

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
 September 7, 2011



BOARD OF COUNTY COMMISSIONERS
 September 27, 2011

PH #14-11-3 Dewey Robbins Road, LLC PUD Rezoning	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 1
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Applicant: George Kramer, AECOM (the "Applicant")
Owner: Dewey Robbins Road, LLC (the "Owner")

Requested Action: Rezone approximately 200 acres from Agriculture (A) to Planned Unit Development (PUD) to provide a rural residential subdivision at a density of one dwelling unit per five acres.

- Site Location and Information -

The area in red denotes approximate site location



Site Visit(s): August 11, 2011
 Sign(s) Posted: August 18, 2011 (4 signs)

Size	Approx. 202.93 acres	
Location	NE corner of the Dewey Robbins Rd and Turkey Lake Rd S32,33-T20-R25	
Alternate Key #'s	1046751, 1030366, 1030358	
Future Land Use/ Density & ISR (max)	Current Rural (1 du/ 5 ac.)	2030 Rural (1 du/5 ac.)
	Existing Zoning	Proposed Zoning
Zoning District	A	PUD
Density	1 du/ 5 ac.	1 du/ 5 ac.
Intensity (FAR)	.10	N/A
ISR	.10	N/A
Joint Planning Area	Howey-in-the-Hills	
Utility Area	Howey-in-the-Hills	
Road Classification	Minor Collector	
Flood Zone / FIRM Panel	Zones A and X/Panel 455	
Commissioner District	3 – Conner	

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Rural Residential/Agriculture	Active agriculture
South	Rural	Agriculture	Rural Residential/Agriculture	Active grove
East	Rural & Suburban	Agriculture	Rural Residential/Agriculture	Active agriculture
West	Rural & Suburban	Agriculture	Rural Residential/Agriculture	Active agriculture

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff finds the proposed rezoning request consistent with the Comprehensive Plan and Land Development Regulations as specified in the analysis below and the Findings of Fact; and recommends **APPROVAL**, with conditions, as specified in the proposed ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The 200+/- acre property is located in the Howey-in-the-Hills Area on the north side of Dewey Robbins Road, east of US Highway 27. The property is currently zoned Agriculture (A) and designated as Rural Future Land Use. The property is currently vacant. The Applicant is requesting a zoning change to Planned Unit Development (PUD) for a residential development consisting of 40 dwelling units at a density of one dwelling unit per five acres. The proposed lots will be approximately 1.4 acres in size and will allow non-intensive agriculture uses, including the equestrian uses.

Applicability of the 2030 Comprehensive Plan – The subject property is within the Rural Future Land Use Category (1-du/5-acres) on the 2030 Future Land Use Map and the request would be consistent with this designation as it adheres to Rural Conservation Subdivision Design.

- Analysis -
LDR Section 14.03.03

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

The application proposes 40 single-family residential dwellings on 175 net buildable acres (minus the 25.3 acres of wetlands). The request is consistent with the allotted density of 1.0 dwelling per 5.0 net acres plus 5 dwelling units allotted with wetland density credits. Approximately 78.4 acres of the net buildable area is provided as open space (buffers, retention, and recreation). This request is consistent with Section 3.00.04, *Land Use – Zoning District Matrix*, of the Land Development Regulations (LDRs) that permits PUD zoning in the Rural Future Land Use Category. In addition, the request is consistent with LDR 4.03.01(A) that allows PUD zoning in all Land Use Classifications and LDR 4.03.03 that requires the minimum area to be at least 10 acres.

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

The proposed is consistent with Comprehensive Plan Policy 1-1.15 that allows rural residential development within the Rural FLUC and provides adequate buffers as required in Policy 1-1B.6, *Buffers for Active Agriculture Lands* that requires a minimum buffer of fifty (50) feet between any new subdivision greater than 25 acres and active agriculture lands.

Comprehensive Plan Policy 1-1.2 *Allowance for Open Space*, requires a minimum of 80% open space for properties located in the Rural Future Land Use Category. This Policy also states that all

agriculture uses are deemed to qualify as open space, therefore the proposed lots are eligible to be counted as open space provided that agricultural uses are allowed. This is specified as a condition within the proposed ordinance.

Informational: The proposed 2030 Comprehensive Plan and Future Land Use Map denote the proposed project area as being within the Rural Future Land Use. The 2030 Comprehensive Plan, Policies 1-1.4.1 and 1-5.1.1 allow residential development at a maximum of 1.0 dwelling unit per 5.0 net acres. The proposed project is also consistent with Policy 1-5.1.4, *Development Design Standards*; require clustering of development and the protection of open space and wetlands.

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

There are no other residential development existing or proposed in this immediate area. However, the proposed PUD is consistent with the existing and abutting land uses as it proposes rural residential development.

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

There have been no changed conditions or recent rezonings in the area that prompts this rezoning request. However, the Applicant indicated that, "Lake County is a destination for individuals seeking to live in a rural residential community."

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;

Schools - School impact (concurrency) will have to be addressed prior to Final Plat. The School Board has submitted information stating that schools will not be adversely affected by the proposed rezoning and the projected five-year capacity of the surrounding schools.

Solid Waste- Solid waste impact mitigation will be addressed during site development review.

Open Space –The application proposes an open space area of 78.4 acres that does not include the 25.3 acres of wetlands. Comp Plan Policy 1-1.2 *Allowance for Open Space* requires a minimum of 80% open space, or approximately 160 acres, for the Rural Future Land Use and allows Agricultural lands to qualify as open space. The proposed PUD rezoning will allow non-intensive agriculture uses (equestrian uses) and therefore the agriculture uses are deemed to qualify as open space.

Fire & Emergency Services – Lake County Station #82, situated approximately 3-4 miles from the project site, will provide fire & emergency service needs to the property. The water source is a tank near the station, about 3.25 miles from the property.

Water and Sewage – Central water and sewer are not intended nor required for areas designated as rural, as stated in Comprehensive Plan Policy 1-1B.2, *Water and Sewer Requirements for Rural*

Areas. Septic Tanks and private wells will be reviewed and permitted through the Lake County Health Department.

Transportation - The standard Level of Service (LOS) for the impacted roadway of Dewey Robbins Road is "C". It appears there is sufficient road capacity available. A traffic study to assess impacts from the proposed development shall be required with the development plan and is specified as a condition in the proposed ordinance. The ordinance proposes a condition for access improvements to accommodate the residential development.

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

The property contains wetlands and a natural upland community, Pine Flatwoods. Conditions for the protection of these resources include a 50-foot wide wetland buffer and protection of the Pine Flatwoods. The development will also be required to meet the storm water quality and quantity standards of St. Johns River Water Management District and Lake County. An environmental assessment will be required to coincide with construction plan review and in accordance with all federal, state, and local environmental protection requirements. The wetlands and associated buffers will be placed in a conservation easement and serve as open space for the proposed development.

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

No information has been submitted to indicate 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, specifically identifying any negative effects on such patterns;**

The proposed PUD rezoning will not cause a disorderly development pattern or increase the existing residential density in the area and will cluster the development away from sensitive habitat. The proposed lots will allow non-intensive agriculture uses.

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

The rezoning appears to be in harmony with the purpose and intent of the Comprehensive Plan and Land Development Regulations.

- 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.**

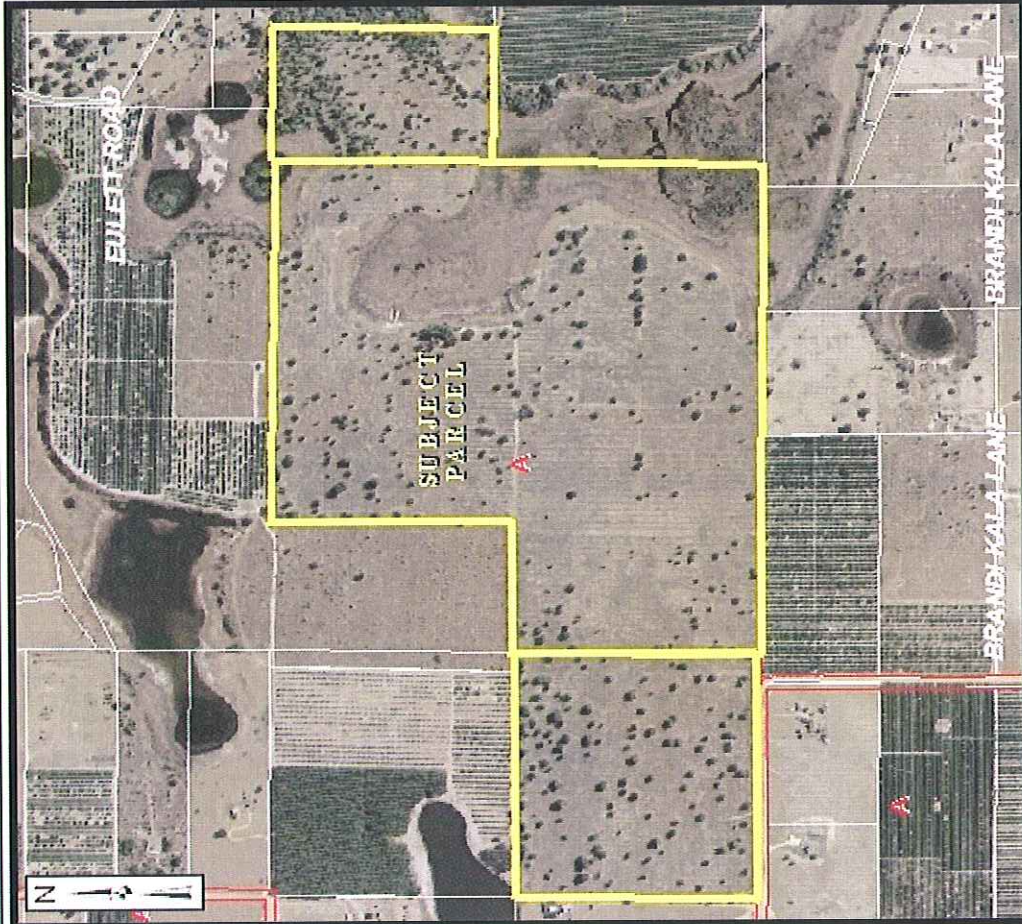
The Town of Howey-in-the-Hills was contacted; however the Town has yet to provide any comments.

FINDINGS OF FACT: Staff has reviewed the application for this rezoning request and found:

1. The PUD request for 40 dwellings on 200 acres is consistent with the existing Rural Future Land Use Category as stipulated by LDR 4.03.01(A).
2. The proposed is consistent with Comprehensive Plan Policy 1-1.15 that allows rural residential development within the Rural FLUC
3. The request is consistent with the required 80% minimum open space requirement specified in Comp Plan Policy 1-1.2.

Based on findings of fact above, staff recommends **APPROVAL** of the PUD request for 40 dwelling units with conditions, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-



CURRENT ZONING
AGRICULTURE

DEWEY ROBBINS
ROAD, LLC

CASE NO.
PH# 14-11-3

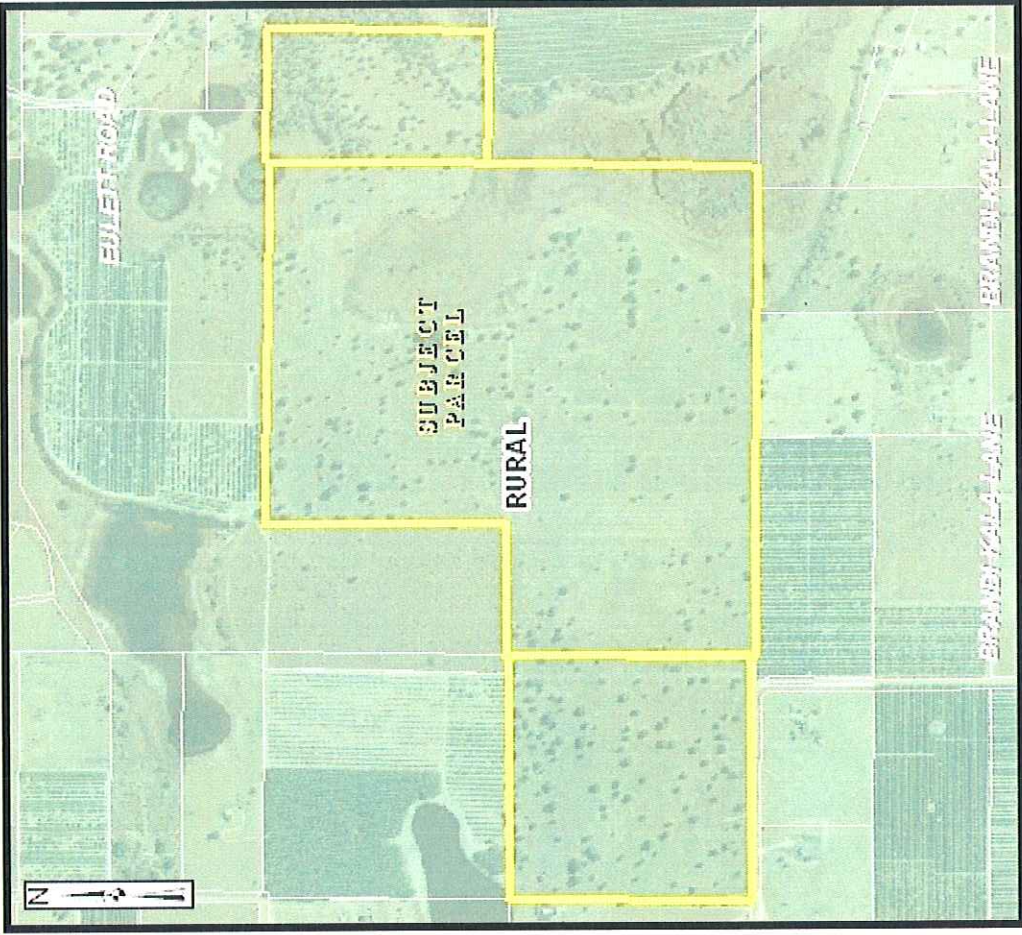
CASE LOCATION:
22, 23-20-25

RE REQUESTING:
A to PUD

ZONING 

LAND USE 

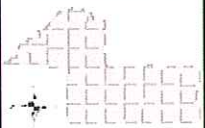
SUBJECT PARCEL 



ADOPTED FUTURE LAND USE
RURAL

MAP COORDINATOR
JULY 2014

LAKE COUNTY
PLANNING DEPARTMENT



1 **Section 1.** Terms: The terms and conditions of this Ordinance shall mean and include the
2 following land uses as incorporated herein. The County Manager or designee shall amend the
3 Zoning Map in accordance with this Ordinance.

4
5 A. Land Use:

6
7 1. The site shall be limited to the following uses:

- 8
9 a. Single family detached dwellings - not to exceed 40 principal dwelling units
10 b. Non-intensive Agriculture uses; including equestrian uses;
11 c. Accessory uses and structures consistent with the above uses.

12
13 2. The property shall be developed in general conformance with the Conceptual Plan
14 attached as Exhibit "B". To the extent where there are conflicts between the
15 Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

16
17 B. Setbacks:

- 18
19 1. Residential structures – 25 feet (side and rear)
20 2. Agricultural structures; shall include, but are not limited to: horse barns, chicken
21 coops, corals, nurseries – shall be 50 feet from property lines (interior lots or
22 perimeter PUD boundary).

23
24 C. Bulk Standards

- 25
26 1. Impervious Surface Ratio: 10% (maximum) for each residential lot and platted
27 common areas.
28 2. Open Space: Common open space shall be 39% (minimum), as shown on Exhibit
29 "B". Forty-one percent (41%) of non-common open space can be derived from
30 side and rear yards of residential lots, for a total of 80% open space.

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32 D. Landscaping: All landscaping shall comply with the landscaping requirements contained in
33 the Lake County Land Development Regulations, as amended.

34
35 E. Environmental Considerations:

- 36
37 1. An Environmental Assessment shall be submitted with the preliminary plat
38 application.
39 2. A Conservation Easement shall be established prior to construction plan approval
40 for the Pine Flatwoods, Wetlands and associated wetland buffers and shall be
41 delineated with markers stating "Conservation Area." Markers shall be placed at a
42 maximum of 200 feet apart.
43 3. Setbacks from wetlands and water bodies shall be in accordance with the
44 Comprehensive Plan and Land Development Regulations, as amended.

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46 F. Signage: All signage shall comply with the Land Development Regulations, as amended.

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G. Transportation:

- 1. A traffic impact study shall be submitted with the preliminary plat. Transportation facilities shall be provided concurrent with the development impacts.
- 2. Dewey Robbins Road shall be the primary ingress and egress for the residential development which shall comply with Access Management standards of the Land Development Regulations, as amended, and Florida Department of Transportation (FDOT) standards.
- 3. Roads – All structures shall be 50-feet from Dewey Robbins Road right of way.

H. Noise Study: A noise impact assessment shall be provided with the preliminary plat application to assess the need for noise mitigation consistent with the Land Development Regulations, as amended.

I. Future Amendments to Statutes, Code, Plans 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 shall include any future amendments to the Statutes, Code, Plan, and/or Regulations.

Section 2. Conditions as altered and amended which pertain to the above tract of land shall be as follows:

- A. After establishment of the development as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. The Board of County Commissioners must specifically authorize any other proposed use or uses.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner (except for normal maintenance activities – i.e. painting, screening, etc.) within the boundaries of the above described land without first submitting the necessary plans in accordance with the Lake County Land Development Regulations and obtaining approval from the County Manager or designee upon obtaining the permits required from other appropriate governmental agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

- 1 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
2 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
3 made good and aware of the conditions pertaining to this Planned Unit Development
4 (PUD) Ordinance and agrees to be bound by these conditions. The purchaser or lessee
5 may request a change from the existing plans and conditions by following procedures
6 contained in the Lake County Land Development Regulations, as amended.
7
- 8 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
9 Enforcement Special Master shall have authority to enforce the terms and conditions set
10 forth in this ordinance and to recommend that the ordinance be revoked.
11

12 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
13 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
14 affect the validity of the remaining portions of this Ordinance.
15

16 **Section 4. Effective Date:** This Ordinance shall become effective as provided by law.
17

18 ENACTED this _____ day of _____, 2011.
19

20 FILED with the Secretary of State _____, 2011.
21

22 EFFECTIVE _____, 2011.
23

24 **BOARD OF COUNTY COMMISSIONERS**
25 **LAKE COUNTY, FLORIDA**
26

27 _____
28 **JENNIFER HILL, CHAIRMAIN**
29

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31
32 **ATTEST:**
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34 _____
35 **Neil Kelly, Clerk of the**
36 **Board of County Commissioners**
37 **Lake County, Florida**
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40 **APPROVED AS TO FORM AND LEGALITY**
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42 _____
43 **Sanford Minkoff, County Attorney**
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EXHIBIT "A"

LEGAL DESCRIPTION

The Southeast 1/4 of the Southeast 1/4, Section 32, Township 20 South, Range 25 East, LESS and EXCEPT the South 25 feet for Road Right of Way for Dewey Robbins Road, Lake County, Florida.

Begin at the Southwest corner of Section 33, Township 20 South, Range 25 East, and run North to a point 18.5 feet North of the Northwest corner of the Southwest 1/4 of the Southwest 1/4, run South 89°40' East 704.4 feet, run thence North 0°41' East 1319.45 feet, thence run South 89°25' East to the East line of the Southwest 1/4, run thence South to the South line of said Section 33, run thence West to the Point of Beginning.

The West 716 feet of the North 1195 feet of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 25 East, all being in Lake County, Florida.

LESS any part of the above property lying within the following described parcel:

That part of the North 1/2 of the Southwest 1/4 of Section 33, Township 20 South, Range 25 East, Lake County, Florida, bounded and described as follows:

Begin at the Northeast corner of the North 1/2 of the Southwest 1/4 of Section 33 and run North 89°55' West along the North line of the said North 1/2 of the Southwest 1/4 a distance of 1984.20 feet; thence South 0°41' West 5 feet; thence South 89°25' East 1984.23 feet to the East line of the said North 1/2 of the Southwest 1/4; thence North 0°01' East 22.31 feet to the Point of Beginning.

