

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**August 2, 2017**

The Lake County Planning and Zoning Board met on Wednesday, August 2, 2017, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

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, August 22, 2017 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Lawrence "Larry" King	District 3
Rick Gonzalez	District 4
Jeff Myers	District 5
Sandy Gamble	School Board Representative
Kasey Kesselring	At-Large Representative

**Members Not Present:**

Donald Heaton	Ex-Officio Non-Voting Military
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**Staff Present:**

Tim McClendon, Planning & Zoning Division Manager  
Steve Greene, AICP, Chief Planner, Planning & Zoning Division  
Michele Janiszewski, Chief Planner, Planning & Zoning Division  
Bobby Howell, AICP, Senior Planner, Planning & Zoning Division  
Christine Rice, Planner, Division of Planning & Zoning  
Donna Bohrer, Office Associate, Planning & Zoning Division  
Diana Johnson, Assistant County Attorney  
Matthew Moats, Assistant County Attorney  
Angela Harrold, Deputy Clerk, Board Support

Chairman Rick Gonzalez called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance, and Mr. Sandy Gamble gave the invocation.

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Planning and Zoning Division, Economic Growth Department, noted that the cases had been duly advertised as shown on the monitor. He stated that Tab 1 would be pulled from the Consent Agenda and placed on the Regular Agenda as

there were residents present to speak on case. He requested that Tab 2 be placed on Regular Agenda as well for a requested continuance due to information that was given to staff the day before, which needed to be reviewed and could affect their recommendation.

**TABLE OF CONTENTS**

**Agenda Updates**

**Consideration of Minutes:** July 5, 2017

**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/PROJECT</u></b>
Tab 3	RZ-17-07-3	Takvorian Properties Rezoning
Tab 4	RZ-17-09-4	Heirloom Property CP Rezoning
Tab 5	RZ-17-10-1	South Lake Regional Park CFD Rezoning
Tab 6	FLU-17-07-5	USA Aviation Comprehensive Plan Amendment

**REGULAR AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/PROJECT</u></b>
Tab 1	CUP-17-04-5	Williams Truckyard CUP
Tab 2	RZ-17-12-2	Anderson Hill CP Amendment

**Other Business**

**Adjournment**

**MINUTES**

**MOTION** by Laura Jones Smith, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of July 5, 2017 of the Lake County Planning and Zoning Board meeting, as submitted.

**FOR:** Gonzalez, Jones Smith, McKeeby, King, Myers, Gamble and Kesselring

**AGAINST:** None

**MOTION CARRIED:** 7-0

**PUBLIC COMMENT**

No one wished to address the board at this time.

**CONSENT AGENDA**

Mr. King clarified with staff that while the Tab 3 rezoning request would allow for 7 units per net buildable acre, the applicant was only planning for 3 units on the property. He also clarified that in Tab 5, Lake County would be responsible for the maintenance at South Regional Lake Park.

<b>Tab 3</b>	<b>RZ-17-07-3</b>	<b>Takvorian Properties Rezoning</b>
<b>Tab 4</b>	<b>RZ-17-09-4</b>	<b>Heirloom Property CP Rezoning</b>
<b>Tab 5</b>	<b>RZ-17-10-1</b>	<b>South Lake Regional Park CFD Rezoning</b>
<b>Tab 6</b>	<b>FLU-17-07-5</b>	<b>USA Aviation Comprehensive Plan Amendment</b>

**MOTION by Laura Jones Smith, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda consisting of Tabs 3 through 6.**

**FOR: Gonzalez, Jones Smith, McKeeby, King, Myers, Gamble and Kesselring**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**REGULAR AGENDA**

