have to see some consideration before this comes forward as to what is going to happen to the surrounding land owners and the storm water. Obviously agriculture can be vastly impacted if they can't have any water running down a steep hill like there is out there.

That is the one issue that I have concern with on this as to what is going to happen to the agriculture uses surrounding it and how the owners surrounding have been notified sufficiently. Other than that I think it is a great idea.

MOTION by Tim Morris, SECONDED by Larry Metz to recommend approval of Community Facility District (CFD) to allow the conversion of a Clay Mine to a Reservoir in PH#16-10-5.

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

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

CASE NO.: PH#15-10-3 **AGENDA NO.:** 6

OWNER: Grass Roots Estates, LLC **PAGE:** 1
APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

Rick Hartenstein, Senior Planner, presented the case and noted that the case was duly posted. He then submitted a photo of the posting as County Exhibit A. The property is located in the north Mascotte area approximately 5 miles north of Hwy 50 going along CR 33 off of Indigo Road. It is in the Rural Future land use category and has a zoning district of Agriculture at present and is approximately 73 acres. It is in the utility service area for Mascotte, and we did receive information from Mascotte that said utilities were not available to this project. It has a combination of flood zone X/A and is in Commissioner Conner’s district 3.

The applicant is requesting to rezone a platted subdivision, the Grass Roots Estates, from Agriculture to Planned Unit Development (PUD) to permit an addition of an aircraft taxi way so twelve (12) of the fourteen (14) platted lots in the subdivision will have access to the adjacent airport runway. Grass Roots was platted in May of 2007 as a residential subdivision in the Rural future land use category with Agricultural zoning, and it had a base density of 1 dwelling unit per 5 acres; this rezoning will not change that density. The plat will remain the same. Also, included with this application was a request for a waiver to the tree replacement requirements for the trees that would be required to be removed to create the taxi way for the access to the air strip.

Rick placed the concept plan on the overhead projector and pointed out the 73 acres and the placement of the 14 lots and explained that of those 14 lots, 12 of these lots, if this rezoning is approved would be able to create this taxi way so that they would have access to an existing subdivision that was previously approved that has a runway; it is a fly in community. They are separate PUDs so when you approve this it will have no bearing on the existing PUD other than they will just have access.

Rick explained that it is a heavily wooded area and pointed out where the access would be located. The applicant is requesting a waiver from the tree replacement requirements in the tree removal ordinance. There is an estimated 106 trees with an average diameter of 10.25 inches, caliper inches for the trunk that will be removed as part of this project. Pursuant to the Land Development Regulations, a minimum of 50% of the caliper inches of the protected trees that are removed shall be replaced. The replacement can be on site or off site on public lands. This waiver request is inconsistent with several policies in the Comprehensive Plan and it does not comply with the tree protection requirements contained in the Land Development Regulations. This waiver request does not promote preservation or restoration within the impacted areas contrary to the purposes for the tree removal regulations stated in the LDR. The proposed aircraft taxi way would be an accessory use to the existing development and would require mitigation for the proposed tree removal to develop the site.

Tree replacement requirements help to mitigate the impact of development by requiring the tree replacement; the County continues to reap the benefits provided by trees. Staff recommends denial for the requested waiver as it presents a negative impact to the citizens of Lake County. Staff does recommend approval of the rezoning ordinance.

Rick submitted a memo as County Exhibit B that gave some added clarification of the ordinance so that there was no confusion on what was being proposed for each of the conditions. Rick then submitted a revised ordinance for the record (County Exhibit C) showing the clarifications as strike through and underline. Therefore, based on these findings, the Findings of Facts, staff recommended approval with conditions contained in the attached ordinance for the proposed project, but recommends denial of the waiver request to the tree replacement requirements contained in Section 9.02.06 of the Land Development Regulations.

CASE NO.: PH#15-10-3 **AGENDA NO.:** 6
OWNER: Grass Roots Estates, LLC **PAGE:** 2
APPLICANT: David Gay, Grass Roots Estates, LLC
PROJECT NAME: Grass Roots Estates PUD

Rick then asked if there were any questions.

Chairman Bryan asked what kind of trees are they mostly?

Rick explained they are a mix of planted pine and oak trees, live oak, and some are water oak.

Chairman Bryan asked if planted pine trees typically require permits to remove?

Mr. Hartenstein: We have been negotiating with the applicant on some of this. As they stand, we would be willing to exempt the planted pines.

Chairman Bryan: Is this the 106 trees that average the 10.5 inch caliper, does that include the pines?

Mr. Hartenstein: That includes the planted pines of what he is requesting to remove, yes. It is about 38 planted pines that are mixed in this group of trees.

Chairman Bryan: Your discussions now would be to waive those 38 pines.

Mr. Hartenstein: Not count those, yes sir.

Chairman Bryan: Has the applicant agreed to that or is he still not predisposed to that?

Mr. Hartenstein: He would like to have his day in court.

Mr. Emery requested that Rick put the aerial back up.

Mr. Emery asked if any of these surrounding parcels are co-owned or owned by the applicant?

Mr. Hartenstein: He owns some of these, I think there are 4 of them that have already been sold in this subdivision. He is manager of the airpark.

Tim Morris: Does he own both parcels now? Meaning the PUD to the east and the property that he wants to rezone? Does he own both of those?

Mr. Hartenstein: I would like him to address the actual ownership but he is involved, he is a managing interest for this separate PUD and this proposed PUD.

Mr. Morris: Secondly, there is an easement I see through there to run the taxi way, was that an existing easement in the first PUD?

Mr. Hartenstein: No sir. Rick explained and pointed out the areas on the aerial he was showing on the overhead and said the first PUD has nothing to do with this; this has come in separately. This was originally platted as an agricultural subdivision with 5 acre lots basically or one dwelling unit per 5 acres; some of the lots are larger and some of them are smaller. Then, due to the downturn in the economy, the applicant came in and proposed to be able to do an access way so that twelve (12) of the fourteen (14) lots would be able to have access (Rick pointed out the two (2) lots that would not have access from the aerial on the overhead) to the airpark, and it makes the marketability of the property a little better in this down turned economy.

CASE NO.: PH#15-10-3 AGENDA NO.: 6

OWNER: Grass Roots Estates, LLC PAGE: 3

APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

The only way that we would be able to do that was to go with the PUD zoning because there was no way of incorporating the aircraft use with agricultural zoning.

Mr. Morris: Lastly, is the taxi way going to be a grass taxi way?

Mr. Hartenstein: Yes sir, it will be a grass taxi way. It is not an airstrip; it is a taxi way; they cannot take off or land from it. The only place that they can do that is on the airstrip, and Rick pointed that area out on the aerial on the overhead projector. This is all internal to the subdivision as you can see on the concept plan. They have sufficient native buffering all the way around the parameter. We are not requiring any buffering between the two (2) PUDs, even though in their Home Owner's documents they have additional buffers set up to help buffer between the two (2) PUDs.

Chairman Bryan: Are there any further questions to staff?

Mr. Emery: The area between the two (2) currently is not used as a taxi way, correct?

Mr. Hartenstein: Correct, this is a road. That is a road they would only have the access across the end of the cul de sac to access the airstrip and that would be it.

David Gay: I am the managing member of Grass Roots, LLC, I am the applicant, and I am also the owner with my wife of the airport community called Grass Roots Airpark to the east of this. I want to add one item that I think Rick meant to say but did not address. Also, as part of this waiver we are asking for a waiver on the back lots, that is the west lots, to allow an accessory structure in front of the main residence which would allow the aircraft hanger to be placed near the taxi way.

Mr. Hartenstein: That is the part of the staff report where they are talking about being able to build the accessory structure in front of the principal residence; that is correct.

Mr. Gay: I believe that this taxi way project will improve the Grass Roots Estates subdivision by allowing access to the runway and it will also tie into the existing airport community, therefore, making a larger and I think nicer community in general. I also think this will benefit the County; I believe that this will dictate having nicer homes on these lots with the hangers which will increase property values and a higher tax base. I think that an airport fly-in community is a very unique type of community and one that adds interest to the community. We have a few lot purchasers under contract that are ready to build soon, and I think this would be a good boost in activity and construction, which we all need at this time. Staff has already stated that this is consistent with the area of development. We have submitted with our application signatures of all the lot owners in Grass Roots Estates that they are on board with this, and I also have a statement of agreement from each and every single lot owner in the airport community. We have 100% of all the people within our two (2) communities that are in favor of this. David then submitted the signed statement of agreement from each member of the community as Applicant Exhibit A. As Rick pointed out earlier, we tried to design this taxi way so that it is internal to the property; we don't have any roads on this property at all so we have not taken any trees out previously. This is internal to the property and with the buffers that we have around, I don't think it will have any negative impact on the surrounding neighbors. I hope you will approve our request for this.

We have worked with the staff and have come to an agreement on all the major issues except for one which is the tree replacement policy. I would like to address that.

We are requesting a waiver to the tree replacement policy. Generally, I think the intent of this ordinance is

CASE NO.: PH#15-10-3 AGENDA NO.: 6

OWNER: Grass Roots Estates, LLC PAGE: 4

APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

a very good one. It prevents wholesale clearing of land for development and I as an architect have seen a lot of that and it really turns my stomach. I am glad you all are addressing it. However, this is a new ordinance and I think that one of the things that it does not do is make reasonable allowance for property such as ours. We have a very, very high number of trees on the property. I have ridden it with Rick and Grant, and I had estimated 2,000 trees and they were saying probably more. We are taking out 106 trees. With the low density of lots for the size of the property and the number of trees that we have, it is an ordinance that imposes a burden on us.

I would like to suggest to you why we think this waiver should be granted. Historically, this was citrus grove which froze out in the late 70's early 80's and then was planted in pine. Most of the large pine were harvested prior to us buying the property. We have not harvested any. There are a number of volunteer oaks, but all of this was previously agriculture and is not burden the woods. Many of the oak trees are of poor quality. There are a number of water oaks and a number of split trunk oak trees and very, very few live oaks. In fact, 40% of our oak tree caliper inches are split trunk. David then submitted as Applicant Exhibit B the pictures of the trees he mentioned, and they were placed on the overhead projector. This is certainly not all of the split trunk oak trees, but it is a sampling to show you some of what is there. There are very few nice quality live oak trees; we have only counted a hand full and they are smaller trees. Of the number of trees on the property, probably 2,000 or so we are removing 106, which is only about 5% of the trees. I have some pictures that show going around the parameter and some of the typical conditions around the property showing the tree canopy. David then submitted the canopy pictures as Applicant Exhibit C. The only trees that are being removed are in the actual taxi way.

We made an effort as we were designing this and of course we have had limitations as to where we can put this, but we had looked at maybe splitting the back lots and putting it there; but because of where the trees were already removed, we shifted the taxi way fully onto the back lots, which I think took less of the trees. I have an aerial photo that I have done a rough outline on showing the effort that was made to preserve as many as we can. David then submitted the aerial photo as Applicant Exhibit D. The aerial was shown on the overhead and David pointed out the outline in black area showing the north and south section of it, which is the longer section. It does not have a lot of trees on it. We did make an effort to do that. We have also in our Homeowners Association documents when we did the original plat we have a 100-foot setback on the east side of this property to preserve that tree line. Also, on the first Lot #1 we created a 100-foot setback on that lot, again to preserve the trees that are in that area. We have made some efforts already.

Also, we have planted numerous trees on the airport community. I do know and recognize that they are two separate PUDs, but we are trying to tie these two communities together. We planted a number of trees initially on that and really far beyond what was required. We have a number of trees beyond the requirements that we feel like should be credited.

