

## A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS

JANUARY 19, 2010

The Lake County Board of County Commissioners met in special session on Tuesday, January 19, 2010 at 9:00 a.m., in the Board of County Commissioners' Meeting Room, Lake County Administration Building, Tavares, Florida. Commissioners present at the meeting were: Welton G. Cadwell, Chairman; Elaine Renick, Vice Chairman; Jennifer Hill; Jimmy Conner; and Linda Stewart. Others present were: Sanford A. "Sandy" Minkoff, Interim County Manager; Melanie Marsh, Acting County Attorney; Wendy Taylor, Executive Office Manager, County Manager's Office; and Brenda Law, Deputy Clerk.

INVOCATION AND PLEDGE

Mr. Sandy Minkoff, Interim County Manager, gave the Invocation and led the Pledge of Allegiance.

INTRODUCTION

Commr. Cadwell stated that the transmittal hearing was advertised for today and tomorrow afternoon, but he anticipated completing the hearing today. He explained the process of submittal to the Department of Community Affairs (DCA) and noted that the final Comp Plan would not be adopted for another three months. He mentioned that the purpose of today's meeting was to approve the transmittal to DCA. He commented that he received public requests to postpone the transmittal and asked if the Board was interested in postponing the transmittal of the Comp Plan to DCA.

It was a consensus of the Board to hold the transmittal hearing today without further postponement.

Ms. Melanie Marsh, Acting County Attorney, stated that if approved today, it will be Ordinance 2010-02 and placed the proposed Ordinance on the floor by title only, as follows:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN OF LAKE COUNTY, "PLANNING HORIZON 2030" TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Amye King, Growth Management Director provided a brief history of the Comprehensive Plan. She explained that the County is currently operating on the 1993 Comp Plan which was prepared based on 1980 census data. She noted that Lake County was scheduled to submit their Evaluation and Appraisal Report (EAR) based amendments to DCA, which were never adopted. She stated that County staff met with Mr. Charles Gauthier, DCA Bureau Chief in 2003 to discuss concerns regarding the County's EAR based amendments when it was decided that the County would rewrite the Comprehensive Plan with the promise that the County would undergo a rigorous public participation plan. She reported that the County had over 30 public meetings throughout the County in the different regions, as well as hundreds of meetings with the Local Planning Agency (LPA) in Board Chambers. She noted that thousands of residents responded and participated in the meetings. She stated that the Board of County Commissioners decided to split the Planning and Zoning Board in 2004 into two separate boards, and created the Local Planning Agency (LPA) to write the plan. She commented that the County created a comprehensive website dedicated to the plan in 2005. She reported that the County began the public participation tours in 2005. She stated that in 2005 the LPA began the review of the initial draft elements of the plan which were transmitted in 2006, and dedicated all of their time from that point forward on the Future Land Use Map and the Future Land Use Element. She reported that in 2008 the Board adopted the Evaluation

and Appraisal Report of the formal plan, again with the promise to the DCA that the County would have year based amendments to bring them in compliance in the next 18 months. The LPA transmitted to the Board the Future Land Use Element and the Future Land Use Map on January 30, 2009, which has been under Board consideration since that time. She presented the flow chart of process after the Comp Plan is submitted to DCA. She noted that the plan will be submitted to a long list of reviewing agencies including Florida Department of Transportation (DOT) and the Regional Planning Council, as well as all of the Cities within the County and all of the adjacent counties. She stated that DCA will forward their objections, comments and recommendations, and the County will have the opportunity to make amendments to the plan based on the feedback from the various agencies. She mentioned that the Board will then begin the process to adopt the new Comprehensive Plan.

Ms. King introduced her staff, Mr. Brian Sheahan, Planning and Community Design Director; Ms. Anita Greiner, Planning and Community Design Chief Planner; and Ms. Pratima Strong, GIS Analyst.

Mr. Sheahan stated that staff has submitted a few changes for the Board's consideration. He noted that staff eliminated the light industrial future land use category as directed by the Board. He explained that the regional office and regional commercial categories allowed for light manufacturing. He reported that some properties listed on the submitted documentation were more appropriately designated industrial, and stated that the City of Umatilla and Astatula requested some of these changes. He asked the Board to approve these changes.

On a motion by Commr. Hill, seconded by Commr. Stewart and carried unanimously by a vote of 5-0, the Board approved the reclassification of some properties from light industrial to industrial.

Mr. Sheahan reported that based on a motion by Commr. Conner at the last workshop, staff changed the language from three lots to ten lots on the common open space requirement in rural areas. He stated that staff requests the language to be changed from less than five acres to five acres or less. He noted that he has received public comment requesting that the density be changed from five acres to twenty acres.

Commr. Renick stated that it was her understanding that the motion from the last workshop kept the language the same and only changed the three lots to ten. She asked staff what was the original threshold.

Mr. Sheahan confirmed that the original threshold was 20 acres.

Commr. Conner explained that his concern was that if someone owned 20 acres and decided to split those acres into five acres amongst four children that they would be required to deed open space to a common entity in their family. He opined that there is not a need for open space if there is one unit per five acres.

Commr. Renick asked if the language should be returned to the original language with the 20 acre threshold. She opined changing it from three to ten lots and leaving the remainder with the original language.

It was a consensus of the Board to change the language from three lots to ten with the remaining language as originally written.

Mr. Sheahan stated that the next issue is regarding the biological survey required in the current language under Policy 3-3.3.2. He reported that the County is currently conducting surveys on all applications requesting site plan approval. He expressed concerns that the County may be conducting and the applicant may be incurring the cost for surveys that are not necessary. He stated that his staff can determine if a survey or environmental assessment is needed if they perform a site visit. He noted that the language was being presented to the Board to request more flexibility in this matter. He indicated that the thresholds can be made more

stringent in the Land Development Regulations.

Commr. Renick stated that she had discussions with staff regarding some alternative language. She suggested using the language as presented by the Audubon of Florida, particularly the language starting within 24 months of the effective date.

Commr. Cadwell commented that the specific agencies should not be included because if one changes, then the Comp Plan will not be in compliance.

It was a consensus of the Board to use the language presented by the Audubon of Florida with a removal of the reference to the specific agencies.

Mr. Sheahan presented the options for the language on mining in the Green Swamp. He stated that Option A was based on direction by the Board at the November workshop, and reported that this option allows existing mines in the Green Swamp to remain as a conforming use; however, they could only expand if they had a contract to do so or became vested. He explained that Option B reestablishes the existing review process and requirements under the current plan, creating a status quo. He stated that Option C is the same as Option B but requires a regional hydrologic study prior to any expansion or new mines in the Green Swamp, creating an assurance that mining would not have any adverse environmental impacts.

#### PUBLIC HEARING

Commr. Cadwell asked the public to complete a speaker request form if they would like to address the Board. He explained that there was a three minute time limit per speaker and asked that every one be respectful to the person speaking.

The Chairman opened the public hearing.

Mr. Michael Bucher, Chairman of the South Lake Chamber of Commerce Board of Directors, requested that the Board remove the South Lake Rural Protection Area from the proposed Comprehensive Plan. He reported that this land was identified by the City of Clermont, South Lake Chamber Board of Directors, Lake County Economic Development Advisory Committee and the Lake County Chamber Alliance as an area of critical concern and importance for the future economic development of Clermont and south Lake County. He opined that the proposed land use will prevent that area from being able to attract and compete for regional employers and high wage jobs in Central Florida. He asked the Board to consider that SR 50 is currently at capacity and the marketing and development of a regional commerce park along this state road corridor as depicted in the proposed plan would not only be difficult but is unattractive to the citizens and the business community. He stated that the favorable location and access will attract employers and entrepreneurs demanding a ready supply of well educated and skilled employees within the region to add or compliment the local work force. He commented that if properly planned by the stakeholders and the City of Clermont, this area provides Lake County with a tremendous opportunity to bring high wage jobs without rooftops while providing a more profitable and diverse tax base for the City and greater prosperity to south Lake County.

Ms. Miranda Fitzgerald with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., presenting 45 separate parcels managed by Herb Kahlert, requested that the Board strike in its entirety Objective 1-5.5 regarding the South Lake Rural Protection Area and the supporting Policies 1-5.5.1 and 1-5.5.2. She stated that striking these provisions will facilitate the implementation of the County's economic elements, goals, objectives and policies. She opined that south Lake County is the area most likely to have meaningful economic development due to its location directly adjacent to Horizon West and Orange County. She commented that if the Board reconsiders

the workplace district concept, she asked that the district be placed in the lands that are currently designated for the South Lake Rural Protection area, as far south as Old YMCA Road. She presented a list of the businesses she was representing.

Mr. Jim Bible, representing the Homebuilders Association, stated that the Future Land Use Categories Table on Page 7 of the proposed Comp Plan has two new items, Floor Area Ratio (FAR) and open space requirements for residential properties. He commented that the FAR puts severe restrictions on residential home construction. He explained that he is currently working on a 40 acre project that is zoned R6 with lots that are approximately 10,000 square feet with the FAR at 0.25 in low density residential, that equates to a total floor area of 2,500 square feet. He noted that the FAR includes footage for the garage, entryway, patios under roof and any utility sheds on the property allowing for the construction of a maximum of 1,800 square feet. He reported that he has built hundreds of homes greater than 1,800 square feet on this standard size lot in the County, and now all of those homes will be non-conforming. He requested that the Board eliminate the floor area ratio requirement on residential properties. He stated that the open space requirement would cost him 30 lots out of 117 lots in the previously mentioned 40 acre project. He noted that the open space requirement increases the homeowner's cost by 25 to 30 percent. He submitted a packet of comments regarding various items in the Comp Plan to the clerk.

Mr. Richard Gonzalez, Vice President of Pineloch Management Corp., representing Center Lake Properties, LLC, stated that Center Lake Properties is a 688 acre parcel located on Hartwood Marsh Road and has been operating as a sand mine since 1969. He reported that the proposed plan changes the future land use from industrial to regional office. He requested that the Board convert the future land use back to industrial as the company plans to develop an industrial park over the next 25 years as the land is reclaimed from the sand mines.

Mr. Don Magruder, Chairman of Citizens for Better Government, LLC, opined that the proposed Comp Plan is flawed because it does not address the economic growth issues in Lake County. He stated that the Citizens for Better Government reviewed email communication between the Local Planning Agency (LPA), staff and the Commission that does not mention or prioritize job creation and only discussed restrictions and land use categories. He expressed concern that the desires of the LPA trump those of the employees, citizens and stakeholders. He commented that the majority of the plan addresses conservation with only a small focus on the economic element. He opined that the economic element was based on a failed economic strategy that was approved by the Board two years ago and predicted that if this plan is approved the recession will continue in Lake County.

Mr. Wayne Saunders, City of Clermont Manager, representing the Clermont City Council, outlined the boundaries of the City of Clermont and the Clermont Joint Planning Area (JPA). He reported that the Clermont City Council recommends that the existing JPA be removed from the South Lake Rural Protection Area and that the JPA be amended to move the boundary to align with the southern tip of the existing JPA and exclude it from the South Lake Rural Protection Area. He explained that the City of Clermont is closely bound on all sides and this area is the only option for future expansion and economic development. He stated that the City of Clermont hopes to attract businesses and more jobs to the area and to create opportunities for the residents to work locally instead of commuting into Orange County. He reported that the City of Clermont has received letters from property owners comprising approximately 3,400 acres that intend to request annexation into the City of

Clermont, as well as a verbal commitment for annexation from the owners of the Conserve II area.

Mr. Ray Goodgame, Clermont City Councilmen, stated that the cities surrounding Clermont have commerce parks and noted that there was not this much controversy over it. He commented that if a developer wanted to move into Clermont there would be no place for them and Clermont would lose that opportunity. He stated that the majority of Clermont's tax base is residential and opined that the tax base needs to be expanded and diversified. He asked the Board to expand the existing Joint Planning Area and remove it from the South Lake Rural Protection Area to give Clermont an equal footing with the other cities in Lake County.

Mr. Michael Lawhorn asked the Board to carefully consider the language in the Comp Plan regarding the mining industry and reject the LPA recommendation. He stated that Lake County is one of the few places that have construction grade sand available. He noted that the mining businesses have been operating in Lake County for decades, and have invested substantial amounts in reserves and mining facilities. He stated that the mining industry provides an established revenue stream for local government and employment opportunities in the local workforce, and opined that any ban of mining would adversely impact local business and the community's unemployment rates. He commented that the mining industry continues to present evidence that sand mining is not a threat to the Green Swamp. He pointed out that Lake County has one of the toughest mining ordinances in the state.

Mr. Mark Rakowski representing Mr. Rubin stated that his client owns 144 acres in southeast Lake County and plans to construct a sustainable new urbanism community. He submitted a packet to the Board outlining his comments regarding this property. He indicated that some of the benefits provide for alternative transportation and energy savings. He stated that the packet included photos of new urbanism sustainable communities that mimic traditional downtown settings. He commented that the future land use designation on his client's property limits the size of the building to a maximum 5,000 square feet per parcel which would create a suburban sprawl type of development. He proposed that the Board add the language, "that unless the development uses sustainable concepts and is approved through a mixed use PUD, the maximum square footage of commercial uses shall be stipulated in the PUD" to Policy 1-4.2.2 of the Comprehensive Plan. He noted that he provided this proposal to county staff and the DCA area of critical state concern staff.

Ms. Ronni Caggiano, Lake County resident and real estate broker, stated that the majority of her time is spent selling the homes of people who have lost their jobs and are now losing their homes. She opined that the Comp Plan represents special interest groups and not the people of Lake County. She commented that the County has to create an economic plan that is going to represent the people and bring jobs to the County. She asked that the Board reconsider the approval to transmit the Comp Plan as it is written.

Mr. Andrew Nutt, Holly Homes, Inc., reiterated previous comments about the FAR restrictions and asked that those be stricken from the Comp Plan. He stated that Policy V-2.2.1 in the proposed plan mandates that ten percent of the project be completed at a lower cost level for inclusionary zoning and noted that this has been found ineffective in other areas. He commented that it is a goal of the Homebuilders Association to build affordable housing and suggested providing incentives to use foreclosure rehabs for affordable housing for the residents instead of the inclusionary zoning verbiage. He stated that he is in favor of the economic development of south Lake County and opined that the County needs the larger tax base. He noted that as a taxpayer his taxes are considerably higher in Lake County compared to Orange County. He commented that the use of seawalls saved a building that was settling when the community of Cypress Cove in Tavares had erosion

problems along the canal.

Mr. Dale Sands, Sandcott Builders, Inc., requested that the Board allow the public additional time to review the plan before transmittal. He opined that the County needs 35 to 40 percent of the tax base to come from commercial and industrial, and the tax base is currently 80 percent residential. He stated that there were some incorrect references in Policy 3-2.2.7 based on information he has received from the Florida Department of Environmental Protection. He opined that seawalls were one of the best resources in protecting the water bodies because it prevents erosion and chemical runoff.

Mr. George Hansford, President of Prominent Construction Co., requested that the Board strike Policy 1-1.3.1 from the Comp Plan because he felt that it is taking the rights from property owners. He stated that this policy would require alleys to be installed behind homes where residents prefer to have a backyard. He asked that the Board delay the transmittal of the Comp Plan to allow time for public review.

Ms. Nancy Hurlbert supports the transmittal of the Comprehensive Plan to DCA as presented. She reported that she is a retired civil engineer from Broward County, and opined that Lake County will result in the same type of infill if the Board releases the restrictions on open space and the protected areas. She stated that she moved to Lake County in 2005 for the environment and lifestyle.

Mr. Alan Garcia expressed his support and asked that the Comp Plan be transmitted as it is written.

Mr. Charles Lee, Audubon of Florida, asked that the Board reconsider their earlier decision to change the open space requirement from three lots to ten lots. He suggested changing the threshold to five lots, and indicated that the DCA was supportive of the language with the three lot threshold. He commented that he supports Option A for mining in the Green Swamp that limits mining to the areas that are vested with contractual obligations and prior approval of site plans. He asked that the Board support the completion of a regional hydrologic study to be done between now and EAR amendment requirements. He stated that information provided by the Southwest Florida Water Management District reports that one to two million gallons of daily perpetual consumptive use is created for every thousand acres of open water surface created by mining.

Mr. Robert Thompson, Clermont City Councilmen, asked the Board to remove the Clermont Joint Planning Area from the South Lake Rural Protection Area. He reiterated comments made by other individuals that Clermont does not have the land available to attract business. He reported that the City of Clermont's tax base is 70 percent residential and only 30 percent commercial. He stated that it will be more costly for the City of Clermont during the annexation and rezoning process if this property remains in the rural protection area. He opined that it would be in the best interest of the taxpayers to remove this property from the rural protection area, so the City can attract business and create employment opportunities so the residents do not have to commute to Orange County.

Mr. Egor Emery stated that he has been involved in the planning process for many years, and asked the Board to transmit the Comp Plan without any wholesale changes. He expressed concern about some of the information presented during the meeting and about Policy 5-1.6.9 regarding the coordination of potable water service with municipalities. He opined that the rural protection areas should remain as proposed, and noted that the City of Clermont can continue the annexation of those lands regardless of the Comp Plan.

Mr. Jerry Cloud, President of Loma Linda Corporation, stated that his property, which is located between Howey-in-the-Hills and the Turnpike, was split in half with two different land use categories. He

reported that the half of the property that adjoins the city limits of Groveland has a very rural classification which he does not agree with. He presented a letter that outlines his other concerns.

Ms. Priscilla Bernardo commended the LPA and staff on the great work on the Comprehensive Plan, and asked the Board to transmit the plan as presented. She stated that she supports the specifics regarding the Mount Plymouth-Sorrento policies as they have been written.

Mr. Fred Morrison, McLin & Burnsed, P.A., representing Snowbird Land Vistas, Inc. and Haines Creek Development, LLC, explained that the two mobile homes parks, Mid-Florida Lakes and Terra Mobile Village were developed in the 1970s prior to the Comprehensive Plan and were zoned to allow for 5,000 square foot lots. He reported that the LPA originally reclassified these parks as rural transitional which would allow one unit per five acres, which the LPA changed to urban low density based on the information he provided. He stated that the urban low density classification is still substantially below the density of the current development, and asked the Board to change the density to urban medium which would accommodate the development's current density of seven units per acre. He explained that County staff reviewed the current plan's classification for these two parks which is urban low density, and staff cited Senate Bill 360 as providing special protection for mobile home parks if infrastructure exists. He stated that neither parks are serviced by the City of Leesburg or Eustis for sewer or water, and noted that the City of Leesburg would have to cross Haines Creek. He mentioned that Chapter 723 provides protection for mobile home parks. He stated that the concern with the urban low density classification is that if the park owners tried to obtain financing, the banks would find that they are not conforming and would not lend a value commensurate with the current density of the development.

Ms. Laurie Laventhall urged the Board to transmit the plan as written.

Mr. Bill Calhoun, Lady Lake Planning and Zoning Committee member, opined that new home construction is not the solution to the County's need for jobs and noted the number of foreclosed and vacant homes within the County. He commented that economic development will grow as the overall economy grows and stated that unleashing unbridled growth will strain the infrastructure needs that the County already has a hard time fulfilling.

#### RECESS AND REASSEMBLY

The Chairman announced that there would be a fifteen-minute recess at 10:26 A.M.

#### PUBLIC HEARING CONT'D.

Mr. Chris Roper, attorney with Akerman Senterfitt representing five separate property owners, stated that the property of Mr. Kenneth Bosserman which is located on US 27 near the city limits of Minneola and has water and sewer service from the City of Minneola has a proposed change to rural from its currently approved designations of urban expansion, suburban and employment center. He opined that neighboring property owners attended previous workshops to request the rural designation. He asked the Board to consider that this property has over 1,000 feet of US 27 frontage and requested the designation be changed to urban expansion. He stated that Mr. Richard Bosserman's property is located near Clermont and is currently designated as urban expansion with a proposed change to regional office and public institution. He opined that the designation of public institution constitutes a taking of property rights as the land would only be able to be used for a public institution like a school. He asked the Board to change the designation to urban low density residential and professional office.

Mr. Duane Booth was not present to address the Board; however, information was presented on his behalf.

Mr. Bill Ray reported that his client would like to accept staff's recommendation for the Don Jones property located in the Mount Plymouth-Sorrento area. He stated that the staff recommendation of 5.5 units per acre on the northern portion of the property and 2 units per acre on the southern portion of the property follows the 100 year flood plain and the anticipated corridor. He asked the Board include this recommendation in the Comp Plan. He commented that he continues to ascertain that there was a mapping error on Green Swamp property. He stated that he presented information to DCA and the Central Florida Regional Planning Council. He reported that DCA suggested that he reference the 2000 Evaluation and Appraisal Report (EAR) which provide guidance for establishing land use criteria within the Green Swamp, specifically stating that Lake County should develop a GIS format for establishing land use within the Green Swamp based on the underlying land forms and environmental conditions. He reported that the subject property that has been under discussion is of the highest land form within the area, does not contain sensitive habitat of a protected species, contains well drained sandy soils and is above the 100 year flood plain. He stated that the EAR states that the 100 year flood plain be used as the establishing criteria delineating between transition areas and between the rural conservation area. He explained that he has had discussions with Mr. Mark Knight, City of Saint Augustine Director of Planning, who states that the white bullets were initially set in the map to erase areas of wetlands and water bodies that were shown as transition, and noted that Mr. Knight drew the map in question. He opined that the County needs to start establishing land use within the Green Swamp based on the best available data and underlying land forms.

Mr. Don Jones stated that he has owned his property for 25 years, and that it adjoins the Mount Plymouth-Sorrento town center. He reported that five years ago he had a \$9 million contract with Centex based on the 5.5 units per acre density. He explained that there was a miscommunication between the LPA and the Mount Plymouth-Sorrento Planning Advisory Committee (MPSPAC) that the MPSPAC wanted the density lowered on this property. He stated that the MPSPAC never discussed reducing the density on this property. He reported that in May 2009 he submitted an application for rezoning at which time he was informed by staff that the proposed zoning would not support his request. He commented that his property is the largest piece of developable land that abuts the town center, and opined that if the town center is going to be successful, then the density needs to be increased.

Mr. Tim Green, President of the Chamber Alliance of Lake County, stated that the Chamber Alliance represents 3,400 business members of the eight chambers in Lake County. He commented that the Chamber Alliance endorses the September 2009 recommendations by the Lake County Economic Development Advisory Committee, January 12, 2010 recommendations by the South Lake Chamber Economic Development and Public Policy Committee, and the July 28, 2009 recommendations of the Main Street Stakeholders in Mount Plymouth-Sorrento. He expressed concern on non-conforming uses in the County. He opined that this was an opportunity with parcel based mapping to correct some of these nonconforming uses to encourage businesses that are here to remain in Lake County. He stated that he understood the provisions in Policy I-7.1.1 allow for the nonconforming uses to stay but require the reduction of those inconsistent with community character, and provided an example of Electron Machine Corporation located east of Umatilla, which could not expand its current location except for regulatory requirements because it is classified as rural. He provided a list of



businesses affected by the nonconforming uses policy. He commented that Lake County has worked hard to attract new businesses and suggested allowing these other businesses to stay and expand their locations, even if they are inconsistent with community character.

Mr. Greg Beliveau submitted two letters from Mr. Glenn Irby, City Manager for the City of Umatilla regarding the request to change the future land use designation from regional office to industrial for the area south of Umatilla near the airport. He reported that the Comp Plan contains two policies, Policy I-1.2.4 and Policy I-1.2.7 for the calculation of residential density, and suggested that only one policy be included in the plan. He noted that light industrial is still listed in the urban land use categories, and it was his understanding that this should be consolidated to industrial. He pointed out that the strategies for reducing green house emissions on Page 94 and 150 require the densities to be pushed to collectors and arterials; however, the densities under regional office and commercial which are allowed within those areas have a multi-family limit of one unit per acre. He recommended increasing densities if the goal is to reduce the vehicle miles traveled. He indicated that there is a conflict in some of the language on the traditional neighborhood developments and the language on reducing green house emissions, and stated that one policy restricts certain items while the other has prohibiting language. He provided copies of recently approved Comp Plans from Sumter County.

Ms. Cecelia Bonifay stated that the Clouts Groves property was previously discussed by the City of Clermont, as the property is located in the Clermont JPA. She reported that the property is serviced by two utility districts, and noted that her client has filed a notice of intent to annex into the City of Clermont. She mentioned that the Nola Land Company property is located north of SR 50 and has a Planned Unit Development (PUD) in place for a residential development. She stated that her client is pursuing the final subdivision plat; however, it continues to be designated as regional office. She reported that the County has divided the property and taken the part that can not be developed under the current PUD and designated it as residential. She pointed out that there is no data analysis or anything in the Comp Plan to support the amount designated as regional office. She stated that the Newland Communities property is located on Pier 44 on the St. Johns River. She explained that this property has been part of a rural village with a commercial designation and is now a nonconforming use due to a land use change to rural. She stated that the Sorrento Commons property has been presented before the Board on numerous occasions. She commented that the acreage and square footage restrictions should be included in the Land Development Regulations (LDRs) and that a data analysis is usually required under Rule 9J5 in Chapter 163 to support those kind of restrictions. She opined that development will not happen under the rules in place.

Mr. James Panico, representing four separate landowners, opined that the Comp Plan should be guiding principles, and that specificity should be written in the LDRs. He noted that there have been many comments about the flexibility of the Comp Plan, but cautioned the Board about the proposed Amendment 4 that will make it difficult to amend the Comp Plan. He explained that if Amendment 4 is passed, a referendum costing \$150,000 to \$200,000 will be required to amend the Comp Plan. He asked the Board to withhold the transmittal of the plan and to revise the plan to include as much flexibility as possible. He submitted a letter to the Board.

Ms. Peggy Cox asked the Board to select Option A regarding mining in the Green Swamp. She presented a generalized cross section of the Green Swamp from the US Geological Survey, and indicated that the aquifer has no confining layer in the central part of the Green Swamp. She reported that the aquifer is the source for most of Central Florida's potable water. She stated that the County has purchased areas like Lake

Louisa State Park and Hilochee Wildlife Management Area located east of the Green Swamp. She clarified that the Comp Plan would not stop sand mining in the Green Swamp and that it would only prevent new mines or the expansion of mines that are not vested. She asked the Board to consider Objective I-4.3 regarding the protection of water resources in the Green Swamp Area of Critical State Concern. She noted that it should include the Ocklawaha and Withlacoochee outflows that feed into the Clermont Chain of Lakes and the Palatlahaha River. She explained that an Evaluation and Appraisal Report would be required in seven years to address Comp Plans and to change policies based on current conditions.

Mr. Steve Adams, LPG Environmental, expressed concern about the amount of specificity in the conservation element, and opined that it was more appropriate to include these in the LDRs. He reported that most of the sand mining in the Green Swamp has been done in citrus groves and pasture lands without impacting the natural communities. He stated that the current regulations require site specific hydrology and hydrogeologic studies to determine any adverse impacts to the hydrology for that particular mine as well as protected species and natural community studies. He mentioned that the current ordinance also includes the environmental protection standards, and noted that the reclamation standards for the County are higher than the Florida Department of Environmental Protection (DEP) standards. He stated that the mining industry supports Option B because they feel that there is no creditable scientific evidence to support that there are adverse impacts from mining in the Green Swamp. He asked the Board to appoint a committee consisting of mining industry representatives and environmental representatives if the Board wishes to raise the standards of mining in the Green Swamp. He reported that a similar committee was used to develop the current mining ordinance, which is a model being used by other counties in the state.

Mr. Steve Richey, representing several individuals, stated that the O'Dell property located outside of Lady Lake is currently split between rural and suburban. He asked the Board to change this property to urban low density as it is contiguous to the City of Lady Lake which is classified urban low density and has central water and sewer services. He reported that the Dura-Stress Underground property is designated commercial, industrial and rural, and asked that this property retain the industrial classification. He stated that a preliminary plat was filed for additional businesses in that area with an industrial use. He mentioned that he has another client with property in the previously mentioned Clermont area, and asked that the designation be changed to urban low density as this property is contiguous with Clermont. He presented a map outlining the Bar Key Groves, Kemp and Hoffman properties, and requested urban low density. He stated that the City of Leesburg requested these changes from the LPA in an effort to provide water and sewer to these properties. He mentioned that he also represents the Main Street Stakeholders and asked that the July 28, 2009 letter be included in the record.

Mr. Gary Cooney, representing various landowners, stated that the Simpson property of 99 acres located on SR 19 south of Howey-in-the-Hills has a current designation of urban expansion which allows for the development of 4 units per acre. He commented that the proposed plan changes the designation to rural transition and allows only one unit per five acres. He asked that this property be designated as urban low density as it is located adjacent to the City of Howey, and opined that good planning locates density next to the city. He stated that his client, Howey Groves is located immediately south of Anita and in the same situation. He presented the current and proposed future land uses for the Mead family property located along Lake Dora. He asked that this property be designated urban low density residential with an allowed density of four units per

acre, and noted that this property is directly adjacent to the City of Tavares that provides water and sewer to this area.

Mr. T.J. Fish, Lake-Sumter Metropolitan Planning Organization (MPO) Executive Director, stated that the MPO is interested in intergovernmental coordination and good planning, and supports the transmittal of the Comp Plan to DCA. He reported that the MPO worked with County staff on the transportation element of the plan over three years ago. He noted that the MPO complies with fourteen other Comp Plans during their transportation planning. He stated that the MPO is using the 4C approach to establish centers and appropriate corridors for development and to preserve countryside and conservation lands. He noted that the Comp Plan is clear that future growth needs to happen in the municipalities instead of the unincorporated rural lands. He opined that the adoption of the updated Comp Plan will provide opportunities for the Board to work with the city councils and commissions to establish boundary agreements and joint planning areas.

Mr. David Hill stated that his family owns a 120 acre tree farm south of Conserve II. He explained that a few years ago there were discussions that the County was going to take some of the properties surrounding his property due to a corporation's interest in developing the property, and expressed concern regarding his property rights.

Ms. Nancy Fullerton, Alliance to Protect Water Resources (APWR), stated that the APWR opposes sand mining in the Green Swamp. She asked that the Board select Option A which prohibits new mines and the expansion of existing mines in the Green Swamp. She stated that she previously submitted letters explaining the APWR's opposition to expansion requests in the Green Swamp. He opined that the County needs to limit the risks to the Green Swamp from the cumulative effects of the sand mining impacts. She reported that APWR supports the comments presented by Ms. Peggy Cox and Mr. Charles Lee. She commented that the APWR also represents the many species of wildlife that reside in the Green Swamp that cannot speak. She asked the Board to transmit the Comp Plan to DCA.

Mr. Billy Long, Long & Scott Farms, stated that he has been farming in Lake County for 60 years, and noted that when he came to Lake County it was the second largest agricultural county in Florida and twentieth in the nation. He commented that he would like to continue farming and explained that they are struggling in this economy. He stated that the land they own is designated agricultural but asked the Board to allow the farmers in the County the option to sell the land for development if they cannot farm the land.

Ms. Leslie Campione stated that Hope International Winter Park, Inc. owns 280 acres on the St. John's River next to the Pier 44 property. She reported that a Planned Unit Development (PUD) was approved for this property in 1992 which allowed a variety of uses, including a significant portion of commercial uses, three one-acre outparcels along SR 44, and single family homes. She stated that her client purchased the property in 2004 and submitted a plat approval and site plan in 2005. She commented that he stopped the process before submitting the final plat for approval due to the real estate market changes in 2007, and noted that if the client had proceeded with the final plat approval they would be facing significantly higher taxes which are currently high based on land use. She stated that her client participated in the early LPA meetings, but hired counsel after the designation changed from rural village and the rural protection area overlapped his property. She asked the Board to assign a designation that complements the zoning for the property or a vested rights determination that would work in conjunction with the Pier 44 property. She reported that another client whose property is located south of Hartwood Marsh Road is currently zoned R6 with a proposed change to regional office. She indicated

that her client did not want the regional office classification unless there was some major regional transportation planning done for this area.

Ms. Heather Brush stated that she has attended countless meetings over the past several years regarding the Comp Plan and opined that both sides have been well represented. She asked the Board to transmit the plan as it is written to protect Lake County and help ensure sensible growth.

Ms. Linda Bystrak, Ocklawaha Valley Audubon Society, presented a map of the hydrological effects of sand mining that was included in the 2002 consultant's report. She stated that there is a misconception that the DOT sand is only available in the Green Swamp, and noted that the specific DOT quality sand is available near the northern boundary of the Green Swamp. She reported that the nine sand mines active in 1997 were responsible for ten percent of the County's water consumption, totaling 55.9 million gallons per day. She asked the Board to have an independent agency conduct a USGS Hydrological Study of the Green Swamp and the effects of sand mining on all counties that are in the Green Swamp.

Mr. Roger Sims, Holland & Knight, representing the Central Florida Sand Mining Association, stated that this association is a non-profit corporation formed for the purpose of providing reliable information about sand mining and to promote the interchange of ideas. He mentioned that the association members include Cemex, E.R. Jahna Industries, Florida Rock/Vulcan Materials and Tarmac America. He reported that there were a lot of employees from the member organizations in attendance today because this involves their livelihood. He submitted a letter with several documents urging the Board to approve Option B. He stated that the documents include a report on the economic impact of sand mining in Lake County by Fishkind & Associates and a report on the potential impact of sand mining on the water resources of Lake County in the Green Swamp by Dr. John Garlanger. He asked the Board to consider that sand mining is one of the most heavily regulated industries in the state which requires permits for any activity that look at the hydrology, the environment and the overall potential impact. He empathized that sand deposits in Lake County are the resource for the construction grade sand for the entire state, which cannot be mined anywhere else.

Dr. John Garlanger, Ardaman & Associates, stated that he has been practicing in geotechnical and water resource engineering for the past 45 years. He reported that the current groundwater inflow into the County is approximately 46 million gallons per day, and the surface water inflow is approximately 100 million gallons per day. He noted that based on the USGS data, the current groundwater outflow is approximately 493 million gallons per day, and the surface water outflow is approximately 402 million gallons per day. He explained that the current mining operations mine an average of 100 acres per year and 70 acres per year is left as lakes. He indicated that any land use change affects the water resources. He stated that it is forecasted that at the end of a 30 year period with a typical mining rate of 100 acres a year and 70 acres of lakes, that the predicted increased evaporation will be 1.5 to 1.6 million gallons per day and approximately half a million gallons a day of reduced groundwater outflow. He commented that there must be a cumulative effect that might be beneficial and reviewed the commercial development in Lake County. He stated that using a growth rate of 2.4 percent for the year would be healthy for the County, and that was approximately double the acres of commercial development in Lake County, totaling another 55 hundred acres of commercial property which would provide an additional 10.7 million gallons per day of surface runoff.

#### RECESS & REASSEMBLY

The Chairman announced that the Board would adjourn for lunch at 11:56 A.M and would reconvene at

1:00 P.M.

PUBLIC HEARING

Mr. Lowrie Brown presented a map outlining the location of his two properties in the Haines Creek area on CR 44. He stated that he requested a land use classification change and was unable to address the Board before a decision was made. He commented that the decision appears to have been based on his 2007 letter to the LPA. He reported that he readdressed this request in his November 23, 2009 letter to each of the Commissioners and summarized the justification provided in that letter. He opined that it would not make sense to change the land use on his property without making the corresponding changes to the land uses of the surrounding area. He stated that the proposed changes to the Future Land Use Map will result in a number of nonconforming land uses within the area designated as rural transition. He requested the following changes to the Future Land Use Map; expand the urban low land use category further west, relocate the boundary for the Emerald Marsh Rural Protection Area to its original location, and reclassify the remaining property west of CR 44 to rural transition. He stated that a study of the Future Land Use Map would probably generate the conclusion that this area contains one of the highest concentrations of undeveloped land with an urban density, and opined that this is the reason the LPA felt that this was an appropriate area to direct growth.

Mr. John Pospisil expressed concern about the open space and homeowner association requirements in rural protection areas. He reported that 75 percent of the land in the Wekiva River Protection Area is publicly owned, and the remaining 25 percent which includes the Receiving Area 1 (RA1) is presumably the least environmentally sensitive. He stated that only ten percent of RA1 contains a critical habitat, and noted that the requirements would be imposed on 90 percent of the residents when it is not really relevant. He commented that it would require 100 percent of the people to bear the cost that has an environmental benefit for only ten percent of the area. He opined that the Board is going to have a dilemma when it comes to determining how the open space is to be used. He thanked the Board for increasing the threshold, and asked the Board to reconsider the open space and homeowners association requirements.

Ms. Julie Grant expressed concern about the growth in Lady Lake due to The Villages. She stated that she participated in the planning meetings that took place approximately five years ago, and expressed appreciation that many of those concerns have been addressed in the proposed Comp Plan. She asked the Board to transmit the Comp Plan as it is written.

Mr. Raymond Hottinger, Hottinger Construction, explained that County rules prohibit the installation of a sea wall on a lake with state approval. He reported that sea walls are the only way to prevent pollution from fertilizers, herbicides or any other contaminate, and noted that aluminum or plastic vertical sea walls do not harm the environment.

Mr. Keith Schue commented that the Comp Plan is the product of a lot of work by many individuals, and encouraged the Board to transmit the document as it is written. He noted that the provision for rural agricultural industrial centers is related to a provisional statute that does not apply to Lake County.

Mr. Rob Kelly, President of Citizens Coalition of Lake County, asked the Board to delete Policy I-1.4.6 Rural Agricultural Industrial Centers because this policy was implemented by the Governor for counties with a population less than 50,000, which does not apply to Lake County. He outlined his involvement as an LPA member in the community meetings and the creation of the proposed Comp Plan. He noted that he was appointed as liaison to the Chamber for Economic Development and assisted in crafting a plan that included

opportunities for economic development. He opined that it was a difficult and controversial process, and asked the Board to transmit the Comp Plan as it is written with rural protection areas and open space requirements in tact.

Ms. Nadine Foley thanked the Board for the opportunity to serve on the LPA and opined that the comments today were an example of the process the LPA went through by attempting to address the concerns from the cities and property owners while focusing on the population goal. She thanked the county staff for their assistance and involvement in this process.

Mr. John Abi-Aoun, Florida Engineering Group representing F&J Developers, LLC, stated that his client owns the 28.7 acres located on North Old Highway 50 which has a current land use of urban expansion with a maximum of four dwelling per acre. He reported that his firm worked with County staff two years ago to change the zoning on the property to PUD with a two and a half units per acre. He commented that his client agreed to provide ten percent of the units for affordable housing, maintain over forty percent of the property in open space, and provide the County with the land located next to the trail across Highway 50. He asked the Board to maintain the same land use designation of urban expansion.

Mr. Randy June reported that he owns two parcels located in the Clermont Joint Planning Area abutting the County line that have approved zoning and preliminary subdivision plans. He indicated that he has been working with Orange County regarding access rights to the property, which has delayed final approval of the construction plans. He noted that the property is serviced with water and sewer from the City of Clermont. He asked the Board to retain the current land use designation of urban expansion and to revise the proposed Future Land Use Map accordingly.

Ms. Peggy Belflower, former LPA member, expressed concern over an earlier request for a rural support intersection at CR 42 and SR 44 because the property was under water for two months after some rainfall last year. She stated that the abutting marina is zoned rural but has vested rights to continue current operations. She commented that she opposed any changes to the text of the Comp Plan in regards to the Green Swamp Area of Critical State Concern, the Wekiva Study area, and the Mount Plymouth Sorrento polices. She noted that she had additional objections that she outlined in a letter that was presented to the clerk.

Mr. Dave Croson, J.A. Croson owner and member of the Main Street Stakeholders, expressed concern that he would not be permitted to rebuild if something were to happen to his company's building due to the restrictions on the building size. He commented that the County should be looking for ways to attract businesses to the area, and opined that he provides some high quality jobs in the east Lake County area. He stated that he was concerned about the amount of specificity that is included in the Comp Plan, and opined that the specifics should be in the Land Development Regulations (LDRs). He asked the Board to delay the transmittal of the Comp Plan until some of the recommendations made by the Main Street Stakeholders can be incorporated into the plan.

Ms. Vicki Zaneis, Lady Lake resident, expressed concern about the request to remove Harbor Hills from the Emerald Marsh Rural Protection Area. She commented that there are other residential communities within other rural protection areas that are also nonconforming. She mentioned that vested development rights will not be affected by the boundaries of a rural protection area. She reported that the Lake-Sumter MPO identified the lands in question as an ecologically high conflict area, and stated that they should remain rural. She asked the Board to keep these lands rural.

There being no further individuals who wished to address the Board, the Chairman closed the public hearing.

Rural Support Intersection

Commr. Hill asked for the definition of a rural support intersection.

Mr. Brian Sheahan, Planning and Community Design Director, explained that a rural support intersection is defined as a land use designation that allows a specific amount of commercial development in a rural area in designated locations on the map and are signified as stars on the Future Land Use Map.

Mr. Sandy Minkoff, Interim County Manager, stated that the rural support intersection is outlined on Page 26 of the Comp Plan.

Mining in the Green Swamp

Commr. Cadwell commented that a committee of stakeholders was formed during the original rulemaking for mining in the Green Swamp, and noted that none of the stakeholders thought it was a great ordinance because it was the toughest ordinance in the state. He suggested that if the Board felt that additional protection was needed for the Green Swamp that the Board revert to the original language with a stipulation that within a certain timeframe a committee of stakeholders consisting of the mining industry and the environmental community will make recommendations for different regulations in the Green Swamp which will be written as Land Development Regulations (LDRs).

Commr. Renick suggested selecting Option A with the stipulation that the stakeholder committee would make recommendations that would be addressed with the Evaluation and Appraisal Report (EAR) since there is not an urgency for new or expanded mines. She clarified that mining is going to continue in vested mines.

Commr. Conner asked for clarification on the difference between the Chairman's proposed language and Option C.

Commr. Cadwell responded that Option C would use the old language and add one new rule, whereas his suggestion is to select Option B and add language that requires a stakeholder meeting to make recommendations on additional regulations for the Green Swamp within a predetermined amount of time. He explained that Option C is specific as to what additional regulations should be included, and opined that specificity needed to be included in the LDRs.

Commr. Hill asked if this included any mineral resources or just sand, and cautioned the Board about prohibiting mining that might be desired in the future.

Commr. Renick opined that the Board should take as strong of a position as possible regarding the Green Swamp because it is an Area of Critical State Concern for a reason.

Commr. Stewart agreed with Commr. Renick and noted that the County's water resources are a critical matter.

A motion was made by Commr. Renick, and seconded by Commr. Stewart that the Board select Option A, which failed by a vote of 2-3.

Commr. Hill, Commr. Cadwell, and Commr. Conner voted "no."

Commr. Hill made a motion to select Option B with the caveat that the stakeholders make recommendations to the Board within 24 months.

Commr. Cadwell stated that language should be included in the Comp Plan to ensure that process is

completed. He asked staff for an estimated time frame to conduct the stakeholder meeting and receive recommendations.

Ms. Amye King, Growth Management Director opined that it may take up to 24 months to obtain a consensus from all of the stakeholders.

Commr. Renick asked if new mines and expansion were on hold until the recommendations were received from the committee.

Ms. King reminded the Board that there is also the issue of the regional hydrological study.

Commr. Cadwell responded that the issue of the regional hydrological study would be deferred to the committee, and if determined that it would be required, it would be written in the LDRs.

Mr. Sandy Minkoff commented that Option C could be used by replacing the language requiring the hydrological study with language that requires the report from the study group before any new mines or expansion mines would be approved.

Commr. Conner asked what the timeline was on the need for expansions or new mines.

Commr. Renick asked how many vested acres are not presently being mined.

Mr. Sheahan responded that he is not aware of any vested mines that are not currently being mined. He reported that the sand mining industry has indicated that they have sufficient lands to meet their immediate needs.

Commr. Conner asked for their immediate needs to be quantified.

Commr. Cadwell asked how long the process took if someone initiated a new mining permit.

Mr. Sheahan reported that the code mandates that it is a 30 day process. He stated that if there were not any approvals in place, the process would take approximately four to five months from beginning to end.

Commr. Cadwell suggested that the committee be required to report within 18 months and stipulate that no expansion will be approved until that committee submits their recommendations. He explained that the committee would be appointed by the Board and include representatives from all stakeholders.

Commr. Renick stated that she is in favor of Option A, but commented that she did not think this Option is unreasonable.

On a motion by Commr. Hill, seconded by Commr. Conner and carried by a vote of 3-2, the Board approved Option B with additional language that the Board will appoint a committee of interested stakeholders including the environmental community and the mining industry who will report to the Board of County Commissioners within 18 months with their recommendations for any additional protections for new or expanded mines in the Green Swamp, and that no new mines or expanded mines will be approved by the Board until that committee reports back to the Board.

Commr. Renick and Commr. Stewart voted "no."

#### Floor Area Ratio

Commr. Cadwell stated that he was not prepared to make any changes today, but expressed concern about the comments made on the Floor Area Ratio (FAR).

Ms. King clarified that the FAR established in the plan does not affect residential.

#### Clermont Joint Planning Agreement

Commr. Renick commented that the Board has always encouraged cities to create joint planning



agreements (JPA), and noted that changes were made to honor the Mount Dora JPA. She suggested that the rural protection area does not overlay the established Clermont JPA. She stated that she met with Orange County Commissioner Scott Boyd regarding the developable acres in Conserve II.

On a motion by Commr. Renick, seconded by Commr. Stewart and carried by a vote of 4-1, the Board approved the removal of the rural protection area from the established Clermont JPA.

Commr. Hill voted "no."

#### Open Space Requirement

Commr. Stewart stated that she would like to move the open space requirement from ten acres to five.

#### Mid-Florida Lakes

Commr. Cadwell asked if staff had concerns about the comments by Mr. Fred Morrison regarding Mid-Florida Lakes and the other mobile home park.

Mr. Sheahan explained that these two mobile home parks were slightly over density, and that there are legislative protections on mobile home parks in particular. He reported that there is a policy in the Comp Plan that protects nonconforming landowners in the event of a natural disaster which allows them to rebuild to what they had before the natural disaster.

#### Jones Property

Commr. Stewart recused herself from the vote on this property.

Commr. Cadwell asked staff to explain their options for this property.

Mr. Sheahan reported that Option C splits the property into two portions and assigns the northern portion a Main Street designation with densities of 5.5 units per acre, and the southern portion is classified as neighborhood with two units per acre. He stated that the splitting of the property aligns with the proposed relocation of CR 437.

Commr. Renick noted that this area is the most impacted area of the County regarding water, and opined that the lowest density possible should be applied.

Commr. Stewart stated that she would normally agree with Commr. Renick; however, the proposed realignment of CR 437 will dissect this property and create the need for the increased densities.

Commr. Renick asked if that area will have central utilities and if businesses will be installing wells.

Commr. Stewart stated that if central utilities are not available, businesses will install wells because that is the location of their future economic development.

Commr. Cadwell opined that Option C made sense with the proposed changes for that area.

Mr. Sheahan asked if there was a motion to change the density on the Jones property.

Commr. Hill stated that it was her understanding that the recommendation was to split the property and change the densities to 5.5 units on the northern portion and two units on the southern portion.

Mr. Sheahan displayed a map of the property and outlined the area that would be changed to the Main Street designation.

Commr. Conner stated that there is not a majority support for that change.

Commr. Cadwell explained that only four of the Commissioners are voting, and two have stated that they don't support that option.

#### City of Umatilla

Mr. Sheahan reported that the Local Planning Agency (LPA) designated the area around the Umatilla airport as light industrial and regional office, but the City of Umatilla desires a designation of industrial.

Commr. Cadwell explained that the City spent federal money on developing the airport with new hangers. He stated that there are not any existing businesses around the airport, but noted that the City of Umatilla is planning for future development in that area.

On a motion by Commr. Hill, seconded by Commr. Conner and carried unanimously, by a vote of 5-0, the Board changed the Future Land Use Map designation from regional office to industrial for the area around the Umatilla airport.

#### Emeralda Marsh Rural Protection Area

Commr. Cadwell opined that the Emeralda Marsh Rural Protection Area (RPA) extended too far into Umatilla by a couple of streets.

Commr. Renick addressed some comments about the rural protection areas and the proposed Amendment 4 explaining that there is a misunderstanding that it will be more difficult to remove the rural protection area if Amendment 4 is passed.

Mr. Sheahan displayed a map of the area in question and outlined the proposed boundaries of the rural protection area to follow Lake Yale and Marguette Roads.

On a motion by Commr. Conner, seconded by Commr. Hill and carried unanimously, by a vote of 5-0, the Board approved the realignment of the Emeralda Marsh Rural Protection Area to follow Lake Yale and Marguette Roads.

#### Astor Park

Mr. Sheahan commented that the Board directed staff to designate a boundary to allow for additional commercial development in Astor Park. He presented the Board with an option to change the rural support intersection in Astor Park to a rural support corridor which would be bound by Cedar Crest Road and Astor Transfer Station Road. He stated that there would be a provision in the Comp Plan under Policy V-1.4.8.2 that would provide a specific threshold of 20 percent Floor Area Ratio and 10,000 square feet maximum size.

Commr. Renick commented that she conducted a site visit with staff of this area as requested by the Chairman.

Commr. Stewart asked how much more development could result due to this change.

Mr. Sheahan explained that a total of 20 percent of the entire area could be developed as commercial, and indicated that the length of the corridor is less than a quarter of a mile.

On a motion by Commr. Renick, seconded by Commr. Hill and carried unanimously by a vote of 5-0, the Board approved the rural support corridor for Astor Park.

#### Harbor Hills

Mr. Sheahan presented a map of the Harbor Hills development indicating that it was entirely encompassed within the rural protection area. He stated that there was discussion to take out the existing Harbor Hills development and move the rural protection boundary around it.

Commr. Renick asked what that would accomplish.

Commr. Cadwell explained that part of it was perception by the average resident, and they were worried that if they had to replace their homes due to a disaster, it would be a nonconforming use if it became a rural

protection area.

Commr. Renick asked why the rural protection area was being moved further past the boundaries of the actual Harbor Hills development.

Commr. Cadwell asked what was vested in the other areas on the map.

Mr. Sheahan responded that all of the area shown on the map is vested but he would have to look at the actual vesting order to provide exact boundaries.

Commr. Cadwell clarified that Commr. Renick was suggesting that the boundary of the rural protection area be moved to the existing developed portion of McKinney Road and the boundary line of the property to ease the concerns of the residents.

Mr. Sheahan stated that if everything included as part of the Harbor Hills development was removed from the rural protection area, the boundary would extend south and west.

On a motion by Commr. Renick, seconded by Commr. Hill and carried by a vote of 4-1, the Board approved the removal of the Harbor Hills development of anything that is either not platted or vested from the rural protection area.

Commr. Stewart voted "no."

#### Dura-Stress Underground

Commr. Cadwell asked staff to explain the concerns about Dura-Stress Underground and some of the other businesses in the rural protection areas.

Mr. Sheahan explained that Dura-Stress property was addressed during one of the earlier changes on industrial. He stated that future expansion would have to comply with the regulations in place at the time.

Commr. Renick expressed concern that businesses could not expand when they had the room due to the regulations in place. She stated that she would like to discuss this further with staff after the plan was transmitted.

#### Seawalls

Commr. Cadwell expressed concern that the language prohibits all seawalls, and stated that he wanted to have further discussion on this matter because there are occasions that a seawall may be best for the environment and waterway.

Mr. Sheahan commented that the language could be changed from prohibits to discourages seawalls.

Commr. Renick stated that she understood the Chairman's concern, but mentioned that she would like additional time to research this issue before making any changes to the plan.

#### Center Lake Properties

Commr. Renick asked staff to elaborate on why the change was made to Mr. Richard Gonzalez's property.

Ms. King explained that Mr. Gonzalez owns the Center Lake Properties which are operating as a sand mine and were originally light industrial. She stated that when the industrial land use categories were combined, the parcels were either assigned regional office or regional commercial. She commented that Mr. Gonzalez would like his property classified as industrial.

Commr. Renick clarified that the property would still be allowed to conduct light industrial, but the question was whether or not it would be appropriate for heavy industrial. She asked if Mr. Wayne Saunders,

Clermont City Manager, was still in attendance to offer the City's position on this property.

Mr. Sheahan reported that he received a late email from Mr. James Hitt, City of Clermont Planning Director, providing the City's approval for this land use change.

On a motion by Commr. Renick, seconded by Commr. Hill and carried unanimously, by a vote of 5-0, the Board approved the land use change to industrial for Center Lake Properties.

#### Rakowski Urban Design

Commr. Renick stated that she wanted to address Mr. Mark Rakowski's concern regarding urban design and the square footage limitations. She commented that staff indicated that he would not be prohibited from moving forward with his plans if he platted the property correctly. She stated that the plat changes would prohibit big box stores. She encouraged Mr. Rakowski to work with staff to continue with his development plans.

Commr. Hill asked if there were compatible properties in the vicinity of his property.

Ms. King reported that all of the big box large scale retailers were on the east side of US 27, not on the west side.

#### Rural Agricultural Industrial Centers

Commr. Renick suggested omitting the language regarding the rural agricultural industrial centers because it does not apply to Lake County, and noted that the language could be added later if directed by DCA.

On a motion by Commr. Renick, seconded by Commr. Stewart and carried unanimously by a vote of 5-0, the Board moved to omit the language regarding the rural agricultural industrial centers with the stipulation that it would be added if directed by DCA.

#### Aquifer Storage & Recovery (ASR)

Commr. Renick suggested omitting the aquifer storage and recovery (ASR) language from the Comp Plan wherever it appears because it is not appropriate for Lake County.

On a motion by Commr. Renick, seconded by Commr. Stewart and carried unanimously, by a vote of 5-0, the Board approved the omitting of language regarding aquifer storage and recovery from Policies III-2.1.24, III-2.1.29 and VI-1.3.21 and anywhere else it appears in the Comp Plan.

#### Municipality Comprehensive Plans

Commr. Renick expressed concern about the amount of specificity regarding the municipality Comp Plans relating to potable water and wastewater on Pages 217 and 218. She opined that the first statement about interlocal agreements would be sufficient for the Comp Plan and suggested removing all of the additional language.

On a motion by Commr. Renick, seconded by Commr. Stewart and carried unanimously, by a vote of 5-0, the Board approved the removal of all additional language after the statement about Interlocal agreements related to the municipality's Comp Plans regarding potable water and wastewater on Pages 217 and 218.

#### Urban Density

Commr. Renick stated that there were a few comments regarding urban densities located immediately outside of city limits. She opined that changing the densities in these areas would be forcing the cities into doing what the County wanted. She commented that the land owners of those properties should contact the city.

#### Density Calculation

Commr. Renick stated that Mr. Greg Beliveau requested that the Comp Plan only have one policy regulating density. She asked staff if there were redundant policies regulating density.

Mr. Sheahan explained that there is a policy to calculate residential density, calculate intensity and another policy to calculate density and intensity in mixed use developments.

#### Best Management Practices to Protect Surface Water

Commr. Stewart commented that the language in Policy VI-1.3.25 should be “evaluate and as appropriate require” best management practices.

Commr. Conner asked staff if there were concerns about the repercussions of this change.

Mr. Sheahan reported that this was an indirect reference because if a best management practice would be required, it would be adopted in the Land Development Regulations.

On a motion by Commr. Stewart, seconded by Commr. Renick and carried unanimously, by a vote of 5-0, the Board revised the language of Policy VI-1.3.25 to state that “the County shall evaluate and as appropriate require best management practices.”

#### Access Management for County Maintained Roads

Commr. Stewart opined that Policy VIII-1.3.5 on Page 242, Lines 32 through 38, needs more recognition for small rural communities and suggested adding, “The County recognizes that certain County maintained roads are functionally different from State roads and may require special attention to the needs of a pedestrian friendly corridor, such as traffic calming features, on-street parking and reduced pavement widths.”

Commr. Renick asked if the current language precluded those items.

Commr. Stewart commented that it was not clear and asked the Board to add the language to address any possible confusion.

On a motion by Commr. Stewart, seconded by Commr. Renick and carried unanimously, by a vote of 5-0, the Board added, “The County recognizes that certain County maintained roads are functionally different from State roads and may require special attention to the needs of a pedestrian friendly corridor, such as traffic calming features, on-street parking and reduced pavement widths” to Policy VIII-1.3.5.

#### Nonconforming Industrial Uses

Commr. Hill commented that there were other properties that were nonconforming industrial, and asked the Board if those were going to be included.

Commr. Cadwell explained that the Board and staff are going to have more discussions between now and the final adoption of the Comp Plan.

#### Rural Support Intersections

Commr. Hill expressed concern about the location of the rural support intersections based on the map because the majority of them appear to be in conservation areas.

Ms. King stated that the rural support intersections are supposed to support rural based commerce with smaller buildings and less intensity.

Commr. Hill asked if there is availability for growth in these intersections or are they only on the map for identification purposes.

Mr. Sheahan explained that there is still some land available for development; however the policy is very narrow in its allowance of floor area.

Regional Office/Regional Commercial

Commr. Hill commented that the area outlined on SR 44 and currently designated as regional office should be changed to regional commercial to be conforming with the area.

Commr. Renick asked if there was a possibility of annexation with the City of Leesburg.

Commr. Hill explained that the area is still a good distance from the City of Leesburg and does not anticipate annexation during her lifetime. She clarified that the area does not have central utilities.

On a motion by Commr. Hill, seconded by Commr. Conner and carried, by a vote of 4-1, the Board approved the reclassification of the regional office on SR 44 to regional commercial.

Commr. Stewart voted "no."

Emeralda Marsh Rural Protection Area

Commr. Hill moved that the Emeralda Marsh Rural Protection Area boundary be moved to follow the lines of the conservation area.

Mr. Sheahan displayed a map and outlined that the line to the northwest is the proposed boundary by Commr. Hill, and the green line to the southeast is the existing boundary. He stated that there was some feeling that the area was urbanizing and that it eventually would be part of the City of Leesburg or Eustis in the future. He noted that there were some existing agricultural type subdivisions in that area, and commented that some were of the opinion that the rural protection area did not fit the character of the area.

Commr. Cadwell stated that he was not in favor of moving the boundary.

Commr. Conner withdrew his second and the motion died.

Traditional Neighborhood Development (TND)

Commr. Conner asked staff to explain what Mr. George Hansford was referring to when he commented that he did not want a back alleyway.

Mr. Sheahan responded that he was not sure where the reference was from, but noted that the Comp Plan defines an alley as a right-of-way or used in certain circumstances. He stated that he did not find specific reference in the Traditional Neighborhood Development (TND) policies.

Commr. Cadwell commented that he was referring to the design more than the specific alleyways.

Cloud Property

Commr. Conner asked staff to comment on the concerns addressed by Mr. Jerry Cloud regarding his property that was split between Howey and the Turnpike but adjacent to Groveland.

Mr. Sheahan commented that the property was not split and was actually two separate parcels with two different designations. He noted that the City of Groveland has been aggressively annexing in that area.

Kenneth Bosserman Property

Commr. Conner stated that the representative for Mr. Kenneth Bosserman presented a good case on the surface regarding the commercial corridor surrounding his property on Highway 27 in Minneola. He asked staff for their position on this property.

Mr. Sheahan reported that there was a large turnout of strong opinionated residents from the community requesting that the property remain rural during the LPA hearings. He commented that the LPA gave this property a lot of consideration and assigned a rural land use due to the property elevation.

Simpson Property

Commr. Conner asked if the Board was comfortable with the changes to the Simpson property located adjacent to the Town of Howey-in-the-Hills.

Commr. Renick opined that the property owner can petition the Town of Howey for annexation. She commented that the purpose of the Comprehensive Plan was to see development happen within the cities instead of unincorporated Lake County.

Ms. King stated that the Simpson property on the adopted map has a land use of urban expansion, which allows four units per acre and the proposed map would reduce the density to one unit per five acres.

Mr. Sheahan reported that the property is zoned agricultural, which only allows one unit per five acres. He stated that this property was discussed at one of the workshops, and the Board directed staff to leave the density at one unit per five acres.

Richard Bosserman Property

Mr. Sheahan pointed out that there was an error on Mr. Richard Bosserman's property located south of Highway 50, and that the land use should be regional office instead of public institution

It was consensus of the Board to change the land use on Mr. Richard Bosserman's property to regional office.

On a motion by Commr. Renick, seconded by Commr. Stewart and carried unanimously, by a vote of 5-0, the Board approved the transmittal of the Comprehensive Plan "Planning Horizon 2030" to the Department of Community Affairs.

Other Business

Commr. Conner thanked the staff for their hard work.

Commr. Cadwell thanked the LPA for their hard work and staff for an outstanding job.

Commr. Renick commented that there was a misunderstanding about what she said regarding the Bill Ray issue and the Green Swamp. She clarified that she said that Myregion.org in association with the East Central Florida Regional Planning Council and the "How Shall We Grow" designated the Green Swamp as one of the seven jewels. She stated that the mapping error was a separate issue and was not commented on by the East Central Florida Regional Planning Council.

Commr. Cadwell announced that the State of Florida responded to their request regarding the Health Department, and asked Mr. Minkoff to agendize their approval of Ms. Donna Gregory as Administrator for the Lake County Health Department. He noted that there were some conflicts for the January 25, 2010 joint meeting with the School Board, since the Commissioners that are liaisons need to be in attendance. He asked Mr. Minkoff to contact the School Board and the Superintendent to find a date to reschedule that meeting.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 2:49 p.m.

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WELTON G. CADWELL, CHAIRMAN

ATTEST:

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NEIL KELLY, CLERK