**Tab 1 - CUP-17-04-5 - Williams Truckyard CUP**

Mr. Bobby Howell, Senior Planner, Planning and Zoning Division, Economic Growth Department, presented the summary of the analysis for Case #CUP-17-04-5 regarding Williams Truckyard CUP, noting that the applicant was requesting to allow for a CUP (Conditional Use Permit) for a truck yard for a citrus and produce truck transporting operation on approximately 5.07 acres of agriculturally zoned land located at 19211 East Altoona Road, Altoona. He stated that the applicant applied for the CUP as a result of a Code Enforcement violation. He reported that according to plan submitted by the applicant the truck drivers would drive the trucks to the property to park them and would access the site from East Altoona Road utilizing a 20 foot wide grass driveway to enter the property and park at the rear of the property in a grass parking area for the trucks. He noted that the CUP contained a proposed condition to limit truck parking to five trucks at any one time and that no more than

five truck trips would be generated from the property per month. He explained that the parking area would be 45 feet from the rear property line and would be surrounded by a cluster of existing trees, with no plan to remove the trees from the area. He further explained that no employees would remain on the property because after the trucks parked the employees leave the property. In addition, the applicant planned to construct a new home on the property in the future that would serve as a personal residence. He stated that in order to mitigate any potential negative impact on the surrounding residential area, staff had proposed conditions attached to the CUP Ordinance and it also fulfilled the intent of the LDR (Land Development Regulations) by permitting a truck yard for produce and citrus transportation operations in an agriculturally zoned district. He reported that staff recommended approval with the conditions attached to allow a CUP for a truck yard for a citrus and produce transporting operation on approximately 5.07 acres of agriculturally zoned land.

Mr. Larry King asked if the applicant had agreed to all of the conditions attached to the ordinance.

Mr. Christopher Williams, the owner of Williams Truck Yard and the applicant, stated that he was in agreement with all of the conditions listed.

Mr. King asked how the residents who lived adjacent to the property were notified of the zoning change.

Mr. Howell responded that the residents were notified through mailings as well as postings put up in the area.

Ms. Laura Jones Smith clarified that the potential home to be constructed on the property would not be used as an office.

Mr. Sandy Gamble asked if a noise study had been submitted.

Mr. Howell replied that it would be submitted at the same time as the site plan; however, that had not been completed yet.

#### PUBLIC COMMENT

Ms. Christine Nobles, a resident of Altoona, stated that she lived two properties down from the Williams Truck Yard and she had concerns over how the rezoning would affect the surrounding area. She explained that the street was narrow and difficult for other vehicles to pass each other and did not feel adding a business there would be a good fit for the area, which was mainly residential. She opined that the condition of 5 trips per month was unrealistic because she witnessed 12 different trips down the road made by trucks the day prior. She was specifically concerned for the safety of the residents and the children waiting for the school buses in the morning since the road was so narrow and there were no sidewalks. She also stated that she was concerned about the environmental impacts the business could have on the surrounding properties. She opined that it was an industrial business that should be in an industrial area.

Mr. Rick Gonzalez asked if there were any other 18-wheeler trucks parked on East Altoona Road.

Ms. Nobles replied there were trailers parked on the corner property that are used as storage but they do not go down the road. She added that she felt rezoning the property would decrease property values.

Ms. Jones Smith explained that she understood that the area was zoned as agricultural but wondered if Ms. Nobles would object to the trips if the property was used for citrus.

Ms. Nobles replied that she would not because citrus hauling was seasonal. She explained there had been a citrus business there previously and that it only took place during harvest season and she added that the citrus haulers were careful while driving the road. She stated that her concern was that the proposed use for the property would deter potential home buyers because of the warehouse and mechanic shop on the property.

Mr. Gamble asked if school buses currently went down East Altoona Road.

Ms. Nobles responded that school buses and garbage haulers went down the road but knew to be careful, often pulling to the side to let each other or other cars pass by.

Ms. Shelly Jeckiniak, a resident of Umatilla, spoke on behalf of her parents who live on East Altoona Road next door to the truck yard property. She explained that her parents were elderly and had been disrupted daily by smells from the burning that had taken place on the property as well as the noise. She reported that it had been a peaceful area to live in and she was concerned for her parents if the property was rezoned.

Mr. King asked if Ms. Jeckiniak would approve of the rezoning if it was restricted to 5 trips per month.

Ms. Jeckiniak responded that she would not approve because the area was a neighborhood and it was not a place for that type of activity.

Mr. Robert McWhorter, a resident of Altoona, stated that he represented the neighborhood and submitted a signed petition by the residents opposing the rezoning of the property. He alleged that the trucks run during the day and night, and that a lot of burning took place on the property, and he did not feel the business was agricultural. He further explained that his property adjoins the truck yard property and he hears activity until 11:00 p.m. He stated that he had called the fire department and EPA (Environmental Protection Agency) to go to the property because of the fires burning on the property and alleged oil dumping. He opined that the business would decrease property values as it is not a commercial area. He was concerned for the road safety since the road is narrow and the trucks are large. He reported that the Lake County Sheriff's Department entered the truck yard property through his property looking for stolen vehicles so he was concerned about crime as well.

Mr. Gamble asked what type of burning took place on the property.

Mr. Williams responded that when he first moved onto the property there had been many downed trees and debris so they obtained a permit from the Division of Forestry to burn the items. He explained that there had been an instance where he burned debris after hours and the fire department went to the property but he put it out because he was unaware of the law regarding that and he commented that it would not happen again. He stated that any time there was a fire on the property he had a permit for it and recently he had stopped burning the debris and hauled it out instead. He reported that the EPA did come to the property but determined that oil was not being disposed of and he submitted a letter from the EPA stating so. He responded to the comment that there had been 12 truck trips the previous day by stating that he did not have any trucks on his property during that time so the trucks that were moving up and down the road could not be his. He explained that he wanted to build a home there for his family and he wanted to be as respectful of the area as possible. He did not feel that the residents in the area were being open to his livelihood. He submitted photographs of properties in the neighborhood that he felt were not well maintained. He stated that he had instructed his drivers to be respectful of the area, to know the time of the day the trucks can come into the property and to idle in and out of the area. He felt that he was working within tight boundaries to be respectful of the residents and not make a negative impact on the area.

Ms. Jones Smith asked for a clarification on what the 5 trips per month meant.

Mr. Williams explained that he had a total of 10 trucks and 18 trailers but not all would be kept at that property. He further explained that the property would be used only if the trucks needed to be parked overnight. He noted that when the Sheriff's Department came to look for the stolen vehicle, as reported by Mr. McWhorter, it was actually due to a driver not paying his car payment and they were there to repossess the vehicle.

Ms. Jones Smith clarified that the applicant would be able to adhere to the 5 trips per month and suggested putting an insignia on his trucks to alleviate confusion and possibly help his relationship with the surrounding neighbors.

Mr. Gamble asked if there were other trucks that used the road.

Mr. Williams responded that there were two businesses in the area with large trucks that used East Altoona Road.

Mr. Kasey Kesselring asked if the trucks were for produce and citrus and if the trailers carried cargo.

Mr. Williams replied that he had not had a full trailer of cargo brought down the road to his property and it was not his intention to ever do so. He explained that bringing a heavy load down the road would ruin it and he did not want to do that.

Ms. Jones Smith felt that the limitation of 5 trips down the road was not necessary if the trailers were empty of cargo.

Mr. Gonzalez stated that the ordinance noted that no repairs were to be done on the property; however, he pointed out that the EPA letter stated that minor repairs were completed on the property. He clarified with the applicant that no repairs, even minor lightbulb fixes, would be done on the property.

Mr. Gamble asked what the width of East Altoona Road was.

Mr. Howell replied that it was approximately 20 feet wide and added that staff could get a firmer width following the meeting.

Ms. Jones Smith asked if the road was classified as a substandard road within Lake County Public Works.

Mr. Howell responded that Public Works reviewed the case and indicated approval of the project provided the applicant supplies an apron from the property on to East Altoona Road.

Mr. King clarified that enforcement of the 5 trips per month would be done through Lake County Code Enforcement.

Ms. Jones Smith determined, while speaking with the applicant, that 5 trips per month actually meant round trips so the actual number of total trips per month would be 10.

Mr. Gonzalez asked if the site had received a code violation.

Mr. Howell replied that the application was submitted as the result of a code violation that occurred in March 2017, which was when the application was submitted as well and it had been the only violation that he was aware of. He clarified that the stipulation of the cargo being only citrus and produce came from the applicant on the CUP plan that they provided.

Mr. McWhorter submitted photographs that he had taken of the truck yard property. He alleged that the applicant had cleared and burned debris without permits and had been cited.

Ms. Nobles stated that she wanted to address the comment made by the applicant about the additional truck businesses located on the road. She said that one of the truck owners in question was a resident who lived on the road and he kept normal business hours and was aware of the care that needed to be taken while driving the road. She added that she works from home and watches the trucks all day and this had only been taking place recently. She noted that it affects the residents and their ability to enjoy their home.

Mr. Kesselring clarified that the property was zoned agricultural at the time it was purchased and there was not an existing business on the property.

Ms. Jones Smith asked for clarification on why there was a need for a CUP permit for this operation versus typical trucking activity related to citrus.

Mr. Howell explained that the zoning matrix in the LDRs in Chapter 3 stipulate that if there is a truck yard in the agricultural zone it requires a CUP and can only serve the agricultural industry.

Mr. Gonzalez stated that in reviewing the photographs submitted he saw a transmission on the property and asked the applicant for clarification as to why it would be there if no mechanical work was done on site.

Mr. Williams responded that it came from a storage trailer that had been moved from another piece of property but it was not being worked on there.

Ms. Kathy McKeeby asked where he took his trucks to be serviced.

Mr. Williams replied that he took his trucks to retail shops for all mechanical and maintenance work including oil changes.

Ms. McKeeby stressed that no mechanical or maintenance work could be done on the property and clarified that the applicant understood that. She expressed that there was likely confusion on how the process worked and clarified that the trucks are gone for several days at a time and then are only parked there while the drivers go home to rest.

Mr. Williams pointed out that some drivers are able to keep the truck at their home while they rest so not all of the trucks need to be parked overnight on the property.

Ms. Jones Smith wanted clarification from staff on whether the stipulation in the ordinance which stated no mechanical work or maintenance on the property included personal vehicles and farm equipment.

Mr. Williams stated that at this time he had a tractor, front-end loader, and mower that he used to maintain the property.

Ms. Jones Smith pointed out that those would be categorized as equipment rather than vehicles.

Mr. Williams clarified that there was an oil tank that was moved from the property.

Ms. Diana Johnson, Assistant County Attorney, stated that they had discussed a lot of options for modifications to the ordinance, and she suggested that they make clarifications to staff as to what exactly they wanted the change to be before they voted on their recommendation.

Mr. Kesselring stated that although he was very sensitive to the idea that people need to make a living and run their business, people needed to do their due diligence before they purchased

property about the zoning and what they could and could not do on the property and what was compatible with the surrounding area. He opined that there was sufficient evidence to suggest that there has been some noncompliance.

A motion was made by Mr. Kesselring to deny the CUP and failed due to lack of a second.

Ms. Jones Smith asked what the definition of materials was in the statement “no materials shall be stored on site.”

Mr. Howell responded that it would refer to anything that was ancillary to the trucking operation.

Ms. Jones Smith further clarified that things such as lawn mowers or bulldozers that the applicant needed to store on the site for maintenance of the property would not be considered materials and that clarification would need to be in the ordinance about whether he would be required to live on the site for that to be applicable. She also asked for a clarification regarding the definition of vehicles.

Mr. Howell responded that they could add “no repairs of commercial vehicles” so that his private vehicles could still be worked on if necessary.

Ms. Jones Smith asked for clarification regarding whether trips per day pertains to round trips.

Mr. Howell stated that they could define that by ITE (International Transportation Engineers) provisions or as Ms. Jones Smith previously mentioned.

Mr. Gamble suggested that they set the hours at something other than from 8:00 a.m. to 5:00 p.m. so that it would not pose a problem with ingress and egress.

Ms. Jones Smith asked whether they should look at a way to alleviate some of the impact on the residents so that they could avoid the times that children are out waiting for school buses on those narrow roads, such as giving them evening or overnight time.

Mr. King and Mr. Gonzalez opined that they do not need to adjust the time, since it was only 5 to 10 trips per month.

Ms. Jones Smith suggested that they strike the statement that truck cargo shall be limited to only citrus and produce, since the applicant indicated that cargo would not be brought onsite.

Ms. McKeeby commented that she would leave that statement as is to make sure there is no problem in the future.

Mr. Myers stated that the summary analysis indicates that they were issuing a CUP for a truck yard to allow parking of trucks, and if the owner decided to build a single-family residence

there, he could not operate an office out of that home. He asked whether it was the intent of the County to issue a CUP for a truck yard business or for a place strictly for truck parking.

Mr. Howell responded that the intent was to make sure that any single-family house could not be converted into an office for the trucking operation, including truck parking. He elaborated that pursuant to the Land Development Regulations, the definition of truck yard is “a storage of vehicles, equipment, and materials together with related facilities accessory to the use.”

Mr. Gamble commented that this was a hard decision and expressed concern that the County has allowed buses to go down a 20-foot road in prior years with other traffic. He opined that the County needed to look at widening the road to make it safer and more accessible for that type of traffic.

**MOTION by Laura Jones Smith, SECONDED by Kathryn McKeeby to APPROVE Tab 1, CUP 17-04-5, Williams Truckyard, with the stipulations that were discussed being incorporated into the ordinance, including the definition of the number of truck trips encompassing ten rather than five in or out trips, that the materials defined in subsection D would be those ancillary to the trucking operation, and that the vehicles as stated in subsection E would include commercial vehicles only and would exclude any personal vehicles or equipment necessary for the maintenance of the property.**

**FOR: Jones Smith, McKeeby, and King**

**AGAINST: Gamble, Myers, Gonzalez, and Kesselring**

**MOTION DENIED: 3-4**

**Tab 2 – RZ-17-12-2 – Anderson Hill Rezoning**

Mr. Steve Greene, Chief Planner, Planning & Zoning Division, noted that a memo was distributed prior to the meeting outlining that some new information had been received regarding a possible annexation of the property into the City of Clermont and staff recommended a continuance of 30 days to evaluate the information. He opined that it was possible a new staff recommendation could be made to the property owner and possibly propose conditions to the application based on the new information.

Ms. Cecilia Bonifay, an attorney from Ackerman LLP representing the applicant, stated that the only issue currently before the Board was an amendment to a zoning that was done in 2004 and it had a staff recommendation of approval. She noted that there was an application for annexation which received opposition but that had been withdrawn and the applicant had been meeting with residents and others to modify the application so that it would be more acceptable to all involved. She reported that in the mean time they wanted to move forward without a continuance because there was an interested tenant for the property; however, the zoning for the property was limited, which was why the amendment was being requested. She

commented that originally the space, a 1.55 acre portion of the property, was used as a gym but the prospective tenant would be a tile and carpet store, which the applicant felt would be better for the area. She pointed out that a cross access easement was in place and there was not a reason for further review as this was only a small portion of the larger piece that was on the withdrawn annexation application. She stated that the zoning amendment for the 1.55 acre was being moved forward in an effort to put a tenant into an empty building and the applicant was requesting that there not be a continuance relating to this matter.

Ms. Jones Smith clarified that the applicant had submitted an application to the city of Clermont for annexation previously in the year.

Ms. Bonifay replied that there was an application filed but it was withdrawn to give the applicant the opportunity to speak with area residents and address some of their concerns. She explained that the property as a whole was 10 acres on U.S. Highway 27 and was contiguous with the City of Clermont but that case would not heard by the City Council for several months. She further explained that the applicant had filed the current application to add “general retail uses” within the zoning language to allow for the tile and carpet store to be a tenant so that the applicant can have some economically beneficial use of the property. She reported that she had spoken to staff in Clermont and alleged that staff there did not see a problem with the change in the zoning language.

Ms. Jones Smith asked if the annexation application included redevelopment of the 1.55 acre site that was being discussed.

Ms. Bonifay responded that the only redevelopment was to improve the physical appearance to the exterior of the 1.55 acre site so that it blended in with the larger site.

Mr. Gonzalez asked what the nature of the opposition was to the previous application.

Ms. Bonifay explained that there was concern over increased traffic on to Anderson Hill Road and the residents in opposition of the annexation live on Anderson Hill Road. She commented that the residents did not want the larger piece of commercial property to have any access to the road.

Mr. Gonzalez asked if the applicant was willing to have ingress and egress only on to US Hwy 27.

Ms. Bonifay responded no and that was the root of that particular issue but in the meantime, while the annexation application was being reworked, there needed to be a tenant in the building. She commented that it was in Lake County, it was approved in Lake County and the only thing that needed to change were the word “general retail uses.”

Mr. Howell reviewed the summary of the case noting that the applicant was requesting to remove acreage from CP (Panned Commercial) Ordinance 2004-07 and was requesting the approval of a new CP zoning district to allow for an amended list of permitted uses on the

removed acreage. He explained that the subject property was currently developed and was 1.55 acres in size located on US Hwy 27, within the major commercial corridor and the existing pattern of comparable intensity had been established. He further explained that after the CP Ordinance 2004-07 was approved the property was split legally and the 1.55 acres was given an Alternate Key number 3828239. The site plan was approved in 2004 for the West Star fitness center, which had ceased operations and the subject property currently had been limited to automobile and watercraft sales and repairs and a fitness center. He reported that the property owner had a tenant who would like to open a tile and carpet store in the existing building but the existing ordinance severely limited the ability of the owner to market the property to tenants that have other uses that are not permitted under the ordinance. The applicant was proposing a new CP Ordinance that would remove the 1.55 acre property from the northern property to create a list of permitted uses to include "general retail uses" and the uses proposed within the new CP ordinance were consistent with the surrounding commercial and residential uses adjacent to the subject property and was consistent with the Comprehensive Plan and LDRs (Land Development Regulations.) He pointed out that the CP Ordinance 2004-07 would remain in effect on the northern part of the property until became redeveloped or rezoned.

Mr. Gonzalez asked if it was accurate to state that the only difference between the existing CP ordinance and the proposed ordinance was the addition of the "general retail uses" line and if so, what was the detriment to the county for adding it.

Mr. Howell replied that was the only change and there was not a detriment for adding the retail uses to the building; however, there were other issues that had been brought forward that needed to be reviewed so the continuance was requested.

Ms. Jones Smith clarified that the subject property was encompassed under CP Ordinance 2004-07 and that the cross access was required was for the parcels to the north to ensure they would have cross access to each other and not to parcels outside of their CP ordinance. She also clarified that the current CP Ordinance 2004-07 did not grant them connectivity to Anderson Hill Road because the property was not contiguous to it. She reiterated that the only access the property currently had was from US Hwy 27 and through the collision center, which had an access on US Hwy 27. She asked why there would be a stipulation in the proposed ordinance that the ingress and egress would only be from US Hwy 27 since that was the only way in and out already.

Mr. Greene responded that it was due to possible redevelopment of the properties north and south that could lead to the need of cross access between each other and with that possibility in mind, staff thought to limit access for the subject property.

Ms. Jones Smith stated that she wanted it clarified that the 1.55 acre parcel had already been approved with the ability to have cross access to the property to the north because at original construction they were one parcel. She pointed out that they would have been able to use the one access point on US Hwy 27 if that was necessary.

Mr. Greene noted that while that condition exists he wanted to make certain the subject property was limited to access on US Hwy 27. He wanted to be sure a situation was not created where access was granted to the southern part of the property before it was necessary because there was no application for that area and it would ultimately be addressed at the time an application would be received.

Mr. Kesselring clarified that the zoning was commercial and wondered where the limitation to automobile and water craft collision came from.

Mr. Gonzalez stated that he was not clear as to why they were being restricted to US Hwy 27 only because he felt drivers would pull on to US Hwy 27 and then turn on to Anderson Hill Road.

Ms. Jones Smith stated that she understood the issue of not wanting drivers to access the property from Anderson Hill Road; however, since there was no current access to Anderson Hill Road there would need to be a permit to build the access.

Mr. Greene replied that it would be assessed at the time of the permit and it would need to comply with the requirements of the FDOT (Florida Department of Transportation), the LDRs and the Comprehensive Plan.

Ms. Jones Smith felt that the current issue was exclusively about the access and the concern for increased traffic onto Anderson Hill Road because it was one of the few straight connections from South Lakeshore Drive to US Hwy 27.

Mr. Kesselring clarified that the hours of operation were not a concern for that area because it was major commercial.

#### PUBLIC COMMENT

Ms. Rose Farrell, a resident of Clermont, stated that her property abuts the subject property and she was there to speak on behalf of the neighbors. She explained that the subject property had only been owned by the applicant since October 2016 and since there are homes right behind the building placing the line "general use retail" to the ordinance could have a negative impact on those homes. She stated she felt that the proposed ordinance needed to be more specific to the type of business and set hours of operation like the original ordinance. She was concerned about crime because there was not a wall separating the property and the backyards of the neighborhood. She reported that the neighbors had not been kept up to date on the status of the annexation. She stated that the residents were concerned about what type of business would move into the property if general retail use was approved. She noted that she did not have an objection to the tile and carpet store as long as the ordinance specifically named that type of store and the store hours.

Mr. Quint Roberts, owner of the property and applicant, asked that the staff recommendation be referred to adding that it was on a major commercial corridor where all adjacent property was zoned as CP. He explained that the request was only to reopen and lift the restrictions on

the current CP ordinance so that other businesses outside of automotive and water craft would be able to use the property. He further explained he had a prospective tenant for the property and he was looking for a way to move forward to fill the vacant 10,000 foot building. He hoped that everyone would want to fill the building so that it could be productive for the County and the citizens. He commented that all of the zoning and ordinance requirements were being met and there were no conditional use requirements being requested. He explained that the current US Hwy 27 access was the only access for the southern 3 acre parcel and the FDOT will not allow a second access off of US Hwy 27.

Ms. Jones Smith asked what the applicant's time frame was.

Mr. Roberts replied that he was hoping for an approval by the end of September 2017 and then it would take two to three months for site plan approval, which would have construction starting the first to second quarter of the following year.

Mr. Gonzalez asked if the applicant planned to construct a wall.

Mr. Roberts responded that there was a wall included as part of the larger development of the property. He noted that there were a few items mentioned that were already being addressed in the larger property's development plan such as pulling the property off of a septic tank system and putting it on city sewer, which would be better for the environment.

Mr. Peter Pensa, with the Avid Group and the engineer and the planner for the applicant, stated that he felt there was a lot of confusion and reiterated that the building was already in place and was last occupied by a fitness center. He opined that the approvals done for the previous CP ordinance were specific and narrow focused. He explained that the building was sitting vacant and the owner was not gaining any revenue on the property. He further explained that they were directed by the County to file an application amending the zoning because the type of businesses allowed there was so narrow. He noted that the only goal was to put another retail use into the building and that it was not an intensive use of the building. He clarified that the cross access requirement was not to the parcel to the north but actually for the parcel to the south. He pointed out that connecting access to the north would not be possible because there was a storm water pond there that would prevent connecting the two parking lots. He reported that in 2016 approval was given for a project for the portion to the south and that approval required cross access as well; however, FDOT will not allow that parcel to have its own access. He stated that they did want to have a negative impact on the neighborhood and the only current request was a change of use for an existing building. He explained that the proposed staff report maintained the status quo allowing retail use, which is a positive for the area and there was already a cross section easement in place for the existing driveway.

**MOTION by Kasey Kesselring, SECONDED by Laura Jones Smith to APPROVE Tab 2, RZ-17-12-2, Anderson Hill Rezoning, as originally drafted.**

**FOR: Gamble, Myers, Gonzalez, Kesselring, Jones Smith, McKeeby, and King**

**AGAINST: none**

**MOTION APPROVED: 7-0**

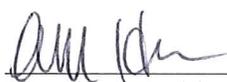
**OTHER BUSINESS**

None

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:05 a.m.

Respectfully submitted,



Angela Harrold  
Clerk, Board Support



Rick Gonzalez  
Chairman