The landscape ordinance and I am a little unclear on this, and maybe I am misquoting, but the landscape ordinance does allow for trees in a road right-of-way to be exempt on projects that are approved by the Lake County Board of County Commissioners. We did not construct any roads on this project at all, all of the lots are facing on the road that already existed and were on Hwy 33. It is my contention that the taxi way should be treated similar to a road right-of-way and that the same exemption should apply.

Also, the landscape ordinance allows a 30-inch caliper tree to be exempt. We are being credited the 30 inches but that is for the entire project, not on a per lot basis. We have twelve (12) lots that are being served by the taxi way, and we contend that we should get that 30 inches allocated for each of the twelve (12) lots. As Rick said, we have come to an agreement previous to this meeting that the pines trees would be exempt and that does reduce by about 25% what our requirements would be. We have tried to

CASE NO.: PH#15-10-3 AGENDA NO.: 6

OWNER: Grass Roots Estates, LLC PAGE: 5

APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

compromise with staff on this and come up with a 50 – 50 solution based on the items that I have just presented to you. Basically, they said that they have to support the ordinance, but that they would have to leave that decision up to the Zoning Board so I am bringing it to you to discuss and rule on.

What I would like to propose is that we would replace rather than the 50% of the caliper inches, 25% of the caliper inches given the circumstances of our heavily treed property and the other circumstances which I presented. This would allow 272 caliper inches to be replaced, which is over a 100 trees. We are removing 106 and this would replace about 106 – 2-1/2 inch trees. I would also like to propose that the tree survey that we did and I had Grant Wenrick ride the property with me, be acceptable as the survey and I can submit this as well. David then submitted the tree survey as Applicant Exhibit E. That locates each and every tree and the sizes, and Grant was generally in agreement with me on that.

I would also like to suggest that these trees that we would replace at the 25% ratio would be planted on the adjacent airport property. It would be very impractical to plant it on the Grass Roots Estates, on the areas that are so heavily treed; new trees would not survive. The areas that are open are people buying horses, and they want some open area and they wouldn't want the trees there anyway. We do have some areas on the adjacent airport and there is a care taker residence ou parcel on the airport, which is my home, but that is a 6 +/- acre piece that we would also like to be able to plant those trees on. We are proposing a 50% - half way reduction from what the requirements are at this time.

Chairman Bryan: Is your proposal reflecting the reduction for the pines as well?

Mr. Gay: My proposal would be an overall proposal. The survey that we have here includes the pines; it is 1,087 caliper inches. I think 260 inches were in pines, about 25% were in pine. What I am proposing, we have 1,087 caliper inches and we are required to replace half of that which is 544 and that includes the pines. What I was proposing was 272, which is half of the 544 including the pines in that.

Mr. Morris: A quick calculation, basically what he is talking about is that he had 106 trees, 38 are pines which leaves 68 trees which 50% are 34 trees.

Mr. Gay: No, we are looking at caliper inches. Caliper inch wise the pines make up about 25% of it. We are not trying to subtract the pines and then take 50% off of that.

Mr. Morris: I don't know why you wouldn't because you can harvest the pines any time you want to. That is the part I do not understand. You can but those for lumber any time.

Chairman Bryan: I think that is why staff agreed to eliminate them from the calculations, but David's 25% still reflected them in there.

Mr. Gay: The other important issue and I think staff is in agreement with this but it is not written this way in the code was that we would be able to replace these trees on the adjacent airport property. That is important to us.

Mr. Morris: You did say anywhere didn't you?

Mr. Hartenstein: The replacement ordinance says that either can be on the property that is affected or on public land. If you choose, you can make it part of the ordinance that he could do the replacement on the adjacent airpark property.

CASE NO.: PH#15-10-3 **AGENDA NO.:** 6

OWNER: Grass Roots Estates, LLC **PAGE:** 6
APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

Chairman Bryan: Does that conclude your presentation?

Mr. Gay: Yes, that is all I have. I think generally the airport and the community at large will benefit from this project.

Mr. Morris: Just one more question. The cul de sac road, is that a private road or a county road.

Mr. Gay: That is a private road which is dedicated to the Grass Roots Airpark Homeowners Association. As I mentioned, we have an agreement from all those people about taxing aircraft on that road.

Chairman Bryan: Any further questions?

Mr. Emery: I have a question concerning the adjoining property on that road. The aerial map that was shown showed some lots over there. Are those hangers or just airplane parking along that area?

Mr. Gay: Those are hanger lots; there are 18 hanger home lots on the runway. The roadway, Grass Roots Road, actually serves those lots and serves the Grass Roots Estates community. We already have that Grass Roots Estates community platted. All we are doing is trying to take some trees down and put grass in and report some easements to allow the aircraft to have access to the runway.

Mr. Emery: So those lots in the Grass Roots Estates that front the road, is that the access to their property?

Mr. Gay: That is correct and the lots in the back have a 75-foot owned access; it is not an easement, it is owned access. We will be having those back lots drive across the taxi way; we were going to recommend that those would be paved so that as cars come back and forth, they don't do any destruction to the taxi-way. That would be the only paving would be the actual driveway which would be permitted by the individual homeowners as they are building.

Mr. Emery: So you find the tree replacement onerous?

Mr. Gay: As I said, the intent of the ordinance I think is wonderful; but when you have 73 acres that you only allow 14 lots on and the lots are very heavily wooded, it does make it a financial burden. To be honest with you, if we were to replace the number of trees added, I don't know where we would put them all. I think the property is very well treed as it is. If I had a 73 acre parcel that was zoned 2 lots per acre, I could afford to go mow everything down and pay the mitigation and be done with it. But I cannot amortize it over that many lots. In fact, we have only got 8 lots to amortize it over for us because we have already sold 4, and 2 are on the highway that are not affected. Yes, it is a financial burden. We do have places we can put some trees on the airpark community over there to replace some, and I think the number of trees would actually exceed the number that we are taking out even though the caliper inches would be smaller.

Mr. Emery: Rick, this is new to me, aggregate inches, or do you have to replace a tree with a tree?

Mr. Hartenstein: No, the way the new ordinance was written, it is based on caliper inches.

