

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
April 3, 2024

The Lake County Planning and Zoning Board met on Wednesday, April 3, 2024, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, May 7, 2024 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Tim Morris, Chairman	District 3
Carroll Jaskulski	District 4
Josh Gussler	District 5
Dan Matthys, Vice-Chairman	At-Large Representative
Mollie Cunningham	School Board Representative

Members Not Present:

Mark McManus	Ex-Officio Non-Voting Military
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Staff Present:

Janie Barrón, Planning Manager, Office of Planning and Zoning
Aaron Pool, Senior Planner, Office of Planning and Zoning
Eva Lora, Public Hearing Coordinator, Office of Planning and Zoning
Melanie Marsh, County Attorney
Stephanie Cash, Deputy Clerk, Board Support

Chairman Tim Morris called the meeting to order at 9:00 a.m. He then led the Pledge of Allegiance and called for a moment of silence. He remarked that the Lake County Planning and Zoning Board was an advisory board to the BCC and that the Board was responsible for reviewing proposed changes to the Comprehensive Plan (Comp Plan), zoning, conditional use permits (CUPs), mining site plans, and making recommendations on these applications to the BCC. He added that the Board's recommendations would be transmitted to the BCC for their consideration on May 7, 2024.

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Adjournment

AGENDA UPDATES

Ms. Janie Barrón, Planning Manager, Office of Planning and Zoning, said that the public hearing cases had been advertised and noticed in accordance with the law; additionally, she displayed proof of publication. She mentioned that there were no changes to the agenda.

Mr. Morris stated that he had comment cards for Tabs 1, 2, and 3; therefore, Tabs 2 and 3 would be moved to the regular agenda.

MINUTES

MOTION by Josh Gussler, **SECONDED** by Carroll Jaskulski to **APPROVE** the Minutes of March 6, 2024 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: McKeeby, Jones Smith, Morris, Jaskulski, Gussler, Matthys, and Cunningham

AGAINST: None

MOTION CARRIED: 7-0

PUBLIC COMMENT

No one wished to address the Board at this time.

CONSENT AGENDA

<u>TAB NO:</u>	<u>CASE NO:</u>	<u>OWNER/APPLICANT/PROJECT</u>
Tab 4	Ordinance #2024-XX	Old Animal Shelter (FLU)
Tab 5	Ordinance #2024-XX	Old Animal Shelter (RZ)

MOTION by Laura Jones Smith, **SECONDED** by Carroll Jaskulski to **APPROVE** the Consent Agenda, Tabs 4 and 5, as presented, pulling Tabs 2 and 3 to the regular agenda.

FOR: McKeeby, Jones Smith, Morris, Jaskulski, Gussler, Matthys, and Cunningham

AGAINST: None

MOTION CARRIED: 7-0

OLD BUSINESS
SORRENTO HILLCREST PUD (RZ)

Mr. Aaron Pool, Senior Planner, Office of Planning and Zoning, presented Tab 1, and stated that the applicant was requesting to rezone approximately 466.18 acres from Planned Commercial (CP), Planned Unit Development (PUD), Urban Residential (R-6), Rural

Residential (R-1), and Agriculture (A) to PUD to facilitate the development program for a mixed-use community intended to provide commercial, office, retail, service, and residential uses. He mentioned that the property was located south of State Road (SR) 46 (also known as Sorrento Avenue) and east of County Road (CR) 437 in the Sorrento area of unincorporated Lake County. He indicated that the property was currently designated with a Mt. Plymouth-Sorrento Main Street and Mt. Plymouth-Sorrento Neighborhood Future Land Use Category (FLUC). He noted that the maximum number of units would be 1,725, the density would be 3.7 dwelling units per net acre, and there would be 65 percent maximum impervious surface ratio (ISR) for the residential areas and 70 percent for the commercial areas. He pointed out that the concept plan depicted the subject site, including the commercial, multifamily, and residential development areas; additionally, he said that the concept plan identified 25 percent of the development site as open space. He relayed that staff found the rezoning consistent with the Land Development Regulations (LDR) and Comprehensive Plan (Comp Plan).

Ms. Laura Jones Smith mentioned that there was one underlined section in the proposed ordinance, and asked if that was a change from the prior meeting.

Mr. Pool answered that the applicant would explain the changes in the ordinance.

