

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
November 26, 2019

The Lake County Planning and Zoning Board met on Tuesday, November 26, 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, December 17, 2019 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Sandy Gamble, Chairman	School Board Representative
Kathryn McKeeby, Secretary	District 1
Tim Morris, Vice-Chairman	District 3
Rick Gonzalez	District 4

Members Not Present:

Laura Jones Smith	District 2
Cori Todd	District 5
Jim Hamilton	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Tim McClendon, AICP, Director, Office of Planning & Zoning
Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
Christine Rock, AICP, Senior 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

Chairman Sandy Gamble called the meeting to order at 9:37 a.m., noted that a quorum was present, and led the Pledge of Allegiance. He remarked that the Lake County Planning and Zoning Board was an advisory board to the Board of County Commissioners (BCC) and that this Board was responsible for reviewing proposed changes to the Lake County Comprehensive Plan (Comp Plan), zoning, conditional uses, mining site plans, and making recommendations on these applications to the BCC. He stated that the Board's recommendations would be sent to the BCC for their consideration at a scheduled public hearing and that the cases presented today were scheduled for the December 17, 2019 BCC meeting at 9:00 a.m.

TABLE OF CONTENTS

Agenda Update

Public Comment

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-19-24-1	Camden Park North PUD Amendment
Tab2	RZ-19-26-1	Caswell Property
Tab3	FLU-18-18-1	Vista Grand Property FLU Amendment- Adoption
Tab4	RZ-18-25-1	Vista Grand Property PUD Amendment
Tab5	RZ-19-06-4	Sorrento Pines PUD
Tab6	RZ-19-05-4	Rhodes Property

Regular Agenda

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that the cases on the agenda had been advertised in accordance with the law. He noted that there were speaker cards for Tabs 3, 4, 5 and 6, and he requested to add an item to other business to discuss the 2020 calendar.

Mr. Gamble stated that Tabs 3, 4, 5 and 6 would be moved to the regular agenda and that Tabs 1 and 2 would remain on the consent agenda.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-19-24-1	Camden Park North PUD Amendment
Tab2	RZ-19-26-1	Caswell Property

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda, Tabs 1 and 2, as presented, pulling Tabs 3, 4, 5 and 6 to the Regular Agenda.

FOR: Gamble, McKeeby, Morris and Gonzalez

AGAINST: None

MOTION CARRIED: 4-0

PUBLIC COMMENT

No one wished to address the Board at this time.

REGULAR AGENDA

Tabs 3 & 4 - VISTA GRAND PROPERTY FLU AMENDMENT - ADOPTION AND PUD AMENDMENT

Ms. Janie Barron, Senior Planner, Office of Planning & Zoning, presented Tabs 3 and 4. She said that the subject property was located west of Turkey Farm Road and north of Old Highway 50 in the City of Clermont Area, and was 4.315 acres in size. She commented that the future land use (FLU) map application sought to change the FLU from Rural Transition to Urban Low, and that the rezoning application was requesting to rezone the property from Rural Residential (R-1) to Medium Residential (R-3). She showed a map of the property indicating the FLU and rezoning requests and remarked that the FLU request was consistent with Lake County Comprehensive Plan (Comp Plan) Policy 1-1.1.4, which encouraged and directed growth to existing urban areas where public facilities and services were available. She noted that staff had received documentation indicating that central water was available for the subject parcel, and she stated that the FLU map application was consistent with the Urban Low Density Comp Plan policy which allowed up to four dwelling units per net acre; furthermore, this policy also required the open space for any development exceeding 10 units to be 25 percent of the net developable area, which had been exceeded by the concept plan. She added that the request was also consistent with the Comp Plan policy for a mandatory sewer connection, which indicated that any new development had to have some utilities within

the Urban FLU. She elaborated that the City of Minneola had provided documentation stating that they would supply water to the subject property. She explained the rezoning application was requesting for the parcel to be rezoned from R-1 to R-3 to accommodate the development of an 11 lot residential subdivision with a density of 2.55 dwelling units per net acre. She also related that the request for R-3 zoning was consistent with the Land Development Regulations (LDRs) Section 3.02.06, which established R-3 zoned properties to have a maximum density of three dwelling units per net acre, along with being consistent with LDRs Section 3.01.03 which allowed single family dwelling units within the R-3 zoning district. She said that the rezoning application included a waiver to the central sewer requirements, which would be presented to the BCC. She displayed the concept plan for the proposed 11 lot subdivision and concluded that staff found the application to be consistent with the LDRs and the Comp Plan.

Ms. Kathryn McKeely mentioned that there was a letter from the City of Minneola and asked if the County had met with them.

Ms. Barron responded that there had been a joint meeting on May 16, 2019, and the County had received preliminary comments; furthermore, individuals from the City of Minneola were in attendance.

Mr. Tim Morris inquired that since there was no central sewer, would they have a package plan.

Mr. Rick Gonzalez asked if the adjacent subdivision had sewer.

Ms. Barron clarified that they were proposing a septic tank on the lots. She also commented that the subdivision to the north within the City of Minneola's jurisdiction did not have central sewer.

Mr. Gonzalez inquired if the City of Minneola's concerns had been resolved.

Mr. Fred Miller, Project Manager for the City of Minneola, explained that there was a utility notification letter attached to the application which indicated that central water was available for this property. He said that the City was currently in the process of signing an agreement to reserve capacity for water and sewer, and he remarked that central water and sewer could be available for this property by extending utilities or making upgrades.

Mr. Gonzalez asked how far they would have to extend the sewer.

Mr. Miller indicated that gravity sewer was unavailable in that area but that there was a force main north and east from the subject property which could be attached with some upgrades.

Mr. Gamble inquired if this would be at the developer's expense, and Mr. Miller confirmed this for both water and sewer. Mr. Gamble then asked if this was the only issue that the City had with this project.

Mr. Miller relayed that the City had requested for the developer to have a public meeting to receive input from the residents.

Mr. Morris asked to clarify that the developer would pay for the water to be nm there, and Mr. Miller said this was correct.

Ms. Joyce Heffington, Minneola City Planner, relayed that the Minneola City Council was not in support of this project. She said that the City had a meeting with the developer's attorney and the Lake County Director for the Office of Planning and Zoning where the City expressed their concerns. She also remarked that residents in the area had contacted the City to ask if they could meet with the developer at Minneola City Hall in the evening so that they could attend and express their concerns to the developer; however, this did not occur.

Ms. Jennifer Cotch, a land use planner representing the applicant, said that they agreed with staff that the 11 lot subdivision would have 25 percent open space, central water, and individual septic tanks. She commented that this project was not within the Minneola city limits and she relayed her understanding that the Minneola City Council had placed a moratorium on residential development; furthermore, the property owner did not find there to be a benefit to have a special meeting within the city limits. She felt that this meeting was the opportunity for the residents to express their concerns.

Mr. Gonzalez asked if the City of Minneola had an interlocal service boundary agreement (ISBA).

Ms. Cotch confirmed this and thought that it was mentioned in the City's letter and the staff report that this project was within the ISBA. She expressed her understanding that the ISBA included a number of alternate keys but that this property was not listed.

Mr. Morris inquired if it was public record that there was a moratorium for residential development, and Ms. Cotch indicated an understanding that this was correct for new residential development. Mr. Morris then asked when this occurred.

Ms. Heffington clarified that in the previous year, the Minneola City Council passed a resolution indicating that they did not desire to annex residential property into the city or to rezone commercial property to residential unless it was something special or unique. She added that the City did not want to annex average developments and was seeking projects such as those with larger lots and those that were environmentally friendly. She reiterated that the City did not pass a moratorium and were not forbidding annexation of residential property.

Mr. Gonzalez relayed his understanding that the City did not want to annex developments but asked if they still wanted to affect them.

Ms. Heffington denied this and thought that the City's concern was that they wanted to consider items such as infrastructure, schools and roads for a project such as this.

Mr. Gamble relayed his understanding that information from the Lake County School Board indicated that if the project created an issue with school overpopulation, then it could be addressed at a later date.

Ms. Cotch noted that they would be required to meet concurrency and that traffic and roads would have to be addressed. She displayed an image of the property and noted its proximity to a new interchange in the City of Minneola. She stated that the nearby vacant areas were entitled and commented that a large adjacent parcel was part of the Highlands Ranch property which was entitled to four dwelling units per acre.

Mr. Gamble expressed a concern that the entrance road would only be 24 feet wide and that emergency vehicles could have issues navigating it.

Ms. Cotch said that this could be addressed as part of the preliminary plat.

The Chairman opened the floor for public comment.

Ms. Elaine Simmons, a neighbor of the subject property, displayed pictures of the area and indicated concerns for the following items: effects on wildlife; having 11 septic tanks on a small parcel; overcrowded schools; the average home on Turkey Farm Road had 2.7 acres while the developer wanted to construct 11 homes and a drainage pond on less than five acres; and there were inconsistencies between the subject property and the home sizes on Old Highway 50. She opined that four acres on the subject property could be divided differently, and she mentioned a dip in Turkey Farm Road where a vehicular accident had occurred. She urged the Board to keep the area rural.

Ms. Lisa Richardson, a resident of Lake County, felt that residents wanted to live near the subject property for its low density and that they wanted to keep the area rural. She relayed her understanding that Lake Minneola High School was at capacity and that the proposed homes were zoned for Astatula Elementary School, which she also opined was at capacity, rather than Grassy Lake Elementary School. She asked the Board to minimize growth and the concentration of homes.

Mr. Gamble asked to confirm that the homes would be zoned for Astatula Elementary School.

Ms. Richardson said that she had found this information on a website and that it would be a 20 to 25 minute bus ride to that school.

Mr. Johnny Contreras, a resident on Turkey Farm Road, said that he did not think there would possibly be 11 homes with a retention pond adjacent to his property. He expressed a concern for wildlife in the area and for school capacity. He felt that the development was unnecessary and he opposed the request.

Mr. Marcus Ledet, a neighbor of the subject property, opposed placing the development in a confined area and felt that it would be out of place. He also indicated a concern for eliminating the views of the area.

The Chairman brought it back to the Board for discussion.

Ms. Cotch said that the Lake County code required the applicant to submit an environmental assessment and that this would determine if there were gopher tortoises or other endangered species on the subject property. She felt that septic tanks were common in Lake County and relayed her understanding that they were used for a large subdivision near the subject property.

Mr. Gamble asked how long that subdivision had existed, and Mr. Miller thought that it had existed since the late 1980s.

Ms. Cotch opined that the septic tanks that would be installed for the proposed development would be of a higher quality than those in the nearby subdivision. She also mentioned concurrency for schools and traffic. She acknowledged that residents wanted to keep the area rural but stated that the cities had developed around the subject property. She felt that area would become denser, noted that the residents would still have their acreage, and expressed a desire for the subject property owner to be able to use their property.

Mr. Gamble inquired if there was an agreement stating that when the City of Minneola provided water to a development, the development would have to connect to the City's sewer when it became available and annex into the city.

Mr. Greene noted that this would be the prerogative of the City rather than the County.

Mr. Miller indicated that the City preferred for this to occur but that it was not a requirement. He added that as long as the development was in the City's utility district, they would attempt to serve the property.

Ms. McKeeby asked when the environmental report was typically conducted.

Mr. Greene replied that staff asked for a statement of environmental conditions as part of the rezoning to determine if the property was developed, if it had wetlands, etc. He said that the more detailed environmental assessment would typically be required at the development application stage after the rezoning.

MOTION by Kathryn McKeeby, SECONDED by Tim Morris to DENY Tab 3, Vista Grande Property FLU Amendment - Adoption.

FOR: Gamble, McKeeby and Morris

AGAINST: Gonzalez

MOTION CARRIED: 3-1

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to DENY Tab 4, Vista Grande Property PUD Amendment.

FOR: Gamble, McKeeby and Morris

AGAINST: Gonzalez

MOTION CARRIED: 3-1

Tab 5 - SORRENTO PINES PUD

Ms. Christine Rock, Senior Planner, Office of Planning & Zoning, presented Tab 5. She said that this property was located west of Rolling Oak Road and adjacent to County Road (CR) 437 in the Town of Sorrento area. She added that the property was approximately 200 acres in size and that the applicant had requested to rezone it from Community Facility District (CPD) to Planned Unit Development (PUD) for a residential subdivision. She then displayed an image of the property and the surrounding FLU categories and zoning districts. She pointed out that the Receiving Area A-1-20 FLU was one dwelling per twenty net acres, that the Mt. Plymouth-Sorrento Receiving Area FLU was 5.5 dwelling units per acre, and that the subject property was requesting 1.74 units per net acre for the PUD.

Mr. Morris asked if there were wetlands on the property, and Mr. Gonzalez replied that he did not think that there were significant amounts of wetlands there.

Ms. Rock commented that the subject property was zoned CPD with Ordinance 2011-28 which allowed the property to be developed as a solar farm, and the applicant was requesting a PUD for a 348 lot subdivision with an overall density of 1.74 dwelling units per net acre and 45 percent open space. She added that this rezoning request was submitted concurrently with a site specific FLU amendment application which went before the BCC in July 2019 that requested a change in the FLU category from Rural Transition to PUD. She commented that both the FLU and the PUD had a density of 1.74 dwelling units per acre. She remarked that the purpose of Comp Plan Goal I-1 was to ensure compatibility between densities and intensities and provide for appropriate transitions. She felt that the proposed density was transitional from the lower densities to the north and the higher densities to the south. She

commented that the property abutted the Sorrento Hills subdivision to the north and that it was across the road from the Rolling Oaks subdivision to the southeast. She said that the density was higher than the larger agricultural and residential tracts to the south, and that the applicant had proposed to increase the buffer to 200 feet on the southwestern side. She displayed the concept plan and pointed out some larger lots on the subject property to the east, the smaller lots in the interior, and the open space.

Ms. Kathy Hattaway, with Poulos and Bennett and representing the applicant, said that her request was for the Board to recommend to the BCC that they approve the application for a PUD zoning on the 200 acre subject property. She recalled that on July 9, 2019, the Planning and Zoning Board considered on their consent agenda a concurrent FLU Comp Plan amendment for this property; furthermore, on July 30, 2019, the BCC voted to transmit the Comp Plan amendment to the Florida Department of Economic Opportunity (DEO). She also remarked that the State had no comments or concerns for the application. She displayed the site plan and said that the following revisions had been made: one acre lots along CR 437 and along the southern boundary with the smaller lots being interior to the project; a minimum lot size of 40 feet, though they expected 50 and 60 feet wide lots; and they were not proposing any attached units such as townhomes or multifamily products. She also mentioned that they increased the buffers such as in the southwest area of the project near Equestrian Trail where there would be a 200 foot buffer and a roadway, noting that they also increased the buffer on the east side of Equestrian Trail to be 200 feet; furthermore, she said that there were significant natural buffers that would remain in place. She remarked that they were proposing 45 percent open space and that they had clustered the units to be toward the center of the project to allow them to retain an excessive buffer area along the perimeter. She added that they were not proposing any connection to the north, and she mentioned that there were residential design guidelines within the conditions of approval for the PUD which would affect the design and architectural features of the homes. She stated that staff had requested that they include bear management requirements in the PUD and that staff also documented the buffer requirements. She related that for transportation, they had to dedicate right of way along CR 437 and construct an eight foot sidewalk for the length of their property along CR 437 to support some future improvements along that roadway; additionally, there was a central utilities requirement and the project would be on central water and sewer.

Mr. Gonzalez asked if this would be City of Eustis water and sewer.

Ms. Hattaway confirmed that this was correct. She felt that the proposed PUD zoning was consistent with the Comp Plan and the LDRs, and she requested that the Board recommend approval of the application to the BCC.

The Chairman opened the floor for public comment.

Mr. Dax Girard, a resident on Rolling Oak Road, expressed concern about the roadway being able to accommodate the proposed development and for emergency medical services (EMS) being scarce in the area. He thought that the community was concerned about the

infrastructure in the area and he asked the Board to consider not allowing high density housing.

Ms. Melinda Rodriguez, a neighbor of the subject property, displayed an image of property near her home and expressed an understanding that many individuals in the community were unaware of the meeting today. She opined that the community opposed the request and felt that the schools were unprepared to accommodate it. She also indicated concerns for these items: the traffic study and the roads not being equipped to accommodate the density of the proposed houses; light and noise pollution; and quality of life. She expressed an interest in a lower density.

Mr. Morris asked what would be her preferred transitional development.

Ms. Rodriguez relayed her understanding that Commissioner Leslie Campione had recommended one house per five acres but that this was not supported. She said that her property was five acres and abutted where the buffer for the proposed development would be. She also relayed that her neighbors had ten to twenty acre lots and that across the street from CR 437, the lots were five to ten acres in size. She said that she would consider this to be transitional and indicated that she was not opposed to having neighbors. She supporting having one unit per five acres.

The Chairman brought it back to the Board for discussion.

Mr. Gamble asked about the notice for surrounding property owners, and Mr. Morris inquired if the notifications were sent in a timely manner.

Ms. Rock displayed a map of the 500 foot notification buffer for properties that were notified.

Mr. Greene confirmed that the property owner notification cards were sent in a timely manner.

Mr. Gonzalez asked if there were any plans to connect the proposed development to the golf course subdivision to the north.

Ms. Hattaway responded that there were early discussions about a connection but that there was no interest in a connection from the project to the north.

Mr. Morris asked if both properties had the same owner.

Ms. Hattaway commented that the property to the north was developed and that some of the owners were originally the same.

Ms. Melanie Marsh, County Attorney, added that recently, the BCC approved a community development district (CDD) amendment to remove the subject property from the Sorrento Springs CDD. She relayed her understanding that there was no intent for the subdivisions to be connected.

Mr. Gamble stated that for the overcrowding of schools, a five year capacity status was considered to examine the longevity to complete the development. He added that at that time, the projection would indicate if the schools would be over capacity.

MOTION by Rick Gonzalez SECONDED by Kathryn McKeeby to APPROVE Tab 5, Sorrento Pines PUD.

FOR: McKeeby and Gonzalez

AGAINST: Gamble and Morris

MOTION FAILED: 2-2

Ms. Marsh said that the motion would fail since it was a tie and that if there was not another motion, then the item would move forward to the BCC with no recommendation from the Board.

The Board confirmed that there would be no recommendation to the BCC for this item.

Tab 6 - RHODES PROPERTY

Mr. Greene relayed his understanding that there was one speaker card for Tab 6 and that a question could be answered for the adjacent property owner.

The Chairman opened the floor for public comment.

Mr. Gary Johnston, a neighbor of the subject property, objected to rezoning the property from residential to commercial. He expressed a concern that this would increase the traffic from State Road (SR) 44, which he opined was already busy. He relayed an understanding that the subject property was located at a high speed, 55 miles per hour (MPH) area with no traffic light. He thought that the request could infringe upon the privacy of the residential property owners in the area, that it could decrease property values, and that it could be a nuisance. He asked if there was a planned variance for the property and he relayed an understanding that there was a commercial company operating there now.

Mr. Greene said that until the rezoning occurred, there was no commercial activity allowed on the property and that this complaint should be directed to the Lake County Office of Code Enforcement.

Mr. Johnston said that if the request was approved, he would want to see the local master plan for the land uses in that general area. He expressed a concern for an increase in commercial property.

Mr. Morris asked if the code for the Commercial Property zoning designation could be sent to Mr. Johnston so that he would know what uses would be available.

Mr. Greene responded that staff could provide him with a copy of the proposed zoning ordinance, which included a list of proposed uses and the concept plan.

The Chairman brought it back to the Board for discussion.

Mr. Greg Beliveau, representing the applicant, said that this application came forth because the subject property was identified as being attractive for this purpose due to being able to capture the traffic nearby. He denied that they were considering increasing the traffic, and he explained that it was an intersection of an arterial road and a collector road; furthermore, they were attempting to use the property as neighborhood commercial and provide a service to the surrounding neighborhoods. He relayed his understanding that staff had expressed interest in this area possibly being a commercial corridor, and noted that the property was in the City of Eustis ISBA area. He also stated that they would be utilizing water and sewer from the City of Eustis. He commented that they were coordinating with the Lake County Public Works Department for access and would not be providing direct access from the intersection. He related that they would also be providing the proper reports and traffic studies to provide access. He noted that they would be utilizing buffers to the south where they abutted a subdivision, and he clarified that they would not be placing any big-box stores there. He elaborated that it would not be a large commercial endeavor and opined that they would be providing a neighborhood service. He relayed an understanding that some residents in the area were looking forward to having this service due to them having to drive a longer distance for local retail opportunities. He expressed support for the staff report and said that he could meet with Mr. Johnston regarding the proposed uses.

Mr. Gonzalez asked if Mr. Beliveau anticipated the property having a convenience store with gas. He also asked if a traffic study justified a traffic light at that location.

Mr. Beliveau commented that a convenience store with gas was a potential use but that there was already a convenience store east of the subject property. He added that a traffic study did not yet justify a traffic light and that the County would have to perform that study.

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE Tab 6, Rhodes Property.

FOR: Gamble, McKeeby, Morris and Gonzalez

AGAINST: None

MOTION CARRIED: 4-0

OTHER BUSINESS

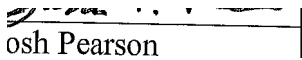
Mr. Greene asked that with regards to the upcoming year, would the Board want to meet on January 2 or January 7, 2020, and the Board indicated that they could meet on January 2,

2020. Mr. Greene then indicated that the May 2020 meeting would occur on April 29, 2020, and the June 2020 meeting would be on May 27, 2020. He mentioned that at this point, the September 2020 meeting would occur on August 26, 2020; furthermore, he would include an updated calendar for the Board as part of the January 2020 meeting. He reiterated that the next meeting would be on January 2, 2020.

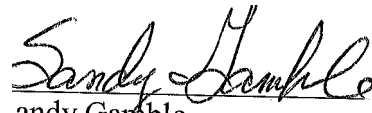
ADJOURNMENT

There being no further business, the meeting was adjourned at 10:54 a.m.

Respectfully submitted,


Josh Pearson

Josh Pearson
Deputy Clerk, Board Support


Sandy Gamble
Chairman