

**MINUTES
TOWN OF MONTVERDE
LOCAL PLANNING AGENCY**

April 11, 2017

The Local Planning Agency met in special session on Tuesday April 11, 2017 at 7:00 pm in the Town Hall Auditorium.

Members Present:

President, Jim Peacock
Vice President, Jim Ley
Billy Bates
Glenn Burns
Judy Smith

Staff Present:

Joe Wynkoop, Mayor
Graham Wells, Town Clerk, Treasurer
Terry Burden, Public Works Director
Kevin Rausch, Fire Chief
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

The Mayor called the Local Planning Agency Meeting to order at 7:02 pm. and led the Pledge of Allegiance.

The invocation was given by Arch Fisher, pastor from United Methodist Church Montverde

Roll call was performed, and it was determined that a quorum was present.

PUBLIC HEARING

MONTVERDE ACADEMY – APPLICATION AMENDMENT TO FUTURE LAND USE

Montverde Academy own six properties that they have requested to be rezoned from Residential to Public Facility - Institutional with a corresponding amendment to the Future Land Use. The properties are located at 17215 9th St, Montverde, Florida (ALT Key No. 1591651); 17404 9th St (ALT Key No. 1531250), Montverde, Florida; 16751 Porter Ave (ALT Key No. 1765994), Montverde, Florida; 17351 8th St (ALT Key No. 1531276), Montverde, Florida; 17329 10th St (ALT Key No. 2565225), Montverde, Florida; and 17243 9th St (ALT Key No. 1531438), Montverde, Florida.

The role of the Local Planning agency is to review the application to amend the Future Land Use in the Comprehensive Plan and make recommendation to the Town Council.

ORDINACE 2017-06 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 16751 PORTER AVE, MONTVERDE – AK 1765994.

Anita Geraci-Carver read the ordinance title. Town Planner *Sean Parks* explained that this was a future land use map amendment from Single Family Affordable Home to Public Facilities – Institutional, not to be confused with the rezoning of the property. He added that the use was appropriate for schools.

Mr. Jimmy Crawford, attorney in Lake County for twenty two years and representing Montverde Academy introduced himself. He said that the issues are mostly the same on all the properties being voted on although some are different. He agreed with the staff report for this property and would respond to resident’s questions.

Councilman Bates said he thought it was already Public Facilities on the Future Land Use. *Mr. Parks* responded that it was Single Family Affordable Housing and that the block where the properties are adjacent to each other have different zoning; they are all listed in the staff report. *Councilman Peacock* asked why the Academy was requesting the changes. *Mr. Crawford* said that several were being used for student housing and some for faculty housing. A neighbor to one of the properties had said that the properties were not zoned for student housing.

Dr. Kasey Kesselring, headmaster at MVA spoke to *Mr. Parks* who suggested that a resolution would be to rezone them to Public Facilities to make them consistent with the code. *Mr. Crawford* said that there was nothing in the code that says that they have to be related but to be good neighbors, the Academy agreed to go ahead with the rezoning. Several of the properties do not match the zoning with the future land use so it is a good opportunity to clean it up.

Councilman Peacock asked if the school planned to house students in the properties indefinitely. *Dr. Kesselring* said that this one is used for faculty housing; the Facilities Manager uses it. He added the current use of the six properties.

- AK1765994 Faculty
- AK1531250 Vacant being remodeled – Will be faculty
- AK1531276 Student Housing
- AK2565225 Student Housing
- AK1591651 Student Housing
- AK1531438 Multi-purpose sports field

Plans were being drawn up now for a new two story dormitory. The Board of Trustees have designated parcel AK1531438 (sports field) as the desired site. This would take students out of the houses and in to the dormitory. He added that it was uncertain as to how soon this will be as it is dependent on capital funding. *Councilman Peacock* asked what the houses would be used for once the students move out. *Dr. Kesselring* said that they would be used to house faculty members.

Councilman Peacock asked if the school had plans to demolish any of the properties and construct anything school related. *Dr. Kesselring* replied that they had no plans right now.

Councilman Ley asked what size dormitory they were looking at. *Dr. Kesselring* said two stories, ninety beds. This would be big enough to move all the students out of the houses he confirmed.

Mr. Crawford said that he and *Dr. Kesselring* had talked since the P & Z meeting where the concern was that under Public Facilities use they could be used for a utility plant, sewer plant, electricity substation or other noxious uses right next to a residential neighborhood. They would be willing to eliminate that use through a developer's agreement or condition in the zoning on all of the parcels. *Mr. Parks* said that he could structure a zoning agreement and *Anita Geraci-Carver* agreed. *Mayor Wynkoop* asked that if Council agrees; the Academy would put restrictions on the uses. *Mr. Crawford* replied yes. *Councilman Peacock* asked *Ms. Geraci-Carver* that if the Academy sold the houses back to a resident; it would be zoned back. She replied yes.

Mayor Wynkoop opened public comment.

Sam Davis – 17520 Palm View Drive said that if they are doing it now; why they need to change it. *Mr. Crawford* responded that as it had been brought up, the Academy decided to come in and apply for the rezoning. He added that this is perceived by some as an adversarial process. This was not their intention at all. There is a history of a partnership and donations had been made to the Town. A sheet showing what they had done was entered into the records.

Mike Anderson – 17644 Doris Street said that there were fourteen students living in a two bedroom house next to him two years ago on Doris Street. How long is it going to be and how safe is it? *Dr. Kesselring* said that there weren't fourteen people living in the house but there were some in there and there were no complaints that he knew of. Students were relocated the following year to the central campus.

Sandy Baker – 17201 Ninth Street who lives adjacent to parcel 1591651 said her comments were more general than specific. This is not about the number of children living in the home. Other than septic issues it is more about the property values. This neighborhood will be devalued as potential buyers will not want to buy surrounded by homes with kids in. She respectfully asked the Council to protect values and quality of life by rejecting this application.

Councilman Ley asked if she was concerned just about the property next to her or about all the properties. If the Academy took this property off the table; would this be a good compromise? *Ms. Baker* said that it would help. *Ms. Geraci-Carver* agreed that if the zoning remained unchanged, it was legal for the Academy to house children in it. *Ms. Baker* said that this made her more comfortable.

Councilman Bates said that hers was the only property that the Academy did not own. His thought process was that they already own the properties on either side of her and the campus across the street. This is just a rezoning matter, not a use change but just bringing it in line with the zoning. We cannot prevent them from using it to house children.

Dr. Kesselring said it was zoned R1 and not for that use. The Academy went to the Town and asked how we can address this issue for this and the other properties owned by the Academy. All the properties on the block have been owned since 1991. The Academy is attempting to comply with the correct zoning. If we were going to clean up the use, we would do it for all the properties adjacent to the campus.

Mr. Roger Perkins – 17620 Doris Street asked if they build a new dorm, how they would deal with the extra sewage. *Dr. Kesselring* said that the sewer plant is running below capacity. There is still capacity which it has been determined will cope with a new dorm.

David Baker – 17201 Ninth Street said that a conditional use permit was a reasonable solution as recommended by the Planning and Zoning Board which unanimously voted to reject this application. All of Ninth Street was zoned for single family home; the rezoning would affect the value of their home.

Allen Hartle – 16191 Hillside Circle who is on the P & Z Board said that they had suggested a conditional use permit for two years which after listening to both sides provided a short term solution. He opined that Montverde Academy was in violation of State of Florida regulations on the septic tanks on these houses. He asked if the fire chief had inspected the properties as he was concerned for the safety of the children.

Dr. Kesselring said that the focus seemed to be on the septic system and the impact on the lake. He reminded people that all the properties around the lake were on septic but offered to route the septic on these properties to the sewer system if that is what was wanted. *Sean parks* addressed the concerns about the precedent set by approving ordinances affecting the other properties that the Academy owned and explained the principal of spot zoning.

Mr. Crawford said that he did not believe that the Academy was in violation of any laws of public health, fire, sewer or access issues. They are open to inspection by any state agency. There is no law that states that you have to increase the size of the septic tank if you have more people living there. It is based on the square footage of the house.

Mayor Wynkoop closed public comment and passed it back to Council. *Councilman Ley* asked *Allen Hartle* how the Planning and Zoning Board came to their decision. *Mr. Hartle* read the motion from the minutes of the Planning and Zoning meeting held on February 6, 2017.

MOTION by Sandy Baker, SECONDED by Karin Arellano, to recommend to Council that the zoning not be changed, the zoning remain as it is but that a Conditional use be considered to accommodate the Academy's need for housing with a time certain until they can get dorm built.

Councilman Burns suggested that this be tabled to a later date to allow people to cool down and seek a compromise.

Mr. Crawford said that we have an idea that may help this out. There is no new information to come out if this is postponed. Other than the septic and the building permit issues the main issue is the property north of the Bakers house.

He said that the Academy would be willing to pull this property from the application and apply for a conditional use permit, even though they do not believe that they were required to have one, to be allowed to house students until a dorm is built. They would move on with the others with the restriction that they cannot be used for utilities.

Councilman Bates said that he was not in favor of a Conditional use Permit and asked Dr. Kesselring if the Academy would be willing to connect the properties to the sewer system for those that were not already on it.

Chris Mitchell (an employee of the Academy) said that as he had recused himself from commenting or voting at the P & Z Board meeting, Council should know that Sandy Baker (also a member of the Board) led the conversation and the motion. She has a conflict of interests due to her impending improvements to the property and her desire to sell it.

Sam Davis (resident) said that knowing Ms. Baker for forty years and her being only one member of the Board, Mr. Mitchell's comment was out of line.

At this point Mayor Wynkoop recapped the offer from Mr. Crawford that the Academy is willing to withdraw the property AK1591651 and reapply for a Conditional Use Permit. The other five properties would go forward and they have agreed to hook up the homes to the sewer system. *Mr. Crawford* said that they also agree to eliminate utility uses from the Public Facility zoning.

Councilman Bates clarified that they would add three to the sewer system if need be with no utility or sewer plant and they would remain as student housing. *Mr. Crawford* responded that they would want to keep the other Public Facilities uses but eliminate the noxious uses. He added that the record from this hearing be incorporated into the Council meeting minutes so that we don't have to go through this all again.

The Mayor called for a motion on Ordinance 2017-06 (AK1765994) for a recommendation to Council for the future land use amendment.

Councilman Peacock said that if there is nothing preventing the current use, were they trying to fix something that was not broken. We should just issue the conditional use permit for the two years to enable them to build a new dorm. If we change the future land use, what is to prevent you doing something else with the property down the line? It is a concern to some people.

Mr. Crawford responded that the reason it was not a good option for the School was uncertainty. The school needs to know what they are able to do with them in future. He believed that Public Facilities Institutional was consistent once they eliminate the noxious uses. Being no further discussion a motion was made.

**MOTION by Councilman Bates to recommend to Council to adopt Ordinance 2017-06;
SECONDED by Councilman Ley
For: Bates, Burns, Ley, Peacock
Against: Smith
MOTION CARRIED 4-1**

**ORDINACE 2017-02 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR
THE PROPERTY LOCATED AT 17215 NINTH STREET, MONTVERDE – AK 1591651.**

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to table Ordinance 2017-02 to a future time; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINACE 2017-04 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17404 NINTH STREET, MONTVERDE – AK 1531250.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Ley to recommend to Council to adopt Ordinance 2017-04; SECONDED by Councilman Bates

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINACE 2017-08 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17351 EIGHTH STREET, MONTVERDE – AK 1531276.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Peacock to recommend to Council to adopt Ordinance 2017-08; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

ORDINACE 2017-10 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17329 TENTH STREET, MONTVERDE – AK 2565225.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to recommend to Council to adopt Ordinance 2017-10; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock

Against: Smith

MOTION CARRIED 4-1

ORDINANCE 2017-12 AMENDING THE COMPREHENSIVE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 17243 NINTH STREET, MONTVERDE – AK 1531438.

Anita Geraci-Carver read the ordinance title. Mayor Wynkoop opened public comment and there being none closed public comment and passed it back to Council for discussion and a motion.

MOTION by Councilman Bates to recommend to Council to adopt Ordinance 2017-12; SECONDED by Councilman Ley

For: Bates, Burns, Ley, Peacock, Smith

Against: None

MOTION CARRIED 5-0

Being no further business a motion to adjourn was requested at 8:55 pm.

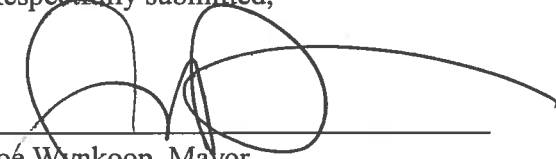
MOTION TO ADJOURN by Councilman Bates to adjourn; SECONDED by Councilman Peacock

For: Bates, Burns, Ley, Peacock, Smith


Against: None

MOTION CARRIED 5-0

Respectfully submitted,



Joe Wynkoop, Mayor



Jim Peacock, Council President

ATTEST:



Graham Wells, Town Clerk

