

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 2, 2019

The Lake County Planning and Zoning Board met on Wednesday, October 2, 2019, 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, October 22, 2019 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
Tim Morris, Vice-Chairman	District 3
Rick Gonzalez	District 4
Cori Todd	District 5
Jim Hamilton	At-Large Representative

Members Not Present:

Sandy Gamble, Chairman	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
Michele Janiszewski, AICP, Chief Planner, Office of Planning & Zoning
Janie Barron, Senior Planner, Office of Planning & Zoning
Donna Bohrer, Office Associate, Office of Planning & Zoning
Debi Dyer, Office Associate III, Office of Planning & Zoning
Melanie Marsh, County Attorney
Josh Pearson, Deputy Clerk, Board Support

Vice-Chairman Tim Morris called the meeting to order at 9:00 a.m., noted that a quorum was present, and led the Pledge of Allegiance.

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Consideration of Minutes: August 7, 2019

Public Comment

CONSENT AGENDA

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Tab 1	RZ-19-17-5	United Southern Bank CP Amendment
Tab 2	RZ-19-18-1	Serenoa PUD Amendment
Tab 3	RZ-19-16-1	Phillips/27 O'Brien Road Property Rezoning
Tab 4	CUP-18-09-5	Ricky's Tree Service CUP
Tab 5	2019-XX	Special Master Ordinance
Tab 6	2019-XX	Design Standards

Regular Agenda

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, requested that Tabs 4 and 6 be pulled and brought back on the November 2019 Planning and Zoning Board meeting agenda. He elaborated that Tab 4 was improperly noticed to the adjacent property owners and that for Tab 6, staff would have further internal discussions to bring back a better version of the design standards. He also recommended for Tab 3 to be moved to the regular agenda due to there being speaker cards on that case.

MOTION by Laura Jones Smith, SECONDED by Kathryn McKeeby to APPROVE pulling Tabs 4 and 6, and moving Tab 3 to the regular agenda.

FOR: McKeeby, Jones Smith, Morris, Gonzalez, Todd and Hamilton

AGAINST: None

MOTION CARRIED: 6-0

MINUTES

MOTION by Rick Gonzalez, SECONDED by Laura Jones Smith to APPROVE the Minutes of August 7, 2019 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: McKeeby, Jones Smith, Morris, Gonzalez, Todd and Hamilton

AGAINST: None

MOTION CARRIED: 6-0

PUBLIC COMMENT

No one wished to address the Board at this time.

Mr. Morris remarked that the Lake County Planning and Zoning Board was a recommending body only and that the cases today were scheduled for the October 22, 2019 Board of County Commissioners (BCC) meeting.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-19-17-5	United Southern Bank CP Amendment
Tab 2	RZ-19-18-1	Serenoa PUD Amendment
Tab 5	2019-XX	Special Master Ordinance

MOTION by Rick Gonzalez, SECONDED by Laura Jones Smith to APPROVE the amended Consent Agenda, Tabs 1, 2 and 5, as presented.

FOR: McKeeby, Jones Smith, Morris, Gonzalez, Todd and Hamilton

AGAINST: None

MOTION CARRIED: 6-0

REGULAR AGENDA

Tab 3 – PHILLIPS/27 O'BRIEN ROAD PROPERTY REZONING

Mr. Greene stated that this public hearing had been published in accordance with the law.

Ms. Janie Barron, Senior Planner, Office of Planning & Zoning, presented Tab 3. She explained that the request was to amend the existing planned unit development (PUD) Ordinance 56-87 that was in effect in 1987. She elaborated that the applicant wanted to remove 39.66 acres from the existing PUD ordinance to establish a new PUD to be able to develop the property as a residential subdivision. She displayed maps with the property's future land use (FLU) of Urban Medium and its PUD zoning. She showed the concept plan, noted that the applicant was proposing 153 lots, and pointed out the open space, the wetlands, and the flood zone area. She said that the applicant had indicated that the property consisted of 39.66 acres, that there were 2.77 wetland acres, and that the density would be 4.41 dwelling units per acre. She indicated that the application was consistent with Lake County Comprehensive Plan (Comp Plan) policy I-1-1.4 which encourages infill development and growth in existing urban areas; additionally, it was consistent with the Urban Medium FLU category which allowed up to seven dwelling units per net buildable area. She added that it was consistent with PUD Comp Plan Policy I-7.8.1 which indicated that any development proposing 50 or more lots would require a PUD zoning district. She related that the request was also consistent with the mandatory central water and sewer Comp Plan policies due to there being a letter from the City of Groveland indicating that they had capacity to service the subdivision. She relayed that staff recommended approval of the conditions set in the ordinance.

Ms. Laura Jones Smith asked if the PUD that the subject property was being pulled out of was still under one ownership.

Ms. Barron replied that it was still owned by the same person and that the current entitlements for the property allowed for a commercial/industrial complex park. She also noted the location of these entitlements on a map of the area.

Ms. Jones Smith asked to confirm that there would be industrial and commercial uses on either side of the property if it was residential. She also asked if there would be any buffering methods above the normal buffers.

Ms. Barron confirmed that there would be industrial and commercial uses around the property and that staff would consider buffers at the time of the site plan approval. She also clarified that there were some residential areas around the property. She explained that the portion below the property was zoned Agriculture but was currently vacant; furthermore, the allowable uses there would be residential or agricultural uses. She commented that there were some residential properties at the northwest corner of the property and north of the property.

Ms. Jones Smith said that she had seen a letter from the City of Groveland which indicated that the City was interested in annexing the property and working with them on the density and intensity of the site.

Ms. Barron relayed her understanding that the City of Groveland had spoken to the owner and the applicant.

Mr. Rick Gonzalez asked if there would be 40 foot wide lots, and Ms. Barron confirmed this. Mr. Gonzalez then expressed a concern with there being a 20 foot wide road with vehicles possibly parked on the street, which could create difficulty for fire trucks moving through.

Ms. Barron remarked that the Lake County Office of Building Services and Lake County fire inspectors had reviewed the application and found it to be consistent with the LDRs. She noted that this was just a concept plan and that this issue could be considered at the time of the development application submittal.

Ms. Jones Smith asked that with the City of Groveland having expressed interest in annexing the property and indicating that they would work with the applicant on densities, why was the application being submitted to the County.

Mr. Brett Tobias, with Booth, Ern, Straughan & Hiott, Inc. and representing the applicant, relayed his understanding that the City was not eligible to annex the property because it was not contiguous to the city limits.

Mr. Gonzalez reiterated his question about the lot size and the width of the streets for fire trucks.

Mr. Tobias remarked that the City of Groveland fire chief had reviewed the application and found it consistent with the LDRs regarding those matters.

The Vice-Chairman opened the floor for public comment.

Ms. Donna Clark, a neighbor of the subject property, indicated that she had moved to the area because it was rural and that she did not want 150 homes across the road from her property. She commented that there were five acre lots along the road and that she had farm animals and grandchildren. She expressed concerns for congestion in the area, for the size of the roads, for a lack of fire hydrants in the area, and for school overcrowding.

Mr. Morris relayed that the analysis from the Lake County School Board indicated that they had capacity.

Ms. Clark inquired about her options if she opposed the request.

Ms. Melanie Marsh, County Attorney, explained that the Planning and Zoning Board was a recommending body and would make a recommendation to the BCC about this case;

furthermore, if the BCC approved the request, Ms. Clark could potentially file an action in the circuit court but would have to contact her own attorney to assist her with that process. She added that there were specific rules and ways to challenge legislative action at the Board level for rezonings.

Ms. Clark asked if multiple residents in the area could challenge the request, and Ms. Marsh confirmed that there could be multiple plaintiffs.

Ms. Jones Smith said that there would be an opportunity for Ms. Clark to attend the BCC meeting where the case would be heard.

Mr. Theodore Martin, a resident on O'Brien Road, expressed concerns for the these items: wildlife in the area including gopher tortoises and a bear; danger at a nearby intersection; vehicles coming onto his property; and nearby property owners not receiving a notice for the hearing. He also said that he owned property on both sides of the road that connected to the subject property and he indicated a concern for fire trucks accessing the property.

