

**MINUTES
LAKE COUNTY ZONING BOARD
SEPTEMBER 3, 2008**

The Lake County Zoning Board met on Wednesday, September 3, 2008 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

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, September 23, 2008 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emory	District 4
Paul Bryan, Chairman	District 5

Members Not Present:

Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Staff Present:

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Stacy Allen, Senior Planner, Planning and Community Design Division
Karen Ginsberg, Senior Planner, Planning and Community Design Division
Julianne Thomas, Senior Planner, 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
David Hansen, Public Lands Division
Lauren Brothers, Public Lands Division
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance and gave the invocation. He 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 procedures used when hearing cases on the consent and regular agendas. He stated that a speaker card had been submitted for Agenda No. 3, PH#32-08-5, Lake County/David Hansen, Public Lands Manager/Andrews/Lady Lake, so it will be removed from the consent agenda and placed on the regular agenda.

Egory Emery came into the meeting.

TABLE OF CONTENTS

<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
Consideration of Minutes	August 6, 2008	
Discussion of Consent Agenda		
Consent Agenda Approval:		
PH #38-08-3	Wing Sze Cynthia Cheung/Richey & Cooney	1
PH#46-08-1	Mark and Tresa Carter/Lake County	4
PH#48-08-1	Billy Jackson/Lake County	5
PH#37-08-5	Central Florida Council, BSA/Michael D. Harding, P.E. Williams Family Scout Reservation	6 Continued from 8/06/08
PH#42-08-2	Lake County/Millbrook Manor	7 Continued from 8/06/08
Regular Agenda:		
PH#39-08-3	V-Bro Development, LLC & Brockie Holdings, LLC Leslie Campione, P.A.	2
PH#32-08-5	Lake County/David Hansen, Public Lands Manager Andrews/Lady Lake	3

Minutes

MOTION by Timothy Morris, SECONDED by Scott Blankenship to approve the August 6, 2008 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Emery, Bryan

AGAINST: None

NOT PRESENT: Wells, Metz

MOTION CARRIED: 5-0

Discussion of Consent Agenda

Brian Sheahan, AICP, Planning Director, stated that David Hansen and his staff were present to answer questions on Agenda No. 3, PH#32-08-5. He added that Rick Hartenstein will be presenting Agenda No. 2, PH#39-08-3.

Consent Agenda

PH #38-08-3	Wing Sze Cynthia Cheung/Richey & Cooney	1
PH#46-08-1	Mark and Tresa Carter/Lake County	4
PH#48-08-1	Billy Jackson/Lake County	5
PH#37-08-5	Central Florida Council, BSA/Michael D. Harding, P.E. Williams Family Scout Reservation	6
PH#42-08-2	Lake County/Millbrook Manor	7

MOTION by Scott Blankenship, SECONDED by Timothy Morris to recommend approval of the above consent agenda.

FOR: Morris, Blankenship, Gardner, Emery, Bryan

AGAINST: None

NOT PRESENT: Wells, Metz

MOTION CARRIED: 5-0

CASE NO.: PH#39-08-3

AGENDA NO.: 2

OWNERS: V-Bro Development, LLC & Brockie Holdings, LLC

APPLICANT: Leslie Campione, P.A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and four pictures from the staff report on the monitor. He said part of the property is developed and part of it is not. There are some existing buildings on the property. He discussed each waiver request as explained in the staff report and showed the exhibits on the monitor that were part of the staff report. He stated that after the Zoning Board booklets were distributed, the applicant submitted a revised master conceptual plan. Staff is requesting that this exhibit (County Exhibit A) replace Exhibit B in the attached ordinance, making this the new revised master plan and recognized as such. There were some slight modifications as to the location of the driveway. In addition, the storm water retention was redone so it opened up this area for better development, and they were able to utilize their storm water retention against the wetland area. Based on the findings of fact set forth in the staff report, staff recommends approval, subject to the conditions outlined in the proposed ordinance.

Egor Emery asked if the internal road would ever be turned over to the County for maintenance. Mr. Hartenstein said it would not as it is a private road. In response to Mr. Emery, Mr. Hartenstein confirmed that it would not be necessary to utilize the 50-foot curb and gutter requirements as with other roads. Regarding the landscaping within the retention pond, Mr. Emery asked if this was a common procedure. Mr. Hartenstein said that has been done in the past, but it must be designed accordingly and meet St. Johns River Water Management District requirements. Mr. Emery was informed by Mr. Hartenstein that heavy industrial uses are allowed within the Planned Industrial (MP) zoning district if it is adopted as such in the ordinance. He reiterated that this whole area has industrial development.

In response to James Gardner, Mr. Hartenstein said there is a sprinkler system on the property currently, but it is shared through the three buildings. At this time, the three buildings are one site. If the one-story warehouse/office building becomes a separate lot, it would be required to have its own separate sprinkler system. The language in the ordinance states that the sprinkler system must be in compliance with the Fire Code.

Chairman Bryan confirmed with Mr. Hartenstein that staff is not recommending approval of the first waiver for the 20-foot front parking with access. Mr. Hartenstein reiterated that it would be creating an unsafe condition and is not a good design for the industrial park. Chairman Bryan also confirmed that staff is not recommending approval of the second waiver regarding turn lanes. Mr. Hartenstein stated that the initial site plan needs to address the turn lanes, the road, and the road frontage landscaping as part of the infrastructure for the site. Chairman Bryan confirmed that staff is agreeable to waivers three and four with some modification.

Chairman Bryan stated no speaker cards were submitted for this case.

Leslie Campione was present to represent the owner. She said it is her understanding that they are in agreement with staff regarding the turn lane waiver. Two hundred twenty-four trips would trip the requirement. Essentially they will continue to use the property without severing any of the existing buildings or redeveloping them. However, if they proceed with a site plan for any of the vacant land or sever the existing buildings, that is when turn lanes would be required. The number of 224 was decided upon based on current use. With regard to the waiver request for parking off the internal road, she said it is not their intention for that to be the model way to develop off that private easement road. The reason they decided on a private road rather than a County road is that they want it to be like a driveway. They wanted the option so that if they had a building design where parking in the front would be preferable, they could do that. Their intention is to promote a site plan design with parking in the rear or side of the building. The purpose of the waiver was to have flexibility for potential users. This road will not be a thoroughfare roadway. This project will not be a retail center with the public parking and using these businesses. The parking will be for employees. She felt this was a reasonable request and asked that it be honored.

CASE NO.: PH#39-08-3

AGENDA NO.: 2

OWNERS: V-Bro Development, LLC & Brockie Holdings, LLC

PAGE NO.: 2

APPLICANT: Leslie Campione, P.A.

Regarding the first paragraph on page 6, line 8 of the staff report, Ms. Campione said the owners of the park have leased parts of these buildings. She was concerned that a lease could trigger the construction of the infrastructure. Chairman Bryan felt that could be clarified. Ms. Campione said the ordinance states that "if it is severed." The owners are in agreement that if they sell off any of the property, they must get their infrastructure in place. She said she appreciated staff working with them on this project. They are attempting to take an existing site and upgrade it while allowing the owners some flexibility to accommodate other uses. The landscaping requirement on CR 561 will be an improvement as far as aesthetics.

When Mr. Emery asked about the use of the word "sever" in the ordinance, Ms. Campione said it can be found on page 3 of 11 of the ordinance, section 2b. They are agreeable to that language.

Chairman Bryan confirmed with Ms. Campione that she is agreeable to all staff's recommendations except for the first waiver. She reiterated that they would like to continue to have that option should they want to put parking spaces in the front of these buildings. By the design, there is still room for a sidewalk and landscaping.

In response to Scott Blankenship, Mr. Hartenstein said the road would be an internal access road, but it is the major access road. Staff's concern was that as this project builds out, there will be truck traffic coming in and out all day long. With vehicles parking in the front and backing out onto the street, a condition could be created for accidents.

When James Gardner asked about the waiver for the five-foot rear setback, Mr. Hartenstein said the rear landscape buffer would be a 15-foot landscape buffer so no building can take place within that 15 feet. Although this will allow a closer setback to the rear of the property, it still provides the buffering between the project and an adjacent property owner. It will probably not be near any other buildings.

MOTION by Egor Emery, SECONDED by Timothy Morris to recommend approval of the request to amend the permitted uses for MP Ordinance #2006-108 for an industrial park to include limited commercial (retail trade and finance), professional office (financial, insurance, and real estate), light and heavy industrial uses (to include a bio-diesel processing and bulk fuel storage facility), and associated uses as well as a recommendation of approval for waivers two, three and four only in PH#39-08-3.

FOR: Morris, Blankenship, Gardner, Emery, Bryan

AGAINST: None

NOT PRESENT: Wells, Metz

MOTION CARRIED: 5-0

CASE NO:	PH#32-08-5	AGENDA NO.:	3
OWNER:	Lake County		
APPLICANT:	David Hansen, Public Lands Manager		
PROJECT NAME:	Andrews/Lady Lake Property		

Chairman Bryan stated that this case was on the consent agenda, but a speaker card was submitted. Rather than beginning with a presentation by the case manager, it was decided that the person who submitted the speaker card should speak first so the Zoning Board and staff could learn of her concerns.

Nancy Steinmetz, adjacent property owner, referred to page 2 of the ordinance, Section A.1.b. She said she had been informed by the case manager for this case that this language was put in to allow maintenance of the property. However, that is not what it states; she felt it is left open. She questioned the access to maintain it since the County has no legal access to the property. It is a landlocked piece of property. She wanted to ensure that no fencing will be constructed on the property or that people who live on the lake will not be denied access to the lake. She felt this will affect property values if they cannot access the lake they live on. She has a conditional use permit on her property to use it as a landing strip. It will also affect her property if this is taken away from her. She added that she did not understand the language in Section H on page 3 of the staff report.

David Hansen, Public Lands Manager, said the County acquired this property several years ago. Originally they thought this would be a nice access to the lake, but the County does not have legal access to the lake although they have been offered access. They have currently been utilizing a drainage easement, actually a swale, to get down to the property. There is an ordinance attached to this property. It states that there is to be no public access; they would like to keep it that way. Cleaning up the property would entail restoration such as removing some exotics. Beyond that, there are no other plans. It does have some historical value. The property is mostly under water, but there are some uplands. There are "No Trespassing" signs on the property to keep out the ATVs. Chairman Bryan confirmed that this property was purchased with Public Lands Acquisition Advisory Council (PLAAC) money.

Mr. Hansen said he does not want to fence the property as it would detract from the value of the property. The County will not be denying anyone access to the lake itself even though on paper the County owns most of the lake bottom. However, there are sovereignty issues involved.

When Egor Emery asked if the County had published a management plan for this parcel, Mr. Hansen said they have not as there are other projects that have taken precedent. He added that they have had much consultation with the neighbors and general public. He said they will be developing a management plan with PLAAC. That plan would then be approved by the Board of County Commissioners (BCC). Public comment would be taken at that time. This request is basically a housekeeping item. Currently it is zoned R-1. That is not the correct zoning for a conservation-type piece of property. They have been requested by the County Attorney's office to rezone their properties to CFD.

When Timothy Morris questioned why the County owns this property for conservation but with no easement so County residents could not use the property if they wanted to, Mr. Hansen said the ordinance prohibits public access. In response to Chairman Bryan, Mr. Hansen said prohibition of public access was a condition of purchase on March 27, 2007. They probably could have sued for public access, but they chose not to. They possibly could have put a canoe lodge on the property, but that met with opposition; in order to move forward on the property, the ordinance was drafted with no public access, and it is managed as lakefront property.

Mr. Morris questioned why the County would buy property that no one can use, but it must be maintained. The residents in the area are not happy that the County bought it; they are afraid someone will use it. He suggested the County sell it to a developer and use the money to buy property that County residents can use.

Mr. Hansen said the previous owner of this property came to the County and asked the County to consider purchasing this property. The property does have environmental value, which is one of the premises

CASE NO: PH#32-08-5

AGENDA NO.: 3

OWNER: Lake County

APPLICANT: David Hansen, Public Lands Manager

PAGE NO.: 2

behind the Public Lands Program.

Chairman Bryan said that although he shares some of the concerns of Mr. Morris, he did not feel this public hearing is the place for such a discussion.

Ms. Steinmetz said there were about 30 homeowners at the meeting when the purchase of this property was discussed. She wanted to ensure that there will be no public access that would turn this property behind her home into a park open to the public. She had offered to buy this property to use it as a conservation easement. As an adjacent property owner, she would have preferred to protect it the way she wanted. She said she would like to see language in the ordinance that would prohibit the property being fenced or lakefront residents being denied access.

MOTION by Egor Emery, SECONDED by Scott Blankenship to recommend approval of CFD zoning to allow for conservation of the property in PH#32-08-5.

In response to Chairman Bryan, Mr. Hansen said this rezoning would not change the prohibition of public access to this property.

Mr. Blankenship said he has the same issues regarding no public access when taxpayers' money was used to buy the land and yet Lake County citizens cannot access the property. However, he agreed that this is not the forum to discuss this.

FOR: Morris, Blankenship, Gardner, Emery, Bryan

AGAINST: None

NOT PRESENT: Wells, Metz

MOTION CARRIED: 5-0

There being no further business, the meeting was adjourned at 9:47 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman