

**LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT**

**PLANNING AND ZONING BOARD**  
September 7, 2016



**BOARD OF COUNTY COMMISSIONERS**  
September 27, 2016

<b>RZ-16-18-1</b> Greater Lakes PUD Amendment	<b>District 1</b>	<b>Agenda Item #2</b>
--	-------------------	-----------------------



**Requested Action:** Amend section 1.B.4 of Planned Unit Development (PUD) Ordinance 2005-7 to allow active recreational uses within the ten (10) acre park.

**Owner and Applicant:** Home Dynamics Sawgrass, LLC, David Schack as the registered agent (the "Owner" & "Applicant")

**- Site Location & Information -**

<b>Size</b>	10 +/- acres [subject property], 504 +/- acres [entire subdivision]
<b>Location</b>	East of U.S. Highway 27, south of the City of Clermont
<b>Alternate Key No.</b>	3900760 [subject site]
<b>Future Land Use</b>	Urban Low Density
<b>Existing Zoning District</b>	Planned Unit Development (PUD)
<b>Proposed Zoning District</b>	Planned Unit Development (PUD)
<b>Joint Planning Area/ ISBA</b>	None

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Urban Low and Rural	Agriculture Residential (AR)	Brightstar Acres Subdivision	Single Family Residences on two (2) acre lots
<b>South</b>	Urban Low	Agriculture (A)	County Road 455	Single Family residences on south side of CR 455
<b>East</b>	Rural	Agriculture (A)	Vacant	Timber and Improved Pasture
<b>West</b>	Conservation	Agriculture (A)	Residences and Undeveloped land	Single Family residences on large lots

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** to amend section 1.B.4 of Planned Unit Development (PUD) Ordinance 2005-7 to allow a ten (10) acre park in conjunction with the school site for community recreation activity. .

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

On July 1, 1986 the Board of County Commissioners approved Ordinance 36-86 to allow a Planned Unit Development (PUD) on 255 acres to allow 2,000 camping and recreational vehicle sites. On October 26, 1993 the PUD was amended by Ordinance 39-93 to allow 709 single family residences and short term rentals, twelve (12) acres of commercial development, and a 7.5 acre park with a swimming pool, tennis court, club house, and tot lot. On January 25, 2005 the PUD was amended by Ordinance 2005-7 to add a school site and alter the setbacks and lot size for the single family residences. By the applicant's request, the recreational requirements within Ordinance 2005-7 were amended to eliminate the verbiage regarding the 7.5 acre park allow a ten (10) acre park for passive recreation activities in conjunction with the school site (Attachment B).

The applicant wishes to amend the existing PUD Ordinance 2005-7 to revise the uses permitted on the ten (10) acre park. The ordinance currently only allows passive recreation uses. The applicant wishes to place a pool, cabana, and playground on the ten (10) acre park (Attachment C). However, the requested uses are inconsistent with the definition of passive recreation as specified by 2030 Comprehensive Plan. The Lake County School Board has stated that they have no objection to the construction of a pool, cabana, and playground on the subject property (Attachment A) and they did not have any objections to the rezoning application. The amended PUD ordinance will allow community recreation activities.

## – Analysis –

## LDR Section 14.03.03 (Standards for Review)

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

LDR Section 4.03.00.A.2, states that the PUD zoning district was created to allow a diversification of uses, Structures, and Open Space in a manner compatible with both the surrounding, existing and approved Development of Land surrounding and abutting the PUD Site. Allowing active recreational uses for the use of the residential community on the 10 acre park is consistent with this Policy.

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

The proposed recreational language is consistent with Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use Category*, which allows active parks and recreational facilities as a conditional use. Comprehensive Plan Policy VI-1.9.3 Co-location of Recreation Facilities, encourages the co-location of sites for schools and recreational facilities.

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

The rezoning application to redefine the recreational use is consistent with the existing and proposed land uses. Previous PUD Ordinance 39-93 allowed for a swimming pool, tennis court, club house, and tot lot on a common area tract. In 2007, the Applicant at the time, requested that this provision be removed and amended to only allow a 10 acre park for passive recreation. The current Applicant wishes to construct a swimming pool, cabana, and playground on the subject park site. These proposed recreation activity is contrary to the passive recreation definition of the Comp Plan and meet the active recreation definition, hence the request to revise the recreation language.

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

Ordinance 93-39 allowed a 7.5 acre park with a swimming pool, tennis court, club house, and tot lot. When the PUD Ordinance was amended in 2005, the applicant requested that the uses of the park be changed to 'passive recreation in conjunction with the school site' (shown as Attachment B). The applicant now wishes to construct a swimming pool, cabana, and playground on the park (Shown on Attachment C). As previously indicated by Attachment A, the School Board has stated that they have no objection to the applicant's development plans or the rezoning application.

**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 and Sewage – No adverse impacts are anticipated by the additional recreational uses. Pool permitting will be reviewed by the Department of Health (DOH) Lake County and the DOH Orlando Engineering offices.

Solid Waste – The proposed rezoning application will not cause any adverse impact to the current solid waste capacity or levels of service.

**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 prior to any development approval.

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

The application does not contain any information regarding the effect the proposed rezoning would have on 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 rezoning application would not result in a disorderly or illogical development pattern in the area. The PUD amendment will only affect the uses permitted on the 10 acre park.

**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 application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

**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.**

Not at this time.

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

1. The proposed rezoning is consistent with Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use Category*, which allows active parks and recreational facilities as a conditional use; and
2. The proposed rezoning is consistent with Comprehensive Plan Policy VI-1.9.3 *Co-location of Recreation Facilities*, encourages the co-location of sites for schools and recreational facilities; and
3. The request is consistent with LDR Section 4.03.00.A.2, which states that the PUD zoning district was created to allow a diversification of uses, Structures, and Open Space in a manner compatible with both the surrounding, existing and approved Development of Land surrounding and abutting the PUD Site; and
4. The Lake County School Board has no objection to the proposed park amenities or to the rezoning request.

Based on these findings of fact, staff recommends **Approval** to amend section 1.B.4 of Planned Unit Development (PUD) Ordinance 2005-7 to allow active recreational uses within the ten (10) acre park.

**Case Manager:** Michele Janiszewski, Planner

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**



Attachment A.  
School Board Comments.



***Committed to Excellence***

201 West Burleigh Boulevard · Tavares · FL 32778-2496  
(352) 253-6500 · Fax (352) 253-6503 · [www.lake.k12.fl.us](http://www.lake.k12.fl.us)

Superintendent:  
Susan Moxley, Ed.D.

School Board Members:  
District 1  
Bill Mathias  
District 2  
Rosanne Brandeburg  
District 3  
Marc Dodd  
District 4  
Debbie Stivender  
District 5  
Stephanie Luke

May 16, 2016

John T. Townsend, PE  
Donald W. McIntosh Associates  
2200 Park Avenue North  
Winter Park, FL 32789-2355

Re: Greater Lakes Park Improvements

Dear Mr. Townsend,

We are in receipt of your e-mail of May 16, 2016 regarding the 10-acre park for "passive recreation activities" required by Lake County in Ordinance #2005-07 for the above-referenced subdivision. This park area was tied to the elementary school site now known as Sawgrass Bay Elementary.

Pursuant to your request and the information provided, Lake County Schools has no objection to allowing the developer of Greater Lakes to utilize a portion of this 10-acre site for a community pool.

Please feel free to call or e-mail me at 352-253-6690 or [fixh@lake.k12.fl.us](mailto:fixh@lake.k12.fl.us) if you have any questions.

Sincerely,

Harry Fix, AICP  
Director of Growth Planning

Attachment B.

Letter from Applicant Regarding Previous PUD Amendment.

Steven J. Richey, P.A.

---

Steven J. Richey  
Attorney & Counselor at Law

December 15, 2004

Shannon Suffron, Senior Planner  
Department of Growth Management  
Lake County  
Post Office Box 7800  
Tavares, FL 32778

**Re: Greater Lakes PUD  
Application for Rezoning, Case No. PH#10-05-2  
Via Hand Delivery**

Dear Shannon:

I am in receipt of the proposed Planned Unit Development (PUD) amendment for Greater Lakes. I have the following changes:

1. Section 1., B., 1., The proposed development shall provide buffers at a minimum of ~~50~~ 25 feet wide between any new subdivision of 25 acres or more and active agricultural lands.
2. Section 1., B., 4., ~~A 7.5 acre park which will include a tennis court, swimming pool, clubhouse and tot lot will provide active recreation to the site. The development shall have a 10 acre park for passive recreation activities in conjunction with the school site.~~

If you should have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



STEVEN J. RICHEY

SJR/mal

Cc: John Florio, P.E., Donald W. McInosh Associates, Inc.

Fuqua.greaterlakes.suffron.recreationlanguage.ltr

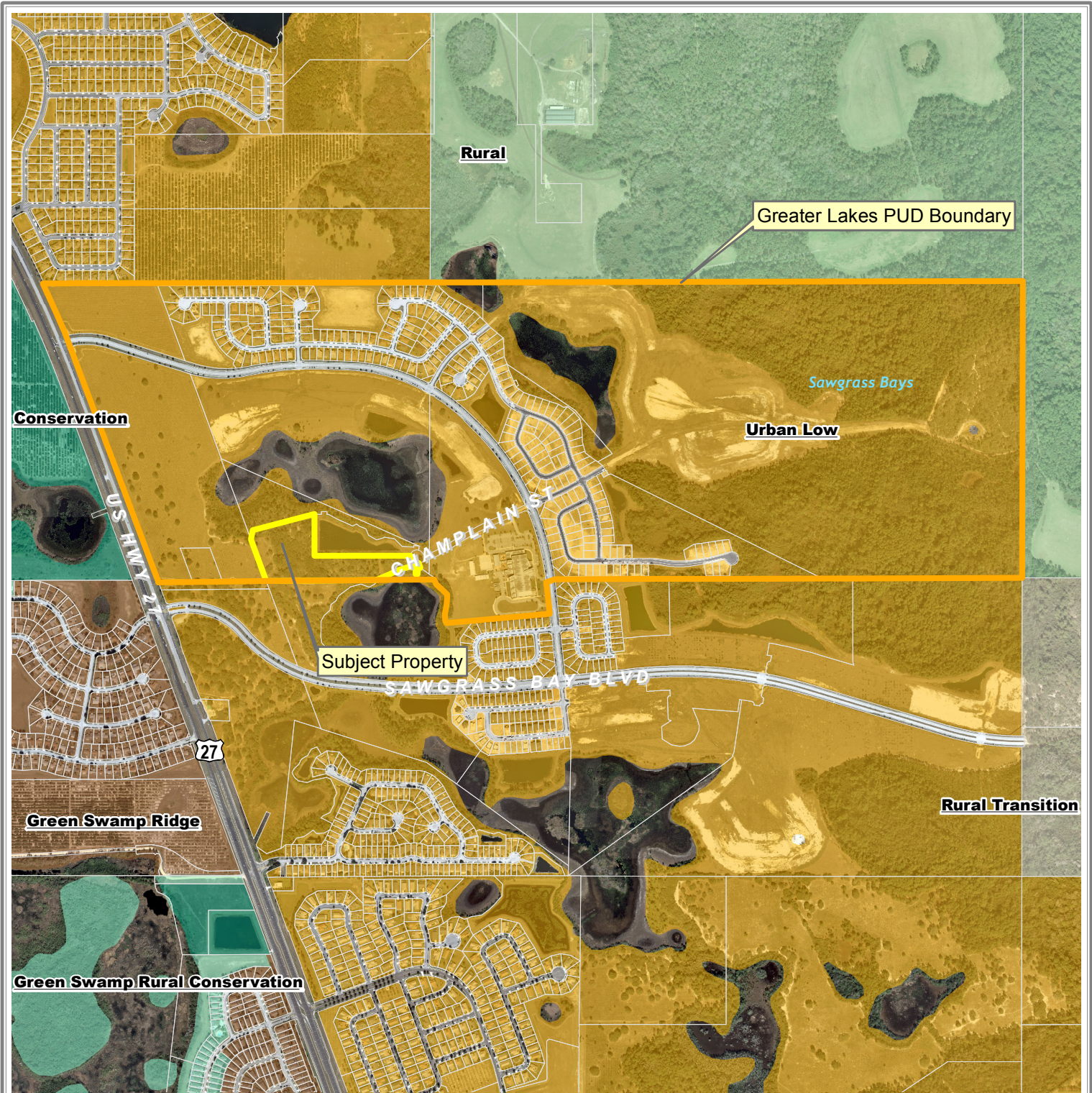
601 South 9th Street(34748) \* Post Office Box 492460 \* Leesburg, FL 34749-2460 \*  
(352)365-2262 \* FAX (352)365-1928 EMAIL: rcpalaw@aol.com











**FUTURE LAND USE LEGEND**

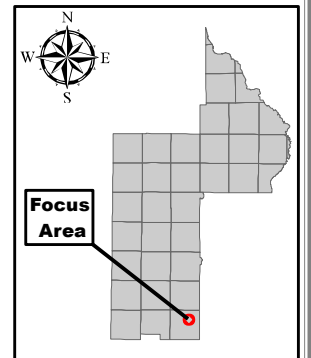
- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation          | Urban Low Density    |
| Cagans Crossing                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural               |                      |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition    |                      |
| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20 |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40 |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | Urban High Density  |                      |

**NAME: GREATER LAKES PUD**

**CASE NUMBER: RZ-16-18-1**

**LOCATION (S-T-R): 10, 11-24-26**

**REQUEST: PLANNED UNIT DEVELOPMENT AMENDMENT**





**Ordinance 2016-XX  
Greater Lakes PUD Amendment  
RZ-16-18-1**

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

**WHEREAS**, Home Dynamics Sawgrass, LLC (the “Applicant” and tthe “Owner”) has made a request to amend the Greater Lakes Planned Unit Development (PUD) by amending PUD Ordinance 2005-7 to establish a condition to allow a 10 acre park and retain all previously approved conditions; and

**WHEREAS**, this rezoning ordinance will only amend section 1.B.4 of Ordinance 2005-7 which describes the uses permitted within a 10 acre park; and

**WHEREAS**, the subject property consists of 504 +/- acres and is located east of U.S. Highway 27, south of the City of Clermont, in Sections 10 & 11, Township 24 South, Range 26 East, and more particularly described as:

The South ½, East of State Road 27 in Section 10, Township 24 South, Range 26 East; AND the South ½ of Section 11, Township 24 South, Range 26 East.

**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 RZ-16-18-1 on September 7, 2016, after giving Notice of Hearing on petition for a change in zoning, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on September 27, 2016; 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 this ordinance. Section 1.B.4 of Ordinance 2005-7 is hereby amended to read as follows:

**Section 1.B.4.** The development shall have a 10 acre park proximate to the school site for Community Recreation activities.

- 1 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
- 2 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure of
- 3 the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual
- 4 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners;
- 5 comply with the codes of the governmental agencies having lawful and appropriate jurisdiction
- 6 thereon; or comply with any of the terms of the Conditional Use Permit; or if this CUP is found to
- 7 become a nuisance or safety hazard, the permit may be revoked after due Public Hearing before
- 8 the Planning & Zoning Board and the Board of County Commissioners.
- 9 **B.** This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running
- 10 with the land; and the purpose, terms, and conditions contained herein shall be binding upon the
- 11 Permittee or any successor and his interest hereto.
- 12 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 13 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
- 14 this ordinance and to recommend that the ordinance be revoked.
- 15 **D.** Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
- 16 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
- 17 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
- 18 operating hours, a fee shall also be assessed.

19 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid

20 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

21 affect the validity of the remaining portions of this Ordinance.

22 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to

23 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance

24 with Section 125.66, Florida Statutes.

25

26

27

28

29

30

31

32

33

34

35

36

37



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

2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

3  
4 **FILED** with the Secretary of State \_\_\_\_\_, 2016.

5  
6 **EFFECTIVE** \_\_\_\_\_, 2016.

7  
8 **BOARD OF COUNTY COMMISSIONERS**  
9 **LAKE COUNTY, FLORIDA**

10  
11 \_\_\_\_\_  
12 **SEAN M. PARKS, CHAIRMAN**

13  
14  
15  
16  
17  
18 **ATTEST:**

19  
20  
21 \_\_\_\_\_  
22 **NEIL KELLY, CLERK OF THE**  
23 **BOARD OF COUNTY COMMISSIONERS**  
24 **LAKE COUNTY, FLORIDA**

25  
26 **APPROVED AS TO FORM AND LEGALITY**

27 \_\_\_\_\_  
28 **MELANIE MARSH, COUNTY ATTORNEY**

29