

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
October 2, 2013



BOARD OF COUNTY COMMISSIONERS
October 22, 2013

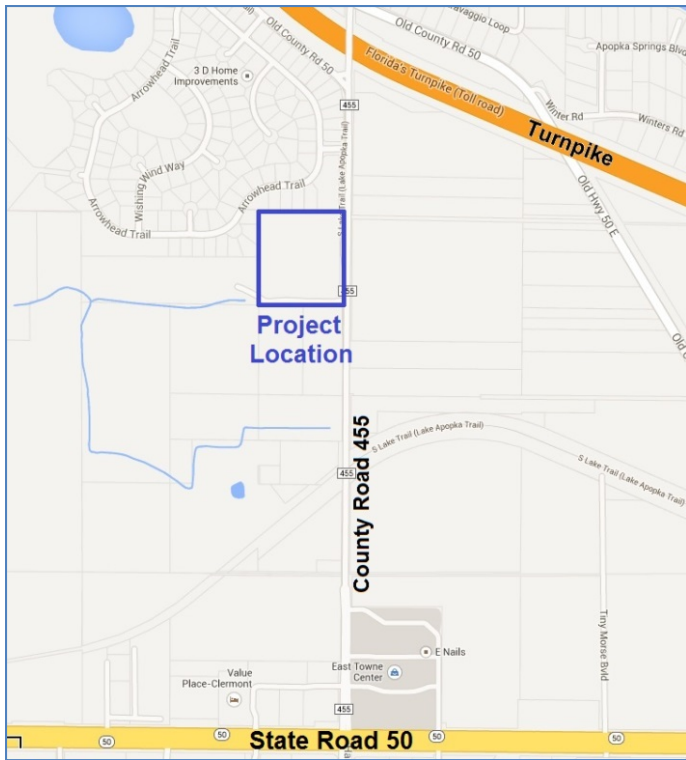
PH #19-13-2 Victoria Estates at Clermont	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Owner: Victoria Estates at Clermont, LLC (the "Owner")

Applicant: Michael Boutros, Victoria Estates at Clermont, LLC (the "Applicant")

Requested Action: Rezone the property from Rural Residential (R-1) to Medium Suburban Residential (R-4).

- Site Location & Information -



Size	9.66 +/- acres	
Location	Clermont area, west side of CR 455, north of SR 50	
Alternate Key #	1110254	
Future Land Use	Urban Low (4 du/ net ac. max.)	
	Existing	Proposed
Zoning District	R-1	R-4
Density	1 du/ net ac	4 du/ net ac
Impervious Surface Ratio	0.30 max	0.45 max
Floor Area Ratio	N/A	N/A
Joint Planning Area	Clermont	
Utility Area:	City of Clermont	
Site Utilities	Central water and sewer (City of Clermont)	
Road Classification	CR 455 - Urban Collector SR 50 - Urban Principal Arterial	
Flood Zone/ FIRM Panel	X)/595	
Commissioner District	2 (Parks)	

Approximate site location outlined in Blue

Site Visit September 19, 2013
 Sign Posted September 19, 2013 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	PUD	Residential	Arrowhead Subdivision
South	Urban Low	Agriculture (A)	Residential	single-family dwellings
East	Urban Low	Agriculture (A)	Residential	single-family dwelling
West	Urban Low	PUD, Agriculture (A)	Residential	Arrowhead Subdivision (along northwest & single-family dwelling along southwest)

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone the undeveloped property from Rural Residential (R-1) to Medium Suburban Residential (R-4). The subject property consists of 9.66 +/- acres and is located in the Clermont area, along the western side CR 455, right of way, north of SR 50.

The proposed rezoning request is consistent with Comprehensive Plan and Land Development Regulations (LDR) as residential uses are allowable in the Urban Low Future Land Use Category (FLUC) and in the Medium Suburban Residential (R-4) Zoning District. The request for R-4 zoning (maximum density of 4 dwelling units per acre) is also consistent with the Urban Low FLUC, which allows a maximum density of four (4) dwelling units per net buildable acre. Pursuant to Policy I-1.3.2 of the Comprehensive Plan, any residential development in excess of ten (10) dwelling units in the Urban Low FLUC is required to provide a minimum of 25% of the net buildable area as open space. A concurrent preliminary plat application for the property proposes a density of 2.17 dwelling units per net buildable acre, which would result in twenty one (21) dwelling units on the property.

- Analysis -

(LDR 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 LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits residential uses in the R-4 Zoning District. The purpose of this district is to provide for a medium density single-family usage in a suburban or rapidly urbanizing area. Any future development would be required to comply with the LDR requirements for the Clermont Joint Planning Area (JPA).

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

The R-4 rezoning request is consistent with Comprehensive Plan Policy I-1.3.2 as residential uses are allowable in the Urban Low Future Land Use Category (FLUC). Rezoning the property to R-4 (maximum density of 4 dwelling units per net acre) is also consistent with the Urban Low FLUC which allows a maximum density of four (4) dwelling units per net buildable acre. A concurrent preliminary plat application proposes a density of 2.17 dwelling units per net buildable acre.

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

The subject property is located within an urbanizing area with nearby retail and support services. The subject property is surrounded by residential uses including Arrowhead Subdivision at the northwest and, by South Lake Trail and CR 455 at the east. The proposed rezoning is generally consistent with the adjacent land uses and will serve as a transition between the existing subdivision and the large acreage residential at the southwest, south and east.

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

The Property Owner seeks to rezone the property to R-4 in order to be able to develop a residential subdivision at a density of 2.17 dwelling units per net buildable acre (as proposed in the concurrent preliminary plat application). Since the property is subject to the Clermont JPA regulations in the LDR, the minimum size of the lots shall be 10,000 square feet.

- 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 City of Clermont has indicated that a Utility Services Agreement will be required for the proposed subdivision.

Schools - Lake County School Board has indicated that the development will have an adverse impact on Lake County Public Schools (Attachment 1). School Concurrency shall 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 one (1) mile from Lake County Fire Station 90 (closest fire station), located at 16311 State Road 50, Clermont.

The full extents of the impacts are being evaluated as part of the preliminary plat application for the proposed subdivision which is under review process at this time and contingent on approval of the rezoning request.

- 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. According to the environmental assessment submitted, the property does not contain any wetlands nor natural upland communities. The property does contain active gopher tortoise burrows and will need to obtain a permit from the Florida Fish and Wildlife Conservation Commission in order to relocate the tortoises. No other listed species were observed.

- 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. The proposed rezoning will serve as a transition between the existing subdivision located at the northwest and the large acreage residential development patterns at the southwest, south and east.

- 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 of the Comprehensive Plan and LDR.

- J. **Any other matters that may be deemed appropriate by the Lake County Planning & 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 Policy I-1.3.2 as residential uses are allowable, and the request conforms to the general land use criteria and activities of the Urban Low Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits residential uses in the R-4 Zoning District.

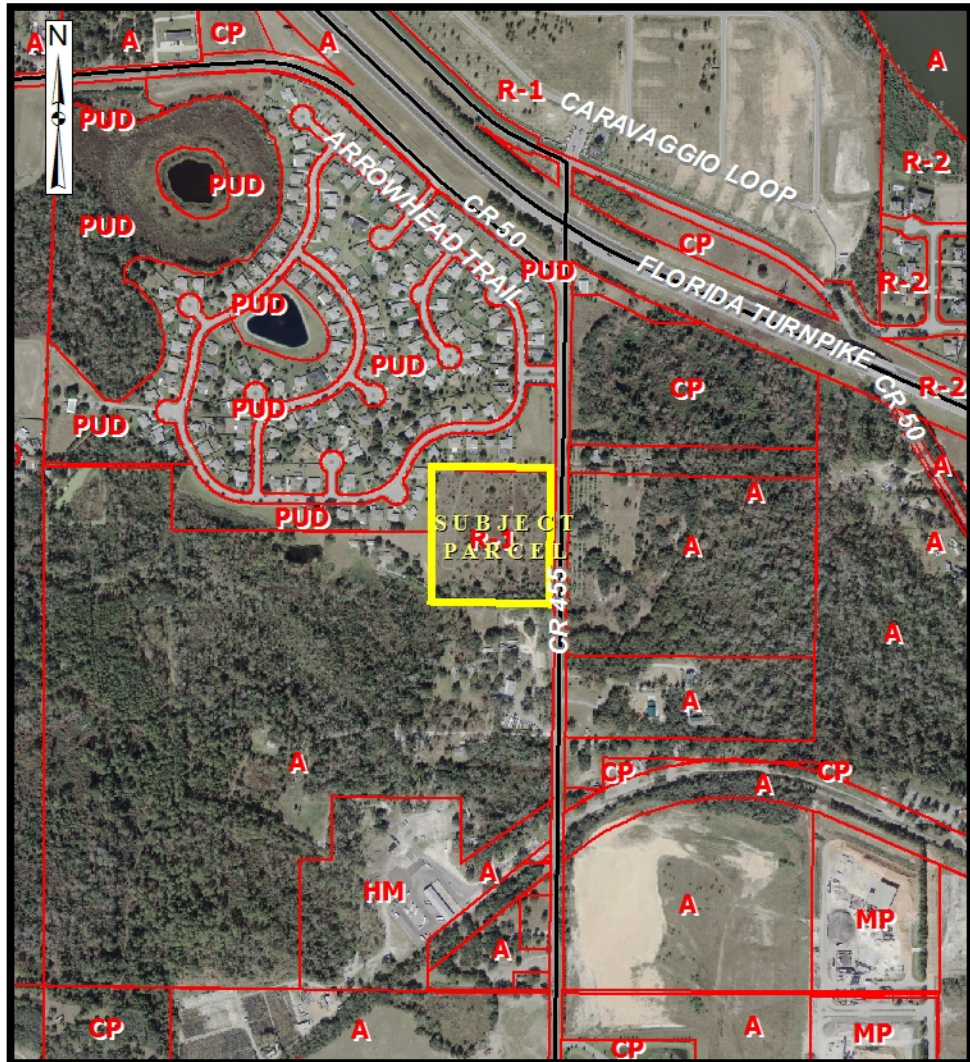
Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

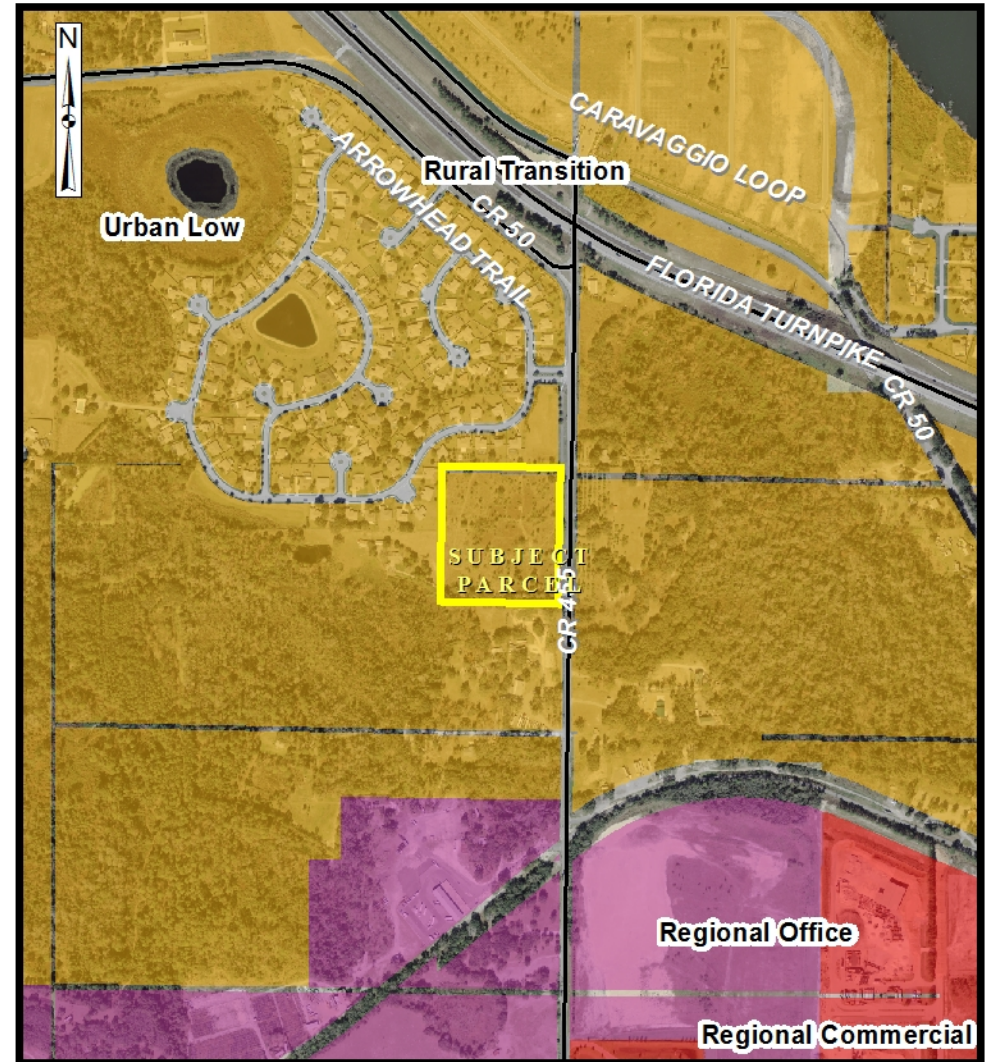
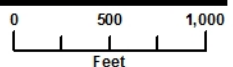
Concern: -0-

Opposition: -0-



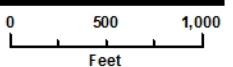
CURRENT ZONING

RURAL RESIDENTIAL (R-1)



ADOPTED FUTURE LAND USE

URBAN LOW



**VICTORIA ESTATES
AT CLERMONT**

CASE NO.
PH #19-13-2

CASE LOCATION:
T22S, R26E, S23

REQUESTING:
Rezone property to Medium Suburban Residential (R-4)

ZONING (Red outline)

LAND USE (Purple outline)

SUBJECT PARCEL (Yellow outline)

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

**LAKE COUNTY
FLORIDA**

1 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the
2 subject property from Rural Residential (R-1) to Medium Suburban Residential (R-4) in
3 accordance with this Ordinance.

4 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be
5 required to submit applications for and receive necessary final development order approvals as
6 provided in the Lake County Comprehensive Plan and Land Development Regulations. The
7 applications for final development orders shall meet all submittal requirements and comply with
8 all County codes and ordinances, as amended.
9

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

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

14 ENACTED this _____ day of _____, 2013.

15
16 FILED with the Secretary of State _____, 2013.

17
18 EFFECTIVE _____, 2013.

19
20
21

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, Chairman

24 **ATTEST:**

25 _____
26 NEIL KELLY, Clerk of the
27 Board of County Commissioners
28 Lake County, Florida

29 **APPROVED AS TO FORM AND LEGALITY**

30 _____
31 SANFORD A. MINKOFF, County Attorney

Attachment 1



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
Bill Mathias
District 2
Rosanne Brandenburg
District 3
Tod Howard
District 4
Debbie Stivender
District 5
Kyleen Fischer

August 21, 2013

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

RE: Victoria Estates at Clermont Preliminary Plat (Project #2013060001; Application Request #2315)

Dear Mr. Sheahan:

The County is currently reviewing a preliminary plat for approximately 9.66 acres with 22 single-family 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 preliminary plat 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 2013-2017, and student generation rates from the Impact Fee Study.

The proposed preliminary plat has the potential to add 22 new single-family dwelling units that will contribute nine new students to the Lake County School system. Based on current school attendance zones, schools that will be adversely affected by the proposed preliminary plat and their projected five-year capacity status are as follows:

- | | |
|--|---------------------------|
| • Grassy Lake Elementary School | 10% Under Capacity |
| • East Ridge Middle School | 31% Under Capacity |
| • Lake Minneola High School | 1% Over Capacity |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed preliminary plat 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

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

REVIEWING AUTHORITY NAME / CASE NUMBER Lake County Division of Planning and Community Design
Victoria Estates at Clermont Preliminary Plat / Project #2013060001; Application Request #2315

DEVELOPER/OWNER Michael Bouros

ITEM DESCRIPTION The County is currently reviewing a preliminary plat for approximately 9.66 acres with 22 single-family residential dwelling units.

LOCATION Section 9; Township 22; Range 26
 Located north of State Road 50, south and east of Arrowhead Trail, and west of County Road 455

CURRENT LAND USE Lake County Urban Low Density (4 residential dwelling units/1 acre)

CURRENT ZONING Lake County Rural Residential (R-1)

PROPOSED ZONING Lake County Medium Residential District (R-3)

NEW DU IMPACT STUDENT GENERATION

Elementary School
 Middle School
 High School

SF-DU	MF-DU	Mobile	SF Impacts
			22 DUs
0.410	0.254	0.145	9
0.186	0.131	0.065	4
0.100	0.057	0.036	2
0.124	0.066	0.044	3

SCHOOL NAME

Grassy Lake Elementary
 East Ridge Middle
 Lake Minneola High

Projected Enrollment 2016-2017*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
1,050	1,175	89%	1,054	90%	No
1,100	1,590	69%	1,102	69%	No
1,847	1,835	101%	1,850	101%	No

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2013-2017*

CSA 12

Elementary School
 Middle School
 High School

Student Enrollment 2016-2017*	Permanent Student Capacity*	% of Permanent Capacity
4,308	4,975	87%
1,800	2,550	71%
3,794	4,001	95%

**Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2013-2017*

COMMENTS:

The preliminary plat proposes 22 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.