



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: November 14, 2019

Case No. and Project Name: VAR-19-42-1, Pacific Ace PUD Heritage Tree Removal

Applicant: John Miklos, Bio-Tech Consulting, Inc.

Owner: Pacific Ace Corp

Requested Action: Variance from the Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 to allow for the removal of nine (9) heritage trees to facilitate the development of a single-family subdivision.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 376 +/- acres

Location: East of US Highway 27, and north of Citrus Parkway, in the south Lake County area.

Alternate Key No.: 2561050, 1594880, 1412463, 1412374, 1412382, 1783321, and 1412366

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD)

Flood Zone: "X" and "AE"

Joint Planning Area/ ISBA: None

Overlay Districts: None

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Planned Unit Development (PUD)	Single-family residential	Adjacent to Orange Tree subdivision
South	Urban Low	Planned Unit Development (PUD)	Single-family residential	Adjacent to Citrus Highlands subdivision
East	Wellness Way 3	Planned Unit Development (PUD)	Single-family residential	Adjacent to Serenoa Village
West	Urban Low	Planned Unit Development (PUD)	Single-family residential	Adjacent to US Highway 27

Summary of Request.

The subject properties comprise a total of 376 +/- acres and are generally located east of US Highway 27, and north of Citrus Parkway, in the south Lake County area. The properties are currently undeveloped, are zoned Planned Unit Development (PUD) in accordance with Ordinance #2019-22, and are designated as Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan.

Staff is currently reviewing a preliminary plat application for the development of a single-family subdivision as allowed pursuant to Ordinance #2019-22. During the review of the tree removal data, it was discovered that the property contains nine (9) heritage trees which require removal due to the location of infrastructure for the subdivision. The subject heritage trees contain a cumulative total of four-hundred forty-five (445) caliper inches. Pursuant to LDR Section 9.02.10.F.2, removal of a heritage tree is prohibited unless it poses a danger to persons or property. The location and size (in caliper inches) of the nine (9) heritage trees included in the variance request are depicted on the tree survey (Attachment "A") as NO T-1, NO-T2, NO-T3, NO-T4, NO-T8, NO-T9, NO-T10, NO-T11, and NO-T13.

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

"All heritage trees proposed for removal will be replaced via mitigation."

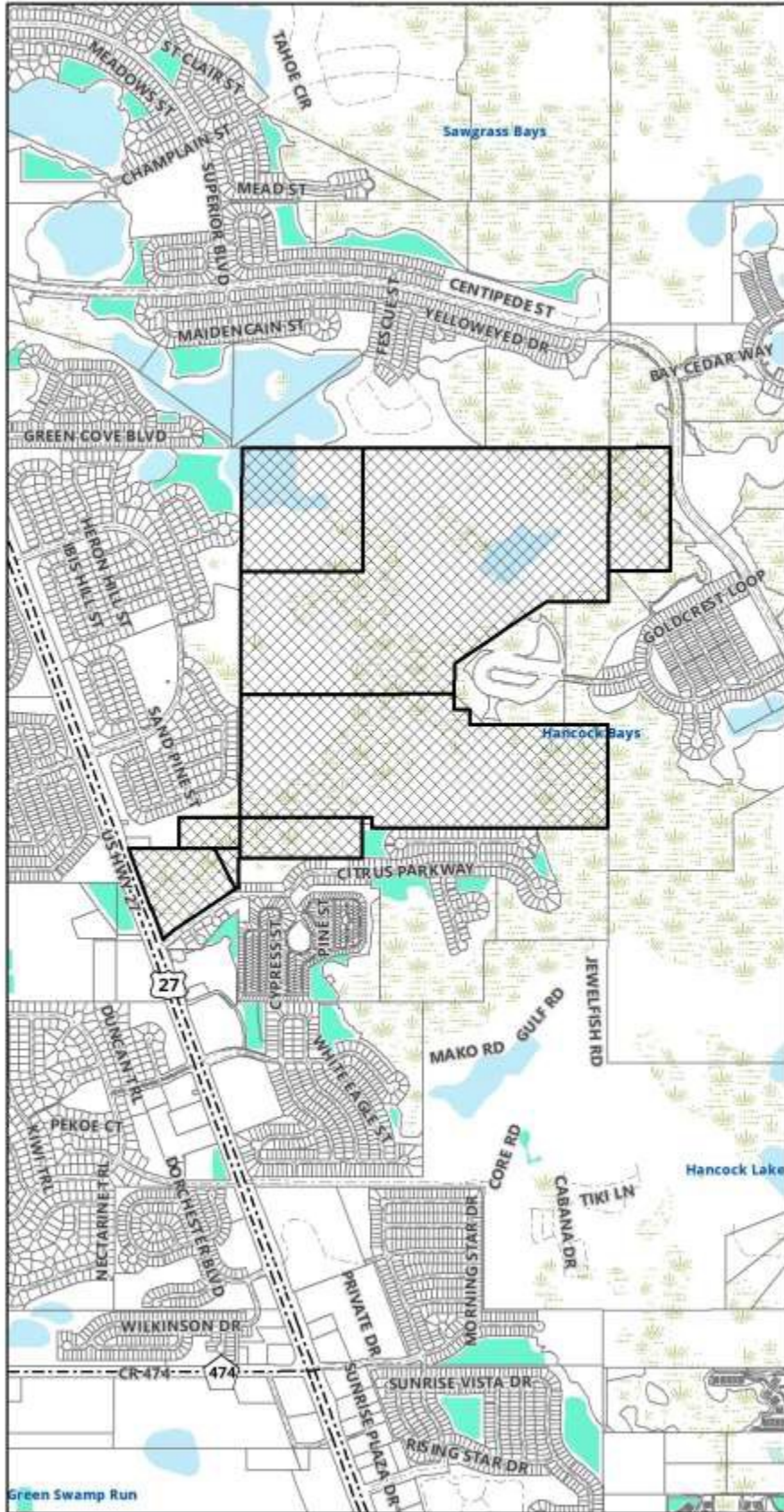
The intent of the Code, LDR Section 9.02.00, is to recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.

2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

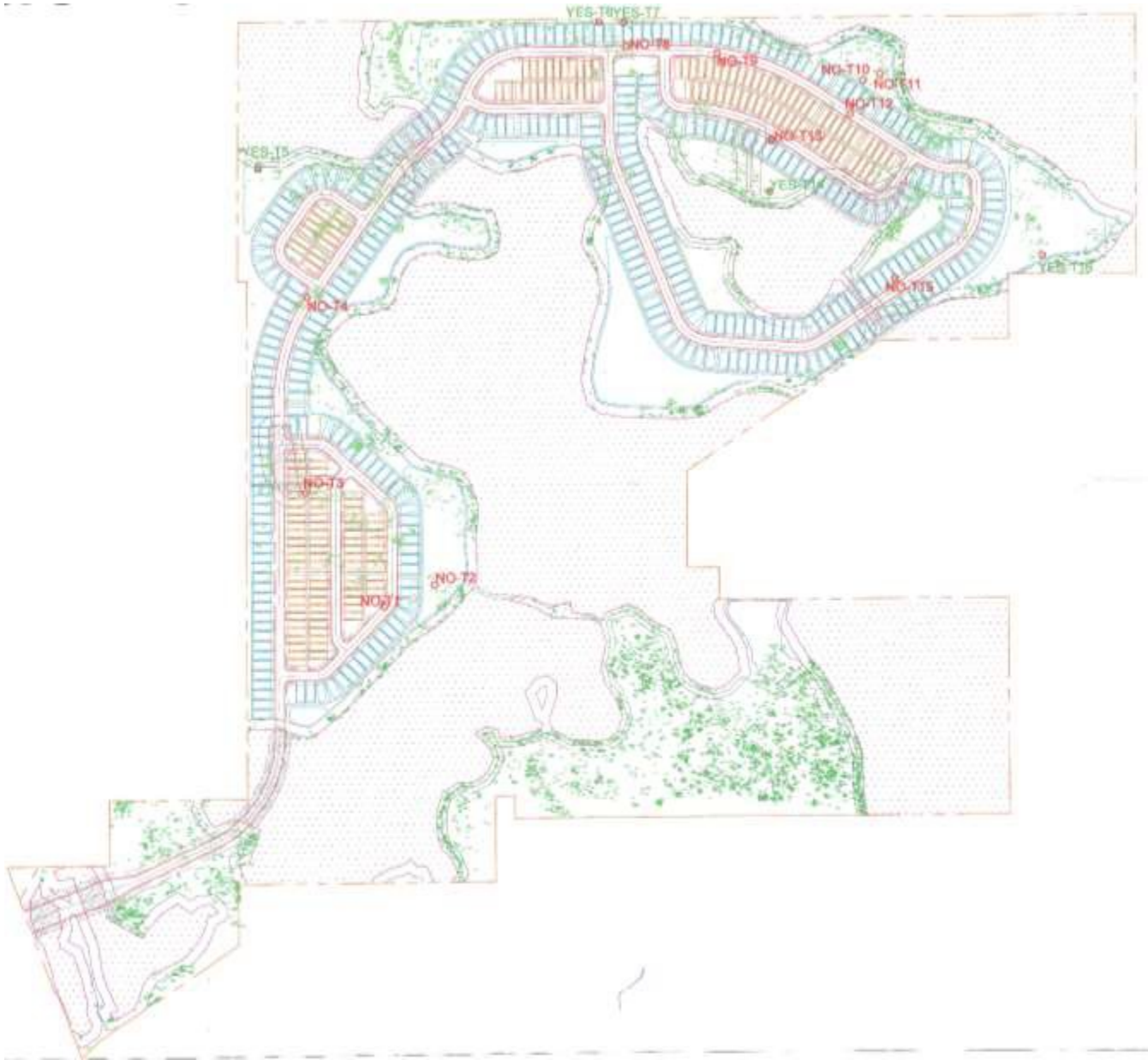
"Location of roads, infrastructure and stormwater management system within the proposed development." Please see the attached letter of support (Attachment "B").

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

Map of Subject Property



Attachment "A" – Tree Survey and Size Data



Tree Number	Total Caliper dbh (in.)
No 1 - Sand Live Oak	65"
No 2 - Sand Live Oak	44"
No 3 - Sand Live Oak	48"
No 4 - Sand Live Oak	60"
No 8 - Sand Live Oak	40"
No 9 - Sand Live Oak	54"
No 10 - Sand Live Oak	42"
No 11 - Sand Live Oak	40"
No 13 - Sand Live Oak	52"

Total = 445"

Attachment "B" – Letter of Support

August 29, 2019

Ms. Christine Rock
Lake County Office of Planning & Zoning
315 West Main Street
Tavares, FL 32778

**Re: Pacific Ace Project Site
Variance Application**

Dear Christine:

This letter is sent in support of the Variance Application, prepared by Bio-Tech Consulting, Inc., for the subject site.

The applicant seeks a variance to remove nine Heritage Trees from the property. A concerted effort is being made during the design phase to avoid and maintain many of the Heritage Trees on this property. The trees that are proposed for removal are unavoidable for the reasons that follow.

Several of the existing Heritage Trees are within the proposed development footprint of the project, meaning that the trees lie within areas that require significant fill to develop the site infrastructure to serve the development. Seven of the existing Heritage Trees are in or adjacent to proposed subdivision roads.

The existing site characteristics allow for limited opportunities for development due to the large, irregular-shaped wetland systems that run throughout and adjacent to the property. In several instances, the developable areas between the wetland systems and wetland setback areas are constrained and do not yield sufficient land to allow for grade transitions from the dripline of the existing Heritage Trees (approximately one foot for every inch in diameter). If the proposed roadways and lots were shifted roughly 84 feet, to accommodate the driplines of the trees, the remaining developable footprint would be insufficient to develop the project.

Based on the above rationale, we respectfully request the Board of Adjustments issue an approval for this request.

Sincerely,
HEIDT DESIGN, LLC

Gary D. Miller, P.E.
Senior Project Manager

CC: Brian Martin, American Land Development
John Mirkos, Bio-Tech Consulting, Inc.
Dan O'Keefe, Shutts & Bowen

RECEIVED

AUG 29 2019

BY: CR via email



HEIDT
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Engineering Business Certificate of Authorization No. 28782
Landscape Architecture Business Certificate of Authorization No. 1C26000405

**Final Development Order
VAR-19-42-1
Pacific Ace PUD Heritage Tree Removal**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John Miklos, Bio-Tech Consulting, Inc (the "Applicant"), on behalf of Pacific Ace Corp (the "Owner"), made a variance request to Land Development Regulations (LDR) Section 9.02.10.F.2 to allow the removal of nine (9) heritage trees with a cumulative total of four-hundred forty-five (445) caliper inches to facilitate the development of a single-family subdivision; and

WHEREAS, the subject property consists of 376 +/- acres and is located east of US Highway 27, and north of Citrus Parkway, in the south Lake County area of unincorporated Lake County, in Sections 14 and 23, Township 24 South, Range 26 East, having Alternate Key Numbers 2561050, 1594880, 1412463, 1412374, 1412382, 1783321, and 1412366, and more particularly described in Exhibit "A"; and

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on November 14, 2019; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on November 14, 2019, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-19-42-1 to allow the removal of nine (9) heritage trees with a cumulative total of four-hundred forty-five (445) caliper inches to facilitate the development of a single-family subdivision with the following conditions:

1. The heritage trees may not to be removed until the landscape plan has been approved.
2. One hundred (100) percent of the total caliper inches of the removed heritage trees must be replaced, or the number of caliper inches to be preserved trees must exceed the amount to be removed.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 14th day of November, 2019.
EFFECTIVE November 14, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14th day of November, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did ___ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger

Exhibit "A" – Legal Description

DESCRIPTION: (Per First American Title Insurance Commitment File # 2037-4058187)

The land referred to herein below is situated in the County of Lake, State of Florida, and described as follows:

PARCEL 1:

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 24 South, Range 26 East, Lake County, Florida.

PARCEL 2:

The North 1/2 of the Southeast 1/4 of Section 14, Township 24 South, Range 26 East, Lake County, Florida.

PARCEL 3:

The Southeast 1/4 of the Southwest 1/4 of Section 14, Township 24 South, Range 26 East, Lake County, Florida, LESS the 50 foot road right-of-way existing along the West side thereof.

PARCEL 4:

The South 1/2 of the Southeast 1/4 of Section 14, Township 24 south, Range 26 East, Lake County, Florida, LESS AND EXCEPT the following described tract or parcel of land:

Begin at the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4; thence run Westerly to the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14; thence run Southwesterly to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; thence run Southerly to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4; thence run Easterly along the South Section line of said Section 14 to the Southeast corner thereof; thence run Northerly along the East line of said Section to the Point of Beginning.

PARCEL 5:

North 116.94 feet of the South 1/2 of the Northeast 1/4, LESS the West 100 feet thereof; the South 3/4 of the Northeast 1/4 of the Northeast 1/4; the West 3/4 of the Northwest 1/4 of the Northeast 1/4; the South 3/4 of the East 1/4 of the Northwest 1/4 of the Northeast 1/4; the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, all in Section 23, Township 24 South, Range 26 East of the Tallahassee Meridian.

PARCEL 6:

Northeast 1/4 of the Northwest 1/4 of Section 23, Township 24 South, Range 26 East, Lake County, Florida, LESS the 50 foot road right-of-way existing along the West side thereof.

Parcel 7:

The North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23, Township 24 South, Range 26 East, Lake County, Florida.

PARCEL 8:

The South 3/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23, Township 24 South, Range 26 East, Lake County, Florida, lying East of the East boundary of the U.S. Highway #27 right-of-way and North and West of existing graded road, more particularly described as follows: Begin at a point 1338.3 feet East of the Northwest corner of said Section 23, said point being on the center line of a private road; thence run along the center line of said road right-of-way as follows: Run South 00°20'00" West, 959.90 feet; thence run South 54°46'00" West, 142.20 feet; thence run South 36°09'00" West, 235.6 feet; thence South 32°11'00" West, 331.80 feet; thence run South 24°34'00" East, 347.00 feet; thence South 35°10'00" East, 184.2 feet; thence run South 12°04'00" East, 139.10 feet; thence South 58°11'00" West, 822.50 feet; thence South 47°15'00" West, 147.00 feet.

PARCEL 9:

The North 1/2 of the Southeast 1/4 of the Northwest 1/4, Section 23, Township 24 South, Range 26 East, LESS AND EXCEPT the South 225.00 feet thereof.

PARCEL 10:

The Northeast 1/4 of the Southwest 1/4 of Section 14, Township 24 South, Range 26 East, Lake County, Florida.

Exhibit "A" – Legal Description, Continued

THE ABOVE DESCRIBED PROPERTY PER THIS SURVEYOR BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A portion of the Southwest 1/4, lying in Section 13, a portion of the Southeast 1/4 and a portion of the Southwest 1/4 of Section 14, and a portion of the Northeast 1/4 and a portion of the Northwest 1/4 of Section 23, all lying in Township 24 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

COMMENCE at the West 1/4 corner of Section 23, Township 24 South, Range 26 East, Lake County, Florida; thence North 89°53'37" East, a distance of 515.14 feet along the South line of the Northwest 1/4 of said Section 23 to the East Right of Way line of US Highway 27, also known as State Road 25, as recorded on Right of Way Map Section No. 11200, F.P. No. 238421 1; thence North 20°16'55" West, a distance of 10.12 feet along said East Right of Way line to the POINT OF BEGINNING; thence continuing North 20°16'55" West, a distance of 145.75 feet along said East Right of Way line to the Southeast line of a 33 foot Lateral Ditch as recorded on said Right of Way Map; thence along the Southeast line of said Lateral Ditch the following three (3) courses and distances, North 69°43'05" East, a distance of 55.73 feet; thence North 44°13'05" East, a distance of 602.65 feet; thence North 51°43'05" East, a distance of 796.92 feet to the most Easterly corner of said Lateral Ditch; thence North 38°16'55" West, a distance of 33.00 feet along the Northeast line of said Lateral Ditch to the most Northerly corner of said Lateral Ditch; thence along the Northwest line of said Lateral Ditch the following three (3) courses and distances, South 51°43'05" West, a distance of 801.08 feet; thence South 44°13'05" West, a distance of 597.35 feet; thence South 69°43'05" West, a distance of 48.27 feet to the aforesaid East Right of Way line; thence along said East Right of Way line the following four (4) courses and distances, North 20°16'55" West, a distance of 178.52 feet; thence South 69°30'33" West, a distance of 12.00 feet; thence North 20°17'32" West, a distance of 650.11 feet; thence North 16°24'17" West, a distance of 45.02 feet to a point on the North line of the South 3/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 23; thence North 89°53'18" East, a distance of 525.91 feet along said North line to the Southwest corner of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23; thence North 00°07'29" East, a distance of 331.37 feet along the West line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23 to the Northwest corner of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 23; thence North 89°53'12" East, a distance of 662.21 feet along the North line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 23 to the Southwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 23; thence North 00°07'45" East, a distance of 1325.56 feet along the West line of said Northeast 1/4 of the Northwest 1/4 of Section 23 to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 23; thence North 89°52'47" East, a distance of 50.00 feet along the North line of said Northeast 1/4 of the Northwest 1/4 of Section 23 to a point on a line 50 feet East of and parallel with the West line of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 24 South, Range 26 East; thence North 00°37'29" East, a distance of 1327.38 feet along said parallel line to the North line of said Southeast 1/4 of the Southwest 1/4 of Section 14; thence South 89°54'10" West, a distance of 50.00 feet along said North line to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 14; thence North 00°37'29" East, a distance of 1327.40 feet along the West line of said Northeast 1/4 of the Southwest 1/4 of Section 14 to the Northwest corner of said Northeast 1/4 of the Southwest 1/4 of Section 14; thence North 89°55'32" East, a distance of 1321.00 feet along said North line of the Northeast 1/4 of the Southwest 1/4 of Section 14 to the Southwest corner of the Northeast 1/4 of said Section 14; thence North 89°56'53" East, a distance of 2641.41 feet along the North line of the North 1/2 of the Southeast 1/4 of said Section 14 to the East 1/4 corner of said Section 14; thence North 89°53'13" East, a distance of 658.31 feet along the North line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 24 South, Range 26 East to the Northeast corner of said West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13; thence South 00°19'19" West, a distance of 1325.83 feet along the East line of said West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13 to the Southeast corner of said West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 13; thence South 00°18'37" West, a distance of 331.38 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 13; thence South 00°18'37" West, a distance of 331.38 feet along the East line of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 13; thence South 00°18'37" West, a distance of 331.38 feet along the East line of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14; thence South 89°54'49" West, a distance of 662.06 feet along South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 14; thence South 56°20'51" West, a distance of 1199.40 feet to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 14; thence South 00°27'29" West, a distance of 331.59 feet along the East line of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 14 to the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of said Section 14; thence South 00°08'27" West, a distance of 165.72 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of aforesaid Section 23 to the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 23; thence North 89°53'35" East, a distance of 165.77 feet along the North line of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 23 to the Northeast corner of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 23; thence South 00°08'29" West, a distance of 165.72 feet along the East line of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 23 to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of said Section 23; thence North 89°53'35" East, a distance of 1491.93 feet along the North line of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 23 to the Northeast corner of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 23 to the Northeast corner of said South 3/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23; thence South 00°08'46" West, a distance of 1111.24 feet along the East line of said South 3/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23 and the East line of the North 1/2 of the Northeast 1/4 of said Section 23 to the Southwest corner of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 23; thence South 89°53'36" West, a distance of 2552.15 feet along the North line of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 23 to the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 23; thence South 89°53'36" West, a distance of 100.00 feet along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 23 to the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 23 said point also being the Northwest corner of aforesaid Plat Book 64, Pages 23-24; thence South 00°08'16" West, a distance of 437.86 feet along the East line of the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 23 said line also being the West line of said Plat Book 64, Pages 23-24, to the Southeast corner of the North 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 23 said point also being the Southwest corner of said Plat Book 64, Pages 23-24; thence along the North line of Citrus Highlands Phase 1, according to the plat thereof, as recorded in Plat Book 45, Pages 91-93, Public Records of Lake County, Florida, the following four (4) courses and distances, South 89°53'24" West, a distance of 1324.36 feet along the South line of said North 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 23 to the Southwest corner of said North 1/2 of the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 23; thence South 00°07'45" West, a distance of 310.74 feet along the East line of the Southwest 1/4 of the Northwest 1/4 of said Section 23; thence South 56°27'48" West, a distance of 861.05 feet; thence South 45°51'24" West, a distance of 134.03 feet to the POINT OF BEGINNING.

Containing 380.31 acres more or less.