

**MINUTES  
LAKE COUNTY ZONING BOARD  
June 3, 2009**

The Lake County Zoning Board met on Wednesday, June 3, 2009 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning and conditional use permits.

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, June 23, 2009 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
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

**Members Not Present:**

Egor Emery	District 4
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**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  
Melving Isaac, 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  
Erin Hartigan, Assistant County Attorney

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

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas, adding that Agenda No. 2, PH#04-09-4, and Agenda No. 3, PH#06-09-4, have been removed from the consent agenda and placed on the regular agenda as speaker cards had been submitted for those cases. When Scott Blankenship said he had a staff question regarding Agenda No. 5, PH#03-09-3, Chairman Bryan said that case will also be removed from the consent agenda and placed on the regular agenda.

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**Consent Agenda**

**CASE NO.:** CUP#09/6/3-5 **AGENDA NO.:** 1  
**OWNER:** Don Monn  
**APPLICANT:** Bob Huffstetler

**CASE NO.:** CUP#09/6/5-4 **AGENDA NO.:** 4  
**OWNER:** Ellis Duane Eisnor  
**APPLICANT:** Lake County Planning & Community Design

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

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

**AGAINST:** None

**NOT PRESENT:** Emery

**MOTION CARRIED:** 6-0

**Minutes**

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to approve the May 6, 2009 Lake County Zoning Board Public Hearing minutes, as submitted.**

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

**AGAINST: None**

**NOT PRESENT: Emery**

**MOTION CARRIED: 6-0**

**CASE NO.:** PH#03-09-3

**AGENDA NO.:** 5

**OWNER:** Center Lake Properties, LTD, a Florida  
Limited Partnership

**APPLICANT:** Cecelia Bonifay, Esquire

Brian Sheahan, AICP, Planning Director, asked that PH#03-09-3 be heard next on the agenda since Scott Blankenship only had a quick question, and there were several people in the audience for that case.

Mr. Blankenship asked if the County had any plans for improvements to Blackstill Lake Road.

Rick Hartenstein, Senior Planner, replied that there will be improvements made at the intersection of Fosgate and Blackstill Lake Roads and a portion of Blackstill Lake Road that are associated with this development. As far as what the County has planned for the remainder of Blackstill Lake Road, Mr. Hartenstein said he did not know. Mr. Blankenship felt that if there is to be development along that road, improvements may be necessary.

**MOTION by Scott Blankenship, SECONDED by James Gardner to recommend approval of Planned Unit Development (PUD) zoning for a residential development consisting of 114 single-family homes in PH#03-09-3.**

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

**AGAINST:** None

**NOT PRESENT:** Emery

**MOTION CARRIED:** 6-0

CASE NO.: PH#04-09-4

AGENDA NO.: 2

OWNERS: Ashish N. & Chaitrali A. Karve  
APPLICANT: Leslie Campione, P.A.

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He noted that an updated concept plan had been submitted by the applicant and showed this on the monitor. He stated that this graphic replaces the plan included with the ordinance in the zoning booklet. He added that Page 3, Line 18 of the ordinance should be revised to add “property line” after the word “northern” and add “(west of the easement)” after the phrase “property lines.” Also, Page 3 should be revised to add a paragraph for Public Facilities of Potable Water and Sanitary Sewer to state: “Potable water and sanitary sewer or septic tank shall be provided in accordance with the Comprehensive Plan and Land Development Regulations, as amended.”

When Timothy Morris asked if staff had had any correspondence with the City of Eustis regarding the Joint Planning Area (JPA) Agreement and their approval or disapproval of this request, Mr. Greene said it is his understanding that Lake County does not have an official JPA Agreement with the City of Eustis; but they are in the water service area. The only correspondence staff has had with the City of Eustis was in regard to water and sewer.

Leslie Campione was present to represent the owners of the property. She said they started this project five or six months ago. The first thing they did was to contact the City of Eustis regarding a connection to their water because their water line runs immediately adjacent to the property. As a result of those discussions, they went forward to a workshop hearing with the City Commission. At that time, they submitted a site plan and a colored rendering of the proposed architectural design of the building to the Commission. The Commission’s key concern was that this project comply with their Code requirements as far as the design of the site and the design of the building. She submitted a photograph of the building as Applicant Exhibit A and distributed copies to the Zoning Board members. She said they have met all their design criteria. They had planned to go forward with an agreement for the water connection; but when an adjacent property owner raised an issue from a land use standpoint, the City preferred that the project go through the County to get the zoning in place and then go back before the City Commission regarding the water connection agreement. She submitted a map of the area as Applicant Exhibit B and discussed the possible annexation of the Pebble Creek parcel into the City of Eustis. This case was originally on the consent agenda because this project meets all the requirements of the Comprehensive Plan and Land Development Regulations (LDRs).

Based on several reviews by staff, Ms. Campione said the landscape buffers have been enhanced. There is a 15-foot easement that runs along the eastern boundary of the subject property that serves a house. Ms. Campione showed on the monitor and submitted as Applicant Exhibit C a photograph of the easement on the property that connects to SR 44. During their meetings with staff, they were instructed to back the buffer off of that easement as opposed to including the easement in the buffer. They were also required to ensure that they would not obstruct the easement or obstruct the use of the easement. She noted that the owner of the property that uses this easement also owns a two-acre tract. There is an easement associated with this two-acre tract. Therefore, there are alternative means of access should the owner of the adjacent property not want to use the easement on the subject property.

Ms. Campione stated that there have been some issues raised regarding noise and activity on the property. She stated that they could have a noise study prepared to provide alternate means of noise mitigation although the ordinance includes a specific requirement for installation of a six-foot high masonry wall along the northern and eastern property boundaries outside the easement area.

Ms. Campione submitted a photograph of the intersection of SR 44 and 44B as Applicant Exhibit D and a photograph of the AgriStarts building as Applicant Exhibit E. She noted other commercial uses in the area as well as residential structures that will benefit from an auto repair facility nearby.

Ms. Campione added that this project will be required to go through the St. Johns River Water Management

**CASE NO.:** PH#04-09-4 **AGENDA NO.:** 2  
**OWNERS:** Ashish N. & Chaitrali A. Karve **PAGE NO.:** 2  
**APPLICANT:** Leslie Campione, P.A.

District to get their storm water permit. They are not going to allow discharge of any pollutant into an adjoining wetland. She noted that they originally had planned a septic tank near the rear of the property, but the adjoining property owner's well was fairly close to his property line so the site plan was revised to move it to meet the State of Florida regulations with regard to separation between wells and septic tanks. This type of business is highly regulated by the Florida Department of Environmental Protection (FDEP). They will not be permitted to store inoperable vehicles that would stay there for any length of time. All of the work would be inside the facility.

In response to Mr. Morris, Ms. Campione said collision repair would not take place on this site; she added that there would be no body work or sales at the facility.

Chairman Bryan was informed by Ms. Campione that the row of vegetative buffer, as illustrated on Applicant Exhibit C, is shown on the site plan and will remain.

Scott Blankenship asked that it be included in the ordinance that all work on automobiles must be done inside the facility. Ms. Campione said she did not have a problem with including that in the ordinance if it is not already there. Mr. Greene said that condition can be added to the ordinance.

Ms. Campione added that the ordinance does state that outside storage of material or chemicals shall be prohibited unless properly contained and screened. In talking to her client, she said that anything that is chemical related will be kept inside. Mr. Blankenship stated that he would like that to also be included in the ordinance.

Chairman Bryan stated that all exhibits presented at this meeting must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

Michael Rinck, owner of AgriStarts III, stated that his operation is agriculture, not agricultural related; they produce about ten million plants a year and employ about 115 people. They are very good stewards of the environment. This is a fairly high recharge area for the Florida Aquifer. He was concerned about the cars waiting for repairs leaking fluids and creating an environmental hazard. He felt St. Johns River Water Management District should be involved in this process as soon as possible. This is a peaceful neighborhood, and additional traffic would have a definite impact on the neighborhood. This request would be putting a facility in the front yard of a neighbor. The easement that is further east that Ms. Campione spoke about is used by another neighbor. If two families were to use the easement, it would need to be widened in order for two cars to be able to pass on the easement.

When Chairman Bryan said provisions are being made to allow the easement to remain on the property, Mr. Rinck said the easement should not be part of the setback.

Doug Rehman stated that he had filed a Notice of Appearance. He gave a PowerPoint presentation and submitted a hard copy of the presentation as Opposition Exhibit A. He said this project could have been heard by the City of Eustis last month, but Ms. Campione had requested that it be pulled from the agenda. The easement Mr. Rinck spoke of is called Russ Road and is used by Mr. Russ. It runs across two properties. Mr. Rehman said the easement on the subject property has been the driveway for his property since his house was constructed in 1980. He noted the existing land uses in the area and discussed the history of the parcel. He referred to several pages in the Florida Environmental Compliance Assistance Auto Repair Self-Audit Workbook. He spoke of leaking fluids from the cars in the parking spaces waiting for repairs that will go into the ground and migrate into his well and the adjacent wetlands. This request is not a permitted use of this land or in compliance with the Land Development Regulations (LDRs) or the Comprehensive Plan. His PowerPoint presentation illustrated the reasons why he felt this was so. Regarding noise, if all work does take place indoors, he questioned whether the bay doors in the facility

**CASE NO.:** PH#04-09-4 **AGENDA NO.:** 2  
**OWNERS:** Ashish N. & Chaitrali A. Karve **PAGE NO.:** 3  
**APPLICANT:** Leslie Campione, P.A.

would be required to be closed at all times. This would require an air-conditioned facility. He pointed out that the bay doors of the facility would face his property with two of the bedrooms in his house picking up the noise, making them useless as bedrooms. He discussed the small business failure rate.

In response to Mr. Morris, Mr. Rehman said he has a residence on his two-acre parcel, which he plans to renovate in the future. He has no plans to turn any of his property into commercial. He has lived on the property for 16 years and has a home business.

Regarding the meeting in Eustis, Ms. Campione said she was advised by the City of Eustis staff to table her agenda item in order to address County land use issues. This project has been rescheduled to be heard on July 2. She had called the existing car repair shop nearby to make an appointment when she needed their services, and there was a ten-day wait. Therefore, she said the purchasers of this property must know that this is a good location for another car repair facility. Her clients did their research before purchasing the property. Regarding this proposed operation being a hazardous type situation, there are regulations requiring the inside storage of those types of materials. They are placed into drums that are picked up and removed. They are never put into a regular holding dumpster. They are not washing that material into the septic tank. The disposal of waste products is heavily regulated by FDEP.

Ms. Campione stated that the parking spaces shown on the site plan as gravel would be addressed at site plan review. If they are required by St. Johns River Water Management District or Lake County to pave the parking spaces, they will. She noted that there are many cars parked on the grass at AgriStarts. They may also be leaking fluid.

Ms. Campione added that this operation is not in Mr. Rehman's front yard. Mr. and Mr. Karve, not Mr. Rehman, own the property on which the facility would be placed. Mr. Rehman has a home that uses a portion of the subject property for a driveway. He also has a two-acre parcel on which he could create another driveway.

Mr. Blankenship asked if staff or Ms. Campione could address the comments made by Mr. Rehman regarding the storage of hazardous materials within 500 feet of wetlands. Mr. Greene said that can best be addressed at the time of site plan review when the issue of storm water and solid waste management disposal permits are discussed.

Brian Sheahan, AICP, Planning Director, said the permits from agencies with expertise in this area (in this case, FDEP) must be in place before the site plan is approved by the County. When Mr. Morris asked if Mr. Rehman could present to the proper entity when the storm water evaluation takes place, Mr. Sheahan said there is a process in place to appeal that permit should Mr. Rehman not agree with the findings of St. Johns River Water Management District. This would also apply to those permits issued by FDEP.

Mr. Rehman was concerned about the many issues being addressed at site plan review once the rezoning has been approved. If the rezoning is approved but the site plan does not work out, the zoning has already been changed. It appeared to him that this is "passing the buck."

When Chairman Bryan asked if there were any floor drain installations planned for this facility, Ms. Campione replied that she did not know the specifics; there are ways to capture what otherwise would drain. That would be discussed at permitting.

Mark Wells asked if there is a Best Management Practices Plan required by FDEP. If there is, all these issues would be addressed by that plan. If not, he asked if the County could put such a plan in place. Ms. Campione suggested that be addressed at site plan review. Her clients will do whatever is required. Mr. Sheahan stated that at this stage, all the specifics of design are not known so it is difficult to answer many

<b>CASE NO.:</b>	<b>PH#04-09-4</b>	<b>AGENDA NO.:</b>	<b>2</b>
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<b>APPLICANT:</b>	<b>Leslie Campione, P.A.</b>		

of these questions.

Referring to the comment made by Mr. Rehman regarding the rezoning being approved but the site plan for an auto repair facility not going forward, Mr. Blankenship asked about the other uses that would now be allowed on the property. Mr. Sheahan referred to the prohibited uses listed on Page 2 of the ordinance. This Board could recommend restricting the uses further or recommending CP with C-1 uses with only automotive repair uses allowed in the C-2 uses. Any other use in the C-2 uses would require coming back through the process again. C-2 uses are usually more intense than C-1 uses.

Mr. Morris was informed that the potential buyer of this property has been in the auto repair business for some time. The present owner is not in this business.

Mr. Blankenship said his concern is the close proximity to the wetlands. In order to increase the comfort level of this Board, Chairman Bryan said language could be added to the ordinance requiring all current regulations of FDEP and St. Johns River Water Management District to be met.

James Gardner said he drove through this area and was not impressed at all or perhaps in a negative way. Although there are many environmental restrictions, he did not feel that adding an automotive repair facility would improve this area.

**James Gardner made a motion to recommend denial to amend Ordinance No. 64-88 to allow automotive repair and service uses within the CP Zoning District in PH#04-09-4. The motion failed for lack of a second.**

Mr. Wells felt that if the owner of an auto repair shop would act responsibly toward the environment and adhere to Best Management Practices, there is no reason why such a facility could not be placed on this site.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of CP zoning with all C-1 uses and a single C-2 use for automotive repair only, subject to adherence to all current St. Johns River Water Management District and Florida Department of Environmental Protection (FDEP) regulations as well as all Best Management Practices for said business with all work being done inside an enclosed structure in PH#04-09-4.**

Larry Metz confirmed that the prohibited uses listed in the ordinance will remain in the ordinance.

Mr. Morris was informed by staff that the adjacent property owners would not be involved in the site plan review process.

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

**AGAINST: Gardner**

**NOT PRESENT: Emery**

**MOTION CARRIED: 5-1**

Chairman Bryan added that this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing this case on June 23, 2009 when a final determination will be made.

CASE NO.: PH#06-09-4

AGENDA NO.: 3

OWNER: Peter Strimenos  
APPLICANT: Bruce G. Duncan  
PROJECT NAME: Pine Meadows Country Club

Chairman Bryan stated that this case was on the consent agenda, but there was a speaker card submitted requesting information. He suggested hearing the person who submitted the speaker card and then having the applicant address his questions rather than going through a full presentation. Staff and the applicant were agreeable to that.

Peter Peco said his property is adjacent to the golf course. His concerns were related to the small road access, the status of the trees on the golf course, the impact on the wildlife, and the effect on his property values.

Bruce Duncan said the access is a County and a City road. Both those entities are responsible for the maintenance of the road. However, once they get their equipment out there, the owner will be maintaining it also. They also have access off CR 44 through the 25 acres of commercial. They intend on utilizing that as much as possible. They will be maintaining the exterior trees on the property. However, the interior trees will be harvested and sold to landscapers. They will also harvest whatever sod they can that is left over from the golf course. They will then till the property and turn it into a hayfield. In an attempt to get some income from the property, that hay will be harvested three or four times a year. There is a well on the property that has been permitted by St. Johns River Water Management District, which allows them to draw 91 million gallons of water annually. They will be making some improvements to the irrigation system that will allow them to irrigate the hayfield. It is his opinion that this will improve the look of the property. Their main business will be agriculture. They operate farms in other counties. Mr. Duncan said they will not be rezoning the clubhouse or the 25 acres on CR 44A. This rezoning is only for the 170 acres that encompasses the golf course. The clubhouse and tennis courts will remain as is. They are in negotiations with someone who may take over the clubhouse and renovate the tennis courts. He said he would be happy to talk with Mr. Peco personally. It is not their intention to destroy this property. In the future, it may be developed. Any development of that property will be done under the rules of the City of Eustis since they are contiguous. The City of Eustis would provide central water and central sewer.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of Agriculture zoning to allow agricultural operations on the site and to revoke Conditional Use Permit #606-5 in PH#06-09-4.**

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

**AGAINST: None**

**NOT PRESENT: Emery**

**MOTION CARRIED: 6-0**

Adjournment

There being no further business, the meeting was adjourned at 10:33 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman