

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

**PLANNING & ZONING BOARD**  
January 7, 2015



**BOARD OF COUNTY COMMISSIONERS**  
January 27, 2015

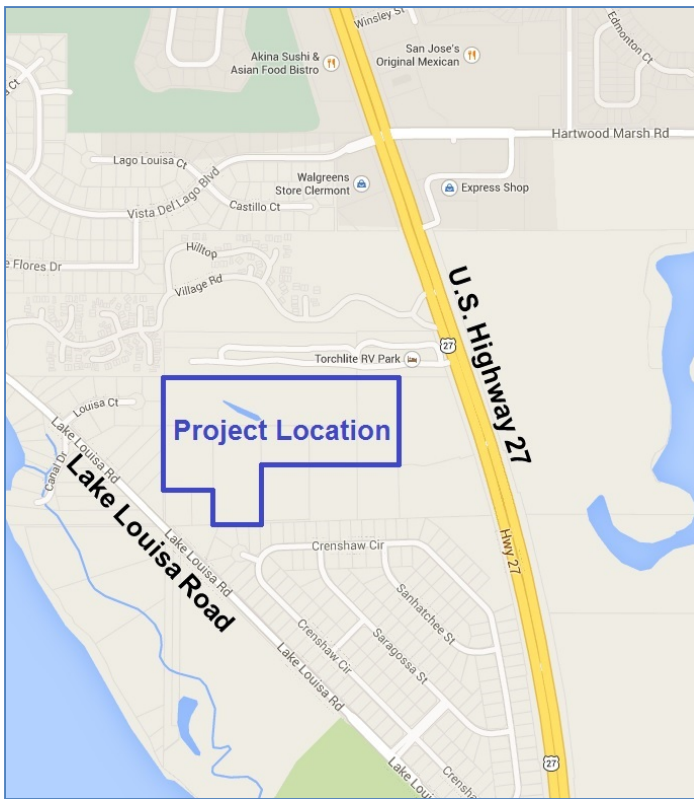
<b>PH #16-14-2 Louisa Vista PUD</b>	<b>Case Manager:</b> Melving Isaac, Senior Planner	<b>Agenda Item #2</b>
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**Owner:** Steven Hithersay, Trustee (the "Owner")

**Applicant:** Stephanie Glover, Tall Castle Engineering (the "Applicant")

**Requested Action:** Rezone property from Urban Residential (R-6) and Community Facility District (CFD) to Planned Unit Development (PUD) for a subdivision consisting of 75 residential units. CFD Ordinance #2002-5 will be amended to less out portion of the property being rezoned PUD.

### - Site Location & Information -



Approximate site location outlined in Blue  
 Site Visit            December 24, 2014  
 Sign Posted         December 24, 2014 (2 posted)

<b>Size</b>	25.21 +/- acres	
<b>Location</b>	Clermont area, West of U.S. Highway 27 and East of Lake Louisa Road	
<b>Alternate Key #'s</b>	1412277, 1663547, 1663555, 1663563, 1663598 and 1663601	
<b>Future Land Use</b>	Urban Low Density (4 du/ net ac. max.)	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	R-6, CFD	PUD
<b>Impervious Surface Ratio Comprehensive Plan (Policy I-1.3.2)</b>	0.6 max	0.60 max
<b>Joint Planning Area</b>	Clermont	
<b>ISBA</b>	Clermont	
<b>Utility Area:</b>	Clermont	
<b>Site Utilities</b>	Proposed Central water (Utilities Inc.) and sewer (City of Clermont)	
<b>Road Classification</b>	U.S. 27 - Rural Principal Arterial - Other Lake Louisa Road - Urban Collector	
<b>Flood Zone/ FIRM Panel</b>	(X, AE)/675	
<b>Commissioner District</b>	2 (Parks)	

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low Density	Agriculture (A)	Mobile Home Park	Torchlite Mobile Home Park
South	Urban Low Density	Urban Residential (R-6)	Residential Subdivision	Louisa Pointe Subdivision
East	City of Clermont	Community Facility (CFD)	Vacant Land	Adjacent to U.S. Highway 27
West	Urban Low Density	Urban Residential (R-6)	Residential Subdivision	Lake Louisa Estates and Monte Vista Park Farms Subdivisions

- Summary of Staff Determination -

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed PUD rezoning request, with conditions, as set forth in the attached Ordinance and, amendment of CFD Ordinance #2002-5 to less out portion of the property being rezoned PUD.

**PLANNING & ZONING BOARD RECOMMENDATION:**

- Summary of Analysis -

The Applicant is requesting to rezone property from Urban Residential (R-6) and Community Facility District (CFD) to Planned Unit Development (PUD) for a subdivision consisting of 75 residential units. CFD Ordinance #2002-5 (Attachment #1) will be amended to less out portion of the property being rezoned PUD.

The subject property consists of 25.21 acres and is located in the Clermont area, West of U.S. Highway 27 and East of Lake Louisa Road. The property is currently undeveloped with the exception of one parcel to the west which contains a single family residence.

The proposed rezoning request is consistent with the Comprehensive Plan which permits residential uses in the Urban Low Density Future Land Use Category (FLUC) and does not exceed the maximum density of four (4) dwelling units per net buildable acre allowed by the FLUC. The request is also consistent with the Land Development Regulations (LDR) which permits residential communities uses in the PUD Zoning District.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

**A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;**

The proposed rezoning for residential development is consistent with the LDR as seen in Section 4.03.02 *Permitted Uses*, which permits residential communities uses in the PUD Zoning District. The application is consistent with the 10-acre minimum size required for PUD development pursuant to LDR Section 4.03.03(B).

**B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;**

The PUD rezoning amendment for residential development is consistent with Comprehensive Plan Policy I-1.3.2, *Urban Low Density Future Land Use Category*, which allows residential uses in the Urban Low Density FLUC.

The Applicant is proposing to develop the property at a density of 3 dwelling units per net buildable acre consistent with the Comprehensive Plan Policy I-1.3.2 which allows a maximum density of four (4) dwelling units per net buildable acre in the Urban Low Density FLUC. A minimum 25% of the net buildable area of the entire site is required to be designated as common open space pursuant to Policy I-1.3.2.

Comprehensive Plan Policy I-7.8.2 *Time frame of Planned Unit Developments* requires that a time frame shall be established in the ordinance for commencement and completion of the development. Conditions have been included in the proposed PUD Ordinance to comply with this policy.

**C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;**

As shown in the aerial map below, properties in the immediate area of the proposed development are characterized by residential uses. The subject property is bordered at the north by Torchlight Mobile Home Park and, by Lake Louisa Estates and Monte Vista Park Farms subdivisions to the west. The property is also bordered by U.S. Highway 27 and large acre vacant property to the east, and by the Louisa Pointe subdivision to the south. Therefore, the proposed PUD rezoning is consistent with the Urban Low Density FLUC and the existing surrounding uses.



**D. Whether there have been changed conditions that justify a rezoning;**

The latest rezoning in this area was in 2002 when portion of the property adjacent to U.S. Highway 27 was rezoned to CFD for a church, however, the property is currently vacant/undeveloped. The applicant has indicated that the demand in the area for residential housing has created the need for this rezoning application. The Applicant seeks to develop a subdivision for 75 residential units consistent with the Urban Low Density FLUC.

**E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;**

Water/Sewage - The property will be served by central water (Utilities Inc.) and sewer (City of Clermont). A Utility Service Agreement for Sewer was reached between the City of Clermont and the applicant for the proposed development.

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of Lake Louisa Road is "D" with capacity of 572 trips. Currently the impacted segment from Vista Del Largo Blvd to US 27 is operating at forty nine percent (49%). This project will be generating seventy five (75) peak hour trips; with forty seven (47) directional pm peak hour trips increasing the volume to capacity ratio (v/c) to fifty eight percent (58%). Currently there are no County funded improvements scheduled for these roadway segments. Applicant will be required to complete a traffic study prior to preliminary plat approval. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use.

Schools - Lake County School Board has indicated that school capacity is available and will be reserved for the proposed development for one year until August 4, 2015 (Attachment #2). School Concurrency must be met before final plat approval in accordance with LDR Section 5.03.09 *Educational Facilities*.

Fire and Emergency Services - The subject parcel is approximately 5 miles from Lake County Fire Station 109 (closest fire station), located at 11630 Lakeshore Drive, Clermont.

**F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;**

The property is currently undeveloped with the exception of one parcel to the west which contains a single family residence. An Environmental Assessment will be required with the preliminary plat application. Existing man-made wetlands with require State permitting to convert the isolated man-made wetland into stormwater area.

**G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;**

The application does not include any information regarding effect of the proposed rezoning on area property values.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

The proposed rezoning amendment will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

N/A.

**FINDINGS OF FACT:** Staff has reviewed the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan Policy I-1.3.2, *Urban Low Density Future Land Use Category*, which permit residential uses.
2. The Applicant is proposing to develop the property at a density of 3 dwelling unit per net buildable acre consistent with the Comprehensive Plan Policy I-1.3.2 which allows a maximum density of four (4) dwelling units per net buildable acre in the Urban Low Density FLUC.
3. The request is consistent with Comprehensive Plan Policy I-7.8.2 *Time frame of Planned Unit Developments* with the conditions included in the proposed PUD Ordinance.
4. The request is consistent with LDR Section 4.03.02 *Permitted Uses*, which permits residential communities in the PUD Zoning District.

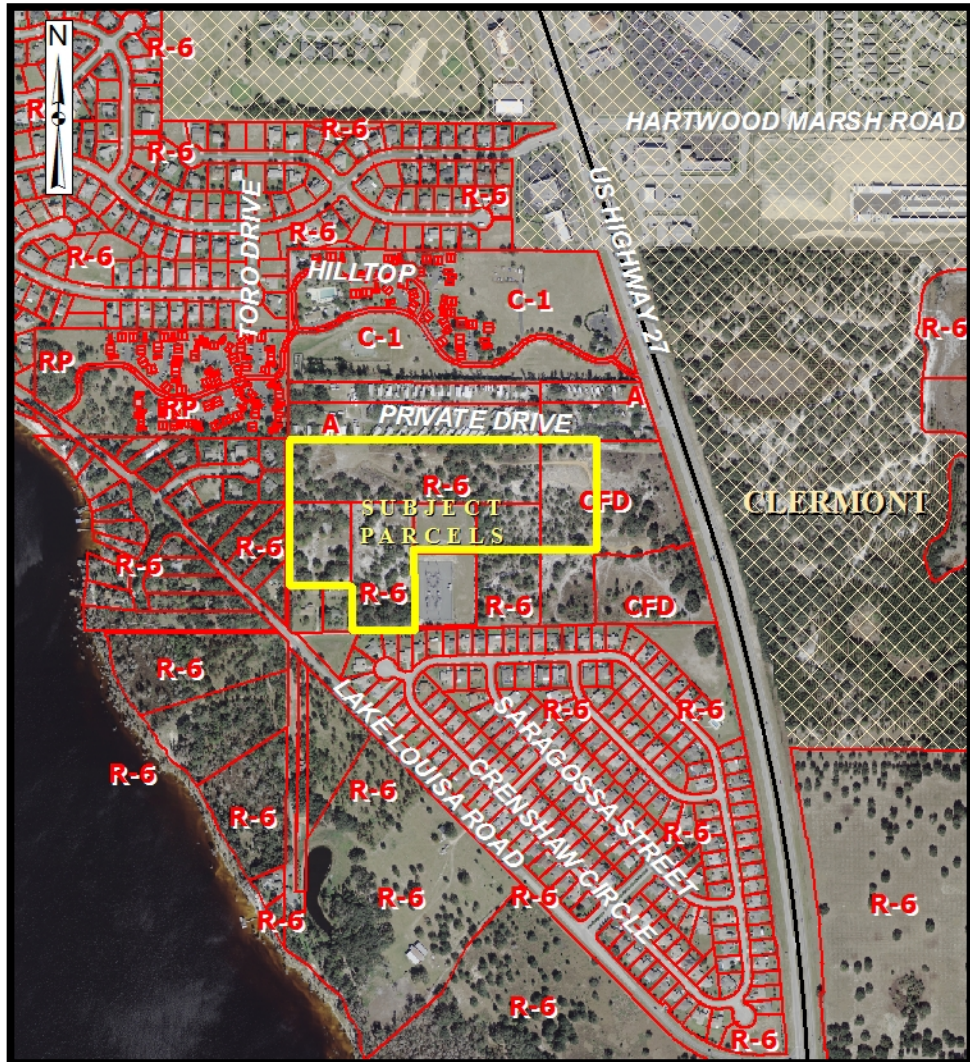
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance and, amendment of CFD Ordinance #2002-5 to less out portion of the property being rezoned PUD.

**WRITTEN COMMENTS FILED:**

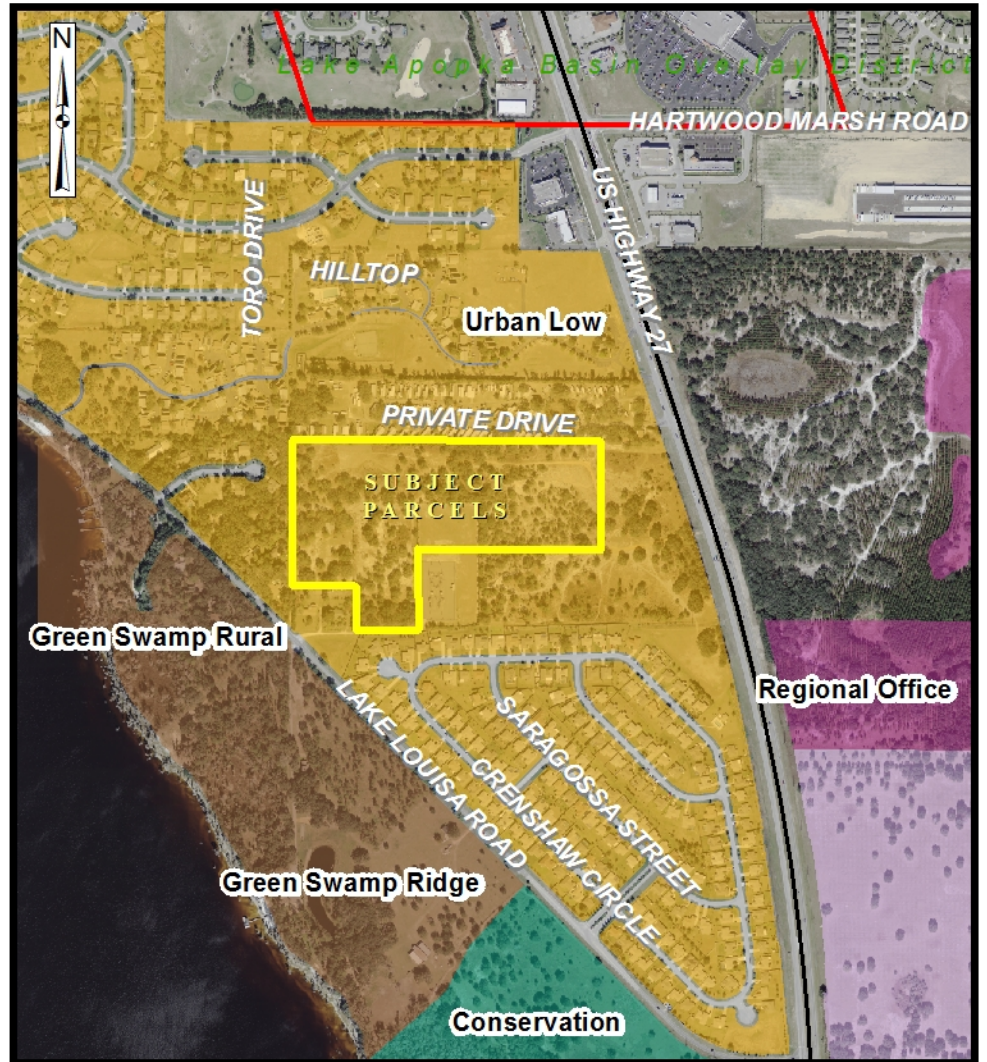
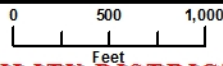
**Supportive: -0-**

**Concern: -0-**

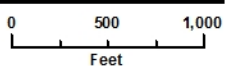
**Opposition: -0-**



**CURRENT ZONING**



**ADOPTED FUTURE LAND USE**



**URBAN RESIDENTIAL (R-6) AND COMMUNITY FACILITY DISTRICT (CFD)**

**LOUISA VISTA PUD**

**CASE NO.**  
PH #16-14-2

**CASE LOCATION:**  
S9, T23S, R26E

**REQUESTING:**  
Rezone property to Planned Unit Development (PUD) for a subdivision.

**ZONING**

**LAND USE**

**SUBJECT PARCEL**

**URBAN LOW DENSITY**

**DATA SOURCES:**  
Lake County GIS Department; Planimetrics, 2008 Aerial Image; Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

**MAP COMPOSITION:**  
JANUARY, 2008

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

**FOCUS AREA**

**LAKE COUNTY FLORIDA**

**ORDINANCE #2015-XX**  
**Louisa Vista PUD**  
**PH #16-14-2**

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Stephanie Glover, Tall Castle Engineering (the "Applicant") made a request on behalf of Steven Hithersay, Trustee (the "Owner") to rezone property from Urban Residential (R-6) and Community Facility District (CFD) to Planned Unit Development (PUD) for a subdivision; and

**WHEREAS**, the subject property consists of 25.21 +/- acres and is generally located in the Clermont area, West of U.S. Highway 27 and East of Lake Louisa Road, in Sections 9, Township 23 South, Range 26 East, having Alternate Key Numbers 1663547, 1663555, 1663563, 1663601 and, portion of 1412277 and 1663598, and more particularly described below:

**LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]**

**WHEREAS**, the subject property is located within the Urban Low Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PH #16-14-2 on January 7, 2015, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on January 27, 2015; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Terms:**

The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Urban Residential (R-6) and Community Facility District (CFD) to Planned Unit Development (PUD) in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the "Conceptual Plan" attached hereto as Exhibit "B". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

**A. Land Uses:**

**1. Residential:**

- a. A total of 75 single-family dwelling units not to exceed four (4) dwelling units per net buildable acre in accordance with the Comprehensive Plan, as amended.
- b. Lot Size: Single-family residential lots shall be a minimum 6,325 square feet with a minimum lot width of 55 feet. Corner lots shall have a minimum lot width of 65 feet.

1            Accessory uses directly associated with the above uses may be approved by the County Manager  
 2            or designee. Any other use of the site not specified above shall require approval of an amendment  
 3            to this Ordinance by the Board of County Commissioners.

4    B. Open Space: Open space shall be a minimum 25% of the net buildable area of the PUD in accordance  
 5            with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

6    C. Setbacks - Single-family dwelling units:

Front	15 feet
Side	5 feet
Rear	20 feet
Garage (Front)	20 feet
Accessory Structures including Pools	5 feet
Secondary Front Yard for Corner Lots (per Typical Corner Lot Detail included in Exhibit "B" - Conceptual Plan)	15 feet

7            All other setbacks shall be as established in the LDR, as amended.

8    D. Development Requirements:

Impervious Surface Ratio (ISR)	maximum 60%
Building Height	maximum 45 feet

9            All other development requirements shall be in accordance with the Comprehensive Plan and LDR,  
 10            as amended.

11    E. Landscaping, Buffering, and Screening shall be in accordance with the Comprehensive Plan and LDR,  
 12            as amended.

13    F. Noise: Compliance shall be in accordance with the LDR, as amended.

14    G. Utilities: Central water and sewer connection shall be provided in accordance with the Comprehensive  
 15            Plan and LDR, as amended, and pursuant to City of Clermont Utility Service Agreement for Sewer.

16    H. Transportation Improvements/Access Management: Requirements shall be determined for the  
 17            proposed uses at site plan review and in accordance with the LDR, as amended. At a minimum, the  
 18            Applicant will be required to submit a Traffic Study for development of the property in accordance with  
 19            the Conceptual Plan attached hereto as Exhibit "B".

20    I. Schools: School Concurrency shall be met before final plat approval in accordance with the  
 21            Comprehensive Plan and LDR, as amended.

22    J. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-  
 23            Sky Principles.

24    K. Signage: Signs shall be in accordance with the LDR, as amended.

- 1 L. Fire Protection and Emergency Services Access: Access and fire safety requirements of the  
2 development shall be provided in accordance with the Florida Fire Prevention Code and LDR, as  
3 amended.
- 4 M. Concurrency Management Requirements: Any development shall comply with the Lake County  
5 Concurrency Management System, as amended.
- 6 N. Development Review and Approval:
- 7 1. Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary plat,  
8 construction plans, and final plat generally consistent with EXHIBIT "B" - Conceptual Plan for  
9 review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 10 2. PUD Expiration: Physical development shall commence within three (3) years from the date of this  
11 Ordinance approval. Failure to commence construction within three (3) years of approval shall  
12 cause the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding  
13 documents amended. Prior to expiration of the three-year time frame, the Board of County  
14 Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a  
15 maximum of two (2) years upon a showing that reasonable efforts have been made towards  
16 securing the required approvals and commencement of work.
- 17 O. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this  
18 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and  
19 Lake County Land Development Regulations shall include any future amendments to the Statutes,  
20 Code, Plans, and/or Regulations.

21 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 22 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used  
23 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by  
24 the Board of County Commissioners.
- 25 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,  
26 convert, or demolish any building structure, add other uses, or alter the land in any manner within the  
27 boundaries of the above described land without first obtaining the necessary approvals in accordance  
28 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate  
29 governmental agencies.
- 30 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and  
31 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any  
32 successor, and shall be subject to each and every condition herein set out.
- 33 D. Construction and operation of the proposed use shall at all times comply with the regulations of this  
34 and other governmental permitting agencies.
- 35 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be  
36 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and  
37 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The  
38 purchaser or lessee may request a change from the existing plans and conditions by following  
39 procedures contained in the Land Development Regulations, as amended.



1 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement  
2 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and  
3 to recommend that the ordinance be revoked.

4 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
6 affect the validity of the remaining portions of this Ordinance.

7 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
8 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
9 with Section 125.66, Florida Statutes.

10 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

11 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

12 FILED with the Secretary of State \_\_\_\_\_, 2015.

13 EFFECTIVE \_\_\_\_\_, 2015.

14 BOARD OF COUNTY COMMISSIONERS  
15 LAKE COUNTY, FLORIDA

16 \_\_\_\_\_  
17 JIMMY CONNER, Chairman

18 ATTEST:

19 \_\_\_\_\_  
20 NEIL KELLY, Clerk of the  
21 Board of County Commissioners  
22 Lake County, Florida

23 APPROVED AS TO FORM AND LEGALITY

24 \_\_\_\_\_  
25 SANFORD A. MINKOFF, County Attorney  
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EXHIBIT "A" – LEGAL DESCRIPTION

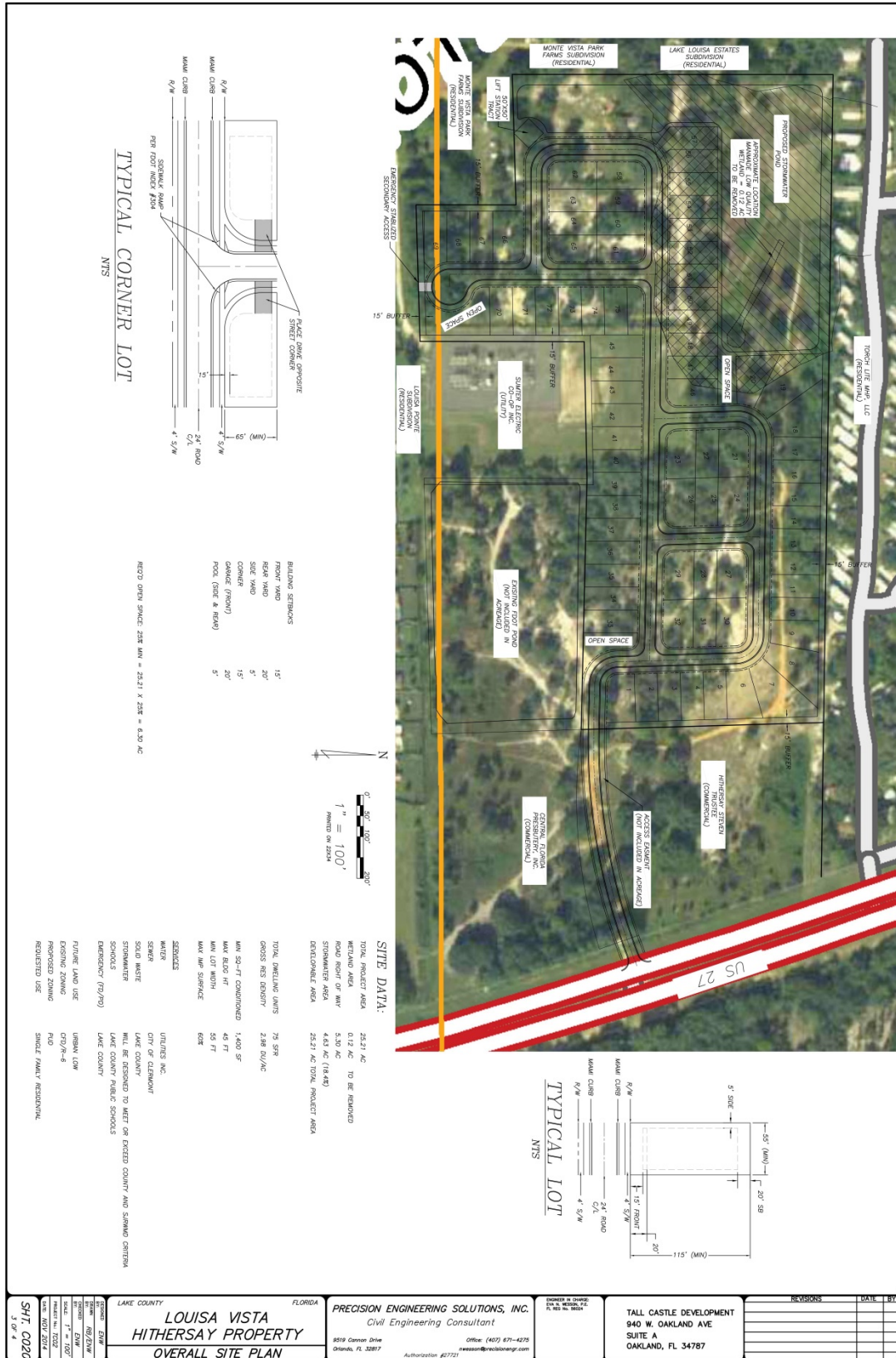
THAT PART OF TRACTS 55, 56, 57, 58, MONTE VISTA PARK FARMS, RECORDED IN PLAT BOOK 2, PAGE 27, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND PORTIONS OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 9; THENCE RUN N00°01'00"E, ALONG THE WEST LINE OF SAID TRACT 57 AND ALSO BEING THE WEST LINE OF SAID SOUTHWEST 1/4 OF SECTION 9, 240.10 FEET, TO THE NORTH LINE OF THE SOUTH 240.00 FEET OF SAID TRACT 57, FOR THE POINT OF BEGINNING; THENCE CONTINUE N00°01'00"E, ALONG SAID WEST LINE, 757.24 FEET, TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID TRACT 56; THENCE RUN N89°04'20"E, ALONG SAID NORTH LINE, 427.55 FEET; THENCE RUN S89°10'12"E, 1143.08 FEET; THENCE RUN S01°40'07"E, 533.92 FEET; THENCE RUN S88°29'10"W, 249.80 FEET; THENCE RUN S75°5'3"W, 364.80 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID TRACT 58; THENCE RUN N00°06'24"E, 70.00 FEET, TO THE SOUTH LINE OF THE NORTH 261.50 FEET OF SAID TRACT 58; THENCE RUN S88°49'32"W, ALONG SAID SOUTH LINE, 328.10 FEET, TO THE EAST LINE OF SAID TRACT 57; THENCE RUN S00°04'35"W, ALONG SAID EAST LINE, 397.69 FEET, TO THE SOUTH LINE OF AFORESAID SOUTHWEST 1/4 OF SECTION 9; THENCE RUN S88°19'53"W, ALONG SAID SOUTH LINE, 327.96 FEET, TO THE EAST LINE OF THE WEST 1/2 OF SAID TRACT 57; THENCE RUN N00°02'47"E, ALONG SAID EAST LINE, 240.11 FEET, TO THE AFORESAID NORTH LINE OF THE SOUTH 240.00 FEET OF SAID TRACT 57; THENCE RUN S88°19'53"W, ALONG SAID NORTH LINE, 328.09 FEET TO THE POINT OF BEGINNING.

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EXHIBIT "B" - CONCEPTUAL PLAN



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**ORDINANCE #2015-XX**  
**Steven Hithersay, Trustee/Central Florida Presbytery, Inc.**  
**PH #16-14-2**

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Stephanie Glover, Tall Castle Engineering (the "Applicant") made a request on behalf of Steven Hithersay, Trustee (the "Owner") to rezone a portion of the existing Community Facility (CFD) District authorized by Ordinance #2002-5 to accommodate Planned Unit Development (PUD) zoning for residential use; and

**WHEREAS**, this ordinance shall only amend the legal description of Ordinance #2002-5; and

**WHEREAS**, all provisions of Ordinance #2002-5 shall remain unchanged; and

**WHEREAS**, the uses of Ordinance 2002-5 shall remain in full force and effect; and

**WHEREAS**, the subject property consists of 13.4 +/- acres and is generally located in the Clermont area, West of U.S. Highway 27 and East of Lake Louisa Road, in Sections 9, Township 23 South, Range 26 East, having Alternate Key Numbers 3808897 and portion of 1412277, and more particularly described below:

**LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]**

**WHEREAS**, the subject property is located within the Urban Low Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PH #16-14-2 on January 7, 2015, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on January 27, 2015; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Terms:**

The County Manager or designee shall amend the Official Zoning Map to reflect Community Facility (CFD) Zoning in accordance with this Ordinance. This ordinance shall only amend the legal description of Ordinance #2002-5. The uses of the property shall remain in full force and effect as specified by Ordinance #2002-5 and to the extent the area of the uses shall be limited to the land area described on Exhibit "A".

1 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be  
2 required to submit applications for and receive necessary final development order approvals as  
3 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
4 applications for final development orders shall meet all submittal requirements and comply with  
5 all County codes and ordinances, as amended.

6 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
8 affect the validity of the remaining portions of this Ordinance.

9 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
10 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
11 with Section 125.66, Florida Statutes.

12 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

13 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

14 FILED with the Secretary of State \_\_\_\_\_, 2015.

15 EFFECTIVE \_\_\_\_\_, 2015.

16 BOARD OF COUNTY COMMISSIONERS  
17 LAKE COUNTY, FLORIDA

18 \_\_\_\_\_  
19 JIMMY CONNER, Chairman

20 ATTEST:

21 \_\_\_\_\_  
22 NEIL KELLY, Clerk of the  
23 Board of County Commissioners  
24 Lake County, Florida

25 APPROVED AS TO FORM AND LEGALITY

26 \_\_\_\_\_  
27 SANFORD A. MINKOFF, County Attorney  
28

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EXHIBIT "A" – LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 9; THENCE RUN N00°01'00"E, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF SECTION 9, 997.34 FEET, TO THE NORTH LINE OF THE SOUTH 1/2 OF TRACT 56, MONTE VISTA PARK FARMS, RECORDED IN PLAT BOOK 2, PAGE 27, PUBLIC RECORDS OF LAKE COUNTY; THENCE RUN N89°04'20"E, ALONG SAID NORTH LINE, 427.55 FEET; THENCE RUN S89°10'12"E, 1143.08 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE S89°10'12"E, 370.44 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 27; THENCE RUN S18°23'12"E, ALONG SAID WESTERLY RIGHT OF WAY LINE, 293.39 FEET TO A CURVE CONCAVE WESTERLY; THENCE RUN SOUTHERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 3°21'36", A RADIUS OF 11380.14 FEET, AN ARC LENGTH OF 667.36 FEET, A CHORD BEARING OF S16°42'24"E AND A CHORD DISTANCE OF 667.27 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9; THENCE RUN S88°19'53"W, ALONG SAID SOUTH LINE, 914.60 FEET TO THE EAST LINE OF TRACT 58, SAID MONTE VISTA PARK FARMS; THENCE RUN N00°08'14"E, ALONG SAID EAST LINE 402.74 FEET; THENCE RUN N75°05'03"E, 25.17 FEET; THENCE RUN N88°29'10"E, 249.80 FEET; THENCE RUN N01°40'07"W, 533.92 FEET TO THE POINT OF BEGINNING.

2

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 13.408 ACRES MORE OR LESS.

# Attachment #1

CFN 2002014346  
Bk 02067 Pgs 2316 - 2319; (4pgs)  
DATE: 02/08/2002 10:39:12 AM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 17.00  
TRUST FUND 2.50

**ORDINANCE #2002-5**  
**Tracking No.#154-01-CFD**  
**Central Florida Presbytery**  
**William "Tag" Smith**  
**John F. Hychko**  
**PH#81-01-2**

## **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Lake County Planning and Zoning Commission did, on the 2<sup>nd</sup> day of January, 2002 review petition PH#81-01-2, a request for rezoning from R-6 (Urban Residential) + CUP#267-3 & CUP#267-3A to CFD (Community Facility District) on property generally located in the South Lake County area – Property located W of US 27 /SR 25 and S of the Vistas subdivision. (Sec 9 Twp. 23S Rge 26E) (4.93 +/-acres)

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

**AND**, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 22<sup>nd</sup> day of January, and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, and any comments, favorable or unfavorable from the public and surrounding property owners at a Public Hearing duly advertised, and

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms:

FILED  
2002 FEB -4 PM 2:12  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

*R- Board Support*

**ORDINANCE NO. #2002-5**

(Tracking #154-01-CFD) (PH#81-01-2) (John F. Hychko / Central Florida Presbytery)

- I. Terms: This Ordinance shall mean and include the following land uses as incorporated herein. The County Manager or designee shall amend the Lake County Zoning Maps to reflect a change from R-6 +CUP#276-3 & CUP#267-3A to CFD, in accordance with this ordinance.
  - A. Land Uses: The use of the site shall be for the construction of a church, multi-purpose facility and accessory uses related thereto.
  - B. Conditions:
    - 1. The site's sole access shall be via US Hwy 27/SR 25
    - 2. A type "B" landscape buffer shall be provided along the western boundary of the development.
    - 3. Lighting fixtures shall be a maximum of 30-feet in height within the parking lot. Lighting shall be properly shaded so that the nearby residences are not affected.
    - 4. The site shall comply with the Access Management Ordinance. Off-site road improvements shall be provided, if warranted by the development impact. A driveway permit from the Florida Department of Transportation will be required.
  - B. Development Review and Approval: Prior to the issuance of any permits, the applicant shall be required to submit a site plan for review and approval by the Lake County site plan review process. The site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
  - C. Future Development Orders: Any requested development order must comply with the Lake County Land Development Regulations, as amended, and the Lake County Comprehensive Plan, as amended.
  - D. Future Amendments to Statutes, Code, Plan and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations, include any future amendments to the Statutes, Code, Plan, and/or regulations.



**ORDINANCE NO. #2002-5**

(Tracking #154-01-CFD) (PH#81-01-2) (John F. Hychko / Central Florida Presbytery)

**Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

ENACTED this 22nd day of January 2002.

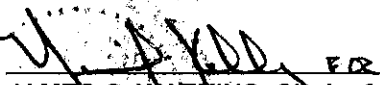
FILED with the Secretary of State February 4 2002.

EFFECTIVE February 4 2002.

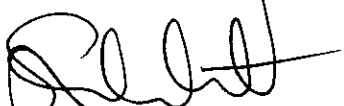
**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

  
ROBERT A. POOL, CHAIRMAN

**ATTEST:**

  
JAMES C. WATKINS, Clerk of the  
Board of County Commissioners  
Lake County, Florida

**APPROVED AS TO FORM AND LEGALITY**

  
SANFORD A. MINKOFF, County Attorney

**EXHIBIT "A" – LEGAL DESCRIPTION**

**ORDINANCE NO. #2002-5  
PH#81-01-2  
Tracking No. #154-01-CFD  
John Hychko & William Smith  
Central Florida Presbytery Church**

**AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS  
AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**LEGAL DESCRIPTION: S 3/ of SE 1/4 of SW 1/4 W of Hwy in Sec 9 Twp. 23S Rge 26E.**

## Attachment #2



**Superintendent:**  
Susan Moxley, Ed.D.

**School Board Members:**  
*District 1*  
Bill Mathias  
*District 2*  
Rosanne Brandenburg  
*District 3*  
Tod Howard  
*District 4*  
Debbie Stivender  
*District 5*  
Kyleen Fischer

201 West Burleigh Boulevard · Tavares · FL 32778-2496  
(352) 253-6500 · Fax: (352) 343-0198 · [www.lake.k12.fl.us](http://www.lake.k12.fl.us)

August 5, 2014

Ms. Stephanie Glover, Acquisitions Coordinator  
Tall Castle Homes, Inc.  
Representing Steve Hithersay  
940 West Oakland Avenue, Suite A10  
Winter Garden, Florida 34787

RE: Louisa Vista School Concurrency Capacity Report (District Project #LCS 2014-08)

Dear Ms. Glover:

The School Board of Lake County, Florida ("School Board") has been requested to complete a School Concurrency Capacity Report for "Louisa Vista" development, which is located in Lake County. The applicant proposes 75 single-family dwelling units.

The County has required that the applicant receive a School Concurrency Capacity Report, prior to the approval of a final site plan, pursuant to Section 5.5.2 of the Interlocal. The purpose of a School Concurrency Capacity Report is to identify if sufficient school capacity exists to provide educational services for the students who will live in homes constructed in Louisa Vista. The proposed development is estimated to generate 28 students (13 Elementary, 6 Middle, and 9 High).

Based on the information provided to us in the application, in Concurrency Service Area (CSA) 14 adopted levels of service with the addition of this project are not exceeded at the Elementary School level. The projected student enrollment with the impact of this development exceeds the LOS at the Middle and High School levels within CSA 14. However, capacity at the Middle and High School levels is available in adjacent CSA 12. Therefore, the projected student enrollment with the impact of this development does not exceed the LOS at the Elementary, Middle, and High School levels. District staff has determined at this time that school capacity is available and will be reserved for Louisa Vista. The reservation of capacity is valid for one year from issuance. Once a final site plan is secured within the year, reservation of capacity will be valid for the life of the project.

If you should require additional time when securing the final site plan approval, please notify District staff prior to the expiration date to discuss time extension options. Once the reservation expires, the capacity will be released and a new completed application and fee will be required. If you have any questions, please contact me at (352) 253-6694, or at [mcdonald@lake.k12.fl.us](mailto:mcdonald@lake.k12.fl.us).

Sincerely,

Dawn McDonald, Senior Planner  
Growth Planning Department

Attachment

cc: Ms. Deborah Marchese, Subdivision Coordinator, Lake County Public Works

**REVIEWING AUTHORITY  
NAME / CASE NUMBER**

Lake County School District  
**Louisa Vista (District Project #LCS 2014-08)**

**OWNER / DEVELOPER  
ITEM DESCRIPTION**

Steve Hithersay  
The applicant has requested a Concurrency Determination for 75 single-family units.

**LOCATION**

Sections 9 & 23, Township 23S; Range 25E  
Located north of Crenshaw Circle, south of Village Road, east of Lake Louisa Road, and west of U.S. Highway 27

**CURRENT FUTURE LAND USE  
CURRENT ZONING**

Lake County Urban Low Density (4 dwelling units/1 acre)  
Lake County Planned Unit Development

**NEW DU IMPACT  
STUDENT GENERATION**

	SF-DU	MF-DU	Mobile	SF Impacts
				<b>75 DUs</b>
Elementary School	0.374	0.235	0.126	28
Middle School	0.172	0.133	0.065	13
High School	0.085	0.051	0.029	6
	0.117	0.051	0.032	9

**CSA 14**

Elementary School  
Middle School  
High School

	Student Enrollment 2017-2018*	Permanent Student Capacity*	% of Permanent Capacity
Elementary School	1,291	1,420	91%
Middle School	1,295	1,149	113%
High School	0	0	0%

*\*Lake County Schools Five Year Facilities Master Plan, FY 2014-2018*

**FUTURE CONDITIONS**

The projected student enrollment with the impact of this development does not exceed the level of service (LOS) within CSA 14 at the Elementary level. The projected student enrollment with the impact of this development exceeds the LOS at the Middle School and High School levels within CSA 14. However, capacity at the Middle and High School levels is available in adjacent CSA 12. Therefore, the projected student enrollment with the impact of this development does not exceed the LOS at the Elementary, Middle, and High School levels.