

**MINUTES  
LAKE COUNTY ZONING BOARD  
DECEMBER 2, 2009**

The Lake County Zoning Board met on Wednesday, December 2, 2009 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning.

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, December 15, 2009 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
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, AICP, Senior Planner, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division  
Donna Bohrer, Public Hearing Coordinator, Planning and Community Design Division  
Frank Couch, Code Enforcement & Conservation and Compliance Division  
Ross Pluta, Engineer III, Engineering Division  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance and gave the invocation.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that Agenda No. 2, Mark Gould/Cowboy Retreat, has been removed from the consent agenda and placed on the regular agenda. Anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room. He added 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. He noted that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases on December 15, 2009 when a final determination will be made. He stated that a quorum was present and 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.

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**Minutes**

**MOTION by James Gardner, SECONDED by Timothy Morris to approve the November 4, 2009 Lake County Zoning Board Public Hearing minutes, as submitted.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

**Discussion of Agenda**

Brian Sheahan, AICP, Planning Director, stated that PH#19-09-5, Mark Gould/Cowboy Retreat, has been removed from the consent agenda and placed on the regular agenda due to opposition. Both the applicant and those in opposition are present at this public hearing. There are no other changes to the agenda.

**Consent Agenda**

**CASE NO.:** PH#18-09-2 **AGENDA NO.:** 1

**OWNER:** Herb Smith Construction, Inc., LT Properties,  
Safe-T-Storage, Inc., and Shooting Stars School  
of Performing Arts, Inc.

**APPLICANT:** Herb Smith

**PROJECT NAME:** Clermont Commerce Center

Egor Emery said he would like to remove this case from the consent agenda as he had some questions of staff. At the request of Brian Sheahan, Mr. Emery explained that he had a concern about the condition in the ordinance allowing no overnight parking other than vehicles for rent or sale. It seemed unreasonable to him that an automobile repair facility could get everything fixed during the day. Mr. Sheahan replied that this was done because the site was not originally designed with screening. If the vehicles were stored outside, additional buffering or fencing would be warranted. The applicant has raised no objection to keeping all the vehicles subject to repair inside the building.

**MOTION by Timothy Morris, SECONDED by Mark Wells to recommend approval of PH#18-09-2 on the consent agenda.**

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

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.: PH#19-09-5 AGENDA NO.: 2

OWNER/APPLICANT: Mark Gould
PROJECT NAME: Cowboy Retreat

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He submitted the aerial from the final package on the monitor as County Exhibit A (also shown as Staff Exhibit A), a map as County Exhibit B (also shown as Staff Exhibit B), and a second map as County Exhibit C (also shown as Staff Exhibit C). He also submitted a letter of opposition from Janice E. Brockner and Brenda Strobel as County Exhibit D. He stated that one of the complaints in this letter was that the case was not properly noticed. When the notices were sent out for the property involved in the 2007 case, the requirement in the LDRs was met to notice those property owners within 300 feet of the subject property. The property in this case is an adjacent ten-acre parcel to the ten acres in the 2007 cases. Notification was sent out for PH#19-09-5 to property owners within 300 feet of the ten-acre parcel in this case. He said the complaint regarding notification was made by a property owner outside of that 300-foot boundary. In addition, the property was also posted properly within the required timeframe.

Mr. Hartenstein stated that staff also received supplemental information due to a Code Enforcement case; this case has been cleared. A Code Enforcement representative was present to discuss any questions the Zoning Board may have. Mr. Hartenstein submitted the supplemental information with pictures as County Exhibit E. He also submitted a letter of support (County Exhibit F), noting that copies of County Exhibits D, E, and F had been e-mailed to the Board earlier in the week.

When James Gardner asked about the existing single-family residence becoming a parsonage, Mr. Hartenstein pointed out the location of the house, noting that this is the current residence of the pastor and is a permitted accessory use for a church.

When Timothy Morris asked about payment of taxes on this property and the property in the 2007 case, Mr. Hartenstein he could not answer questions on that subject. Mr. Morris felt this may be taking these properties off the tax roll if they are zoned CFD. However, the fire assessment may still be due. Egor Emery also had a concern about the tax implications of the CFD zoning designation.

Mr. Emery asked Mr. Hartenstein about the septic tank capacity for these structures. Mr. Hartenstein said that would go through the Health Department to be permitted by the State; it is his understanding that the permit for the additional bathroom for personal use in the barn was approved. Mr. Emery confirmed that there are no figures on the number of people at any given time that would be using this facility.

Chairman Bryan confirmed with Mr. Hartenstein that both the north and south properties being combined into a 20-acre parcel have been advertised. Mr. Hartenstein said a new CFD ordinance, if approved, would encompass both properties.

Mark Gould of Morningstar Ministry said this is a community-based church. He felt there is a need for this type of facility in Lake County as evidenced by the letter of support from 4-H. He said they work closely with multiple charities. This is a child-oriented church. They would like to be able to use both properties in their ministry.

When Mr. Morris asked how they generate income to maintain the property, Mr. Gould said it comes from tithing. The \$5 fee for the horse shows covers the cost of trophies. He said they had about 20 participants at their last horse show. In response to Mr. Morris, Mr. Gould said he is an ordained minister.

Mr. Gardner was informed by Mr. Gould that at the present time, they have an event once every other month. In the winter, they hold one every month. The request for 24 events is for the future; that would be the upper limit.

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<b>PROJECT NAME:</b>	<b>Cowboy Retreat</b>		

In response to Chairman Bryan, Mr. Gould said an open charitable horse show could have as many as 60 people; it is mostly local people.

At the request of Scott Blankenship, Mr. Gould explained what takes place at the horse shows. He said they are not all day events. They do not take place at night due to a mosquito problem on the property. There are mostly children in attendance. It is a Christian atmosphere.

When Mr. Gardner asked about lighting in the future, Mr. Gould said there are lights there now, but they are rarely used and then it is for personal use.

Mr. Emery was informed by Mr. Gould that they are almost ready to pull permits for a church/community center on the first property rezoned. It will be a 40-foot by 60-foot metal structure with occupancy of about 200 people, but they will be starting out with a much smaller congregation. Based on the sprinkler system requirements and the ordinance, the maximum capacity would be 300 people. Access would be from Bridle Path Road.

When Chairman Bryan asked about the Code violations, Mr. Gould said he did not think there was a problem with church services and horse shows on the property since the property was zoned Agriculture. They built a church building; it was a Code violation and they had to tear it down and rezone the property. The other violation was for a bathroom because the licensed contractor did not pull a permit. Those violations have been cleared up.

Referring to the approved site plan shown as Exhibit A-2, Mr. Gould said that is the existing rezoned property where the community center will be built. Exhibit A-1 shows the property requesting rezoning at this public hearing.

Jan Brockner said she has lived on Bridle Path Road for 33 years and does not support this rezoning. She would like it to stay zoned Agriculture. This is a protected wetlands area—the Emerald Marsh Wetlands, which is controlled by the St. Johns River Water Management District. Mr. Gould rents out trailers on his property; Code Enforcement is aware of this. She spoke of the many truckloads of sand that were brought onto the property earlier this week. Mr. Gould has been conducting church services on the property every Sunday. She asked that Ordinance No. 2007-52 not be amended. She felt that he was in violation of many issues and should be required to remove everything on his property or face fines. She has contacted St. Johns and asked them to pull the 1995 maps and compare them to the present time. The neighbors would like to see the Goulds move off this road.

When Mr. Morris asked how Ms. Brockner knew that the trailers were being rented out, Ms. Brockner said she has proof from people who have rented from the Goulds. He has not torn down anything.

Brenda Strobel, who has lived on this road for 24 years, asked that this request not be passed. There is already considerable traffic creating much dirt in the air from the road. The Goulds want to widen the road, but the neighbors do not want that. She said she admired what they want to do for the children, but it is not appropriate for this area; a larger parcel with a paved road is needed. She added that she did not feel the people were adequately notified.

Chairman Bryan asked if the heavy traffic is on a daily basis or just on the weekends. Ms. Strobel said it used to be on a daily basis, but it has slowed down recently. If the number of horse shows were increased to 24, there would be a lot more people. Chairman Bryan was informed by Ms. Strobel that the road is private; she said Mr. Gould is supposed to be maintaining it, but he has been busy and one of the other neighbors has been doing most of the maintenance. Bridle Path Road is a dead end road; because the Goulds' property is near the end of the road, all the traffic must pass by all the other houses.

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**OWNER/APPLICANT:** Mark Gould **PAGE NO.:** 3  
**PROJECT NAME:** Cowboy Retreat

Mr. Blankenship said he is very familiar with this area and road. He did not have a problem with the cowboy church and what they do for the community, but he was concerned about the type of uses that could be allowed on this CFD-zoned property versus a Conditional Use Permit (CUP) if the Goulds should leave. He was concerned that there are no capacity figures or nighttime uses addressed in the ordinance. He also questioned the commercial versus religious aspect of the project.

Mr. Hartenstein said CFD zoning is generally recommended for churches and their accessory uses. The uses are distinctly covered in the ordinance; if they want to expand beyond those uses, it would require going through the process again to amend the ordinance. Chairman Bryan commented that he felt that CFD zoning would provide better control than a CUP. In response to Mr. Blankenship, Mr. Hartenstein said Mr. Gould has been maintaining the road. Public Works told Mr. Gould that the road must be stabilized to meet the Fire Code, which it has been. No road widening was being required because there were no significant impacts to the road.

