

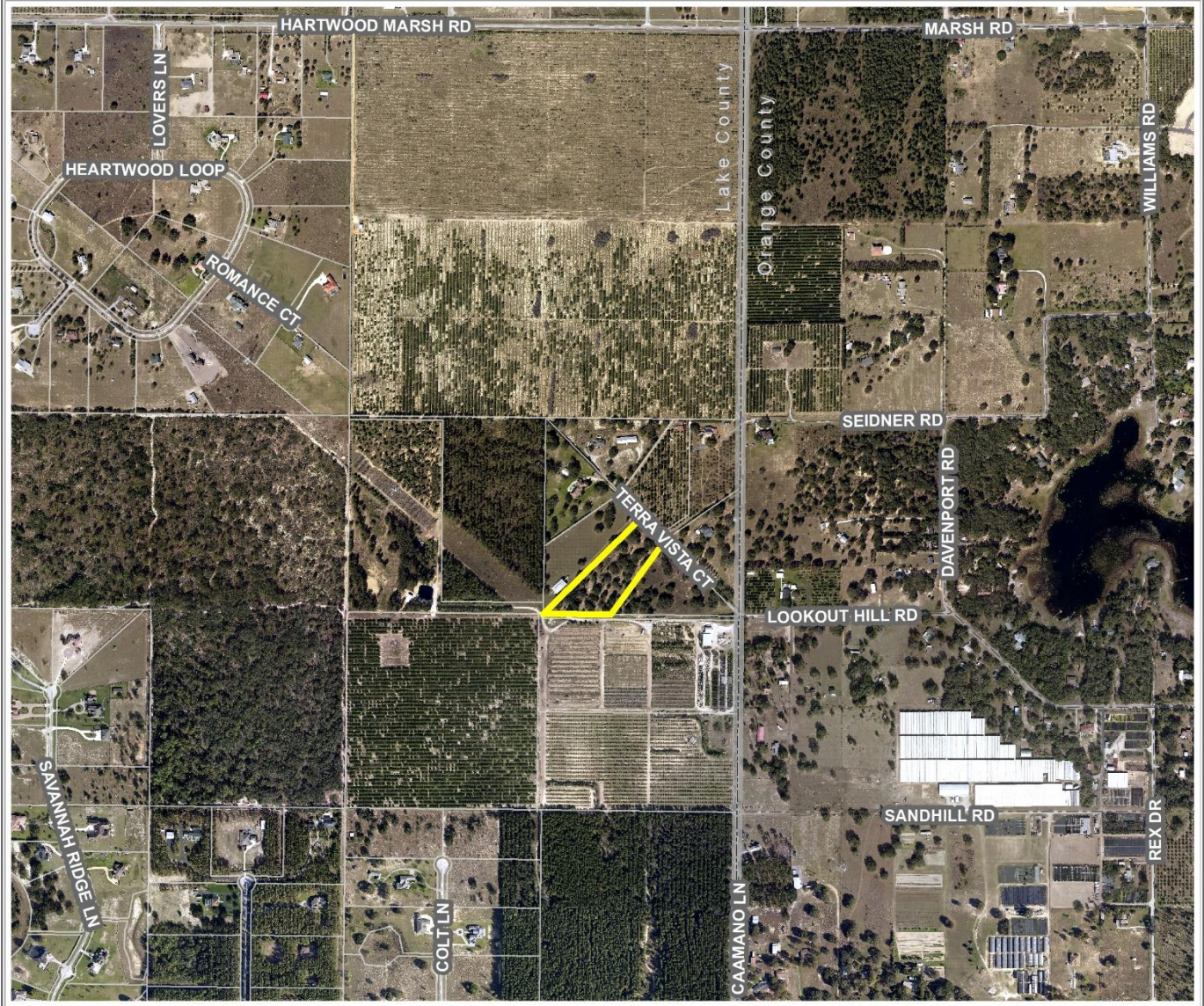
LAKE COUNTY OFFICE OF PLANNING AND ZONING
FUTURE LAND USE AMENDMENT

Planning and Zoning Board
May 30, 2018



Board of County Commissioners
June 19, 2018 (Adoption)

FLU-18-08-2 Creeden Property	Commission District 2 Parks	Agenda Item #1
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Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on 5.00 +/- acres (Alternate Key No. 3424913) from Wellness Way 1 FLUC to Rural FLUC.

Owner/Applicant: Deborah Theresa Creeden (the "Owner")

- Site Location & Information -

Size	5.00 +/- acres
Location	West of the Lake/Orange County Line and southwesterly of Terra Vista Court in the Winter Garden area
Alternate Key #'s	3424913
Future Land Use	Wellness Way 1
Proposed Land Use	Rural (Max. density of one (1) dwelling unit per 5 net acres)
Zoning District	Agriculture (A) (Max. density of 1 dwelling unit per five (5) acres)
Joint Planning Area/ISBA	Clermont ISBA & JPA
Overlay Districts	None

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Wellness Way 1	Agriculture (A)	Residential	None
South	Wellness Way 1	Agriculture (A)	Vacant	None
East	Wellness Way 1	Agriculture (A)	Vacant	None
West	Wellness Way 1	Agriculture (A)	Street/Turnpike	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on 5.00 +/- acres (Alternate Key No. 3424913) from Wellness Way 1 FLUC to Rural FLUC.

PLANNING AND ZONING BOARD RECOMMENDATION:

BOARD OF COUNTY COMMISSIONERS TRANSMITTAL:

Analysis

The subject property is described as Alternate Key No. 3424913 and contains a total of 5.00 +/- acres (Attachment A). The property is generally located west of the Lake/Orange County line and northwest of Lookout Hill Road and Terra Vista Court in the Winter Garden area. According to the GIS Map, there is no indication that the parcel is located within a flood-prone area or that the subject parcel contains wetlands.

The Owner has submitted a Comprehensive Plan Amendment application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category on 5.00 +/- acres from Wellness Way 1 FLUC to Rural FLUC. The Owner is proposing to develop the subject property with a single-family dwelling unit and accessory uses. The Wellness Way Plan only allows the designated properties to be developed as part of a master planned unit development. The Owner is not seeking to develop the property as part of a master planned unit development.

Standards for Review

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

The map amendment seeks to change the future land use category on 5.00 +/- acres from Wellness Way 1

Future Land Use Category (FLUC) to Rural Density FLUC. The Owner is proposing to develop the subject property with a single-family dwelling unit and accessory uses. In addition, the Owner intends to develop the parcel with a maximum density of one (1) dwelling unit per five (5) net acres, consistent with the Rural FLUC.

This FLUM Amendment is consistent with Land Development Regulations Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows a single-family dwelling unit as a permitted use.

This FLUM Amendment is consistent with Land Development Regulations Table 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, which states that the minimum lot size shall be in accordance with gross acreage requirement for each zoning district listed in Table 3.02.06. LDR Table 3.02.06 states that a parcel zoned Agriculture (A) shall have a maximum density of one (1) dwelling unit per five (5) acres.

The FLUM Amendment is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which states that the Rural FLUC is intended to protect rural represented by Single-family homes on large lots.

The FLUM Amendment is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which states that this category provides for residential development at densities equal to one (1) dwelling unit per five (5) net buildable acres and states that residential uses are a typical permitted use.

Goal I-1, *Purpose of the Future Land Use Element*, requires the County to ensure compatibility between densities and intensities of development and also requires that land use transitions be provided as appropriate to protect the integrity of both urban and rural areas. The area is being developed with residential developments.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed map amendment would not be in conflict with the Land Development Regulations (LDR).

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

The Owner is proposing to develop the subject property with a single-family dwelling unit and accessory uses. In addition, the Owner intends to develop the parcel with a maximum density of one (1) dwelling unit per five (5) net acres, consistent with the Rural FLUC. The proposed development is compatible with the surrounding properties, which are developed with single-family dwelling units and accessory structures. Furthermore, the surrounding properties are developed with a minimum density of one (1) dwelling unit per five (5) net acres.

