

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
August 1, 2012

The Lake County Planning and Zoning Board met on Wednesday, August 1, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning.

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, August 28, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

Members Not Present:

Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
 Melving Isaac, Planner, Planning and Community Design Division
 Erin Hartigan, Assistant County Attorney
 Courtney Vincent, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:03 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.

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Agenda Updates

Consideration of Minutes July 11, 2012

CONSENT AGENDA

Tab 1	PH# 28-12-3	M. & M. Casp/M. Pols, Bridge to Ability, Inc. Casp Property CFD Rezoning
Tab 2	PH# 27-12-1	D. Grimm/A. Geraci-Carver, Esq. Skiing Paradise/Swiss Fairways PUD Amendment

REGULAR AGENDA

Tab 3	PH# 29-12-2	F & J Development, Inc./J. & J. Amon/ JEC., Inc F & J Development-Amon PUD Amendment
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Other Business

Adjournment

MINUTES

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE the July 11, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Kesselring, Gonzalez, Morris, Miller, Bryan

AGAINST: None

MOTION CARRIED: 5-0

AGENDA UPDATES

Brian T. Sheahan, Planning Manager, stated that Case Number PH#29-12-2, F & J Development, Inc. and J. & J. Amon, had been moved to the Regular Agenda.

CONSENT AGENDA

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| Tab 1 | PH# 28-12-3 | M. & M. Casp/M. Pols, Bridge to Ability, Inc.
Casp Property CFD Rezoning |
| Tab 2 | PH# 27-12-1 | D. Grimm/A. Geraci-Carver, Esq.
Skiing Paradise/Swiss Fairways PUD
Amendment |

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the Consent Agenda, consisting of agenda items 1 and 2.

FOR: Gonzalez, Morris, Miller, Kesselring, Bryan

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA

CASE NO:	PH# 29-12-2	TAB NO.	3
OWNER:	F&J Development, Inc. (Franco Scala), Jack & Joan Amon		
APPLICANT:	Jimmy Dunn, June Engineering Consultants, Inc		
PROJECT NAME:	F&J Development-Amon		

Mr. Sheahan presented the case, explaining that the applicant was seeking to combine two vested Planned Unit Developments (PUDs), one called Verde Park PUD and the other called La Cascada PUD, and decrease the number of dwelling units primarily for internal circulation for the two developments, a more cohesive development pattern, and reducing a number of entry points onto Old Highway 50. He stated that the application would amend PUD Ordinances 2005-36 and 2011-4

to create one unified residential subdivision. He remarked that the applicant was eliminating the multifamily component and noted that the affordable housing component was carried over. He added that the other conditions of the previous ordinances were carried over and some additional ordinance changes were proposed due to some last minute comments by the Green Mountain Scenic Byway and the Town of Oakland. He summarized that the first condition of note was regarding the setbacks, which was a concern of the Green Mountain Scenic Byway due to issues of the viewshed for the Scenic Byway, and it was requested that the an 80 foot setback be required west of the main entrance of the subdivision for structures over two stories tall. He summarized that the second condition requested was a 25 foot buffer along the southern property line and added that the Byway had also suggested a 30 inch berm in lieu of a decorative fence or wall along the Scenic Byway. He noted that the applicant had requested that that condition be amended so that if the City of Clermont required a fence that they would not be required to put both a fence and a berm, they would only need to do one or the other. He then reported the Town of Oakland had expressed concern regarding the traffic through the unusual configuration of contact points between Old Highway 50 and State Road 50 and its proximity to the County line. He noted that those concerns would be specifically addressed through the traffic engineering report that would be done during the preliminary plat and construction plan phases of the project and that a Nolan-Dolan evaluation would be conducted during the traffic study to determine if improvements were justified and that the costs were proportionately shared with the adjoining property owners. He stated that conditions had been put in place to ensure that a right of way was provided for a roundabout at the northern interchange with Plaza Collina to preserve circulation without the potential backup caused by a traffic signal. He added that the ordinance also provided for a pedestrian access through the subdivision to the Plaza Collina development and to serve as a connection to the trail which exists across Old Highway 50. He reported that Mr. Donnie George, whose mother was an adjoining property owner, had expressed concern this morning regarding the preservation of the oak trees planted along the perimeter of his mother's property which was surrounded on three sides by this development. He suggested that the best way to do that would be to ensure that the root zone of the trees was not inadvertently impacted by construction activities and he reported the staff proposal to adding a stipulation to the ordinance requiring that no development take place within 30 feet of the canopy of the trees in those areas.

Mr. Tim Morris, Board Member, asked for Mr. Sheahan to explain the vesting procedures and asked if the property was vested.

Mr. Sheahan explained that the property had been within the Urban Expansion Future Land Use category under the 1993 Comprehensive Plan but was designated as Rural Transition when the 2030 Comprehensive Plan was passed. He noted that the Board of County Commissioners (BCC) had attempted to change the land use from Rural Transition to Urban Low Density, which was the equivalent of the Urban Expansion Land Use category at the adoption hearing, however, the Florida Department of Community Affairs (DCA) did not agree that the change had been done properly so the County conceded the point in order to allow the Comprehensive Plan to be issued in compliance. He added that the BCC intends to submit an amendment to change the land use to Urban Low Density. He related that, during the period before the Comprehensive Plan came into effect; both La Cascada and Amon Village had gone through with the preliminary plat and expended significant sums on engineering, traffic studies, and environmental studies in order to proceed with their respective developments. He noted that those actions had been taken in reliance of the old land use category, but when the Comprehensive Plan changed then the land use changed and both properties could not proceed with their development because it was no longer consistent with the Comprehensive Plan. He stated that the procedure put into place by both the Comprehensive Plan and the Land Development Regulations (LDR) was a common law vesting or statutory vesting and then he explained that if a person had relied on governmental action or proceeded in good faith reliance then that person should be allowed to complete the project according to the vesting criteria

and principles. He reported that, both properties had met the requirements for vesting for their respective developments. He stated that staff recommended the applicant's proposal to combine the two vested properties as long as the impacts are the same or less than each property as individually vested.

Mr. Morris asked if vesting had been granted and when.

Mr. Sheahan replied that a vesting determination had been granted for La Cascada approximately two weeks ago and for Amon Village approximately eight weeks ago.

Mr. Rick Gonzalez, Board Member, asked why the affordable housing component had been removed.

Mr. Sheahan answered that it appeared that there was no requirement for an affordable housing component based on the points criteria for the number of dwelling units proposed.

Mr. Randy June, applicant, remarked that June Engineering Consultants concurred with all of the conditions set.

The Chairman opened the public hearing.

Mr. Donnie George, representing an adjacent property owner, stated that he agreed with the provisions in the ordinance that would protect the oak trees on his mother's property.

Ms. Anita Gonzalez, Planner for the Town of Oakland, commented that the Town of Oakland was happy to be included in the traffic study and stressed the Town's concern regarding the Old Highway 50/State Road 50/West Orange Trail intersection. She remarked that something would need to be done to the existing intersection to accommodate the movement of traffic and stated that the Town's answer to that problem was a traffic circle and possibly some relocation involving the West Orange Trail in order to protect bike riders from traffic. She announced that it was the goal of the Town to have participation from all of the developers in both Lake and Orange County to address that traffic circle. She added that the Town was in agreement with the revised ordinance.

Ms. Mona Phipps with the Town of Oakland and the Green Mountain Scenic Byway asked if the development would still only have two stories or if a third story would be added since the approved building height was 40 feet.

Mr. Sheahan replied that the ordinance stipulated that multiple storied structures required an 80 foot setback from the right of way, so even if the property went to three stories that requirement would remain the same. He clarified that it would be difficult to build three stories within 40 feet.

The Chairman closed the public hearing.

MOTION by Rick Gonzalez, **SECONDED** by Jim Miller to **APPROVE** PH# 29-12-2, F&J Development-Amon including an amendment to the proposed ordinance prohibiting development within 30 feet of the canopy of the existing oak trees on the adjacent property.

FOR: Gonzalez, Miller, Morris, Kesselring, Bryan

AGAINST: None

MOTION CARRIED: 5-0

OTHER BUSINESS

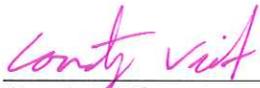
Mr. Sheahan mentioned that the Shoreline Ordinance amendment to the Comprehensive Plan was passed and was now in effect. He stated that the Board would need to return their copies of the Comprehensive Plan so they could be updated.

Mr. Jim Miller, Board Member, opted out of a printed copy of the Comprehensive Plan.

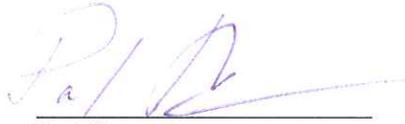
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:26 a.m.

Respectfully submitted,



Courtney Vincent
Clerk, Board Support



Paul Bryan
Chairman