

**MINUTES  
LAKE COUNTY ZONING BOARD  
JANUARY 6, 2010**

The Lake County Zoning Board met on Wednesday, January 6, 2010 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning, 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, February 2, 2010 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  
Melving Isaac, Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design 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 Timothy Morris gave the invocation. Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated 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. Chairman Bryan added that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases on February 2, 2010 when a final determination will be made.

Chairman Bryan 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.

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Minutes

**MOTION** by Timothy Morris, **SECONDED** by James Gardner to approve the December 2, 2009 Lake County Zoning Board Public Hearing minutes, as submitted.

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

**AGAINST:** None

**MOTION CARRIED:** 7-0

**Consent Agenda**

**CASE NO.:** MSP#10/1/1-2 **AGENDA NO.:** 3

**OWNER:** Barahona Florida Trust/Jose R. and Kathy Barahona, Co-Trustees

**APPLICANT:** Cemex Construction Materials Florida, LLC

**PROJECT NAME:** Cemex Construction Materials Florida, LLC  
474 Sand Mine

Mark Wells stated that he would be abstaining from voting in the above Cemex case due to possible loss or gain from the business.

**MOTION by Timothy Morris, SECONDED by Egor Emery to recommend approval of the above consent agenda.**

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

**AGAINST:** None

**CONFLICT OF INTEREST:** Wells

**MOTION CARRIED:** 6-0

**CASE NO.:** PH#20-09-5 **AGENDA NO.:** 1

**OWNERS:** James P. and Joanne C. Loflin  
**APPLICANT:** Ted Wicks, P.E.  
**PROJECT NAME:** Forest Park Mobile Home Community

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the screen. He noted that during site plan review, the applicant will be required to show construction of a 50-foot right-of-way connecting the property to Alco Road, thus providing access to SR 40. He added that St. Johns River Utility, Inc. has indicated it will be the public facility provider and that the applicant will be required to construct the transmission lines to their system. In response to Chairman Bryan, Mr. Greene said the Mixed Home Residential (RM) zoning district is an old zoning district mainly for the purpose of fee simple ownership of lots. In this instance, the owners want to rent the land for mobile home placement; Mobile Home Rental Park (RMRP) is the appropriate zoning category for that purpose.

Ted Wicks of Wicks Consulting Services said that in 1984 he had assisted Mr. Loflin in rezoning these 20 acres of property to RM. It was the intent at that time to develop the project as a hybrid project wherein lots would be rented, but the project was designed to meet County standards so it could also be platted and recorded. The staff indicated that under RM zoning, they would have the flexibility to do that. He noted that now there is water and sewer available to the site from St. Johns River Utility, Inc. The property has been permitted to connect to that system for both water and sewer. A master park site plan was approved under the RM zoning. The Park was designed to have 50 feet of dedicated right-of-way with lots of 10,000 to 12,000 square feet each. When Mr. Loflin decided to amend the master park plan to accommodate central utilities, drainage, and other issues, he was informed by current staff that RMRP zoning was needed if the lots are to be rental lots. The amended master site plan has been approved pending approval of the RMRP zoning. The project is fully permitted by the State. All the right-of-way issues have been settled. This Park will be accessed through a dedicated 50-foot right-of-way off Alco Road to the west. Originally there was a 20-foot platted right-of-way for Smith Street. Mr. Loflin has dedicated an additional 30 feet that provides access from the project to Alco Road. Based on the approved master park site plan, that road will be paved to County standards. As part of that paving process, the drainage will be treated within the Park's system. He stated that the densities of the Park will not change. The master park plan provides for less than three units per acre (about 54 units when the Park is developed) although the new zoning would allow eight units per acre and the future land use category allows four units per acre.

When Egor Emery asked about Appendix A in the zoning book in which it stated that central water and sewer are not available, Mr. Wicks said water and sewer permits have been issued by the State for this Park, and he has a letter from the utility company stating that central water and sewer are available.

Mr. Emery asked Mr. Wicks if he has any information on bear movements through this parcel or a bear management plan. Mr. Wicks replied that in the approved master park plan, they have set aside a vegetative natural buffer around the complete perimeter of the project except for the east side. In earlier studies, there appeared to be some scattered deposits on the site that would indicate bear movements across the property; however, based on their analysis, there is no corridor through there. Since the Ocala National Park borders the project on the west and south side, there is plenty of habitat if there are bears in the area. In response to Mr. Emery, Mr. Wicks said the Code requires that the Park be enclosed by a fence. However, he would like to talk to staff about this since a 20-foot natural vegetative buffer will be set aside.

Ed McKersie was concerned about the location of the 50-foot right-of-way and the possible infringement of it on the north side of his property. He was also concerned about drainage. In response to Mr. Emery, Mr. McKersie said he lives on the north side of Smith Street.

