

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
October 7, 2020

The Lake County Planning and Zoning Board met on Wednesday, October 7, 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, October 27, 2020 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

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|----------------------------|-----------------------------|
| Sandy Gamble, Chairman | School Board Representative |
| Kathryn McKeely, Secretary | District 1 |
| Laura Jones Smith | District 2 |
| Tim Morris, Vice-Chairman | District 3 |
| Rick Gonzalez | District 4 |
| Jim Hamilton | At-Large Representative |

Members Not Present:

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

Steve Greene, Chief Planner, Office of Planning and Zoning
Michele Janiszewski, AICP, Chief Planner, Office of Planning & Zoning
Janie Barron, Senior Planner, Office of Planning and Zoning
Heather Croney, Planner, Office of Planning and 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 led the Pledge of Allegiance and then called for a moment of silence. He remarked that the Lake County Planning and Zoning Board was an advisory board to the Board of County Commissioners (BCC). He stated that the Board's recommendations would be transmitted to the BCC for their consideration at a scheduled public hearing, and that the cases presented today were scheduled for the October 27, 2020 BCC meeting at 9:00 a.m.

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| Tab2 | RZ-20-24-5 | Ewing Irrigation & Landscape Supply Rezoning |
| Tab3 | RZ-20-21-1 | Pacific Ace PUD Amendment |
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| Tab5 | RZ-19-32-2 | Evergreen Estates PUD Rezoning |
| Tab6 | FLU-20-01-1 | Rubin Groves FLU Amendment {Transmittal} |

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that there were no changes to the agenda and that they had not received any emails of concern or opposition; however, there maybe some speaker cards. He stated that staff recommended approval of the consent agenda as presented.

Mr. Gamble remarked that there were two comment cards for Tab 1, two cards for Tab 5, and one card for Tab 3. He commented that these tabs would be pulled to the regular agenda.

Mr. Rick Gonzalez stated that for Tab 6, on page five often of the proposed ordinance, it said

that residential density may be calculated over the entire net acreage of the site. He asked if this included wetlands.

Mr. Greene replied that it would not include wetlands.

MINUTES

MOTION by Tim Morris, SECONDED by Jim Hamilton to APPROVE the Minutes of September 2, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.

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

AGAINST: None

MOTION CARRIED: 6-0

PUBLIC COMMENT

No one wished to address the Board at this time.

Mr. Gamble stated that the citizens who filled out comment cards would be allowed to come up at that time to speak.

CONSENT AGENDA

| <u>TAB NO:</u> | <u>CASE NO:</u> | <u>OWNER/APPLICANT/PROJECT</u> |
|-----------------------|------------------------|---|
| Tab2 | RZ-20-24-5 | Ewing Irrigation & Landscape Supply Rezoning |
| Tab4 | CP-19-06 | Open Space Requirements for Sand Mining FLU Text Amendment (Transmittal) |
| Tab6 | FLU-20-01-1 | Rubin Groves FLU Amendment (Transmittal) |

MOTION by Jim Hamilton, SECONDED by Rick Gonzalez to APPROVE the Consent Agenda, Tabs 2, 4 and 6, as presented, pulling Tabs 1, 3 and 5 to the regular agenda.

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

AGAINST: None

MOTION CARRIED: 6-0

REGULAR AGENDA

Tab 1 - EAST LAKE COMMUNITY CHURCH

Ms. Heather Croney, Planner, Office of Planning and Zoning, presented Tab 1. She noted that the applicant was Pastor Earl Hammond with East Lake Community Church. She explained that the property was located north of State Road (SR) 44, west of La Place Court, and east of William Lane, in the unincorporated City of Eustis area. She said that the tract was about 10 acres, that it was located in Commission District 4, and that the requested action was to rezone the ten acres from Agriculture to Community Facility District (CFD) to facilitate a church sanctuary, playground, park, multipurpose building, playing fields, and an outside open air basketball court for the East Lake Community Church. She stated that currently, the subject property was designated as Rural Future Land Use (FLU) as described in Lake County Comprehensive Plan (Comp Plan) Policy 1-4.4. She also showed a map of the current zoning and FLU. She then relayed that the subject property was currently developed with a manufactured home, carport, utility building and barn, and that the request was consistent with all applicable provisions of the code and elements of the Comp Plan.

Mr. Gamble asked if this case was properly noticed.

Mr. Croney confirmed this and indicated that notices were sent to surrounding properties in the buffer area, as well as being published in the newspaper. She said that staff had received one notice of someone in opposition but that she was unable to reach them by phone to answer questions.

The Chairman opened the public hearing.

Ms. Karen Wilson, a neighbor of the subject property, said that she was not notified. She expressed concerns for a basketball court and a playground, and she said that it was zoned for homes. She also indicated concerns for having people there at all hours of the day and opined that this was invasive.

Mr. Gamble asked to confirm that this would be a church and not a school.

Ms. Croney replied that from what the applicant and their application indicated, this was correct.

Ms. Ashley Simmons, a neighbor of the subject property, opined that the noise and traffic was invasive. She mentioned issues on SR 44 and said that the request would propose more issues there. She opined that this was not the correct area for this request.

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

Mr. David Harbeck, representing the applicant, said that their intentions were to have a family friendly church, to not have a school, and to not be there all the time. He expressed interest in drawing people together and to get along.

Mr. Gamble relayed that the residents were concerned with changing the existing zoning, and for having someone there five or seven days per week. He asked if the applicant was planning on having any afterschool programs and if it would mainly be Wednesday night and Sundays.

Mr. Harbeck confirmed that they did not plan on having afterschool programs. He clarified that currently, it would not be on Wednesday, and he added that they were currently located in Mt. Plymouth but wanted more room; therefore, they purchased the subject property.

Ms. Laura Jones Smith inquired when they would use the fields, the multipurpose building, the park, the playground, and the outdoor basketball facilities. She noted that there were traffic patterns shown that would loop vehicles around the property and that they had used every possible space on the land up to the setbacks for activity areas.

Mr. Harbeck replied that it would be used as needed, and he relayed his understanding that the plan had to be done now. He said that they did not want to be a megachurch, but that they wanted to use their land and get it on paper now. He noted that they would use the field on Saturday or Sunday and that it was for the congregation.

Mr. Jim Hamilton asked if there would be a buffer around the property line.

Mr. Harbeck was unsure but stated that there was a fence there now.

Mr. Tim Morris inquired if they needed lighting on the basketball court or in the back. He also noted a concern for people being there at nighttime, and he asked if the Board could condition it with no lights.

Ms. Croney said that staff had conditions for lighting which were for them to follow the land development regulations (LDRs).

Ms. Melanie Marsh, County Attorney, explained that it was a CFD rezoning and that the Board could condition that there be no lighting on the playground or basketball court.

Mr. Harbeck hoped that people could come to the church and feel comfortable, but commented that it would not be an open gate; rather, it would be secure.

Ms. Jones Smith expressed a concern that over time, the hope was to add on items such as a school or afterschool program that grew it into a larger activity function. She thought that if the plan was to grow the congregation and provide services outside of the church, then it was a different type of use.

Mr. Harbeck indicated an understanding that they would have to come back before the Board if they were going to have a school. He clarified that their intention was to keep it small and that they were not planning on having a school or afterschool activities.

Mr. Gamble noted that there was not enough room for a school.

Ms. Jones Smith pointed out that there was a 6,000 square foot multipurpose building shown in the back.

Ms. Marsh stated that the Board could also include a condition that no school, daycare or afterschool type activities could be held on the property, and this would trigger them to have to come back before the Board. She added that this would ensure that it would not fall under an accessory use.

Mr. Gamble said that he considered the liability by having a playground and multipurpose building but noted that Mr. Harbeck had mentioned having the gate locked. He said that he also understood the residents' concerns, remarking that they were there first.

Mr. Gonzalez asked Ms. Marsh to confirm that under State law, a church could be placed anywhere.

Ms. Marsh was unaware of a statute indicating that it could go anywhere, but she believed that churches were allowed in all of the County's zoning districts under the Comp Plan.

Mr. Morris noted that the lighting requirements were already there, and he proposed not having a school or daycare.

Ms. Jones Smith asked if a buffer would come with the site planning.

Ms. Coney replied that the LDRs required minimum buffers between certain zoning districts. She said that there was Agriculture surrounding the subject property which was desired to be CFD; therefore, there would be a certain buffer required and they would have to meet those requirements in the site plan.

Mr. Gonzalez made a motion to approve the request with no exceptions for the uses, but the motion failed due to the lack of a second.

Mr. Gamble commented that he did not want to encroach on the surrounding neighborhood. He also noted that this case would reappear at the October 27, 2020 BCC meeting.

Mr. Gonzalez indicated that he did not support the exceptions.

MOTION by Laura Jones Smith, SECONDED by Tim Morris to APPROVE Tab 1, East Lake Community Church, with the additional restriction that uses beyond those related to the principal use, including daycare programs, afterschool programs and other educational programs, would not be permitted on this property . unless additional amendments were made.

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

AGAINST: Gonzalez

MOTION CARRIED: 5-1

Tab 3 - PACIFIC ACE PUD AMENDMENT

Ms. Janie Barron, Senior Planner, Office of Planning and Zoning, presented Tab 3. She explained that the parcel was located east of U.S. Highway 27, south of Holly Grove Road, and north of Golden Eagle Boulevard, in South Lake. She said that the parcel was approximately 380.31 acres, and that the applicant proposed to amend the existing ordinance to revise the architectural design standards and to add an additional standard. She relayed that staff was including the Lake County Board of Adjustment action for case VAR-19-42-1 in the new ordinance, along with an additional condition per the Lake County Public Works Department. She stated that the parcel was within the Urban Low FLU category and was zoned Planned Unit Development (PUD). She indicated that the parcel was owned by American Land Development of Central Florida, LLC, and the applicant was Shutts and Bowen, LLP. She displayed the concept plan and said that the applicant sought the following actions: amend PUD Ordinance 2019-22 to eliminate Architectural Standard #5, which stated that all roofs had to have 18 inch eaves; add an additional architectural standard that all driveways shall be constructed of paver material; and revise a portion of Architectural Standard #6 to eliminate three elevations and eliminate nine variations of floor plans they had in place. She commented that the proposed amendment did not conflict with the LDRs or Comp Plan, nor would it conflict with any adjacent property owners, as the parcel currently had entitlements to be developed as a 555 single family residence development. She concluded that staff found the rezoning application consistent with the LDRs and Comp Plan, and did not oppose the changes to the architectural design standards.

Mr. Hamilton said it sounded like this pertained more to building codes.

Ms. Barron replied that at the time the ordinance was approved in 2019, architectural design standards were added to the PUD ordinance. She elaborated that the applicant was modifying them and adding the driveway material they would be using.

Ms. Jones Smith asked why they wanted to remove the 18 inch eaves and the three different elevations.

Mr. Dan O'Keefe, an attorney representing the applicant, explained that they wanted to modify some conditions that were agreed upon in the previous year. He recalled that when they came before the BCC, there were some discussions at the final adoption, and Commissioner Sean Parks had proposed having architectural requirements and had asked if the applicant would be agreeable to the same conditions placed on another project. He said that as they went through their development plans, they had worked with staff and the district Commissioner. He relayed that the applicant thought that brick pavers would be more noticeable as a quality improvement, and that they had also talked about having the diversity of product but not necessarily each floor plan having nine variations; additionally, they had discussed having the control to ensure that there was not a duplicate product that became monotonous. He said that these discussions with staff and the district Commissioner were how they had the current request. He did not think that most of their builder's product had 18 inch overhang eaves, and he thought that a 12 inch overhang eave would be standard. He elaborated that an 18 inch eave would require a redesigned truss for a roof system that was not a normal production.

Ms. Jones Smith inquired if it was a cost saving.

Mr. O'Keefe replied that it was a cost savings and opined that there was really no advantage to doing it. He indicated that the applicant had suggested brick paver driveways to look nicer.

Ms. Jones Smith opined that this was not helping the building and was only making the driveway look nicer.

Mr. O'Keefe did not think that 18 inch eaves made a building look nicer either. He thought this was something that a previous developer on a project that was all a certain style had included. He also mentioned that they wanted to come with a reasonable number of elevations and finishes, but not have it be too much while still accomplishing the County's intentions of variety.

Mr. Morris asked if these would be sold as vacation homes, and if there would be attainable housing in that price range.

Mr. O'Keefe responded that they were intended to be primary residences. He did not think there would be attainable housing and that it would be more for the middle-high end market.

Mr. Hamilton relayed that 12 inches was standard for eaves and that 18 inches was for a customized home.

The Chairman opened the public hearing.

Mr. Carlos Sanchez, a neighbor of the subject property, submitted a document from the United States (U.S.) Army Corps of Engineers regarding this project. He said that he was not present to oppose the construction, but to give caution to the Board. He commented that on page four of his submitted document, it said that the project may affect eastern indigenous snakes and gopher tortoises. He commented that the map provided to him from the U.S. Army Corps of Engineers had evidence of gopher tortoises, and he submitted the map into the record. He expressed concerns for areas on the map because the developer's proposal of the construction of a levee way regarded the flow of water. He indicated concerns for the restriction of water at two points on the map because 12 inch or 18 inch eaves were being proposed. He said that whatever was done would affect those endangered species, and he stated that they had to find a way to flow the water. He showed a diagram and remarked that the ground behind a particular area was dropping, and he opined that it would affect the area. He said that there had to be consideration for where the water would go, and he noted that this was freshwater. He expressed concerns for the water being contaminated because it could be drunk.

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

Mr. Gamble asked if what Mr. Sanchez had discussed would come under another agency.

Mr. Greene clarified that it would come under another agency and possibly the Florida Department of Environmental Protection (DEP) for the species there. He thought that Mr. Sanchez was referring to construction design of that stormwater facility and he said that in-house, there was currently a construction plan undergoing review; however, this was not the subject of this matter today. He commented that the applicant was discussing some architectural design being changed, and conditions that the BCC had previously established.

Mr. O'Keefe stated that the applicant understood that they needed to comply with all U.S. Army Corps of Engineers regulations and that they would need a permit, in addition to a St. Johns River Water Management District (SJRWMD) permit and all of those approvals. He agreed with the comments about getting the water right in that area.

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to APPROVE Tab 3, Pacific Ace PUD Amendment, as presented.

FOR: Gamble, McKeeby, Morris, Gonzalez and Hamilton

AGAINST: Jones Smith

MOTION CARRIED: 5-1

TAB 5 - EVERGREEN ESTATES PUD REZONING

Ms. Michele Janiszewski, Chief Planner, Office of Planning and Zoning, presented Tab 5. She explained that the subject property was about 40 acres in size, and was located north of Hartwood Marsh Road, east of the City of Clermont, and south of Johns Lake. She relayed that the request was to rezone approximately 40 acres from Agriculture to PUD to facilitate the development of an 80 lot subdivision. She said that currently, the property was designated as Wellness Way 1 on the FLU map, and she showed the concept plan that the applicant had submitted. She stated that this request was submitted in conjunction with an amendment to the FLU map to establish a PUD FLU category on the property, and the FLU amendment would codify this ordinance in the Comp Plan so that the development standards would only allow what was in the ordinance. She provided the following staff analysis findings: the application was consistent with the proposed FLU map amendment to establish a PUD FLU category on the subject property; two of the lots were designated as estate residential lots which would be accessed via Flynn Court and were to remain as five-acre tracts; the other 78 lots would be suburban residential lots and would be accessed via a western connection through the Lakeview Preserve subdivision; and the application was consistent with the current development standards contained within the LDRs. She said that staff found the rezoning application consistent with the LDRs and Comp Plan, and remarked that the FLU map amendment was presented to the Planning and Zoning Board on June 3, 2020, with the Board recommending approval of the amendment with a 3-2 vote. She stated that the FLU map amendment was transmitted to the Florida Department of Economic Opportunity (DEO), and both the FLU map amendment and rezoning applications were tentatively scheduled to be presented to the BCC on October 27, 2020 for approval.

Mr. Gonzalez asked what was allowed under Wellness Way 1, and Ms. Janiszewski replied that it was a mix of commercial and residential uses.

Mr. Gonzalez said that the jobs were supposed to come first according to Wellness Way.

Ms. Janiszewski commented that under the adopted Wellness Way policies, there was no timing mechanism codified, and she thought the intent was to include the timing mechanism for each individual master PUD.

Ms. Jones Smith asked about the City of Clermont's comments about this.

Ms. Janiszewski said that the County did not receive formal comments on the rezoning application, but that they came in objection to the FLU map amendment. She believed that the City was here to speak on this case as well.

Mr. Gonzalez inquired if this property had been before the Board previously.

Ms. Janiszewski confirmed this and mentioned that it was the third application that the County had received, with them previously receiving applications in 2016 and 2018. She commented that there was also an application before the 2030 Comp Plan had been adopted.

Mr. Dan O'Keefe, representing the applicant, said that they were before the Board in June 2020 requesting approval for a transmittal of the Comp Plan amendment. He stated that the Board recommended that it be transmitted and that it went to the BCC, where they had a unanimous approval for transmittal to the State. He remarked that it went to the DEO who did not have any comments or concerns, and they had a staff recommendation for approval. He presented information pertaining to the request and displayed the area around the subject property, noting the locations of surrounding Comp Plan designations and densities. He displayed the existing Comp Plan designation of Wellness Way Area Plan 1, and he said that Lakeview Preserve was next to it, with the request being the estate home section of that shared community with the same builder being involved. He displayed an image indicating that under the Wellness Way Area Plan, there was a minimum density of three units per acre, and what they were proposing was to reduce it to a maximum of two units per acre including two five-acre tracts with one home on them; additionally, there would only be single family homes with no nonresidential uses. He showed images detailing the evolution of the project over time and mentioned that it had less units, larger lots, larger buffers, and had no access on Flynn Court or Champagne Drive except for the five-acre tracts. 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 wells or septic tanks, would have no access to Flynn Court, Sadler Court or Champagne Drive except for the two five-acre estate lots, would have no commercial development, and that there would be natural/Florida friendly vegetation in the buffer areas. He showed the connection through the Lakeview Preserve community, the buffers, and the five-acre estate lots on the east side of the project. He said that a concern was transportation, and he showed a slide with County Road (CR) 455 under construction, noting that some portions had been constructed and that right of way was available and funded for construction in other areas. He believed that in the last 60 days, there had been progress made on the engineering and permitting of the lower section of Hartle Road. He said that if the PUD and Comp Plan amendment were to be approved in the fourth quarter of 2020, site development work was estimated to be completed in the third quarter of 2022, and they would have the first homes delivered in 2023. He commented that it would be 78 homes, plus the two five-acre homes. He showed pictures of the Lakeview Preserve community, along with the roundabout constructed by the developer to slow traffic on Hartwood Marsh Road without receiving any transportation impact fee credits, and remarked that this was the entrance that would also be used by the subject development. He said that sales had been robust in this area and that they had Pulte Homes and Taylor Morrison Homes as builders, with the anticipation that Pulte Homes would build these 78 lots. He commented that 323 units were approved in Lakeview Preserve within the City of Clermont, and those lots were 50 and 60 feet, with a handful of 75 foot lots along the lakefront. He said that there was a clubhouse with a pool and fitness center, and that it was a high end community with amenities. He displayed a site plan of the development, and he then displayed images of the type of homes that would be constructed within the first phase of the community.

Mr. Gonzalez asked if the subject development would use the facilities in the existing development.

Mr. O'Keefe confirmed this. He said that these 78 lots would be more premium lots and that they would expect larger houses. He stated that they were proposing architectural guidelines including no two same plans with the same elevation next door or directly across the street, no two same plans with the same color scheme next door or directly across the street from each other, and native/Florida friendly landscape material consistent with University of Florida Institute of Food and Agriculture Sciences (UF-IFAS) extension vegetative guidelines would be utilized. He then showed the proposal with the overall siteplan.

Ms. Kathryn McKeeby asked about Florida friendly vegetation in the buffer area.

Mr. O'Keefe said it was the criteria that was established by UF-IFAS.

Ms. Jones Smith explained that it was to help with water and drought tolerance, and included vegetation that would naturally thrive based on the rainfall and soil conditions they already had.

Mr. Gamble recalled a previous conversation that there was only one entrance.

Mr. O'Keefe mentioned that there was one primary entrance at the roundabout, along with a Lake County Water Authority (LCWA) easement.

Mr. Gamble said that a concern of surrounding residents was that individuals would be coming through their subdivision to reach this subdivision.

Mr. O'Keefe commented that they had concerns from different neighbors which included a desire for the development to not have access on Flynn Court, Champagne Drive and Sadler Court. He said that they did the access through the existing community, along with an emergency access through the LCWA easement.

Mr. Gamble remarked that there would be no commercial uses there.

Mr. O'Keefe confirmed this and said that under Wellness Way Area Plan 1, there would have to be commercial as part of the approval; additionally, they thought that everyone did not want commercial in this area.

Ms. Jones Smith inquired if the streets would be public or private, and if the adjacent development was in the City of Clermont.

Mr. O'Keefe responded that they would be private gated streets, and confirmed that the adjacent development was in the City of Clermont.

Ms. Jones Smith asked why not annex into the City of Clermont so that they could comply with the City's development regulations consistently.

Mr. O'Keefe replied that this was a direction that the applicant could have taken, and they elected to go through the County instead.

Ms. Jones Smith inquired if there would be two different solid waste collectors driving through that subdivision.

Mr. O'Keefe thought there were often situations where they were going through a city area to reach a county area, noting that they would travel through part of the city to get to the rest of the county. He did not think this was unique in this position, and he stated it would be clear that this section of the neighborhood would be county. He added that there was a possibility that the homes would be annexed into the city in the future.

Mr. Gonzalez asked if the City of Clermont had a moratorium on items such as annexations.

Mr. O'Keefe replied that he was unsure, and he thought it was a moving target.

The Chairman opened the public hearing.

Ms. Susan Yawn, a resident on Hartwood Marsh Road, opined that the proposed development was not compatible with the surrounding acreage properties. She stated that the subject property was surrounded by an agricultural and rural community which had been there for decades in some instances. She commented that no one had 1,000 acres to develop at the Wellness Way level, so they reduced their density. She said that they ended up with sprawl instead and that the development was still there. She opined that it was not a good fit for the area and that the infrastructure was not there.

Mr. Vincent Niemiec, a resident of the City of Clermont, displayed a map of the area and pointed out four miles of Hartwood Marsh Road from Flynn Court to U.S. 27. He commented that in 2004, Hartwood Marsh Road had a level of service classification of "D," with 15 driveways onto the road and a total of 1,300 homes. He stated that in 2020, there were 24 driveway entrances and exits for various uses. He remarked that there was a large church being built with an assisted living home, in addition to 5,321 homes being in the area. He said that the level of service was "F" for Hartwood Marsh Road with only one traffic light and roundabout being added. He expressed concerns for individuals taking CR 455 to Hartwood Marsh Road due to there being less stoplights, and he stated that there was a new development of 321 homes going in. He also expressed concerns for Imagine South Lake Charter School slowing traffic down.

Mr. John Kruse, with the City of Clermont, relayed the City's objection to this proposed development. He displayed the latest development plans that came to the City, and expressed concerns about traffic. He mentioned that if an individual purchased a lot in the subject development, they would have to travel through the existing adjacent development to use the roundabout. He questioned what would prevent someone from going down the LCWA road and heading east, and he said that they felt there should be a secondary entrance on the east side that met City or County standards. He displayed the preliminary subdivision plan and

said that the plan did not meet the joint planning area (JPA) requirements for the City of Clennont, noting that they were planning a prohibited Miami curb and gutter.

Mr. Gonzalez asked about this item and what the issue was.

Mr. Kruse explained that it was basically a concrete swale and was not an F curb where there was a six inch curb with gutter entrances. He commented that he could not address the issue but noted that it was City standards.

Mr. Gonzalez asked if he was talking about aesthetics.

Mr. Kruse denied this and stated that he was discussing stormwater. He said that it was in the JPA under Section 15.02.05 which stated that Miami curb and gutter was prohibited. He added that there were 14 foot high retaining walls along the back of a certain lot, and 10 foot high walls along the back of other lots, and he said that in the JPA Section 15.02.10, item 6, there was a 10 foot cut and fill requirement. He expressed a concern that it would be more than 10 feet.

Mr. Gonzalez inquired about a cut and fill, and Mr. Kruse said that it was a change in elevation and that it was cutting a hill down. Mr. Gonzalez then asked if he would rather see them cut a hill down than put up a 14 foot fence.

Mr. Kruse denied this and commented that they had to work with the grade of the land. He also said that he did not see any of the five-acre tracts on this proposal, noting that one of them was sold in June 2020. He stated that when taking the two five-acre tracts out, the density would go to 2.6 units per acre; furthermore, he felt that this was not properly being represented before the Board. He added that for the inefficient delivery of services, this was not adjacent to the City of Clermont. He relayed that the applicant still had to come before the City for a utility agreement, and that the City was the utility provider and would likely grant the utility agreement; however, those individuals would be paying 25 percent more for water and sewer services since they were not in the city. He said that they would receive all of their services through the County including the sheriff's department, fire, solid waste, etc. He mentioned that the City annexing this development was unlikely and that he did not have that authority, but he could write the staff report representing their concerns. He recalled that a packet was sent in May 2020 describing the City's concerns, and said that none of those concerns had changed. He relayed that the City felt that it was an inefficient use of services, and that the level of service of "F" on Hartwood Marsh Road needed to be addressed. He added that the secondary access point also had to be addressed, and he opined that the applicant was bypassing the City. He believed that the highest and best use would be the five-acre tract configuration because it had already been platted.

Ms. Jones Smith relayed her understanding that the subject property was not contiguous to the city because of the LCWA access strip.

Mr. Kruse confirmed this and said that the LCWA had no benefit to be in the city.

Mr. Gonzalez asked if there was a provision where the City could annex the property.

Mr. Kruse responded that they had to have a utility agreement to provide services and that they had to provide utilities based on the interlocal service boundary agreement (ISBA).

Mr. Gonzalez inquired if the items Mr. Kruse brought up today were subjects that would be brought up during the site planning process.

Mr. Kruse commented that the cut and fill was not, and it had to go to the Clermont City Counsel upfront as part of the PUD. He added that the road access would also be done upfront.

Mr. Gonzalez stated that when the applicant went to the County for site plan approval, the City had the right to comment on those site plans.

Mr. Kruse confirmed this but said that it had already been presented and voted on; furthermore, the applicant would have to come back before the Board for a change.

Ms. Jones Smith said that because of the 70 foot wide access strip, the subject property was not technically contiguous. She asked if there were standards in the JPA that would allow the City to annex the property.

Mr. Kruse explained that it was under the provision of the utility agreement and that it was the City's choice.

Ms. Jones Smith asked if the City would prefer for this property to be under the jurisdiction of the City for development purposes.

Mr. Kruse replied not at this time. He commented that they had brought the proposal to the Clennont City Council on May 26, 2020 for the transmittal, and there was no desire to move forward.

Mr. Gamble inquired if this was because of a moratorium.

Mr. Kruse explained that there was a multifamily moratorium that expired in July 2020, but this was not multifamily.

Mr. Gonzalez asked that if the issues with the curbs and fencing were addressed, would the City still have the same objections.

Mr. Kruse confirmed this due to the access point. He opined that the request had not gained any traction because the issues were not addressed.

Mr. Gonzalez said that they reduced the number of lots several times and that the biggest issue was Hartwood Marsh Road; however, they would not build it until they had traffic concurrency.

Mr. Kruse mentioned that the applicant was stating a density of two units per acre, but he opined that it was more like 2.6 units per acre when taking the two five-acre tracts off.

Ms. Jones Smith asked if the five-acre tracts were sold already, and Mr. Kruse replied that one had been sold. Ms. Jones Smith then noted that this property would access off Flynn Court.

Mr. Kruse pointed out that this tract and another five-acre tract would have access off Flynn Court, but opined that the applicant had included those lots to help with the overall density calculation.

Ms. Yanette Moyano, a neighbor of the subject property, said that she had filed a notice of appearance for this matter. She relayed that Hartwood Marsh Road was a level of service "F" and that their section of the road narrowed. She mentioned that there were also sand trucks on the road and opined that it was not safe. She said that the proposed community would have to travel through the existing 324 home community to go through another guard gate. She stated that Lake County would have to travel through the City of Clermont community and the guard gate to access the subject community and collect garbage and recyclables; additionally, this would also happen with other delivery services. She expressed concerns for the guard gate being backed up, and said that residents had issues with the density and safety. She showed a picture of the number of cars lined up on Hartwood Marsh Road and opined that it was not easy to make a turn there. She commented that the subject property was not adjacent to Hartwood Marsh Road and that they would have to travel across the LCWA road to access what was already built in Lakeview Preserve. She also opined that Flynn Court could not handle this traffic.

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

Mr. O'Keefe opined that the project had evolved and became more desirable, along with addressing concerns about access, density and lot sizes. He also opined that it had traction and that this was why it had a staff recommendation for approval. He also noted that it had unanimous approval from the BCC for transmittal. He recalled that the County Attorney's Office had requested additional conditions that the applicant was amicable with, and he said that there had been a lot of compromise. He commented that the land was not designated as Agriculture.

Mr. Mohammad Abdallah, with Traffic & Mobility Consultants and representing the applicant, said that they first considered the Comp Plan designation and the requested entitlement. He commented that a significant reduction in density was being requested, and if they projected the traffic generated today versus the proposed number of lots, there was a

5,000 trips per day reduction from the site. He said that what the applicant could build would be more intense and impactful on the roadway network. He remarked that Hartwood Marsh Road was a two lane road which went into Orange County, and Lake County had studied this corridor. He opined that it was a good plan today, noting that connections between Lake and Orange Counties were limited. He stated that Hartwood Marsh Road was one of three connections between SR 50 and U.S. 192, and that the future plan was to install four additional connections and an expressway. He said that the Hartle Road extension was part of this and was a funded improvement that was moving forward, and would significantly relieve Hartwood Marsh Road. He said that the applicant felt comfortable that as the area developed, the traffic and infrastructure would be coming online.

Mr. Gonzalez asked if he could explain how they came to the number of 5,000 less trips per day. He also inquired what could be allowed there currently.

Mr. Abdallah explained that the trip generation of land uses was calculated using the Institute of Transportation Engineers Trip Generation Manual, and that there was about 75,000 square feet of commercial uses that were allowable on the property, along with just under 100 residential units. He said that when considering this density compared to the 78 requested units, then it was a significant reduction.

Mr. Gonzalez asked if multifamily was allowed there currently, and Mr. Abdallah did not believe that multifamily was allowed.

Mr. Gamble inquired when the expressway was going to be completed.

Mr. Abdallah replied that the project development and environment (PD&E) study for the expressway was underway and that they had adopted a preferred alternative. He said that he did not have an exact date for when the construction would begin.

Mr. Gamble stated that if the request was approved, the first house was scheduled to be built in 2023.

Mr. Hamilton asked if there was any dating on the expansion of Hartwood Marsh Road or any additional corridors.

Mr. Abdallah remarked that Schofield Road was currently under construction and that Hartwood Marsh Road would not be expanded. He added that Sawgrass Bay Boulevard had mostly been constructed, and that the right of way for Independence Way had been set and was a few years out. He also said that the Hartle Road extension was currently under construction, and once the Central Florida Expressway Authority (CFX) signed off on a bond, that project would also move forward.

Mr. Hamilton inquired if CR 455 was the extension currently being worked on.

Mr. Abdallah responded that it was the north-south extension.

Mr. Hamilton asked if there was any data which showed relief for Hartwood Marsh Road when it opened.

Mr. Abdallah commented that he had not seen the studies, but that the plan was currently to relieve Hartwood Marsh Road by opening that reliever up to SR 50 so that the traffic travelling down Hartwood Marsh Road had another way to get out.

Mr. Gonzalez asked about including the two five-acre lots in the density calculation when they were not included on the site plan.

Mr. O'Keefe said that they agreed to provide whichever protection the County wanted in terms of deed restrictions, conditions of approval, etc. to ensure that they were only five acres. He stated that when doing the engineering plans for the subdivision there, there were five acre tracts that would not normally be included, but he thought that staff and the Commissioners wanted to know that the applicant could not come back later requesting additional homes on the five-acre tracts.

Mr. Gonzalez asked to confirm that the five acre tracts had different owners.

Mr. O'Keefe thought that one had been sold to someone who was ready to start construction on a home site, and the other was owned by the current owner of the subject property who was under contract with Pulte Homes.

Ms. Jones Smith inquired that if one of the owners was ready to start construction but the applicant was not ready for the rest of the subdivision, how would they go about doing that.

Mr. O'Keefe was unsure of the timing, but relayed his understanding that they wanted to start as soon as they could.

Ms. Jones Smith asked if the five-acre tracts would be provided water and sewer by the City of Clermont as well.

Mr. O'Keefe said he did not know, and commented that they were at a Comp Plan and zoning level.

Ms. Jones Smith stated that the Board was trying to determine how much of the property acreage was part of the subject development versus being brought in to adjust their gross density.

Mr. O'Keefe denied that it was being brought in to adjust the gross density, and said that they had taken the previous plans which had lots all over that five-acre tract and had determined to only put one house there. He commented that it was meant to be a negotiation to create a better plan.

Mr. Hamilton asked if the two five-acre lots would be involved in the homeowners association (HOA) and be able to use the amenities.

Ms. Jones Smith remarked that they would not be receiving the same level of amenity because their access was not behind a gated entry and they were not on private streets.

Mr. Gamble inquired if construction equipment would be going through the adjacent subdivision.

Mr. O'Keefe mentioned that for the concerns regarding the JPA and what their engineers submitted, they would meet every requirement of the JPA and would change the curb or grade.

Mr. Chris Wrenn, with Pulte Homes, stated that making decisions on construction entrances was further down the road. He said that they were willing to work to make sure they were minimizing any negative impact from construction, and he speculated that construction equipment would go through the existing community. He commented that the owner of the existing five-acre platted lot could permit a building to develop a residential home there. He remarked that the inclusion of those parcels into the application was going to limit them to five-acre tracts in the future.

Ms. Jones Smith asked if the five-acre tracts were part of the land use amendment transmitted to the DEO.

Mr. Wrenn commented that they were part of it but were not part of the application that Mr. Kruse brought up because there were no engineering improvements included in that site plan. He noted that it was a platted tract with public right of way and the ability to construct a single house.

Ms. Jones Smith mentioned that the land use they had was part of the applicant's specialized FLU category that was transmitted to the DEO, and Mr. Wrenn confirmed this. Ms. Jones Smith said that five-acre tract would be subject to this zoning ordinance if it was approved.

Mr. Wrenn said that it did not change anything with their ability to permit a single family residence on that five-acre tract.

Ms. Jones Smith remarked that it would prevent them from putting more than a single family residence there.

Mr. Wrenn said this was correct, and that the owner who purchased that property was aware of the PUD and understood the limitations within it.

Mr. Gonzalez thought the Board could add a restriction that strict compliance with the JPA was required.

Ms. Jones Smith said that there was a LCWA access point which ran toward Johns Lake and that there were other residential uses there that were not part of any subdivisions. She asked to confirm that they currently got to their properties by traversing the LCWA access road.

Ms. Janiszewski was unsure if this was their primary access.

Ms. Jones Smith asked who had rights to utilize that access easement.

Ms. Janiszewski relayed her understanding that it was a public right of way and that the property was owned by the LCWA. She said that the applicant had been in discussions with the LCWA regarding an agreement, and the LCWA was provided with a copy of the draft PUD ordinance for comments. She thought that most of their concerns were being addressed in their agreement with the applicant.

Mr. O'Keefe explained that there were existing easements over that strip of property in favor of the surrounding large tracts. He believed that the only house there was a resident who would have access through Lakeview Preserve.

Ms. Jones Smith inquired if the intent was to close the segment that ran out to Hartwood Marsh Road, or to keep it as emergency only.

Mr. O'Keefe said that this was the access to the LCWA park, and the applicant would not interfere with it.

Ms. Jones Smith said that there was no way to prevent people from using this access road.

Mr. O'Keefe thought it was a private strip of land with access easements rather than a road.

Ms. Jones Smith asked if it had a base, and Mr. O'Keefe confirmed this. Ms. Jones Smith relayed her understanding that there were no gates that would prevent anyone from driving on it.

Mr. O'Keefe opined that it was a challenging road to traverse, and he did not think people would want to take that road unless they had to.

Ms. Jones Smith inquired about staff's perspective on the two five-acre tracts that were not going to be accessed through the other properties.

Ms. Janiszewski responded that the draft PUD ordinance specifically stated that those two tracts would remain as they were platted in accordance with the Prominent Pointe subdivision, as recorded in plat book 68, pages 100 through 101. She added that neither of those lots would be reconfigured, with the exception of placing a retaining pond, should engineering need it, on the northern portion of lot six. She said that for the timing of the preliminary site plan and the two lots construction, the applicant had inquired to staff if they could move forward with

permitting; however, at that time, staff indicated that because there was an open rezoning and FLU amendment on the property, they were not going to consider it until afterward.

Ms. Jones Smith asked if they would still be subject to the utility requirements for City of Clermont water and sewer on the two five-acre tracts.

Ms. Janiszewski said this was correct and that the draft PUD ordinance required all development within the PUD to connect to central water and sewer.

Ms. Jones Smith also asked if their stormwater would be required to flow back into the system there.

Ms. Janiszewski stated that she would have to consult with the Lake County Public Works Department, because if those lots were already platted and reviewed, she was unsure if they would have to go to the same retention pond as the suburban lots. She mentioned that this would be further reviewed during engineering.

Ms. Jones Smith asked that when staff did their preliminary subdivision plan and final plat reviews, did they review it for the conditions of the County and the JPA. She also inquired if the plans were sent to the City to comment on.

Ms. Janiszewski said this was correct and that any development application within the City of Clermont JPA or ISBA was transmitted to the City to provide comments on. She stated that it was different with the City of Clermont and that Chapter 15 in the LDRs indicated that they would review for those standards.

Ms. Jones Smith inquired if the City would receive notice whenever the County was reviewing the construction plan documents, pre-plats, plats, etc., and if they were sent to the City.

Ms. Janiszewski confirmed this and said that these items were provided to the City for comments.

Ms. Jones Smith then asked if staff took the comments into consideration when they were doing their development review with the applicant, and Ms. Janiszewski confirmed this.

Ms. Marsh clarified that for the LCWA entryway, there was a 1993 deed from the Eddy family into Lake County; furthermore, it was public right of way. She explained that the underlying property was owned by the LCWA, but it was a public right of way for ingress and egress. She said that it could not be closed off unless the County vacated it.

Mr. Gonzalez asked if the application was required to be compliant with the JPA during the site planning process.

Ms. Janiszewski confirmed this and said that comments from the City were reviewed.

Mr. Gonzalez inquired that if the site plan had swales instead of curbs, would curbs be required.

Ms. Janiszewski replied that this was the preliminary plat application. She commented that it was submitted prematurely and that staff had not reviewed it yet because the FLU and rezoning had not yet been considered.

Mr. Gonzalez asked if one of the steps of the review process was if it was compliant with the JPA, and Ms. Janiszewski said this was correct.

MOTION by Rick Gonzalez, SECONDED by Jim Hamilton to APPROVE Tab 5, Evergreen Estates PUD Rezoning, as presented.

FOR: Gonzalez and Hamilton

AGAINST: Gamble, McKeeby, Jones Smith, Morris

MOTION FAILED: 2-4

Ms. Marsh said that an affirmative motion was needed to pass the Board's recommendation to the BCC; otherwise, the recommendation would go as a motion to approve which failed 2-4.

MOTION by Tim Morris, SECONDED by Kathryn McKeeby to DENY Tab 5, Evergreen Estates PUD Rezoning.

FOR: Gamble, McKeeby, Jones Smith and Morris

AGAINST: Gonzalez and Hamilton

MOTION CARRIED: 4-2

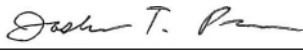
OTHER BUSINESS

Mr. Greene stated that the next meeting would be on November 4, 2020.


ADJOURNMENT

There being no further business, the meeting was adjourned at 10:43 a.m.

Respectfully submitted,



Josh Pearson
Deputy Clerk, Board Support



Sarah Gamble
Chairman / *imo, 1*

