

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**May 30, 2018**

The Lake County Planning and Zoning Board met on Wednesday, May 30, 2018, 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, June 19, 2018 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, Chairman	District 2
Lawrence "Larry" King	District 3
Rick Gonzalez	District 4

**Members Not Present:**

Jeff Myers	District 5
Sandy Gamble, Vice-Chairman	School Board Representative
Kasey Kesselring	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military

**Staff Present:**

Steve Greene, AICP, Chief Planner, Office of Planning & Zoning  
Michele Janiszewski, Chief Planner, Office of Planning & Zoning  
Janie Barron, Planner, Office of Planning & Zoning  
Matthew Moats, Assistant County Attorney  
Donna Bohrer, Office Associate, Office of Planning & Zoning  
Josh Pearson, Administrative Specialist, Board Support

Chairman Laura Jones Smith called the meeting to order at 9:00 a.m., noted that a quorum was present and led the Pledge of Allegiance.

**MINUTES**

**MOTION** by Rick Gonzalez, **SECONDED** by Kathryn McKeeby to **APPROVE** the Minutes of May 2, 2018 of the Lake County Planning and Zoning Board meeting, as submitted.

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

**AGAINST:** None

**MOTION CARRIED: 4-0**

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, stated there were no changes to the agenda and that the public hearing had been advertised in accordance with the law. He said that Tab 1 would be a small scale Future Land Use (FLU) amendment for the Creeden property and Tabs 2 and 3 were Land Development Regulation (LDR) ordinances. He relayed that staff recommended that the items remain on the consent agenda and staff also recommended approval of the three cases.

Mr. Larry King requested that Tab 1 be moved to the regular agenda.

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**Agenda Updates**

**Consideration of Minutes:** May 2, 2018

**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/PROJECT</u></b>
<b>Tab 1</b>	<b>FLU-18-08-2</b>	<b>Creeden Property Future Land Use Amendment - Small Scale Map Amendment - Adoption</b>
<b>Tab 2</b>	<b>2018-XX</b>	<b>Boat Ordinance</b>
<b>Tab 3</b>	<b>2018-XX</b>	<b>BOA Ordinance</b>

**Regular Agenda**

**Other Business**

**Adjournment**

**PUBLIC COMMENT**

No one wished to address the Board at this time.

**CONSENT AGENDA**

<b>Tab 2</b>	<b>2018-XX</b>	<b>Boat Ordinance</b>
<b>Tab 3</b>	<b>2018-XX</b>	<b>BOA Ordinance</b>

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Tabs 2 & 3 on the Consent Agenda.**

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

**AGAINST: None**

**MOTION CARRIED: 4-0**

**REGULAR AGENDA**

<b>Tab 1</b>	<b>FLU-18-08-2</b>	<b>Creeden Property Future Land Use Amendment - Small Scale Map Amendment - Adoption</b>
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Ms. Janie Barron, Senior Planner, Office of Planning and Zoning, said that she would be presenting Tab 1, Case FLU-18-08-2, Creeden Property Future Land Use Map Amendment. She stated that the property is located west of the Lake County and Orange County line and southwest of Terra Vista Court in the City of Winter Garden. She commented that the owner was proposing to amend the Future Land Use Category (FLUC) from Wellness Way 1 to Rural to facilitate the construction of a single family dwelling unit and accessory structures on the property. She mentioned that the property is a five acre parcel described with Alternate Key No. 3424913, and relayed that the property is consistent with the scheduled permitted conditional uses and the Floor Area Ratio density that requires any parcel zoned Agriculture to meet the density of one dwelling unit per five net acres; additionally, the request was consistent with the FLUC, as it was intended to protect the rural character of the area presented by a single family home on a large acre tract of land. She remarked that the request was also consistent with the goals that are listed in the Comprehensive Plan (Comp Plan) for the purpose of the FLU map amendment and was consistent with the Direct Orderly, Compact Growth policy in the FLUC. She said that staff recommended approval of the request.

Mr. King asked about the reference to a single family dwelling unit, noting other references to two dwelling units.

Ms. Barron replied that the owner was proposing to construct a single family dwelling and an

accessory dwelling unit. She elaborated that the owner originally planned to construct two homes on the property for both herself and her daughter and said that when the application was received, the owner was not sure if they would submit the FLU amendment and if they would follow the family density process to split the lot into two parcels if the amendment was approved; furthermore, once additional information was received by the owner, the applicant decided to construct a house and a guest house which is a permitted use.

Mr. King noted that the property would be serviced by a well and a septic tank and asked if it would use an onsite private well. He also inquired if there were two dwelling units would it require two septic tanks.

Ms. Barron confirmed that the property would use an onsite private well. She also responded that the need for two septic tanks would be determined by the Florida Department of Health after reviewing the size of the homes. She elaborated that the owner could also build a larger septic tank to provide service for both dwellings and the state review would be conducted at the time of the permitting.

Ms. Laura Jones Smith asked why the applicant requested to change the FLUC but not the zoning.

Ms. Barron replied that the zoning in place was Agriculture, which allows a house and an accessory dwelling unit; however, because the parcel is within the Wellness Way 1 FLUC, any construction must be part of the master Planned Unit Development (PUD). She also said that the applicant was not proposing to develop the parcel as a master PUD.

Ms. Jones Smith expressed concerns about the Wellness Way FLUC, stating that it does not allow for any of the existing zonings to be utilized.

Ms. Barron commented that existing developments have already been permitted, and stated that the Wellness Way 1 FLUC requires that if a parcel is vacant, then the Comp Plan requires new construction to meet the criteria. She remarked that the owner has the option to remain consistent with the surrounding properties by changing their FLUC to Rural in order to facilitate permitting and construct a home on their property.

Ms. Jones Smith commented that from the perspective of the Wellness Way master plan, enacting piecemeal FLU amendments to accommodate residents within that area could potentially impact how the master plan functions.

Mr. Greene said that the Wellness Way plan was initiated many years earlier, and at that time there was some desire for large tract development in that area of the county. He recalled discussion at the time regarding smaller parcels because large tracts would not be aggregated for master PUD developments and that to address concerns of smaller tract owners, the County would later allow them to opt out of the Wellness Way plan. He stated that his office's director has raised the issue to the County Attorney and certain County Commissioners to be addressed in the future, likely when the next Comp Plan update is enacted.

Ms. Jones Smith indicated that it would be more beneficial to the County's overall planning efforts to allow the requested structure to be built through a variance, though she noted that the Comp Plan requires a PUD.

Mr. Greene clarified that the size of the parcel does not meet the minimum criteria for planned development in Wellness Way, and that it would have to be over 1,000 acres in size.

Ms. Jones Smith replied that if the goal of the Wellness Way master plan is to make the area consist mostly of higher density planned developments as opposed to rural construction on large individual lots, then removing the Wellness Way FLUC from parcels to allow single houses could affect the master plan. She asked that since the owner already had an Agriculture zoning, would it be more beneficial to allow them to build under their current zoning standard as opposed to the Wellness Way Comp Plan standard.

Mr. Greene responded that this would make sense, and that creating exceptions was something that the County and his office would examine as the Comp Plan update was developed. He also said that, given the Wellness Way area's configuration and topography, it would be inevitable that all of the pieces would be unable to be aggregated into a single usable piece of land.

Ms. Jones Smith stated that she was speaking in terms of the standards that each property owner would be held to, and that the County would want to hold them all to the sector plan standards; however, she noted that if a citizen owned five acres within the area, the County would not want to prevent them from utilizing it unless another resident purchases and aggregates the land.

Mr. Greene relayed that much of the aggregation was created by many large tract owners opting in to the Wellness Way sector plan. He elaborated that some owners of smaller lots either opted out or there was a lack of consideration of exceptions for those that did not want to build homes and also lacked the land area to aggregate for development in accordance with the Board of County Commissioners' (BCC) desire.

Ms. Jones Smith noted staff's intent to update the Wellness Way FLUCs in the Comp Plan so that the County could accommodate parcels that would not be part of a larger planned development. She asked if it would also be beneficial to consider the current application in a different way to avoid creating a gap in the sector plan.

Mr. Greene indicated that the proposed exception was allowed by the Comp Plan and the process must be followed to opt out those pieces of land. He said that future amendments that update Wellness Way in the Comp Plan would bring these types of exceptions before the BCC for consideration to allow citizens to opt out without requiring a public hearing.

Ms. Sophie Sacagio, a neighbor of the proposed construction, said that her neighborhood consisted of eight five acre parcels along a small road that was not adopted by the County.

She claimed that she primarily maintained the road herself, and stated that the applicant's parcel and another parcel on the bottom of a nearby hill were the only undeveloped five acre parcels in the neighborhood. She displayed pictures of the road, and commented that while she did not object to the applicant constructing the home, she had concerns about the road. She opined that two additional houses would lead to four additional cars travelling on the road, and she expressed concerns about additional traffic and construction which the road was not built to accommodate. She expressed that there was difficulty with maintaining the road, and she remarked that she lived in the back of the neighborhood on a hill; additionally, she indicated that she built the first house on her property in the year 1994 and sold it in 2008 before constructing a second home adjacent to the first. She indicated that the two properties on the hill have horses on them and that the neighborhood was zoned Agriculture.

Mr. Rick Gonzalez asked if the road was private, and Ms. Sacagio confirmed that it was. He said that this would be a civil matter between herself and the other landowners.

Ms. Jones Smith asked to clarify that her concern was that the private road was not being maintained. She also inquired if there was a desire for the County to take over maintenance of the road.

Ms. Socagio responded that County maintenance would be preferable and eliminate the need for her to gather road maintenance funds from the other landowners. She stated that the road had previously experienced potholes when maintained by the other landowners, and opined that it would be difficult for a service vehicle to traverse it.

Ms. Jones Smith commented that because it was a private road, the Board would not have any jurisdiction over how the neighborhood maintains it. She suggested that County staff could be approached to discuss the possibility of the County maintaining that road.

Ms. Socagio said that the two additional houses would impact the road, and she did not know if the road would be safe for construction workers to travel on. She indicated that she had not spoken to the property owner about this matter.

Ms. Jones Smith responded that the County could provide the property owner's contact information, though reiterated that the issue was not within the Board's purview. She said that she appreciated the information and recommended speaking with County staff.

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Tab 1, FLU-18-08-2 Creeden Property Future Land Use Amendment – Small Scale Map Amendment – Adoption.**

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

**AGAINST: None**

**MOTION CARRIED: 4-0**

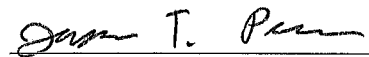
**OTHER BUSINESS**


Mr. Greene said that due to the availability of the County Attorney's office, the next meeting would be on June 26, 2018.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:23 a.m.

Respectfully submitted,

  
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Josh Pearson  
Administrative Specialist, Board Support

  
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Laura Jones Smith  
Chairman