Jennifer Saul said they already have problems with the bears and the wetlands. She said she lives south of the subject property. Regarding drainage, she said she did not want her property to be flooded.

In respect to the right-of-way, Mr. Wicks said there is a platted 20-foot right-of-way for Smith Street,

<b>CASE NO.:</b>	<b>PH#20-09-5</b>	<b>AGENDA NO.:</b>	<b>1</b>
<b>OWNER:</b>	<b>James P. and Joanne C. Loflin</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Ted Wicks, P.E.</b>		
<b>PROJECT NAME:</b>	<b>Forest Park Mobile Home Community</b>		

which runs east and west. That right-of-way would be immediately north of the subject property's north boundary. When the Lion's Club was developed several years ago, Mr. Loflin was able to obtain 30 feet on the north side of the Lion's Club Park and developed that into a right-of-way deed, which was provided to Lake County as right-of-way, resulting in a 50-foot right-of-way that comes from Alco Road to the west to the subject property's immediate northeast corner. At that point, it drops down to 20 feet of right-of-way on the subject property's north boundary. The 50-foot right-of-way provides the subject property with adequate access into the Park. They will be building a curb and gutter street, which will collect stormwater drainage and treat it as with the other drainage. Prior to construction, they will survey the driveway to determine its exact location. If there are any questions from property owners adjacent to that right-of-way, those issues will be addressed at that time. They have spent many hours with St. Johns River Water Management District discussing drainage on this site; they now have a permit from St. Johns. There is .3 acre of wetlands on the south boundary of the site. They will be providing buffers from that plus an additional buffer for the natural vegetative buffer. If this rezoning is denied, they will proceed with the RM zoning by platting and recording the lots. From a tax revenue standpoint, this property will be much more valuable as a rental park than as a platted and recorded mobile home subdivision.

In response to Mr. Emery, Mr. Greene explained that the Utility Availability Letter shown as Appendix A in the booklet is a standard form. In this particular situation, the utility service provider is St. Johns River Utility, Inc., who indicated on the form that currently those facilities are not available. However, those facilities shall be provided and the developer will be required to connect to the system. Mr. Wicks reiterated that he already has permits to connect.

**MOTION by Scott Blankenship, SECONDED by Timothy Morris to recommend approval of RMRP zoning to allow the construction and operation of a mobile home rental park in PH#20-09-5.**

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

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#1-10-1 AGENDA NO.: 2

OWNERS: Charles K. & Allison A. Sellars and Charles D. & Avor L. Sellars, Trustees

APPLICANTS: Charles K. & Allison A. Sellars and Charles D. & Avor L. Sellars

Jennifer Cotch, Environmental Specialist, presented the case and staff recommendation of approval. She showed the aerial from the staff report on the screen and submitted a proposed lot layout as County Exhibit A.

Chairman Bryan confirmed that it will be necessary to go through the platting process when creating the three additional lots.

Egor Emery asked if the land is currently being used for pasture.

Charles K. Sellars was present to represent the case. He said there are no animals on the site. The property consists of two deeded five-acre lots. The parcels were not properly split so they want to divide them differently. The layout submitted as County Exhibit A is the way the parcels would be split. When Chairman Bryan asked if family members would be building on the site, Mr. Sellars said they do not have a particular intent at this time; but the land is not useful the way it is now. Family members may live on the property.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of Rural Residential (R-1) zoning in order to create four parcels and add three single-family homes in PH#1-10-1.**

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

AGAINST: None

MOTION CARRIED: 7-0

**New Responsibilities for the Zoning Board**

A memorandum regarding the assignment of Local Planning Agency (LPA) duties to the Zoning Board was distributed to the Zoning Board members. In the immediate future, Brian Sheahan, AICP, Planning Director, said the dissolution of the LPA will not have a great impact on the workload of this Board. He pointed out that this Board had this role in previous years. The Board of County Commissioners (BCC) felt it would be more expedient for this Board to handle these items as it works with the Land Development Regulations (LDRs) on a regular basis. He will present more details on the process to the Zoning Board in February. Staff will be sending a letter to the School Board letting them know that only one representative will be needed for this one Board. He added that there are some other County committees that require a designee from the Local Planning Agency so staff will be asking the Zoning Board to appoint a member to attend those committee meetings. At this time, there is only one committee. If any member has a question or concern, he asked that member to call him.

Timothy Morris said he was at the BCC public hearing yesterday when this item was discussed. He asked that staff provide the information to be discussed in a very timely fashion (at least two weeks before the public hearing) as these new responsibilities will require a lot of research and reading. However, he felt this Board can handle the increased workload.

**Adjournment**

There being no further business, the meeting was adjourned at 9:45 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman