



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: April 5, 2023

Case No. and Project Name: VAR-22-58-3, Las Colinas Mission Inn

Owners: Sonoma Constructors Ltd. & Packing House By-Products Co.

Applicant: Suresh Gupta, Park Square Homes

Requested Action: Variance to Land Development Regulation (LDR) Section 9.02.10(F)(2) for the removal of twenty-one (21) heritage trees; and to LDR Section 6.01.04(A)(1) to allow for a proposed cul-de-sac, cart path, roadway, and lift station to be located less than 50-feet from the jurisdictional wetland line.

Case Manager: Janie Barron, Chief Planner

### Subject Property Information

Size: 83.91 +/- acres construction area

Location: Southwest of County Road 48, in the unincorporated Yalaha / Howey-in-the-Hills area

Alternate Key No.: 1209064, 1404363, 1801788, 3293657, 3800444, 1209056, 1209048, 1081173, and 3380762

Future Land Use: Urban Low Density and Rural Transition

Current Zoning District: Planned Unit Development (PUD) – by Ordinance #2005-107

Flood Zones: “A” and “X”

Joint Planning Area (JPA) / ISBA: Howey-in-the-Hills ISBA

Overlay Districts: N/A

### Adjacent Property Land Use Table

| Direction | Future Land Use   | Zoning  | Existing Use                 | Comments   |
|-----------|---|---|------------------------------|--|
| North     | Rural Transition, Urban Low Density, and Planned Unit Development | Agriculture (A), and Planned Unit Development (PUD) | Residential and Agricultural | Bella Vista / Sarabande PUD, Drake Point PUD, and Agriculturally Exempt parcels; adjacent to CR 48               |
| South     | Urban Low Density and Rural Transition                            | Agriculture (A), and Planned Unit Development (PUD) | Residential and Agricultural | Mission Inn PUD, and undeveloped Agriculturally-Exempt parcels with wetlands                                     |
| East      | Urban Low Density, Howey-in-the-Hills                             | Planned Unit Development (PUD), Howey-in-the-Hills  | Residential and Agricultural | Mission Inn PUD and Agriculturally-Exempt parcels annexed into the Town of Howey-in-the-Hills; adjacent to CR 48 |
| West      | Rural Transition  | Agriculture (A) and Estate Residential (R-2)        | Residential and Vacant       | Single-Family Residences and Vacant and Undeveloped Tracts with Wetlands   |

### Summary of Request.

The subject development areas comprise a combined 83.91 +/- acres, and takes in portions of Alternate Key Numbers 1209064, 1404363, 1801788, 3293657, 3800444, 1209056, 1209048, 1081173, and 3380762. The parcels are zoned Planned Unit Development (PUD) in accordance with PUD Ordinance #2005-107, and are designated with an Urban Low Density and Rural Transition Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject properties are located southwest of County Road 48, in the unincorporated Yalaha / Howey-in-the-Hills area; the subject properties are part of the Mission Inn Planned Unit Development.

A development application for a 247-lot single-family residential subdivision is currently under Preliminary Plat review by the Office of Planning and Zoning (Project No. 2022040011, Application No. 4832). The tree removal plan and landscape plan (Attachment "A") indicates the proposed removal of 21 heritage trees in varied conditions with a cumulative total of 1080-caliper inches; the applicant submitted a summary of the heritage trees to be removed to supplement the application (Attachment "B"). Additionally, during review of the Preliminary Plat, staff advised the applicant that several proposed impervious infrastructure improvements (cul-de-sac, cart path, roadway, and lift station) encroached upon the 50-foot wetland setback, required by LDR Section 6.01.04(A)(1); the proposed encroachments are depicted in the Plan Sheets of the affected development area (Attachment "C").

The applicant has requested a variance to LDR Section 9.02.10.F(2), to allow for the removal of 21 heritage trees with a cumulative total of 1080-caliper inches. Pursuant to LDR Section 9.02.10.B(1), trees with a 40-inch or greater trunk are considered heritage trees; removal of a heritage tree is prohibited under LDR Section 9.02.10.F(2), unless it poses a danger to persons or property. However, LDR Section 9.02.05.A(4) states that a tree removal permit may be issued when the location of the protected tree restricts use of the property consistent with all other County and state codes, statutes, ordinances, and resolutions, and site location modifications are not feasible or reasonable. The PUD and FLUC for the subject property are consistent with applicant's proposed use and site plan but require the removal of the protected trees that cannot be reasonably modified. Applicant is requesting a tree removal permit as part of seeking approval of their landscape plan. LDR Section 9.02.10.F(2) authorizes such a variance if approved by the Board of Adjustments. Pursuant to LDR Section 9.02.06.B, 100-percent of the total caliper inches of a removed heritage tree must be replaced or mitigated.

In addition, the applicant has requested a variance to LDR Section 6.01.04(A)(1) to allow for a proposed cul-de-sac, cart path, roadway, and lift station to be located less than 50-feet from the jurisdictional wetland line. Pursuant to LDR Section 6.01.04(A)(1), principal structures, structures, buildings, and impervious surfaces, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

The application was reviewed by the Lake County Public Works Department; the Public Works Department indicated that they have no comments nor objections to the request.

### 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.**

The intent of the Code, LDR Section 9.02.10, is to acknowledge the existence of certain trees within the County that are significant or unique due to factors such as age, size, historic significance, or type and to protect such trees through their designation as heritage trees.

The intent of the Code, LDR Section 6.01.04, is to conserve and protect wetlands, to ensure that the natural structure and functional values are maintained, and to maintain no net loss of wetlands

The Applicant provided the following statements as proof that the intent of the Code will be or has been achieved by other means:

*“Procedures to mitigate the removal of Trees specified in Lake County LDC Chapter IX, Section 9.02.06 Replacement Requirements will be complied with. Compliance with these procedures have been determined by Lake County to provide satisfactory mitigation for the removal of trees.”*

*“Procedures governing ‘wetland buffers’ are found in Lake County LDC Chapter IV Resource Protection Standards; 6.01.04 Development near Wetlands and Waterbodies. Passive recreation is an identified and allowed use within ‘wetland buffers.’ Pedestrian, bike and golf cart passive recreational use is an extremely low impact activity that can be carried out with little or disruption to that surrounding area. The proposed path shall not be accessible by vehicle and is located in the Upland 25’ of the proposed wetland buffer.”*

- 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.**

The Applicant provided the following statements as proof of a substantial hardship:

*“The unavoidable removal for trees is necessary and justified due to the mass grading and site development to construct Surface Water Management System, required infrastructure, and comply with site drainage requirement of Lake County. To retain the trees on site would impose a significant adverse economic impact upon the land owner. The subject development will provide the Tree Mitigation required by Lake County.”*

*“The unavoidable encroachment into the upland 25’ of Lake County’s 50’ buffer is necessary and justified to provide pedestrian pathways and sidewalks associated with the subject development. No impacts are proposed to the 25’ buffer directly adjacent to the jurisdictional wetlands. Lake County realizes the essential importance of walkways, pathways, and pedestrian connectivity. Pursuant to Policy III-2.5.13 Establish Minimum Buffer Requirements of Lake County’s Comprehensive Plan “walkways” are an allowed use within the 50’ Buffer.”*

- 3. Pursuant to LDR Section 14.15.04, a variance to the setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line may be granted if the following conditions are met:**

- A. The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993.**

The Mission Inn PUD was originally approved on December 21, 1993, by PUD Ordinance #44-93. On August 24, 2004, the Board of County Commissioners (BCC) approved Ordinance #2004-61, which amended Ordinance #44-93 to allow the recognition of approximately twenty-one (21) project areas and multifamily townhome residential condominium units. Furthermore, on December 20, 2005, the BCC approved Ordinance #2005-107, which amended Ordinance #2004-61 to allow the recognition of two-hundred five (205) project areas and revise the density, setbacks, recreational facilities, commercial space, building height and open space.

- B. All other remedies have been exhausted, such as a variance to all other setback requirements.**

The applicant has located residential lots and other non-infrastructure improvements outside of the 50-foot setback; the applicant is mitigating the wetland impacts with the relevant State agency.

- C. The maximum developable area shall be limited to 30-feet in width or depth.**

Wetland impact areas exceed 30’ X 30, but the applicant is mitigating the wetland impacts with the relevant State agency.

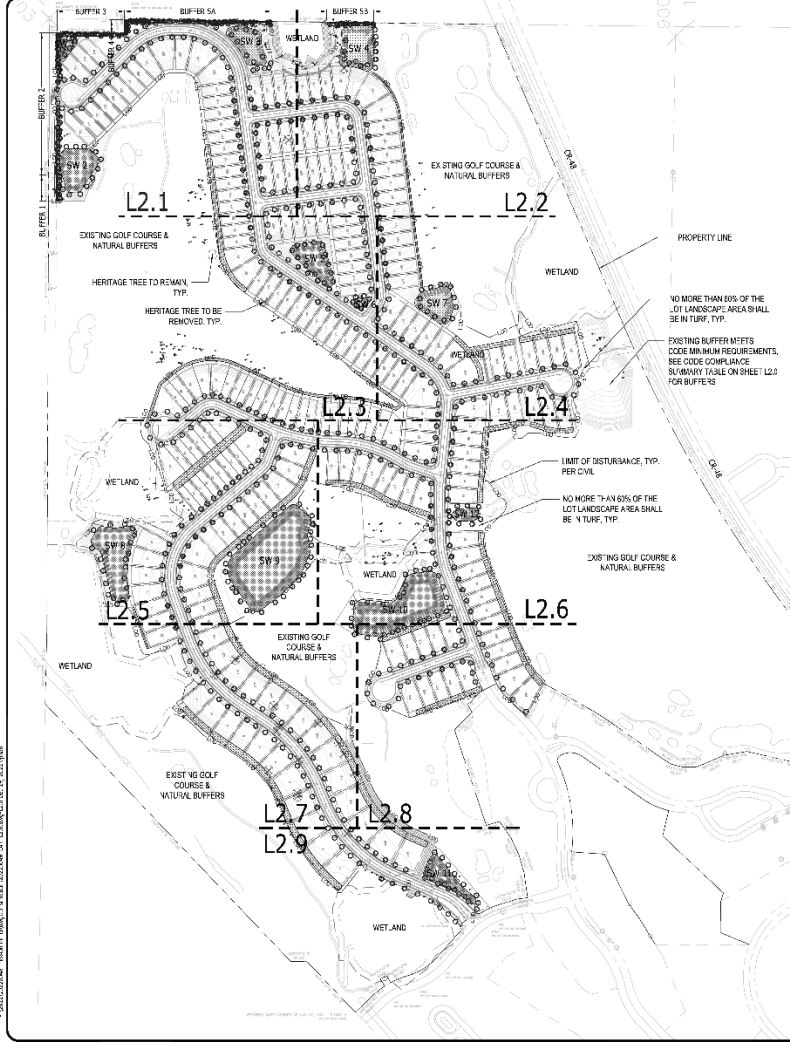
- D. The first one inch (1”) of storm water runoff shall be captured on site.**

This requirement has been addressed by a condition within the draft development order.

- E. Development is constructed as far landward on the lot as possible.**

The majority of development meets the wetland setback, and the proposed encroachments are located on the upland portion of the wetland buffer.

Attachment "A" – Tree Removal and Landscape Plan (Page 1 of 12)



| CODE COMPLIANCE SUMMARY TABLE   |  |
|---|--|
| REQUIRED  | PROPOSED   |
| <b>LANDSCAPE TREE DIVERSITY (9.01.05.B)</b><br>NO MORE THAN ONE-TWENTY (1/20) TREE PLANTED SHALL BE FROM THE SAME GENUS<br><b>BUFFER ALONG EAST PROPERTY, ADJ. CR-48 (SEE 9.01.06.A.2)</b>      | SEE PLANT SCHEDULE   |
| <b>BUFFER AREA TYPE A</b>   | EXISTING CONDITIONS MEET CODE MINIMUM REQUIREMENTS                     |
| <b>BUFFERS ALONG NW PROPERTY CORNER (SEE 9.01.06.B TABLES 1 &amp; 2)</b><br><b>BUFFER AREA TYPE B (2' WIDTH OPTION) =</b><br>(1) CANOPY TREES, (2) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED | 35' WIDTH<br>6 CANOPY TREES<br>3 ORNAMENTAL TREES<br>1 ROW OF SHRUBS   |
| <b>BUFFER 1. PUD X R 2 = BUFFER AREA TYPE B</b><br>125 LF = (1) CANOPY TREES, (3) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED  | 15' WIDTH<br>23 CANOPY TREES<br>13 ORNAMENTAL TREES<br>1 ROW OF SHRUBS |
| <b>BUFFER 2. PUD X A = BUFFER AREA TYPE B</b><br>277 LF = (4) CANOPY TREES, (6) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED  | 15' WIDTH<br>17 CANOPY TREES<br>7 ORNAMENTAL TREES<br>1 ROW OF SHRUBS  |
| <b>BUFFER 3. PUD X A = BUFFER AREA TYPE B</b><br>277 LF = (4) CANOPY TREES, (6) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED  | 15' WIDTH<br>17 CANOPY TREES<br>7 ORNAMENTAL TREES<br>1 ROW OF SHRUBS  |
| <b>BUFFER 4. PUD X A = BUFFER AREA TYPE B</b><br>62 LF = (2) CANOPY TREES, (2) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED   | 15' WIDTH<br>6 CANOPY TREES<br>2 ORNAMENTAL TREES<br>1 ROW OF SHRUBS   |
| <b>BUFFER 5A. PUD X A = BUFFER AREA TYPE B</b><br>630 LF = (10) CANOPY TREES, (13) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED   | 15' WIDTH<br>35 CANOPY TREES<br>14 ORNAMENTAL TREES<br>1 ROW OF SHRUBS |
| <b>BUFFER 5B. PUD X A = BUFFER AREA TYPE B</b><br>62 LF = (2) CANOPY TREES, (2) ORNAMENTAL TREES, (1) ROW OF SHRUBS REQUIRED  | 15' WIDTH<br>11 CANOPY TREES<br>5 ORNAMENTAL TREES<br>1 ROW OF SHRUBS  |
| <b>ALONG BOTH SIDES OF INTERNAL ROADS (9.01.06.C)</b><br>FRONT YARD TREES (1 TREE/50 LF)<br>10,833 LF OF ROAD / 50 = 217<br>217 X 2 (BOTH SIDES) = 434 TREES REQUIRED                           | 442 TOTAL<br>(436 NEW, 12 EXISTING)                                    |
| <b>RETENTION POND LANDSCAPING (9.01.07.1)</b><br>STORM WATER POND REQUIREMENTS - 3 TREES/150 LF WITHIN 40' OF TOB   |  |
| SW 1 - 298 LF = 6 TREES REQ.  | 6 TREES  |
| SW 2 - 372 LF = 12 TREES REQ.   | 12 TREES   |
| SW 3 - 552 LF = 12 TREES REQ.   | 23 TREES<br>(14 NEW, 7 EXISTING)                                       |
| SW 4 - 608 LF = 13 TREES REQ.   | 23 TREES<br>(13 NEW, 9 EXISTING)                                       |
| SW 5 - 597 LF = 12 TREES REQ.   | 13 TREES   |
| SW 6 - 211 LF = 5 TREES REQ.  | 6 TREES  |
| SW 7 - 516 LF = 11 TREES REQ.   | 12 TREES<br>10 TREES   |
| SW 8 - 892 LF = 18 TREES REQ.   | 29 TREES<br>(20 NEW, 1 EXISTING)                                       |
| SW 9 - 1238 LF = 25 TREES REQ.  | 28 TREES<br>(20 NEW, 1 EXISTING)                                       |
| SW 10 - 1132 LF = 23 TREES REQ.   | 15 TREES   |
| SW 11 - 850 LF = 13 TREES REQ.  | 15 TREES<br>(13 NEW, 2 EXISTING)                                       |

- LANDSCAPE NOTES:
- LANDSCAPE PLAN IS DESIGNED IN COMPLIANCE WITH LAKE COUNTY CODE.
  - LOT TREES TO BE INSTALLED AT THE TIME OF URLL CONSTRUCTION AND PRIOR TO OBTAINING CERTIFICATE OF OCCUPANCY.
  - CONTRACTOR TO ADJUST LOT TREES & STREET TREES LOCATION IF IT CONFLICTS WITH DRIVEWAY, UTILITIES, FIC, STORMWATER STRUCTURE WILL BE DESIGNED 5' OR DEEPER UNDERGROUND, STREET TREES ARE ALLOWED TO BE PLACED ON TOP OF STORMWATER STRUCTURES.
  - ALL IMPROVEMENTS SHALL COMPLY WITH THE FOOT FDM SIGHT DISTANCE REQUIREMENTS INCLUDING THE SUBDIVISION WALL AND LANDSCAPING.
  - RESIDENTIAL LOTS SHALL COMPLY WITH SECTION 9.01.08 CONCERNING MINIMUM NUMBER OF TREES PER LOT.
  - ANY TREES PROPOSED TO BE PRESERVED ON THIS APPROVED PSP TREE PRESERVATION PLAN THAT ARE SUBSEQUENTLY REMOVED, SHALL BE CONSIDERED A VIOLATION AND AS SUCH SHALL BE REPLACED (IN INCHES) ON SITE AT A 2:1 RATIO FOR NONSPECIMEN TREES AND AT 2.5:1 FOR SPECIMEN TREES PER SECTION 9.02.03 OF LAKE COUNTY CODE. AS AN ALTERNATIVE, THE VIOLATION MAY BE SATISFIED VIA PAYMENT INTO THE LAKE COUNTY TREE FUND OR BY SOME COMBINATION OF PAYMENT AND ONSITE PLANTING. THE CURRENT FEE, AS MAY BE AMENDED BY THE BCC, IS \$75.00 PER EVERY 2.5 CALIPER INCHES. MITIGATION MUST TAKE PLACE AT TIME OF PERMITTING (OR THE RECORDING OF THE PLAN, IF THE VIOLATION IS DISCOVERED PRIOR TO PLANTING). THE REMOVAL OF SUCH TREES, IF ANY, SHALL NOT RESULT IN A NET LOSS IN THE REQUIRED NUMBER OF TREES PER SECTION 9.02.06 OF LAKE COUNTY CODE.
  - TREE REMOVAL MITIGATION PER LOT IS THE RESPONSIBILITY OF EACH LOT OWNER AND SHALL BE CONSISTENT WITH THE TREE SURVEY / REMOVAL / REPLACEMENT PLAN.
  - ANY TREES PROPOSED TO BE PRESERVED ON THIS PLAN SHALL NOT HAVE ANY FILL OR EXCAVATION AT POINTS CLOSER THAN SIX FEET FROM THE BASE OF THE TREE OR AT THE RADII OF THE DRIP LINE OF THE PROTECTED TREE OR STAND OF TREES, WHICHEVER IS GREATER.
  - PAYMENT OF ANY TREE MITIGATION FEES SHALL TAKE PLACE PRIOR TO THE RECORDING OF THE PLAN.
  - A TREE PRESERVATION/MITIGATION PLAN IS INCLUDED WITH THIS PRE-PLAT SUBMITTAL. DUE TO FINAL SITE ENGINEERING EVALUATION, UP TO (BUT NO MORE THAN) 10% OF THE AMOUNT OF TREES (IN INCHES) SHOWN TO BE PRESERVED MAY BE REMOVED, PROVIDED SUCH REMOVALS ARE REFLECTED IN AN ADJUSTED TREE PRESERVATION/MITIGATION PLAN SUBMITTED AND APPROVED BY THE ZONING ADMIN OFFICE PRIOR TO REMOVALS. SUCH REMOVALS AND MITIGATIONS SHALL BE IN ACCORDANCE WITH REGULAR MITIGATION REQUIREMENTS, AND SHALL NOT BE CONSIDERED A VIOLATION. HOWEVER, ANY PROPOSAL OR REMOVAL OF MORE THAN 10% SHALL REQUIRE THAT THE TREE PRESERVATION/MITIGATION PLAN (AND PRE-PLAT) RETURN TO ONE FOR A CHANGE DETERMINATION, WHERE THE PROPOSAL FOR EXCESS REMOVAL MAY BE CONSIDERED A SUBSTANTIAL CHANGE, AND/OR MAY CONSIDER THE REMOVALS TO BE A VIOLATION OF THE TREE PRESERVATION/MITIGATION PLAN (AND PRE-PLAT) THEREBY REQUIRING PENALTY MITIGATION TO BE PROVIDED.
  - A PERMANENT IRRIGATION SYSTEM WILL BE DESIGNED FOR THE PURPOSE OF ESTABLISHING THE PLANT MATERIAL. LANDSCAPE WILL BE IRRIGATED BY AN AUTOMATIC SYSTEM WITH RAIN SENSOR.
  - THE IRRIGATION SHALL BE DESIGNED AND INSTALLED TO CONFORM TO CHAPTER 9 OF LAKE COUNTY CODE, FOLLOWING WATERWISE FLORIDA LANDSCAPES, FLORIDA WATER STAR SM PROGRAM, AND FLORIDA IRRIGATION SOCIETY STANDARDS.
  - WHERE STREET TREES ARE PROPOSED, NO TREES SHALL BE PLANTED WITHIN 75' OF THE STOP SIGN SIDE OF THE ROAD EXTENSION LINE.
  - NO MORE THAN 60% OF THE LOT LANDSCAPE AREA SHALL BE IN TURF.
  - PROPERTY OWNERS ARE ENLINED TO IMPLEMENT COUNTY-APPROVED LOW IMPACT DEVELOPMENT TECHNIQUES FOR STORM WATER MANAGEMENT AND CAPTURE OR FLORIDA FRIENDLY LANDSCAPING ON HIS/HER LAND.



**Catalyst DESIGN GROUP**  
10000 W. STATE ROAD 112, SUITE 100, LAS COLINAS, TX 75041  
TEL: 972.440.1100 FAX: 972.440.1101 WWW.CATALYSTDESIGN.COM

**Park Square HOMES ENTERPRISES, LLC**

60% CONSTRUCTION DOCUMENTS  
**MISSION INN**  
LAKE COUNTY, FLORIDA

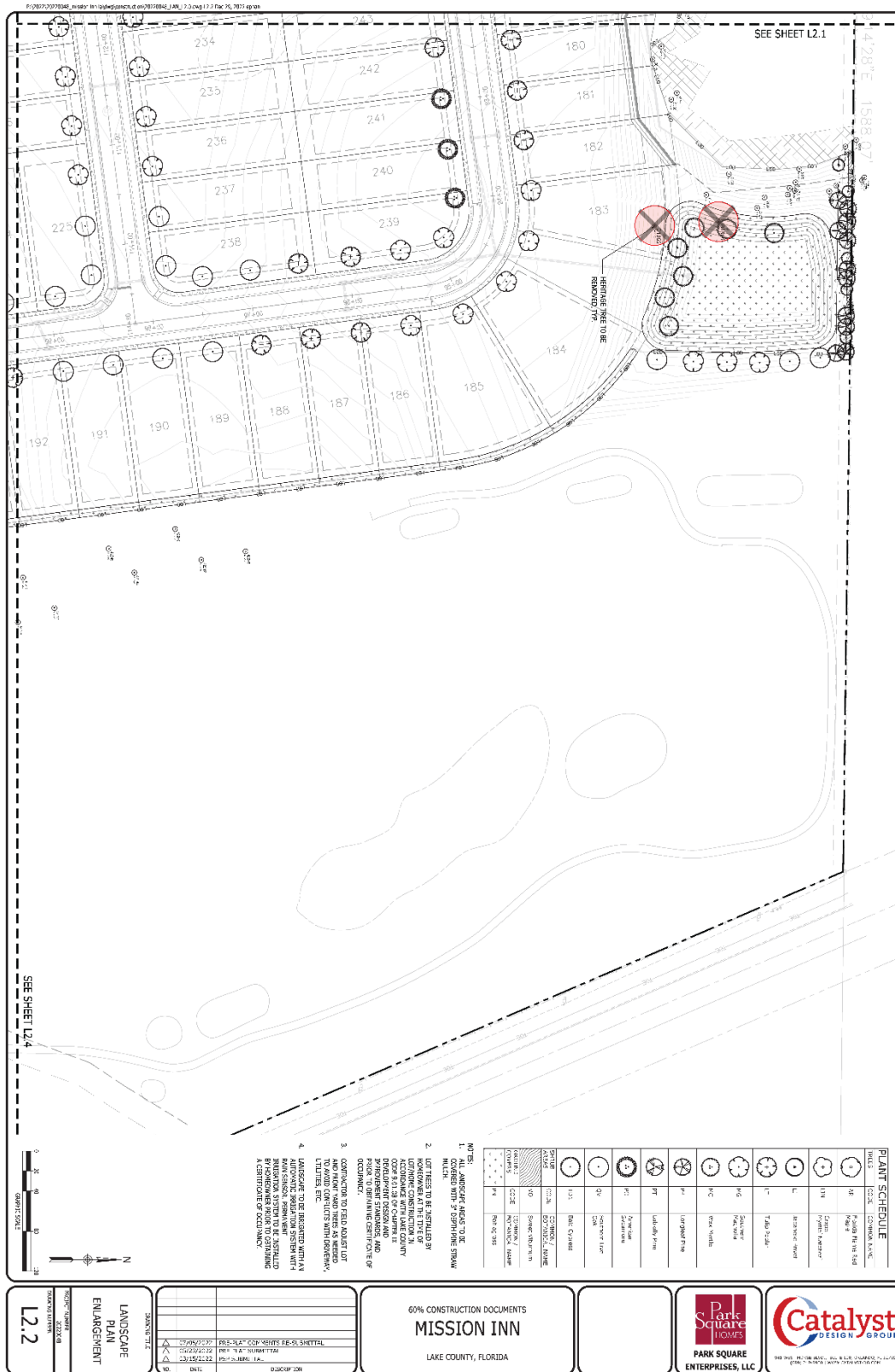
|                           |                    |
|---------------------------|--------------------|
| PROJECT NUMBER<br>22-2040 | DATE<br>08/22/2024 |
| DRAWING NUMBER<br>L2.0    | DATE<br>08/22/2024 |

**LANDSCAPE PLAN OVERALL**



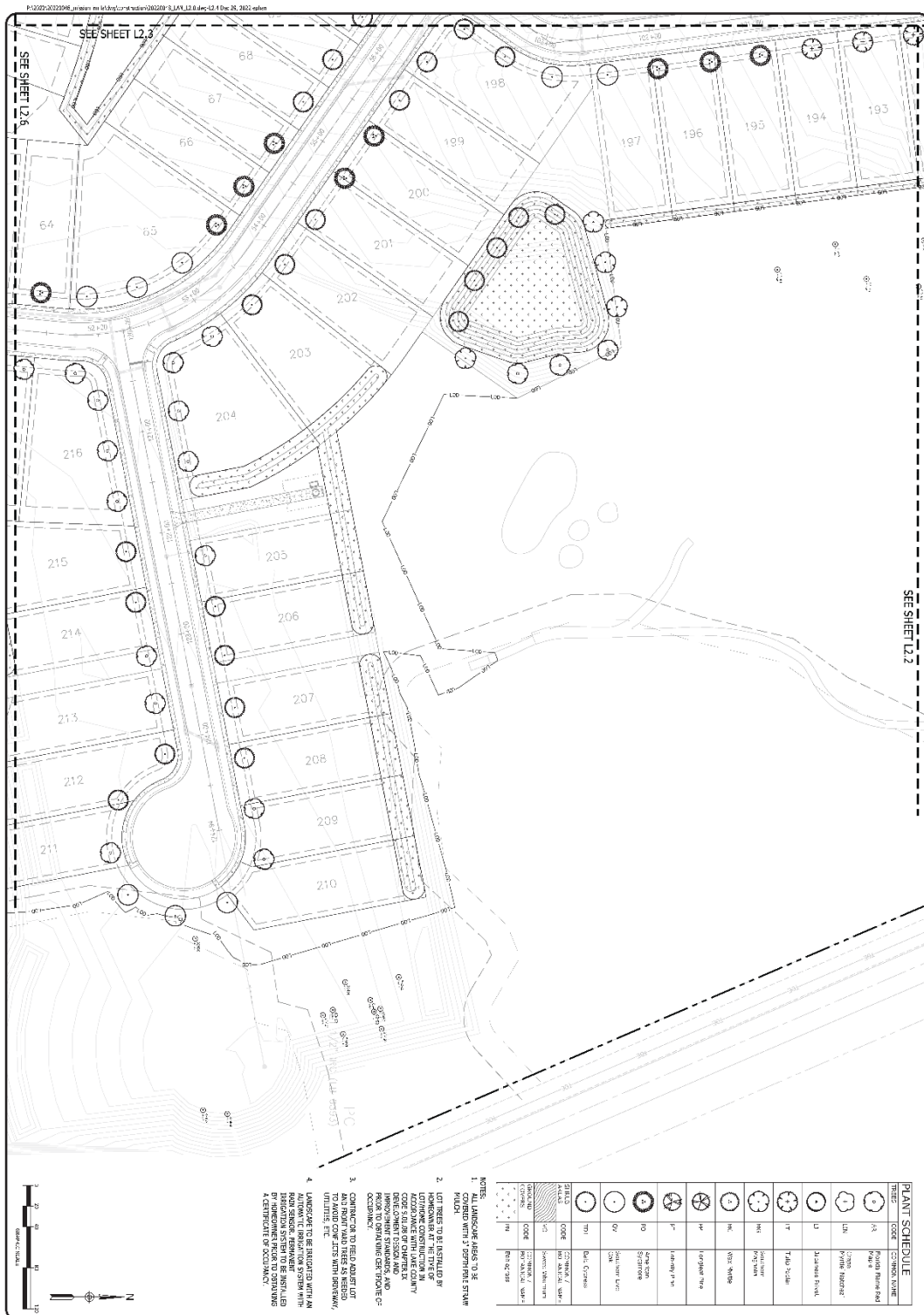


# Attachment "A" – Tree Removal and Landscape Plan (Page 3 of 12)





# Attachment "A" – Tree Removal and Landscape Plan (Page 5 of 12)



LANDSCAPE PLAN ENLARGEMENT

L2.4

60% CONSTRUCTION DOCUMENTS

**MISSION INN**

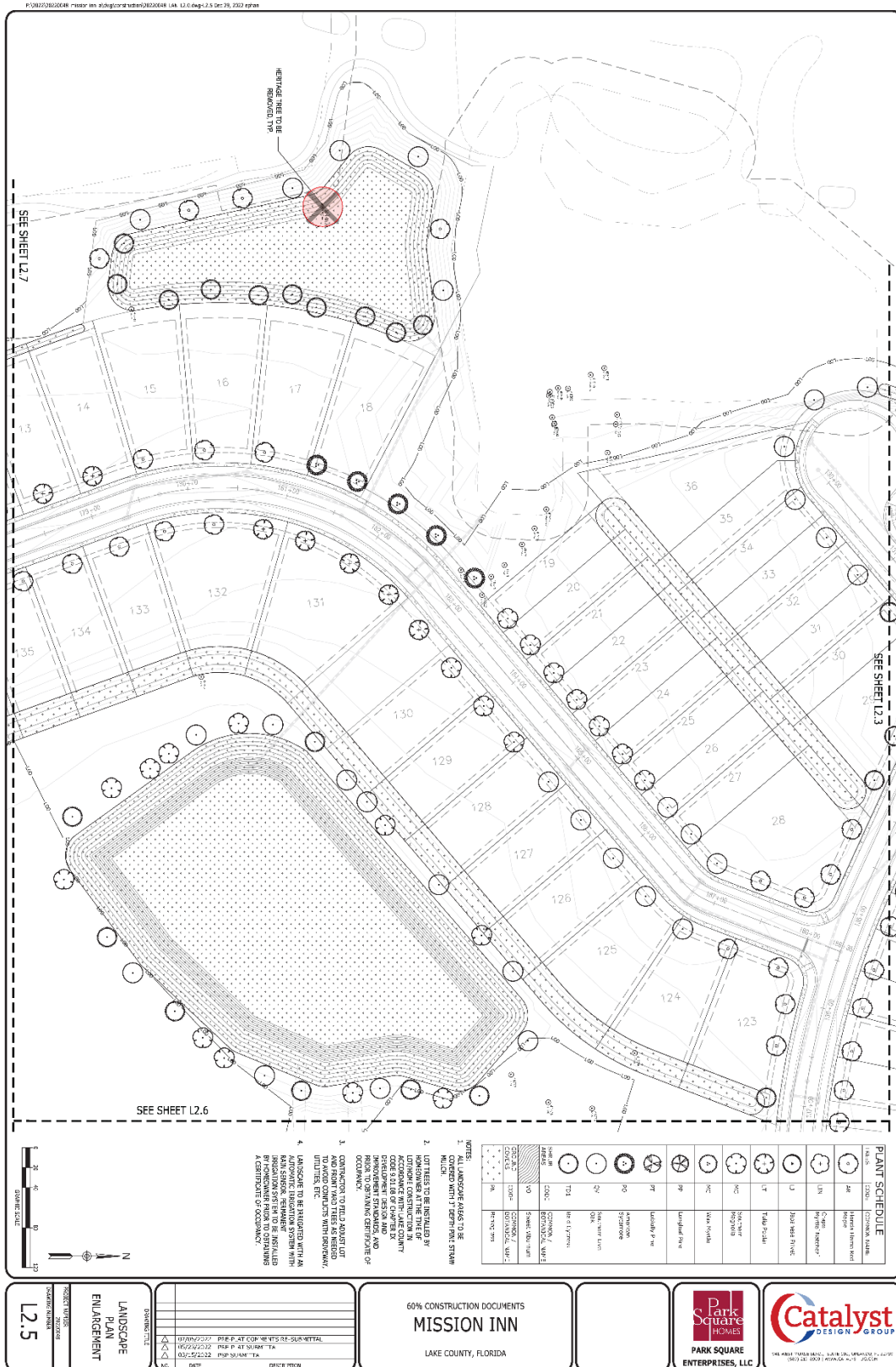
LAKE COUNTY, FLORIDA

PARK SQUARE ENTERPRISES, LLC

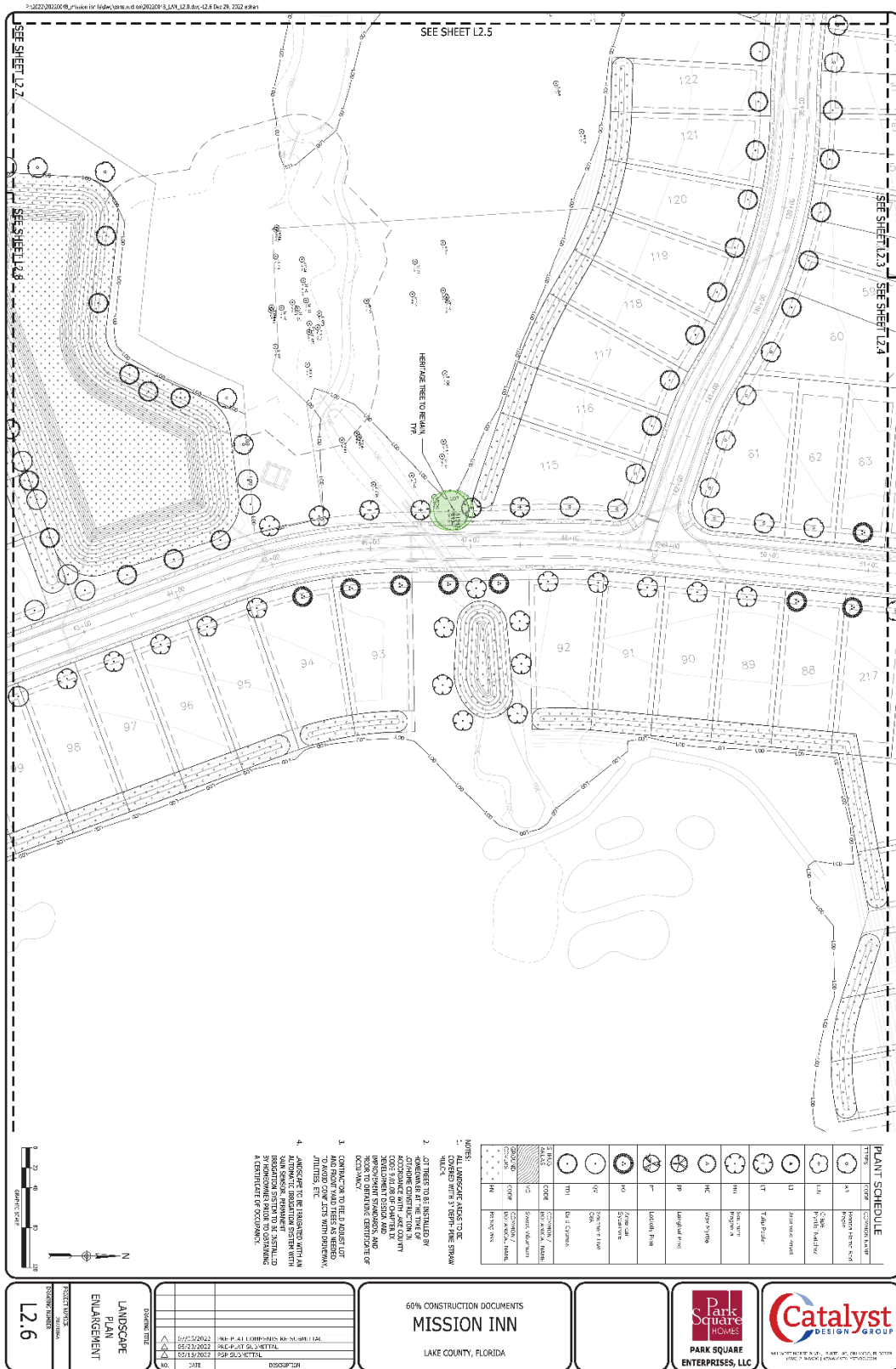
CATALYST DESIGN GROUP



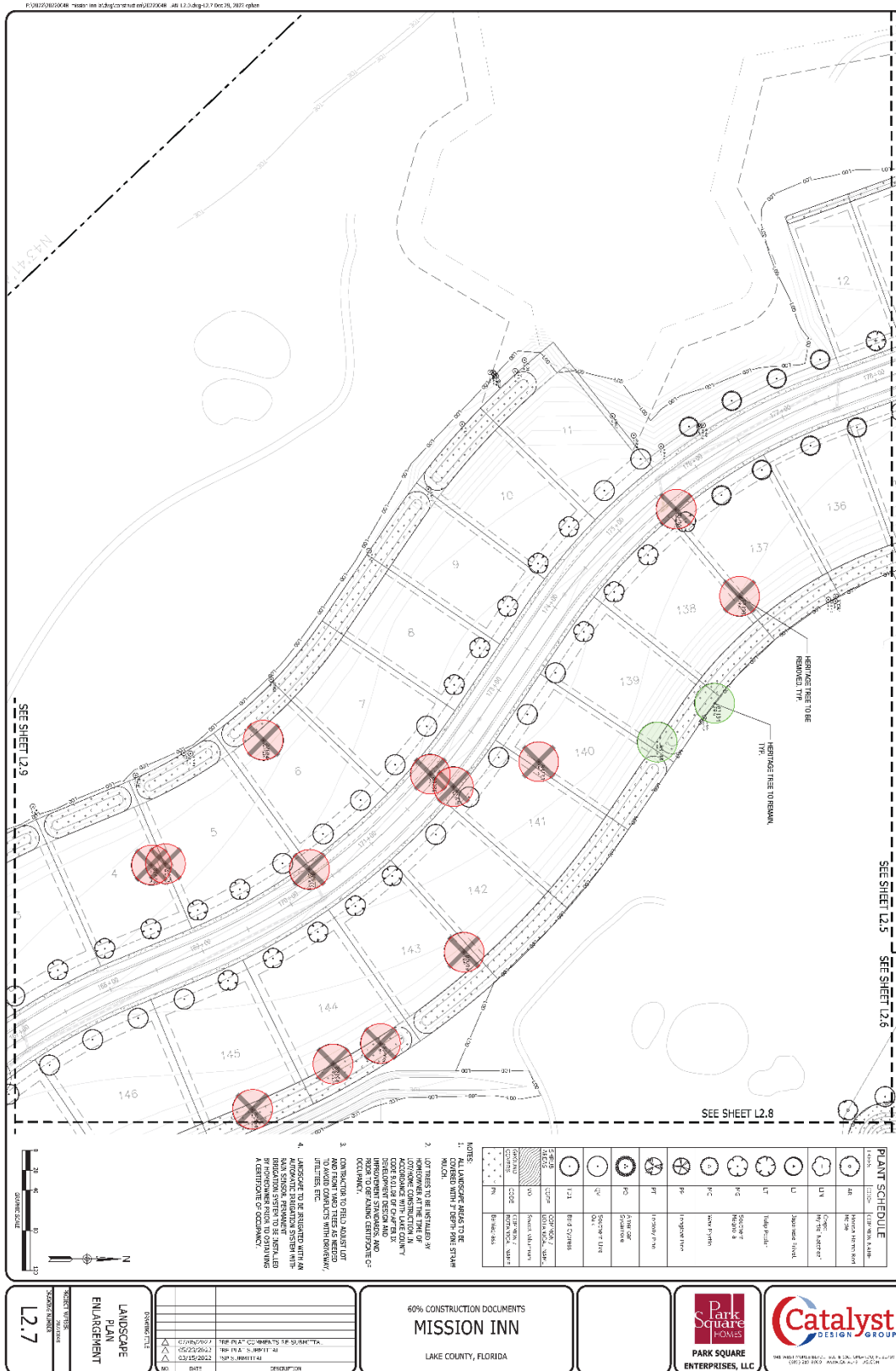
# Attachment "A" – Tree Removal and Landscape Plan (Page 6 of 12)



Attachment "A" – Tree Removal and Landscape Plan (Page 7 of 12)



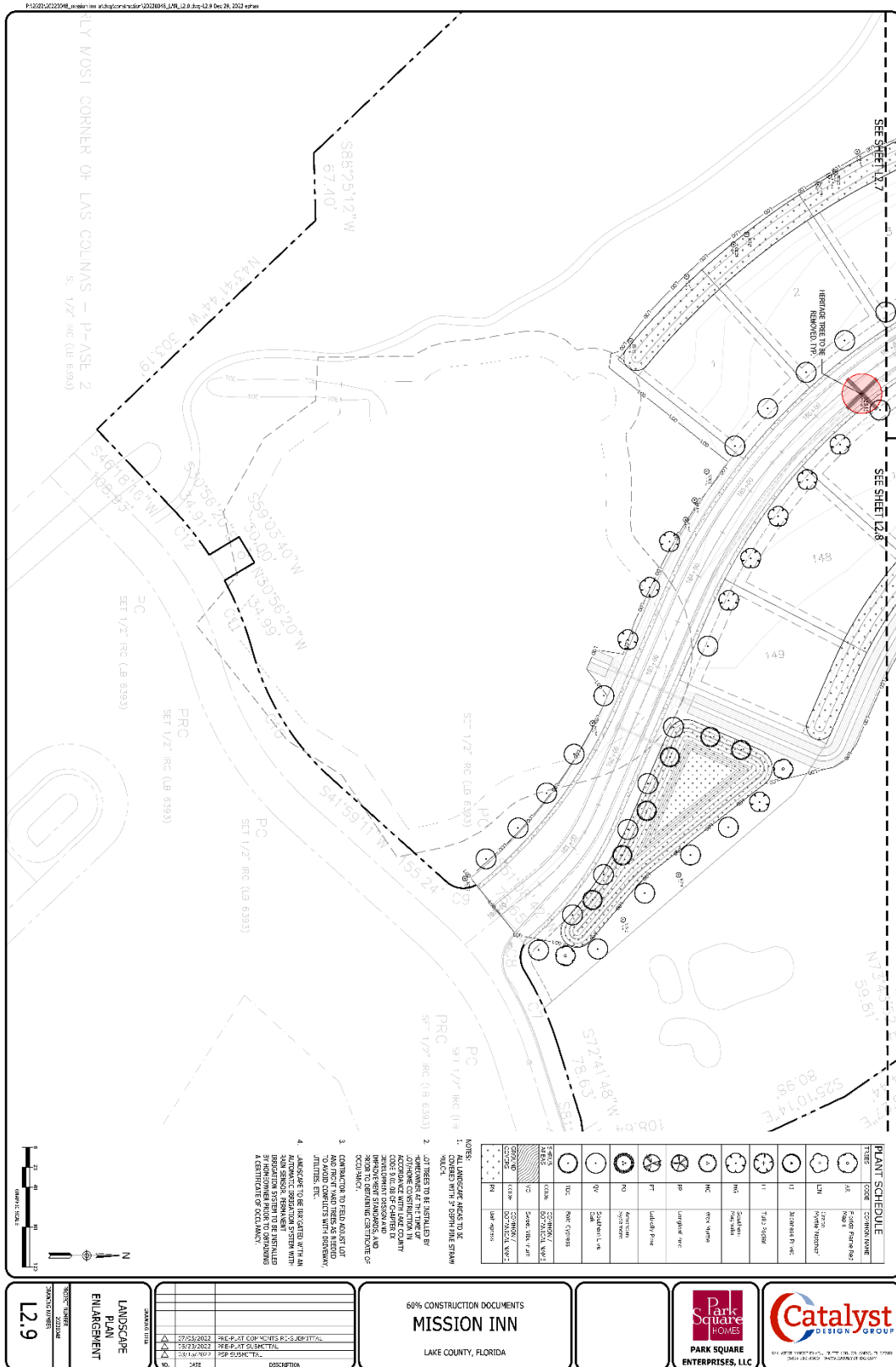
# Attachment "A" – Tree Removal and Landscape Plan (Page 8 of 12)







# Attachment "A" – Tree Removal and Landscape Plan (Page 10 of 12)

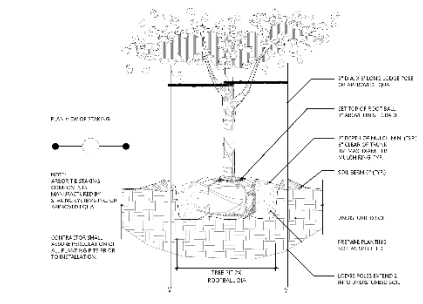




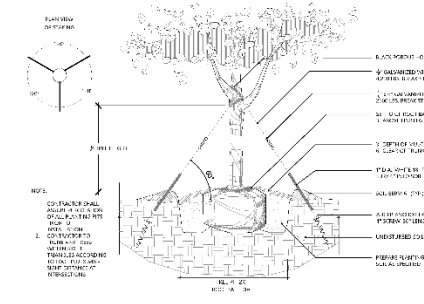


Attachment "A" – Tree Removal and Landscape Plan (Page 12 of 12)

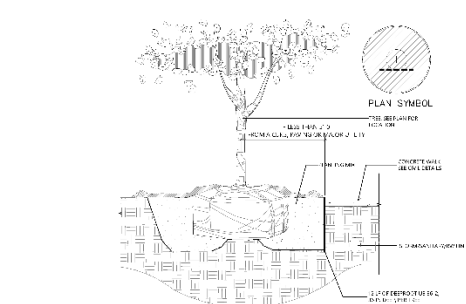
PROJECT LOCATION: 1500 W. LAS COLINAS BLVD., SUITE 100, LAS COLINAS, TX 75041



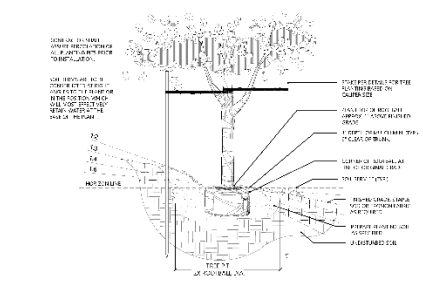
1 TREE PLANTING - LESS THAN 3" CAL.  
SCALE: 1/8" = 1'-0"



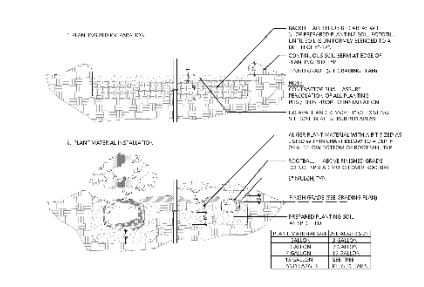
2 TREE PLANTING - 3" TO 7" CAL.  
SCALE: 1/8" = 1'-0"



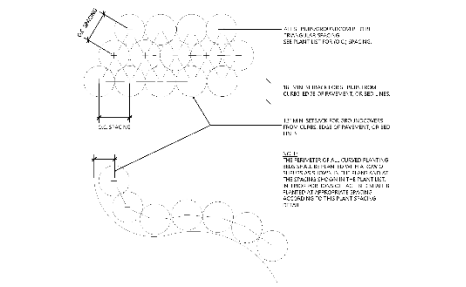
3 ROOT BARRIER  
SCALE: 1/8" = 1'-0"



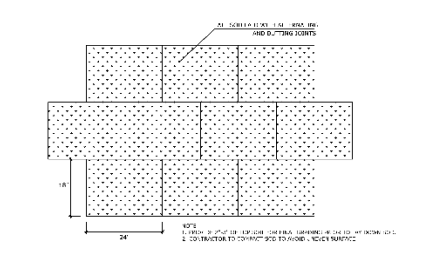
4 TREE PLANTING ON SLOPE  
SCALE: 1/8" = 1'-0"



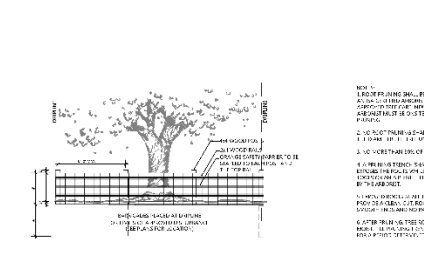
5 SHRUB & GROUNDCOVER PLANTING  
SCALE: 1/8" = 1'-0"



6 SHRUB & GROUNDCOVER SPACING  
SCALE: 1/8" = 1'-0"



7 SOD PLANTING  
SCALE: 1/8" = 1'-0"



8 TREE PROTECTION AND NOTES  
SCALE: 1/8" = 1'-0"

NOTE: TREE PLANTING SHALL BE CONSIDERED A PRECEDENCE OF ALL OTHER CONSTRUCTION ACTIVITIES AND SHALL BE COMPLETED PRIOR TO THE START OF ANY OTHER CONSTRUCTION ACTIVITIES.

1. USE 1/2" VERTICALLY SLOTTED TREE GUARDING FOR ALL TREE TRUNKS TO BE PROTECTED.
2. USE 1/2" VERTICALLY SLOTTED TREE GUARDING FOR ALL TREE TRUNKS TO BE PROTECTED.
3. USE 1/2" VERTICALLY SLOTTED TREE GUARDING FOR ALL TREE TRUNKS TO BE PROTECTED.
4. A TREE GUARD SHALL BE INSTALLED AT THE BASE OF THE TREE TRUNK TO BE PROTECTED.
5. A TREE GUARD SHALL BE INSTALLED AT THE BASE OF THE TREE TRUNK TO BE PROTECTED.
6. A TREE GUARD SHALL BE INSTALLED AT THE BASE OF THE TREE TRUNK TO BE PROTECTED.

60% CONSTRUCTION DOCUMENTS

**MISSION INN**

LAKE COUNTY, FLORIDA

| NO. | REVISION                | DATE       |
|-----|-------------------------|------------|
| 1   | ISSUED FOR CONSTRUCTION | 10/15/2024 |
| 2   | ISSUED FOR CONSTRUCTION | 10/15/2024 |
| 3   | ISSUED FOR CONSTRUCTION | 10/15/2024 |

DESIGN BY: [Redacted]

PROJECT NUMBER: 2022048

SCALE: 1/8" = 1'-0"

L3.1

DESIGNER: [Redacted]

DATE: [Redacted]

## Attachment “B” – Heritage Tree Summary



January 2, 2022

**Re: Las Colinas Mission Inn**

This letter serves as a written statement explaining any tree mitigation or replacement as proposed in regard to the heritage trees.

**Findings Summary**

There were originally a total of 39 Heritage Trees shown on the survey and landscape plans. Following field work conducted on 12/3/2022 and 12/4/2022, the Arborist discovered (9) of the trees were misidentified as either multiple smaller trees and/or miscalculated DBHs, and did not qualify for Heritage Tree status, which resulted in a new total of (30) Heritage Trees on site. Of the (30) Heritage Trees, (21) Heritage Trees are being proposed for removal. We are kindly proposing removal of the (21) Heritage Trees and for some of these trees to have their mitigation fees and replacement requirements waived due to poor health and/or unverifiable existence in the field. Please see below and review the included Arborist Report, dated December 8, 2022, which provides additional data regarding all Heritage Trees on site. Report for full documentation.

**Heritage Trees and Reason for Removal**

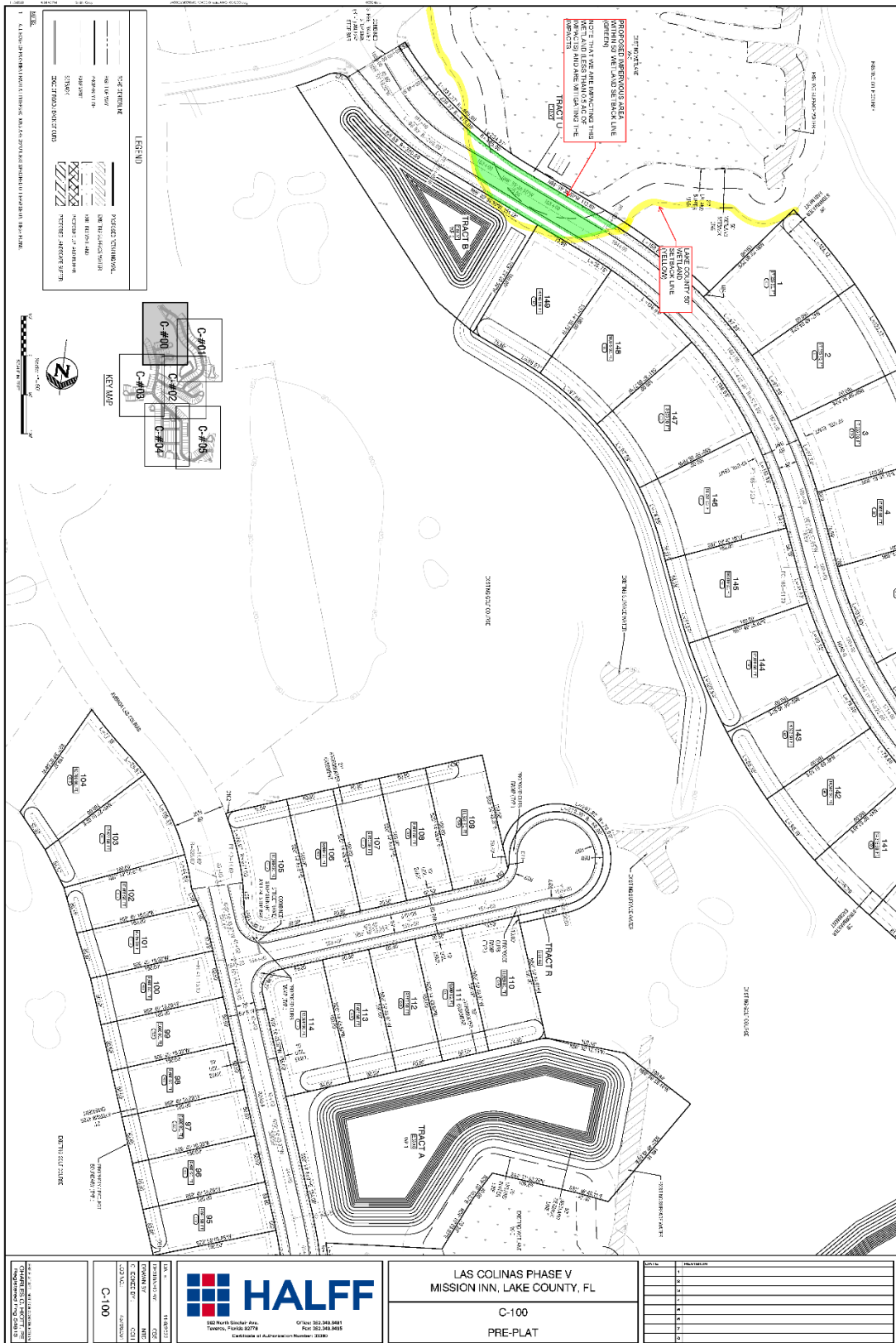
| TREE # | SPECIES | TOTAL DBH | REASON FOR REMOVAL           | REQUEST FOR MITIGATION FEE / REPLACEMENT REQ. TO BE WAIVED |
|--------|---------|-----------|------------------------------|--|
| 6259   | OAK     | 57        | IN CONFLICT WITH DEVELOPMENT | YES – POOR HEALTH  |
| 42125  | OAK     | 40        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 81654  | OAK     | 43        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 81865  | OAK     | 42        | IN CONFLICT WITH DEVELOPMENT | YES – POOR HEALTH  |
| 81869  | OAK     | 79        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 81981  | OAK     | 54        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 82636  | OAK     | 56        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82684  | OAK     | 52        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82725  | OAK     | 51        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82854  | OAK     | 58        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82945  | OAK     | 42        | IN CONFLICT WITH DEVELOPMENT | YES – POOR HEALTH  |
| 82977  | OAK     | 41        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82994  | OAK     | 43        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 82996  | OAK     | 60        | IN CONFLICT WITH DEVELOPMENT | YES – POOR HEALTH  |
| 83019  | OAK     | 60        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 83029  | OAK     | 62        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 83030  | OAK     | 47        | IN CONFLICT WITH DEVELOPMENT | YES – POOR HEALTH  |
| 83131  | OAK     | 50        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 83198  | OAK     | 43        | IN CONFLICT WITH DEVELOPMENT | NO   |
| 83265  | OAK     | 56        | IN CONFLICT WITH DEVELOPMENT | YES – NOT FOUND IN FIELD                                   |
| 83363  | OAK     | 44        | IN CONFLICT WITH DEVELOPMENT | NO   |

Best Regards,

**Catalyst Design Group**

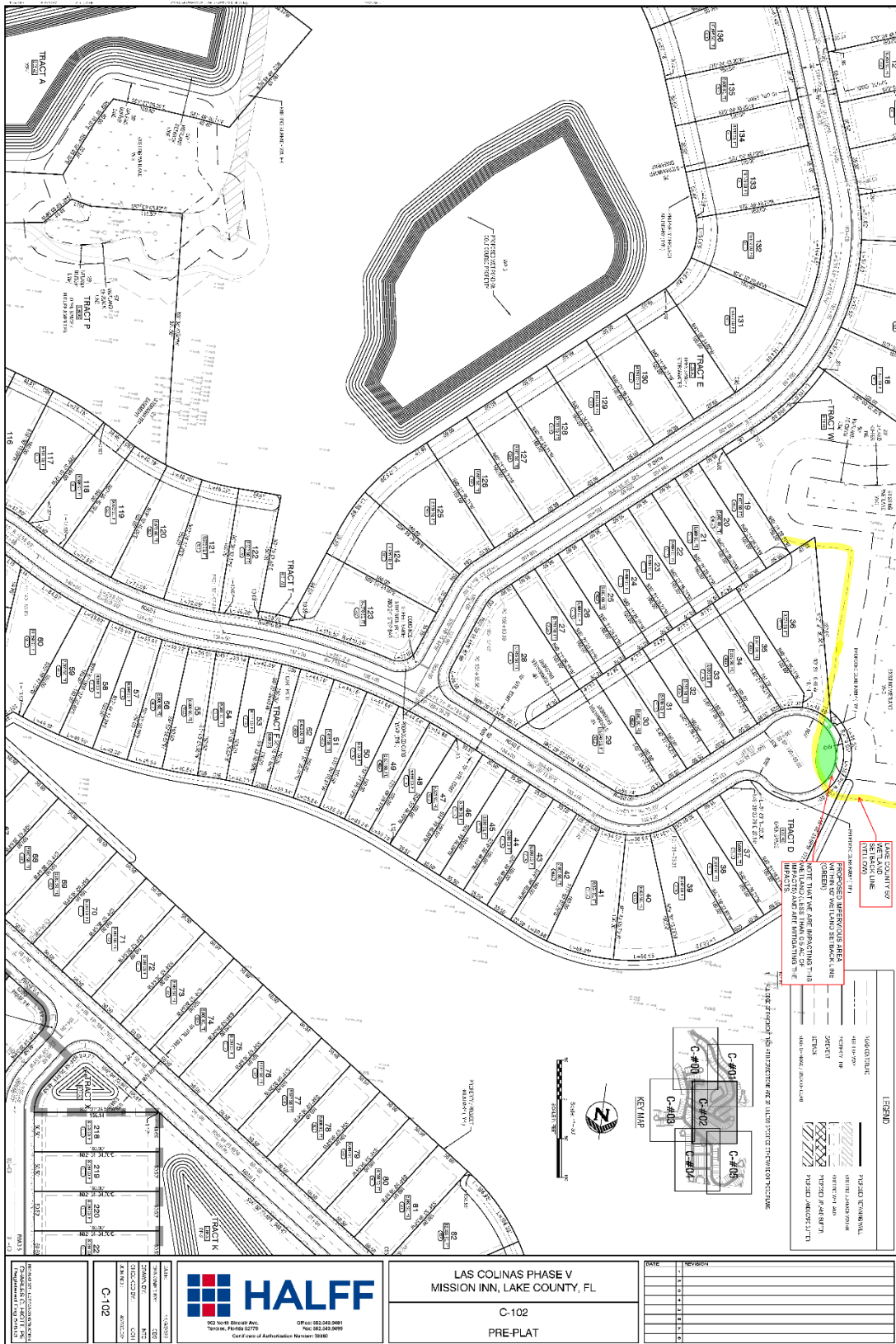
NASHVILLE | MURFREESBORO | ORLANDO  
 941 West Morse Boulevard, Suite 100, Winter Park, FL 32789  
 689.219.8900 | www.catalyst-dg.com

# Attachment "C" – Wetland Encroachments (Page 1 of 2)



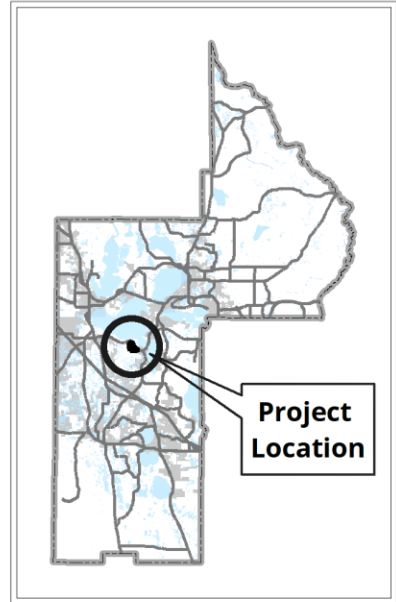
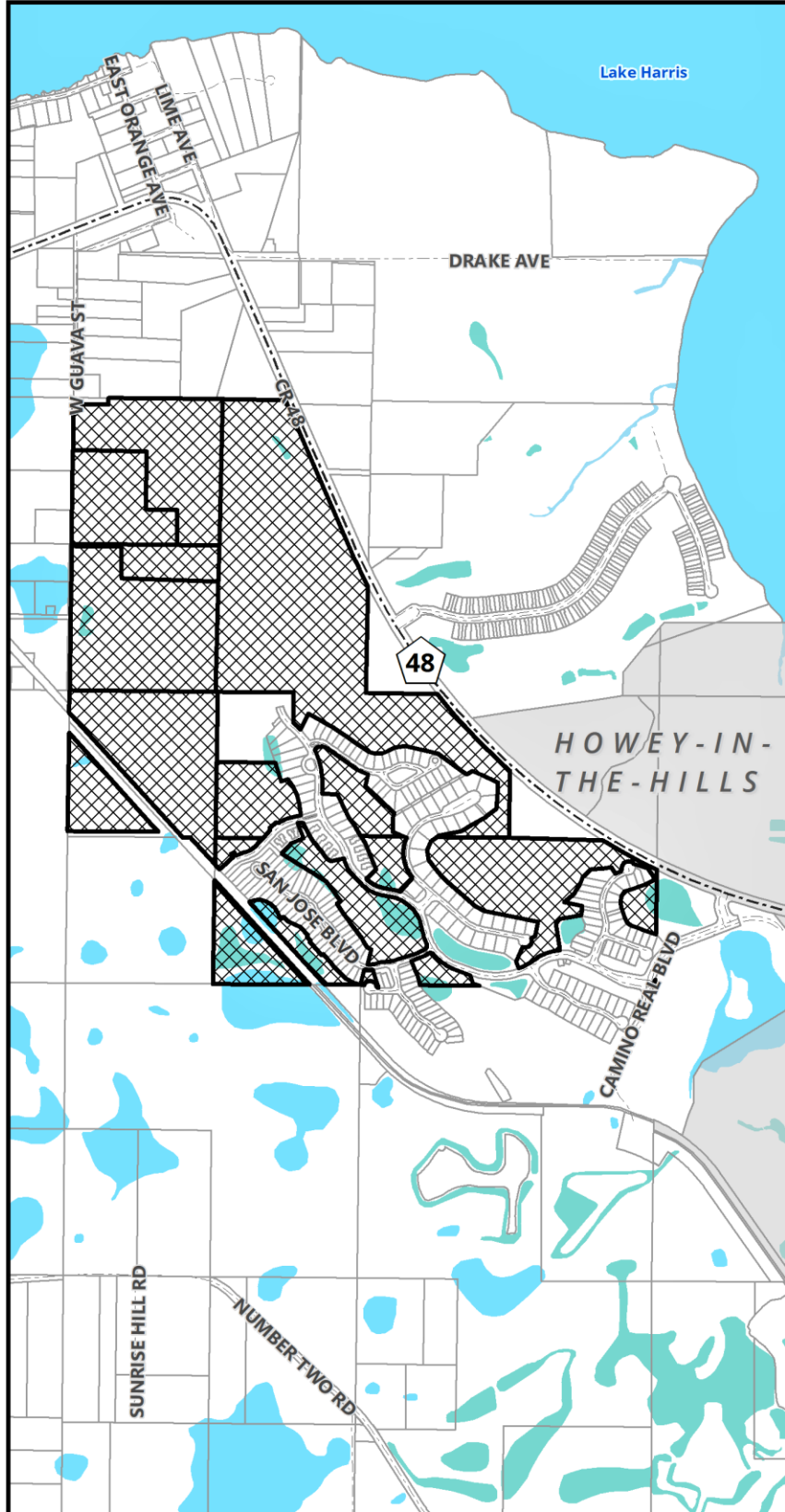


# Attachment "C" – Wetland Encroachments (Page 2 of 2)





# Subject Property Map

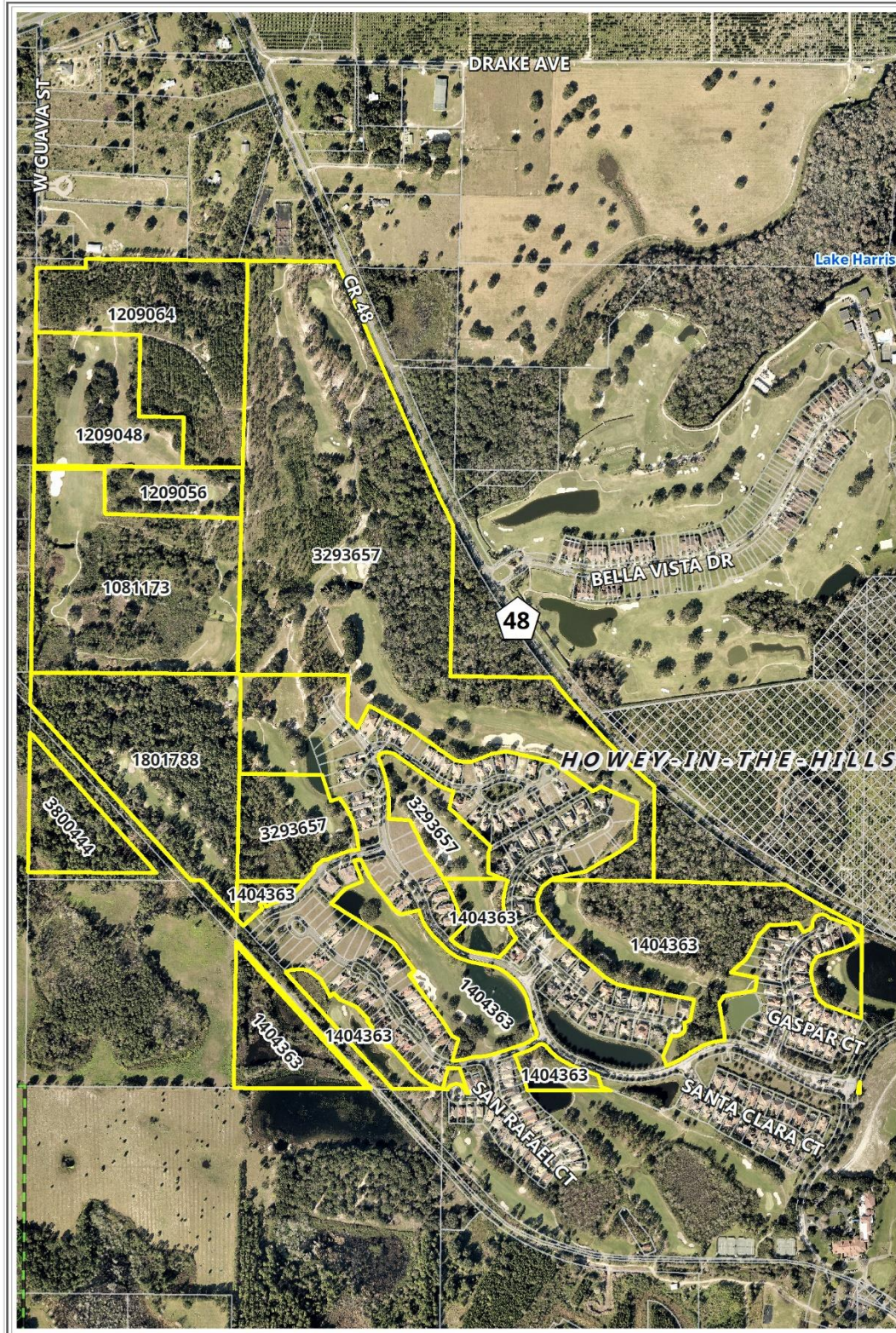




# Aerial Map



**VAR-22-58-3**  
**Las Colinas Mission Inn Property**



**Allow Heritage  
Tree Removal**



**Final Development Order**  
**VAR-22-58-3**  
**Las Colinas Mission Inn**

**WHEREAS**, Suresh Gupta, Park Square Homes (the “Applicant”), on behalf of Sonoma Constructors Ltd. & Packing House By-Products Co. (the “Owners”) requested a variance to Land Development Regulation (LDR) Section 9.02.10(F)(2) for the removal of twenty-one (21) heritage trees; and to LDR Section 6.01.04(A)(1) to allow for a proposed cul-de-sac, cart path, roadway, and lift station to be located less than 50-feet from the jurisdictional wetland line; and

**WHEREAS**, the subject development area consists of 83.91 +/- acres and is located southwest of County Road 48, in the unincorporated Yalaha / Howey-in-the-Hills area, in Section 22, Township 20 South, Range 25 East, having Alternate Key Numbers 1209064, 1404363, 1801788, 3293657, 3800444, 1209056, 1209048, 1081173, and 3380762, and more particularly described in Exhibit “A” – Legal Description; 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 April 5, 2023; 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 April 5, 2023, the Lake County Board of Adjustment approved the variance for the above property.

**DONE AND ORDERED** by the Board of Adjustment of Lake County, Florida, that:

**Section 1. Variance Granted:** A variance to Section 9.02.10(F)(2) for the removal of twenty-one (21) heritage trees, is hereby granted with the following condition: 100-percent of the removed heritage tree caliper inches must be replaced or mitigated.

**Section 2. Variance Granted:** A variance to Section 6.01.04(A)(1) to allow for a proposed cul-de-sac, cart path, roadway, and lift station to be located less than 50-feet from the jurisdictional wetland line, is hereby granted with the following condition: The first one inch (1”) of storm water runoff shall be captured on site.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Addie Owens, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 5<sup>th</sup> day of April 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced** \_\_\_\_\_

\_\_\_\_\_  
**Notary Signature**

**(SEAL)**

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.