Ms. Tara Tedrow, with Lowndes Law, stated that there had been some changes submitted after the last hearing, and that staff approved of those changes. She recalled that at the last hearing they were requested to come back with some clarifications, and that the companion future land use ordinance was recommended for approval to the BCC. She said that they had their first reading of this in front of the BCC, and that it was approved to transmit. She related that this ordinance set the density, intensity, and open space, noting that it was for 1,725 dwelling units, 350,000 square feet of commercial, and 25 percent open space. She mentioned that the PUD ordinance had a lot more detail as to site specific design standards. She indicated that one of the requests from the last meeting was to provide project phasing, and mentioned that they added the following to the ordinance: the first phase of the development would include a spine road; there would be utility stub-outs to the commercial areas adjacent to the spine road; there would be rough grading of the commercial areas; and trails and drainage along the spine road would be built out. She commented that they had contemplated that a Community Development District (CDD) would be formed, which would have to be approved by the BCC, and that they would be responsible for phase one. She showed the plan for the spine road, and pointed out that it would connect up to Sorrento Avenue next to the commercial, which would have the rough grading and the utility stub-outs; additionally, she said that the spine road would connect through all the phases of the development and up to CR 437 where there was a planned County realignment and extension project. She related that there would be a trail network along the spine road, and that it would be built as part of phase one. She indicated that another question from the previous meeting was about the height of the buildings, and noted that language was put into the ordinance clarifying the different heights. She specified that the maximum height for single family residential and townhomes was 35 feet, the maximum height for commercial was 45 feet, and the maximum height for multifamily was 60 feet, noting that the height could not be transferred between the different types of development areas even if they moved density on the property. She related

that they added clarification language in the ordinance stating that the multi-family units could not be transferred to any other location and had to be located where it showed the 60-foot height. She clarified that while there were five different parcels shown on the concept plan, there were only three ownership groups. She indicated that there were significant buffers from adjacent properties and good distances between the multifamily and the properties to the east, opining that the concept plan was thoughtfully designed and laid out to ensure there was appropriate buffering. She mentioned that the current future land use allowed a mix of types of housing in the northern portion including multifamily units, noting that even without the PUD future land use there could still be multifamily units.

The Chairman opened the floor for public comment.

Ms. Cindy Newton, a resident of unincorporated Lake County, stated that at the BCC meeting on the previous day, the applicant specified that this was a master plan and a unique design, and that it allowed for the landowners to work together. She mentioned that they agreed to follow the Mt. Plymouth-Sorrento Main Street and Mt. Plymouth-Sorrento Neighborhood regulations and that the County was committed to ensuring all the regulations for open space, impervious surface, and karst setbacks and protections were followed. She opined that since the BCC was expecting the Hillcrest team to comply with the entire Comp Plan, it was now up to the Board to make sure it was written into the PUD, noting that the density, open space, and other aspects had not been cemented into the PUD. She related that some of that was acceptable until the final environmental plan had been done; however, she said that they had a lot of information already for flood zones, some possible karst features, open space, and impervious surfaces. She asked for a delay in voting on this so the PUD could be adjusted before the zoning was changed, opining that it could make a difference in which entitlements the applicant would be given.

Mr. Jon Suarez, a resident of the City of Eustis, expressed concerns about the traffic, opining that they were looking at approximately 2,000 cars per day on the roads with the addition of this development and about another 8,000 cars per day with the addition of Sorrento Pines and other developments in the City of Mount Dora. He indicated concerns about there being no road improvements planned, and opined that these roads could not sustain the extra traffic. He questioned where the sewer and water would go, opining that it would probably go to the Sorrento Springs Sewer Treatment Plant. He relayed his understanding that this plant did not have a connecting line to the City of Eustis; therefore, everything had to be trucked out down their road, and that the liquid was put on a spray field or used for irrigation. He remarked that he did not want more trucks traveling down his road loaded with sewage. He also indicated concerns about the schools, opining that they would be overcrowded.

Mr. Charles Lee, representing Audubon Florida, stated that when the Wekiva River Protection Act and the subsequent planning exercises of the local governments within the Wekiva Study Area took place after 2004, the Mt. Plymouth-Sorrento area was designated as one of two development nodes in the area. He mentioned that Audubon Florida had no challenge to the appropriateness of this development; however, he expressed concerns about this development being within the Wekiva Study Area, and relayed his understanding that the Comp Plan

required 50 percent in this area, opining that 25 percent was not appropriate for the adjacent residential. He commented that the proposed impervious surface ratios exceeded the requirements in the Comp Plan, noting that having 30 percent for residential and 60 percent for commercial was as much impervious surface as was allowed by the provisions of the Comp Plan. He stated that Policy 6C5.84 was for the protection of karst areas, which required that depressions and areas be protected with a 100-foot buffer and did not allow any structures or retentions ponds on those areas. He relayed his understanding that the applicant's engineering data showed that there were two major karst features in this area, and that they were putting houses, retention ponds, and the spine road on top of them. He opined that this was not permissible under the Comp Plan, and recommended a continuance to work these matters out.

Ms. Katherine DeJongh, a resident of Sorrento, stated that as previously mentioned, the BCC approved to transmit the future land use to the State even though this decision was against the wishes of many of the residents. She said that there were objections from the Audubon Society and the Friends of the Wekiva, opining that this was not an eager transmittal on behalf of the people who currently resided in the county and who would be impacted by this. She indicated concerns about the adverse effect on the schools, and said that there would be extra school buses on the road, opining that they already had a shortage of bus drivers. She expressed concern about the open space, noting that she would like to see at least 36 percent open space in the plan before it was approved. She commented that the buffers that were previously mentioned were not written into the ordinance, and opined that the spine road should connect at a different location on CR 437 so that it did not go through the wetlands and the karst areas. She mentioned that water and sewer had not been secured yet, and that the trails were just more impervious surface areas with sidewalks and cement; additionally, she objected to the power line areas being used as open space. She remarked that she would like these concerns addressed in the concept plan prior to the rezoning.

Ms. Deborah Shelley, representing Friends of the Wekiva, mentioned that the members of the Friends of the Wekiva Technical Committee reviewed this project, noting that these members all had degrees in ecological related fields. She stated that she agreed with the previous speakers' comments and indicated that prior to approving this rezoning, they would like to see a greater commitment to the open space and impervious surface. She said that she would appreciate if they would consider postponing this or requesting a greater commitment.

Ms. Sandra Stura, a resident of Sorrento, expressed concerns about the impacts on Mt. Plymouth and Sorrento, as well as the surrounding cities. She opined that much time went into the County's Comp Plan, and that the developers did not consider the Comp Plan when they brought this project forward so that the community would be able to absorb it and applaud it. She questioned how long this project would take since there would be dirt trucks, noise, and a disruption in their way of life; additionally, she wondered if the three developers would all get along. She reviewed some key points in the Comp Plan, specifying that it promoted reinforcing positive rural lifestyles and discouraged commercial development within the Wekiva Protection Area. She said that there were protections for environmental emission impacts, and opined that it would require traffic mitigation techniques, such as downsizing.

She related that it also provided for special design and best management practices for developments within the Wekiva Study Area, such as limiting clearing to minimize areas necessary for development. She opined that although she knew projects were coming, they needed to plan smart.

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

Ms. Tedrow mentioned that the main concern that had been expressed was about the Wekiva Study Area policies, and noted that section F of the ordinance stated that they were required to be consistent with the Wekiva Study Area and with any other applicable provisions of the Comp Plan and LDR; furthermore, she said that there were five pages of substantive policies under that cited objection in the Comp Plan. She indicated that their hydrogeological report identified potential karst features that needed further studies, and noted that this would happen at the final engineering. She related that meeting school concurrency would be determined later when they submitted for site plan approvals since the capacity levels could change. She relayed her understanding that there were risks to a conceptual plan as it may need to be changed later. She stated that the PUD ordinance provided for a three year expiration period, noting that if a physical development did not commence within three years from the date the ordinance was approved, then the ordinance was no longer valid. She commented that within those three years they would have to start the phase one improvements, provide final engineered plans that would identify all of the elements on the property, and then design the site in compliance with the elements under the Comp Plan. She relayed that the BCC emphasized that they were transmitting the future land use to the State with a cover letter stating that the developer would comply with the Wekiva Study Area policies, acknowledging that some of these issues were premature for them to resolve at that time. She noted that section P of the ordinance indicated that the City of Eustis would be the utility provider for central water and sewer.

Mr. Alex Stringfellow, the applicant and land planner for the project, stated that there were two keystone transportation projects the County was working on adjacent to this property, noting that to the west was CR 437 and along the north side was Sorrento Avenue, or SR 46. He mentioned that SR 46 was designated as a complete street, which meant it was intended to carry pedestrians and cars, allow for parking, and have trees to create a main street atmosphere. He said that the PUD required them to create a main street effect along the linear frontage and to create a turn lane, intersection, or roundabout into their property to connect to the spine road; additionally, he noted that they would be tying into one of the roundabouts on the west side of CR 437 which was another project the County was working on to create a bypass through their property connecting the main street to CR 437. He opined that this was important because they were trying to create a complete street to slow down traffic and create an area that was walkable, requiring multiple connectivity options. He opined that without this project, connectivity was not possible, and that without the consortium of developers, this spine road could not be created. He indicated that the Main Street and Neighborhood future land uses came about 10 years prior, and that this was the first project to start meeting those goals and objectives. He noted that this property was 55 percent Main Street FLU.

Ms. Jones Smith asked if they could be given a summary on what the BCC said about the future land use transmittal.

Mr. Pool recalled that they discussed issues that were brought up by the public, and that they reiterated that the transmittal was just another step in the process as it would be submitted to multiple state agencies to provide comments back to the County prior to the County's approval.

Ms. Jones Smith asked if anything that occurred in the process of the transmittal hearing would affect what they were discussing that day and if they needed to factor any of those concerns in.

Mr. Pool commented that the information contained in the transmittal hearing did not necessarily affect the rezoning specifically.

Mr. Dan Matthys remarked that there had been comments from the public stating that there were many inconsistencies with the Comp Plan; however, he said that the staff report indicated that this was consistent with the Comp Plan and LDR, and asked if staff still stood by that finding.

Mr. Pool replied that many of the places where there were inconsistencies were not actually inconsistencies, but were differences between the zoning and moving to a PUD. He related that many of the items that were looked at as inconsistent may be understandings of a conceptual nature at this point, noting that the Comp Plan regulations would remain in place and be applied to the PUD. He stated that they would be reviewed as the project moved forward through planning and construction, and that staff still found this consistent with the Comp Plan and LDR.

Ms. Kathryn McKeeby questioned if starting phase one started the three year expiration period.

Mr. Pool answered that the Comp Plan requirement for commencing with the project was not specifically based on a certain phase in the project, noting that once the project was reviewed by Planning and Zoning, it would be reviewed by Public Works for platting and infrastructure plans. He related that once those were approved and construction was able to begin, then the three year period would start, noting that there was not a benchmark they would have to meet after starting the development.

Ms. McKeeby relayed her understanding that this would not affect phase one, and Mr. Pool confirmed this, noting that they were two separate issues.

Ms. Jones Smith commented that she appreciated that the applicant provided phasing strategies in the ordinance, and that the spine road now had a defined time period when it would be fully constructed. She noted that commitments were made for getting the spine road

infrastructure in place, and that even if later phases were built much slower, the residents who lived nearby could still access the trails and traverse this area because all of that would be built within phase one. She mentioned that they also articulated the height conditions in and around the development and refined the buffers so that they were very clearly defined to the height limits. She expressed concerns about the period of time to get the Comp Plan issues resolved, opining that this may become inconsistent with the land use proposal that had been transmitted to the State. She questioned if this would stay in line with the land use proposal, or if they would part from each other, requiring the Board to redo this at some point.

Ms. McKeeby expressed her concern about the capacity of the nearby schools.

Ms. Mollie Cunningham indicated that the School Board was very aware that there were areas like this in several sections of the county, and that she personally was cognizant of the kind of stress this could put on the schools. She emphasized that there was currently not an approved project on the slate; however, there were some things being worked on. She assured everyone that the full intent of the School Board was to ensure there were proper seats and facilities for every student in Lake County, noting that although it may not be an easy task, they were committed to providing that.

Mr. Morris commented that the City of Eustis had capacity for central water and sewer for this project.

MOTION by Josh Gussler, SECONDED by Carroll Jaskulski to APPROVE Tab 1, Sorrento Hillcrest PUD (RZ), as presented.

FOR: McKeeby, Jones Smith, Morris, Jaskulski, Gussler, Matthys, and Cunningham

AGAINST: None

MOTION CARRIED: 7-0

REGULAR AGENDA

SORRENTO PINES EXPANSION PUD (FLU AND RZ)

Mr. Pool presented Tabs 2 and 3, and stated that the applicant was requesting to amend the Future Land Use Map (FLUM) to change the FLUC on approximately 198.68 acres from Public Service Facilities and Infrastructure FLUC to PUD FLUC and amend associated Comp Plan policies to revise the development program for the Sorrento Pines PUD to allow for an additional 328 dwelling units. He related that they were also requesting to amend Ordinance 1997-61 to remove 198.68 acres from the Community Facility District (CFD) for purposes of establishing a separate development plan for the removed acreage and to rezone 198.68 acres to PUD to allow for the development of a 328 dwelling unit single-family residential subdivision with associated amenities and infrastructure. He noted that this was previously a

spray field for a utility facility, and that the property was located west of Equestrian Trail, southwest of the Sorrento Hills PUD, and approximately .25 miles east of the intersection of Cardinal Lane and Yonge Road. He indicated that the proposed density would be 1.65 dwelling units per acre, the maximum ISR would be 65 percent, and the maximum building height would be 40 feet. He pointed out that the concept plant depicted the subdivision layout, and that it identified 50 percent of the development site as open space. He stated that the applicant provided a justification statement which purported the proposed development program, and remarked that staff found the Comp Plan amendment and rezoning consistent with the LDR and Comp Plan.

Ms. Tedrow gave a presentation for this project and showed a map of where it was located, pointing out the first phase of the PUD that was approved in 2019, the subject parcel to the west, the City of Eustis treatment facility to the north, and the Eagle Dunes Golf Course. She mentioned that the property was currently designated as Public Service Facilities and Infrastructure FLUC because it used to be part of the spray fields for the City of Eustis and their treatment facility, noting that it predated the Wekiva Study Area and its policies. She related that the facility had been decommissioned for quite some time, and that the City sold that property to the current applicant with the understanding that there could be development; additionally, she said that there was an agreement with the City that they would provide water and sewer. She stated that the Comp Plan allowed up to 1.0 floor area ratio (FAR) and 0.8 ISR for Public Service Facilities and Infrastructure and that the CFD zoning allowed for a range of different types of community facilities, such as agriculture, airports, recycling centers, colleges, private clubs, hunting resorts, etc., opining those were not compatible now that the City was no longer utilizing the property as part of their treatment facilities. She described the proposed development, and noted that there would be 328 detached single-family homes at a maximum of 1.65 dwelling units per acre. She mentioned that they had committed to 99.34 acres with 50 percent open space, and that the perimeter buffers had been enlarged in accordance with discussions with neighbors, noting that the southeast side had 200-foot buffers and the west side had 500-foot buffers. She related that they had committed to the following: preserving the existing mature trees along the perimeter of the property to provide a natural buffer for the residents; providing an additional berm, fence, and tree line within the 200 foot buffer at a location the residents chose; putting larger lots next to the homes on Equestrian Trail as well as on the south side of the property; allowing only one story homes adjacent to Equestrian Trail; keeping the fencing that already existed along the property line of Equestrian Trail with reserved open space between the fencing that only the homeowners' association (HOA) would have access to for maintenance; providing a pedestal for high speed internet for the residents along Equestrian Trail; and complying with dark skies. She explained the modifications from the previous plan, stating that they reduced the units from 399 to 328, reduced the density from two dwelling units per acre to 1.65 dwelling units per acre, increased the open space to 50 percent, increased the western buffer width, and were now consistent with the Rural Conservation Subdivision Design Standards. She stated that the residents of Equestrian Trail had requested a tan vinyl opaque fence and non-invasive bamboo as part of the landscape berm; however, staff indicated that bamboo was not allowed. She mentioned that they would be agreeable to the bamboo should the Board make that recommendation. She commented that a hydrogeological report had been done for this site

and that it identified with certainty some karst features; therefore, they had already incorporated 100-foot setbacks from those into the design. She remarked that staff found this consistent with the Comp Plan and LDR, and that it was compatible with the surrounding area. She opined that they had made concessions with the neighbors and had thoughtfully designed the project, ensuring that the neighbors' concerns were considered early on in the design element.

Ms. Jones Smith questioned if the City of Eustis had owned this property or had leased it.

Ms. Tedrow answered that they had owned it and sold it to the applicant.

Ms. Jones Smith asked why they were hearing this case since the developer's agreement with the City of Eustis stated that they were under a mandatory obligation to annex into the City.

Ms. Melanie Marsh, County Attorney, answered that this was not contiguous to the City of Eustis, and that the properties were in unincorporated Lake County.

Ms. Tedrow remarked that there were some contiguity issues, noting that the property had to be annexed in order to meet statutory requirements; therefore, they agreed to that in advance.

Ms. Jones Smith asked if every house once they were built out would have to each agree to an annexation.

Ms. Tedrow commented that the HOA documents would document that.

Ms. Jones Smith mentioned that the agreement stated there was supposed to be a rider with the property; however, she questioned whether that would apply once the land was subdivided and parceled. She wondered if it stayed with the land so that each individual parcel had an obligation to annex when they became contiguous.

Ms. Marsh commented that the City of Eustis had the same agreement with Red Tail, and explained that legally, if the City was contiguous, they could move forward with an annexation. She mentioned that whether or not the residents could challenge that was a legal issue and was not in the purview of this Board. She relayed that there was a case in a neighboring county where residents challenged an annexation, and that the court found that it was not a voluntary annexation because the people who owned the property at the time the city was attempting to annex did not agree to it regardless of what their predecessor in interest had done. She remarked that currently, this development was not contiguous; however, they had signed an agreement with the City of Eustis, and that it would be a decision to be made down the road.

Ms. Jones Smith asked if the City had seen the proposed project and if they had made any comments.

Mr. Lance Bennett, the project planner and engineer, stated that they have had communications with the City over the past two years, noting that the agreement would provide capacity for up to 399 residential units.

Ms. Jones Smith opined that they could end up annexed into the City as a legally nonconforming project if this design did not comply with the City's LDR or Comp Plan, which could limit the functional use of the lots within it.

Ms. Tedrow indicated that this was an issue they dealt with every time they were in a Joint Planning Area (JPA). She explained that in her experience, when a development was being brought in to a city the city could not allow annexing while also giving them a future land use and a zoning due to legal reasons for contract zoning as that would be a circumvention of the required quasi-judicial process. She related that Florida Statute Chapter 171 stated that upon annexation a city could assign a future land use and a zoning at that time or a later date. She mentioned that she had clients whose projects were annexed, and that they stayed with their prior zoning for months or years, noting that some clients were annexed as a PUD. She commented that she had never been in a situation with a local government who later changed their mind and did not allow single-family homes, especially one who acknowledged what they were doing and had committed to serving them. She remarked that legally she could not tell them whether this could create a situation of a non-conforming use or not.

The Chairman opened the floor for public comment.

Ms. deJongh expressed her concern that this would be annexed into the City of Eustis, opining that this was a sneaky way for the City to move out towards the east area of the county, opining that Red Tail had opposed annexing into the City for a long time. She indicated concerns about the Wekiva Study Area, the Wekiva Protection Area, some of the JPAs, and the Cities imposing different densities than what the County required of the area. She relayed her understanding that when the City of Eustis owned this property, they had to adhere to certain requirements by the Environmental Protection Agency (EPA), and that in order to be released from their restrictions, they had to show that the use of the land was going to be something in line with the spray field. She related that it was switched over to solar, and that the solar farm company went out of business. She mentioned that now it was being sold for single-family homes, noting that the EPA was no longer involved in this transaction. She opined that there were not enough schools in this area for all the homes being built, and that they did not have the roads or infrastructure to support them. She mentioned that the Wolf Branch Innovation District, which was designated for offices, school facilities, and medical facilities, was just up the road and was now going bust. She relayed her understanding that the first phase of the development was not even sold out, and that only 22 homes were listed for sale, noting that the prices kept dropping. She opined that the demand had hit a low because of the interest rates, and that this property needed to stay CFD, and that a health care facility or assisted living facility would not have as much traffic coming in and out of it. She remarked that they did not need to appease everyone just because they bought land with the intention of doing something with it, and she urged them to make this decision based on what the people who lived there wanted, and not for potential residents down the road.

Mr. Josh Gussler commented that if the residents did not allow new development to come in, then taxes would increase.

Ms. deJongh mentioned that she was not against all development, opining that development needed to be controlled. She questioned why they would not be able to keep up with the current taxes, and if they planned on increasing taxes to support the current infrastructure when they ran out of places to build and did not have the ability to tax new development.

Mr. Gussler replied that they could support the current infrastructure as the millage rates would increase.

Ms. deJongh opined that he needed to think more critically because the County could hit a brick wall doing what had always been done. She suggested having an economist on the Board.

Mr. Carroll Jaskulski clarified that it was not within the purview of this Board to consider marketability of future development, noting that they looked at the current regulations and whether or not a proposal was compliant with them. He added that it was not up to this Board to add a subjective component to their decisions.

Ms. Newton thanked the developer for the changes in the concept plan to allow for 50 percent open space, setbacks from all four karst features, and not using the karst features for stormwater. She also thanked them for following through on the requested soil testing. She expressed concern about the report as there were only 10 samples taken on nearly 200 acres and because this was type A recharge soil, and that the moisture went down further than the depth the samples were taken at, which was 0.5 to two feet deep. She explained that this property had been used as a wastewater spray field for decades, and that in 1990, the geological survey of estimated discharge of treated wastewater for the City of Eustis was 1.11 million gallons on that spray field. She related that in 2012, the City borrowed money for the reclaim system and began to lower that usage, noting that a total of 81 million gallons had been put on that spray field. She indicated that the original deed restrictions on this property were removed by the EPA because it was going to be used for a solar farm, and that when those deed restrictions were lifted, they were able to sell the property for something else. She commented that the City reported that they kept the chlorine residue relatively high at about five parts per million for years; however, the soil samples only checked for pesticides and not for chlorine or chloride. She mentioned that the report stated that the lab used for the samples was not certified by a governing authority. She requested that the applicant do more testing to ensure the safety of the future residents, and strongly suggested that the HOA disclose to potential residents that they were purchasing property previously used as a spray field.

Mr. Jon Suarez, a resident of the City of Eustis, opined that this property was still being sprayed even though it was supposed to be a vacant field, opining that testing needed to be done since it was still being used. He mentioned that the sewer and water was coming from Sorrento Springs since there was no line going to the City of Eustis, and that the waste would

be trucked out of that facility and then taken to sewer plants in the City. He related that their effluent water was used for irrigation, and opined that the residents of Red Tail did not receive enough water to irrigate their lawns. He expressed concern for the additional traffic this development would bring, opining that there could be over 700 more cars per day on the roads with no road improvements planned. He also indicated concern about overcrowding of the schools because there were no new schools planned.

Ms. Heather Brush, a resident on Equestrian Trail, stated that she lived on 15 acres, which bordered this project, and expressed appreciation to the developer for speaking with all the nearby residents. She indicated concern about this property being annexed into the City of Eustis and how it would affect their properties. She requested that they consider allowing the bamboo buffer as it was non-invasive, would not drop branches or leaves, and would grow 25 feet tall, opining that they would not be able to see the fence or the development within about one year. She opined that all of the property owners who bordered this development wanted the bamboo, and that this would be a positive thing for the neighbors, noting that it had been used in other areas.

Mr. Richard Eitnier, a resident of the City of Eustis, expressed concern about the water and questioned if a study had been done showing how much water would be used. He opined that they already had water issues, and that if they dug any deeper, they would then have salt water, noting that he was one of the shareholders of a company that could fix this issue.

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

Ms. Tedrow stated that the city limit for the City of Eustis was miles away from this development, and that she did not foresee at any point that this would be annexed unless miles of homes came in between this development and the current City's boundaries. She remarked that this was a commitment that all local governments put in their agreements for reserved capacity and for service. She related that the City had committed to serving this development and being able to serve more homes, and noted that water capacity was available since it had been preserved for this project. She mentioned that they had a full release from the EPA for this property, and that they would be happy to disclose to the homeowners that this property was used as a spray field if that was an added condition. She commented that they would be required to do more soil testing, and that the samples that were taken were in compliance with the regulations that had been set by the County, noting that nothing further was required by staff. She related that additional soil analysis and a hydrogeological report would be done at the time of the construction plans, and that they would adjust the concept plan accordingly, if needed. She mentioned that the CFD zoning allowed 1.0 FAR and 0.8 ISR with no open space, noting that the intensity was much higher than what they were proposing. She opined that the amount of pervious area on this property was great for development in the Wekiva Study Area, and that they still complied with all regulations under the Comp Plan. She stated that the PUD required them to have drought tolerant native vegetation landscaping; however, she said that they could modify Exhibit C in the ordinance to allow the non-invasive bamboo for the berm to satisfy the neighbors' requests, if it was at the recommendation of the Board.

Ms. Jones Smith asked if the water, sewer, and reclaimed water would all be provided by the City of Eustis, and Ms. Tedrow confirmed this. Ms. Jones Smith relayed her understanding that there would not be any septic tanks, wells, or irrigation.

Ms. Tedrow commented that the City of Eustis still sprayed on their own property to the north of this one and that they should not be spraying on this property.

Ms. Jones Smith mentioned that they had received their last timeline extension for the reserved school capacity, which was in September 2024, and asked if they were confident they would be able to satisfy those requirements, and Ms. Tedrow confirmed this.

Mr. Morris questioned if the effluent would be going to Sorrento Springs and then trucked out.

Mr. Bennett replied that the effluent would be discharged into their facility; however, he said he was not sure if it was trucked there and if it would be treated and then repumped. He noted that they could get the answer to that.

Mr. Morris suggested having that information before the BCC meeting.

Mr. Jaskulski relayed his understanding that there was some kind of impediment to the use of bamboo; however, Ms. Tedrow stated that they were fine with using that.

Mr. Bennett explained that the original buffer was supposed to be Florida native species; however, the neighbors had requested bamboo, and that they would need a waiver to that section of the code in order to provide that.

Ms. Tedrow clarified that they were fine with the neighbors' request for the bamboo, and said that there would need to be a modification to the landscaping section to allow for a bamboo berm along Equestrian Trail.

Ms. Cunningham relayed her understanding that there would be further testing in the process, and asked if they knew how deep the soil samples would go and if it would accommodate what Ms. Newton asked for.

Mr. Bennett mentioned that a phase one environmental assessment had already been completed and that the soil testing for chemicals was at the request of the BCC, noting that the results indicated there were no contaminants that exceeded the threshold. He said that moving forward, they planned to do additional soil borings, but they were not intending to do additional testing; however, he said that they could.

Ms. Tedrow related that the construction code under the LDR required hydrogeological studies and that additional studies would be done as part of compliance with the Comp Plan, noting that when staff reviewed the final engineered plans, they could request additional

analysis. She remarked that when staff analyzed the required study, they found that the study was done in compliance with the required methodology, noting that the Comp Plan and LDR gave staff the ability to request additional studies if needed.

Mr. Pool explained that the Comp Plan required a hydrogeological test to be performed on this property since this project was in the Wekiva Study Area, noting that the testing was submitted to their third-party review and found to be in compliance. He related that moving forward, there may be additional testing requirements, and that those would happen at platting and at construction.

Mr. Jaskulski relayed his understanding that this testing was not reviewed by the applicant's expert as it was reviewed by another entity with expertise in this field who then verified those findings for staff.

Mr. Pool confirmed this, and elaborated that they did not currently have a staff member who was qualified to review those studies, which was why they contracted them out to a third party.

Mr. Gussler asked if there were any roadway improvements planned for CR 437.

Mr. Seth Lynch, Development Engineer, Public Works, replied that there were not any improvements planned for CR 437; however, he said that they had repaved the roads from SR 44 all the way down SR 46.

Mr. Gussler commented that the staff report indicated that CR 437 was at a level "D" for capacity.

Mr. Lynch confirmed this, noting that they completed a Project Development and Environment study (PD&E) a few years prior, which indicated that the road should stay a two-lane road with paved shoulders. He remarked that a traffic signal would be required at the northern entrance if this development was added to the rest of Sorrento Pines, adding that homes could not be built until that was operating.

Mr. Gussler relayed his understanding that they were going to add more capacity to a road that was already at a level "D," and Mr. Lynch confirmed this.

Ms. Jones Smith questioned the use of the bamboo as a buffer.

Mr. Pool explained that bamboo was not currently accepted as a buffer in the LDR, and that even though this was a PUD, they were still reviewing this against the established buffers allowed in their landscape codes, which did not allow bamboo.

Mr. Morris asked if that meant they could not make a recommendation to allow the bamboo.

Ms. Marsh clarified that the LDR allowed for a conditional zoning and for the BCC to give

waivers to specific provisions of the LDR. She related that the code stated that the applicant must ask for a waiver at the time of application; however, she said that since they were not aware of this request at the time of application, the Board could include a recommendation to the BCC to allow non-invasive bamboo as part of the buffer in their motion, and that it would then be up to the BCC to decide whether or not they wanted to grant that.

Mr. Morris questioned if the bamboo could be added in addition to the normal buffer.

Mr. Matthys commented that he did not have a problem with bamboo because many of the canopy and ornamental trees that were recommended as buffers were toxic to horses, and bamboo was not. He opined that it was a very good buffer, and that it would keep the horses adjacent to this property safe.

Ms. Jones Smith stated that in the LDR they typically favored Florida native, drought tolerant, low water use plants, and that her concern was that this bamboo could be water heavy especially at the time of establishment, opining that it would not thrive if it was not being heavily irrigated. She remarked that this was why the LDR only allowed plants that were easier to maintain and did not require as much water. She opined that bamboo may not be appropriate as a buffer, especially for one that was only going to be accessible to the neighboring property owners and the HOA; additionally, it could be an issue if the HOA did not irrigate it and ensure it stayed healthy. She commented that there were many buffer options; therefore, she would be reluctant to move forward on recommending bamboo unless they had a definitive statement from staff that they had evaluated it and believed it would not create a condition where it became a heavy water use material.

Mr. Morris mentioned that they did not have to make that recommendation on the current day, and that staff could research the bamboo before the BCC meeting.

Ms. Jones Smith asked if the applicant could ask for a waiver and for the bamboo to be evaluated as an alternative species at the time of their full construction design.

Ms. Marsh replied that they could only request a waiver as part of the rezoning and not after the rezoning was done; additionally, she said that their other option would be to come in and apply for a variance, which would go to a completely separate board.

Mr. Morris opined that there should be a solution for this in the next four weeks.

Ms. Jones Smith commented that the University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS) could be consulted and asked if they could recommend an alternative material to bamboo for screening purposes in more rural settings. She remarked that this bamboo could be a slow grower if it was not in ideal conditions, and that they needed to be careful when they started deviating from Florida native and drought tolerant materials, especially when they were conservative with water usage.

Ms. McKeeby questioned how they would be able to make sure the HOA was informing the

buyers that this was previously a spray field.

Mr. Gussler opined that this information should be in the covenant.

Ms. Jones Smith stated that they could add in the motion that they would disclose as part of any purchase or sale agreement that it was formerly a spray field.

Ms. Marsh explained that in the past they have included in PUD ordinances a requirement to disclose uses on adjacent property, noting that they did that for Cemex in South Lake when the Hanover Project went in and required a very specific form to be attached to the ordinance that each buyer had to sign. She commented that they could do something similar to this if the Board chose to include that in the motion.

MOTION by Dan Matthys, SECONDED by Laura Jones Smith to APPROVE Tab 2, Sorrento Pines Expansion PUD (FLU), as presented.

FOR: McKeeby, Jones Smith, Morris, Jaskulski, Gussler, Matthys, and Cunningham

AGAINST: None

MOTION CARRIED: 7-0

MOTION by Dan Matthys, SECONDED by Laura Jones Smith to APPROVE Tab 3, Sorrento Pines Expansion PUD (RZ), with the condition to include a notification in the deeds or covenants that this property was formerly a spray field.

FOR: McKeeby, Jones Smith, Morris, Jaskulski, Gussler, Matthys, and Cunningham

AGAINST: None

MOTION CARRIED: 7-0

Planning & Zoning Board Meeting

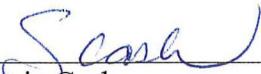
April 3, 2024

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ADJOURNMENT

There being no further business, the meeting was adjourned at 10:44 a.m.

Respectfully submitted,


Stephanie-Cash

Deputy Clerk, Board Support


Tim Morris

Chairman