

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
October 31, 2012



BOARD OF COUNTY COMMISSIONERS
November 20, 2012

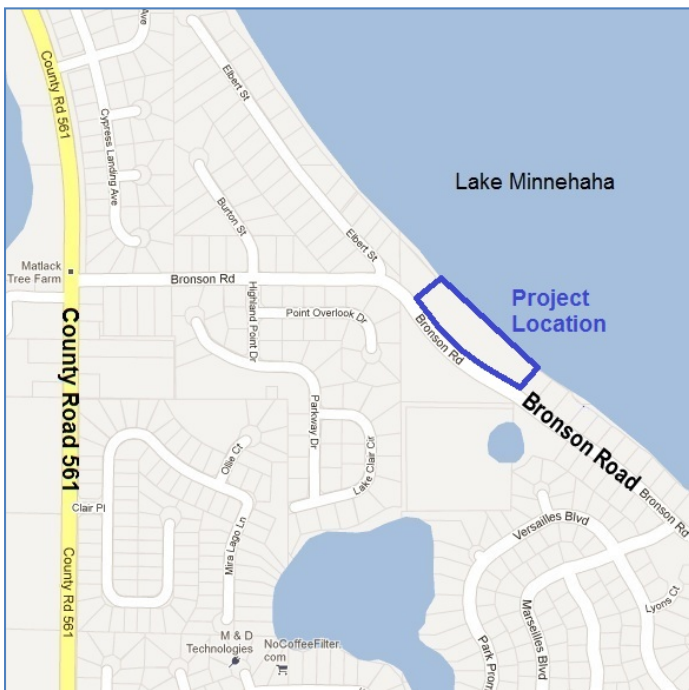
PH #34-12-1 Anderson Property	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Morris D. Anderson Family Partnership LLLP and, Kerry J. Anderson and Jodi M. Anderson as Co-Trustees of the Anderson Land Trust (the "Owner")

Applicant: Dale J. Ladd (the "Applicant")

Requested Action: Rezone property located northeast of Bronson Road from Rural Residential (R-1) to Medium Residential (R-3).

- Site Location & Information -



Size	3.9 +/- acres	
Location	Clermont area, east of CR 561, northeast of Bronson Road	
Alternate Key #	3827715	
Future Land Use	Urban Low	
	Existing	Proposed
Zoning District	R-1 and R-3	R-3
Impervious Surface Ratio	0.30 max	0.35
Floor Area Ratio	N/A	N/A
Joint Planning Area	Clermont	
Utility Area:	Lake Utility Services, Inc. (water service only)	
Site Utilities	None – Project will be served with Central Water and Septic Systems	
Road Classification	Bronson Road – Urban Local CR 561 - Urban Collector	
Flood Zone/ FIRM Panel	(X,AE)/545	
Commissioner District	1 (Hill)	

Approximate site location outlined in Blue

Site Visit October 17, 2012
Sign Posted October 17, 2012 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Lake Minnehaha	Lake Minnehaha		Property surrounded by Lake Minnehaha at the north
South	Urban Low	Medium Residential (R-3), Rural Residential (R-1)	Residential, Citrus Grove	
East	Lake Minnehaha	Lake Minnehaha		Property surrounded by Lake Minnehaha at the east
West	Urban Low	Medium Residential (R-3), Rural Residential (R-1)	Residential	

- 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: Approval with a 5-0 vote.

- Summary of Analysis -

The Applicant is requesting to rezone property located northeast of Bronson Road from Rural Residential (R-1) to Medium Residential (R-3). The southwest portion of the property is already zoned R-3 and this rezoning will reconcile the zoning. The subject part of the property to be rezoned consists of 3.9 +/- acres and is located in the Clermont area, east of CR 561, northeast of Bronson Road. Both portions of the property are currently undeveloped with an existing citrus grove.

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 R-3 Zoning District. Rezoning the property to R-3 (maximum density of 3 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. The R-3 zoning would be consistent with the adjacent densities and development patterns.

- 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-3 Zoning District.

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

The R-3 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-3 (maximum density of 3 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. The R-3 zoning would be consistent with the adjacent densities and development patterns. Any future development would be required to comply with setbacks, stormwater retention and shoreline protection standards.

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 and citrus grove at the west and south, and Lake Minnehaha at the north and east. 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;

The majority properties in the area, including those along the lake have R-3 zoning. The Property Owner seeks to rezone the portion of property located northeast of Bronson Road to R-3 to be consistent with and similar to the surrounding densities and development patterns.

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 the property is not located within their service area for water and sewer. Lake Utility Services, Inc. has indicated that the site is within their water service area and

water is available to this property and will be provided subject to the execution of a service agreement. The property will be served with central water and septic systems.

Schools - Lake County School Board has indicated that the rezoning will not have an adverse impact on Lake County Public Schools (Attachment 2). School Concurrency shall be met before final plat approval in accordance with LDR Section 5.03.09 *Educational Facilities*.

Transportation – The Public Works Engineering Division has advised that future development will be required to adhere to the following requirements at the time of development approval:

- Any future subdivision of the lakefront lots will require joint driveways.
- Additional right-of-way will be required for any future subdivision.
- There are floods zones within the boundaries of the rezoning which may affect the areas where residential development could take place.
- Applicant will be required to complete an exemption of full traffic study.

Fire and Emergency Services - The subject parcel is approximately 1.0 miles from Lake County Fire Station 109 (closest fire station), located at 11630 Lakeshore Drive, Clermont.

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

The property is currently undeveloped with an existing citrus grove. There are wetlands on this project site. A 50-foot wetland buffer will be required at time of development. A minimum 50-foot building setback will apply. Should a septic tank be required, a 100-foot setback from the wetland line will be required. The property is roughly 200 feet deep from the mean high water line to the right of way. This appears to be sufficient for development of single family homes.

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.

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.

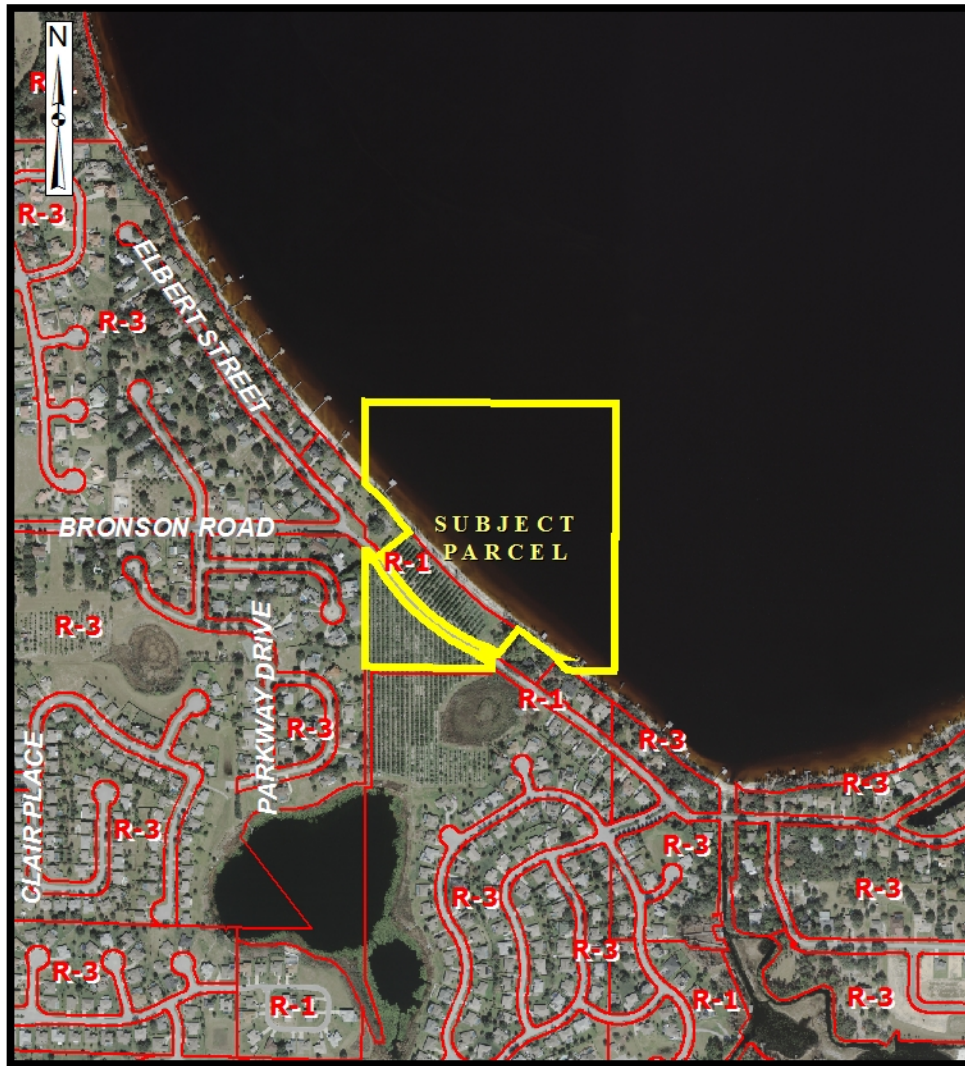
N/A.

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-3 Zoning District.

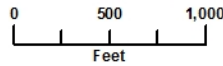
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-



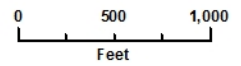
CURRENT ZONING

RURAL RESIDENTIAL (R-1)



ADOPTED FUTURE LAND USE

URBAN LOW



ANDERSON PROPERTY

CASE NO.
PH #34-12-1

CASE LOCATION:
T23S, R25E, S2

REQUESTING:

Rezone property to Medium Residential (R-3)

- 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 **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 Residential (R-3) in accordance with
3 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 _____, 2012.

15
16 FILED with the Secretary of State _____, 2012.

17
18 EFFECTIVE _____, 2012.

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20
21

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, Chairman

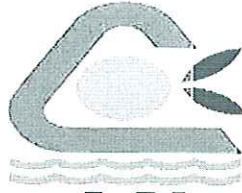
24 **ATTEST:**

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



City of Clermont Engineering Department

PO Box 120219 Clermont, FL 34712
Phone: (352)241-7335 FAX: (352)394-2379

July 20, 2012

315 W. Main Street
PO Box 1305
Tavares, FL 32778

Subject: Properties 2583851 and 3827715
Name: Morris D. Anderson Family Partnership, LLLP ETAL
Permit # C- N/A

The subject property is not located within the City of Clermont's sewer or water service area.

Should you have any questions or require any additional information, please contact me at (352) 241-7336.

Sincerely,



Joy Lee Thys
Administrative Assistant
Engineering Department



July 20, 2012

Ms. Mimi Ogden
Highland Real Estate
1135 East Avenue
Clermont, FL 34711

RE: Alternate Key No. 2583851 & 3827715
Lake County, FL
Potable Water Service Availability

Dear Ms. Ogden:

Please be advised that the above referenced parcels are located within the FPSC certificated service area of Lake Utility Services, Inc. for the provision of potable water service.

Lake Utility Services, Inc. does have sufficient capacity and is willing to serve your project subject to the execution of a mutually acceptable agreement between the Owner and the Utility.

Should you have any questions or if I can be of further service regarding this matter, please don't hesitate to contact me at 800.272.1919, extension 1360.

Sincerely,
LAKE UTILITY SERVICES, INC.

A handwritten signature in cursive script that reads "Bryan K. Gongre".

Bryan K. Gongre
Regional Manager

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

October 12, 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: Anderson Family Partnership Rezoning Case (Lake County Project #2012080008; Application Request #2133)

Dear Mr. Sheahan:

The County is currently reviewing a rezoning of approximately 3.9 acres from Lake County Rural Residential (R-1) to Lake County Medium Residential District (R-3). The proposed zoning would result in an increase of approximately eight residential dwelling units on the amendment site.

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 not 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 approximately eight new single-family dwelling units that will contribute three new students to the Lake County School system. Based on current school attendance zones, schools that will not be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- | | |
|---------------------------------------|---------------------------|
| • Pine Ridge Elementary School | 13% Under Capacity |
| • Cecil E. Gray Middle School | 25% Under Capacity |
| • South Lake High School | 34% 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

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

**REVIEWING AUTHORITY
NAME / CASE NUMBER**

Lake County Division of Planning and Community Design
Anderson Family Partnership / Project #2012080008, Application Request #2133

DEVELOPER/OWNER

Ladd Development, Inc. / Dale Ladd

ITEM DESCRIPTION

The County is currently reviewing a proposed rezoning for approximately 3.9 acres from Lake County Rural Residential (R-1) to Lake County Medium Residential District (R-3). The existing zoning category allows 4 residential dwelling units and the proposed category will allow 12 dwelling units, resulting in an increase of eight dwelling units on the amendment site.

LOCATION

Section 2; Township 23; Range 25
Located north and south of Bronson Road, east of Lake Minneola and west of Point Overlook Drive

FUTURE LAND USE

Lake County Urban Low Density (4 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**

SF-DU	MF-DU	Mobile	SF Impacts
			8 DUs
0.410	0.254	0.145	3
0.186	0.131	0.065	1
0.100	0.057	0.036	1
0.124	0.066	0.044	1

Elementary School
Middle School
High School

SCHOOL NAME

Pine Ridge Elementary
Cecil E. Gray Middle
South Lake 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
858	986	87%	859	87%	No
1,100	1,461	75%	1,101	75%	No
1,600	2,412	66%	1,601	66%	No

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

CSA 15

Elementary School
Middle School
High School

Student Enrollment 2015-2016*	Permanent Student Capacity*	% of Permanent Capacity
858	986	87%
0	0	0%
0	0	0%

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

COMMENTS:

The applicant proposes an increase in eight residential dwelling units on the amendment site, which will not 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.

Prepared By: Dawn McDonald, Senior Planner, Lake County School District

Date: 10/12/2012