Mr. Morris asked if all the notices had been sent to the appropriate property owners.

Mr. Greene replied that staff could confirm this and that their notification limit was 500 feet from the subject property.

Mr. T.J. Fish, Director of Transportation and Public Works for the City of Groveland, commented that the Christopher C. Ford Commerce Park was located near the Florida's Turnpike interchange and that the subject PUD was approved in the 1980s. He said that entitlements were given to the property due to freezes which killed the orange groves, and relayed his understanding that each grove owner in Lake County was given one unit per acre rights if they were not in the Green Swamp or Wekiva River Protection Area. He commented that the City had an interlocal service boundary agreement (ISBA) with Lake County and other cities which had established their utility services areas. He indicated an understanding that the subject property was in the City of Groveland's ISBA area and that the corporate limits were around the property. He said that the City had properties around the Christopher C. Ford Commerce Park and that the City provided water, sewer and public safety services in the service area. He relayed that the City had informed the applicant that they could apply for annexation and that the City was not required to provide utilities due to the property being outside the statutory distance. He clarified that the City could provide utilities but noted that their wastewater treatment plant was located near State Road (SR) 19. He indicated a preference for the applicant to communicate with the City and he urged the Board to recommend this to the BCC.

Mr. Gonzalez asked to confirm that the City wanted to have commercial or industrial uses in the area.

Mr. Fish thought that the Florida's Turnpike interchange and the infrastructure of the interchange of Florida's Turnpike and U.S. 27, along with the interchange of U.S. 27 and SR

19, would be significant. He relayed his understanding that Florida's Turnpike would begin to be increased to eight lanes in 2023 and that U.S. 27 would eventually be increased to six lanes, and he opined that a single family subdivision did not fit well into the City's plans for the infrastructure around the interchange that they were investing in.

Mr. Gonzalez inquired if there was a cloverleaf interchange planned there eventually and if the proposed development could impede this.

Mr. Fish confirmed this and commented that it would be rebuilt as a full interchange starting in 2023. He questioned having a single family subdivision adjacent to a turnpike interchange.

Mr. Jim Hamilton asked if 2023 would be the completion date or the begin date for the road expansions, and Mr. Fish said that it would be the begin date with a completion date of 2025 for Florida's Turnpike.

Mr. Morris asked how the property could be annexed into the City of Groveland without being contiguous.

Mr. Fish mentioned that it was contiguous to public right of way. He relayed his understanding that the City could annex the Florida's Turnpike right of way east of the property and then annex the property and serve them with utilities.

Mr. Gonzalez asked if the City could incorporate a property inside the ISBA or if it had to be contiguous.

Mr. Fish noted that there were some questions about whether the ISBA required a property to be contiguous in order to be annexed. He relayed his understanding that state law allowed an opportunity to annex.

Ms. Marsh indicated her understanding that there were specific alternate key numbers listed in the South Lake ISBA that could be annexed non-contiguously; however, she was unsure if the alternate key numbers for the subject property had been included.

Ms. Jones Smith asked if the City of Groveland would opt not to provide utilities to the site if the applicant proceeded with this case in Lake County.

Mr. Fish replied that the City would have to consider this and that they were not required by statute to serve them based on distance requirements.

The Vice-Chairman brought it back to the Board for discussion.

Mr. Gonzalez inquired if the existing PUD allowed for residential development.

Ms. Barron denied this and clarified that the existing PUD ordinance was specific for a commercial/industrial complex.

Mr. Gonzalez thought that a large warehouse could potentially be placed there which could generate significant truck traffic.

Ms. Barron commented that this would be allowed if it was consistent with the Comp Plan; furthermore, any new uses would have to be consistent with both the zoning and the FLU.

Ms. Jones Smith asked if the uses listed in the existing ordinance could include a strip center for shopping and high intensity industrial uses.

Ms. Barron replied that the existing ordinance did not list other uses; however, staff could review a site plan for those uses as long as they were consistent with the zoning and the FLU. She added that the FLU was Urban Medium, which indicated that commerce was allowed as long as it was consistent with the County's commercial uses.

Ms. Jones Smith inquired how industrial uses could be addressed since they were not listed, and Ms. Marsh indicated that it could be light industrial under a conditional use permit (CUP).

Mr. Cori Todd asked if there was a concrete plant on O'Brien Road.

Ms. Barron noted that there was a concrete plant and pointed out its location on a map of the area.

Mr. Todd questioned if a residential development could impact the ordinance that the concrete company was operating under currently. He also asked if residential encroachment could impact industrial uses around it since the concrete plant could currently operate 24 hours per day.

Ms. Barron remarked that the County had let the owner of the subject property know that when they began to develop that portion of the property, it would be impacted because this acreage had not been removed. She related that there would be a new ordinance for that 39.66 acres.

Ms. Marsh said that there had been an increase in incompatible uses in the county. She mentioned that recently, there was an approved subdivision in the Wellness Way area that would be across the street from a CEMEX plant once it started operating. She elaborated that the County required in the PUD that the developer and the builders must provide a specific notice to future residents that they would be living next to a concrete plant and would be unable to lodge complaints against the plant. She anticipated that there could be complaints about noise from the surrounding industrial uses if the current request was approved, and she informed the Board that one of their criteria was the compatibility of the area.

Mr. Morris asked if the requirement to inform the land purchase about the concrete plant would be written in the ordinance.

Ms. Marsh responded that the BCC had required this for the previous residential development that would be next to industrial uses.

Mr. Gonzalez inquired how this warning would be provided to a land purchaser. He also expressed a concern about repeated sales of a property and the warning not being provided.

Ms. Marsh thought that the PUD required it to be a specific signed notice that the builder or developer would have to provide at the time of contract or at the time of closing. She commented that the residential development in the Wellness Way area had not started yet but that this requirement was in its PUD. She also said that once the plant was operational, it should be apparent to someone purchasing a property near it.

Mr. Tobias clarified that there was an existing PUD which allowed for commercial/industrial uses and that there were already entitlements to the land that did not require it to stay vacant with no traffic. He commented that the FLU allowed for up to seven units per acre but that the proposed development was below this at 4.41 units per acre. He commented that environmental concerns typically would not be addressed during rezoning but that it was part of the County's LDRs. He elaborated that each development had to provide a detailed environmental analysis to the County, along with the Florida Fish and Wildlife Conservation Commission if any endangered species were found, and all necessary permits would have to be obtained through state laws. He relayed that there were wetlands on the property and that the state governed the buffers that were required for them; furthermore, this information would be provided as part of the engineering document.

Mr. Gonzalez asked if he had considered that there could be a cloverleaf interchange near the subject property.

Ms. Jones Smith inquired if there was already a homebuilder assigned or affiliated with this project.

Mr. Tobias indicated that he could not speak to a cloverleaf interchange. He also did not think that there was currently a homebuilder assigned to the project.

Ms. Jones Smith asked if the applicant was seeking entitlements for the intent of marketing the property for sale to homebuilders or if they were actively trying to sell the property, and Mr. Tobias was unsure of this.

Mr. Morris opined that this should not affect the Board's decision and indicated that they were considering an application for a PUD regardless of what happened afterward.

Mr. Tobias opined that with an industrial park nearby, there was a need for workforce housing in the area and this development filled a need there.

Ms. Jones Smith questioned splitting off a piece of the larger PUD for a different use rather than amending the entire PUD to be a mixed use project involving commercial and residential uses.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to DENY Tab 3, Phillips/27 O'Brien Road Property Rezoning.

FOR: McKeeby, Jones Smith, Morris, Gonzalez, Todd and Hamilton

AGAINST: None

MOTION CARRIED: 6-0

OTHER BUSINESS

Mr. Greene remarked that the Planning and Zoning Board meeting for December 2019 would be on November 26, 2019 and that the November 2019 meeting would be on October 30, 2019.


Ms. Jones Smith asked when the January 2020 meeting date would be determined.

Mr. Greene responded that he could bring a tentative calendar next month for the Board to consider.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:49 a.m.

Respectfully submitted,



Josh Pearson
Deputy Clerk, Board Support



Tim Morris
Vice-Chairman