Chairman Bryan stated that this request increases the uses considerably. He asked if the planning staff had had a discussion with Public Works about the road. Neighbors have expressed a concern about the traffic. Mr. Hartenstein stated that Public Works submitted the comment that they still felt there was not a greater impact than what was approved in the previous ordinance since it is not a continual impact. Mr. Hartenstein read Section F of the proposed ordinance into the record. Mr. Blankenship confirmed that if the road is not maintained, it would be a violation of the ordinance.

Mr. Emery questioned whether all the agencies looking at this site plan are comfortable with the traffic level on a weekly basis on this dirt road. Ross Pluta from Public Works explained that traffic for churches occurs at off-peak times. Traffic counts are done at P.M. peak hours so that does not apply to churches. Chairman Bryan did not feel the road should be paved, but he did ask if Public Works felt the existing road is adequate for the anticipated traffic that this ordinance would allow. Mr. Pluta replied that he felt the road is able to sustain the traffic. This is a low-volume road; if this road is maintained properly, there should not be a problem.

Mr. Blankenship did not feel this road should be paved since it is a very rural area. The road is adequate for several horse shows a year with attendance of 20 people. However, he questioned the adequacy of the road with a weekly service for 300 people and a horse show every other week. Mr. Wells was informed by Mr. Pluta that the road surface is gravel dirt. When Mr. Wells said this generates dust, Mr. Pluta said he would recommend a surface treatment that would hold down the dust.

Mr. Gould said they could put down some lime rock and do a surface treatment. This was not an issue in the summer because of the rain. The road has been stabilized to the recommended density and maintained at that density. He did not feel the church will ever reach the 300 capacity number; he was not even sure the capacity number was that high. He will be meeting with his contractor in a few days and can confirm that number. He said that if they wanted to do a rodeo, they could use the Lake County Fairgrounds; he did not plan to do such an event on this property.

When Mr. Blankenship asked if Mr. Gould would be willing to maintain Bridle Path Road according to Public Works requirements as far as the type of material to be put down, Mr. Gould said he would be. Mr. Blankenship said he is not comfortable with nighttime lighting except for a security light; he would like that put in the ordinance. Regarding capacity, he would like it limited to only what Mr. Gould felt would accommodate the anticipated growth. Mr. Gould said the first CFD ordinance addressed the capacity issue. Staff has set a restriction in order to protect the neighbors.

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**PROJECT NAME:** Cowboy Retreat

Chairman Bryan pointed out that the only changes to the ordinance would be an increase in the number of events and calling the single-family residence a parsonage. There are no other additional uses allowed.

Mr. Emery commented that he had not seen any capacity limitation in the previous ordinance. Mr. Hartenstein stated that seating capacity is limited by fire and other codes. There is no actual seating capacity for the worship center addressed in the ordinance, but it could be added. Chairman Bryan pointed out that there is a site plan, and the worship center would be limited to that size structure and whatever capacity is allowed.

Chairman Bryan said he had a concern about the increase in events from three to 24 and would like to cut that number back significantly.

Debbie Gould said she is the one who takes care of the horse shows. The horse shows are very small; the Saturdays they do not have shows, they have teaching clinics with the children. The largest show they have had was 32 riders. The clinics only accommodate 12 children although they are also considered an event. Chairman Bryan said he would like to limit the capacity at the shows.

In response to Mr. Morris, Ms. Gould said she would like to keep the requested maximum number of horse shows including clinics at 24. The “fun” horse shows range between 15 and 25 people, and the clinics have no more than 12 participants. They want to keep their events small for safety reasons. Mr. Blankenship reiterated that it is important to have specifics in the ordinance so the events do not grow too large over the years.

Mr. Hartenstein offered the following recommendations regarding changes in the proposed ordinance. The capacity of the worship center/social hall shall not exceed 150 seats. In response to Mr. Emery, Mr. Hartenstein said the building plans, not the site plan, would curtail the seating capacity. The equestrian events would remain at 24 events per year as requested but would be limited to 30 participants. Lighting is already discussed in the ordinance in Section H. He read this section into the record. A restriction could be added to prohibit nighttime events. Chairman Bryan suggested a cut-off time of 10:00 p.m. Mr. Hartenstein confirmed that the lighting restriction referred to lighting for the event but not security lighting. Mr. Blankenship confirmed that the lighting would only be used when events are being held. He added that he was not comfortable with the 10:00 p.m. cut-off time. When Mr. Blankenship asked if all the events would be on the weekends, Chairman Bryan said that is what has been indicated, but it is not shown in the ordinance. Mr. Blankenship said he would like it placed in the ordinance that events must be held on the weekends only. When Mr. Emery expressed concern about security lighting 24 hours a day, Chairman Bryan said he did not want the ordinance to prohibit security lighting. Regarding road maintenance, Mr. Sheahan said Ross Pluta of Public Works had suggested that the road be maintained according to County standards for clay roads and the road be sprayed to limit dust prior to events.

When Ms. Brockner asked who would be governing the compliance of these conditions, Mr. Morris said it would be Code Enforcement. Ms. Brockner said that has not stopped them in the past. In addition to the neighbors calling in to Code Enforcement, Mr. Emery said there is also a legal recourse.

Larry Metz said he has been struggling to understand how this project has evolved from a ten-acre religious retreat at the end of a dirt road two years ago to a 20-acre full-fledged equestrian facility with a religious theme. He is not comfortable with the “creeping of the mission.” He did not find the ordinance sufficient in its present form to be supportable.

Chairman Bryan stated that the original ordinance did provide for an equestrian center with three events per year. Mr. Metz said he did not have a concern with the idea of a religious retreat, but that is a very passive type of setting compared to a active/proactive setting. The dirt road was also a concern to him. He

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commented that some of the things appear to be less onerous because the requests are incremental in approach rather than looking at it for what it really is.

Mr. Emery said he was uncomfortable with the fact that the Board did not have an opportunity to look at the previous information. When the new request is added to what has already been approved, it is too much. When he asked Mr. Metz his opinion of the discussion held at this public hearing, Mr. Metz felt it was a step in the right direction to have some of these items revisited and is better with those comments than it was when it started out.

When Mr. Emery referred to the church with a 300-person occupancy and its effect on the traffic, Chairman Bryan said he did not feel the 2400 square foot facility could hold that many people. Mr. Metz said he felt uncomfortable trying to fix too many things at this public hearing. With no limitations, Mr. Blankenship said he could not support this ordinance because it is too big. He said he is trying to figure out a way to mitigate some of his concerns so they can move forward rather than giving a denial recommendation.

Mr. Emery said he has lived on a dirt road, and it will be difficult to maintain this road with the amount of traffic that would be generated by this request. He felt this request is completely incompatible with current use levels in this area.

When Mr. Wells asked if more “teeth” could be put into the ordinance as far as requesting that the County be more stringent in dealing with Code Enforcement issues, Erin Hartigan, Assistant County Attorney, said she would not recommend that provision. The Code Enforcement Division is complaint driven, and it is the same remedy that has always existed where neighbors can call in complaints and Code Enforcement will investigate.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of PH#19-09-5 with the following conditions.**

- 1. The worship center/social hall shall have no more than 150 seats.**
- 2. There shall be no more than 24 equine events per year with no event having more than 30 riders at one time. No lighting at these events after 10 p.m. All events shall be held on weekends only.**
- 3. All roads shall be maintained by the applicant per Lake County clay road standards; the road shall be sprayed prior to each event for dust control.**

**FOR: Morris, Blankenship, Gardner, Bryan, Wells**

**AGAINST: Emery, Metz**

**MOTION CARRIED: 5-2**

Chairman Bryan stated that this is a recommendation only and will be heard by the Board of County Commissioners on December 15, 2009 when a final determination will be made.

**Discussion**

James Gardner complimented staff on the graphics that are being included in the Zoning Board booklets.

When Egor Emery stated that it would have been helpful to have a sign posted at the corner of Emerald Island Road and Bridle Path Road in PH#19-09-5 to inform the most people, Mr. Hartenstein said there is no sign posted at that point as it is outside the scope of the ordinance. Although it may not be required, Mr. Emery felt there should be a sign on the main road. Mr. Blankenship agreed, adding that he felt noticing needs more attention.

Brian Sheahan, AICP, Planning Director, reminded the Board members that when they get their zoning booklets, staff is available for any questions they may have. If it is a complicated question, it gives staff an opportunity to obtain the information a member may need to make a decision. Staff would also like to be prepared with language for the Board to review.

Mr. Sheahan stated that at the December 1, 2009 Board of County Commissioners (BCC) public hearing, a motion was made by Commr. Conner to combine the duties of the Land Planning Agency (LPA) and the Zoning Board. That motion was passed by a vote of 5-0, and an ordinance is being drafted by the County Attorney's office to be taken to the BCC in January. There is no LPA meeting in December. This Board may be sitting as the Local Planning Agency as early as February. When the BCC discusses this item, Mr. Sheahan said he will be able to provide the Zoning Board with more detailed information. Chairman Bryan said that most of the work remaining is with the Land Development Regulations (LDRs). Mr. Sheahan agreed, noting that the Comprehensive Plan is essentially done; the BCC plans to transmit it on January 19. Larry Metz will continue to be serving as the School Board representative; Mr. Metz said he will on the School Board through November of 2010.

**Adjournment**

There being no further business, the meeting was adjourned at 10:42 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman