

**MINUTES  
LAKE COUNTY ZONING BOARD  
AUGUST 4, 2010**

The Lake County Zoning Board met on Wednesday, August 4, 2010 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, August 24, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
Larry Metz	School Board Representative
John Childers	Ex-Officio, Nonvoting Military 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  
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 James Gardner 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. 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. 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 this Board is a recommending board only, and the Board of County Commissioners (BCC) will be hearing these cases later this month when a final determination will be made.

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**Minutes**

**MOTION by Scott Blankenship, SECONDED by James Gardner to approve the July 7, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.**

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

**AGAINST: None**

**NOT PRESENT: Morris, Metz, Childers**

**MOTION CARRIED: 5-0**

**Discussion of Agenda**

Brian Sheahan, AICP, Planning Director, stated that the County had received a letter of opposition regarding PH#22-10-3/Lake County Water Authority/Ron Hart, Water Resources Program Manager/Agenda No. 1; therefore, this case will be removed from the consent agenda and placed on the regular agenda.

Mr. Sheahan added that the applicant for PH#11-09-2/Eagles Landing at Ocoee, Inc./Rohland A. June/Lake Apopka Sound Planned Unit Development/Agenda No. 4, has requested a 90-day continuance. Staff could support a 60-day continuance in order to work out some discussions that are going on with Orange County.

Egor Emery said he had some concerns regarding PH#24-10-1/Steve & Jacquelyn Donahue/Katy Courtney/Haines Creek Garage/Agenda No. 3.

Chairman Bryan stated that all cases today will be heard on the regular agenda.

**CASE NO.: PH#22-10-3 AGENDA NO.: 1**

**OWNER: Lake County Water Authority**  
**APPLICANT: Ron Hart, Water Resources Program Manager**  
**Lake County Water Authority**  
**PROJECT NAME: Lake County Water Authority Office Building**

Melving Isaac, Planner, presented the case and staff recommendation of approval. He submitted an aerial as County Exhibit A and showed it on monitor. He explained changes to the ordinance that have been proposed to specify a maximum of 6,000 square feet for the office building and a maximum of 10,000 square feet for the storage building. He noted that the letter of opposition received yesterday from an adjacent property owner to the west was distributed to the Zoning Board members.

Ron Hart, applicant, said he would like to request one change. He would like to increase the square footage of the office building to 10,000 square feet and increase the square footage of the storage building to 15,000 square feet. They would like to have this “wobble room” so they could expand in the future without coming back before this Board and the Board of County Commissioners (BCC). The garage they have now is 8,700 square feet and holds some equipment from the Sheriff’s Department. Although they would like this additional square footage, they would be happy with whatever is granted to them.

Chairman Bryan felt that the storage building would become a warehouse with the increased square footage. It is located toward the rear of the property near some wetlands. There is also some residential property that borders the subject property on the lake. His concern was that the residential property may develop with lakefront home sites and have a large warehouse close by. He did not have a problem with the increased square footage for the office building. Mr. Hart pointed out the extensive buffer on County Exhibit A. He explained that there is at least 800 feet of buffer between the subject property and the adjacent property owner behind them. Chairman Bryan agreed that there is an extensive buffer, which did relieve much of his concern.

Mr. Hart commented that all the equipment to be stored on the property is already on the property. It now looks like a tent city; if this request is approved, it will improve the appearance of the property.

In response to Scott Blankenship, Mr. Hart said the Water Authority only has one facility with active recreation. The rest have passive recreation. They have seven to nine facilities open to the public. The current facility in downtown Tavares has an administrative building with an attached storage warehouse. They have greatly exceeded the capacity of that building. The plan is to relocate to Hickory Point and sell the downtown Tavares building. Currently the staff is split between the current building in downtown Tavares and Hickory Point. This request would consolidate staff in one place.

Chairman Bryan felt the County staff has already given the project some “wobble room.” If more square footage is needed in the future, they could come back before the Boards. He said he could support the request as recommended by staff. He felt that is probably adequate for many years.

In response to Chairman Bryan, Mr. Hart said the requested building would be slightly larger than the current office building in Tavares; but the current office building has a poor layout with many additions.

At the request of Egor Emery, Mr. Isaac showed a copy of amended Page 2 of the ordinance (County Exhibit B) listing the size of the proposed office building at no larger than 6,000 square feet and the storage building not to exceed 10,000 square feet.

Mr. Blankenship agreed that if the Water Authority wants to expand more in the future, they should come back at that time.

**CASE NO.:** PH#22-10-3 **AGENDA NO.:** 1  
**OWNER:** Lake County Water Authority **PAGE NO.:** 2  
**APPLICANT:** Ron Hart, Water Resources Program Manager  
Lake County Water Authority  
**PROJECT NAME:** Lake County Water Authority Office Building

**MOTION** by Scott Blankenship, **SECONDED** by Egor Emery to recommend approval of amending the CFD zoning district to add the use of an office building and a storage building to the uses authorized by Ordinance Nos. 5-92 and 27-88 with a maximum of 6,000 square feet for the office building and 10,000 square feet for the storage building in PH#22-10-3.

