

LAKE COUNTY PLANNING AND ZONING ANALYSIS COMPREHENSIVE PLAN AMENDMENT

PLANNING AND ZONING BOARD	 LAKE COUNTY FLORIDA	BOARD OF COUNTY COMMISSIONERS
November 25, 2015		Transmittal: December 15, 2015 Adoption: TBA

<p style="text-align: center;">CP-2015-05</p> <p>Strike text from Policy I-1.3.6 Regional Office Future Land Use Category that states that residential uses are excluded from parcels with these FLUCs located within the Mount Dora Joint Planning Area (JPA) and add borrow pits as a conditional use.</p>	<p>Case Managers:</p> <p style="text-align: center;">Christine Rice Planner</p> <p style="text-align: center;">Michele Janiszewski Planner</p> <p style="text-align: center;">Tim McClendon Chief Planner</p>	<p>Agenda Item #7</p>
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Case Information	
Applicant:	Greg Beliveau, LPG Urban & Regional Planners, Inc.
Type:	Text Amendment
Creation or Revision:	Revision
Description:	This amendment will strike the text, "Residential uses are excluded on parcels in this category located within the Mount Dora Joint Planning Area first authorized by the Board of County Commissioners on September 28, 2004," from Policy I-1.3.6 Regional Office Future Land Use Category and add borrow pits, consistent with Policy III-3.5.2, as a conditional use within the Regional Office Future Land Use Category.

Summary of Staff Recommendation
Staff recommends APPROVAL of the proposed text amendment to strike language from Policy I-1.3.6 Regional Office Future Land Use Category that excludes residential development from parcels located within the Mount Dora JPA and allow borrow pits, consistent with Policy III-3.5.2, as a conditional use within the Regional Office Future Land Use Category.

Planning & Zoning Board Recommendation

Analysis

Policy I-1.3.6 “Regional Office Future Land Use Category” (FLUC) allows for limited residential uses, excluding single family dwellings, within mixed use developments. Additionally, this policy excludes all residential uses from parcels within the Mount Dora JPA. Current Lake County staff and the City of Mount Dora staff are unaware of the background or reasoning as to why the current policy limits residential uses within the Regional Office FLUC within the Mount Dora JPA.

Policy VI.-1.1.5 JPA with the City of Mount Dora states that the County shall work to address the land use compatibility between the County and City of Mount Dora within the established JPA. The area designated as Regional Commercial FLUC within the Mount Dora JPA is labeled as ‘Future Employment Center (subject to annexation)’ on Mount Dora’s Future Land Use Map. Objective 4.G.12 of Mount Dora’s Comprehensive Plan describes the Employment Center Land Use Category and states the following:

Limited residential use may be allowed in mixed-use office/commercial buildings or as stand-alone multi-family units as part of a mixed development. Single-family dwellings shall not be allowed. Multi-family residential development shall be constructed only or simultaneously with construction of non-residential uses. The total number of multi-family dwelling units shall be no more than one (1) unit per 10,000 square feet of gross floor area of nonresidential space and the allowed FAR shall not be applied to such residential areas.

This language is consistent with the language provided in Policy I-1.3.6 Regional Office Future Land Use Category; therefore, removing the sentence that excludes residential uses within the Regional Office FLUC within the Mount Dora JPA is consistent with Mount Dora’s anticipated Land Use Category for the area and thus consistent with the intent of the established Mount Dora JPA.

Additionally, in anticipation of the construction of the Wekiva Parkway the applicant is seeking to add borrow pits as a conditional use to the Regional Office Future Land Use Category. The existing language in Policy I-1.3.6 Regional Office Future Land Use category is silent on the use of a borrow pit within this future land use category. The proposed language clarifies that borrow pits are allowed as a conditional use, consistent with Policy III-3.5.2 *Prohibitions on Mining in Environmentally Sensitive Areas*.

Policy III-3.5.2 provides guidance on mining and borrow pits within environmentally sensitive areas. The proposed policy language would limit borrow pit activities within the Regional Office Future Land Use Category only to environmentally sensitive areas and only for the necessary construction of or improvement to highways or other public works projects. No borrow pits within the environmentally sensitive areas could be approved without approval from the Board of County Commissioners.

Further, the proposed amendment is consistent with Policy I-3.3.20 *Mining and Borrow Activities within the Wekiva River Protection Area*, which states that borrow activities within the Wekiva River Protection Area may be permitted but only with approval from the Board of County Commissioners. This policy reiterates that the intent is to limit borrow activities to those necessary for construction of or improvement to highways or other public works projects within the Wekiva River Protection Area. Adding borrow pits as a conditional use to the Regional Office Future Land Use Category will align existing Policies dealing with borrow pits and make them consistent throughout the Lake County Comprehensive Plan.

The addition of burrow pits within environmentally sensitive lands which are part of the Regional Office FLUC and would affect approximately 2,517 acres of land within the Wekiva Study area and Lake Apopka Basin Overlay District (Attachment 1).

The proposed amendments to Policy I-1.43.6 is shown below (~~strike through~~ for deletions and underline for additions; the notation “* * *” means that all preceding or subsequent text remains unchanged).

Policy I-1.3.6 Regional Office Future Land Use Category:

The Regional Office Future Land Use Category provides for a variety of office uses and limited commercial uses that support office uses. This category is intended to accommodate office development which exhibits a high level of site and building amenities to include extensive landscaping, plazas and pedestrian/employee-friendly gathering areas, central building entrances, enhanced building and site security features, and accessory uses included within the building footprint. This Future Land Use Category shall be located on collector and arterial roadways to minimize traffic on local streets and to provide convenient access to transit facilities, and should be located in proximity to urban residential uses. With the exception of hotels and motels, no more than twenty percent (20%) of the floor area shall be allocated to commercial uses. Only commercial uses that support this category shall be permitted, such as restaurants, cafes, associated retail/wholesale, daycares or shops located within an office park or office building. Office parks may utilize these allocations within the boundary of the park. It is the express intent of this provision to restrict highway-oriented commercial uses. Developments within this Category are not subject to Commercial Location Criteria.

Zoning applications within the Regional Office Future Land Use Category must be accompanied by a site/master plan as set forth in the Land Development Regulations. Such plans shall address, at a minimum, buffering, setbacks, lighting and building height, to ensure compatibility with adjacent uses.

Limited residential use may be allowed in mixed-use commercial buildings or as stand-alone multi-family units as part of a mixed-use development; single-family dwellings shall not be allowed. Multi-family residential development shall be constructed only after or simultaneously with construction of commercial uses. The total number of multi-family dwelling units shall be no more than one (1) unit per 10,000 square feet of Gross Leasable Area of commercial space and the allowed F.A.R. shall not be applied to such residential areas. ~~Residential uses are excluded on parcels in this category located within the Mount Dora Joint Planning Area first authorized by the Board of County Commissioners on September 28, 2004.~~

Design standards shall be provided in the Land Development Regulations that ensure that office development is compatible with adjoining properties. Standards shall include, but not be limited to, building style, design and scale; exterior building materials; roof design and construction; building size and placement; site furnishings; fences and entrance features; and the size and location of service areas.

Projects shall be designed with a minimum of fifteen percent (15%) of the net buildable area as open space. A floor area ratio of up to a maximum 3.0 will be allowed. A conditional use approval will not be required if the development is approved by Lake County through a Development of Regional Impact Development Order process. The maximum Impervious Surface Ratio shall be 0.75.

TYPICAL USES INCLUDE:

- General office, including: services, finance, insurance and real estate;
- Limited commercial retail trade uses that support office land uses;
- Light industrial uses such as manufacturing, wholesale trade, transportation, communications, electric, gas and sanitary services. Activities are limited to those without off-site impacts and take place primarily within an enclosed building;
- Day care facilities;
- Health Services, except hospitals;
- Civic uses;
- Religious organizations;
- Colleges, universities and professional schools;
- Public order and safety;
- Hotels and other lodging places;
- Utilities; and
- Limited multi-family residential.

TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- Light industrial uses as provided above that take place primarily outside an enclosed building;
- Heliports; ~~and~~
- Hospitals; ~~and~~
- Borrow pits, consistent with Comprehensive Plan Policy III-3.5.2.

Standards for Review

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed text amendment is consistent with the Comprehensive Plan. Policy I-1.3.6 *Regional Office Future Land Use Category*, which allows residential uses in mixed-use buildings or developments. This is consistent with Goal VI-1 *Intergovernmental Coordination* which calls for consistency between County and its Municipalities in regards to Comprehensive Plan programs and land use compatibilities. Objective 4.G.12 of Mount Dora's Comprehensive Plan describes the Employment Center Land Use Category has the same provisions for residential uses as Policy I-1.3.6 *Regional Office Future Land Use Category*. The deletion of the statement, "Residential uses are excluded on parcels in this category located within the Mount Dora Joint Planning Area first authorized by the Board of County Commissioners on September 28, 2004," from this policy is consistent with the City of Mount Dora's Comprehensive Plan and is therefore consistent with Lake County's Comprehensive Plan.

Additionally, Policy III-3.5.2 already allows the use of borrow pits within environmentally sensitive areas when it is necessary construction of or improvement to highways or other public works projects. Adding the use of borrow pits (consistent with Policy III-3.5.2) to Policy I-1.3.6 *Regional Office Future Land Use Category*, as a Conditional Use clarifies the silent nature of borrow pits as a use. Any borrow pit would have to be approved by the Board of County Commissioners at a public hearing.

B. Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

The proposed amendments are consistent with the proposed land uses. The deletion of the statement "Residential uses are excluded on parcels in this category located within the Mount Dora Joint Planning Area first authorized by the Board of County Commissioners on September 28, 2004" from Policy I-1.3.6 Regional Office Future Land Use Category will align and unify the Comprehensive Plans of Mount Dora and Lake County, as required by the Joint Planning Area agreement.

Further, the proposed borrow pit language clarifies the silent nature of the use of borrow pits and remedies any issue that may arise during the mixed-use Planned Unit Development application from the lack of clarification.

C. Whether there have been changed conditions that justify an amendment.

The applicant is seeking to develop a mixed-use Planned Unit Development within the Mount Dora JPA on property currently designated as part of the Regional Office Future Land Use Category. The concept plan of this proposed development is consistent with the proposed Regional Office Future Land Use Category. The concept plan includes a campus for Lake-Sumter State College, a hospital, office use, and residential components.

D. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

Prior to site plan or final plat approval, school concurrency must be met and capacity must be available, or the developer shall enter into a mitigation agreement with Lake County and the School Board. The proposed amendment has the potential to add a theoretical maximum of 7,983 dwellings units that would contribute 2,258 new students to the Lake County School System. Given the maximum, schools would exceed acceptable levels of service because of the amount of additional students created by this amendment (Attachment 2). Sorrento Elementary School, Triangle Elementary School, Mount Dora Middle School, and Mount Dora High School will receive students from the residences located within the Lake County Regional Office Future Land Use Map category within the Lake County-City of Mount Dora Joint Planning Area.

Additionally the applicant has entered into an agreement to provide fill and other material for the construction of the Wekiva Parkway through a borrow pit, which is located in the direct vicinity of the proposed mixed-use Planned Unit Development. The project will help facilitate the construction of the parkway and alleviate the infrastructure demands generated by the construction of the parkway. It does not appear that the other public facilities will exceed their acceptable levels of service due to this amendment; impacts on public facilities will be reassessed when the properties are developed.

E. Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The proposed amendment does not appear to add significant impacts to the natural environment, which are not already permitted by the Comprehensive Plan. Any proposed borrow pit would be evaluated during a Planned Unit Development rezoning application or Conditional Use Permit application. Environmental assessments to address wetlands, soils, threatened, endangered, or species of special concern will be required during the platting stage, site plan approval, and/or prior to the proposed mining element of this site. A complete hydrogeological study of the site will be required in addition to Environmental Assessment during the same period.

F. Whether, and the extent to which, the proposed amendment would affect the property values in the area.

There is no indication that there will be any adverse effects on the property values in the county.

G. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed amendments will result in an orderly and logical development pattern because the City of Mount Dora's Employment Center FLUC also allows residential uses.

