

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
June 6, 2012



BOARD OF COUNTY COMMISSIONERS
June 26, 2012

PH #20-12-3 BLR-Windmill PUD	Case Manager: Melving Isaac, Planner	Agenda Item #7
---	--	-----------------------

Owner: BLR-Windmill Road Commercial, LLC & BLR-Windmill Road Residential, LLC (the "Owner")

Applicant: Jim Hall, AICP, VHB MillerSellen (the "Applicant")

Requested Action: Rezone property from Agriculture (A) to Planned Unit Development (PUD) to facilitate development of a Rural Conservation Subdivision.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit May 25, 2012
Sign Posted May 25, 2012 (2 posted)

Size	158.4 +/- acres	
Location	Leesburg area, East of U.S. Highway 27 and Windmill Road intersection	
Alternate Key #'s	1383439, 1035490, 1030218 and 1209421	
Future Land Use/Density	Rural Transition (1 du/ net ac. max.) and Rural (1 du/ 5 net ac. max.)	
	Existing	Proposed
Zoning District	A	PUD
Impervious Surface Ratio	.10	Rural Transition/ Rural .30/.20 max (Policies I-1.4.5 and I-1.4.4)
Floor Area Ratio	.10	Rural Support .055 max (Policy I-1.4.7.3)
Joint Planning Area	N/A	
Utility Area:	City of Leesburg	
Site Utilities	Individual well & septic system (proposed)	
Road Classification	U.S. Highway 27 – Rural Principal Arterial Windmill Road – Local	
Flood Zone/ FIRM Panel	(X, A)/455	
Commissioner District	3 (Conner)	

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition and Rural	Agriculture (A)	Vacant Land	
South	Rural Transition and Rural	Agriculture (A)	Vacant Land, Wetlands	Turkey Lake
East	Rural	Agriculture (A)	Agricultural	
West	Urban Low	Mixed Home Residential (RM), Agriculture (A)	Residential, Vacant Land	Adjacent to U.S. Highway 27, Plantation At Leesburg Subdivision located across U.S. Highway 27

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL, with conditions**, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone property from Agriculture (A) to Planned Unit Development (PUD) to allow development of a Rural Conservation Subdivision. The subject 158.4 +/- acre property is currently vacant and undeveloped and is located in the Leesburg area, east of the intersection of U.S. Highway 27 and Windmill Road. The property is designated as Rural Transition and Rural Future Land Use Category (FLUC). The area within the Rural FLUC is situated within the Yalaha-Lake Apopka Rural Protection Area.

As proposed and conditioned, the proposed rezoning request is consistent with the Comprehensive Plan and the Land Development Regulations (LDR), which permit residential uses in the Rural Transition and Rural FLUC, and rural support uses in the Rural Transition FLUC. The request is also consistent with the LDR which permits residential communities in the PUD Zoning District, as established in LDR Section 4.03.02, *Permitted Uses*.

- 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 is consistent with the LDR as seen in Section 4.03.02 *Permitted Uses*, which permits residential communities in the PUD Zoning District. The application is consistent with the 10-acre minimum size required for PUD development pursuant to LDR 4.03.03(B). Conditions has been included in the proposed ordinance to require a minimum of 50% of the net buildable area of the PUD located in the Rural Transition FLU and a minimum 35% in the Rural FLU for open space per Comprehensive Plan which exceeds and is consistent with the minimum 25% open space required by LDR Section 4.03.04(C.1).

In addition, the proposed ordinance includes wetlands credits at a ratio of one (1) dwelling per five (5) acres of wetlands as granted by LDR Section 6.01.04(B.1.a). This section could allow additional number of dwellings units.

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

The PUD zoning request is consistent with Comprehensive Plan Policies I-1.4.5 and I-1.4.4 *Rural Transition and Rural Future Land Use Category* which permits residential uses in the Rural Transition and Rural FLUC. The request is also consistent with the Comprehensive Plan which permits rural support uses in the Rural Transition FLUC, as established in Policy I-1.4.5.

Development in Rural Transition FLUC:

The Applicant has chosen to develop the portion of the PUD located in the Rural Transition FLUC as a clustered Rural Conservation Subdivision with a density of one (1) dwelling unit per one (1) net buildable acre and 50% of the net buildable area dedicated in perpetuity for preservation as common open in Rural Transition FLUC, in accordance with Comprehensive Plan Policy I-1.4.5.

Development in the Rural FLUC:

The Applicant is also proposing to develop the portion of the property located in the Rural FLUC and within the Yalaha-Lake Apopka Rural Protection Area, at a density of (1) dwelling unit per five (5) net buildable acres consistent with the Comprehensive Plan Policy I-1.4.4, and with Policy I-5.4.2 which requires Rural

Conservation Subdivisions within the Yalaha-Lake Apopka Rural Protection Area to utilize clustering. A minimum 35% open space shall be provided in the portion of land contained in the Rural FLU.

The property contains wetlands that could allow additional dwellings units pursuant to Comprehensive Plan Policy I-1.2.4 and LDR Section 6.01.04(B.1.a). This provision grants wetland credits at one (1) dwelling per five (5) acres of wetland area (not including water body – lake).

Rural Support uses are permitted as a part of a PUD within the Rural Transition FLUC, provided that the use is located interior to the PUD as proposed. Maximum area for Rural Support uses within the Rural Transition FLUC is limited to one (1) acre per 320 acres. Primary structures are limited to a maximum aggregate floor area ratio of 0.055, therefore, limiting the building floor area for rural support uses to approximately 479 square feet (0.2 acres x 0.055) making the rural support uses not viable.

As seen from the table below, the combined density of the proposed PUD will be limited to a maximum of 71 dwelling units based on a density of one (1) dwelling unit per one (1) net buildable acre in Rural Transition FLUC and (1) dwelling unit per five (5) net buildable acres in the Rural FLUC. The table below also shows maximum area for Rural Support within the Rural Transition FLUC, and minimum required open space based on the data provided by the applicant for the proposed development:

FLU		Area (acres)	Wetlands/ Surface Waters (acres)	Net Buildable Acres	Maximum Density	Proposed Density	Open Space (acres)	Notes
Rural Transition	Rural Transition	64.8	13.3 ⁴	51.5	1 du per 1 net buildable acre	52	25.8	See note #1.
	Rural Support within the Rural Transition	0.2		0.2			0.1	See note #2.
Rural		93.4		93.4	1 du per 5 net buildable acres	19	32.7	See note #3.
Totals		158.4	13.3 ⁴	145.1		71	58.6	

Notes:

1. 50% of the net buildable area of the entire PUD site located in the Rural Transition FLU shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument.
2. Rural Support uses limited to a ratio of 1.0 acre of Rural Support uses per 320 acres. Primary structures shall be limited to a maximum aggregate floor area ratio of 0.055, and no single primary structure shall exceed 5,000 square feet. Land containing a Rural Support use within the PUD shall not count toward buildable area in the determination of residential density.
3. Per Policy I-1.2.2 Table FLUE-2 open space shall be a minimum 35% in the Rural FLU.
4. Wetlands/Surface Waters acres are approximated and are not based in a wetland survey. The acreages will be determined upon application for development and may affect the net buildable acres, density and open space calculations.

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

The subject property is surrounded by residential uses, vacant lands, and wetlands. Plantation at Leesburg Subdivision is located west across U.S. Highway 27. The proposed use of the site for residential uses is consistent with the PUD Zoning District and the existing uses in the surrounding area. Therefore, the proposed rezoning is generally consistent with the land use patterns in the area.

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

Most of the west area across U.S. Highway 27 has been developed for residential uses (Plantation at Leesburg Subdivision). The Applicant seeks to establish residential uses on the property through a PUD District as allowed by current regulations.

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;

Sewage and Water:

Within the Rural Transition FLU area of the PUD - Comprehensive Plan Policy I-7.12.3 *Provision of Central Water and Sewer Services*, encouraged developments adjacent to urban areas to connect to central services if available. The City of Leesburg has not provided any updated information on the provision of wastewater since their comment of 2010 (reference Attachment 1) in which the City indicated that wastewater treatment capacity was available to serve the proposed development and that construction of on-site and offsite improvements will be required to provide service, at the developer's expense. Alternatives for the provision of central water and sewage utilities, individual on-site wastewater treatment and disposal systems, and individual potable water wells have been included in the proposed ordinance.

Within the Rural FLU area of the PUD - Comprehensive Plan Policy I-7.12.3 requires developments to provide individual on-site wastewater treatment and disposal systems, and individual potable water wells, however, central services shall only be provided if the absence of such facilities is proven to result in a threat to public health or the environment. Alternatives for the provision of water and sewage through individual on-site wastewater treatment and disposal systems, and individual potable water wells, or central services based on above statement have been included in the proposed ordinance.

Schools - Lake County School Board has indicated that the rezoning will have an adverse impact on Lake County Public Schools, specifically will affect Leesburg Elementary School (School Board Comments – Attachment 2). School Concurrency shall be met before final plat approval in accordance with LDR Section 5.03.09 *Educational Facilities*.

Transportation – Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of U.S. Highway 27 is "D" with a capacity of 1,960. The most critical segment affected by this project would be U.S. Highway 27 from CR 33 to CR 48 which currently has a volume to capacity ratio of 65% of its capacity. This project will be generating 129 peak hour trips; with 65 directional pm peak hour trips increasing the volume to capacity (v/c) ratio to 69%. Currently this segment of U.S. Highway is not scheduled for improvement and funding through the Florida Department of Transportation (FDOT). The applicant will need to submit a revised traffic study prior preliminary plat approval.

The development will be required to adhere to the following public works requirements:

- Residential interconnection to Windmill Road will be required.
- The main entrance to the development must align with Palm Way.
- Windmill Road shall be required to be improved by the developer to meet County paved road standards.
- Additional right-of-way dedication and/or vacation may be required. These issues will be addressed during final plat submittal. The right-of-way for Windmill Road will need to be vacated for the portion

being moved and additional right-of-way for the relocation of the road will need to be dedicated to the Public (County).

Fire and Emergency Services – The subject parcel is approximately 1/3 mile from Lake County Fire Station 82 (closest fire station), located north across U.S. Highway 27 at 24939 U.S. Highway 27, Leesburg.

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

An environmental assessment will be required at the preliminary plat review stage. There are wetlands located within the project boundaries. Conditions have been included in the ordinance to require wetlands to be placed in a conservation easement in addition to the requirement of a 50 feet wetlands buffer and to require an environmental assessment. Any development would be required to meet applicable standards.

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

The application does not contain any evidence that the proposed rezoning would adversely affect property values in the area.

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

The proposed rezoning would not be adverse to the orderly and logical development pattern of the area that currently exists. Since the north, east and south of the property is adjacent to a designated agricultural property, a 50 feet agricultural buffer is required and requirements have been placed in the attached proposed ordinance.

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 would be in harmony with the general intent and requirements 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 application for the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan as seen in Policies I-1.4.5 and I-1.4.4 as residential uses are allowable in the Rural Transition and Rural Future Land Use Category.
2. The request is consistent with the Comprehensive Plan which permits Rural Support uses and Rural Conservation Subdivisions that utilize clustering techniques in the Rural Transition FLUC, as established in Policy I-1.4.5.
3. The request is consistent with the Comprehensive Plan Policy I-1.4.6 which requires Rural Conservation Subdivisions that utilize clustering to provide a minimum 50% open space and to protect it in perpetuity through the use of conservation easement.
4. The request is consistent with the Comprehensive Plan Policy I-5.4.2 which requires Rural Conservation Subdivisions within the Yalaha-Lake Apopka Rural Protection Area to utilize clustering.
5. The request is consistent with LDR Section 4.03.02 *Permitted Uses*, which permits residential communities in the PUD Zoning District.

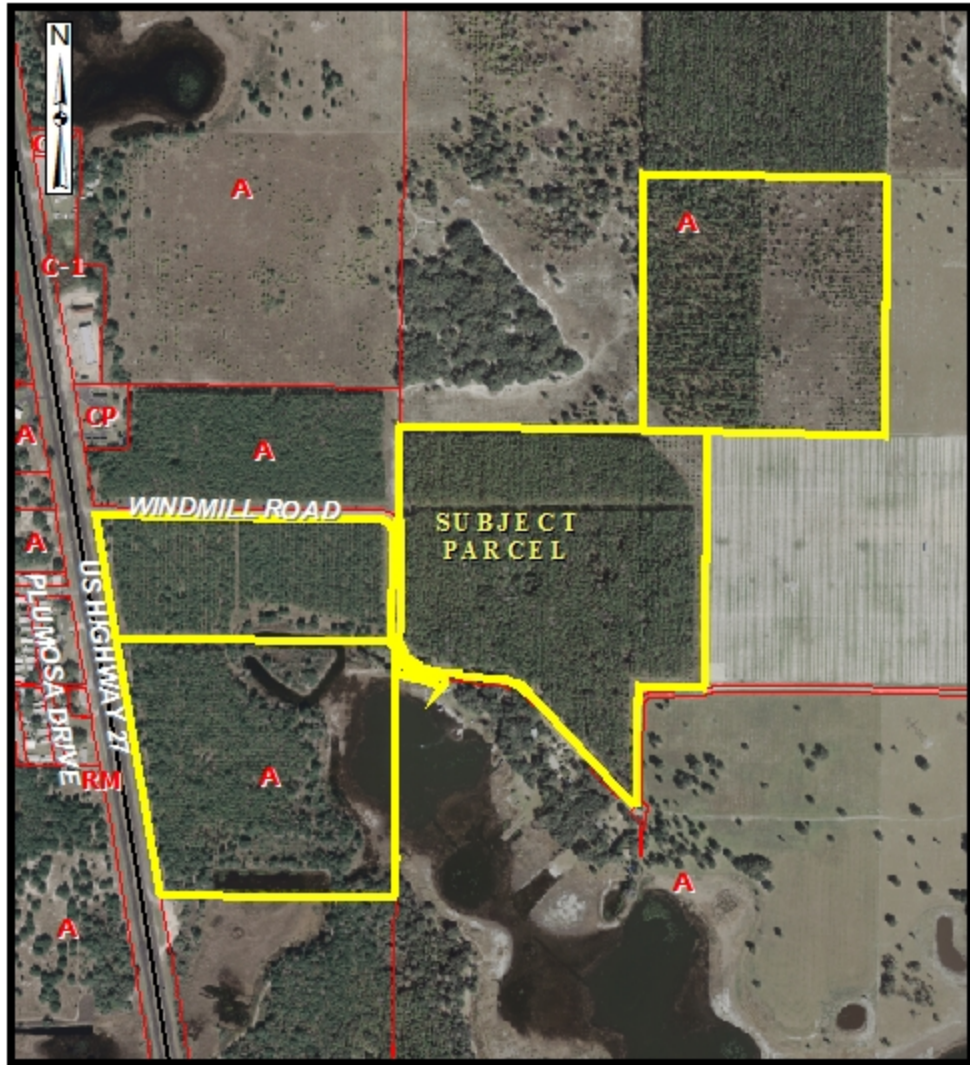
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

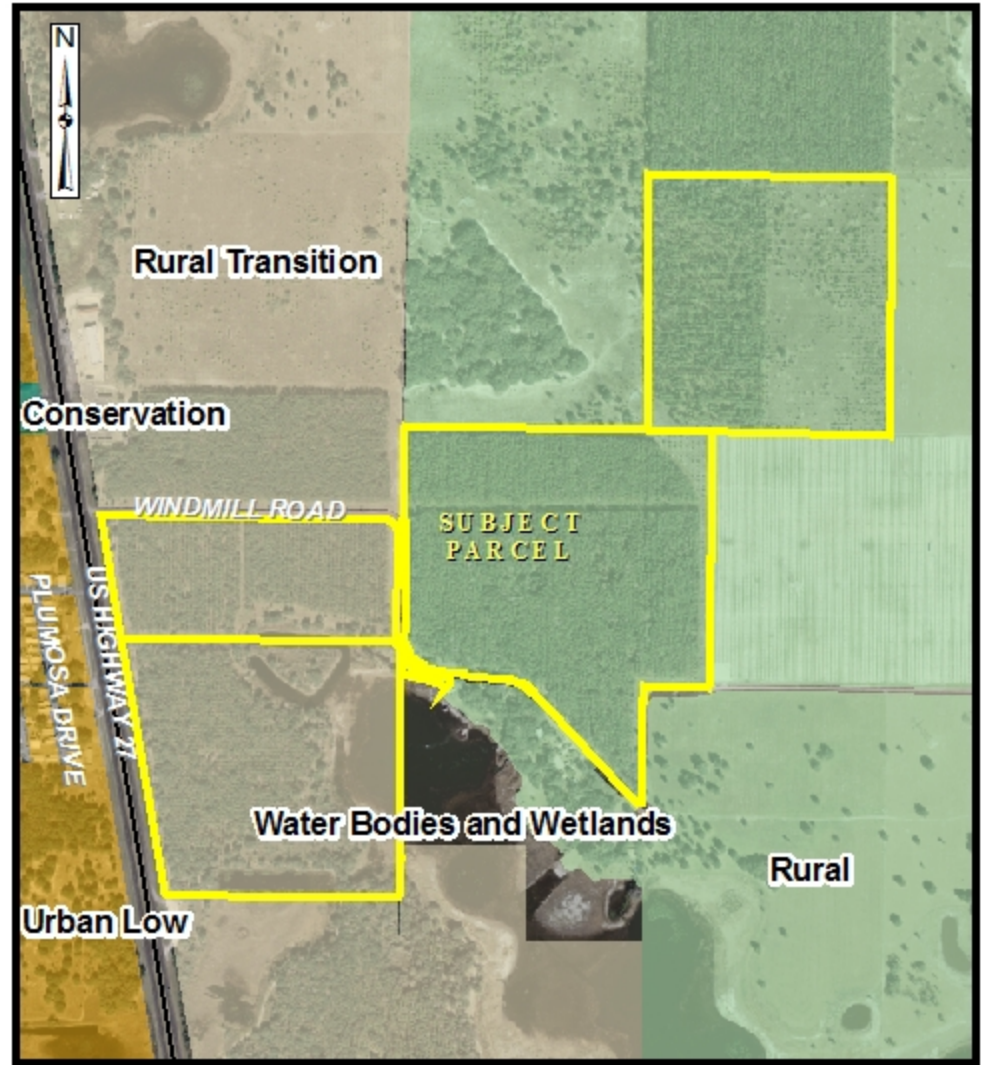
Concern: -0-

Opposition: -0-



CURRENT ZONING
AGRICULTURE (A)

0 500 1,000
Feet



ADOPTED FUTURE LAND USE
RURAL TRANSITION AND RURAL

0 500 1,000
Feet

BLR-WINDMILL PUD

CASE NO.
PH #20-12-3
CASE LOCATION:
S36, T20S, R24E
S30/31, T20S, R25E
REQUESTING:
Rezone property to Planned Unit Development (PUD)

ZONING
LAND USE
SUBJECT PARCEL

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.
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.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

**ORDINANCE #2012-XX
BLR-Windmill PUD
PH #20-12-3**

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

WHEREAS, Jim Hall, AICP, VHB MillerSellen (the "Applicant"), made a request on behalf of the BLR-Windmill Road Commercial, LLC & BLR-Windmill Road Residential, LLC (the "Owner") to rezone property from Agriculture (A) to Planned Unit Development (PUD) to facilitate development of a Rural Conservation Subdivision; and

WHEREAS, the subject property consists of 158.4 +/- acres and is generally located in the Leesburg area, East of U.S. Highway 27 and Windmill Road intersection, in Section 36, Township 20 South, Range 24 East, and Sections 30/31, Township 20 South, Range 25 East, currently having Alternate Key Numbers 1383439, 1035490, 1030218 and 1209421, and more particularly described below:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the subject property is located within the Rural Transition and Rural Future Land Use Category, and within the Yalaha-Lake Apopka Rural Protection Area as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #20-12-3 on June 6, 2012, 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 June 26, 2012; 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 Agriculture (A) to Planned Unit Development (PUD) in accordance with this Ordinance. All uses shall be generally consistent with the Conceptual Plan as shown on 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. Density: Maximum number of dwelling units based on a density of one (1) dwelling unit per one (1) net buildable acre in Rural Transition Future Land Use Category (FLUC)

1 and (1) dwelling unit per five (5) net buildable acres in the Rural FLUC. Maximum
2 number of residential units shall be contingent upon, one (1) additional dwelling unit
3 may be built within the net buildable area of the PUD for every five (5) acres of
4 wetlands (not including water bodies).

5 b. Residential development shall be designed as a clustered Rural Conservation
6 Subdivision in accordance with the Comprehensive Plan and Land Development
7 Regulations (LDR), as amended.

8 Accessory uses directly associated with the above uses may be approved by the County
9 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
10 as approved by the Board of County Commissioners.

11 B. Open Space: 50% of the net buildable area of the PUD located in the Rural Transition FLU
12 shall be dedicated in perpetuity for preservation as common open space through the use of a
13 conservation easement or similar recorded and legally binding instrument. Open space shall
14 be a minimum 35% of the net buildable in the Rural FLU.

15 C. Setbacks:

16 1. Residential:

Front	25 feet
Side and Rear	5 feet
Secondary Front Yard for Corner Lots	15 feet

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

18 D. Impervious Surface Ratio:

19 1. Rural Transition FLU 0.30 maximum; and

20 2. Rural FLU 0.20 maximum.

21 E. Building Height: Maximum height of any residential structure shall be 40 feet and a maximum
22 height of 50 feet for non-residential buildings.

23 F. Landscaping, Buffering, and Screening:

24 1. Agricultural Buffers shall be required on the north, east and south adjacent to property
25 designated as agricultural and shall be a minimum of 50 feet from the property line.

26 2. Wetlands. A minimum 50 feet wetlands buffer shall be provided and markers shall be
27 placed every 50 feet along the buffer boundary stating "Conservation Area".

28 3. All other buffers shall be installed and maintained in accordance with the LDR, as
29 amended.

30 G. Environmental:

31 1. An environmental assessment shall be required with the preliminary plat application.

32 2. Wetlands shall be placed in a conservation easement prior to construction plans approval
33 and in accordance with the Comprehensive Plan, as amended.

34 H. Noise: Compliance shall be in accordance with the LDR, as amended.

- 1 I. Transportation Improvements/Access Management: An updated traffic study shall be
2 submitted to Public Works Transportation at the time of preliminary plat approval. Access
3 management shall be in accordance with the LDR, as amended, and the Florida Department of
4 Transportation.
- 5 J. Utilities:
- 6 1. Utilities within the Rural Transition FLU: Central water and sewer connection shall be
7 provided in accordance with the Comprehensive Plan and LDR, as amended. If at the time
8 of development there is no capacity or service available, then individual on-site wastewater
9 treatment and disposal systems, and individual potable water wells may be provided, in
10 accordance with Federal, State and Local Regulations.
- 11 2. Utilities within the Rural FLU: Individual on-site wastewater treatment and disposal
12 systems, and individual potable water wells shall be provided, in accordance with Federal,
13 State and Local Regulations. Central services shall only be provided if the absence of such
14 facilities is proven to result in a threat to public health or the environment.
- 15 K. Schools: School Concurrency shall be met before final plat approval in accordance with
16 the Comprehensive Plan and LDR, as amended.
- 17 L. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
18 with Dark-Sky Principles.
- 19 M. Signage: Signs shall be in accordance with the LDR, as amended.
- 20 N. Fire Protection and Emergency Services Access: Access and fire safety requirements of the
21 development shall be provided in accordance with the Florida Fire Prevention Code and LDR,
22 as amended.
- 23 O. Concurrency Management Requirements: Any development shall comply with the Lake County
24 Concurrency Management System.
- 25 P. Development Review and Approval:
- 26 1. Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary
27 plat, construction plans, and final plat generally consistent with EXHIBIT "B" –
28 CONCEPTUAL PLAN for review and approval in accordance with the Comprehensive
29 Plan and LDR, as amended.
- 30 2. Physical development shall commence within three (3) years from the date of this
31 Ordinance approval. Failure to commence construction within three (3) years of approval
32 shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan
33 or superseding documents amended. Prior to expiration of the three-year time frame, the
34 Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the
35 time frame for a maximum of two (2) years upon a showing that reasonable efforts have
36 been made towards securing the required approvals and commencement of work.
- 37 Q. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
38 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
39 Comprehensive Plan, and Lake County Land Development Regulations shall include any
40 future amendments to the Statutes, Code, Plans, and/or Regulations.

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

2 A. After establishment of the facilities as provided herein, the aforementioned property shall only
3 be used for the purposes named in this Ordinance. Any other proposed use must be
4 specifically authorized by the Board of County Commissioners.

5 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
6 move, convert, or demolish any building structure, add other uses, or alter the land in any
7 manner within the boundaries of the above described land without first obtaining the necessary
8 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
9 required from the other appropriate governmental agencies.

10 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
11 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
12 Owner and any successor, and shall be subject to each and every condition herein set out.

13 D. Construction and operation of the proposed use shall at all times comply with the regulations of
14 this and other governmental permitting agencies.

15 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
16 shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is
17 made good and aware of the conditions established by this Ordinance and agrees to be bound
18 by these conditions. The purchaser or lessee may request a change from the existing plans
19 and conditions by following procedures contained in the Land Development Regulations, as
20 amended.

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

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

27

1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.
2

3 ENACTED this _____ day of _____, 2012.

4 FILED with the Secretary of State _____, 2012.
5

6 EFFECTIVE _____, 2012.
7

8 BOARD OF COUNTY COMMISSIONERS
9 LAKE COUNTY, FLORIDA
10

11 _____
12 LESLIE CAMPIONE, Chairman

13 ATTEST:
14

15 _____
16 NEIL KELLY, Clerk of the
17 Board of County Commissioners
18 Lake County, Florida

19 APPROVED AS TO FORM AND LEGALITY

20 _____
21 SANFORD A. MINKOFF, County Attorney
22

EXHIBIT "A" – LEGAL DESCRIPTION

1
2

The East 1/2 of Government Lot 4, in Section 30, Township 20 South, Range 25 East, Lake County, Florida. Also described as the Southeast 1/4 of the Southwest 1/4 of Section 30, Township 20 South, Range 25 East, Lake County, Florida.

TOGETHER WITH:

The West 1/4 of the East 1/2 of Government Lot 1, Section 31, Township 20 South, Range 25 East, also described as: The West 1/4 of the NE 1/4 of the NW 1/4 of Section 31, Township 20 South, Range 25 East, comprising approximately 10 acres, and the West 10 feet of the E 1/2 of the W 1/2 of the E 1/2 of said Government Lot 1, also NE 1/2 of NE 1/4 of SW 1/4 of NW 1/4 of Section 31, Township 20 South, Range 25 East, containing five acres of land; SAID NE 1/2 of NE 1/4 of SW 1/4 of NW 1/4 being more particularly described as follows:

That part of Section 31, Township 20 South, Range 25 East, Lake County, Florida described as follows:

BEGIN at a 1/2" diameter iron rod with cap #L8707 marking the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 20 South, Range 25 East: thence run S00°42'72"W along the East line of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 for a distance of 667.93 feet to the Southeast corner thereof; thence run N42°30'31"W for a distance of 918.16 feet to the Northwest corner of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4; thence run S89°10'59"E along the North line of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 31 for a distance of 628.66 feet to the POINT OF BEGINNING. LESS road rights of way, if any.

ALSO, commence at the NE corner of the SW 1/4 of NW 1/4 of Section 31, Township 20 South, Range 25 East, run thence West 1055.41 feet along the North boundary of said "forty" to a concrete monument for the point of beginning for this tract, thence continued West on said boundary to the low water mark of Turkey Lake; begin again at the POB, run thence East along said North boundary of SW 1/4 of NW 1/4 of said Section 31, 50 feet, thence South 45° West to the low water mark of Turkey Lake, thence Northwesterly along the North the low water mark of Turkey Lake to intersect the North boundary of the said SW 1/4 of NW 1/4 and the first boundary for this description; ALSO begin at a concrete monument set at the NW corner of Section 31, Township 20 South, Range 25 East, run thence East 1268.48 feet to a concrete monument thence South 0 degrees 26 minutes 55 seconds East 1333.23 feet to a concrete monument set in the South boundary of Government Lot I of said Section 31, thence West 1055.41 feet to a concrete monument set in the edge of Turkey Lake, thence continuing in the same direction 212.32 feet to the Southwest corner of Government Lot 1 of said Section 31, thence North 100 feet to a concrete monument set in margin of Turkey Lake, thence continuing North in the same direction 1239.35 feet to the concrete monument set at the POB; being the W 1/2 of Government Lot 1 of Section 31, Township 20 South, Range 25 East; ALSO commence at the Northwest corner of the SW 1/4 of NW 1/4 of Section 31, Township 20 South, Range 25

3

East, run thence South 100 feet, thence East 50 feet, thence North 100 feet, thence West 50 feet to the POB (the last tract being a strip running into Turkey Lake, and is conveyed for the purpose of giving the Grantee full access at all times to the waters of Turkey Lake

LESS that part conveyed in Book 1726, Page 481, described as follows:

From a concrete monument set at the Northeast corner of the West 1/2 of the Government Lot 2 (sometimes described as the Southwest 1/4 of the Northwest 1/4) of Section 31, Township 20 South, Range 25 East, in Lake County, Florida, run thence West 800.92 feet to a concrete monument for the point of beginning, continue West along the same line a distance of 203.48 feet thence North 00° West, 33 feet to the edge of Windmill Road; thence Southeasterly along said edge of Windmill Road 212 feet more or less to a point which bears North 45° 12' 00" East from the point of beginning; thence South 45° 12' 00" West, 9.00 feet more or less to the point of beginning.

AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of Section 36, Township 20 South, Range 24 East, and Sections 30 and 31, Township 20 South, Range 25 East, Lake County, Florida, described as follows:

BEGIN at a 4" diameter concrete monument marking the Northwest corner of Section 31, Township 20 South, Range 25 East, and run S89°05'25"E along the North line of Government Lot 1 in said Section 31 for a distance of 1256.94 feet to the Northeast corner of the West 1/2 of said Government Lot 1; thence run N00°39'24"E along the West line of the East 1/2 of Government Lot 4 in Section 30, Township 20 South, Range 25 East, for a distance of 1330.89 feet thence run S89°03'58"E along the North line of said East 1/2 of Government Lot 4 for a distance of 1256.30 feet; thence run S00°37'44"W along the East line of said East 1/2 of Government Lot 4 for a distance of 1330.36 feet to a 4" x 4" concrete monument as referenced in Certified Corner Record Number 73133 at the Southeast corner of the Southwest 1/4 of said Section 30 being the Southeast corner of said East 1/2 of Government Lot 4; thence run N89°05'25"W along the South line of said East 1/2 of Government Lot 4 for a distance of 932.71 feet; thence run S00°41'58"W along the East line of the West 10.00 feet of the East 1/2 of the West 1/2 of the East 1/2 of Government Lot 1 in said Section 31 for a distance of 1335.33 feet; thence run N89°10'59"W along the South line of the East 1/2 of said Government Lot 1 for a distance of 324.33 feet to a 1/2" diameter iron rod with Cap #LB707 at the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 31; thence run S00°42'12"W along the East line of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 for a distance of 667.93 feet to the Southeast corner thereof; thence run N42°30'31"W for a distance of 918.16 feet to the Northwest corner of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4; thence run N89°10'59"W along the North line of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 31 for a distance of 33.21 feet; thence run N44°17'34"W along the Northeasterly line of lands described in Official Records Book 634, Page 1750, of the Public Records of Lake County, Florida, for a distance of 7.41 feet to a 4" diameter concrete monument with Disk #RLS1916 at the Northwest corner thereof; thence run N89°03'43"W along the North line of lands described in Official Records Book 1751, Page 1731, of said Public Records, for a distance of 140.65 feet to a 4" x 4" concrete monument;

1

thence run N45°44'17"E along the Easterly line of lands described in Official Records Book 1726, Page 481, of said Public Records, for a distance of 7.86 feet to the Southerly edge of a clay road (Windmill Road); thence run N82°52'00"W along said edge for a distance of 88.44 feet; thence run N80°53'39"W along said edge for a distance of 122.33 feet; thence run S00°56'17"W along the West line of said Official Records Book 1726, Page 481, for a distance of 32.50 feet to a 1" diameter iron pipe marking the Northwest corner of lands described in Official Records Book 1606, Page 687; thence run S45°56'17"W along the Westerly line of said lands for a distance of 141.76 feet to the water's edge of Turkey Lake, as field located February 13, 2002; thence run S85°00'39"W along said water's edge for a distance of 17.32 feet; thence run N65°08'20"W along said water's edge for a distance of 85.73 feet; thence run S00°43'13"W along the East line of the West 50.00 feet of the Southwest 1/4 of the Northwest 1/4 of said Section 31 for a distance of 39.11 feet; thence run N89°10'59"W along the South line of the North 100.00 feet of said Southwest 1/4 of the Northwest 1/4 for a distance of 50.00 feet; thence run S00°43'13"W along the East line of the Southeast 1/4 of the Northeast 1/4 of said Section 36 for a distance of 1010.22 feet to a 1/2" diameter iron rod with Cap #LS2142 marking the Southeast corner of said Southeast 1/4 of the Northeast 1/4; thence run N89°09'02"W along the South line of said Southeast 1/4 of the Northeast 1/4 for a distance of 1233.77 feet to the Easterly right-of-way line of U. S. Highway No. 27 (a 200-foot wide right-of-way); thence run N09°40'57"W along said Easterly right-of-way line for a distance of 2017.95 feet; thence run S89°10'34"E along the North line of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 36 for a distance of 1598.14 feet; thence run N00°43'13"E along the West line of the aforesaid Government Lot 1 in Section 31 for a distance of 463.44 feet to the POINT OF BEGINNING. LESS road rights-of-way, if any.

TOGETHER WITH:

That part of Section 31, Township 20 South, Range 25 East, Lake County, Florida, described as follows:

Commence at a 1/2" diameter iron rod with cap #LB707 marking the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 20 South, Range 25 East; thence run S00°42'12"W along the East line of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 for a distance of 667.93 feet to the Southeast corner thereof; thence run N42°30'31"W for a distance of 165.45 feet to a point of intersection with the Southeasterly prolongation of the Northeasterly line of lands described in Official Records Book 634, Page 1750, of the Public Records of Lake County, Florida, said point being the POINT OF BEGINNING; thence continue N42°30'31"W for a distance of 752.71 feet to the Northwest corner of said Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4; thence run N89°10'59"W along the North line of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 31 for a distance of 33.21 feet to the Northeasterly line of said Official Records Book 634, Page 1750; prolongation thereof for a distance of 775.87 feet to the POINT OF BEGINNING. LESS road rights-of-way, if any.

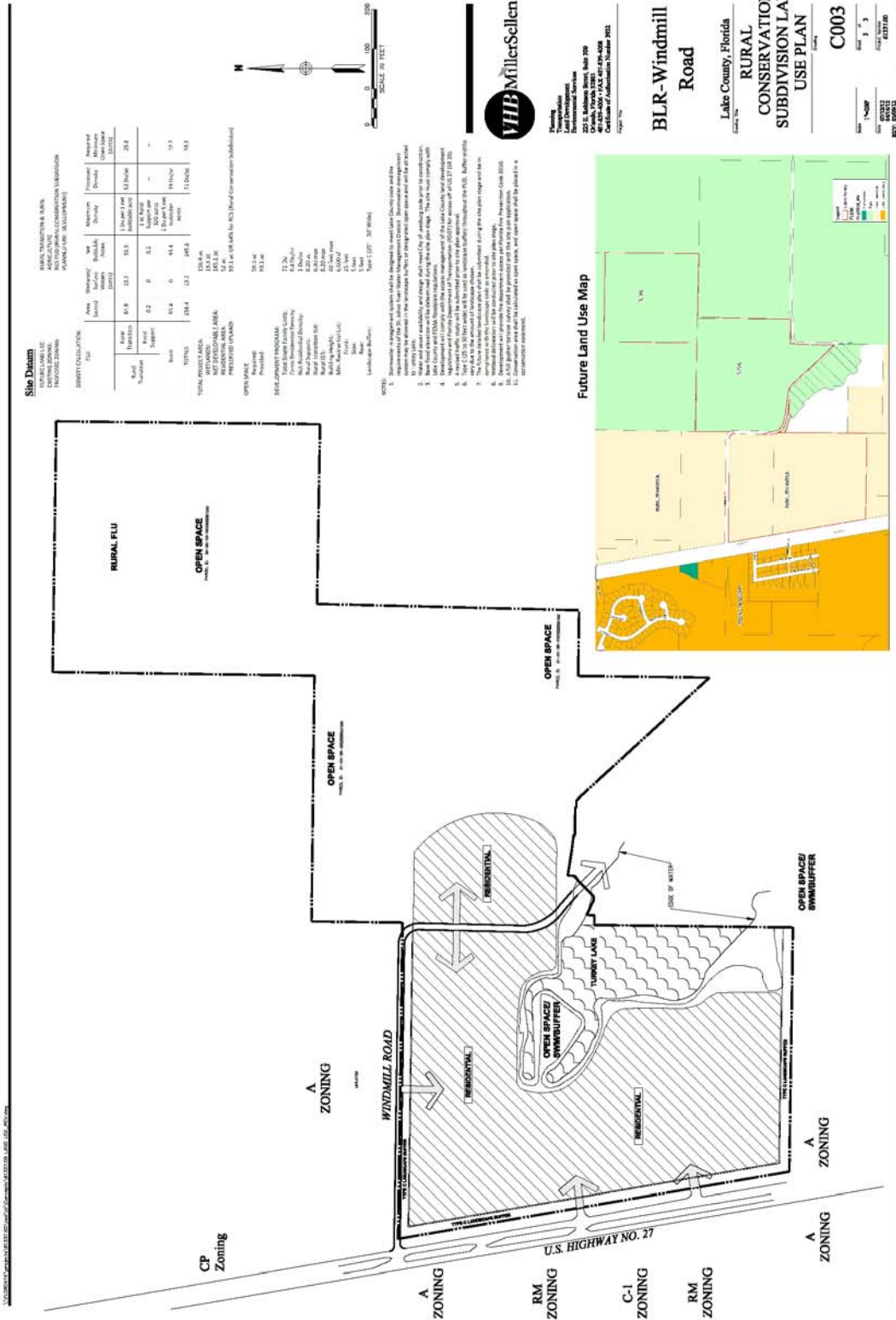
1

1 **AND:**
The South 1/2 of the Northeast 1/4 of the Northeast 1/4 and that portion of the South 1/2 of the Northwest 1/4 of the Northeast 1/4 lying east of the right of way of U.S. Highway No. 27, all in Section 36, Township 20 South, Range 24 East, in Lake County, Florida.

AND:

2 That part of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 20 South, Range 24 East, in Lake County, Florida, lying East of the easterly line of the right-of-way of U.S. Highway No. 27.

1 EXHIBIT "B" - CONCEPTUAL PLAN



Attachment 1

January 20, 2010

To: Zoning Division, Growth Management Department

Subject: Utility Notification

Description: AltKey #'s 1044154, 1030218, 1209421, 1383439, 1035490

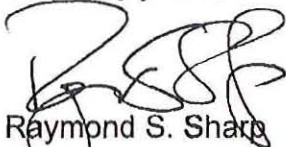
Water Availability: The City of Leesburg does not have Consumptive Use Permit capacity to provide water service to the referenced parcels. The City of Leesburg will not supply water to the referenced parcels.

Wastewater Availability: Pursuant to 381.065(2)(a)3, F.S., central sewer service is not available.

Wastewater Capacity: The City of Leesburg has sufficient wastewater treatment capacity available to serve the referenced parcels. The City of Leesburg will provide central sewer service to the referenced parcels under our usual terms and conditions which include, but are not limited to execution of a covenant to annex, payment of appropriate impact fees, and construction of on-site and off-site improvements as required to provide service, at the developer's expense.

Wellfield Protection: The referenced parcels are not within 1,000 feet of any existing or future City of Leesburg wellhead.

Sincerely yours,



Raymond S. Sharp
Environmental Services/Public Works Director



LEESBURG

Post Office Box 490630 • Leesburg, Florida 34749-0630
352/728-9700 • Fax 352/728-9734 • TDD 352/728-4138

- AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER -

Attachment 2



Leading our Children to Success

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

Superintendent:
Susan Moxley, Ed.D.

School Board Members:
District 1
Jim Miller
District 2
Rosanne Brandeburg
District 3
Tod Howard
District 4
Debbie Stivender
District 5
Kyleen Fischer

May 4, 2012

Mr. Brian Sheahan, Director
Division of Planning and Community Design
Growth Management Department
Lake County
Post Office Box 7800
Tavares, Florida 32778-7800

RE: BLR Windmill Road Property Rezoning Case (Lake County Project #2009030001; Application Request #2026)

Dear Mr. Sheahan:

The County is currently reviewing a rezoning of approximately 154 acres from Lake County Agriculture District to Lake County Planned Unit Development (PUD). The applicant proposes a maximum of 69 residential dwelling units.

As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report. The School Board of Lake County Florida believes the rezoning will have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2012-2016, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 69 new single-family dwelling units that will contribute 29 new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- | | |
|-------------------------------------|---------------------------|
| • Leesburg Elementary School | 1% Over Capacity |
| • Oak Park Middle School | 14% Under Capacity |
| • Leesburg High School | 15% Under Capacity |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed rezoning on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352)253-6694.

Sincerely,

Dawn McDonald, Senior Planner
Growth Planning Department

Enclosure

**REVIEWING AUTHORITY
NAME / CASE NUMBER**

Lake County Division of Planning and Community Design
BLR Windmill Road Property Rezoning / Project #2009030001; Application Request #2026

DEVELOPER/OWNER

BLR-Windmill Road Commercial, LLC; BLR-Windmill Road Residential, LLC

ITEM DESCRIPTION

The County is currently reviewing a proposed rezoning for approximately 154 acres from Lake County Agriculture District to Lake County Planned Unit Development (PUD). The applicant proposes a maximum of 69 residential dwelling units.

LOCATION

Sections 30, 31 & 36; Township 20; Ranges 24 & 25
Located north and south of Windmill Road and east of US 27

CURRENT ZONING

Lake County Agriculture District

PROPOSED ZONING

Lake County Planned Unit Development (PUD)

**NEW DU IMPACT
STUDENT GENERATION**

SF-DU	MF-DU	Mobile	SF Impacts	DUs
			69	
0.410	0.254	0.145		29
0.186	0.131	0.065		13
0.100	0.057	0.036		7
0.124	0.066	0.044		9

SCHOOL NAME

Leesburg Elementary
Oak Park Middle
Leesburg High

Projected Enrollment 2015-2016*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
934	933	100%	947	101%	No
616	724	85%	623	86%	No
1,721	2,041	84%	1,730	85%	No

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016*

CSA 11

Elementary School
Middle School
High School

Student Enrollment 2015-2016*	Permanent Student Capacity*	% of Permanent Capacity
934	933	100%
616	724	85%
0	0	0%

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016*

COMMENTS:

The applicant proposes 69 residential dwelling units, which will adversely impact Lake County Schools.

School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.