

Lake County Board of County Commissioners
Workshop - BCC Chambers
November 17, 2009 - 9:00 A.M.

I Discussion Items

- A. Economic Development Advisory Council Presentation (EDAC)
- B. FDACS requested changes
- C. Discussion of requested Future Land Use Map and Policy Changes
 - 1. Fred Morrison (Tara Village Mobile Home Park and Mid Florida Lakes Mobile Home Park proposed Future Land Use change)
 - 2. Leslie Campione (Hearthstone Lake County, LLC (Avalon Groves) proposed Future Land Use change)
 - 3. Lowrie Brown proposed Future Land Use change
 - 4. Leslie Campione (Hartwood Properties, LLC) proposed Future Land Use change
 - 5. Leslie Campione (Purdon Properties, Lake Yale Area) proposed Future Land Use change
 - 6. Miranda F. Fitzgerald Requested Policy Changes
- D. Minor Commercial Corridor – Astor Park
- E. Tentative Map Changes by BCC
 - 1. Extension of Minor Corridor along SR 40 in Astor
 - 2. Lake Yale Reserve Area
 - 3. Enclave within the City of Leesburg
 - 4. East & West of Hwy 19 in Howey-in-the-Hills
 - 5. Yalaha Rural Support Intersection
 - 6. Turnpike Corridor
 - 7. East of Lake Louisa – Green Swamp Area of Critical State Concern
 - 8. Alfred Street Corridor
 - 9. Jones Property
 - 10. Boyd-Davis Property
- F. Future Land Use Codes
- G. Unresolved and Additional Comments

II. Proposed Transmittal Schedule

- A. Transmittal Hearing – January 19, 2010

MEMORANDUM

GROWTH MANAGEMENT DEPARTMENT
PLANNING & COMMUNITY DESIGN DIVISION
315 West Main Street
Tavares, FL 32778



LAKE COUNTY
FLORIDA

TO: Board of County Commissioners

THROUGH: Sandy Minkoff, Interim County Manager
Amye King, AICP, Department of Growth Management Director
Brian T. Sheahan, AICP, Planning & Community Design Director

FROM: Anita Greiner, Chief Planner, Planning & Community Design Division

DATE: November 9, 2009

SUBJECT: November 17th, 2009 Comprehensive Plan Workshop

Attached you will find a summary of the October 27th, 2009 Comprehensive Plan Workshop, the agenda for the November 17th, 2009 Comprehensive Plan Workshop, and supporting documentation for the following items:

- o Economic Development Advisory Council (EDAC) Comments
- o Florida Department of Agriculture and Consumer Services Requested Changes to Wekiva Policies
- o Tara Village Mobile Home Park and Mid Florida Lakes Mobile Home Park requested future land use category change
- o Hearthstone Lake County, LLC (Avalon Groves) requested future land use change
- o Lowrie Brown requested future land use change
- o Hartwood Properties, LLC requested future land use change
- o Purdon Property requested future land use change
- o Fitzgerald requested policy changes
- o Minor Commercial Corridor – Astor Park
- o Tentative Map Changes by BCC
- o Future Land Use Codes
- o Unresolved and Additional Comments

If you have any questions, please do not hesitate to contact me.

JENNIFER HILL
District 1

ELAINE RENICK
District 2

JIMMY CONNER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

MEMORANDUM

GROWTH MANAGEMENT DEPARTMENT
PLANNING & COMMUNITY DESIGN DIVISION
315 West Main Street
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LAKE COUNTY
FLORIDA

To: Sandy Minkoff, Interim County Manager

Through: Amye King, AICP, Department of Growth Management Director
Brian T. Sheahan, Director, Planning & Community Design Division

From: Anita Greiner, Chief Planner, Planning & Community Design Division

Date: October 27, 2009

Subject: Comprehensive Plan Workshop Summary for October 27, 2009

Please accept this memo as a summary of the October 27th, 2009 Comprehensive Plan Workshop. This memo is divided into five parts, *Economic Development Committee Presentation, Future Land Use Map Overview, Discussion of Requested Future Land Use Map and Policy Changes, FDACS Requested Policy Changes, and Public Comment*. Please let me know if you have any questions.

Economic Development Committee Presentation:

Shelly Weldenhamer gave a brief summary of the Economic Development Advisory Council's report. Further discussion on this subject will be continued to the November 17th, 2009 BCC Workshop meeting, at which time public comment can be provided. The Commission directed staff to review the report and provide comments for the November 17th meeting.

Future Land Use Map Overview:

Staff presented an overview of the proposed Future Land Use Map. The size (acreage) of each Rural Protection Area will be added to the map.

Discussion of Requested Future Land Use Map and Policy Changes:

1. ***Jones Property:*** The Commission reviewed the requested change of the future land use category on the Jones parcel to Mt. Plymouth-Sorrento Main Street.
2. ***Boyd-Davis Property:*** The Commission reviewed the requested change of the future land use category on the Boyd-Davis parcels and the parcels north and south that are located outside of the 100-year flood zone to the Green Swamp Rural Future Land Use Category.

JENNIFER HILL
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3. Main Street Stakeholders Proposed Policy Changes:

Comments #1 through #3: Option A

Comment #4: Option A, but do not delete the last sentence in the third paragraph.

Comments #5 and #6: Option A

FDACS Requested Policy Changes:

The Commission requested additional information concerning Best Management Practices. This Item will be placed on the November 17th, 2009 BCC Comp Plan Workshop agenda for further discussion.

Public Comment:

Fred Morrison, Attorney, discussed the proposed future land use category for the area of Tara Village Mobile Home Park and Mid Florida Lakes Mobile Home Park. He stated that this area has established mobile home parks from the 1970s and that the proposed future land use designation would render the parks nonconforming. He requested that the future land use designation be changed to Urban High Density.

Leslie Campione, Attorney, discussed the proposed future land use categories on parcels near the four corners area. She provided a book to the Commission and staff, which describes the parcels and the proposed uses. The proposed future land use categories on the parcels, known as Avalon Groves, are Urban Low Density, Rural, and Rural Transitional. She is requesting all of the parcels within Avalon Groves be designated as Urban Low Density.

Charles Lee, Director of Advocacy, Audubon of Florida, provided comments on the Economic Development Advisory Council report, Main Street Stakeholders requested policy changes, and FDACS requested policy changes.

Ray Scott, Florida Department of Agriculture and Consumer Services (FDACS), provided comments on FDACS requested policy changes.

Peggy Bellflower provided comments on the Jones property, Main Street Stakeholders requested policy changes, and the Economic Development Advisory Council report.

Jeanne Etter had questions concerning the public meetings in November.

Staff was directed by the Commission to work with the citizens concerning the requested changes to future land use categories on the proposed Future Land Use Map; staff's comments on these issues will be addressed at the November 17th, 2009 BCC Comp Plan Workshop.

11-17-09

been in the hospital for quite a while and is still struggling.

CITIZEN QUESTION AND COMMENT PERIOD

Mr. Steve Barber, a resident of Howey-in-the-Hills, thanked the Board for passing the military academy license plate resolution and mentioned that he was a 1975 graduate of the Air Force Academy. He pointed out that recently Howey displaced an appointee on the town council and elected someone responsive to the majority of the town constituents, and they expected to replace more of the town council with other council people that are responsive to the people of the town.

Ms. Janice McLain, a resident of Howey-in-the-Hills, discussed the Resolution from the Town regarding roadwork for E. Revels Road and S. Lakeshore Blvd. mentioned in Tab 21, and she thanked Mr. Fred Schneider, Engineering Director, Public Works, for doing a wonderful job, providing the residents with information, and helping the City Council come up with a compromise position. She related that the citizens were told initially that they could only have a 30-foot road and that they were up in arms over that, but Mr. Schneider let them know that there were other options. She pointed out that they did a lot of work to get over 540 signatures out of the 850 voters in Howey on petitions against widening of the road, and they did not want a lot of traffic on the lakefront. They looked at a nice 21-foot rural road in Mount Dora, and she felt that a similar road would be a good compromise; however, the City Council voted for the 24-foot version. She opined that the incumbent at the last election was voted out mainly because the residents felt that the town council was not listening to the people on this issue in particular.

Mr. Charlie Bash also spoke regarding the roadwork in Howey-in-the-Hills, and stated that he felt under-represented since he lived outside of the town. He commented that he moved to a rural neighborhood on E. Revels Road that had a certain character to it, and he became concerned when he heard about the possibility of a wider road going past his home. He pointed out that Revels Road had already been repaved, and he expressed concern that the cost of the engineering study would be about \$300,000.

RECESS AND REASSEMBLY

The Chairman announced a ten-minute recess at 11:25 a.m.

COMPREHENSIVE PLAN WORKSHOP

Ms. Amye King, Growth Management Director, announced that this was the final workshop on the Comprehensive Plan prior to the transmittal hearing that was scheduled for January. She stated that staff had finished the analysis that the Board had asked them to do as a result of the public workshops that were held in Cassia, Tavares, and Clermont, and they also would be discussing four items that did not make it into the packet at the end of the agenda item, which were Austin Carriage, Anita Simpson, the Whitaker property, and the common open space issue brought up by Mr. Pospisil.

ECONOMIC DEVELOPMENT ADVISORY COUNCIL PRESENTATION

Dr. Charles Mojock, President of Lake Sumter Community College and Chairman of the

Economic Development Advisory Council (EDAC), mentioned that they had over 80 volunteers working with them, and the committee had spent a lot of time working on this. He requested that they walk through their recommendations with the Board.

Commr. Cadwell stated that they would be going through those with staff.

Mr. David Pape, Chairman of the Infrastructure Committee, thanked all of the members of the committee for putting this together, and he noted that the committee was made up of professional planners in both the public and private sector, attorneys, professional engineers, and business and real estate people.

Commr. Conner assured the EDAC members that their comments were read by the Board and reviewed by staff.

Mr. Brian Sheahan, Director of Planning and Community Design, stated that staff brought forward a change to the criteria of the commercial corridors to make it clear.

The Board gave consensus to advertise Option A for comments 7 and 11, which made the changes that staff recommended under I-1.3.11.6 Criteria for Commercial Corridors, as well as Option A, which were staff recommendations on Comment 9 regarding Policy I-7.13.2 Mandatory Consistency with the Comprehensive Plan to substitute the word "shall" with "may be considered."

FLORIDA DEPARTMENT OF AGRICULTURE REQUESTED CHANGES

Mr. Sheahan stated that staff worked with both the Audubon Society as well as the Florida Department of Agriculture and Consumer Services (FDACS) and that both parties as well as staff were amenable to the changes shown in the document.

The Board gave consensus to advertise those recommended changes in Tab 2.

PROPOSED FUTURE LAND USE CHANGE REQUESTED BY FRED MORRISON

The Board gave consensus to advertise Option A, which was to leave the parcels designated as proposed for the Tara Mobile Home Park and Mid Florida Mobile Home Park, with the existing land use as Urban Expansion and the proposed land use as equivalent density of Urban Low Density, so there would not be any change to the potential density of the property.

Commr. Cadwell clarified that with this land use, the homes could be rebuilt in the event of a catastrophe.

AVALON GROVES

Mr. Sheahan explained that the Avalon Groves Property Proposed Land Use change was brought forth by Ms. Leslie Campione, as representative, and that it was in the four corners area, requesting a large change just south of the rural protection area. He noted that staff's recommendation was to keep the designation as is and perhaps consider it at a future date as a future land use map amendment and/or a DRI process.

Commr. Stewart stated that she did not have any problem with the location, since it was surrounded by urban low density, and east of it was Orange County within several miles of Highway 429 and Disney. She noted that north of that was a South Lake rural protection area, which she felt deserved to be protected. She inquired whether the applicant would be willing to make the area of rural

transition to the north a little larger than they had requested in their latest plan so that there was a transition or buffer from urban low into the South Lake rural protection area. She did not think that area was a bad area for growth and would be better than having growth happen in the rural areas in the future.

Commr. Renick indicated that she wanted to leave it the way it was and that she was not comfortable increasing the density.

Commr. Cadwell commented that Orange County was mitigating their open space on Lake County, and that area was a valuable piece for their tax base in the future.

The Board gave consensus to advertise to change the subject parcel to partially rural transition and partially to urban low density for the proposed land use change in this area.

LOWRIE BROWN FUTURE LAND USE CHANGE

The Board gave consensus to advertise Option A, which was to leave the Lowrie Brown parcels as designated on the proposed Florida Land Use Map that was shown on the overhead, which was rural for the northern portion and rural transition for the southern portion of the property.

HARTWOOD PROPERTIES FUTURE LAND USE CHANGE

Mr. Sheahan explained that Hartwood Residential, represented by Ms. Campione, was asking for a change in the Clermont area that was currently being proposed as regional office. He related that Ms. Campione's clients were requesting that it be restored back to urban low density.

Commr. Cadwell explained that this area was under their Joint Planning Area with Clermont.

The Board gave consensus to advertise Option A, which was to keep the parcels designated Regional Office Future Land Use as proposed.

PURDONE PROPERTY FUTURE LAND USE CHANGE

Mr. Sheahan illustrated on the monitor the location of Dr. Purdone's Property and the Whitaker Property, which the Board was approached about at the Tavares workshop. He explained that the Whitakers were asking for urban low density on part of their property and rural transition on the other. He stated that they have tentatively granted the request from Mr. Jim Bible for his approved subdivision and to tentatively change the density from rural to rural transition, providing a buffer to the rural area to the west.

The Board gave consensus to advertise Option A to change the Future Land Use Category on all the parcels in Sections 19 and 30 lying north of CR 452 from Rural to Rural Transition, which would take care of the eastern parcel and upgrade the western parcel of the Purdon property.

MIRANDA FITZGERALD REQUESTED POLICY CHANGES

Mr. Sheahan explained that Tab 8 represented changes requested from Ms. Fitzgerald, who was representing some of the property owners in the area previously known as the Carlton area, and the first comment to be brought forward was consideration of the Workplace District.

Commr. Renick stated that she was more comfortable with Option B to leave the policy as proposed under Comment 16 regarding Policy I-1.3.6, Regional Office Future Land Use Category, and she did not see any reason to put in additional language that stated, "A conditional use approval will not

be required if the development is reviewed through the Development of Regional Impact (DRI) process.” She also had a similar concern under Comment 17 and wanted to leave that policy as proposed as well, which was Option B. She mentioned that she had no problem with the changes for non-conforming uses and antiquated plats in Policy I-7.1.1 or the change on Page 6 of 7 regarding Inventory of Natural Upland Communities.

Mr. Sheahan explained that under Comment 16 he felt that if a development was going through the DRI process, a conditional use was not going to bring to light anything that has not already been discussed at length.

Mr. Minkoff pointed out if they left it in they would have to do a development order and CUP, and they would have the possibility of conflict. He also noted that the Regional Planning Council just made recommendations, but the Board actually adopted the development order.

Mr. Sheahan added that if a project came back for a CUP, they would have to consider it all over again instead of just putting the conditions in the development order.

Commr. Renick stated that under Comment 65 regarding Policy X-1.1.1, Aquifer Recharge Maps, she was concerned that the applicant would be paying for the on-site geographical data, and she understood that the maps would be more objective.

Commr. Cadwell commented that he thought the change made sense and that it would give the applicant an option.

The Chairman announced the consensus to adopt Option A under Comments 16 and 17, and the Board also gave consensus to advertise Option A under Comments 30, 39, 52, 58 and 64. Under Comment 65, the Board chose to advertise Option A with the change of the words “will supersede” to “may be utilized.”

MINOR COMMERCIAL CORRIDOR – ASTOR PARK

Mr. Sheahan explained that Tab 9 was in response to some concerns that the Board had aired at previous workshops about allowing for appropriate level of commercial development in the Astor Park area.

Commr. Stewart stated that she was in opposition to that and that there was a grass roots citizens group that has worked very hard over the last few years to have SR 40 declared both a state and national scenic byway. She mentioned that there was a newspaper article that gave tribute to the natural beauty and intrinsic wonders of that area, and she felt that the rural atmosphere of the entire roadway needed to be maintained for both environmental and tourism reasons. She added that she received several e-mails from concerned citizens and that she had a letter from the Florida Black Bear Scenic Byway Committee and the Corridor Management Entity Committee in opposition to incurring increasing commercial pressures on the area.

Commr. Renick noted that it was a rural support intersection which already had some commercial development.

Commr. Cadwell commented that that area was already developed.

Commr. Stewart responded that this was not the right place for further development and that they

needed to maintain the dignity of the byway.

There was consensus to leave the land use the way it was proposed.

TENTATIVE MAP CHANGES BY BOARD

Mr. Sheahan explained that Tab 10 contained all the map motions that the Board had made previously, including both the Jones and the Boyd-Davis property.

East of Lake Louisa – Green Swamp Area of Critical Concern

Commr. Renick informed the Board that they would be receiving a letter from myregion.org and the Regional Planning Council asking that the Board not increase densities anywhere in the Green Swamp. She asked that the future land use remain rural conservation.

Commr. Stewart stated that she believed CR 561 was a good boundary line for the protection area and that she agreed with Commr. Renick.

Jones Property

Commr. Stewart pointed out that the Mt. Plymouth-Sorrento Planning Advisory Committee, which was formed years ago to work with that community to decide what they wanted in the future and was comprised of citizens who lived and worked in the area, did not change the land use of the Jones Property. She specified that the property was in the Mt. Plymouth-Sorrento Urban Compact Node with a future land use density of 5.5 dwelling units per acre since the mid-1980's. She clarified that this was a land use and not a zoning issue and that that land would still be agriculture with a 1 to 5 density no matter what the decision would be regarding the land use. She recused herself from making a stand on this issue due to the perception of a conflict of interest, even though in reality that was not the case.

Commr. Renick stated that she wanted to keep the densities as low as they possibly could, since the domestic self supply study showed that the Mt. Plymouth-Sorrento area was the most impacted.

Commr. Conner stated that he agreed with Commr. Renick regarding the densities, but he noted that no matter what density they give that particular designation, they would have to come for a rezoning when the density would actually be addressed.

Commr. Cadwell commented that he thought Option C made sense to give a buffer to those who were most concerned and still would let the owners be able to develop their property.

Commr. Hill pointed out that the property may be split by a road anyway and that there was some flood plain property in that parcel. She also noted that this was near Main Street, which was where she thought they wanted the density to be.

Commr. Renick commented that the road was a far-off possibility and would not be in the County's five-year plan in the near future.

Mr. Sheahan explained that Option C would be a compromise to allow some of the maximum density to be potentially utilized on the northern portion of the property and provide a buffer to the rural properties to the south. He stated that the projected line would split the property in equal halves.

Commr. Conner commented that he did not believe that the Mt. Plymouth-Sorrento area was the place for high densities, even though he did not like taking away people's property rights.

Commr. Cadwell directed Mr. Sheahan to advertise this the way it was proposed by the LPA as Neighborhood Proper, which would be two units per acre.

Simpson Property

Mr. Sheahan explained that the Simpson property was south of Howey-in-the-Hills just off SR 19 and was currently in the Urban Expansion land use category; however, the rural transition does not provide buffer to the rural areas further to the south.

Commr. Renick thought that they should leave it as proposed, and if the property owner wanted it changed, she could look into being annexed by the Town of Howey-in-the-Hills.

Austin Carriage Museum Property

Mr. Sheahan stated that the Austin Carriage Museum property currently expands two land use categories of Urban Expansion and Rural, and the current proposal on the land use map was mostly within the rural protection area of Emerald Marsh and a small portion of Urban Transition. He related that Mr. Greg Beliveau spoke at the Tavares public hearing and requested that the whole thing be made Public Services Facilities because of its historical museum orientation, and they wished for the possibility of providing an educational institution of some sort in the future. They also wanted to add Agriculture to Public Services, but since there was already a policy that allows that, staff has determined that the change would fit.

The Board gave consensus to advertise Option A, which was to change the Future Land Use Category on the Gloria Austin parcels located within Sections 3, 4, 9, and 10 from Rural and Rural Transition to Public Service Facilities and Infrastructure.

Pospisil Property

Mr. Sheahan stated that Mr. Pospisil came to the Tavares workshop and requested a guaranteed zoning as well as some assurances that he would be granted 1-1 zoning on his property. He specified that the property was currently zoned R-1, and the current proposal is Rural Transition. Staff's recommendation was to take no action regarding this issue.

The Board decided to take no action regarding the Pospisil property.

FUTURE LAND USE CODES

Mr. Sheahan stated that the intent of this item was to ensure that they were not excluding industries that would otherwise be allowed under the umbrella and to stay true and consistent to the uses that were proposed by the LPA, but provide the standard classification that was offered in the standard industry classification code system. He related that they have had some instances of industries coming in that did not quite fit into a classification. He noted the samples that staff had offered regarding the heavy industrial category and urban low categories, and he mentioned that the suggested use name is what would appear in the Comprehensive Plan. He explained if there was direction from the Board to approach this, they would bring back the document showing all the changes.

The Board gave consensus for the uses to be more broadly defined so consistent uses are not excluded for Heavy Industrial and Urban Low Density Future Land Use Categories and for staff to come

back to the Board with a proposed list of uses for each Future Land Use Category.

UNRESOLVED AND ADDITIONAL COMMENTS

Mr. Sheahan related that Tab 12 contained items that the Board had either deferred or asked staff to come back with additional recommendations.

Commr. Renick commented that she had a problem with Comment 14 regarding incentives for mixed use development.

Mr. Sheahan explained that the easiest way to ensure that mixed uses only incur in urban areas where it was appropriate was to state that this applies in the urban land use areas and would be calculated separately everywhere else.

Commr. Stewart asked if it could be narrowed down more than that.

Mr. Sheahan responded that staff could take direction if the Board wanted to authorize this only in specific land use categories and to exclude rural, rural transition, and urban low.

The Board asked for Mr. Sheahan to bring that back to the Board.

Commr. Renick asked if Comment 22 regarding regional commercial land use was the issue that was referenced in the letter they had received from Mount Dora.

Mr. Sheahan responded that the City of Mt. Dora felt that residential uses within the regional office category were inappropriate, but that staff was recommending that limited multi-family residential be allowed in the regional commercial and the regional office categories as an accessory use. He added that to address Mr. Dora's concerns, they could exclude residential uses within the JPA (Joint Planning Area).

The Board gave consensus for Option A under Comment 22.

RECESS AND REASSEMBLY

The Chairman announced at 12:55 p.m. that there would be a recess until 1:10 p.m.

UNRESOLVED AND ADDITIONAL COMMENTS (CONT'D)

Mr. Sheahan stated that the premise of Comment 23 would be that the two industrial land use categories would be combined, and those properties that constituted most of the bulk for light industrial would be converted to regional office or a similar category which would allow light manufacturing as a use.

Commr. Stewart thought that was a good idea, but asked if that would protect surrounding properties.

Mr. Sheahan assured her that they had provisions in the plan for buffering and that they already enacted LDR's to deal with things such as noise and impacts that they could mitigate.

Commr. Renick pointed out that Comment 51 was related to the landscape ordinance and that they would end up restricting overhead irrigation with that language.

Mr. Sheahan explained that this would not preclude any limitations on the landscape ordinance, and this change would make the landscape ordinance consistent with the proposed plan in that regard. He also noted that this would not necessarily have to be in the landscape ordinance, and they have already enacted codes to abide by the watering restrictions, which is a restriction on overhead irrigation.

Commr. Cadwell pointed out that this would be only in the rural protection areas.

There was Board consensus to advertise Option A, which was staff's recommendation for Comment 51, as well as Option A for Comments 72, 95, 135, and 154.

Mr. Sheahan reported that there was one change in Comment 158, which was changing the policy back to state "Within the Wekiva Study Area" instead of "Within springshed protection zones."

The Board gave consensus to advertise Option A for Comments 169 and 170.

Commr. Renick was concerned that on Comment 184 stating that mining in the environmentally sensitive areas in the county which can not be restored would mean that reclamation was not possible, and that they did not allow any kind of mining without reclamation. She thought that was a key phrase, and she asked for Mr. Sheahan's interpretation.

Commr. Stewart stated that it should be prohibited if it could not be restored.

Mr. Sheahan stated that to make it explicitly clear on what the intent was, staff would suggest replacing the word "restored" with "reclaimed," to state "Mining in environmentally sensitive areas of the County which could not be reclaimed shall be prohibited."

Commr. Renick suggested that they have an overlay so that they would know exactly what was already designated for mining.

Commr. Cadwell was concerned that if they kept trying to limit the mining, the State could take that ability away from them, but he thought an overlay was a good idea.

Mr. Minkoff mentioned that he talked to Commr. Renick about putting language in there which would require them within 12 months to develop a system to deal with anyone who thinks they were entitled to mine, since there was no way to create an overlay between now and January 19, and then there would be no additional mining allowed in the future.

Ms. King noted that Option A specifically indicated that expansion of existing mines within the environmentally sensitive area shall comply with the Code, which was the ordinance that Mr. Minkoff and Mr. Sheahan were formulating.

Ms. Marsh pointed out that if the property owner bought property with the expectation of being able to mine it, then he or she could come back to the County for inverse condemnation or the Harris Act if the County changed the regulations to prohibit mining of that property.

Mr. Walter Wood, Senior Hydrogeologist, Department of Environmental Utilities, explained that the main difference between an existing and a new mine was that there would be a plant that processes the product and some added roads, where that infrastructure was already in place in an existing mine. He also noted that a reclamation plan was required to be submitted with the mine site plan application, and if that plan was not found to be sufficient, then the Board could deny the expansion that was being proposed. He also commented that the term "restored" has always been problematic and has never really been satisfactorily defined.

There was consensus by the Board to advertise Option A, changing the word "restored" to "reclaimed" and the word "limited" to "prohibited." Also, there would be language added that indicates that the intent of the overlay would be to show expansions. The Board additionally chose to advertise

Option A for Comments 185, 186, 266, and 267.

Mr. Sheahan clarified that next they would be discussing the additional comments that have come up since the original package was distributed. He explained that the reason for Comment 285 was that DCA had asked the County to adopt the definition of Community Facility Use. He related that staff was proposing to add that definition in the policy and then add that to civic uses.

The Board gave consensus to advertise Option A for Comment 285 as well as for Comment 286.

Commr. Renick had a concern in Comment 287 regarding flood proofing and distinguishing between habitable and uninhabitable, and she was not sure that it would be good to change that rather than leave it the way it was.

Commr. Stewart asked how they would flood proof the structure.

Ms. Anita Greiner, Chief Planner, stated that there would be holes in it to allow the water to go in and out. She also pointed out that this would just provide an option for flood proofing or elevating the uninhabitable structures 18 inches above the flood plain.

Commr. Stewart stated that she was concerned that a garage could contain a lot of pollutants which could be washed into their water system if it was flooded.

There was consensus from the Board to advertise Option A for Comment 287, as well as Comments 288, 289, and 290.

Commr. Renick had a concern with the wording "when available" under Comment 291 at the end of the statement in Policy X-2.2.3, Mandatory Connection Ordinance, which states "Lake County shall review and revise, as appropriate, its existing mandatory connection ordinance which, at a minimum shall require new development within the Urban Land Use Series to connect to and utilize a public water system, when available," because she felt that would weaken the intent. She commented that the wording had to be more specific there.

Commr. Cadwell asked who made the determination of availability of utilities.

Ms. King responded that they ask for the city to verify whether or not the utilities are available.

Mr. Sheahan noted that under this policy, Board approval would be needed for new development to provide a central water system. He also pointed out that there was a scrivener's error indicating that new development exceeding a density of two units per acre shall provide a central water system where central systems were not available under that policy, which should be a density of one unit per acre.

Commr. Renick stated that she was more comfortable with that.

There was consensus to advertise Option A under Comment 291 as well as Option A for Comments 292 and 293.

Commr. Renick mentioned that Comment 294 was regarding the same Mt. Dora issue they previously discussed.

Mr. Sheahan explained that Mount Dora felt that there should not be a minimum FAR (floor area ratio) requirement or an additional use requirement, and if the intent of the Board was to have a developer maximize the use of that property, that was an available option.

Commr. Renick commented that she wished they had JPA agreements with all of their cities so

that they could discuss these issues.

There was consensus to advertise Option A for Comment 294, with additional direction to take out the minimum FAR and conditional use requirements.

OPEN SPACE DISCUSSION

Mr. Sheahan stated that the open space issue was brought up at both the Tavares and Cassia workshops by Mr. John Pospisil and was a concern of Commr. Conner as well. He noted that the plan as proposed heavily relies on the provision of open spaces and incentive with the rural categories and within the Green Swamp, Emerald Marsh, and Wekiva Study Area. The premise was that the more density there was, the greater the open space that has to be provided as common, which has to go into a tract owned by everyone in the subdivision. The trigger was generally the density, but it could also be when subdividing. He illustrated on the monitor graphics showing what some of the proposals were.

Commr. Conner stated that he believed Mr. Pospisil was referring to five-acre tracts in rural areas.

Mr. Sheahan responded that the trigger for a five-acre tract in the rural areas is limited to the Wekiva Emerald Marsh Protection Area, Green Swamp, and the Ocala-Wekiva Rural Protection Area if a parcel was divided into more than three tracts. He specified that typically the open space would consist of about 35 percent, although the numbers vary depending on the district.

Commr. Conner was concerned about how this policy would affect a family that wanted to subdivide property among family members, and there were some situations and scenarios where he thought that the requirement of the open space was onerous.

Mr. Sheahan stated that the Board could set a higher threshold of when open space would be required. He commented that an HOA (home owners association) was not viable until there were at least ten property owners. He noted that the two triggers for subdivisions would be an increase in density and the subdivision of property, which was only applicable within two rural protection areas, two categories in the Green Swamp, and the Wekiva Study Area.

The Board gave consensus to advertise the open space policy using 10 as the threshold number for lots consisting of five acres or more.

SAND MINING DISCUSSION

Mr. Sheahan noted that Ms. Tracy Bryant, Director of Central Florida Sand Mining Association; Mr. Steve Adams, President of LPG Environmental and Permitting Services; and Mr. Gary Cooney had sent the Board a follow-up letter and documentation containing a previous memorandum distributed to the Board showing what changes they felt were necessary.

TRANSMITTAL HEARINGS

Commr. Cadwell commented that the transmittal hearings would be scheduled from 9:00 a.m. to 5:00 p.m. as a normal day of activity rather than going into the late hours, with a break for lunch.

Ms. King announced that the transmittal hearing would be January 19, 2010.

Mr. Minkoff commended and thanked Ms. King and her staff for working long hours and on the Veterans Day holiday to get this done.

PUBLIC COMMENT

Mr. Charles Lee, Audubon of Florida, expressed some concern regarding the open space discussion, and stated that this affects plan provisions that have just been reviewed and approved by the Department of Community Affairs (DCA) in the Wekiva area. He opined that he thought the Board decision reverses some positions that have been so hard-won with that approval and that the net effect would create a situation for a proliferation of sprawl. He commented that the history of attempting to force open space requirements on the individually-owned portion of a lot was very poor and problematic and fraught with difficulty. He related that this issue was just addressed in a parallel way by the St. Johns River Water Management District with regard to the situations where they have in the past accepted conservation easements over portions of residential lots as a form of mitigation, but they have had to revise their rules to allow for the selective release of these easements, because over time there could be a problem with encroachment in that easement. He believed that DCA would have some serious concerns about this. He suggested that they change it to five units as opposed to ten or reconsider the policy.

Mr. Rob Kelly from the Citizens Coalition, opined that this would affect the policies in the Green Swamp that have been in place for almost 20 years regarding open space. He requested that the Board revisit that, and he related that the LPA had a discussion with staff that noted that a lot of the family lot splits in the County have been somewhat abused in the past, and even though there was a three-year term where someone has to hold onto the lot after it split for family purposes, they have seen instances where it was sold immediately after that time had elapsed. He explained that they tried to balance what Commr. Conner's concern was with some of the issues that were happening with lot splits. It was the LPA's intent in the Green Swamp regarding mining to limit the damage to the environment and the rest of the Green Swamp from new mines. He also commented that the concept of changing light industrial to regional office could work, but the Board also added apartments for residential allotments to the regional office, which could result in some apartments ending up in areas where the County would not want them.

Mr. Sean Parks, an LPA and EDAC (Economic Development Advisory Council) member, indicated that he was disappointed that there was not more discourse at this meeting on the EDAC recommendations, and he hoped that there would be some in-depth discourse during the transmittal hearings about those recommendations.

Mr. Keith Schue elaborated on the open space issue and asked the Board to think about the final configuration of those tracts. He opined that this land use pattern would not protect larger corridors, and they wanted to be able to cluster the homes together to provide contiguous open space that allows a substantial area for wildlife, which was the intent of the LPA. He commented that a tiered system of provisions would not take away rights, because there was always the ability to operate at the lower density.

Mr. Bill Ray, a professional planner and environmental consultant, recommended that the Board direct staff to create definitional criteria that establishes the boundaries of the rural conservation area

with rural lands as well as with other lands such as wetlands or water bodies. He opined that the Comp Plan did not give any guidance as to how to do that and what the rural land and rural conservation land was physically supposed to represent. He inquired whether open space was for conservation lands or physical open space within a community, and what management plan was allowed for that open space. He noted that they were seeing the mixed use criteria in other areas in the State which establishes an employment center through office, office space, or economic development, and they could not put workforce housing in close proximity to those uses. He encouraged allowing the flexibility for mixed use of multi-family close to the office parts after going through a zoning clearance for that use.

Ms. Tracy Bryant commented that Option A chosen by the Board regarding mining was an unacceptable choice for the mining industry and would essentially put their industry out of business. She noted that sand and aggregates were a finite resource. She opined that a mining overlay would not provide the resolution that they desired, because that information was proprietary and drawing an arbitrary line without any science or data to back it up was not a legally defensible position. She pointed out that the legislature this past session designated that as a critical resource for the state. She related that the County already had a stringent ordinance in place which was a model throughout the state for their industry, and through that process they could place site-specific conditions in their CUP process for any concerns they had. She stated that there has been no sound science provided showing that their industry had an adverse environmental impact, and she pointed out that the County had the ultimate ability in their MSP (Mining Site Plan) process to approve or disapprove expansions, new mines, or anything of that nature under their existing mining ordinance. She referred to alternative language that she provided the Board that she believed both the County and the industry could live with.

Mr. John Pospisil wanted to rebut things that were previously stated at this meeting. He mentioned that the book "Conservation Subdivision Design" talked about areas that had higher densities, with the lowest density that was mentioned being 1 to 2. He commented that the chart provided by Mr. Schue of squares would not happen, because the plan already had a requirement that it had to be clustered away from the environmentally sensitive areas that would be found through all the surveys they were doing. He opined that it was easy for the Board to over-regulate, because there was no direct impact on the County budget, since they were spending someone else's money, and he believed that they needed to look at the cost and benefits in the aggregate of the regulations that they were instituting. He believed that there was little benefit but substantial cost to requiring a common area, and he suggested that there would be plenty of open space on a tract if they limit the impervious surface area to five percent instead of 30 percent. He stated that the Wekiva Plan showed that the area north of Highway 44 and other areas had less than ten percent of environmentally sensitive habitat. He also suggested that they put fence restrictions in to confine most livestock and still let wildlife through.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting was adjourned at 2:00 p.m.

WELTON G. CADWELL, CHAIRMAN

ATTEST:

NEIL KELLY, CLERK