Mr. Emery said he did have a concern about the facility moving out of downtown Tavares because it will generate additional traffic at Hickory Point. He agreed that this request is probably a good use of the subject property and is more centrally located from the County's perspective.

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

**AGAINST:** None

**NOT PRESENT:** Morris, Metz, Childers

**MOTION CARRIED:** 5-0

**CASE NO.:** PH#19-10-4 **AGENDA NO.:** 2

**OWNERS:** Wendy Wit and Karen & Richard Garman  
**APPLICANTS:** Greg Beliveau and Fred Antonio  
**PROJECT NO.:** Project Orienne, Ltd.

Jennifer Cotch, Environmental Specialist, presented the case and staff recommendation of approval. She submitted an aerial as County Exhibit A and showed it on the monitor. She also submitted a revised conceptual plan (County Exhibit B) that was provided this morning and distributed to the Zoning Board. She also showed this on the monitor. She said the Eastern Indigo Snake is a protected species, listed as a threatened species on both the Federal and State list.

Egor Emery confirmed with Ms. Cotch that the Eastern Indigo Snake is a protected species and cannot be kept as a pet. When Mr. Emery asked about the reference to rabbits, chinchillas, and up to 50 poultry or nutria, Ms. Cotch said that is the closest connection to the Eastern Indigo Snake in the Land Development Regulations (LDRs); reptiles are not listed.

Greg Beliveau was present to represent the case. He said Orienne is a nonprofit organization. This property was chosen because of its location in the Wekiva River Basin. This site will contain 150 males and 50 female Eastern Indigo Snakes for hopefully breeding about 300 new Eastern Indigo Snakes each year. The snakes will not be released locally; the release sites are currently in the Florida Panhandle. Very few trees will be removed. They have met with St. Johns River Water Management District, and a new conceptual plan has been submitted as a result of that meeting. They have also worked with their neighbors on such issues as relocating the fire lane to an existing easement off site.

Chairman Bryan said there was a letter of opposition received stating that there were already enough snakes in the area. Mr. Beliveau said there are not enough Eastern Indigo Snakes. The existing home on the property will be used as a caretaker's residence and an office, and a few other structures will be built. There will be a maximum of nine employees, and all of the parking will be unimproved. There will be no impacts other than those existing and any impact from the new structures being built.

Mr. Emery confirmed with Mr. Beliveau that the structures for the snakes will be open air, not air conditioned. Mr. Emery did not feel this request for a Community Facility District (CFD) is appropriate. This request is more of an agricultural use. Chairman Bryan pointed out additional restrictions can be placed on this CFD zoning request. Mr. Beliveau said that research is a part of this request. Mr. Emery said this is a private organization. He added that he would like to see more of these animals released in the Central Florida area. He stated that he cannot support this use in the Community Facility District. That is his only concern in this request.

In response to James Gardner, Chairman Bryan stated that no speaker cards had been submitted.

Mr. Gardner said he could not support this application because of the economy. This a nonprofit organization, and he was concerned that public funds will be used to support this endeavor.

Erin Hartigan, Assistant County Attorney, reminded the Board that they are to look at the zoning standards when reviewing this rezoning request. The use of public funds should not be a consideration since it is not part of the zoning criteria.

Although he could support this rezoning, Scott Blankenship said he appreciated Mr. Emery's comments about the zoning district being requested. He suggested a change in the Land Development Regulations (LDRs) in the future; but at this time, CFD zoning is the best option.

**MOTION by Scott Blankenship, SECONDED by Mark Wells to recommend approval of CFD zoning for a research, breeding, and conservation facility for the Eastern Indigo Snake in PH#19-10-4.**

<b>CASE NO.:</b>	<b>PH#19-10-4</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNERS:</b>	<b>Wendy Wit and Karen &amp; Richard Garman</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANTS:</b>	<b>Greg Beliveau and Fred Antonio</b>		
<b>PROJECT NO.:</b>	<b>Project Orianne, Ltd.</b>		

**FOR:** Blankenship, Bryan, Wells

**AGAINST:** Gardner, Emery

**NOT PRESENT:** Morris, Metz, Childers

**MOTION CARRIED:** 3-2

**CASE NO.:** PH#24-10-1

**AGENDA NO.:** 3

**OWNERS:** Steve and Jacquelyn Donahue

**APPLICANT:** Katy Courtney

**PROJECT NAME:** Haines Creek Garage

Since this case was on the consent agenda and Egor Emery had requested that it be placed on the regular agenda, Chairman Bryan asked Mr. Emery about his concern or question regarding this case.

Mr. Emery noted that this project would be on well and septic tank in an urban area. Although the City of Leesburg has indicated that central services are not available in this area, he felt connection should be required when they are available and that requirement should be included in the ordinance.

Rick Hartenstein, Senior Planner, said that requirement is covered under the Comprehensive Plan and Land Development Regulations (LDRs), but it could be added to the ordinance.

Chairman Bryan felt that connection should be required due to a failure of the system or proposed new development; he did not feel it was necessary to require connection when it became available if there is a viable system operating on the site. When Mr. Emery said this site is close to the elevation of the lake and is a commercial location so the septic system should be removed as soon as possible, Chairman Bryan said he was comfortable with the current utility situation.

**MOTION by Scott Blankenship, SECONDED by Mark Wells to recommend approval of amending CP Ordinance Nos. 2005-43 and 2009-3 to combine them into one ordinance that allows auto repair, consumer services/repair, personal care services, professional office, general retail, self-service storage, truck yard, vehicle sales, day care center, medical service, warehouse, and a caretaker's residence in PH#24-10-1.**

**FOR:** Blankenship, Bryan, Wells

**AGAINST:** Gardner, Emery

**NOT PRESENT:** Morris, Metz, Childers

**MOTION CARRIED:** 3-2

**CASE NO.: PH#11-09-2**

**AGENDA NO.: 4**

**OWNER: Eagles Landing at Ocoee, Inc.**  
**APPLICANT: Eagles Landing at Ocoee, Inc.,**  
**Rohland "Randy" June**

Brian Sheahan, AICP, Planning Director, stated that the applicant has requested a 90-day continuance of this case to negotiate a memorandum of understanding that is now being developed with Orange County; staff feels 60 days is more than adequate to reach an agreement with Orange County. The applicant was agreeable to 60 days.

Chairman Bryan said a speaker card had been submitted.

John Starkovich spoke of the memorandum of understanding with Orange County. He said he could support a continuance because it is needed to address issues such as inadequate roads and fire rescue.

**MOTION by Egor Emery, SECONDED by Mark Wells to continue PH#11-09-2 until the October 6, 2010 Zoning Board public hearing.**

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

**AGAINST: None**

**NOT PRESENT: Morris, Metz, Childers**

**MOTION CARRIED: 5-0**

**Quorum**

James Gardner spoke of an e-mail he received in which he learned that the quorum requirement is five Zoning Board members since the nonvoting military representative must be included in the quorum. He said this puts pressure on the members to ensure attendance. As an immediate solution until this situation is corrected, Mr. Gardner asked that it be noted in the minutes that John Childers, the nonvoting military representative, does not attend the public hearings.

In response to Scott Blankenship, Brian Sheahan, AICP, Planning Director, said a military representative is required by Chapter 163 of the Florida Statutes. If there is a military installation within a jurisdiction, a representative from the regional military agency must be appointed to the Zoning Board. That representative's primary role is to ensure that there are no conflicts between the military's operation and goals and the local Comprehensive Plan.

Egor Emory confirmed that the military representative receives all the information received by the Zoning Board. Mr. Sheahan added that Mr. Childers is also a nonvoting member of the Local Planning Agency (LPA), which is now part of the Zoning Board.

Chairman Bryan said he would presume that Mr. Childers would attend the Zoning Board public hearings if there was an issue that affected the military installation.

Mr. Sheahan said there is now a whole section in the Comprehensive Plan that addresses military operation areas. The County worked extensively with the Naval staff in developing those policies. There will be corresponding Land Development Regulations (LDRs) to go along with the policies.

**MOTION by Scott Blankenship, SECONDED by Egor Emory to close the public hearing.**

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

**AGAINST: None**

**NOT PRESENT: Morris, Metz, Childers**

**MOTION CARRIED: 5-0**

**2030 Comprehensive Plan**

Brian Sheahan, AICP, Planning Director, stated that the Board of County Commissioners (BCC) adopted the 2030 Comprehensive Plan on May 25, 2010; and the State found that Plan to be in compliance with the State Comprehensive Plan and the Florida Statutes on July 23, 2010. He added that the State did reject ten map amendments that increased density and intensity. Those have been reverted back to the transmitted plan. If the Plan is not appealed within 21 days, it will become effective on August 13. If it becomes effective, there will be a time of flux as the Land Development Regulations (LDRs) are developed. There will be situations when the Comprehensive Plan is inconsistent with the LDRs; in those instances, the Comprehensive Plan takes precedence. If the Plan is appealed, Lake County will continue to operate under the current Comprehensive Plan. However, the danger for applicants is that they will proceed at their own risk. All applicants will be given adequate notice that their approval is contingent on the resolution of the appeal. Reviews of applications will be based on the proposed Comprehensive Plan as it is consistent with the current Comprehensive Plan.

In response to Chairman Bryan, Mr. Sheahan said that if the Comprehensive Plan is challenged, it could take one to five years to resolve the issue. An appeal stays the entire Comprehensive Plan.

**Addition to Planning and Community Design Division**

Due to the financial restraints and cutbacks, Mr. Sheahan said Planning and Community Design is absorbing the Zoning Division, and the Zoning Division is being dissolved. He added that Sherie Ross will be acting as Public Hearing Coordinator for the Board of Adjustment as well as the Zoning Board.

**Continuances**

Scott Blankenship said he has always had an issue with multiple continuances from a public standpoint. However, he does not have a problem with the length of a continuance; he did not feel this is a disservice to the public like multiple continuances would be.

**Adjournment**

**MOTION by James Gardner, SECONDED by Egor Emory to adjourn the public hearing at 10:07 a.m.**

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

**AGAINST: None**

**NOT PRESENT: Morris, Metz, Childers**

**MOTION CARRIED: 5-0**

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman