MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
June 3, 2020

The Lake County Planning and Zoning Board met on Wednesday, June 3, 2020, 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 16, 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
Tim Morris, Vice-Chairman	District 3
Rick Gonzalez	District 4
Cori Todd	District 5
Jim Hamilton	At-Large Representative

Members Not Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
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
Ms. Michele Janiszewski, Chief Planner, Office of Planning and Zoning
Janie Barron, Senior Planner, Office of Planning & Zoning
Melanie Marsh, County Attorney
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 called for a moment of silence and then led the Pledge of Allegiance. He said that any case addressed today would also be appearing again at the June 16, 2020 Board of County Commissioners (BCC) meeting and that whether it was approved or denied by the Planning and Zoning Board, it would still have the opportunity to go before the BCC at that time.

TABLE OF CONTENTS

Agenda Update

Consideration of Minutes: April 29, 2020

Public Comment

CONSENT AGENDA

TAB NO:	CASE NO:	OWNER/APPLICANT/PROJECT
Tab 1	ORD 2020-xx	Variances to PUD Ordinances
Tab 2	CUP-19-08-5	KH Ranch Resort CUP
Tab 3	RZ-20-08-3	LCBCC – Ike Ave. CFD Rezoning
Tab 4	RZ-20-09-1	Vista Vision Property/CRS Howey Rezoning
Tab 5	RZ-20-11-1	IDI Logistics – C.C. Ford Commerce Park PUD
Tab 6	CP-19-04-2	Bella Collina FLU Small Scale Amendment
Tab 7	RZ-20-12-3	Lake Square Presbyterian Church CFD

REGULAR AGENDA

Tab 8	CUP-19-15-1	J&K Sargent Horse Stable CUP
Tab 9	CUP-19-09-5	Raptor Airsoft CUP
Tab 10	CUP-19-13-1	FL-186 Groveland Gulfstream Towers CUP
Tab 11	FLU-19-07-2	Evergreen Estates FLUM Amendment - Transmittal

Regular Agenda

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning & Zoning, said that today's cases had been advertised in accordance with the law. He remarked that staff received speaker signatures for Tab 6 on the consent agenda and that they recommended for Tab 6 to be moved to the regular agenda.

Mr. Tim Morris noted that for Tab 7 on the consent agenda, it said that the applicant would have to install sidewalks before the project could be done. He questioned how and where this could be performed.

Mr. Greene replied that this was something that staff would have to work through during the development review stage of the process. He noted that staff had not heard anything in opposition to this, but this was typically an access matter with right of way. He explained that the applicant would have to oversee it with regards to width, compaction, etc., and he believed that the County's intent was to have pedestrian walkways for schools.

CONSENT AGENDA

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Tab 7	**RZ-20-12-3**	**Lake Square Presbyterian Church CFD**

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the Consent Agenda, Tabs 1 through 5 and Tab 7, as presented, pulling Tab 6 to the Regular Agenda.

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

AGAINST: **None**

MOTION CARRIED: **5-0**

MINUTES

MOTION by Rick Gonzalez, SECONDED by Tim Morris to APPROVE the Minutes of April 29, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.

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

AGAINST: **None**

MOTION CARRIED: **5-0**

PUBLIC COMMENT

No one wished to address the Board at this time.

REGULAR AGENDA

Tab 6 - BELLA COLLINA FLU SMALL SCALE AMENDMENT

Mr. Greene presented Tab 6. He said that this future land use (FLU) amendment sought to establish a new FLU category within the Bella Collina golf course and residential community. He stated that this FLU category would be separate from the existing Bella Collina FLU category and that an associated policy would also be established for this. He recalled that in January 2020, this matter came before the Planning and Zoning Board and the Bella Collina FLU was amended to add helipad uses. He commented that the Florida Department of Economic Opportunity (DEO) provided the County with a letter on March 5, 2020 regarding this matter which indicated that the FLU amendment had been inconsistent with the Florida Statutes, Section 163.3187(5)(a). He said that staff then had discussions with the applicant and representatives from the DEO with regards to the inadequacies of this amendment, and they recommended a resubmittal under the correct provisions to allow this as a small scale FLU amendment whereby it would not create a large scale change over the entire Bella Collina acreage. He explained that they would be establishing an FLU on 0.6 acres of tract O within the Bella Collina residential community as a helipad and open space. He displayed maps of the property and pointed out tract O; additionally, the current zoning would remain in effect, the current land use was Bella Collina, and the proposed land use would be Bella Collina Helipad/Open Space. He commented that there was subsequent policy language for this in the ordinance to create a land use for this property, Policy I-3.3.12, only for this particular policy as described in the associated legal description.

Mr. Jim Hamilton asked if the Board had approved this in January 2020 as a zoning change.

Mr. Greene clarified that it was approved as a FLU amendment, and the DEO indicated that staff's approval was inconsistent with the State of Florida law for it being a small scale amendment. He added the DEO had said that the County had essentially attempted to change the entire FLU category, though they were only trying to add this use to the

category. He also said the DEO implied that this was in conflict because of the acreage description of the FLU category and the area where the helipad was supposed to go, though nothing else was changed in the request.

Mr. Gamble questioned if the DEO was amicable to this language.

Mr. Greene relayed his understanding that this was correct and that the applicant's attorney had discussions with the DEO to provide clarity to the language and the manner in which this should be processed.

Mr. Morris asked if this would replace everything that the Board did in January 2020, and Mr. Greene said that this was correct with regards to the FLU and that the DEO felt that it had not been done correctly.

Mr. Hamilton inquired if the only change would be to this small piece of property, and Mr. Greene confirmed this.

Mr. Tim McClendon, Director, Office of Planning and Zoning, explained that this was just a technical fix for the State processes.

The Chairman opened the floor for public comment.

Mr. Robert Tomlinson, a resident of the Town of Montverde, objected to the helipad and expressed concerns for helicopters being able to take any flight path at any time during the day or evening. He also indicated concerns for helicopter noise, and he opined that there needed to be a time period for these flights such as from 6:00 a.m. to 11:00 p.m. He also expressed support for having a flight pattern for the helicopters to come in over Lake Apopka into Bella Collina from the east.

Mr. Gamble thought that the Board had previously discussed a timeframe and a flight path.

Mr. Rick Gonzalez recalled that a time frame had been discussed but the Board concluded that individuals could arrive at an airport and fly into Bella Collina early in the morning, so a time frame was not included.

Mr. McClendon confirmed this and added that it was also brought up at a BCC hearing, though the BCC chose not to institute a time frame.

Mr. Gonzalez thought that the Board also discussed the helicopters coming in over Lake Apopka and that they would do this as much as possible with safety prevailing.

Mr. Hamilton commented that this was controlled by the Federal Aviation Administration (FAA) and that the FAA could have noise abatement rules and regulations, flight paths and timing. He noted that an airport could be opened and closed but that a helipad could not.

Mr. Tomlinson asked if the Board could have some form of resolution that could be brought to the FAA's attention.

Ms. Melanie Marsh, County Attorney, explained that this board did not have the authority to do this and that it would be a question to be raised at the BCC level. She asked if this was only changing the FLU and not the planned unit development (PUD) that was already adopted.

Mr. Greene confirmed this and commented that some matters of concern were identified in Attachment A of this staff report for the effective ordinance. He elaborated that it contained flight patterns and some indication regarding noise, along with FAA guidance with regards to helipads.

Ms. Marsh explained the PUD that was already approved was where the hours, flight paths, etc. would be listed; therefore, this was strictly the Comprehensive Plan (Comp Plan) adjustment based on the DEO's requirements.

Mr. Tomlinson asked if these issues would be brought up at the BCC hearing.

Ms. Marsh clarified that these issues would not come to the BCC either because the PUD zoning was not being heard, and those items were not incorporated into the Comp Plan. She noted that he could raise those issues and that if the BCC wanted to reopen that case, they would have to initiate a new rezoning on the PUD.

Mr. Greg Gensheimer, a concerned citizen, expressed concerns about helicopter noise.

Mr. Gonzalez asked if it would be appropriate for the public to express concerns to the FAA about this.

Mr. Hamilton replied that this was correct and that the public could complete an FAA form to get them involved.

There being no one else who wished to address the Board, the Chairman brought it back to the Board for discussion.

MOTION by Rick Gonzalez, SECONDED by Cori Todd to APPROVE Tab 6, Bella Collina FLU Small Scale Amendment.

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

AGAINST: **None**

MOTION CARRIED: **5-0**

Tab 8 - J&K SARGENT HORSE STABLE CUP

Mr. Greene presented Tab 8 and said that it was a conditional use permit (CUP) application to allow a horse stable/boarding/riding academy with boarding and breeding on Agricultural Residential (AR) zoned property. He explained that the property was approximately 4.79 acres in size and was located along Colony Barn Road in the City of Clermont area within Commission District 1. He explained that the property was currently developed for the use of horse riding with two stables and two agricultural structures. He remarked that this CUP request was consistent with the Green Swamp Rural Conservation FLU category, which allowed equestrian related uses. He commented that this request was also consistent with the AR zoning district, and noted that the Land Development Regulations (LDRs) Section 3.01.04.4a required a minimum of 10 acres for a riding stable on any Agriculture zoned property along with 200 foot setbacks. He said that this property did not meet the acreage nor did the stables and structures meet the minimum setback; however, prior to this CUP consideration, the applicant applied for a variance before the Board of Adjustment in October 2019, which was approved for the minimum acreage requirement and the 200 foot minimum setback for structures housing animals. He noted that these conditions from the Board of Adjustment were incorporated into this CUP ordinance and that this request was consistent with the surrounding agricultural uses in the area. He elaborated that there was agricultural zoning to the east and that across the street, the property there was zoned Urban Residential but was currently vacant. He said that the applicant intended to establish perimeter screening to mitigate any impacts to the adjacent properties in lieu of the 200 foot setback, and he remarked that staff found this request consistent with the LDRs and Comp Plan. He indicated that on the previous night, he had provided the Board with a petition opposing the request that represented a pool of 125 signatures, with 69 of the petitions being addressed from outside Lake County and outside the State of Florida. He added that 39 of these petitions were from the City of Clermont area, and 17 petitions were from outside the City of Clermont area within Lake County. He said that the Board was also provided with the buffer notification map to compare where the petitions were coming from, along with staff's area of notification for adjacent property owners.

Mr. Gamble asked if the Board had received comment cards or just letters of opposition.

Mr. McClendon said that staff had received a number of written comments and that there were many individuals who had signed in to speak during this public hearing. He suggested allowing the applicant to make their presentation.

Mr. Gonzalez inquired if the variance approved by the Board of Adjustment had any restrictions and if the number of animals that could be onsite was restricted.

Mr. Greene confirmed this and said that the restrictions were now incorporated into the CUP ordinance.

Mr. Gonzalez then asked if the hours of operation were restricted, and Mr. Greene did not think that they were.

Mr. Morris clarified that a maximum of 20 horses was allowed. He relayed his understanding that this would not be a high use environment.

Mr. Gamble noted that a resident had felt that there should be less than five horses due to there being less than five acres for one horse per acre, though the request would be for up to 20 horses due to a waiver for the 10 acre minimum. He said that there were also concerns about traffic and who would be riding horses there.

Mr. Gonzalez questioned if it was staff's opinion that the facility was in present operation and if this was in violation of anything, and Mr. Greene relayed his understanding that it was not.

Ms. Merideth Nagel, an attorney representing the applicant, commented that the requirements in the proposed ordinance contained restrictions which she opined addressed all of the petitioners' objections. She said that they were required to install landscape buffers but that this had not been done yet because the cost was high and it was not yet approved by the BCC. She remarked that the other conditions were being complied with such as parking, along with manure storage and how often it had to be removed. She pointed out that for the letters of objection, 10 were from out of state, 76 were from places other than the City of Clermont, and 28 were from the City of Clermont area but were not within the 900 foot buffer. She showed a map of the 900 foot buffer zone and noted that the applicant had marked all the people in favor of the CUP versus those who opposed it. She opined that the individuals complaining were comprised of three families with eight objections. She relayed her understanding that this facility had been there for about 20 years and was in this use long before the objectors purchased their property; additionally, there was another equestrian stable further down Colony Barn Road, though they were a larger operating facility.

Mr. Gamble asked to confirm that the facility was in operation before these individuals purchased some of their properties around it.

Ms. Nagel clarified that the family had been letting people board horses and had given riding lessons there for years. She said that when the daughters who were currently operating the facility took over, they formed a limited liability company (LLC), wanted to do everything properly, and began running it as a business. She commented that when they realized that this was not allowed, they came to her office and made the application for a CUP. She opined that this use was appropriate with the FLU map and the Green Swamp restrictions. She thought that the variances had been granted by the Board of Adjustment in recognition of this, and reiterated that they were complying with all conditions in the reviewed ordinance draft with the exception of landscaping.

Mr. Hamilton inquired how many horses were on the property now and how many were projected.

Ms. Mattie Rivera, the applicant, said that they currently had nine horses with ten stalls and that ten horses would be their ideal maximum.

Mr. Gonzalez asked if they anticipated having 20 horses according to the ordinance, and Ms. Rivera denied this. Mr. Gonzalez then inquired if this fell under an agricultural operation.

Ms. Nagel replied that it was currently zoned AR but there was an allowable use for a stable if they had the appropriate CUP.

Mr. Gonzalez questioned if there was any county or state ordinance that restricted how many horses they could have on an acre of land.

Ms. Nagel did not think there was, and she indicated her understanding that the one horse per acre ratio was generally applied to people having a horse on their own residence as opposed to a horse facility.

Mr. Gonzalez asked if the Right to Farm Act had any application to this case, and Ms. Nagel was unsure of this.

Ms. Marsh asked Ms. Nagel if she wanted to enter a packet of information as a composite exhibit A.

Ms. Nagel confirmed this and said that it included a map with those who were in favor and those who opposed the case within the 900 foot buffer, some information about coronavirus disease 2019 (COVID-19) related statements that she opined were untrue, and her client's support letters. She added that there was also a photograph showing some fencing, the Hicks family's nearby property, and the landscaping on their side along the fence. She noted that her client would have to install landscaping in conformance with the ordinance.

Mr. Hamilton asked if there was a plan for this.

Ms. Nagel explained that they would have to submit a plan in conformance with the County, and the ordinance specifically stated the landscape class.

Mr. Gonzalez asked if the checkmarks on the 900 foot buffer map were the people in favor of the request, and Ms. Nagel confirmed this and added that the people marked with an X were against the request and that the people with no mark were neutral.

The Chairman opened the floor for public comment.

Mr. Patrick Hicks, a resident to the south of the subject property, opined that all individuals in favor of this facility were not residents of that street. He recalled that on April 29, 2020, the BCC approved the Martin Sport Horses facility for 15 horses or one horse per acre, and he expressed a concern for the number of horses on the subject property. He said that he had counted 13 to 14 horses on the property at a time, and he noted that the request was for 10 horses on 4.7 acres. He relayed his understanding that they were open seven days a week from 7:30 a.m. to 8:00 p.m., and he felt that they must establish business hours to operate in a residential area. He claimed that the property did not have a residence and that they had

constructed an illegal barn. He also expressed concerns about the condition of the property, manure removal, and a landscape barrier.

Mr. Gonzalez asked Mr. Hicks when he purchased his property, when he built his home, and if the stable was there at that time.

Mr. Hicks replied that both of these occurred in 2015 and that there was no activity at the stable at that time.

Ms. Melanie Hicks, a neighbor of the subject property, displayed pictures of the facility from when she had purchased her property, along with pictures of homes in the area. She felt that the property was not well maintained and that Colony Barn Road was narrow. She also expressed concerns for parking along fence lines.

Ms. Dena Castro, a resident on Colony Barn Road, opposed the facility due to its condition and the amount of horses there. She said that their horses have gotten out twice and went onto her property, and felt that the condition of the fencing allowed this to happen. She indicated concerns for commercial manure removal not occurring, and she supported limiting the number the number of horses and removing the manure. She also expressed concerns for the narrow roads there, the amount of traffic, and the amount of times individuals were at the facility at night. She thought that some individuals who supported the request may not live there year-round, and she relayed her understanding that many people who lived there also lived out of town or rented their homes for vacation.

Mr. Gonzalez asked to confirm if numerous homes there were being rented out for vacation and if this was short term.

Ms. Castro relayed her understanding that a few people rented their homes out for short term rentals.

Ms. Ginger Narehood, a resident on Colony Barn Road, expressed concerns for traffic, the smell of manure, the water table, if there were commercial bathrooms at the subject property, and that no one involved with the facility lived on that road.

There being no one else who wished to address the Board, the Chairman brought it back to the Board for discussion.

Mr. Gamble noted that some of these issues raised by residents would involve the Lake County Office of Code Enforcement rather than the Board.

Ms. Marsh said that some issues may be current code violations and that this was not for the Board's decision making, but because this was a CUP, the Board could include conditions to address it going forward. She commented that for Mr. Gonzalez's question about the Right to Farm Act, this property did not have an agricultural classification nor would it be eligible for the protections under that act.

Mr. Gonzalez asked if the Right to Farm Act applied to AR zoning.

Ms. Marsh explained that it applied if a property had an agricultural classification and was registered in a best management practices (BMP) program with the State of Florida. She assumed that the subject property was not registered in any BMP program.

Mr. Gonzalez questioned if the owners should apply for a best management plan, and Ms. Marsh said that this could be done if there was a program that they qualified for.

Ms. Nagel opined that all of the residents who supported the application were full time residents. She commented that the objectionable pictures shown of parked cars and manure spreading were from before they worked out the variance language and had been following through on it. She added that they had also received a permit for their barn and had been keeping it up.

Mr. Gonzalez noted that barns were not subject to code.

Ms. Marsh said that under the non-residential building permit exception, they had to be a bona-fide farm and it had to be a non-residential farm building; therefore, they did not have the agricultural classification and would be required to obtain this permit.

Ms. Nagel then stated that her client was dumping the manure once per week as required with the same frequency as the other nearby paddock.

Ms. Rivera reiterated that they had 10 stalls and opined that the horses were well cared for. She commented that they had no intention of having 20 horses on the property. She said that there were people who called in for lessons but that there had never been more than 10 horses living on the property.

Mr. Gamble asked if someone could bring a horse that was not stalled there for riding lessons.

Ms. Rivera confirmed this but said that it was not a regular occurrence; additionally, this was why there was a previous comment of there being 10 to 13 horses on the property. She added that before the horses were brought on the property, their owners had to provide vaccination records and be up to County standards for the animal's care. She felt that they had a well maintained property with no boards down or loose fencing, and noted that their gate was locked. She added that they had a security system with cameras, and everything was fully locked up.

Mr. Gonzalez asked if the fences that were shown in pictures had been improved.

Ms. Rivera said this was correct. She noted that the horses had to be fed seven days a week and that they were there each day at morning and night. She commented that they did not have lights nor did they teach lessons at night; additionally, she taught an average of six hours

of lessons per week with six students. She explained that she typically started around 9:30 a.m. or 10:00 a.m. and was done by about 5:00 p.m.

Mr. Gonzalez inquired if the horse owners could visit the property anytime they wanted.

Ms. Rivera confirmed this, and she denied accusations of not following Centers for Disease Control and Prevention (CDC) guidelines for COVID-19.

Mr. Hamilton asked if she had any hours or days for lessons.

Ms. Rivera denied this but said it could be stated that the lessons would be done by 6:00 p.m. every night. She opined that they also had less traffic than the other barn in the area, and she related that she only had three clients who owned horses.

Mr. Gonzalez inquired about a picture showing many cars on the property.

Ms. Rivera said that it could have been when their farrier was there or when they had veterinarian appointments. She commented that they parked on the road and drove cautiously.

Mr. Morris asked if she would be amicable with hours of 9:00 a.m. to 6:00 p.m. for classes.

Ms. Rivera confirmed this. She then questioned how visiting the horses would be different than someone who owned their own horse.

Mr. Morris thought the issue was that because she had 10 horses on her property, she would have to obtain a CUP because there were more horses than there were supposed to be.

Mr. Gonzalez relayed his understanding that staff indicated there was no restriction on the number of horses per acre.

Ms. Rivera denied this. She added that they also did not have grazing livestock and that the horses were not on the grass at all times.

Mr. Gamble asked to clarify that there was no ordinance specifying one horse per acre or how many horses could be on any acre.

Mr. Greene replied that there was no provision in the LDRs regarding this.

Ms. Nagel mentioned that there was another approved CUP ordinance that she felt was nearly identical to this situation and the number of horses.

Mr. Hamilton noted that there had to be a minimum of 10 acres for a riding stable.

Ms. Nagel commented that the CUP was required and the approved variance was to do this at 4.79 acres.

Mr. Hamilton then asked about their practice for removing manure.

Ms. Carley Broome, a resident of the City of Clermont, said that her husband personally helped remove the manure on the subject property. She elaborated that they had a bobcat and a dump trailer, and were taking their manure to be used on her property. She stated that the manure was being removed weekly.

Mr. Hamilton commented that when Ms. Broome was not using it, how was the manure being removed.

Ms. Rivera explained that her landscaping company removed the manure weekly, and that all of the manure on the property was stored underneath a tarp with flytraps around it. She felt that it was well maintained and that it was taken out according to the variance.

Mr. Hamilton inquired if it was stored in one place as far from the residents as possible.

Ms. Rivera commented that it was in the center of the subject property, covered by a tarp, and was behind a wall and out of public view from the road.

Mr. Cori Todd asked if the traffic for the other facility in the area had to drive past everyone on the street, and Ms. Nagel confirmed this.

Mr. Gonzalez asked to confirm that there was a larger boarding facility on Colony Barn Road.

Ms. Nagel confirmed this and commented that their volume was not the same as on the subject property. She felt that it would not be very impactful to have 10 horses with about six lessons per week. She opined that most of what the residents had discussed was addressed in the ordinance and that they had already met those requirements.

Mr. Morris made a motion for approval, and Mr. Gonzalez seconded the motion.

Mr. Hamilton said that he could only approve the motion with the times specified.

Mr. Morris amended his motion to specify that there could be lessons from 9:00 a.m. to 6:00 p.m., and Mr. Gonzalez amended his second.

Mr. Gamble noted that this case would come before the BCC on June 16, 2020 and that the public could speak again at that time.

MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE Tab 8, J&K Sargent Horse Stable CUP, with the modification to include a timeframe of 9:00 a.m. to 6:00 p.m. for operations with regards to lessons.

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

AGAINST: **None**

MOTION CARRIED: **5-0**

Tab 9 - RAPTOR AIRSOFT CUP

Ms. Marsh noted that there were two individuals who filed a notice of appearance for this item, so they would be considered parties to this case and would have the same amount of time as the applicant would to present their evidence. She believed that these individuals were Mr. Cecil Gray and Ms. Rebecca Murphy.

Mr. Greene presented Tab 9. He explained that this was a CUP application on approximately 58 acres of a 162 acre property to allow a recreational airsoft gun facility within the Agriculture zoning district. He said that this property was located along Fullerville Road in the City of DeLand area, and that this request for a CUP was submitted in response to a notice of code violation that was issued for conducting a commercial or club use without proper approvals. He remarked that the recreational airsoft gun facility within the Rural FLU category was allowed as an outdoor recreational club use pursuant to Comp Plan Policy I-1.4.4, and he commented that the County typically granted outdoor recreational sport uses within the Agriculture FLU categories with conditional approval. He said that the Agriculture zoning district did not prevent the gun range use; however, when compared to a hunting and fishing resort, this would require approval of a CUP also in accordance with the schedule of permitted uses in the LDRs in Table 3.01.03. He relayed that an airsoft gun facility was no more impactful or harmful than a hunting and fishing resort, and he stated that pursuant to LDRs Section 3.01.05, Similar Uses, other similar uses not specifically listed and not more detrimental than the uses stated in the table may be allowed with approval of a CUP by the BCC. He mentioned that if this was approved, the applicant would be required to submit a development application for site plan review and approval prior to operating the airsoft gun facility. He said that this would specify how the applicant intended to operate the facility which would include two activity fields, a pervious parking area of about 120 spaces with four being Americans with Disabilities Act (ADA) compliant, an existing staging area, a 70 foot wide vegetative landscape buffer around the activity areas, and proposed hours of operation of 10:00 a.m. to 5:00 p.m. on Saturdays and Sundays. He added that the applicant was also seeking to have two special events per year with hours that may differ, though they intended to limit the number of patrons to 300 people per event. He said that the hours of operation and vegetative buffer were intended to reduce any adverse impacts on neighboring properties. He remarked that for compatibility with the character of the community, the area of activity was limited to two land areas shown on a displayed map of the property. He noted

some vegetative buffering to the west that was there to minimize the impacts to the adjacent properties and to limit the activity to a small area within the overall property. He mentioned that the special buffering of the airsoft gun ranges increased the compatibility with the rural character of the neighboring western and northern properties. He said that supplemental information provided by the applicant indicated the provision of a minimum buffer of 70 feet; however, in some areas there would be a buffer of 193 feet such as for the western property near field number two. He added that the concept plan conveyed a separation distance of at least 500 feet between the northern property line and the parking area at field number one. He noted a rectangular property in the middle of the subject property and said that this was the applicant's residential land area, and it provided at least a 500 foot separation, that essentially had no activity, to the northern properties. He remarked that with regards to impacts to public service facilities, Fullerville Road was a County maintained clay road and provided access to the parcel from the west. He added that Fullerville Road extended from County Road (CR) 42, and this road would possibly have to be upgraded to meet County standards prior to commencement of operation. He said that pursuant to approval of a development application for site plan approval, the applicant had submitted a waiver to the paved road requirement which was in the Board's packet as attachment one; however, if the Board did not approve the waiver, there were conditions in the ordinance with regards to improving Fullerville Road prior to the commencement of operations. He said that staff emailed a memo to the Board on the previous day indicating that they had nine emails of support and three emails of opposition, along with two notices of appearance. He mentioned that he had also provided the Board with the property owner notification buffer map.

Mr. Gonzalez asked if this had come before the Board before.

Mr. Greene recalled that it came before the Board about a year prior as a rezoning, and that they needed to obtain an Agriculture zoning to facilitate this CUP.

Mr. Gonzalez inquired about the waiver.

Mr. Greene explained that the LDRs discussed improvements of clay roads and that to conduct a business, it needed to access a public road built to County standards. He noted that this was a clay road that was not built to County standards, and the applicant sought to waive this requirement.

Mr. Gonzalez asked if this was happening in other areas around the County where there were businesses on clay roads, and Mr. Greene believed this was correct.

Mr. Todd asked that for the primitive camping which would be limited to the property owner's family, was there a specific number of individuals allowed, and Mr. Greene denied this.

Mr. Juan Adriatico, the applicant, presented information about this case with his daughter, Ms. Alcira Samson. He commented that his engineer was unable to be present today for this case.

Ms. Samson presented information about the history of the subject property, their family, and the airsoft operation on behalf of Mr. Adriatico. She commented that the 162 acre property with a Rural Residential zoning for one acre per dwelling unit had been subdivided into twelve large lot splits. She alleged that Lake County had lost the record of these lot splits, and said that they had improved the ranch by installing fences, clearing pasture for cattle, planting trees and crops, and building ponds for aquaculture operations. She indicated an understanding the State had a provision for the agricultural industry that would prohibit local authorities from imposing regulations to prevent these operations from engaging in agritourism. She relayed that according to Florida Statutes, Section 570.85, a local government may not adopt or enforce a local ordinance, regulation, rule or policy that prohibits, restricts, regulates or otherwise limits an agritourism activity on land classified as agricultural under Florida Statutes, Section 193.461. She said that the subject property had been a working farm, ranch, aquaculture, and silviculture operation for decades, and that there was farm equipment and power tools on the property. She commented that Mr. Adriatico had joined the Florida Agritourism Association and opined that they had done what was necessary per the State of Florida law to bring their operation into compliance. She said that the property had been zoned Rural Residential but had been assessed as agricultural for decades. She indicated an understanding that paintball and airsoft had been considered as an agricultural activity in the States of Colorado, Arkansas, Delaware, New Jersey, and others.

Mr. Adriatico read a letter regarding Ms. Rebecca Murphy and Mr. Dean Murphy, who had been neighbors of the subject property, which supported splitting the Murphys' property. He also displayed a notice of public hearing that he had received from 20 years prior.

Ms. Samson continued her presentation and relayed information and concerns regarding neighbors of the subject property, including noise and biodegradable ball bullet (BB) pellets from the subject property. She also indicated that the property was only open on Saturday and Sunday.

Mr. Adriatico felt that his airsoft operation glorified God, honored the military, and provided education about gun safety, agriculture and rights. He opined that he had been forced to rezone his property from Rural Residential down to Agriculture, and he relayed that he had lost a significant amount of money; however he felt that this case possibly needed to be postponed due to his engineer being unable to attend the current meeting.

Ms. Marsh explained that if he was requesting a postponement, this was typically done five days before the hearing and he was entitled to one postponement if it was requested prior to the hearing. She added that if he was asking for it on the day of the hearing, then it was up to the Board's discretion because many people may had taken off work to attend the meeting. She said that the Board could hear from members of the public regarding the postponement only, and then make a decision. She related that if the Board chose to postpone it, then it could be brought back in July 2020; otherwise, the case would be heard today.

Mr. McClendon noted that there were three people signed in to speak on this item but that two of them had filed a notice of appearance.

Ms. Marsh said that the applicant had made a request for a postponement, so the Board would need to hear from the other two individuals who wanted to participate as parties to see if they were willing to postpone the case until July 1, 2020.

Mr. Gray questioned that if the Board postponed the case, could the public make comments today.

Mr. Gamble noted that the public had a right to say whether they wanted the case to be addressed today or be postponed.

Mr. Gray indicated that he wanted the case to be heard today.

Ms. Murphy expressed that she would rather the case be addressed today.

Ms. Marsh said that the Board could have members of the public raise their hand if they were here for public comment for whether they were in favor or not of a postponement, and then the Board needed to either hear the case or make a motion to postpone the case. She noted that two parties had just spoken but that there were members of the public that came to the meeting to comment; furthermore, the Board may want to poll them to see if they were agreeable to postponing the case.

Mr. Gamble polled the audience and noted that five individuals opposed the postponement and that no individuals supported postponing the case.

RECESS AND REASSEMBLY

The Chairman called a recess at 10:40 a.m. for 15 minutes.

Tab 9 - RAPTOR AIRSOFT CUP CONTINUED

Mr. Morris felt that the applicant needed representation and that there was not enough information provided today to make a decision. He thought that the Board needed to postpone the case to July 1, 2020 and have it be time certain so that the applicant must either have his representation at the meeting or represent himself; furthermore, the case would be heard at that time regardless.

MOTION by Rick Gonzalez, SECONDED by Tim Morris to POSTPONE Tab 9, Raptor Airsoft CUP until the July 1, 2020 Planning and Zoning Board meeting.

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

AGAINST: **None**

MOTION CARRIED: **5-0**

Tab 10 - FL-186 GROVELAND GULFSTREAM TOWERS CUP

Ms. Janie Barron, Senior Planner, Office of Planning and Zoning, presented Tab 10. She said that the request was to allow a 199 foot tall monopole communications tower on Agriculture zoned property, and that the CUP application had been sent to the DEO for their review due to the property being within the Green Swamp Rural FLU. She added that the DEO had not provided any comments; however, they retained the ability to appeal any development permit pursuant to Florida Statutes, Section 380.05. She commented that the proposed request was consistent with LDRs Table 3.01.03, Schedule of Permitted and Conditional Uses, which allowed a telecommunications tower on Agriculture zoned property as a conditional use. She remarked that the request was also consistent with LDRs Section 3.13.09, which was a table with additional tower setbacks and required a tower to be located 400 percent of the tower height from any single family dwelling unit. She noted that this was shown on attachment B of the packet, which was the adjacent residents map. She said that the proposed request was consistent with LDRs Section 3.13.10, Separation between Towers, which establishes a setback for communications towers, and this was also shown in exhibit C, Separation Tower Map. She added that the request was consistent with LDRs Section 3.13.12, Fencing, which required a six foot tall wall or chain link fence around the tower compound area, as shown on attachment A, the concept plan. She continued relating these staff analysis findings: the proposed request was consistent with LDRs Section 3.13.13, Wireless Antennas, Towers and Equipment Facilities, which states that the visual impacts of a communications tower shall be mitigated through landscaping, as shown in the landscaping plan on the concept plan; the proposed request was consistent with Comp Plan Policy I-7.2.6, Communication Towers within Residential Areas, as the proposed use was permitted pursuant to LDRs Table 3.01.03; the request is consistent with Comp Plan Policy I-4.2.4, Green Swamp Rural Conservation FLU category, which conditionally allowed a tower, noting that the proposed CUP satisfied this requirement; and the proposed request was consistent with the Board of Adjustment variance that was approved on March 12, 2020 that allowed the tower to be in an area that was not centered within the parent parcel boundaries. She displayed the concept plan and noted the overall parcel, the compound area, and the distance to the tower. She relayed that staff found the request consistent with the LDRs and Comp Plan, and that the requested action was to allow a 199 foot tall tower on the Agriculture zoned parcel.

Mr. Hamilton asked about what type of tower it was, and Ms. Barron replied that it was a telecommunications tower.

Mr. Gamble relayed his understanding that if this tower fell, it would not fall on a residence.

Ms. Barron confirmed that it was self-collapsing.

The Chairman opened the floor for public comment.

Mr. Glenn Winn, a neighbor of the subject property, expressed concerns about visual impacts and that the landscaping would not hide the tower. He requested for the tower to not be built in his neighborhood. He was also worried about impacts on property values.

Mr. Morris asked where he lived, and Mr. Winn responded that he lived a few hundred yards south of the subject property on Twin Lake Drive. Mr. Morris then inquired if he would be west or east of the tower.

Mr. Winn said that he would be southeast of the tower and that he would be able to see it from his home.

Ms. John Jahreis, a resident on Bay Lake Road, said that the tower would be located about a quarter mile from his front gate. He indicated concerns for visual impacts from the tower and that the tower could be harmful to property values. He opposed the tower and relayed his understanding that approximately 100 people in the area also opposed it.

Ms. Leslie Laurene, a neighbor to the south of the subject property, indicated an understanding that the tower would be within 500 feet of where she had planned to build a residence near the center of her property. She relayed that the proposed tower location was on a rise and opined that the tower would not benefit those who were beneath it. She felt that there was poor cellular service in the area, and she opined that some research on towers downplayed health impacts and effects on livestock.

There being no one else who wished to address the Board, the Chairman brought it back to the Board for discussion.

Ms. Mary Solik, an attorney representing the applicant, relayed her understanding that the application met all of the code requirements and far exceeded the setback requirements from the property lines and from residential structures. She also said that the Board was not allowed to consider the radio frequency (RF) effects of these facilities as part of their deliberation.

Mr. Gamble inquired about the makeup of the tower.

Ms. Solik replied that it was a 199 foot tall monopole tower and that the cabling would be inside the tower, while the antennae would be externally mounted. She added that it would not have a light due to being less than 200 feet tall, and it would meet the code requirement for collapsing on the parent tract. She commented that it would be set back 280 feet from the north property line, 360 feet from the south property line, and 678 feet from the east and west property lines. She mentioned that Lake County had a unique requirement that towers must be centered on properties, and noted that this required the property to absorb much of the tower's impact. She said that this was a 20 acre property, and opined that towers only had visual and structural impacts. She stated that the County had setback requirements in its code to address both of these items; furthermore, the request greatly exceeded these requirements. She requested the Board's recommendation of approval.

Mr. Gonzalez asked if there would be guywires, and Ms. Solik denied this.

Mr. Gamble inquired about the setbacks.

Ms. Solik clarified that she had provided the setbacks from property lines, and the closest residential structure to this tower was 1,221 feet away; therefore, they greatly exceeded the 796 foot requirement. She thought that Mr. Winn was about three-quarters of a mile south of this location.

Mr. Gamble mentioned a tower in the Lisbon area, which could be seen across Lake Eustis, and he opined that it was not visually intrusive.

Mr. Morris asked if the subject property owner lived on the property.

Mr. Mike Burkhead, with Gulfstream Towers, stated that the owner's son and daughter lived on the property and had put a trailer there recently; furthermore, the property had been vacant before this.

MOTION by Rick Gonzalez, SECONDED by Cori Todd to APPROVE Tab 10, FL-186 Groveland Gulfstream Towers CUP.

FOR: Gamble, Morris, Gonzalez, Todd and Hamilton

AGAINST: None

MOTION CARRIED: 5-0

Tab 11 - EVERGREEN ESTATES FLUM AMENDMENT - TRANSMITTAL

Ms. Michele Janiszewski, Chief Planner, Office of Planning and Zoning, presented Tab 11. She said that this case was for Evergreen Estates, formally known as Extreme Groves. She explained the requested action was to amend the FLU map to change the FLU category on 40 acres from Wellness Way Area Plan 1 to PUD to facilitate the development of an 80 lot subdivision. She said that the property was currently zoned Agriculture and was part of the Wellness Way Area Plan 1 FLU category. She mentioned that the applicant had submitted an FLU map amendment application and a rezoning application to establish a PUD zoning district and FLU category on the property; furthermore, if it was approved, it would be an ordinance codified in the Comp Plan that would have specific conditions for that property only. She remarked that the subject property contained about 40 acres with no wetlands, and that it was located north of Hartwood Marsh Road, south of John's Lake and east of the City of Clermont limits. She mentioned that the parcel was within the City of Clermont Joint Planning Area (JPA) and interlocal service boundary agreement (ISBA). She indicated the City of Clermont had stated that they would be able to provide utilities to the property, and if the application for the Comp Plan amendment was approved by the BCC to transmit to the DEO, the rezoning application would be presented to the Board at the same time as the FLU map amendment for approval. She noted that staff had reviewed the application and found it consistent with Comp Plan Policy I-7.13.5, which states that a FLU map amendment resulting in an increase in residential density must be in the efficient use of public facilities and services.

She added that the property was located within the City of Clermont ISBA and utility service area, which made it consistent with this policy. She also said that the amendment was consistent with Comp Plan Objective I-7.14, Planned Unit Development Future Land Use Series, because the applicant submitted a rezoning application in conjunction with this application, and would come back before the Planning and Zoning Board to have both applications lined up for approval if this application was approved for transmittal. She stated that staff had reviewed the application and found it consistent with the LDRs and Comp Plan, and that on the previous day, a memo was provided to the Board which included two letters of opposition and comments provided by the City of Clermont.

Mr. Gonzalez questioned if the entrance and exit would have traffic travelling through the neighboring subdivision.

Ms. Janiszewski said that this was correct and that it was being proposed as a phase for the subdivision to the west, which was located within the City of Clermont limits. She added that they were not proposing access off Flynn Court or Champagne Drive except for two estate lots.

Mr. Gonzalez asked if the City of Clermont would supply utilities to this site even though they were opposed to it, and Ms. Janiszewski confirmed this. Mr. Gonzalez inquired if there could be an 850 square foot house on an estate lot.

Ms. Janiszewski said this was correct and that this was the minimum structure size in the Agriculture zoning district. She added that the intent was to keep those two lots consistent with this zoning district.

Mr. Hamilton inquired if this was a new request or if it was an extension of an existing project.

Ms. Janiszewski clarified that they were proposing to access the residential suburban lots through an existing subdivision to the west, which was in the City of Clermont. She said that this was the third time that the subject property had gone before a public hearing in the past three or four years.

Mr. Gonzalez asked to confirm that the application previously had an exit on Flynn Court, but that there were concerns about this.

Ms. Janiszewski confirmed this and recalled that after the first application, the subject property was platted and this was why there were five-acre lots along Flynn Court and Champagne Court. She noted that this application was seeking to keep two of those five-acre lots in the same configuration, but then develop the other portion with a higher density. She said that the overall subdivision was proposed at two dwelling units per acre.

Mr. Gonzalez inquired if the overall intent of Lake County was not to let anything happen in this area until Hartwood Marsh Road was addressed.

Mr. Morris asked if Hartwood Marsh Road had a level of service of "F."

Mr. Seth Lynch, with the Lake County Public Works Department, said this was correct based on the latest data.

Mr. Morris then inquired when it was scheduled to be moved up to be addressed.

Mr. Lynch replied that staff currently had no improvements planned for that road in their five year plan; however, they had CR 455 planned with design being done currently, and it would be constructed within the current five year plan. He added that it would run from State Road (SR) 50 to Hartwood Marsh Road.

Mr. Morris questioned if there had been scenarios where the developer had taken the roads as their responsibility to widen them.

Mr. Lynch said that currently, the road was not considered to be increased to four lanes because it went into Orange County and the City of Winter Garden where it was maintained as a two lane road with roundabouts.

Mr. Gonzalez asked if adding roundabouts would improve the road.

Mr. Lynch replied that there was a roundabout on Hartwood Marsh Road at the City of Clermont subdivision that the subject property would access through.

Mr. Gonzalez inquired about what would be required to improve Hartwood Marsh Road and what level of service staff would be targeting.

Mr. Lynch commented that staff would have to consider this.

Mr. Hamilton asked if there had been a previous situation where development was allowed when knowing in the future that road development would be completed.

Mr. Lynch said that staff typically tried to work with developments to try and make improvements.

Mr. Dan O'Keefe, an attorney representing the applicant, displayed the area around the subject property and noted that the current Comp Plan designation for the subject property was Wellness Way Area Plan 1, which had a minimum density of three residential units per acre with a mix of residential and non-residential uses. He thought that this property should have been residential, and he said that this request was to change the Comp Plan to a less dense designation. He pointed out higher density developments within the City of Winter Garden, along with the adjacent Lakeview Preserve project. He commented that if the subject development was approved, it would be the larger lot and home portion of the Lakeview Preserve subdivision, and would use their gated entrance. He displayed the current Comp Plan designation of Wellness Way Area Plan 1, and he then showed a site plan that had been

submitted and requested in 2016 which had developments on both sides of Flynn Court, along with access to Flynn Court. He stated that they had heard objections to this and that this plan had evolved; furthermore, it had no property east of Flynn Court nor did it have access to that road, with the exception of the two five acre tracts which would each have one home. He displayed some draft developments and said that some Wellness Way property owners had been meeting, with this plan being an iteration which identified residential uses in the northeast area where the subject property was. He showed the current proposal and pointed out the connection to Lakeview Preserve, the excluded property, more buffers, and the larger lots. He recalled that this project had 50 and 60 foot lots purposed previously; however, they were now proposing a minimum of 70 foot lots. He displayed community highlights and said that the project would be part of a private gated community, would have a community park and amenities, would have water and sewer service from the City of Clermont, would not have any well or septic tanks, would have no access to Flynn Court on the east side, would have no access to Sadler Court to the south, and would have no access to Champagne Drive on the northeast side except for the two five acre tracts. He added that there would be no commercial development and that there would be natural vegetation in the buffer areas. He showed the connection to the adjacent subdivision and commented that the developer had installed a roundabout on Hartwood Marsh Road, which would be the main entrance. He said that they had discussed with the district Commissioner for what could be done to help alleviate the traffic in the area, and he showed a map of the area. He pointed out CR 455 and the current portions of that extension which were currently under construction, along with those that were funded for right of way and construction. He explained that they had discussed a development agreement with the district Commissioner that would take all of the impact fees from this project and have them be due upfront instead of at each building permit, and the County would agree to designate them for CR 455 improvements and expansion. He opined that extending CR 455 would provide some relief to Hartwood Marsh Road. He felt that there had to be other east-west connection corridors, and relayed his understanding that the Wellness Way group was working on the extension of New Independence Parkway to U.S. 27. He added that the Central Florida Expressway Authority (CFX) had another east-west connection from FL-429 to U.S. 27, along with there being a connection of Sawgrass Bay Boulevard further south. He relayed his understanding that the impact fees for this project and the adjacent subdivision would be about $1 million, in addition to the roughly $400,000 for the roundabout. He noted that they had to have a solution to address transportation concurrency but that they were currently only requesting transmittal of a Comp Plan amendment.

Mr. Hamilton asked if this proposal had been accepted by the County to work with the developer and use the money for road improvement.

Mr. O'Keefe commented that this was the proposal that they were working with the County on, noting that the applicant was agreeable to it and that they had positive discussions with the district Commissioner.

Mr. Morris inquired how much the impact fees were.

Mr. O'Keefe replied that between the two projects, it was about $1 million for transportation impact fees.

Mr. Morris asked if the other development had already been approved.

Mr. O'Keefe confirmed this but stated that those impact fees had not been collected except for the small number of homes currently there. He added that they were trying to have the County and developer agree to utilize all of those fees for CR 455 improvements.

Mr. Morris questioned if they were receiving a discount on the impact fees.

Mr. O'Keefe denied this and added that the roundabout, which was arguably impact fee creditable, did not have a request to obtain a credit for it, noting that this was $400,000 in addition to the impact fees for the existing community.

Mr. Morris asked how many total lots would be in both developments, and Mr. O'Keefe replied that there would be about 80 lots in the current request.

Mr. Hamilton noted that they would have access only from the other neighborhood.

Mr. O'Keefe said that this was correct. He continued his presentation and displayed an image for the timing of funding for CR 455, along with when they planned on having homes built and people living there. He said that if the absorption rates seen in the neighboring subdivision were used for the subject property, there would be 39 new homes in 2023 with a total of 75 homes by 2024. He showed pictures of the Lakeview Preserve community, community features, and a model home. He relayed that the City of Clermont did not support the project due to issues with Hartwood Marsh Road.

Mr. Gonzalez asked if they had been trying to resolve their issues with the City.

Mr. O'Keefe said that they had not resolved these issues and reiterated that the City had issues with the traffic on Hartwood Marsh Road.

Mr. Gonzalez inquired about a strip of land between the two subdivisions, and Mr. O'Keefe explained that this was an existing dirt road back to a park.

Mr. Gonzalez stated that the City had requested a secondary public access point, and he asked if it would be possible for them to improve this part.

Mr. O'Keefe commented that an access easement went there, so they could have emergency access from that location to the subdivision. He related that because of the grading and the intersection at that location, they had heard that individuals did not want the subdivision's traffic there; rather, it was preferred to have the traffic go to the roundabout. He displayed more images of potential homes there, and he requested the Board's approval.

The Chairman opened the floor for public comment.

Ms. Yanette Moyano, a resident on Flynn Court, felt that there was not appropriate infrastructure to support the level of traffic in the area. She expressed concerns for Hartwood Marsh Road and opined that adding another 80 homes would be taxing on the road. She also relayed her understanding that residents of the subject property would have to travel nearly one mile through the other subdivision to access Hartwood Marsh Road. She asked the Board not to recommend approval of this project.

Ms. Stacie Welch, a resident on Champagne Drive, relayed an understanding that this request had been denied in the past for concerns such as road safety, incompatibility with the surrounding five-acre lots, and a lack of capacity in the zoned schools for the development. She felt that these issues still existed today and that Hartwood Marsh Road was not built to withstand the amount of traffic on it. She was worried about a lack of capacity in Lake County schools, and she felt that these issues had not changed. She urged the Board to deny this request.

Mr. Tom Graham, a resident on Flynn Court, noted that the project had been reduced in size, provided some information on surrounding properties, and felt that the subject property needed to be more transitional to the surrounding five-acre lots. He asked the Board to follow the precedent that they had set.

Mr. Mike Kenealy, a resident on Champagne Drive, displayed an image of the area surrounding the subject property and noted that residents of the property would have to drive through the City of Clermont and across a County Road that gave access to a nature preserve into order to access their property. He felt that the development was incompatible with the surrounding community, and he was unsure how CR 455 would help Hartwood Marsh Road. He felt that there was a lack of transition, buffers and synergy with the proposed development.

Mr. Joel Cook, a resident on Champagne Drive, expressed concerns for the following items: property values; the quality of houses being built in Lakeview Preserve; the developer being able to put up to five homes on an acre; a nearby sand mine's trucks on Hartwood Marsh Road; additional traffic on the road; and school capacity.

Mr. John Kruse, with the City of Clermont, stated that the Clermont City Council and staff had identified several issues regarding this development, with the most prominent being the existing level of service of the transportation network serving the development. He also indicated concerns for the access for the proposed PUD being entirely via Hartwood Marsh Road through the approved Lakeview Preserve PUD. He said that Hartwood Marsh Road was currently operating at a level of service of "F," which was below the acceptable level of service for a Lake County roadway. He opined that without dedicated funding and timed improvements to this roadway, the additional traffic proposed by the development would further burden the already failing condition of Hartwood Marsh Road. He added that when accessing the subject property through the existing Lakeview Preserve PUD, residents would have to travel almost one mile to reach Hartwood Marsh Road, which was their only access

point. He felt that a secondary public access point needed to be established to the east to remedy this traffic deficiency. He noted that in its current configuration and if the project stayed in unincorporated Lake County, all the County services including Lake County Sheriff's Office (LCSO) patrol, fire services and solid waste would have to travel through a City of Clermont subdivision to deliver services. He said that the Clermont City Council and City staff were recommending that the project be denied based on the current transportation deficiencies and an inefficient delivery of services.

Mr. Morris asked that if this project was annexed into the City of Clermont, how many units per acre would be allowed.

Mr. Kruse replied that in the JPA currently, it would be 75 foot lot widths and the applicant was proposing less than this. He also reiterated that the transportation network was deficient.

Mr. Hamilton asked to confirm that the Lakeview Preserve subdivision was approved by the City of Clermont and when this occurred, and Mr. Kruse said this was correct and occurred two or three years prior. Mr. Hamilton then asked if Hartwood Marsh Road was a traffic issue at that time.

Mr. Kruse remarked that this was one of the reasons why the roundabout had been installed for traffic coming out of that subdivision. He added that at that time, this was the only item that was considered before the Clermont City Council.

Mr. Hamilton noted that Lakeview Preserve had over 300 lots, and the proposed developed was around 80 lots. He thought that if traffic had been an issue for years, then it would have been an issue at that time.

Mr. Kruse clarified that the developer had dedicated additional right of way and installed a roundabout to get access to the subdivision.

Mr. Hamilton relayed his understanding that their proposal for impact fees would come through the City of Clermont.

Mr. Kruse clarified that it would come directly to Lake County. He added that for dedicating it for specific roads, unless there was a transportation impact fee credit agreement, it would go into a pot of funding.

Mr. Gonzalez asked to confirm that the developer would have to obtain school concurrency and have a traffic study done before they could begin construction.

Mr. Kruse said that the City had not seen a traffic study but that this FLU change was the first step in the process. He mentioned that until there was dedicated funding and defined improvements to that road, the City objected to moving forward on it.

Mr. O'Keefe explained that when the County adopted its existing Comp Plan, it designated the subject property as Wellness Way Area Plan 1 with a minimum of three units per acre. He said that they were discussing a request to reduce the density, and that the plan had changed over time by decreasing the number of units and increasing the lot sizes. He noted that the staff report indicated that this application was consistent with the Comp Plan and the LDRs, and he said that schools and traffic would have to be addressed. He elaborated that they would need agreements to address school and traffic concurrency, and he requested the Board's recommendation to allow this request to be transmitted to the State so that it could come back for final adoption of the Comp Plan amendment.

Mr. Gonzalez asked if there was a jobs component to the Wellness Way Area Plan 1 designation and if they were supposed to create jobs before building homes.

Mr. O'Keefe clarified that Wellness Way Area Plan 1 had a requirement that the subject property would be part residential and part non-residential with commercial use. He did not think that jobs had to be created before homes were built, but that jobs had to be part of that plan. He opined that nobody wanted a commercial use on this property and that reducing the density was preferable.

Mr. Gonzalez felt that the goals and objectives of Wellness Way were not being met and relayed his understanding that the jobs had to be created first.

Mr. McClendon explained that it did not necessarily create non-residential uses first but that there was a set aside that had to be met.

Mr. Dennis Flynn, a concerned citizen, referenced the staff report and expressed concerns for item H, the extent to which the request would result in an orderly and logical development patterns. He described the adjacent subdivision, and he relayed his understanding that Wellness Way was established and intended to guide large acreage land owners to develop southwest Lake County in an organized manner; however, it was not adopted to facilitate urban sprawl or set a precedent for those speculating. He felt that the proposed 78.019-acre lots with side setbacks of five feet or ten feet between homes did not fit with the area. He relayed his understanding that the community had indicated that one-acre lots would be amicable. He opined that item H in the staff report did not designate any negative effects, and he mentioned that item E stated that the request would not adversely impact projected operations of the roadway network. He recalled that in 2019, a memorandum was included with the previous application for this property, which identified 1,334 daily trips and 337 peak hour trips; furthermore, these numbers had been compared to the Wellness Way Area Plan 1 maximum density criteria, which showed a negative impact. He relayed his understanding that these trips did not impact a level of service "F" roadway according to the memorandum. He thought that the developers earmarked transportation impact fees of $78,000 for CR 455 and that these funds would be used in that area regardless if they were earmarked. He relayed his understanding that roadway planners used a figure of $8.5 million as a cost to design and construct one mile of a four lane urban roadway such as CR 455. He opined that the relief for

Hartwood Marsh Road was the Lake-Orange County Connector, which was due for completion in 2026.

There being no one else who wished to address the Board, the Chairman brought it back to the Board for discussion.

Mr. Morris asked that if Hartwood Marsh Road was redone completely and if it was a level of service "B," would the applicant have the ability to place four units per acre in this development.

Mr. McClendon replied that given the current FLU of Wellness Way Area Plan 1, they would still have to go through the development process, which would include the Wellness Way master PUD. He added that at minimum, they would be required to build three dwelling units per acre.

Mr. Morris commented that if they waited, then they would be able to build four units per acre.

Mr. Gonzalez noted that this was just an FLU change and that it could be a significant amount of time before houses were built there.

Mr. Hamilton inquired about the school plan for the next five years.

Mr. Gamble explained that they planned to begin construction later this year in the Four Corners area for a K-8 school, which would relieve some overcrowding at Sawgrass Bay Elementary School and Windy Hill Middle School. He noted that they would then be demolishing Clermont Middle School, and those students still eligible for middle school would be taken to Windy Hill Middle School; furthermore, Windy Hill Middle School would still be overcapacity. He remarked that Lost Lake Elementary School was also in this zoning and would not be relieved at the time because Clermont Elementary School would stay intact until the K-8 school was built where Clermont Middle School was. He said that these were the only schools they had other than Lake Minneola High School, which would be receiving some additional wings to address its capacity. He related that they were trying to purchase other properties in the area to build schools there due to development, and they had looked at a school south of the subject property.

Mr. Hamilton asked if there had ever been a tier two traffic study done in this area.

Mr. Lynch thought that there was a study done for Lakeview Preserve in the City of Clermont.

Mr. Gamble questioned if Hartwood Marsh Road was a level of service "F," and Mr. Lynch confirmed this based on current data from the Lake-Sumter Metropolitan Planning Organization (MPO).

Mr. Gonzalez inquired if there would be school concurrency in the near future.

Mr. Gamble said that the applicant would have to go through concurrency planning and then pay the difference of the cost per student to qualify and be able to build.

Mr. Morris made a motion to deny the case, and Mr. Gamble passed the gavel to Mr. Morris and seconded the motion. Mr. Morris then passed the gavel back to Mr. Gamble.

Mr. Gonzalez reiterated that this was just an FLU change and that they would not build the subdivision for a significant period of time.

Mr. Hamilton agreed and said that it would also allow for more traffic studies so that the residents' concerns could be discussed. He mentioned that the developer was willing to help the County with the impact fees.

Mr. Gamble relayed that a letter from Mr. Flynn had indicated that a County Commissioner and the Clermont City Manager had discussed waiting on approving developments until the future roadway infrastructure was in place. He then noted that the Board's decision today could be overturned at the June 16, 2020 BCC meeting.

Mr. Morris asked if Mr. Gonzalez thought that approving this request would put pressure for Hartwood Marsh Road to be addressed earlier, and Mr. Gonzalez confirmed this.

Mr. Hamilton questioned that if this case was delayed, when would Hartwood Marsh road become a priority. He noted that the City of Clermont had approved a development with over 300 homes due to the applicant installing a roundabout. He mentioned that the current request was for about 80 lots that would not be built in the near future; furthermore, the Board was not approving it to be built but rather approving a land use change. He felt that some progress had to be made and that Hartwood Marsh Road needed to be addressed.

Mr. Morris expressed interest in staff presenting Wellness Way to the Board to describe how they thought the process was supposed to go.

Mr. McClendon replied that this could be done in the next month. He explained that the current request was only the transmittal phase of a Comp Plan amendment, noting that staff would take the Board's recommendation to the BCC who would then vote either to approve or not approve transmitting this request to the State. He added that this would allow the State to give staff feedback and that at that time, the request would come back before the Board for a final adoption of the Comp Plan phase. He reiterated that nothing was a final approval at this current stage.

Mr. Hamilton asked if the State could recommend road changes.

Mr. McClendon confirmed this and said that the State's report could be brought back before the Board.

MOTION by Tim Morris, SECONDED by Sandy Gamble to DENY Tab 11, Evergreen Estates FLUM Amendment - Transmittal.

FOR: **Gamble and Morris**

AGAINST: **Gonzalez, Todd and Hamilton**

MOTION FAILED: **2-3**

MOTION by Rick Gonzalez, SECONDED by Cori Todd to APPROVE Tab 11, Evergreen Estates FLUM Amendment - Transmittal.

FOR: **Gonzalez, Todd and Hamilton**

AGAINST: **Gamble and Morris**

MOTION CARRIED: **3-2**

OTHER BUSINESS

Mr. McClendon asked to confirm that there was a desire for a workshop to explain the Wellness Way area. He noted that it would be part of the July 1, 2020 Planning and Zoning Board meeting as a presentation.

Mr. Gamble thought that it would be beneficial.

Mr. McClendon confirmed that this would be done on July 1, 2020.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:27 p.m.

Respectfully submitted,

Josh T. Pearson

Josh Pearson
Deputy Clerk, Board Support

Sandy Gamble

Sandy Gamble
Chairman