

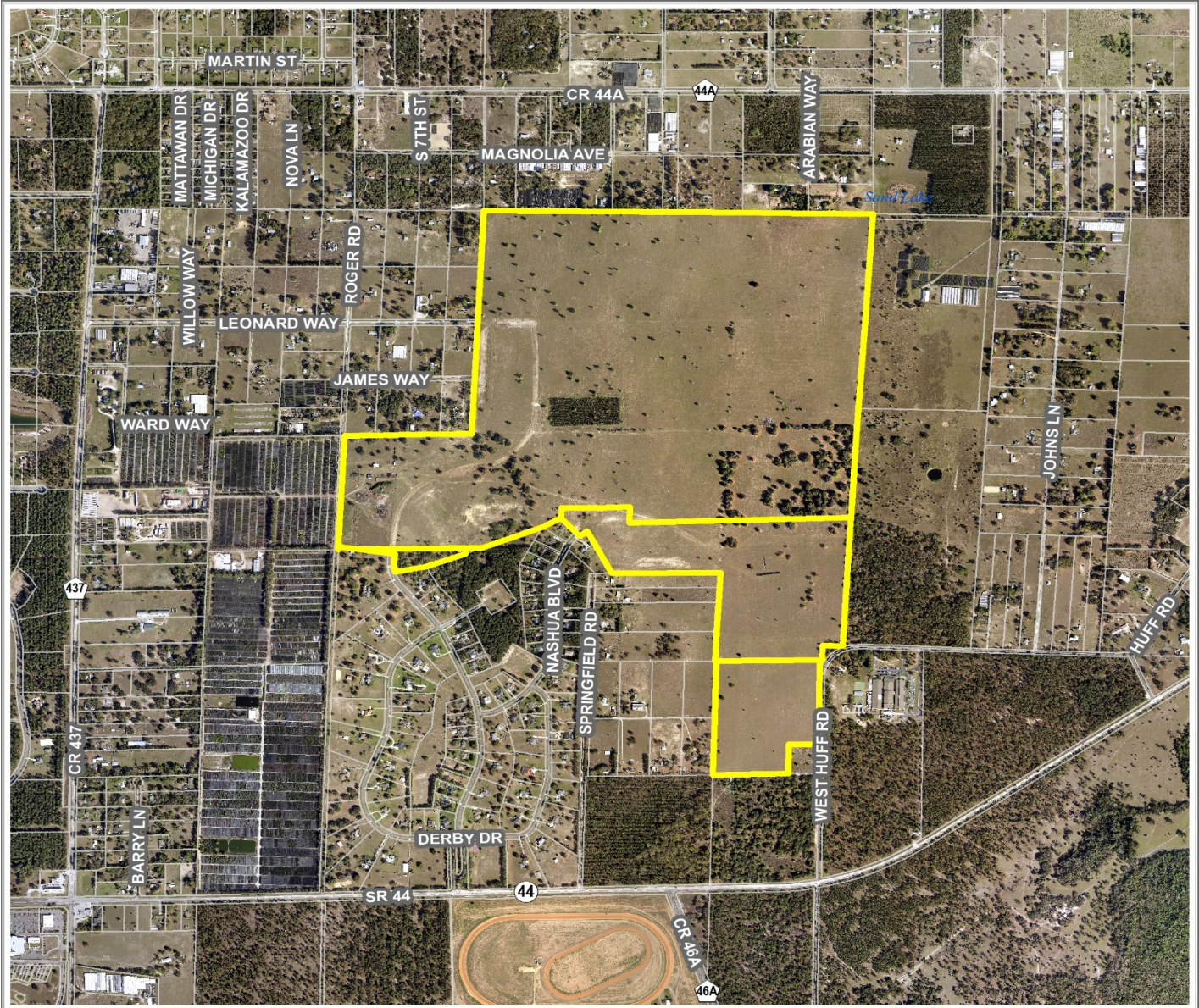
LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING AND ZONING BOARD  
March 7, 2018



BOARD OF COUNTY COMMISSIONERS  
March 27, 2018

RZ-17-27-4 Cross Tie Ranch PUD Amendment	Commission District 4 Campione	Agenda Item # 1
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**Requested Action:** Amend Planned Unit Development Ordinance (PUD) 2000-12 by rezoning 455 +/- acres to Agriculture zoning, with the approval of two zoning ordinances.

**Owners:** John Rackley and Rita Rackley (the "Owners")

**Applicant:** Johnathan Huels, Esq. (the "Applicant")



**- Site Location & Information -**

Size	455 +/- acres
Location	Cross-Tie Ranch subdivision, east and west of the CR 44/Springfield Road intersection, in the Eustis area
Alternate Key #	1511381, 1511399, 1511402
Future Land Use	Wekiva A-1-20 Receiving Area
Existing Zoning District	Planned Unit Development (PUD Ord. #2000-12) 1 dwelling per 3.4-acres
Proposed Zoning District	Agriculture (A)
Joint Planning Area	Eustis

**Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva A-1-20 Receiving Area	Agriculture (A)	developed	Agriculture & rural residential
South	Wekiva A-1-20 Receiving Area	A	developed	Undeveloped acreage, Agriculture and horse track uses
East	Wekiva A-1-20 Receiving Area & Public Service Facility/Infrastructure	Rural Residential (R-1) & Community Facility District (CFD)	developed	Agriculture uses and Seminole Springs Elementary
West	Wekiva A-1-20 Receiving Area & Rural	A	developed	Agriculture and rural residential uses

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning application to amend the Cross Tie Ranch PUD Ordinance 2000-12 by rezoning approximately 455 acres of the PUD to Agriculture (A), with approval of a new agriculture zoning ordinance and ordinance amendment for the newly configured Cross Tie Ranch PUD zoning district.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The Applicant seeks to rezone approximately 455-acres of the 690-acre Cross Tie Ranch Planned Unit Development (PUD) to Agriculture (A) to undertake agriculture uses. The Cross Tie Ranch residential subdivision is located on the north side of CR 44, east and west of the Springfield Road intersection. The rezoning application affects the undeveloped 455-acre Phase 3 portion of the subdivision. Although the County approved the Phase 3 construction plan in 1995 for 130 residential lots, a final plat application has never been submitted for review and approval. The proposed rezoning of the Phase 3 acreage to Agriculture is consistent with the property's Wekiva A-1-20 Receiving Area Future Land Use Category designation, which allows agriculture and equestrian uses. Phases 1 was platted for 42 lots and Phase 2 was platted for 38 lots, for a total of 80 lots. Seventy-seven (77) of the lots have been constructed to date.

It must be noted that PUD Ordinance 1991-40, approved in July 1991, which is superseded by PUD Ordinance 2000-12, authorized the Cross Tie Ranch residential development through the transfer of development rights (TDRs). Those ordinances approved the development of 210 dwelling units, at a density of 1 dwelling per 3.4-acres. Rezoning the undeveloped portion of Phase 3 would result in Phase 1 and Phase 2 having a density of 1 dwelling per 3 +/- acres. The Wekiva A-1-20 Receiving Area Future Land Use (Comprehensive Plan Policy I-3.2.3) allows variable residential densities of 1 dwelling per 20-acres and 1 dwelling per 5-acres.

The policy also allows 1 dwelling per 1 acre, with the application of transfer of development rights. The resultant density Phase 1 and Phase 2, caused by the Agriculture rezoning, would remain consistent with this future land use policy.

– 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 Owners' justification statement indicates the desire to undertake agriculture and nursery uses on the undeveloped Cross Tie Ranch PUD Phase 3 acreage. The nursery and agriculture uses are not allowed by the current residential PUD ordinance. However, these proposed uses are allowed in Agriculture zoning districts pursuant to Land Development Regulation (LDR), Table 3.01.03, Schedule of Permitted and Conditional Uses. Additionally, the proposed uses are consistent LDR Section 3.01.02 (B), which specifies the classification of agriculture uses. The proposed rezoning application to establish an Agriculture zoning district to undertake agriculture and nursery uses on the property is consistent with the aforementioned sections of the LDR.

To facilitate compatibility and impact mitigation between the residentially developed areas of Cross Tie Ranch and the nursery uses of the proposed Agriculture zoning district, the Applicant's justification statement indicates self-imposed conditions as listed below.

- Establishment of a 100-foot building setback to the remaining Cross Tie Ranch acreage (Phase 1 and 2).
- Installation of a 15-foot wide landscape buffer along the conjoined property line of the Cross Tie Ranch residential lots adjacent to the nursery use to accommodate screening and impact mitigation of the proposed nursery uses.
- Access restriction through Cross Tie Ranch from the new Agriculture zoning district & nursery/agriculture uses.

The imposition of these conditions is a private matter between the Owners and Cross Tie Ranch Homeowners Association.

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

The proposed Agriculture zoning application is consistent with Comprehensive Plan Policy I-1.2.8, which specifies that agriculture and equestrian uses are suitable in all future land use categories, including the Wekiva A-1-20 Receiving Area Future Land Use category. The proposed nursery/agriculture use as previously indicated is consistent with the future land use. The balance of the Cross Tie Ranch subdivision (235 acres) has been constructed as Phases 1 and 2, comprising 80 platted residential lots. This results in a developed density of 1 dwelling per 3 +/- acres. Although this density is non-conforming to the future land use of 1 dwelling per 20-net acres, the policy allows 1 dwelling per 1 net acre with the use of the TDRs.

The rezoning application did not contain any information regarding the maintenance of the required 25% open space specified by PUD Ordinance 2000-12. However, under the 1 dwelling per 1 net acre scenario, it could be concluded that ample acreage remains to address the required 25% open space. The remaining 235 acres of Phase 1 and 2 would require approximately 59-acres of open space. The Phase 1 recorded plat contains 42-lots and the Phase 1 As-Built construction plans show variable lot sizes of 1-acre to 5 acres. The Phase 2 recorded plat contains 37 lots, whereas the Phase 2 construction plan approved 40, 1-acre lots over 100-acres. This phase along could satisfy the required 25% open space for the remaining Cross Tie Ranch PUD.

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

The proposed rezoning application to create an agriculture zoning district on the undeveloped Phase 3 Cross Tie Ranch acreage is consistent with the existing and proposed land uses. The application does not propose residential development of this acreage.

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

The Applicant wishes to expand the adjacent western nursery operation to this undeveloped land area, which is owned by the Owners.

**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;**

**Transportation** – No adverse impacts are anticipated from the proposed rezoning to Agriculture use.

**Water and Sewage** – No adverse impacts are anticipated from the proposed rezoning to Agriculture use.

**Solid Waste** – No adverse impacts are anticipated from the proposed rezoning to Agriculture use.

**Fire** - The proposed rezoning creates permanent dead end roadways in the existing subdivision that will require turn-arounds be provided for emergency apparatus in accordance to the Florida Fire Prevention Code 1:18.2.3.4.4. Such turnarounds can be accomplished by providing a stabilized base capable of supporting apparatus weight in a hammerhead configuration - which would maintain the character of the rural subdivision while still providing first responders with the ability to maneuver emergency vehicles.

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

No adverse impacts to the natural environment are anticipated from the proposed rezoning as the land area has been previously disturbed in the past with land clearing activity for grazing and equestrian uses. Should the property develop as a public access nursery in the future, an environmental assessment will be required as part of the site plan approval for this type of non-residential use.

**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 proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. The area is predominant with agriculture and rural residential 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; 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.**

None.

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

1. The rezoning application is consistent with Land Development Regulation (LDR), Table 3.01.03, Schedule of Permitted and Conditional Uses.
2. The rezoning application and the propose uses is consistent with LDR Section 3.01.02 (B), which specifies the classification of agriculture uses.
3. The proposed Agriculture zoning application is consistent with the Comprehensive Plan Policy I-1.2.8, which specifies that agriculture and equestrian uses are suitable uses in all future land use categories.
4. The proposed rezoning application is consistent with Comprehensive Plan Policy I-3.2.3 regarding residential development within the Wekiva A-1-20 Receiving Area Future Land Use Category.

Based on these findings of fact, staff recommends **Approval** of the rezoning application for the Cross Tie Ranch Planned Unit Development, by amending PUD Ordinance #2000-12 with revised conditions and a establishing a Agriculture zoning district as specified in the proposed Ordinances.

**Case Manager:** Steve K. Greene, AICP, Chief Planner

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



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1. Number/Type of Residential Units:

The development shall not exceed 80 dwelling units (no industrial uses) permitted at a gross Residential density of .03 dwelling units per acre (1 unit/per 3.4 acres) with a maximum building height of 35 feet on a total of 235 +/- acres.

Section 1.VII of Ordinance 2000-12 is hereby amended to read as follows:

Phases	Year	Number of Lots
Phase 1	1991-1992	42
Phase 2	1992-1994	35
Phase 3	1994 -	3

Not to exceed 80 single-family dwelling units.

The second paragrah of Section 1.IX..3, Ordinance 2000-12, is hereby amended to read as follows:

The project site contains approximately 235 +/- acres. Applying the A-1-20 overlay zone to the project sites gives the applicant a density of twelve (12) units. The difference between the existing twelve (12) units and the approved density of eighty (80) dwelling units must be obtained by acquiring ninety-six (96) transferable development rights of TDR from Sending Area One or Two, pursuant to the provisions of the Lake County Land Development Regulations, as amended.

**Section 2. TDRs.** This Ordinance does not modify any TDRs on the northern 455 acres of the property that are being removed from the PUD or any of the other property described in Amended Exhibit "A."

**Section 3. Remaining Provisions.** The remaining portions of PUD Ordinance #2000-12 shall remain in full force and effect.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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1 Section 6. Effective Date. This Ordinance will become effective as provided by law.

2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

3  
4 FILED with the Secretary of State \_\_\_\_\_, 2018.

5  
6 EFFECTIVE \_\_\_\_\_, 2018.

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8 BOARD OF COUNTY COMMISSIONERS  
9 LAKE COUNTY, FLORIDA

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11 \_\_\_\_\_  
12 TIMOTHY I. SULLIVAN, CHAIRMAN

13 ATTEST:

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16 NEIL KELLY, CLERK OF THE  
17 BOARD OF COUNTY COMMISSIONERS  
18 LAKE COUNTY, FLORIDA

19 APPROVED AS TO FORM AND LEGALITY:

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22 MELANIE MARSH, COUNTY ATTORNEY

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AMENDED EXHIBIT "A"

**LEGAL DESCRIPTION:** In Sec 5 Twp. 19S Rge. 28E, the N 1/2 of Govt Lot 1, E 1295 of N 1/2 of Govt Lot 2, E 2615 ft of NE 1/4, W 1295 ft of E 1/2 of NW 1/4, W 2590 ft of E 2615 ft of N 1/2 of SW 1/4; and SW 1/4 of SW 1/4; and W 1295 ft of SE 1/4 of SW 1/4; and S 1/2 of Govt Lot 1 less Rodriquez Grant; S 1/2 of Govt Lot 2, less S 1000 ft, and less N 25 ft; and in Sec 8 Twp. 19S Rge. 28E, the NW 1/4, N 1/2 of Govt Lot 1, less the S 330 ft of the E 330 ft.

Less the northern 455 acres of of property as described below:

A PARCEL OF LAND IN SECTIONS 5 & 8, TOWNSHIP 19 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF AFORESAID SECTION 5; THENCE ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 5 RUN S03°37'29"W 2426.98 FEET TO THE EAST 1/4 CORNER; THENCE ALONG THE EAST LINE OF GOVERNMENT LOT 1 IN SECTION 5 RUN S03°11'55"W 2479.15 FEET TO THE NORTH LINE OF SECTION 37, TOWNSHIP 19 SOUTH, RANGE 28 EAST (THE SAME BEING THE NORTH LINE OF THE THERESA RODRIQUEZ GRANT); THENCE RUN N89°02'59"W ALONG THE NORTH LINE OF SECTION 37 A DISTANCE OF 204.78 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SECTION 37 RUN S00°15'08"W 166.89 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 1 IN AFORESAID SECTION 5; THENCE S00°27'41"W ALONG THE WEST LINE OF SECTION 37 A DISTANCE OF 70.30 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HUFF ROAD (4-5890); SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 392.01 FEET; THENCE RUN SOUTHWESTERLY 140.76 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 20°34'22" WITH A CHORD BEARING AND DISTANCE OF S10°44'52"W 140.00 FEET TO THE END OF SAID CURVE; THENCE S00°27'41"W ALONG SAID RIGHT-OF-WAY LINE 743.25 FEET TO THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTH 1/2 OF GOVERNMENT LOT 1 IN SECTION 8; THENCE ALONG SAID NORTH LINE RUN S88°55'28"W 304.99 FEET TO THE WEST LINE OF THE EAST 3/4 OF AFORESAID NORTH 1/2 OF GOVERNMENT LOT 1; THENCE ALONG SAID WEST LINE RUN S00°27'41"W 330.00 FEET TO THE SOUTH LINE OF AFORESAID NORTH 1/2 OF GOVERNMENT LOT 1; THENCE ALONG SAID SOUTH LINE RUN S88°55'28"W 774.70 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8; THENCE N00°30'41"E ALONG THE WEST LINE THEREOF 1289.53 FEET TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 IN SECTION 5; THENCE ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 RUN N03°01'17"E 1000.00 FEET; THENCE S89°23'25"W 1094.08 FEET; THENCE N27°59'47"W 544.41 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 567.00 FEET TO WHICH A RADIAL LINE BEARS N33°56'04"W; THENCE RUN SOUTHWESTERLY 94.82 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 09°34'54"; THENCE LEAVING SAID CURVE RUN N43°30'58"W 283.52 FEET; THENCE S60°33'23"W 216.61 FEET; THENCE S69°02'36"W 1262.50 FEET; THENCE S79°24'06"W 323.25 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 367.00 FEET TO WHICH A RADIAL LINE BEARS S74°00'20"W; THENCE RUN NORTHERLY 155.04 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 24°12'18" TO THE END OF SAID CURVE; THENCE N08°12'38"E 48.05 FEET; THENCE N81°47'22"W 578.27 FEET TO A POINT THAT IS 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE PARALLEL WITH SAID WEST LINE RUN N02°29'22"E 1255.81 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID NORTH LINE RUN N88°44'59"E 1288.24 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID WEST LINE RUN N02°44'05"E 2530.06 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID NORTH LINE RUN S89°50'09"E 1320.39 FEET TO THE NORTH 1/4 CORNER; THENCE RUN S89°42'19"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 5 A DISTANCE OF 2644.28 FEET TO THE POINT OF BEGINNING.





1 **Section 3. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall submit  
2 applications for and receive necessary final development order approvals as provided in the  
3 Lake County Comprehensive Plan and Land Development Regulations. The applications for final  
4 development orders must meet all submittal requirements and comply with all County codes and  
5 ordinances, as amended.

6 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
7 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
8 of the remaining portions of this Ordinance.

9 **Section 5. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of  
10 this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
11 125.66, Florida Statutes.

12 **Section 6. Effective Date.** This Ordinance will become effective as provided by law.

13 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

14 FILED with the Secretary of State \_\_\_\_\_, 2018.

15 EFFECTIVE \_\_\_\_\_, 2018.

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20 LAKE COUNTY, FLORIDA

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23 TIMOTHY I. SULLIVAN, CHAIRMAN

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29 NEIL KELLY, CLERK OF THE  
30 BOARD OF COUNTY COMMISSIONERS  
31 LAKE COUNTY, FLORIDA

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34 APPROVED AS TO FORM AND LEGALITY

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38 MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A"  
Legal Description

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BEGIN AT THE NORTHEAST CORNER OF AFORESAID SECTION 5; THENCE ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 5 RUN S03°37'29"W 2426.98 FEET TO THE EAST 1/4 CORNER; THENCE ALONG THE EAST LINE OF GOVERNMENT LOT 1 IN SECTION 5 RUN S03°11'55"W 2479.15 FEET TO THE NORTH LINE OF SECTION 37, TOWNSHIP 19 SOUTH, RANGE 28 EAST (THE SAME BEING THE NORTH LINE OF THE THERESA RODRIQUEZ GRANT); THENCE RUN N89°02'59"W ALONG THE NORTH LINE OF SECTION 37 A DISTANCE OF 204.78 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SECTION 37 RUN S00°15'08"W 166.89 FEET TO THE SOUTH LINE OF GOVERNMENT LOT 1 IN AFORESAID SECTION 5; THENCE S00°27'41"W ALONG THE WEST LINE OF SECTION 37 A DISTANCE OF 70.30 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HUFF ROAD (4-5890); SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 392.01 FEET; THENCE RUN SOUTHWESTERLY 140.78 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 20°34'22" WITH A CHORD BEARING AND DISTANCE OF S10°44'52"W 140.00 FEET TO THE END OF SAID CURVE; THENCE S00°27'41"W ALONG SAID RIGHT-OF-WAY LINE 743.25 FEET TO THE NORTH LINE OF THE SOUTH 3/4 OF THE NORTH 1/2 OF GOVERNMENT LOT 1 IN SECTION 8; THENCE ALONG SAID NORTH LINE RUN S88°55'28"W 304.99 FEET TO THE WEST LINE OF THE EAST 3/4 OF AFORESAID NORTH 1/2 OF GOVERNMENT LOT 1; THENCE ALONG SAID WEST LINE RUN S00°27'41"W 330.00 FEET TO THE SOUTH LINE OF AFORESAID NORTH 1/2 OF GOVERNMENT LOT 1; THENCE ALONG SAID SOUTH LINE RUN S88°55'28"W 774.70 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 8; THENCE N00°30'41"E ALONG THE WEST LINE THEREOF 1289.53 FEET TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 IN SECTION 5; THENCE ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 RUN N03°01'17"E 1000.00 FEET; THENCE S89°23'25"W 1094.08 FEET; THENCE N27°59'47"W 544.41 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 567.00 FEET TO WHICH A RADIAL LINE BEARS N33°56'04"W; THENCE RUN SOUTHWESTERLY 94.82 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 09°34'54"; THENCE LEAVING SAID CURVE RUN N43°30'58"W 283.52 FEET; THENCE S60°33'23"W 216.61 FEET; THENCE S69°02'36"W 1262.50 FEET; THENCE S79°24'06"W 323.25 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 367.00 FEET TO WHICH A RADIAL LINE BEARS S74°00'20"W; THENCE RUN NORTHERLY 155.04 FEET ALONG THE ARC THEREOF THROUGH A CENTRAL ANGLE OF 24°12'18" TO THE END OF SAID CURVE; THENCE N08°12'38"E 48.05 FEET; THENCE N81°47'22"W 578.27 FEET TO A POINT THAT IS 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE PARALLEL WITH SAID WEST LINE RUN N02°29'22"E 1255.81 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID NORTH LINE RUN N88°44'59"E 1288.24 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID WEST LINE RUN N02°44'05"E 2530.06 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 5; THENCE ALONG SAID NORTH LINE RUN S89°50'09"E 1320.39 FEET TO THE NORTH 1/4 CORNER; THENCE RUN S89°42'19"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 5 A DISTANCE OF 2644.28 FEET TO THE POINT OF BEGINNING.

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Return to: Lorie  
Board Support

ORDINANCE NO. #2000 - 12  
PH#53-99-4  
Tracking No. #76-99-PUD/AMD  
Cross - Tie Ranch

RECEIVED  
2000 MAR - 3 AM 11:17  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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

**WHEREAS**, the Lake County Planning and Zoning Commission did, on the 5th day of January, 2000, review petition #53-99-4 (Cross-Tie Ranch), a request for an amendment to the existing PUD Ordinance #40-91, as amended, subject to the TDR's being acquired at the density indicated for construction of a single family residence development on property generally located in the Sorrento / East Lake County area - Property lying N of SR 44 at its intersection with SR 46A. The property is more particularly described as follows:

**EXHIBIT "A" [LEGAL DESCRIPTION ATTACHED]:**

**AND**, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said would be presented to the Lake County Board of County Commissioners of Lake County, Florida, on the 25th day of January, and

**WHEREAS**, The Board of Commissioners continued the requested application for public hearing until February 22, 2000, and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, and any comments favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly advertised, and

**Book 1802 Page 1951**

**WHEREAS**, upon review certain terms pertaining to the development of the above described property have been duly approved, and

Doc# 2000020702  
Book: 1802  
Pages: 1951 - 1961  
Filed & Recorded  
03/13/00 03:56:47 PM  
JAMES C. WATKINS  
CLERK OF CIRCUIT COURT  
LAKE COUNTY  
RECORDING \$ 45.00  
TRUST FUND \$ 6.00

FILED  
2000 MAR - 3 AM 10:38  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**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 tract of land subject to the following terms and conditions:

1. Terms: The PUD (Planned Unit Development) facility shall mean and include the following land uses, as amended:

I. Land Uses:

A. Residential:

1. Number/Type of Residential Units:

The development shall not exceed 210 dwelling units (no industrial uses) permitted at a gross residential density of 0.3 dwelling units per acre (1 unit / per 3.4 acres) with a maximum building height of 35 feet on a total of 690 +/- acres.

2. Setback Requirements

Setbacks per lot, for the proposed development, shall be in accordance with the Lake County Land Development Regulations, as amended, or as approved by the County Manager or designee.

All lots adjacent to the project boundary shall have a twenty-five (25') foot rear yard setback.

B. Interim Agricultural Use of Phase III

1. Time Limitation

Horses and cattles may be graze on Phase III of the subdivision for a period of five (5) years from March, 2000, and at the end of the five years, the applicant must request approval of an extension to this requirement from the Board of County Commissioners.

II Public Facilities

A. Water / Sewer Facilities

1. Potable Water: Potable water service for the development will be provided by individual lot wells.

2. Sewage: The development sewage disposal will be by individual lot septic tank.

B. Stormwater Management:

1. The applicant shall provide a stormwater management system designed to the requirements of the Lake County Land Development Regulations, as amended. The system will consist of roadside swales and shallow dry bottom retention ponds located in the natural low areas of the project site as indicated on the Preliminary Development Plan.

III Trees, Wetlands, and Landscaping Requirements

- A. Since the site is located within the Wekiva River Protection Area, the applicant shall comply with all applicable rules and regulations for that area; and shall comply with the following submittal requirements:

- i Wetlands & Uplands – Percent of biological communities existing on site, using FLUCCS code; typical vegetative inventory – canopy (trees) and subcanopy (shrubs)
- ii Wildlife inventory using the methodology of the Florida Game and Fresh Water Fish Commission.
- iii Designated Wildlife & Vegetation – lists documenting occurrences on site and species protection plans.
- iv Buffers – the applicant shall submit information regarding buffer for review and approval to Lake County.

- B. Soils exposed during site alteration shall be stabilized. Vegetation and restoration of exposed areas shall be made at the completion of each phase of construction. Vegetative growth shall be accomplished within 180 days on soils exposed during site alteration.

- C. A drainage plan shall be submitted with the preliminary plans (after rezoning) to Lake County for review. The drainage plan shall demonstrate that each phase is able to exist as an independent stable unit for drainage purposes.

- D. The natural pre-development drainage patterns shall be maintained to the maximum extent possible.

- E. The storage and recharge potential of the property shall be maintained and, if possible, enhanced. The stormwater management system shall be designed to maximize the quantity and quality of water being recharged.

- F. If approved trees are to be removed, a tree removal permit application and the applicable review fee(s) shall be submitted with the PUD final development plans (construction plans). The site improvements overlaid on an aerial shall be submitted with the preliminary plat. If tree removal is not proposed, a statement to this effect must appear on the construction plans in the "notes" section.
- G. Each single family or duplex lot shall have at least three (3) approved trees with a six (6) inch DBH or greater, or an equivalent number of replacement trees as defined in the Lake County Land Development Regulations, as amended, prior to application for certificate of occupancy for the dwelling unit for each lot.

IV Transportation Improvements

- 1. Dedicate additional right of way along Huff Road to provide 33 feet from the centerline.
- 2. The applicant shall provide and maintain setbacks as established by Lake County.
- 3. Provide right and left turn lanes on SR 44 at the entrance.
- 4. Provide a school access through the Recreation Open Space area. *This should be coordinated between the Department of Public Works and the Lake County School Board.*
- 5. Extend right of ways to provide for future connections to the north and east.

V. Fire Protection Requirements

- 1. Fire Protection will be provided by individual structure fire sprinkler systems (NPA 13D)

VI Recreation and Open Space

- 1. Recreation and open space requirements for the project will be met by providing a continuous 173 acre open space belt (25% of the total project acreage). The space will provide mulched pathways for pedestrian and bicycle circulation throughout the project as well as areas for equine activity. Approximately 1 acre of land will be designated for active recreation and will contain the appropriate facilities for this use.
- 2. Provide an internal pedestrian / bicycle pathway network to interconnect the proposed neighborhoods and the recreation areas. Pedestrian access to Seminole Springs Elementary School should be considered in the design of this development. Sidewalks can be a part of the network.

VII Development Phasing

The project is proposed to have a six-year build out and will be phased as follows:

<u>PHASES</u>	<u>YEAR</u>	<u>NUMBER OF LOTS</u>
Phase I	1991-1993	42
Phase II	1992-1994	38
Phase III	2000 - 2005	30
	2005-2006	30
	2005-2007	30
	2005-2008	30
	2005-2009	10

Not to exceed 210 single-family residential units.

***Development Phasing Table needs to be amended to reflect actual conditions as built and proposed.***

VIII Special Requirements

1. Fire Impact Fee: The applicant will be required to provide \$127.00 per unit for fire impact fee. Should an impact fee for fire be adopted by the Board of County Commissioners, the applicant shall pay more or less the fees, as established by the Board.

IX WEKIVA RIVER POINT RATING SYSTEM – is addressed as follows:

1. SUBMISSION OF PROJECT AS A PLANNED UNIT DEVELOPMENT

**5 POINTS**

2. PROJECT IS CONTAINED WHOLLY WITHIN A TDR RECEIVING ZONE OUTSIDE THE MOUNT PLYMOUTH-SORRENTO URBAN COMPACT NODE

The project lies within Receiving Area Number One “A-1-20” Overlay District 2 which is outside the Mt. Plymouth-Sorrento Urban Compact Node.

**5 POINTS**

3. PURCHASE OF TDR’S SUFFICIENT TO REACH DENSITY OF ONE (1) DWELLING UNIT PER NET ACRE.

The project is wholly located in Receiving Area Number One “A-1-20” Wekiva River Protection Area Overlay District 2. A maximum density of one (1) dwelling unit per twenty (20) net acres is permitted. Density may



be increased to a maximum of one (1) dwelling unit per one (1) net acre using both the Development Point Rating System and Transferable Development Rights.

The project site contains 690 +/- acres. Applying the A-1-20 overlay zone to the project sites gives the applicant a density of thirty-four units. The difference between the existing density of thirty-four (34) units and the approved density of 210 dwelling units must be obtained by acquiring 175 transferable development rights of TDRs from Sending Area One or Two, pursuant to the provisions of the Lake County Land Development Regulations, as amended.

TDRs sufficient to reach allowed density shall be purchased **5 POINTS**

- 4. INNOVATION IN SITE DESIGN BY PROVIDING MORE OPEN SPACE AND PROTECTING ENVIRONMENTALLY SENSITIVE LAND THAN WOULD BE PROTECTED UNDER EXISTING REGULATIONS.

No environmentally sensitive land exists on this project site. Its prior use as A (Agricultural) production **0 POINTS**

- 5. IF IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT TRACT OR PARCEL DOES NOT HAVE ANY PRE-EXISTING ENVIRONMENTAL CONSTRAINTS AND THEREFORE NOT AFFORDED THE ABILITY TO ACHIEVE POINTS, THE PROPOSED DEVELOPMENT CAN RECEIVE 67 POINTS.

An example of this type of property would be one that has historically (greater than 10 years) been used for citrus production, has no wetlands and no natural upland communities remaining on site. An additional 10 points shall be available for clustering of units. An additional one (1) point shall be available for incorporation of pervious pavement or grassed parking, and an additional two (2) points shall be available for the use of native vegetation in landscaping.

The project has been in citrus production for greater than 10 years and no wetlands or upland communities remain on site **67 POINTS**

The clustering of units would not be appropriate for the theme of this project **0 POINTS**

Pervious parking will be incorporated in the common areas of the project such as pedestrian drop off areas and horse barn parking, and will be encouraged for use in the driveways and sidewalks of the residences built by private individuals in the project **1 POINT**

Native vegetation is required to be used for landscaping of the common areas of the project. Native vegetation will also be required for use in the individual residential planting plans. **2 POINTS**

6. CONTRIBUTES TO THE EXPANSION OF AN EXISTING OR PROPOSED WILDLIFE CORRIDOR (ON OR OFF SITE)

This project does not contribute to any wildlife corridors on or off-site **0 POINTS**

7. PROVIDES SUFFICIENT HABITAT FOR FEEDING, NESTING, ROOSTING, AND RESTING SO AS TO MAINTAIN VIABLE POPULATIONS OF SPECIES DESIGNATED PURSUANT TO RULES 39-27.003, 39-27.004 AND 39-27.005, FLORIDA ADMINISTRATIVE CODE (ON OR OFF-SITE)

This project provides sufficient habitat for these activities in the open space belt that runs through the project. **5 POINTS**

8. PROVISION FOR AFFORDABLE HOUSING

There is no provision for affordable housing in this project **0 POINTS**

9. VEHICULAR ACCESS TO AN ARTERIAL ROAD WITH LEVEL OF SERVICE (LOS) "C" AVERAGE DAILY TRIPS (ADT) OR BETTER; TEN POINTS CAN BE GRANTED FOR MAKING IMPROVEMENTS TO BRING THE LEVEL OF SERVICE TO LOS "C".

The project is directly adjacent to a road with LOS "C" or better (State Road 44) **10 POINTS**

10. POTABLE WATER SUPPLY

A. Potable water service for the development will be provided by individual lot wells **0 POINTS**

11. SANITARY SEWER SERVICE

B. The development sewage disposal will be by individual lot septic tanks. **0 POINTS**

12. IRRIGATION WATER SUPPLY

Potable water will be used for irrigation for the landscaped areas of the project. **0 POINTS**

13. FIRE PROTECTION

The project lies within a fire district having a rating of 8 or 9 and lies within 3 miles of a fire station **2 POINTS**

14. PROXIMITY TO PUBLIC SCHOOLS

The project lies within a 1/2 mile radius of an existing school and will be linked by pathways and bicycle paths through the central open space belt to the school **5 POINTS**

15. NEIGHBORHOOD PARKS

The development will dedicate park land and will provide facilities to meet the County's Level of Service. The facility will be open to the general public. **5 POINTS**

16. OTHER

**0 POINTS**

17. DENSITY EVALUATION TABLES

The 1 unit per twenty (20) net developable acres category contains a maximum of 175 possible points (A-1-20)

NOTE: The project is proposed to have a density of 0.3 units per acre or 1 unit per 3.4 acres requiring 100 to 109 points.

**TOTAL POINTS QUALIFIED FOR IN THIS PROJECT IS 107 POINTS**

X Development Review and Approval:

Prior to the issuance of any permits the applicant shall be required to submit formal preliminary plats and site plans for review and approval by the Lake county Technical Review Committee. The site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

XI. Future Development Orders

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

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

Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Chapter XIV, of the Lake County Land Development Regulations (LDR's) and obtaining approval from the County Manager or designee upon obtaining the permits required from other appropriate governmental agencies.
- C. This amendment 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.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the PUD (Planned Unit Development) ordinance, as amended, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Chapter XIV , Lake County Land Development Regulations (LDR's), as amended.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this 22nd day of February, 2000.

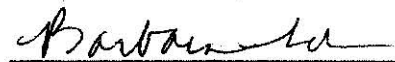
FILED with the Secretary of State March 3,, 2000.

EFFECTIVE March 3, 2000.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
\_\_\_\_\_  
CATHERINE C. HANSON, VICE-CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
James C. Watkins, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Sanford Minkoff, County Attorney



EXHIBIT "A"  
LEGAL DESCRIPTION  
PH#53-99-4  
Cross-Tie Ranch (Timothy Green)  
Green Consulting Group Inc.  
Tracking No. #76-99-PUD/AMD

ORDINANCE NO. #2000-12

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

**LEGAL DESCRIPTION:** In Sec 5 Twp. 19S Rge. 28E, the N 1/2 of Govt Lot 1, E 1295 of N 1/2 of Govt Lot 2, E 2615 ft of NE 1/4, W 1295 ft of E 1/2 of NW 1/4, W 2590 ft of E 2615 ft of N 1/2 of SW 1/4; and SW 1/4 of SW 1/4; and W 1295 ft of SE 1/4 of SW 1/4; and S 1/2 of Govt Lot 1 less Rodriguez Grant; S 1/2 of Govt Lot 2, less S 1000 ft, and less N 25 ft; and in Sec 8 Twp. 19S Rge. 28E, the NW 1/4, N 1/2 of Govt Lot 1, less the S 330 ft of the E 330 ft.