

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
January 6, 2021

The Lake County Planning and Zoning Board met on Wednesday, January 6, 2021, in the 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, January 26, 2021 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Rick Gonzalez, Vice-Chairman	District 4
Josh Gussler	District 5
Jim Hamilton	At-Large Representative

Members Not Present:

Tim Morris, Chairman	District 3
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Tim McClendon, Director, Office of Planning and Zoning
Steve Greene, AICP, Chief Planner, Office of Planning and Zoning
Heather Croney, Planner, Office of Planning and Zoning
Melanie Marsh, County Attorney
Josh Pearson, Deputy Clerk, Board Support

Vice-Chairman Rick Gonzalez 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 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 was responsible for reviewing proposed changes to the Comprehensive Plan (Comp Plan), zoning, conditional uses, mining site plans, and making recommendations on these applications to the BCC. He added 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 January 26, 2021 BCC meeting at 9:00 a.m.

TABLE OF CONTENTS

Public Comment

Agenda Update

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-20-34-4	Dilday Property Rezoning
Tab 2	RZ-20-37-5	May and Whitaker Property
Tab 3	RZ-20-29-5	Shoreline Ranch Rezoning

Other Business – Tab 4 – Discussion of the 2021 Meeting Calendar

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that there were no changes to the agenda; however, staff received an email of opposition for Tab 3. He relayed that staff would recommend that Tab 3 be moved to the regular agenda.

Mr. Gonzalez mentioned that he had numerous speaker cards and asked if they were for Tab 3.

Mr. Greene believed that this was correct, and Mr. Gonzalez said that Tab 3 would be moved to the regular agenda.

MINUTES

MOTION by Josh Gussler, **SECONDED** by Jim Hamilton to **APPROVE** the Minutes of December 2, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: McKeeby, Jones Smith, Gonzalez, Gussler and Hamilton

AGAINST: None

MOTION CARRIED: 5-0

PUBLIC COMMENT

No one wished to address the Board at this time.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 1	RZ-20-34-4	Dilday Property Rezoning
Tab 2	RZ-20-37-5	May and Whitaker Property

MOTION by Josh Gussler, **SECONDED** by Kathryn McKeeby to **APPROVE** the Consent Agenda, Tabs 1 and 2, as presented, pulling Tab 3 to the regular agenda.

FOR: McKeeby, Jones Smith, Gonzalez, Gussler and Hamilton

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA

SHORELINE RANCH REZONING

Mr. Greene said that the January 6, 2021 public hearing had been advertised in accordance with the law.

Ms. Heather Croney, Planner, Office of Planning and Zoning, presented Tab 3. She explained that the property was located south of Wiygul Road and east of north County Road (CR) 44A in the City of Eustis area, in Commission District 5. She added that the property encompassed about 350 acres, and that the applicant was requesting to rezone the

property from Rural Residential (R-1) and Agriculture to Planned Unit Development (PUD). She said that they wished to establish a 60 lot residential subdivision with equestrian and non-intensive agriculture uses and recreational amenities; furthermore, they were requesting a waiver to Land Development Regulations (LDRs) Section 9.04.01.A.1.B regarding access. She then showed a map of the current future land use (FLU) and zoning in the area, along with the concept plan of the proposed subdivision. She relayed these staff analysis findings: the application sought to rezone approximately 350 acres from R-1 and Agriculture to PUD for a 60 lot residential subdivision to include equestrian and non-intensive agriculture uses, a community boat ramp, dock, and a park area, as shown in the concept plan; equestrian uses would be limited to lots that were two acres or greater in size; the rezoning request was consistent with LDRs Section 4.03.01, which stated that the PUD zoning district was intended to ensure that development would occur according to limitation of use, design, density, and phasing stipulated on an approved development plan; the applicant had requested a waiver to LDRs Section 9.04.01.A.1.B, which required land development to occur so that no parcels require direct access to major roads and development patterns do not detract from the efficiency of bordering major roads, to allow lot 4 and lot 5 to have a shared driveway access from Wiygul Road; this waiver request was due to the large number of wetlands on the property and an effort to minimize wetlands impact; and the proposed request was consistent with Comp Plan Policy I-1.4.4, Rural FLU Category, which allowed residential and equestrian uses in this FLU category. She then said that the application proposed a maximum density of one unit per five net acres, which was consistent with Comp Plan Policy I-1.4.4 which allowed residential uses with a maximum density of one dwelling unit per five net buildable acres. She noted that the concept plan showed a proposed development of sixty lots, which was consistent with the Rural FLU category density. She mentioned that the total project area was about 350 acres, with 174.3 acres being uplands, and 186 acres being wetlands; additionally, the upland density and wetland residential density credit produced a maximum number of 72 lots, but the applicant was only proposing 60 lots. She stated that the concept plan indicated that each residential lot would allow a maximum impervious surface area of 20 percent, which was consistent with Comp Plan Policy I-1.4.4. She commented that the request was consistent with Comp Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which stated that a PUD zoning shall be required for any application seeking to increase the existing density with the potential of 50 or more dwelling units. She remarked that open space was planned for the subdivision, and a minimum of 35 percent of the net buildable area of the entire site shall be dedicated to open space, as defined in the Comp Plan. She stated that Comp Plan Policy I-1.2.2, Consistency between Future Land Use and Zoning, stated that there must be at least 35 percent open space in the Rural FLU category, and that pursuant to Comp Plan Policy I-1.3.1.6, Open Space within Traditional Neighborhood Developments, open space buffers and landscaping shall be used to maximize compatibility between existing and proposed land uses based on the intensity of proposed uses. She concluded that staff found the rezoning consistent with the LDRs and the Comp Plan.

Mr. Gonzalez asked if the only requested variance was for one driveway going out on Wiygul Road, and Ms. Cronney confirmed this.

Ms. Meredith Nagel, an attorney representing the applicant, said that they had a community meeting and had made some changes to the proposed plan before it reached the Board. She displayed the concept plan and stated that there could be 72 lots there; however, they were only seeking 60. She mentioned that the lots ranged from one to two acres in size, and she opined that this was the kind of development that the neighbors should be comfortable with and that should be encouraged. She said that a cul-de-sac originally connected to Timberlane Drive, though this was a concern for the neighbors due to traffic, and the applicant moved the cul-de-sac further from the boundary line. She added that the neighbors were also concerned that they did not want a mixing of boat ramps, and she pointed out the proposed boat ramp, noting that it was separated from the adjacent community's boat ramp. She said that horses would only be allowed on two acre lots, and that the neighbors had concerns about some water issues; furthermore, the applicant would have to comply with all of the St. Johns River Water Management District (SJRWMD) requirements with regards to water movement in the area. She noted that a one acre lot on the lake was uplands and that the proposed lots did not extend into the lake. She stated that they were only asking for one variance to have a shared driveway on Wiygul Road because if they tried to drive through the property, it could be too much of an impact on the wetlands.

Ms. Laura Jones Smith mentioned the moved roundabout and that there was now only one ingress/egress point for all of the lots.

Ms. Nagel pointed this out at the main entrance, adding that lots 4 and 5 would have a shared driveway.

Ms. Jones Smith asked if there was a secondary access for emergency services, and Ms. Nagel replied that the County had advised that they were satisfied with this one entrance for emergency services.

The Vice-Chairman opened the public hearing.

Ms. Steve West, President of the Lake Dalhousie Estates Homeowners Association (HOA), said that his community's main objective was to protect their home values and quality of life. He relayed concerns for the proposed development including that the one acre lakefront lots were inconsistent with his subdivision and the homes around Lake Dalhousie, and that this could have a detrimental effect on property values around the lake; furthermore, he said that his community proposed larger lakefront lots, noting that their homes were 3.44 acres in Lake Dalhousie Estates, and approximately five acres per lot on the lakefront surrounding Lake Dalhousie. He also expressed concerns for a need for an engineered water management plan approved by the County and the SJRWMD. He opined that this plan must protect his community from potential flooding, runoff and pollution. He proposed that fencing with shrubbery, or a dirt berm with shrubbery, be created between the two subdivisions to assist in avoiding dust and unsightliness. He also proposed that the dock, recreation beach, and swimming areas must remain separate and distinct. He then noted that the minimum required square footage for homes in Lake Dalhousie Estates was

2,000 square feet on the inland lots, and 2,500 square feet on the lakefront lots. He said that his community would recommend that the proposed development be consistent with this to not have a detrimental effect on home values.

Mr. Michael Fleming, a resident of Lake Dalhousie Estates, expressed concerns for the size of the lakefront lots and the size of the homes. He also indicated concerns for property values due to having a higher density for the lakefront lots, which was inconsistent with what was already around the lake.

Mr. Josh Gussler asked about his lot number, and Mr. Fleming said that it was lot 3 on the map. Mr. Gussler then asked about the width of lots on the east side of Timberlane Drive.

Mr. Fleming said that another resident could provide this information.

Ms. Elaine Lobato, a resident of Lake Dalhousie Estates, expressed the following concerns for the proposed development: environmental effects; density; the possibility of many docks being installed; wildlife; there not being a public water supply or sewer system for the proposed development; and the lake's water quality. She said that her community did not want any public access through their neighborhood due to the roads there, and she relayed her understanding that County guidelines indicated that there must be at a 200 foot setback from another lot if one had a livestock building such as a horse stable. She expressed a concern for this building being centered if they did not have the 200 foot setback, and for residents having a stable next to them.

Mr. Joe Lobato, a neighbor of the subject property, expressed concerns with regards to flooding. He indicated that a portion of his two acre property near Rusty's Pond had a designated conservation and drainage easement, and that after hurricanes in 2004, the swales between their lots had a considerable amount of water. He relayed his understanding that proposed lots 15 through 18 were in a flood zone, and he displayed a Federal Emergency Management Agency (FEMA) map, along with other pictures of the area. He then expressed concerns that if homes were built there, it could stop the water flow and flood his property.

Mr. Jim Hamilton asked if it was a registered flood zone, and Mr. Lobato relayed his understanding that FEMA called it a flood zone.

Mr. Gonzalez asked if his house was in a flood zone, and Mr. Lobato relayed that the back of his property was in a flood zone.

Mr. Phillippe Pai, a resident of Lake Dalhousie Estates, said that he lived on lot number 5. He submitted letters from himself and two other homeowners within his subdivision, and stated that his letter was a study of the lakefront lots in Lake Dalhousie Estates. He commented that his opposition regarded the one acre lakefront lots, noting that there were no one acre lakefront lots in Lake Dalhousie Estates. He relayed that Lake Dalhousie Estates had 13 lakefront lots with an average size of 3.577 acres; additionally, the remaining

21 lakefront homeowners outside the subdivision averaged 5.9 acres, with an average lakefront lot size of over five acres for all of the lakefront properties on Lake Dalhousie. He opined that the request was inconsistent with the neighborhood scheme and regulations, and that granting the variance must not adversely affect the zoning scheme as a whole. He also opined that this subdivision should not be granted where the use to be authorized would thereby alter the essential character of the locality, or interfere with the zoning plan of the area with rights of owners of other property. He opined that it was inconsistent with the Comp Plan, and he requested the Board to maintain consistency with the other lakefront lots on Lake Dalhousie.

Mr. Mark Sorensen, a resident on the west side of Lake Dalhousie, opined that it was one of the most pristine lakes in the county. He expressed concerns that the lake could be harmed environmentally by this amount of new development, and noted that the lake already had a public boat ramp. He also expressed a concern that this number of homes near the lake with private wells and septic tanks could create water quality issues over time, and he opined that it was not consistent with other development in the area. He indicated concerns for the density of the development and for the width of the lakefront lots. He said that none of the lakefront lots from Lake Dalhousie Estates and south around the lake went into the lake. He also relayed that he had submitted a contract to purchase the subject property.

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

Ms. Nagel showed a map of Lake Dalhousie and pointed out the 14 Lake Dalhousie Estates lakefront lots; furthermore, the applicant was only discussing 11 lots along the lake. She stated that the applicant's density along the lakefront was arguably less than Lake Dalhousie Estates, and she also mentioned that they would be required to have a landscape buffer up to Wiygul Road from their property. She added that they would not be able to develop the subject property without the approval of the SJRWMD regarding drainage, water storage, and those issues. She commented that an environmental study had to be done to address concerns about wildlife, and she opined that the development would be appropriate for R-1 zoning, which allowed one unit per acre.

Mr. Hamilton asked if the applicant had purchased the property, and Ms. Nagel replied that they were under contract to purchase it.

Ms. Jones Smith inquired if the requirement for having horses on this property would be a two acre minimum, and Ms. Nagel confirmed this was correct. Ms. Jones Smith then said that the only lot she saw where there would be an issue with a 200 foot setback to the adjacent property would be where the roundabout had been shifted slightly. She asked if Ms. Nagel felt that there were ways to mitigate the potential impact for having agricultural buildings closer to property lines for where people may not be able to put them in, even if they had two acres.

Ms. Nagel said that in this case, they would be discussing having more than one horse per two acres. She stated that Lake County's zoning and ordinance already would require that the animal be kept in a way that was not noxious and interfering with the neighbors. She said that neighbors could raise issues with the Lake County Office of Code Enforcement, and that anyone moving there would have to comply with the protections already in place.

Ms. Jones Smith said that she wanted to make sure that the PUD did not preclude or overrule the underlying standards, and Ms. Nagel clarified that it did not. Ms. Jones Smith asked if an individual living on the over two acre lot would need to come to the County for a variance to construct a barn.

Ms. Nagel denied this and said that the PUD allowed for the horses to be on the two acre lots, but it did not supersede the ordinances that generally required how an animal must be maintained. She commented that if an animal was disruptive or was not kept in a manner that the ordinances required, then there could be recourse.

Ms. Melanie Marsh, County Attorney, explained that if they could not meet the 200 foot setback in the PUD, then they could have to apply for a variance. She added that this was in the PUD under Section B, Setbacks.

Ms. Kathryn McKeeby inquired about the average square footage of the proposed homes.

Ms. Nagel said that they had not committed to a square footage at this point. She opined that the lots would be pricy and that it was not as if a 1,500 square foot home would be placed there. She mentioned finding in the market that people were preferring smaller homes now, so they did not feel that it was appropriate to limit themselves to a square footage. She opined that the market would drive it and that it would have no issue exceeding the County requirements for square footage.

Ms. McKeeby asked if one could have a 1,200 square foot home there.

Ms. Marsh stated that under Section 3.02.09 of the Lake County Code, they had minimum structure size requirements and that currently, the majority of the subject property was zoned R-1. She added that the minimum square footage was 900 square feet, and that Agriculture zoning had a minimum square footage of 850 square feet. She also said that that 1,500 square feet would be the largest minimum in a particular zoning district.

Ms. McKeeby asked if a two acre lot with horses could have an 800 square foot home.

Ms. Marsh explained that if it was zoned Agriculture, the minimum was 850 square feet.

Mr. Gonzalez said that it would be 900 square feet in this PUD because it would not be zoned Agriculture anymore.

Ms. Marsh commented that the majority of the property was zoned R-1, which would be 900 square feet.

Ms. Jones Smith inquired that if the PUD was approved, would it refer back to R-1 as the underlying zoning.

Ms. Marsh said that it would not refer back to R-1, but that the Board could include a requirement in the PUD. She added that the County did not require the sizes that the opposition was requesting as a minimum; however, the Board could include a minimum in the PUD.

Ms. Jones Smith asked that since there was no minimum specifically listed in the PUD ordinance, was it accurate that there was no minimum, short of minimum housing standards at the state or federal level, and Ms. Marsh confirmed this.

Mr. Gonzalez inquired if each of the 11 waterfront lots could have a dock or if there would be a deed restriction on it.

Ms. Nagel commented that there would not be a deed restriction, and that they did not have the ability to grant the authority to build a dock; furthermore, if a resident wanted to build a dock, they would have to meet the permitting requirements.

Mr. Gonzalez asked if she anticipated it to be addressed in the HOA documents, and Ms. Nagel denied this. Mr. Gonzalez then inquired how many of the lots were over two acres in size.

A representative of the applicant in the audience indicated that it was either six or eight lots.

Mr. Gonzalez then commented that only six or eight properties could have a horse. He also inquired if they were anticipating well and septic tanks for every lot.

Ms. Nagel confirmed this and noted that there were no publically available utilities at this time. She added that this would have to comply with County ordinances.

Ms. Jones Smith inquired if they were going to go ahead with the SJRWMD and have a pre-done dock authorization for these lakefront lots.

Ms. Nagel said that they were not, and if residents wanted to construct a dock, it would be their impetus to meet all of the requirements and have the dock properly permitted.

Ms. Jones Smith pointed out that there did not seem to be many lots with a pie-like shape around a curve, noting that issues could arise the further out that docks had to be put in. She proposed possibly considering this.

Ms. Nagel stated that she did not anticipate there would be an issue without getting a dock permitted, though they would have to meet the requirements.

Mr. Gonzalez asked to confirm that Lake Dalhousie Estates lots 9 through 14 were roughly 2.7 acres in size, with approximately a quarter of that being in the lake.

Ms. Nagel confirmed this and pointed it out on a map.

Mr. Gussler inquired if the concept plan was not including two lots on the south end, and if she was saying that there were only 11 lots.

Ms. Nagel said this was correct.

Mr. Hamilton inquired about flooding on lots 15 through 18.

Ms. Nagel explained that they would work with the SJRWMD to ensure that the water would be properly compensated for and would move appropriately, along with there being appropriate wetland protections and buffers.

Ms. McKeeby expressed concerns about the square footage of the homes.

Ms. Jones Smith said that the Board could recommend something in a PUD.

Mr. Gonzalez commented that this could be speculating on how it would affect property values, and he relayed his understanding that there was no evidence that this would be the case.

Ms. Jones Smith mentioned that there were minimum housing standards in place for what has to be included to build a dwelling. She opined that it was common to see that many homes were currently being built smaller from efficiency and cost of maintenance perspectives. She expressed concern for speculating on the number of square feet.

Mr. Gonzalez inquired that if this passed as is, would the 900 square foot minimum apply.

Ms. Marsh said that it would not, because the County did not designate a PUD minimum requirement in the code.

Mr. Gonzalez asked if an outbuilding could be larger than a house.

Ms. Croney replied that the code stated that accessory structures could not be more than 40 percent of the house size.

Ms. Jones Smith inquired if it would apply to this case.

Ms. Croney confirmed this and relayed that the accessory structure standards applied regardless if it was a PUD or where it was. She added that it would also apply to agriculture buildings, and that there were requirements that single family dwellings be at least 23 feet and four inches at the narrowest point so that there was some minimum.

MOTION by Laura Jones Smith, SECONDED by Josh Gussler to APPROVE Tab 3, Shoreline Ranch Rezoning, as presented.

FOR: McKeeby, Jones Smith, Gonzalez, Gussler and Hamilton

AGAINST: None

MOTION CARRIED: 5-0

OTHER BUSINESS – Tab 4 – Discussion of the 2021 Meeting Calendar

Mr. Greene stated that in late 2020, he distributed a calendar of prospective public meeting dates for 2021; additionally, staff was here to accept the Board's recommendations or changes and move forward with permanent schedule of meeting dates for 2021.

MOTION by Kathryn McKeeby, SECONDED by Jim Hamilton to accept the proposed final 2021 Planning and Zoning Board meeting dates.

FOR: McKeeby, Jones Smith, Gonzalez, Gussler and Hamilton


AGAINST: None

MOTION CARRIED: 5-0

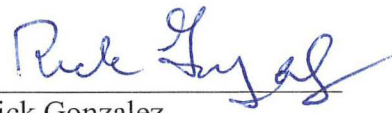
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:58 a.m.

Respectfully submitted,



Josh Pearson
Deputy Clerk, Board Support



Rick Gonzalez
Vice-Chairman