

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 2, 2013

The Lake County Planning and Zoning Board met on Wednesday, October 2, 2013 in County Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezoning and Comprehensive Plan Map Amendments.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, October 22, 2013 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby	District 1
Timothy Morris	District 3
Rick Gonzalez	District 4
Debbie Stivender	School Board Representative

Members Not Present:

Ted DeWitt	District 2
Paul Bryan, Chairman	District 5
Kasey Kesselring, Vice Chairman	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Steve Greene, AICP, Chief Planner, Planning & Community Design Division
Anita Greiner, Chief Planner, Planning and Community Design Division
Melving Isaac, Planner, Planning & Community Design Division
Jennifer Cotch, Senior Planner, Planning & Community Design Division
Ross Pluta, P.E., Engineer III, Public Works
Donna Bohrer, Office Associate, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Shannon Treen, Clerk, Board Support

Board Member Tim Morris called the meeting to order at 9:02 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and gave the invocation. He confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

TABLE OF CONTENTS

TAB NO: CASE NO: OWNER/APPLICANT/AGENT/PROJECT

Agenda Updates

Consideration of Minutes September 4, 2013

CONSENT AGENDA

Tab 1 PH# 19-13-2 Victoria Estates Rezoning

Tab 2 PH# 20-13-3 Miller Property Rezoning

REGULAR AGENDA

Tab 3 LPA# 13/4/1-2 County Road 437/State Road 44

Tab 4 Ordinance #2013-XX Resource Protection Ordinance

Tab 5 Ordinance #2013-XX Chapter VIII Green Swamp
(Postponed Indefinitely)

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, stated that some speaker cards were pulled for Tab 1, PH# 19-13-2, which was on the Consent Agenda. He also noted that he emailed the Board a memo yesterday evening regarding staff's request to indefinitely postpone Tab 5, the Green Swamp LDR Amendment.

Ms. Erin Hartigan, Assistant County Attorney, mentioned that since the Chairman and Vice Chairman were not present, the Board would need to vote to appoint Mr. Morris as acting Chairman.

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to appoint Mr. Tim Morris as acting Chairman.

FOR: Stivender, Gonzalez, McKeeby, Morris

AGAINST: None

MOTION CARRIED: 4-0

MOTION by Debbie Stivender, SECONDED by Kathryn McKeeby to APPROVE granting an indefinite postponement for Tab 5, Ordinance #2013-XX, Chapter VIII Green Swamp.

FOR: Stivender, McKeeby, Morris, Gonzalez

AGAINST: None

MOTION CARRIED: 4-0

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to move Tabs 3 and 4 to the Consent Agenda.

FOR: Gonzalez, McKeeby, Morris, Stivender

AGAINST: None

MOTION CARRIED: 4-0

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to move Tab 1 to the Regular Agenda.

FOR: Stivender, Gonzalez, McKeeby, Morris

AGAINST: None

MOTION CARRIED: 4-0

CONSENT AGENDA

- Tab 2 PH# 20-13-3 Miller Property Rezoning
- Tab 3 LPA# 13/4/1-2 County Road 437/State Road 44
- Tab 4 Ordinance #2013-XX Resource Protection Ordinance

MOTION by Rick Gonzalez, SECONDED by Debbie Stivender to APPROVE the Consent Agenda consisting of Tabs 2, 3, and 4.

FOR: Gonzalez, Stivender, McKeeby, Morris

AGAINST: None

MOTION CARRIED: 4-0

MINUTES

MOTION by Rick Gonzalez, SECONDED by Debbie Stivender to APPROVE the September 4, 2013 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Gonzalez, Stivender, McKeeby, Morris

AGAINST: None

MOTION CARRIED: 4-0

REGULAR AGENDA

CASE NO. PH#19-13-2 TAB NO. 1

OWNER: Victoria Estates at Clermont
APPLICANT: Michael Boutros, Victoria Estates at Clermont, LLC
PROJECT NAME: Victoria Estates at Clermont

Mr. Melving Isaac, Planner, presented this case stating that the applicant was requesting to rezone undeveloped property, which was located in the Clermont area, west of CR 455, from Rural Residential (R-1) to Medium Suburban Residential (R-4). He pointed out that the property to the north was the Arrowhead Subdivision. He noted that the request was consistent with the Urban Low Future Land Use Category, which allows a maximum of four dwelling units per acre. He indicated that the preliminary plat application for the property included 21 dwelling units at a density of 2.17 dwelling units per net buildable acre. He related that the difference between the density of the Arrowhead Subdivision and the proposed subdivision was 0.66 as the maximum density of Arrowhead was 1.51. He mentioned that the minimum size of the lots must be 10,000 square feet since the property was in the Clermont Joint Planning Area (JPA) and was subject to their regulations. He specified that there would be a 15 foot wide landscape buffer along the north and west sides. He then noted that the property was being rezoned to accommodate Clermont's minimum requirements and that the proposed rezoning was consistent with the Comprehensive Plan and Land Development Regulations, and staff was recommending approval of the request.

Ms. Stivender asked if the applicant would have to tie into the City of Clermont's utilities and if they would have to meet school concurrency for the lots.

Mr. Isaac answered "yes" for both. He added that the applicant would have to meet school concurrency before approval of the final plat.

Ms. Stivender asked if Public Works had any concerns relating to the traffic from the main entrance on CR 455.

Mr. Isaac replied that all traffic concerns have been addressed by Public Works, except for meeting Clermont's minimum requirement of 85 feet for the frontage road for lots 5, 6 and 7 which was pending.

Ms. Stivender asked if there would be a need for a deceleration or acceleration lane on CR 455.

Mr. Ross Pluta, Engineer III, Public Works, replied that they requested construction of a left turn lane mainly because of the sight distance problem. He noted that the location of the entrance was at the best location.

The Chairman opened the public hearing.

Mr. Fred Boutros, representing the Applicant, asked for approval of the request. He stated that their developments consisted of Mediterranean style tiled roof with nice elevations and they were A-1 products. He explained that the property was consistent with the area and the lots would be connected to the City of Clermont's utilities for water and sewage. He indicated that the issue with the tree lots has been resolved and they planned on resubmitting the plat for preliminary approval. He also noted that they would comply with installing a landscape buffer between the proposed development and Arrowhead on the north side and some of the west side.

Mr. W. M. Hilliard, a resident of Clermont who lives in Arrowhead, pointed out that the proposed development was substantially denser than Arrowhead and it was in the back yard of at least 12 homes on Arrowhead Trail where there will be no buffer to keep children and animals from wandering onto their properties. He stated that CR 455 was already damaged and needed maintenance done on it and it could not handle the added traffic. He mentioned that there could be congestion which could create an unsafe situation with the entrance being on top of the hill. He also noted that the development would reduce their property values and that the proposed rezoning was not appropriate for the area.

Mr. Rick Johnson and Ms. Nancy Johnson, residents of Clermont who live on property west of Arrowhead, explained that the proposed buffer for Arrowhead was only low level shrubs and there would be no type of fence for confinement of animals. She stated that the trees that buffered their property and the proposed development would all be removed. She indicated that their 11-acre property was downhill from the development and they were concerned about the runoff of stormwater when the retention ponds were full. She stated that the additional traffic and the safety of the cyclists on the bike trail were also a concern and opined that rezoning to R-4 was not consistent with the area.

Mr. Nick Brosonski, a resident of Clermont who lives in Arrowhead, expressed that he opposed the proposed development, because it was not consistent with Arrowhead and the nearby areas. He was also concerned about the condition of CR 455, the additional traffic that would come with the development, and the safety of the vehicles since there has been many accidents on CR 455.

Mr. Mark Russell, a resident of Clermont who lives in Arrowhead, stated that the residents' main interest in the project was their home values and their quality of life. He pointed out that if the landscape buffer on the north and west side of the property was only a low hedge then there would be an open view between the properties and he suggested installing a fence or a wall for more privacy. He also noted that there would be some safety concerns for cyclists if the landscape buffer on the east side adjacent to the bike path was a tall buffer, because it would be hard for cars to see the cyclists. He specified that it seemed that the only difference between R-4 and R-3 was the density and the ability to have five more homes to sell. He related that the entrance was in the best possible location, but it was far from ideal since it was a steep hill and people drove too fast on CR 455. He also wanted to know what the homes would sell for in today's market and what the average size would be, as well as if the plan could be changed before final approval.

Mr. Isaac addressed one of Mr. Russell's questions and pointed out that the applicant would have to request a variance from the City of Clermont first and then request the same from the Board of Adjustment, which would be done through a public hearing, if they wanted to change what was approved.

Ms. Stivender asked if staff could require the applicant to install a concrete fence.

Mr. Isaac answered that it would be up to the applicant to install that, but it was not required by the Code.

Mr. Gonzalez asked if it was a requirement to keep the runoff from the development on site.

Mr. Isaac answered "yes," adding that the stormwater system was approved by Public Works.

Mr. Fred Boutros, representing the Applicant, addressed some of the concerns stating that the 10,000

square foot lots were not originally approved, because there was no sewage available for the property through the City of Clermont. He explained that they have three communities in Clermont where the homes range from \$300,000 to \$400,000, and one community in Leesburg where the homes range from \$300,000 to \$1 million, so Victoria Estates would most likely add value to the neighbors' property because they built quality homes. He pointed out that part of the Johnsons' fence was actually on their property and as long as the fence did not interfere with the construction of the development, the fence could remain and he would give them an easement for it, but if it did interfere then he would ask that they relocate it. He noted that they would maintain the stormwater on their property and that the bike trail ended at their property, so there would be no safety issue. He then mentioned that a traffic study was completed and presented to the County, and he asked for his engineer to speak on the issues of the turn lane and the stormwater.

Mr. Darcy Unroe, PE, with Unroe Engineering, stated that the stormwater retention was sized for a 100 year storm and the two ponds would work together to capture and hold all of the runoff for the development. He added that the Johnsons should have less runoff going onto their property after construction. He related that the driveway was located in the safest spot and there would only be a small amount of traffic generated from the 21 lots. He indicated that there would be stop signs for the bike trail crossing and that it would be well marked. He added that the turn lane was being built per the County's requirements, but they planned on providing additional paving from the Arrowhead subdivision to theirs.

Mr. Gonzalez asked if the trees on the south side where the easement was would stay.

Mr. Unroe replied that they would not touch anything within the 20 foot easement. He added that they were trying to maintain as many trees as possible, but some would have to be removed when they built the retention pond on the left side.

There being no one else who wished to address the Board, the Chairman closed the public hearing.

Ms. Stivender made a motion to deny the request because of the adverse effect on CR 455 and because it would impact an overcrowded school in the area. The motion failed due to the lack of a second.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Case No. PH#19-13-2, Victoria Estates at Clermont.

FOR: Gonzalez, McKeeby, Morris

AGAINST: Stivender

MOTION CARRIED: 3-1

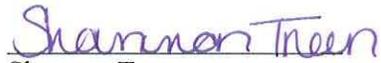
OTHER BUSINESS

Mr. Greene mentioned that the November meeting would be held on October 30, 2013, and the December meeting would be held on November 27, 2013.

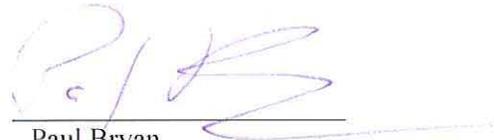
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,



Shannon Treen
Clerk, Board Support



Paul Bryan
Chairman