Mr. Emery: Aggregate.

Mr. Hartenstein: Aggregate, yes sir.

CASE NO.: PH#15-10-3 **AGENDA NO.:** 6

OWNER: Grass Roots Estates, LLC **PAGE:** 7

APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

Chairman Bryan: I think that the proposal is a very reasonable proposal based on the fact as he indicated that they built no roads in there. Therefore, they did not receive any credits for road right-of-way trees that may have been removed and it is heavily treed and he is willing to replace 25% of all the caliper inches and put them on an area that probably needs the trees and that is not reflecting any discounted amount to the number pines. I think it is a very fair proposal to support.

Mr. Emery: I have one more question. The cross hatch area that goes off towards the airport and then off to the north, that was not on the aerial that the applicant submitted.

Mr. Hartenstein referred to the aerial again on the overhead and pointed out that the original development of the taxi way is going to be this, and maybe these lots but they will have to make their own application at a later date, concerning any tree removal. It has no impact on what you are dealing with today.

Mr. Gay: I would like to make one clarification on that other section of taxi way. We would like to have the approval to do that at some future point without going through Zoning again; it is sort of a Phase II of the taxi way but we don't intend to take those trees out or build that taxi way at this time.

Mr. Hartenstein: It is part of the ordinance already, and it shown as the conceptual plan and the distance for the taxi way is covered in the amount of feet for the length of it. It would just be a matter of amending their Site Plan to add this in at a later date.

Chairman Bryan: It wouldn't require another public hearing.

Mr. Hartenstein: No, Sir.

Mr. Morris: What you are saying then is those property owners would have to do the mitigation on the trees.

Mr. Hartenstein: If they want to come in at a later date, yes.

Chairman Bryan: What we would be approving today if we approve anything or not has no bearing on the section that Rick pointed out again on the aerial.

Mr. Hartenstein: That would be a separate issue.

Mr. Blankenship: I agree that the proposal made is a very fair proposal and well thought out under the circumstances of the existing property that I could support.

James Gardner, ZB Secretary, District 3: There is something that sort of bothers me when we take up cases like this. We have had a couple others in the past, environmental issues. In this particular case, I keep wondering what is the value of these trees? We are not talking about teak wood or mahogany here. I know there are some live oaks involved and some pines but how many scrub oaks and split trees do we have here and we hadn't talked about that it would be hard to evaluate, but I think it is an important issue. I can read

106 trees and 10 inch diameters, but that still doesn't say is there 10 very valuable trees in this area or is there 25 or 30. We do not have a grip on that. I think that is an important issue.

Mr. Emery: Rick, can you remind me what the ordinance says in terms of what the applicant would have to replace. Is it 50%?

CASE NO.: PH#15-10-3 AGENDA NO.: 6

OWNER: Grass Roots Estates, LLC PAGE: 8

APPLICANT: David Gay, Grass Roots Estates, LLC

PROJECT NAME: Grass Roots Estates PUD

Mr. Hartenstein: It would be 50% of the caliper inches that are being removed. Based on the tree survey that is going around for you all to look at, it has a total of 1,087 caliper inches of trees being removed and 50% of those caliper inches would have to be replaced; that works out to about 554 caliper inches.

Chairman Bryan, Mr. Gay, and Mr. Hartenstein discussed percentages of pine, scrub oaks, split trunks and live oak.

Mr. Gay: The pine was just about exactly 25% and of the oaks 40% of those were of the split trunk. I don't think that we counted more than 5 live oaks on the entire piece that we are removing. There were no large beautiful live oaks, we had a few live oaks that were 8 to 10 inch caliper. Unfortunately they are in the way of what we need to move. Rick is stating the ordinance as it is at 50%, and we are asking for a reduction to that ordinance of the additional 50% which would put it just at 25%.

Mr. Emery: What was that number?

Mr. Gay: It is on the tree survey.

Mr. Emery: I see that.

Mr. Gay: I do not have it in my head.

Chairman Bryan: We are over complicating this.

Mr. Emery: I am just trying to understand.

Mr. Blankenship: That is why they are proposing a 50% across the board reduction.

Mr. Gay: The split oak trees account for 326 inches, pine trees 269 inches, which together is more than half of our total which is 1,087 caliper inches.

Mr. Emery: The proposal is instead of replacing 50% of the total caliper inches, replaces 25% of it and put on the adjoining property rather than on this property.

Mr. Hartenstein: Just for a little clarification, the tree survey that is going around will become an exhibit for the ordinance so that we are basing it on an actual; this is what your motion would be on.

Mr. Sheahan: My concern with adding the tree survey to the ordinance is that it would add cost to the recording for the applicant, and it is really not necessary because we would take that into consideration at the time of Site Plan.

MOTION by Scott Blankenship, SECONDED by Tim Morris to approve PH#15-10-3, amending to reflect that the applicant shall be required to replace 25% of the tree caliper on his tree survey and will be allowed to replace those trees on the adjoining PUD which consist of the actual runway.

CASE NO.: PH#15-10-3 **AGENDA NO.:** 6
OWNER: Grass Roots Estates, LLC **PAGE:** 9
APPLICANT: David Gay, Grass Roots Estates, LLC
PROJECT NAME: Grass Roots Estates PUD
FOR: Morris, Blankenship, Gardner, Emery, Bryan, Metz
AGAINST: None
NOT PRESENT: Wells
MOTION CARRIED: 6-0

CASE NO.: CUP #10/6/2-3 AGENDA NO.: 7

OWNER: Andy & Joni Hanson PAGE: 1
APPLICANT: Andy & Joni Hanson

PROJECT NAME: Hansen’s World Wakeboard Center

Rick Hartenstein, Senior Planner, presented the case and advised that the property was duly posted and presented the photo of the posting as County Exhibit A and placed the aerial on the overhead projector. He explained that the property is located off of State Road 19 and Lake Emma Road on Lake Morgan. It is in the Future Land Use Category of Suburban and the property is zoned Agriculture and is approximately 44 acres, about 8 of it is dry land and the rest is lake bottom. It is in the Groveland area and there is no water or sewer available. It is in Commissioner Conner’s district, District 3.

The application is to renew CUP #07/3/1-3 and that CUP required that it come back in 3 years for renewal to continue the operation of the ski school and wakeboard training facility from the existing location on Lake Morgan. Mr. Hartenstein pointed out the land area on the aerial on the overhead projector. The applicant is seeking several changes to the requirements contained in this CUP.

Staff has reviewed these changes and found them to be consistent with the Comprehensive Plan and the LDRs. These changes have been discussed in detail within the staff report and the analysis. The findings of facts for the proposed Conditional Use Permit are that the request is consistent with the Comprehensive Plan and conforms to the general land use criteria and activities for the Suburban land use category. The request is consistent with the permitted uses within the Agriculture Zoning District and the Suburban Land Use Category. The request is consistent with the schedule of permitted and conditional uses and the application for the proposed ski school and wakeboard training facility is consistent with Section 14 for Conditional Use Permits.

Based on these findings of facts, staff recommends approval of the request with the conditions as specified in the ordinance. Mr. Hartenstein: displayed the concept plan on the screen and pointed out the two houses on the property and the student housing location. One of the things that was involved in this was they would have to be compatible and made consistent with the Land Development Regulations in case the school ever disbanded and the property was sold. They have done a family lot split and have two (2) existing lots on the property now. Each are on a lot that is consistent with the Land Development Regulations and the Comprehensive Plan for density purposes. The CUP still encompasses all of the dry land area (approximately 8 acres) and the lake bottom (approximately 36 acres). One of the things they are also requesting is that the apparatuses that are on the lake that they normally use would be according to the DEP permit and not have special restrictions on it. DEP Site Plan shows the location of them with the DEP Permit, and staff is ok with it.

Mr. Emery: Rick, can you go over the map and point out each of the structures again.

Mr. Hartenstein pointed out each of the structures and the lake bottom that the applicant/owner owns. The structures are all within the area that is part of his land and was permitted by DEP. There are six (6) that are out there right now according to the CUP, but they are permitted to have a total of ten (10). The others would be located in accordance with this.

Mr. Hartenstein: The final request involved with this is that this CUP will not have to continually come back for renewal every three (3) years and that it would be like a normal CUP, it would run with the land, and they would get their annual inspection from Code Enforcement. If there was ever an issue, it would be brought back to address the violation if there was one.

Chairman Bryan: Rick, what is the significance, if any, of the applicant owning the lake bottom and the placement of those sliders?

CASE NO.: CUP #10/6/2-3 AGENDA NO.: 7

OWNER: Andy & Joni Hanson PAGE: 2

APPLICANT: Andy & Joni Hanson

PROJECT NAME: Hansen’s World Wakeboard Center

Mr. Hartenstein: I do not think there is any real significance; DEP liked the idea when they permitted it. I was talking to one of the representatives of DEP and they said that was one of the things that they looked at. They still regulate the uses on the lake with the water to keep it together so that there are no inconsistencies between agency permitting; we were proposing to go ahead and combine it so that the CUP reflected the FDEP permit.

Mr. Emery: Are those floating structures anchored on the bottom?

Mr. Hartenstein: They are anchored and they are capable of being moved around. I will let Mr. Hansen address it more in detail since he knows exactly how the apparatuses are set up.

Andy Hansen, Applicant/Owner: Good Morning everyone. I am Andy Hansen, owner of Hansen’s World Wakeboard Center in Groveland. We have been up here a number of different times in the past since 1998. Briefly, this ski school has been out there for over 35 years in that general area.

We purchased the school back in 1993; it was located in a different location on the other side of the lake and we had access to this lake as well and a couple other lakes in the area to be able to operate the school. We have students come from all over the world; and we teach them in the skills of what we initially purchased the school in slalom trick skiing and jump.

We have three (3) children and they are all world champion wakeboarders; and although our intentions were to do something great for the kids and live a lifestyle together and water ski, we bought them water skis for Christmas and their birthdays and they never used them; they wanted to wakeboard. We converted the school from skiing to wakeboarding and that is basically what we do; we do not do the skiing any longer. We use the sliders for the wake boarding.

When we were asked to move off of our previous location, which is just on the north side of Lake Morgan, we found this property as a location that would be acceptable to operate the school out there. We purchased the land and we had to go before the Board to get a new Conditional Use Permit because the CUP referred to the original land on the previous property that was purchased by a developer so that he could develop all the surrounding areas which was 300 something acres. We were able to get the new Conditional Use Permit from the Board.

However, there was resistance from the community and a very powerful attorney was hired to make us look like we were bad people and that we were not doing things properly. It was suggested that we were killing the fish, oil spills in the lake; people said they did not like the appearance of the buildings that were constructed there. We constructed a beautiful facility on the new property. That was the resistance that we received so the Board made a recommendation to allow everyone to see how we were doing with our neighbors so they put a three (3) year term on it and suggested I come back every three (3) years. We have continued to do that time after time after time. We continue to get approval from you all and quite honestly we are just tired of paying all the money that is required to keep coming back every three (3) years. If we do something wrong, you can pull our permit at any time. We not only have county permits, but we have state licenses, city licenses, and all relevant things you have to do to be able to operate a business out there.

In regards to permitting the sliders, when wakeboarding first became popular, it was a relatively new sport. They discovered instead of using ski jumps to use rails like you see in skate board parks instead so it is a bar, a little ramp. In order for us to stay competitive and for my children to continue to train for their tournaments, which they use that apparatus in the tournaments, we actively called the Department of

CASE NO.: CUP #10/6/2-3 **AGENDA NO.:** 7

OWNER: Andy & Joni Hanson **PAGE:** 3
APPLICANT: Andy & Joni Hanson

PROJECT NAME: Hansen's World Wakeboard Center

Environmental Protection and said we would like to have sliders on our lake and could you come out and help us have those permitted in the various locations we would like to do it. They came out and they came up with an arrangement that worked for everybody; it is a combination of floating apparatus and a couple fixed apparatus; there are portable ones that easily be put in and taken out. Right now I think there are four (4) of them on the lake; at one time there was the full amount on the lake. It is all relative to what is new in the wakeboard industry relative to what we will construct; we make them portable so that as the new thing is developed, we can take one out and put a new one in. They are all required by DEP to be a certain size and things like that.

I think we have done a great job over the years, proving that we are great neighbors and that we get along with everybody. There was a lot of opposition when we first came in and a big developer came in and did his thing and developed the property and all the lots were sold in a years time; you can see today that Ruth Stokes is the only one present, who is also a property owner on the lake. Like I said, I think we have done a great job and have worked very hard to become good neighbors to everybody and continue our operation.

Mr. Emery: – Have you operated six (6) structures on the lake previously?

Mr. Hanson: All of them, ten (10). They go in and out; the majority of them are not used for our school; they are for my children. My son is the number 1 wake skater in the entire world, sponsored by several different organizations, and they do photography sessions from a media standpoint. We set up a media shoot and the photographers came out; they will shoot him during his wake skate and they get him internet coverage.

Ruth Stokes, neighbor: I live in Winter Park but I used to live out in Groveland, and I have about sixteen (16) acres on Lake Morgan. Mr. Hanson: and I have had some severe disagreements over the years over his school; but we have always respected each other in our disagreements, and I will continue to do that.

He did not tell you the whole story. When he moved from his previous school to his present school, he did try to start his school using Lake Emma and there was a lot of opposition there. It was a nuisance; he is a nuisance, all the noise. That is my objection. My real concern is that if I choose to go back out there and live again, I am going to have to prove there has been a violation on his CUP before I can protest and get him off of the lake. Perhaps there hasn't been a violation. It is a nuisance in a residential area to have a wakeboard school. I have nothing else to say. If you have any questions, I will be happy to answer them.

Chairman Bryan: Are there any questions? I understand your concern.

Ms. Stokes: I think it is inappropriate to have a commercial operation in a suburban area.

Mr. Emery: I do not understand fully. Is it the noise that bothers you or the lack of being able to use the lake? I want to hear more testimony about that.

Ms. Stokes: Yes, I think when I lived out there and I lived on Lake Emma, he came over; his boats were a nuisance and they were on the lake and they did not respect or honor their time limits; the participants were often rude if the land owners objected to the noise and the time that they spent on the lake so, yes. If you lived on a lake in a suburban area and you had a commercial operation that went constantly, you might object, too.

Chairman Bryan: – Are there any other questions?

CASE NO.: CUP #10/6/2-3 AGENDA NO.: 7

OWNER: Andy & Joni Hanson PAGE: 4
APPLICANT: Andy & Joni Hanson

PROJECT NAME: Hansen’s World Wakeboard Center

Mr. Hanson: I have a quick response in regards to Lake Emma. We do not use Lake Emma for our operation. Our son owns a piece of property on Lake Emma; he is a professional wakeboarder, and it is not part of our operation what so ever. He and his family use the water, and they can use the water in Lake Emma any time they want to. We do not use it as part of our operations, and it is not part of the CUP application. At one time we did purchase a lot and were inquiring about the possibility of using that plot, and it was not approved and we never used it for that.

Chairman Bryan: Are they any further questions? We will close discussion of the board and staff.

Mr. Emery: Rick, are there any neighbors on this lake currently?

Mr. Hartenstein: Yes, there are other people that own property on the lake.

Mr. Emery: With docks that use the lake?

Mr. Hartenstein: – It looks like there is a dock on one of the lots, and I think that is the only one.

Chairman Bryan: The development across the lake, have there been many homes built on it?

Mr. Hartenstein: There is a few, not very many.

Chairman Bryan: I know that Mr. Hansen has been up here like he said at least, 3, 4 or 5 times and sometimes he has had a lot of folks upset with him and there have been complaints. I can see where if somebody wanted to sit out on their dock with peace and quiet, they would consider him a nuisance; but on the other hand, he has been there a long time and has been operating a long time and is meeting all the conditions.

Mr. Hartenstein: There are specific hours of operation contained in the CUP of when he can actually operate to so he is on the lake at any given time.

Chairman Bryan: It brings a lot of folks to the area and world renown within that industry and can be considered an asset to the County as well. It just depends on what dock you are sitting on as to how you are looking at it.

Mr. Emery: Rick, there has been some conflicting testimony here today. What I read in the packet is that he had approval for six (6) structures.

Mr. Hartenstein: For the County.

Mr. Emery: Right, but that makes a difference. He testified today that he has been using ten (10).

Mr. Hartenstein: If he puts them out there for his personal use and it is not part of the school itself, he is not in violation of the CUP.

Mr. Emery: We are, with this, going to increase the County’s portion up to the ten (10) to match the DEP permits.

Mr. Hartenstein: Yes, to match the DEP permits so that there wouldn’t be any inconsistencies. Understand that these apparatuses do not all stay out there all the time.

CASE NO.: CUP #10/6/2-3 AGENDA NO.: 7

OWNER: Andy & Joni Hanson PAGE: 5
APPLICANT: Mr. Hanson & Joni Hanson

PROJECT NAME: Hansen's World Wakeboard Center

Chairman Bryan: Do not think the difference from 6 to 8 to 10 in the grand scheme of things is really not an issue anyway.

Mr. Emery: It is for me in terms of the operation; the more structures there are for you to hit on changes the direction and operation of the boat.

Chairman Bryan: Are there any other comments or discussion?

Scott Blankenship: This is the 3rd or 4th time I have heard this, and there hasn't been a violation to the CUP, nothing reported and no infractions. If there was a violation to the CUP, it would be addressed by the County Code Enforcement. I do not see that there has been a problem.

Mr. Emery: Since we are looking at a little bit of a change to this, I would like to hear from Mrs. Stokes if she has something to add.

Chairman Bryan: Mrs. Stokes, you can come forward if you would like; and as always I will allow the applicant an opportunity for rebuttal.

Ms. Stokes: I would like you to limit the CUP again to three (3) years so this comes up again for renewal. There is no way to get him off of the lake since he probably will not violate any of the conditions so if he has to come up for renewal every so often, there is a chance. Thank you.

Chairman Bryan: Mr. Hansen, do you want to rebut that?

Mr. Hanson: I just want to make a clarification to content from earlier. We had gone to the Department of Environmental Protection and gotten the permit for the entire amount, and that is what we use. The County had made a recommendation for six (6), and we had not put the additional ones out there at the time so we honored that even though we could put the ten (10) out there. We try not to be a nuisance to anybody and to do the right thing. I might add there are several of these schools that take their place as our competitors advertised in magazines. They are in and around Central Florida; Central Florida is a Mecca for wakeboarding and water skiing. Not one of them has a Conditional Use Permit, I am the only one that goes through the process to do this properly.

Chairman Bryan: - Comments, more discussion? Pleasure of the Board?

MOTION by Egor Emery, SECONDED by Scott Blankenship to approve CUP #10/6/2-3, as presented by staff.

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

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

CASE NO.: PH #13-10-3 **AGENDA NO.:** 8

OWNER: Floribra USA, Inc. **PAGE:** 1

APPLICANT: Jim Hall, AICP (VHB, Inc.)

PROJECT NAME: BLR – Windmill Road PUD Rezoning

Steve Greene, Chief Planner, Planning & Community Design, Growth Management Department, here to present to you PH#13-10-3. This applicant BLR – Windmill Road, applicant Jim Hall (VHB) seeks to rezone this property which is approximately 38.58 acres from Agricultural to Planned Unit Development to facilitate the development of a 100-lot residential subdivision.

The current future land use of the property is Suburban and as indicated the current zoning is Agriculture. The density of the property is 1 dwelling unit per 5 acres and that is the same density for the Suburban Future Land Use. However, 1 dwelling gross acre could be allowed at the request at timeliness or 3 dwelling units per gross acre if it met timeliness and was rezoned as a PUD. This particular property is off of US 27 across from the Plantation DRI within the Leesburg area.

The property is adjacent to other Suburban land uses; however, Agriculture zoning exists on the north, south and the east; those are undeveloped properties and they all have agricultural exemptions. The proposed 100 units for this property are greater than the allowable density allowed by the land use.

The application was reviewed and, of course, with a timeliness analysis and it was determined that it did not meet all the criteria of timeliness. The timeliness was conducted in December 2009. The two criteria areas which the application did not meet as it pertains to timeliness was the lack of demonstrated functional approximate relationship to other like uses and that the density is incompatible with the surrounding residential densities, that being the agricultural area. As such, the property did not meet timeliness and, therefore, the proposed density would be inconsistent with the LDR; also, the application was analyzed utilizing the urban area residential density chart; that analysis looks at the availability of public facilities within the area. That analysis indicated that a 2.5 dwelling units per acre match could be allowed. However, that stipulation could not be allowed if the request did not meet timeliness. As it pertains to other areas of consistency with the Comprehensive Plan, this property has no central water or sewer available to it and the City of Leesburg provided a letter to that effect. One of the provisions of the Comprehensive Plan is that this residential project be connected to central services and as I indicated that is not available. However, that provision could be waived by the Board of County Commissioners. The applicant has not made a request for that waiver. The provision of connection is specified in the ordinance.

The rezoning is inconsistent with the Capital Improvement Element regarding directing growth and development in areas where public facilities are available. This application regarding suburban and residential development is inconsistent with the separation required to adjacent agricultural land areas. The application is further inconsistent with the Comprehensive Plan as it pertains to promoting compact and orderly development. The application is within an existing development pattern particularly on the east which is not compatible to what is being proposed; west of the project across US 27 is an area of higher density; that is the Plantation DRI.

It should be noted that this area has been designated as Rural Transitional in our new Comprehensive Plan Future Land Use Plan Map that the Board adopted a little over a week ago. The residential density on that new land use would be 1 dwelling unit per 5 gross acres or 1 dwelling unit per 3 net acres with 35% of open space or 1 dwelling unit per 1 net acre with 50% open space.

As it pertains to inconsistency with the surrounding zonings, currently there have been no rezonings within this area within the last 5 years that have been approved. However, you heard a similar rezoning request that was presented to you, I believe in the month of May.

CASE NO.: PH #13-10-3 AGENDA NO.: 8

OWNER: Floribra USA, Inc. PAGE: 2

APPLICANT: Jim Hall, AICP (VHB, Inc.)

PROJECT NAME: BLR – Windmill Road PUD Rezoning

Mr. Greene presented a map on the overhead as County Exhibit A to point out the other request, and he pointed to a pink area at the top of the map which represented the Windmill 27 PUD rezoning request. He went onto say that you may recall that you heard that and the Board took action on that yesterday. Other than the one Site Plan approval of a property north of it in 2005, there has not been any redevelopment applications or development approvals in this area within the last 5 years.

As it pertains to impact of the development on the public facilities, Lake County Public Schools indicated that this project would not adversely impact the adjacent schools and there is an attachment to that affect in your staff report. As it pertains to Solid Waste, the mitigation and disposal of that would be handled at Site Plan. Our Solid Waste Department has indicated that approximately 1,070 pounds of solid waste would be generated per day by this 100 lot subdivision. As it pertains to Parks, there will be an impact demand of .28 acre; and as it pertains to Open Space, the applicant intends to provide 30% open space as required by our Comprehensive Plan. As I indicated previously, there is a requirement for additional buffering at the perimeter. The applicant intends to set aside the open space at the perimeter; however, the concept plan indicates only 20 feet of buffering on the north, east and the south. He would have to rectify that if it were approved.

Additionally, Turkey Lake cuts into the property and I will show you that on the Concept Plan. As you can see, Turkey Lake cuts into the property from the southeast; and there will be a buffer requirement along the lake shore and also some of that could be wetlands, but we do not know at this time because the EA (Environmental Assessment) wasn't provided but will be required at Site Plan. A portion of that wetland area could be set aside for conservation area and may be considered as open space. We would have to verify that against the provisions of the new Comp Plan to see if that would be allowable. That would be pertinent when the Site Plan comes forward.

As it pertains to Transportation, a Transportation Study will have to be provided at the time of Site Plan. However, the Staff Report indicates that this segment of US 27, essentially 73% of capacity, is currently being used at this time.

With regard to the promotion of a orderly and logical development pattern, this particular project would not promote that, particularly on the east side of US 27 as those properties that abut on the north, south and the east are agricultural uses and are vacant and undeveloped.

Staff finds that this application is inconsistent with the Comprehensive Plan and the LDRs as specified in the staff report, finding of facts. Staff recommends denial of this application.

At this time I will be glad to take any questions you may have, and the applicant is here to answer any questions you might have of them.

Chairman Bryan thanked Mr. Greene and asked if anyone had any questions of staff at this time. I will allow the applicant to come forward and make his presentation.

Mr. Jim Hall, applicant, came forward and began his presentation. I hope you all remember last month we were here and it was a 4-2 vote and so I just started thinking about it and you can see that staff has a lot of concerns. I started this process a long time ago. I started it when the new Comp Plan and new Future Land Use Map, the new standards, were still very much in flux and the development rights of this property were going to be substantially reduced.

CASE NO.: PH #13-10-3 AGENDA NO.: 8

OWNER: Floribra USA, Inc. PAGE: 3

APPLICANT: Jim Hall, AICP (VHB, Inc.)

PROJECT NAME: BLR – Windmill Road PUD Rezoning

Now that DCA has gotten comfortable and now that your staff has taken it to the Board for adoption, even though it is not effective, we went back and we looked at the impact of what does the new Comp Plan really do and all the stuff that Mr. Greene talked about; all these issues they kind of go away because the timeliness thing goes away. The timeliness thing, I think, it is a great thing that you have gotten rid of that because it was so burdensome and bulky. You have to remember over half of our property we had to leave out of this application so that we could make timeliness so this property is actually twice as big as what we have applied. So if we go to rural transition and we take the whole property and put it into the PUD and we leave the 50% open space preserved forever, we kind of go right back to where we are. The number of units we have requested are about the same, the traffic capacity is ok, the schools are ok, and there is sewer available. In the new Comp Plan, there is the provision that we could create a water plant for ourselves. I went and talked to Ray Shark with Leesburg and they have some serious issues with providing water for a number of years due to issues that they have internally. Even though they are supposed to service this property to represent the actual citizens and residents of Leesburg, it would not be in their interest to represent someone in the County at this time. With the new Comp Plan, we can achieve what we are asking for almost identical that has so many timeliness problems.

I just came here, what I would like you all to do is continue us and we will reup the application together, whether it is redraw it or however we do it; we will go back to staff and come in with this new PUD that will be the 50% rural transition and at the end of the day we kind of get back to where we would have been with this timeliness one, but just go ahead and continue this. The reason I am asking for this is that the client is off shore and it is very difficult to get to speak to him, and I have not yet got to speak to him since we had this idea 10 days ago; that is why I am asking for the continuance.

Chairman Bryan asked what kind of length of time continuance are you asking for.

Mr. Hall: The Board yesterday gave us 120 days. The other reason for the 120 days is I am hoping that in that 120 days your new Comp Plan gets an effective date.

Chairman Bryan: You want to bring this back completely under the new Comp Plan, is that correct?

Mr. Hall: I think that staff is much more comfortable with the new way than the way we are going now, but I just have not been able to have this conversation with my client. I need to convince the client.

Chairman Bryan asked Brian Sheahan if he would like to comment on that.

Brian Sheahan, Director of Planning & Community Design: Based on the Board action yesterday, the Board granted 120 days for the applicant’s other application. Staff would not object to a 90-day continuance for this case; that way both could travel to the Board at the same time.

MOTION by Tim Morris, SECONDED by Scott Blankenship to approve a 90-day continuance for PH #13-10-3.

FOR: Morris, Blankenship, Gardner, Bryan, Metz

AGAINST: Emery

NOT PRESENT: Wells

MOTION CARRIED: 5-1

APPOINTMENT:

Zoning Board Liaison – Affordable Housing Advisory Committee

Paul Bryan, Chairman: We have one more item on our agenda. The Board of County Commissioners has asked for an appointee from our Board to the Lake County Affordable Advisory Committee. There was a seat that was previously held by the LPA. Since the LPA has been abolished and we are now functioning as the LPA, we need to appoint somebody to that vacant seat. The purpose of the committee is to identify improvements needed to the housing delivery system with particular emphasis on the provision of affordable housing to very low and low income households in Lake County. I asked Brian Sheahan, AICP, Planning Director, about the frequency of the meetings; and it is an infrequent schedule, probably not even on a monthly basis, less than that. It should not be very time consuming, but it is an important committee.

Rather than just randomly appoint somebody, let me ask if there is anyone that has an interest and would be willing to volunteer for this?

Tim Morris, Vice Chairman, asked Egor Emery if that was up his alley?

Chairman Bryan: I second that.

Egor Emery, ZB Member, District 4: I just want to mention that I have certain time constraints in the near term and that will hopefully be resolved by November. If it is the will of the Board, I will serve.

Chairman Bryan: Are there any further nominations for that seat from the floor? I close the nominations.

MOTION by Tim Morris, SECONDED by Scott Blankenship to appoint Egor Emery to the Affordable Housing Advisory Committee.

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

AGAINST: None

NOT PRESENT: Wells

MOTION CARRIED: 6-0

Adjournment

There being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,

Ann Corson
Office Associate IV for
Sherie Ross, Public Hearing Coordinator

Paul Bryan
Chairman