

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 03, 2012

The Lake County Planning and Zoning Board met on Wednesday, October 03, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings.

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 23, 2012 at 10 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
Lorenzo G. John Ameri	District 3
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
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Division of Planning and Community Design
Melving Isaac, Planner, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Ross Pluta, Engineer III, Public Works
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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Saddlewood Stables CUP

Tab 2 PH# 12/9/1-4 D. Wolford – Dalwolf Corp/Tom West, Inc
West Langley Borrow Pit
(Postponed until October 31, 2012)

AMENDMENTS TO LDR

Tab 3 Ordinance 2012-XX Lake County LDR Amendment
Family Garden

Other Business

Adjournment

MINUTES

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE the September 5, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Gonzalez, Ameri, Miller, Kesselring, Bryan

AGAINST: None

MOTION CARRIED: 6-0

AGENDA UPDATES

Mr. Brian Sheahan, Planning Manager, Division of Planning and Community Design, stated that a continuance request had been received for Case PH# 12/9/1-4, D. Wolford – Dalwolf Corporation and Tom West, Inc. He specified that the continuance request was to the November hearing cycle, which meant the case would be heard at the next Planning and Zoning Board meeting, which would be held on October 31, 2012. He stated that staff had no opposition to the continuance request in order to resolve some outstanding issues with the Applicant.

MOTION by Kasey Kesselring, SECONDED by John Ameri to APPROVE the continuance of PH# 12/9/1-4, D. Wolford – Dalwolf Corporation and Tom West, Inc., until the October 31, 2012 Planning and Zoning Board meeting in order for staff to resolve some outstanding issues with the Applicant.

FOR: Ameri, Morris, Gonzalez, Miller, Bryan

AGAINST: Kesselring

MOTION CARRIED: 5-1

REGULAR AGENDA

CASE NO: CUP# 12/9/1-1 TAB NO. 1

OWNER: Amanda & Sean Bacon, and Debra & Ronald McCready

APPLICANT: Amanda Bacon

PROJECT NAME: Saddlewood Stables

Mr. Melving Isaac, Planner, Planning and Community Design Division, presented Case No. CUP# 12/9/1-1, Saddlewood Stables. He explained that the ten acre property was located in the Groveland area, southwest of the Brantley Road and Equestrian Drive intersection, and was in the Agriculture (A) Zoning District in the Green Swamp of Critical State Concern. He stated that the Applicant was requesting a Conditional Use Permit (CUP) to allow a Riding Stable/Academy for riding lessons and associated equestrian-themed events such as trails, day camps, and birthday parties. He noted that the property had an existing residence, a barn, a garage and a storage building. He reported that on September 5, 2012, the case was presented before the Planning and Zoning Board which recommended a 30 day continuance to allow staff to discuss with the Applicant issues pertaining to the road maintenance requirement in the CUP. He mentioned that the proposed Ordinance still

includes a condition to require the Applicant to repair any damage to the access roads resulting from the use on the property. Public Works recommended to add to this condition that the roads shall be graded a minimum of every two weeks or as needed. He reported that a memo had been sent to the members of the Planning and Zoning Board on October 2, 2012 that listed the changes to the CUP relating to the access road, lighting, and the hours of operations. He stated that the proposed CUP was consistent with the Comprehensive Plan and Land Development Regulations (LDR) and based on those findings and previous discussion with the Planning and Zoning Board, staff recommended approval of the CUP request including the additional language to Item 10 of the ordinance requiring the roads to be graded a minimum of every two weeks or as needed.

Mr. Kasey Kesselring, Board Member, asked if the road to be maintained by the Applicant was a County road.

Mr. Isaac replied that it was a private road.

Mr. Kesselring asked why the County would institute such regulations on the maintenance of a private road.

Mr. Ross Pluta, Engineer III, Public Works, explained that similar roads that were owned by the County were scheduled to be graded every two weeks, which was why they had made the recommendation.

Mr. Rick Gonzalez, Board Member, asked if there were other instances in the County where such regulations had been imposed.

Mr. Bryan replied that there were a number of instances where a CUP on a private road created activity that was more intense on a road than for a single-family home, so it was not an unusual requirement.

Ms. Erin Hartigan, Assistant County Attorney, clarified that the recommendation was to amend or replace Item 10 in the proposed CUP with an objective standard for maintenance that could be evaluated rather than attempting to determine who was responsible for damages to the road.

Mr. Kesselring asked why they would place the burden of road maintenance on one property owner when several properties used the road.

Mr. Sheahan explained that it was to ensure the road was maintained and that any elevated impacts caused by additional traffic generated from the Applicant's business were taken care of. He noted that the road maintenance responsibility could be redistributed through an agreement between private parties using the easement but typically in Lake County it is uncommon to have maintenance agreements in place and property owners were left to maintain the easement in front of their property on their own.

Mr. John Ameri, Board Member, asked if there were any limitations or restrictions as to what type of damages the Applicant would be responsible for, or if the Applicant would be responsible for all damages, including those caused by weather or environmental factors.

Mr. Sheahan replied that regular maintenance minimized the impacts on a road.

Mr. Jim Miller, Board Member, opined that it was not necessary to require road maintenance in the CUP when it was in the Applicant's best interest to maintain the road for their business.

Mr. Gonzalez recommended not including the proposed grading requirements to Item 10 of the ordinance.

The Chairman opened the public hearing.

Ms. Amanda Bacon, Applicant, stated that she had performed a count of all the cars to her property over the last 30 days and reported that there had been 18 total cars.

Mr. Bryan noted that the new CUP did not address the maximum capacity allowed on the property, which had been part of the reason for the postponement, and asked if the Applicant had discussed that issue with staff.

Ms. Bacon replied that it was difficult to put a limit on the number of people and that there would be no way to control how many cars those people would use to reach her property. She added that no limitations had been added as to how many events she could hold per year.

Mr. Bryan asked Ms. Bacon her opinion on the road maintenance requirement.

Ms. Bacon replied that she would take photographs before and after large events on her property and noted that Public Works had informed her that the traffic generated from her business would not have an impact on the condition of the road.

Mr. Bryan asked if the last 30 days were typical of her business plan.

Ms. Bacon replied that it was typical but added that she would like to generate a couple more lessons per week. She also mentioned that there had not been any birthday parties this month.

Mr. Gonzalez commented that the ordinance required Ms. Bacon to have an above ground fire water supply.

Ms. Bacon stated that she was aware of that and reported that she had been advised to put in an early warning system.

Mr. Larry Putman, a property owner neighboring Saddlewood Stables, addressed the Board in support of the CUP request. He stated that he lived on Equestrian Drive directly across from Saddlewood Stables, and had lived there for the last 25 years. He explained that he used Brantley Road as the primary access to his property. He commented that heavy rains tended to cause a washout of a graded section of Brantley and that Mr. Ron McCreedy had filled in the washout with ground asphalt in the past, only for it to be washed out again after another rain. He added that numerous attempts to repair the road using lime rock from the Department of Transportation, which had been paid for by a number of the property owners on that road, had been washed out because of bad weather. He also mentioned that the previous owner of the Saddlewood Stables property, Mr. Fred Grubaugh, would repair the road. He stated he approved of the CUP request and added that the minor increase in traffic did not impact the road.

Ms. Joy Eley, a property owner neighboring Saddlewood Stables, addressed the Board to express her concern regarding the road not being maintained and the tendency of drivers to drive around the potholes by driving up onto the edge of her property. She stated that she did not have a problem with the CUP request but she was concerned about the maintenance of the road and the increase in traffic.

Mr. Ron McCready, Applicant, remarked that bad weather was a continuing problem regarding road maintenance and that he tried to fix the road but had been restricted from fixing certain sections of it due to objections from property owners.

Mr. Freddie Brantley, a property owner neighboring Saddlewood Stables, addressed the Board regarding the road maintenance issue. He remarked that he and Mr. Grubaugh used to repair the road before he became disabled and Mr. Grubaugh moved away. He stated that he did not have a problem with the CUP request, but the road maintenance issues were a problem.

Ms. Paulette Mercer, a property owner neighboring Saddlewood Stables, addressed the Board to discuss the road maintenance issue. She remarked that she and her neighbors tried to work together over the years to maintain the road and opined that all of the residents were responsible for the quality of the road, stressing that Saddlewood Stables was not exclusively responsible for the deterioration of the road. She remarked that weather, the steep downgrade, and the numerous visitors to residents on that road were also responsible. She added that, in regards to the events held at Saddlewood, the visitors to the Stables had driven responsibly and not littered the roadway. She stated she was in favor of the CUP request. She also mentioned that one of the property owners wanted the potholes left in the road because he believed it forced drivers to slow down.

Ms. Jamie Nichols, a property owner neighboring Saddlewood Stables, addressed the Board to discuss Ag Road. She stated that she did not have a problem with the CUP request; her issue was with Ag Road. She stated that that roadway was dangerous because drivers turning from Ag Road onto Brantley Road tended to speed and did not always stop at the intersection. She added that it was also dangerous because of the excessive potholes. She remarked that if there was going to be an increase in traffic because of the CUP request then something needed to be done, and asked that the Board take that into consideration while making their decision.

Mr. Robert Azcano, a property owner neighboring Saddlewood Stables, addressed the Board in opposition to the proposed CUP. He commented that the Applicant had been asked to reduce maximum capacity but now the new CUP did not specify any limitations. He stated that he had no problem with the stables but he did have a problem with the summer camp and the birthday parties because those were commercial enterprises that affected the other residents in the neighborhood. He mentioned that the reason the number of cars over 30 days was so low was because the Applicant had purposely not held any parties during that time period. He also commented that the only reason the CUP request was being addressed was because the Applicant had been caught running her business without the proper permits. He remarked that neighbors had never argued about the road until this CUP request became an issue. He then stated that riders from the stables had been seen riding through the neighborhood when he was under the impression that the horses were required to stay on property. He also stated that the Applicant had put a gate up at the back of her property to allow riders to leave her property. He noted that he had contacted Code Enforcement regarding the Applicant and Code Enforcement had informed him that they could not do anything because it was an open case. He stated that he asked not to fill in the potholes at the corner where his property is because he believed it forced drivers to go slower. He reported that he had originally fixed his portion of the road and put in speed bumps but he'd been required to remove the speed bumps. He explained that this related to the CUP request because the reason the case had been postponed was because the Applicant had been asked both to reduce the capacity allowed on the property and to deal with the issue of road maintenance.

Mr. Tim Morris, Board Member, asked if people were allowed to ride horses on a rural road.

Mr. Sheahan clarified that people were allowed to ride horses on any access easement unless it has been specifically restricted.

Ms. Bacon commented that, in regards to the gate Mr. Azcano had mentioned, she had put the gate at the furthest point possible in order to use the entirety of her property for riding. She also added that she had asked her neighbors before allowing one of her customers to ride a horse along the road.

The Chairman closed the public hearing and reserved comment to the Board.

Mr. Morris commented that he saw a problem with the two week grading requirement because one of the property owners who did not want the road graded would dig it out to slow the cars down. He suggested not including the two week mandatory grading requirement to the CUP.

Mr. Gonzalez agreed with Mr. Morris.

Mr. Morris added that he did not have a problem with the initial language of the ordinance that required the Applicant to repair any damages done to the road as a result of their usage.

Ms. Hartigan reminded the Board that her recommendation had been to replace the original language regarding road repair on Item 10 of the CUP with more objective language because there was no definitive way to determine who was responsible for damages to the road.

Mr. Gonzalez recommended striking Item 10 completely from the ordinance.

Mr. Miller agreed with Mr. Gonzalez.

MOTION by Jim Miller, SECONDED by Kasey Kesselring to APPROVE CUP# 12/9/1-1, Saddlewood Stables, as amended by the October 2, 2012 memo and with the removal of Item 10 regarding road maintenance from the CUP.

FOR: Miller, Kesselring, Morris, Ameri, Gonzalez, Bryan

AGAINST:

MOTION CARRIED: 6-0

AMENDMENTS TO LDR

Tab 3 Ordinance 2012-XX Lake County LDR Amendment – Family Garden

Mr. Brian Sheahan, Planning Manager, Division of Planning and Community Design, presented Tab 3. He explained that the Lake County Board of County Commissioners had requested the proposed ordinance to address a unique circumstance that might reoccur within the County where an Applicant wanted to clear a vacant wooded lot in order to plant a garden but could not acquire the tree removal permit needed because that type of permit could only be pulled for development. He noted that a tree removal permit for a garden could not be pulled since a garden is not considered a principal use on a vacant property. He stated that the ordinance would address this problem by providing steps to allow that use. He mentioned that the only municipality in the County with an allowance for this type of use was the City of Clermont and the City's Planning Manager had informed him that it had never been used to his knowledge. He stated that the ordinance would not

exempt the Applicant from needing a permit to remove the trees.

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE amendment to the Lake County Land Development Regulations regarding "Family Garden."

FOR: Gonzalez, Morris, Ameri, Miller, Kesselring, Bryan

ABSENT:

MOTION CARRIED: 6-0

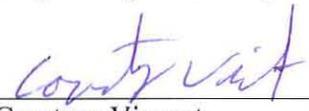
OTHER BUSINESS

There was no other business.

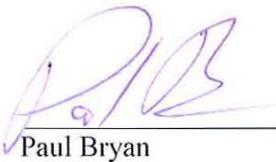
ADJOURNMENT

There being no further business, the meeting was adjourned at 10:01 a.m.

Respectfully submitted,



Courtney Vincent
Clerk, Board Support



Paul Bryan
Chairman