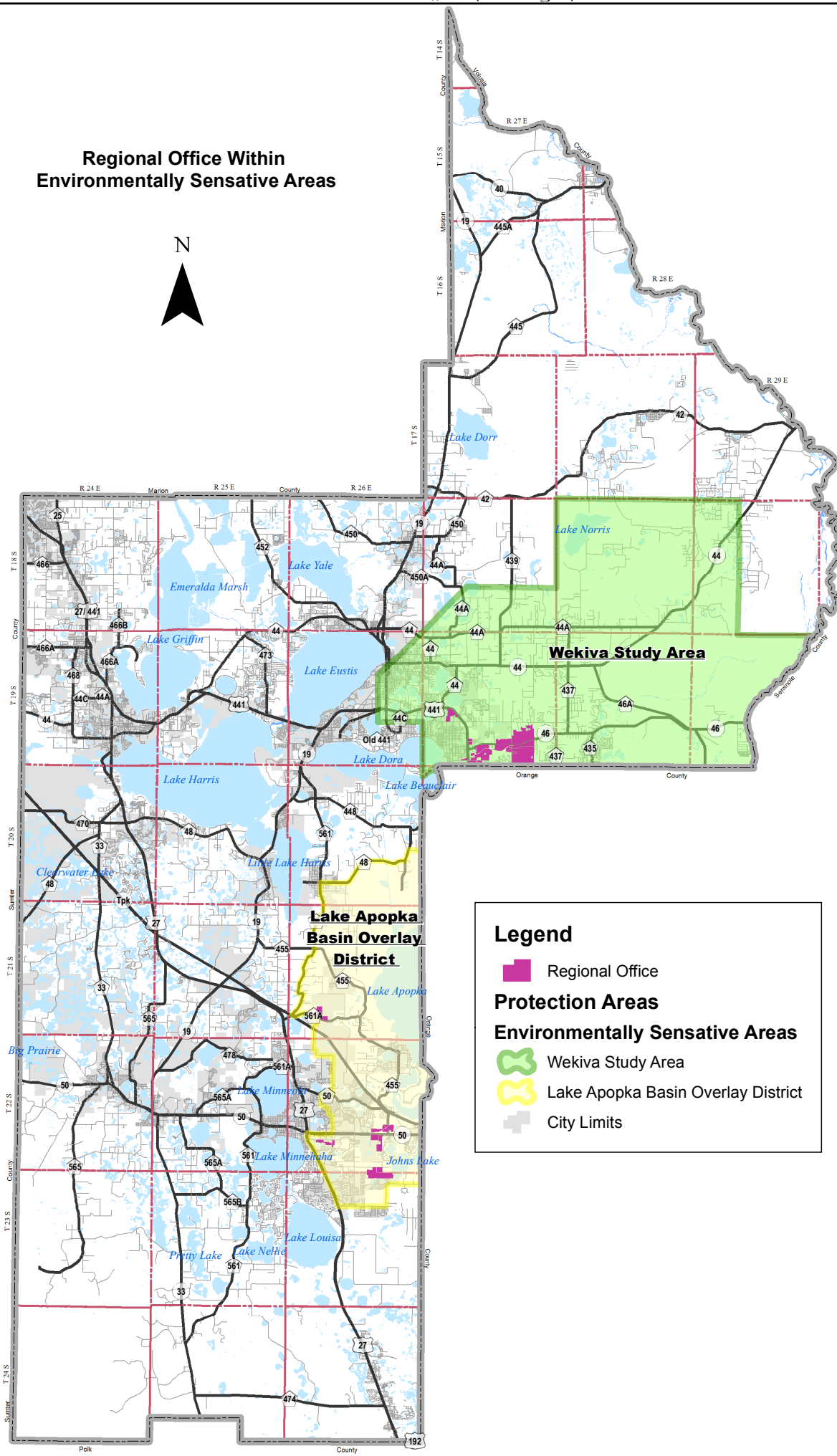
H. Whether the proposed amendment would be consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.

The amendment is consistent with the interest of the public and these regulations.

Conclusion

Residential uses, excluding single family dwellings, in mixed use developments are permitted within the Regional Office FLUC. The proposed text amendment will strike the sentence from Policy I-1.3.6 Regional Office which states that residential uses are excluded from parcels with these FLUCs located within the Mount Dora JPA making the policy more consistent with Lake County's Comprehensive Plan and the City of Mount Dora's Comprehensive Plan. Allowing burrow pits, consistent with Policy III-3.5.2, as a conditional use within the Regional Office FLUC will be in compliance with the Comprehensive Plan.

Regional Office Within Environmentally Sensitive Areas



Legend

- Regional Office
- Protection Areas**
- Environmentally Sensitive Areas**
- Wekiva Study Area
- Lake Apopka Basin Overlay District
- City Limits

LAKE COUNTY PUBLIC SCHOOLS RESIDENTIAL GROWTH IMPACT REPORT

REVIEWING AUTHORITY NAME / CASE NUMBER Lake County Division of Planning and Community Design
Summer Lake-Grace Groves, LLP; Mt. Dora Hills, LLC, et al., Comprehensive Plan Amendment

ITEM DESCRIPTION The applicant is proposing a text amendment to the Lake County Comprehensive Plan to allow residential uses within the Regional Office Future Land Use Map category within the Lake County-City of Mount Dora Joint Planning Area

LOCATION Lake County-City of Mount Dora Joint Planning Area (see attached map)

CURRENT LAND USE Lake County Regional Office-No Residential Dwelling Units (1832.97 acres)

PROPOSED LAND USE Lake County Regional Office (1 multi-family residential unit/10,000 square feet) (1832.97 acres); 1,303.85 acres east of Norton Lane and 529.12 acres west of Norton Lane

CURRENT ZONING Various

	SF-DU	MF-DU	Mobile	MF Impacts (W of Norton Lane)	MF Impacts (E of Norton Lane)	Total Impacts	
NEW DU IMPACT				2,304	5,679	7,983	DUs
STUDENT GENERATION	0.328	0.283	0.206	651	1,607	2,258	
Elementary School	0.152	0.143	0.097	329	812	1,141	
Middle School	0.074	0.063	0.047	145	358	503	
High School	0.102	0.077	0.062	177	437	614	

SCHOOL NAME	Projected Enrollment 2020-2021*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
Sorrento Elementary	917	1,170	78%	1,729	148%	No
Triangle Elementary	731	995	73%	1,060	107%	No
Mount Dora Middle	934	1,223	76%	1,437	117%	No
Mount Dora High	1,149	1,367	84%	1,763	129%	No

*Lake County School District Five-Year Plan, Fiscal Year 2016-2020

CSA 5	Student Enrollment 2020-2021*	Permanent Student Capacity*	% of Permanent Capacity
Elementary School	2,604	3,009	87%
Middle School	934	1,223	76%
High School	1,149	1,367	84%

*Lake County School District Five-Year Plan, Fiscal Year 2016-2020

COMMENTS: The School Board of Lake County Florida recognizes that the comprehensive plan amendment will have an adverse impact on the District's level of service as defined in Section 5.2 of the school concurrency interlocal agreement.

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.

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**TRANSMITTAL ONLY
ORDINANCE 2015-XX
CP-2015-03**

Regional Office Future Land Use Category- Text Amendment

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; DELETING TEXT FROM POLICY I-1.3.6 REGIONAL OFFICE FUTURE LAND USE CATEGORY THAT STATES, "RESIDENTIAL USES ARE EXCLUDED ON PARCELS IN THIS CATEGORY LOCATED WITHIN THE MOUNT DORA JOINT PLANNING AREA FIRST AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS ON SEPTEMBER 28, 2004;" ADDING TEXT TO POLICY I-1.3.6 REGIONAL OFFICE FUTURE LAND USE CATEGORY TO ALLOW BORROW PITS, CONSISTENT WITH POLICY III-3.5.2, AS A CONDITIONAL USE; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorized the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

WHEREAS, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

WHEREAS, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

WHEREAS, on the 25th day of November 2015, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

1 Design standards shall be provided in the Land Development Regulations that ensure that office
2 development is compatible with adjoining properties. Standards shall include, but not be limited to, building
3 style, design and scale; exterior building materials; roof design and construction; building size and
4 placement; site furnishings; fences and entrance features; and the size and location of service areas.

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6 Projects shall be designed with a minimum of fifteen percent (15%) of the net buildable area as open space.
7 A floor area ratio of up to a maximum 3.0 will be allowed. A conditional use approval will not be required if
8 the development is approved by Lake County through a Development of Regional Impact Development
9 Order process. The maximum Impervious Surface Ratio shall be 0.75.

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11 TYPICAL USES INCLUDE:

- 12 • General office, including: services, finance, insurance and real estate;
- 13 • Limited commercial retail trade uses that support office land uses;
- 14 • Light industrial uses such as manufacturing, wholesale trade, transportation, communications,
15 electric, gas and sanitary services. Activities are limited to those without off-site impacts and
16 take place primarily within an enclosed building;
- 17 • Day care facilities;
- 18 • Health Services, except hospitals;
- 19 • Civic uses;
- 20 • Religious organizations;
- 21 • Colleges, universities and professional schools;
- 22 • Public order and safety;
- 23 • Hotels and other lodging places;
- 24 • Utilities; and
- 25 • Limited multi-family residential.

26 TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- 27 • Light industrial uses as provided above that take place primarily outside an enclosed building;
- 28 • Heliports; and
- 29 • Hospitals; and
- 30 • Borrow Pits, consistent with Policy III-3.5.2.

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33 **Section 2. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section
34 163.3187.
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36 **Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or
37 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
38 remaining portions of this Ordinance.
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1 **Section 4. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
2 challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan
3 amendment package is complete.
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6 ENACTED this ____ day of _____, 2015.
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8 FILED with the Secretary of State _____, 2015.
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12 ATTEST:

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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16 _____
17 Neil Kelly, Clerk of the
18 Board of County Commissioners,
19 Lake County, Florida

Chairman

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21 Approved as to form and legality:
22

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24 _____
25 Melanie Marsh
26 County Attorney
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Exhibit A.

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