

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
April 29, 2020

The Lake County Planning and Zoning Board met on Wednesday, April 29, 2020, via Zoom Media Communications, 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, May 19, 2020 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
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:

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

Tim McClendon, AICP, Director, Office of Planning & Zoning
Steve Greene, AICP, Chief Planner, Office of Planning & Zoning
Melanie Marsh, County Attorney
Erikk Ross, Director, Information Technology Department
Josh Pearson, Deputy Clerk, Board Support

Chairman Sandy Gamble called the meeting to order at 9:00 a.m. and noted that a quorum was present. He said that to minimize the spread of coronavirus disease 2019 (COVID-19), this meeting would be conducted online via Zoom Media Communications in accordance with Florida Governor Ron DeSantis' Executive Order 20-69. He requested a moment of silence to show support for first responders, healthcare workers, and everyone impacted by the pandemic.

Mr. Tim Morris led the Pledge of Allegiance.

Mr. Tim McClendon, Director, Office of Planning and Zoning, provided virtual meeting instructions. He explained that the meeting was also being made available through Zoom Media Communications for members of the public who wished to provide comments. He said that staff previously notified the public that any comments could be emailed through 5:00 p.m. on the previous day, though no comments were received regarding any of these cases.

He added that anyone wishing to provide written comments during this meeting could visit the Lake County website, www.lakecountyfl.gov/planningmeeting, and any written comments received during this meeting would be shared with the Board members after the meeting.

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CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	CUP-20-01-4	Martin Sport Horses CUP
Tab 2	RZ-20-06-3	Bitter-Warren Property Rezoning
Tab 3	RZ-20-03-4	Tzimon Barto Property Rezoning
Tab 4	RZ-20-07-5	LCBCC Umatilla CFD Rezoning
Tab 5	RZ-20-05-1	Hansen House Property Rezoning
Tab 6	CP-20-02-4	Great Corners Comprehensive Text Amendment

Regular Agenda

Other Business - Election of Officers

Adjournment

AGENDA UPDATES

Mr. McClendon relayed that there were no agenda updates.

MINUTES

MOTION by Jim Hamilton, SECONDED by Laura Jones Smith to APPROVE the Minutes of March 4, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.

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

AGAINST: None

MOTION CARRIED: 7-0

PUBLIC COMMENT

No one wished to address the Board at this time.

CONSENT AGENDA

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Mr. Gamble reviewed the virtual meeting instructions and said that each item on the consent agenda would be addressed individually.

MARTIN SPORT HORSES CUP

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Consent Agenda Tab 1, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

BITTER-WARREN PROPERTY REZONING

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Consent Agenda Tab 2, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

TZIMON BARTO PROPERTY REZONING

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE Consent Agenda Tab 3, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

LCBCC UMATILLA CFD REZONING

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Consent Agenda Tab 4, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

HANSEN HOUSE PROPERTY REZONING

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Consent Agenda Tab 5, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

GREAT CORNERS COMPREHENSIVE TEXT AMENDMENT

The Chairman opened the public hearing.

There being no one who wished to address the Board regarding this matter, the Chairman closed the public hearing.

MOTION by Jim Hamilton, SECONDED by Tim Morris to APPROVE Consent Agenda Tab 6, as presented.

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

AGAINST: None

MOTION CARRIED: 7-0

ELECTION OF OFFICERS

Ms. Kathryn McKeeby nominated Mr. Gamble to serve as Chairman.

Mr. Gamble nominated Mr. Morris to serve as Chairman.

Mr. Morris relayed his understanding that Mr. Gamble would be running in an election, and said that he could serve in this position.

Mr. Gamble commented that he could serve as Chairman if the Board desired this, but he wanted to make sure that the positions would be filled.

Mr. Morris remarked that he was willing to serve as Vice-Chairman.

MOTION by Kathryn McKeeby for Sandy Gamble to serve as the Chairman of the Lake County Planning and Zoning Board.

FOR: Gamble, McKeeby, Morris, Gonzalez, Todd and Hamilton

AGAINST: Jones Smith

MOTION CARRIED: 6-1

MOTION by Kathryn McKeeby for Tim Morris to serve as the Vice-Chairman of the Lake County Planning and Zoning Board.

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

AGAINST: None

MOTION CARRIED: 7-0

OTHER BUSINESS

Mr. Gamble said that he appreciated the County staff helping the Board with this meeting and that the situation may change by the end of May 2020. He expressed gratitude to the Board for participating and being available.

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, commented that he appreciated everyone's participation and patience. He said that staff had proposed a question to the County Attorney pertaining to White Water Farms and that it could be addressed under other business.

Ms. Melanie Marsh, County Attorney, clarified that this was not an item that the Board would vote on, and that it was her understanding that one or more Board members wanted an update on White Water Farms.

Mr. Rick Gonzalez requested an update on what actions were taken, and he relayed his understanding that the BCC voted to have an injunction filed against White Water Farms for moving dirt. He asked about the County's stance regarding these items and how this aligned with the State's Right to Farm Act.

Ms. Marsh explained that in order to be afforded the protections of the Right to Farm Act, the property must have an agricultural classification and must be registered in a best management practice program through either the Florida Department of Environmental Protection (DEP), the Florida Department of Agricultural and Consumer Services (FDACS), or the St. Johns River Water Management District (SJRWMD). She said that the County's position on White Water Farms was that they were not registered in a best management practice program, and the County had confirmation of this from all three entities; therefore, they were not entitled to those protections. She commented that the County's position was that they were mining dirt or utilizing a borrow pit, but they did not have the proper zoning or approval to do this. She mentioned that the BCC had authorized her office to file an injunction, which they did in the first part of April 2020. She related that the judge initially issued the injunction but that approximately one week later, there was a hearing in which the judge dissolved the injunction. She said that currently, the County had a motion for a rehearing pending because the judge did not give any findings of fact or conclusions of law in their order dismissing the injunction, and the County was trying to obtain clarification on what grounds that was made. She added that there was no indication during the hearing that it was made on any substantive issue, and it seemed to be some type of procedural issue.

Mr. Gonzalez asked to confirm that her position was that re-contouring land for agricultural purposes was not allowed.

Ms. Marsh replied that it was not allowed because the farm was not approved under a best management practice program by one of the three state agencies, which was required for the protections under the Right to Farm Act.

Mr. Gamble reiterated his appreciation for everyone's support and assistance, and for the Board members' involvement at today's meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:28 a.m.

Respectfully submitted,



Josh Pearson
Deputy Clerk, Board Support



Sandy Gamble
Chairman