

1 City of Minneola
2 Planning & Zoning Commission Meeting
3 Minneola Council Chambers
4 800 North US Hwy 27, Minneola, FL

March 2, 2009

5
6 Debbie Veit called to order the Minneola Planning and Zoning Meeting.

7

<i>Present</i>	<i>Absent</i>	<i>Others Present</i>
<i>Debbie Veit, Chairperson</i>		<i>Timothy Green, Consulting Planner, Green Consulting Group</i>
<i>Jim Frana, Vice Chair</i>		<i>Katrina Thomas, Assistant City Attorney</i>
<i>John Flowers</i>		<i>Laura Jones, Senior Planner</i>
<i>Charlie Humphries</i>		<i>Sue Niswonder, Assistant Planner</i>
<i>Rick Roderick</i>		<i>Rose Folan, Admin.Asst., Planning</i>
<i>Joseph Saunders</i>		
<i>Sherry Zielonka</i>		
	<i>City Council Representative, Victor Ortega</i>	

8

9 *A moment of Silence and Pledge of Allegiance*

10

11 *New P&Z members, Richard ("Rick") Roderick and Joseph Saunders, were introduced by Debbie Veit and were sworn in by Katrina Thomas.*

12

13 **Agenda Review**

14

15 **Review of Planning and Zoning Meeting Minutes for February 2, 2009**

16 **Review of Planning and Zoning Special Meeting Minutes for February 5, 2009**

17

18 **MOTION by John Flowers to approve the minutes of February 2, 2009, and February 5, 2009.**

19 **SECONDED by Charlie Humphries.**

20 **Debbie Veit called for a vote.**

21 **APPROVED 6 – 0. Rick Roderick abstained.**

22

23 **Site Plan Review of High School BBB:**

24 **101 N. Hancock Road – Hills of Minneola**

25 **Applicant/Property Owner: Lake County Schools, Gary Parker**

26

27 Laura Jones opened the discussion explaining the request and staff concerns regarding the submittal. Debbie Veit asked if any of the concerns had been addressed by the applicant; Laura responded in the negative. Gary Parker, as applicant, came forward to speak.

28

29 Gary Parker responded to the inquiry regarding comment response by indicating that they considered this a courtesy review, so they did not believe a response was necessary at this time. He indicated that they would be addressing the comments.

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Katrina Thomas swore in the applicant, Gary Parker.

Debbie Veit stated that it would be difficult, at this time, to discuss this matter because of the number of outstanding staff issues that need to be addressed. She suggested that the matter be tabled. Gary Parker indicated that he would not object to it being tabled.

General discussion followed. Items mentioned included:

- Traffic and parking issues
- Traffic-flow design including a round-about
- Transfer/lift station
- Lift station being private vs. city operated
- Number of building stories
- Capacity of the school – students, teachers and staff
- Possible Variance for plantings in the student parking area
- Use of the sports fields currently under construction
- Lighting impacts from the high school sports fields
- Energy-efficient solutions for the building

Gary Parker asked if he should attempt to respond to concerns at this time. Debbie Veit suggested that Mr. Parker simply note the concerns rather than attempt to respond. She added that he could plan to respond at the next meeting.

Debbie Veit did not open the meeting to the audience as this was determined to be a preliminary meeting.

MOTION by Jim Frana to table the High School BBB Site Plan Review to the April 6, 2009, P&Z meeting.

SECONDED by Charlie Humphries.

Debbie Veit called for a vote.

APPROVED 7 – 0.

Resolution 2009-04 Conditional Use Permit

556-A South U.S. Hwy 27 – Trailside Plaza

Applicant: Louis and Noemi Santiago

Property Owner: Hubbard Carey Trustee and Tony Hubbard

Laura Jones opened the discussion by describing the matter for consideration. She also pointed out that there are no other Conditional Use Permits (CUP) in this district/building. Laura added that there is only one other CUP in the area and it is in a different district and building. Debbie Veit asked if the applicant or representative was present. Louis Santiago came forward.

Katrina Thomas swore in the applicant, Louis Santiago, as well as other audience members who planned to speak on any agenda items at this meeting.

Rick Roderick asked the number of members. Louis Santiago responded that they have

1 20 members at this time. Sherry Zielonka and John Flowers had no questions. Jim
2 Frana asked about hours of operation. Mr. Santiago responded that their services are
3 held on Wednesday and Sunday. He added that Wednesday services are from 7-9 pm
4 and Sunday services are from 2-3:30 pm.

5
6 Charlie Humphries asked the number of parking spaces allowed for the unit. Louis
7 Santiago responded that he was not aware of the number allowed; but he added that the
8 owner indicated they may use all parking areas. Charlie asked Laura Jones about the
9 number of CUP requests that would be considered too many. Laura responded that it is
10 not specifically identified in the Code. She added that it would be up to the board to
11 determine what is excessive. Charlie asked about signage. Mr. Santiago responded that
12 they may have a logo on the front door in addition to the standard sign over the
13 entrance. Joseph Saunders had no questions.

14
15 Jim Frana asked about outside use of the facility. Louis Santiago responded that it was
16 not planned at this time, but may occur in the future. Jim asked about special services.
17 Mr. Santiago responded that there are not many, but they occur during the normal
18 operating hours.

19
20 Ramon Flores, City Code Enforcement Office, came forward to speak. *Katrina Thomas*
21 *swore in Ramon Flores*. Ramon pointed out that any changes within the structure must
22 be approved by the Building Department. Louis Santiago responded that the only
23 changes they plan are curtains. He added there are no building alterations planned.

24
25 **MOTION by Charlie Humphries to recommend approval of Resolution 2009-04**
26 **with the request that City Council set requirements on hours of operation if they**
27 **believe that is appropriate.**

28 **SECONDED by Sherry Zielonka.**

29 **Debbie Veit called for a vote.**

30 **APPROVED 7 – 0.**

31
32 **Resolution 2009-03 Variance**

33 **408 West Pearl Street**

34 **Applicants/Property Owners: Angela Shields and Timothy Reilly**

35
36 Laura Jones opened the discussion explaining the request and criteria for providing a
37 Variance. Debbie Veit asked if staff wrote the notes on the fence site plan. Laura
38 responded that it was done by the applicant to indicate understanding of the applicable
39 Code. Debbie asked for clarification on whether this was done before the fence was
40 constructed; Laura responded in the affirmative. Debbie asked the applicant to come
41 forward. Timothy Reilly and Angela Shields came forward. *Both were sworn in, by*
42 *Katrina Thomas, earlier in the meeting.*

43
44 Angela Shields asked to clarify the situation. She stated that the placement of the fence
45 on the site plan was what she expected when completing the application; however,
46 when they started constructing the fence, they made the decision to place the fence in a
47 different location based on their interpretation of language on the application regarding
48 placement of a fence in an easement. Ms. Shields stated that the decision they made

1 was based on aesthetics. She continued by stating that it would be an economic
2 hardship for them to move the fence.
3
4 Rick Roderick commented that, while he understood the applicants' frustration, he was
5 not clear on when the applicant found that they constructed their fence in the right-of-
6 way not an easement. Angela Shields responded that Code Enforcement came down
7 and then came back later. She stated the person, named Lance, said he checked with his
8 boss and it was fine. Ms. Shields could not remember the other person's name. Debbie
9 Veit clarified that Mark Odell was the name mentioned in Ms. Shields' letter. Ms.
10 Shields added that subsequently Laura Jones came to the site and then the mayor. Rick
11 concluded that his concern was that this is a right-of-way not an easement.
12
13 Sherry Zielonka stated that she also understood the applicants' comments but expressed
14 concern about the cost of removing a fence in the right-of-way should the City need to
15 use it. Angela Shields responded that they were willing to take the chance and they
16 would bear the expense if the fence must to come down. John Flowers had no
17 questions.
18
19 Jim Frana advised that he discussed this matter with the Planning staff as well as Code
20 Enforcement. He pointed out that there was discussion between the applicant and staff
21 regarding placement before the fence was constructed. Jim added that the neighbor's
22 fence is much further back. Angela Shields disagreed. Jim also commented on his
23 discussion with Code Enforcement regarding the issue of fence height. Ms. Shields
24 again disagreed indicating that she felt the height was not an issue.
25
26 Jim Frana commented that a Variance requires hardship. He also expressed concern
27 with the fence posts being anchored in concrete. Tim Reilly addressed this matter,
28 stating that there is only one bag of cement per pole and these would come out fairly
29 easily if required. Mr. Reilly continued stating that they would prefer to only take the
30 fence down if it was required at a later time. Jim stated that his concern is the fact that
31 they knew where the fence was to go, but they decided during construction to extend it
32 further out. Mr. Reilly responded that the day they built the fence he misread the plan.
33
34 Jim added that his concerns are that Variances create precedent and also that this is not
35 showing any true hardship. Angela Shields responded that it is definite economic
36 hardship. Jim also pointed out that they should have had the area marked for utilities
37 prior to doing work on the property. Ms. Shield countered that the water line is not
38 where it should be in the right-of-way, but it is on their property.
39
40 Debbie Veit asked Laura Jones to comment on placement of the water line. Laura
41 responded that she went to the site with Fred Miller, Superintendent of Water
42 Distribution, and they marked the water line after the fence was constructed. She
43 continued that constructing the fence in the original location would not interfere with
44 the water lines. Laura added that the fence is constructed seven and one-half feet
45 beyond the applicants' property line. Debbie asked for clarification on how the property
46 line was measured.
47
48 Ramon Flores came forward to respond that the measurements the staff uses are

1 approximate, but it is the responsibility of the property owner to have the exact
2 information before doing work.

3
4 Debbie Veit asked Ramon to explain his involvement. He responded that on January 2,
5 2009, he received information from the Planning Department that the fence did not pass
6 inspection. Ramon continued that he found the fence was constructed in the right-of-
7 way not an easement. He clarified that an easement is on private property, while right-
8 of-way is not on private property. Ramon added that he did not speak with the property
9 owners. He did post a warning for the fence to be removed from the right-of-way;
10 however, upon learning that a Variance application was filed, he stopped all Code
11 Enforcement proceedings until the Variance action is completed.

12
13 Jim Frana asked Ramon Flores about the height issue. Ramon responded that the
14 information he received from the Planning Department is that some places on the fence
15 is more than four-feet high. He added that he will need to go and verify that
16 information. Ramon advised that this is an active Code Enforcement case.

17
18 Joseph Saunders asked if Ramon could verify that the neighbor's fence is not on city
19 property. Ramon responded that he can verify that. He pointed out that on the property
20 facing Lakeshore the fence is on the side of the property and does not have to be
21 setback. Joseph asked if Ramon could verify that it is on the line, but not on city
22 property. Ramon responded that he could do that. Angela Shields countered that the
23 neighbor's fence was constructed in 1982 and it is on city property, but it was
24 constructed prior to current Code.

25
26 Charlie Humphries asked Ramon Flores how much of the fence was built when he first
27 went out to the site. Ramon responded that the entire fence was built, and he clarified
28 that the reason he went to the site was that the fence did not pass inspection. Charlie
29 asked the applicant if the water line was located when they called Sunshine One to
30 locate the utilities. Angela Shields responded in the affirmative.

31
32 Charlie stated that he felt this was disrespect for the permit. He continued with the
33 following observations: the applicant did the proper thing and applied for a permit; they
34 marked on the permit that the fence would be placed six feet back; stated in their letter
35 that they did not just put the fence up but gave thought to not placing the fence as
36 approved; one of the applicants stated, at this meeting, that he came out and didn't read
37 the permit and his men started putting up the fence.

38
39 Angela Shields interrupted stating that they interpreted what was on the back of the
40 permit. Tim Reilly stated that he wasn't sure what was on the plan, the property line or
41 variance, but he used his best judgment and marked six feet from the edge of the road.

42
43 Charlie Humphries stated that he does not agree with the applicants' assessment that
44 they need to cut a tree down; they may have to trim it. Ms. Shields interjected that then
45 they are back to where water line was placed. Charlie pointed out that after having the
46 permit and location of the water line, they should have come back to the City. Ms.
47 Shields again stated that she felt their interpretation was appropriate and any lay person
48 would interpret it similarly. Charlie concluded stating that the applicants' made the

1 choice to do what they wanted and to disregard the permit. He felt there were
2 conflicting statements presented in the letters and testimony.

3
4 Joseph Saunders had no questions, but stated that it appears the applicants did not
5 understand the difference between personal and city property – right-of-way means city
6 property. Having made that mistake, they are obligated to move the fence onto their
7 own property. Joseph stated he could not, personally, approve a Variance for a fence on
8 city property.

9
10 Debbie Veit opened the discussion to the audience; no one came forward; she closed
11 that portion of the meeting.

12
13 Debbie Veit commented on the reason and need for updating Code over time for the
14 betterment of the City. She added that the applicant should have contacted the City
15 immediately upon realizing there was an issue about where they placed the fence.
16 Debbie indicated her opinion that City Council should not approve this Variance.

17
18 Jim Frana commented on applicants' reference to hardship. He added that the hardship
19 must be there before construction, not created by constructing something that is not
20 allowed. Debbie Veit pointed out that financial hardship is not even grounds for a
21 Variance. She continued with her concern that this would set a precedent by after-the-
22 fact approval of something that was not allowed by Code. General discussion
23 continued.

24
25 Ramon Flores stated that a Variance is only allowed to be granted on private property.
26 Katrina Thomas added that she also did not feel a Variance was appropriate. Angela
27 Shields interrupted saying that she wanted to apply for a Right-of-way Utilization
28 permit, but she was told that the Planning Department was not familiar with that permit.
29 Further general discussion continued.

30
31 **MOTION by Jim Frana to recommend denial of Resolution 2009-03 and to**
32 **recommend to City Council that the applicant be required move the fence back**
33 **where it was originally approved and if there is an issue of the water line that they**
34 **move it back an additional foot.**

35 **SECONDED by John Flowers.**

36 **Debbie Veit called for a vote.**

37 **APPROVED 7 – 0.**

38
39 Charlie Humphries asked if the City Attorney could research and advise, for future
40 reference, if it is illegal to grant a Variance on public property. Katrina Thomas
41 responded in the affirmative.

42
43 **Ordinance 2009-06 School Concurrency**
44 **Amending the Land Development Code**

45
46 Tim Green opened the discussion explaining the purpose of this Ordinance. He
47 explained that this is not a discussion of capacity issues. He added that this document is
48 to add the language to our Code – this is the implementing Ordinance.

1 Rick Roderick asked if this was mandated by the State. Tim Green responded in the
2 affirmative, but pointed out that there is currently a Bill in the Legislature to eliminate
3 concurrency. Sherry Zielonka asked if this model is being adopted by all Lake County
4 communities. Tim responded that it has not as yet been adopted by all communities, but
5 each is working on it in some form. John Flowers also asked about the model. Jim
6 Frana commented that this is basically a formality because it must be in our Code.
7 Charlie Humphries and Joseph Saunders had no questions. Debbie Veit asked about
8 the several terms in the document. Tim responded by defining each item and with Gary
9 Parker of Lake County Schools also providing information. General discussion
10 continued.

11
12 Debbie Veit opened the discussion to the audience; no one came forward; she closed
13 that portion of the meeting.

14
15 **MOTION by Jim Frana to recommend approval of Ordinance 2009-06 School**
16 **Concurrency with correction of typographical error.**

17 **SECONDED by John Flowers.**

18 **Debbie Veit called for a vote.**

19 **APPROVED 7 – 0.**

20
21 **Discussion:**

22
23 Debbie Veit asked about the recommendations discussed at the February 5th workshop.
24 Laura Jones responded that the staff is working on those and, although they are not
25 scheduled for the next Council meeting, they are being prepared. Debbie would like the
26 Council to comment on the recommendations rather than a formal Ordinance, and she
27 would like the items added for discussion at the next meeting. Debbie Veit requested
28 that parking, and related items, be added to the agenda for discussion at the next
29 meeting. Joseph Saunders asked that it include distance and slope for driveways. Laura
30 Jones responded that she will look into it.

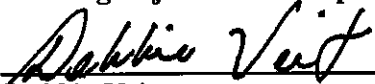
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32 Sherry Zielonka asked for a presentation with visuals for the High School BBB at the
33 next meeting.

34
35 Charlie Humphries pointed out for the record that, regarding the matter of Resolution
36 2009-03, the applicants' letter to Council indicated that "the mayor who had been less
37 than supportive" which contradicts statements that were made during earlier discussion
38 indicating that the mayor was in support of the placement. Debbie Veit reminded the
39 board that Victor Ortega was not present at this meeting to relay the discussion to the
40 Council so members may want to be present at the Council meeting.

41
42 **MOTION by Jim Frana to adjourn.**

43 **SECONDED by John Flowers.**

44 **Meeting adjourned 9:53 p.m.**

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46 
47 **Debbie Veit**

48 **Chairperson, Planning and Zoning**

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Minutes Written by:

Rose LaQuaglia Folan

Rose LaQuaglia Folan

Administrative Assistant, Planning Dept.

Attest:

Janet McDaniel

Janet McDaniel

City Clerk