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

The Owner is proposing to develop the subject property with a single-family dwelling unit and accessory uses. In addition, the Owner intends to develop the parcel with a maximum density of one (1) dwelling unit per five (5) net acres, consistent with the Rural FLUC.

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.

Water and Sewer

The property will be serviced by a well and septic tank.

Schools

Based on a review by the Lake County School Board (Attachment B), the proposed two (2) residential units would be exempt from School Concurrency review.

Parks

The Office of Parks and Trails had no comments or objections to this application.

Solid Waste

Solid Waste had no comments or objections to this application.

Public Safety

Lake County Fire Station #109 is located at 11630 Lakeshore Drive, Clermont and is 10.8 miles away from the subject property.

Transportation Analysis

The Lake-Sumter Metropolitan Planning Organization (MPO) reviewed the application (Attachment C), and using the ITE Trip Generations Manual, concluded that the land use to allow for two (2) residential units on five (5) acres of land, which results in fewer potential traffic trips. The MPO had no comments or objections to the Future Land Use Map amendment.

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

According to the GIS Map, there is no indication that the subject parcel lies within a flood-prone area or that the parcel contains wetlands.

All sensitive resources will be addressed through the development review process. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations.

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

There is no indication that the future land use map amendment would have an adverse impact on property values.

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 area surrounding the subject properties are developed with residential subdivisions at a similar density proposed in the applications. The proposed map amendment does not appear to have any negative effects on the development pattern in the area and will result in an orderly and logical development pattern, as required by Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*.

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

The proposed map amendment is consistent with the purpose of Lake County's regulations.

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

1. The request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows a single-family dwelling unit as a permitted use;
2. The request is consistent with Land Development Regulations (LDR) Table 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, which states that the minimum lot size shall be in accordance with gross acreage requirement for each zoning district listed in Table 3.02.06. LDR Table 3.02.06 states that a parcel zoned Agriculture (A) shall have a maximum density of one (1) dwelling unit per five (5) acres;
3. The request is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which states that the Rural FLUC is intended to protect rural character of areas represented by Single-family homes on large lots;
4. The request is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which states that this category provides for residential development at densities equal to one (1) dwelling unit per five (5) net buildable acres and states that residential uses are a typical permitted use;
5. The request is consistent with Comprehensive Plan Goal I-1, *Purpose of the Future Land Use Element*, which requires the County to ensure compatibility between densities and intensities of development and also requires that land use transitions be provided as appropriate to protect the integrity of both urban and rural areas; and
6. The request is consistent with Policy I-1.1.3, *Direct Orderly, Compact Growth*, which requires an orderly and logical development patter between FLUC.

Based on these findings of fact, staff recommends **APPROVAL** of the application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on 5.00 +/- acres from Wellness Way 1 FLUC to Rural FLUC.

Case Manager: Janie Barrón, Senior Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

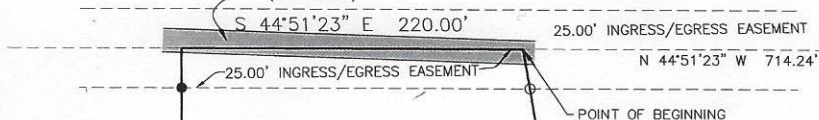
Opposition: -0-

Attachment A

PLAT OF BOUNDARY SURVEY

NOT PLATTED
TERRA VISTA CT.
(DIRT ROAD)

POINT OF COMMENCEMENT
SE CORNER OF THE NE 1/4,
NE1/4 OF SECTION 12,
TOWNSHIP 23 S, RANGE 26 E



LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHEAST CORNER OF THE N.E. 1/4, N.E. 1/4 OF SECTION 12, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN THENCE N44°51'23"W TOWARD THE NORTHWEST CORNER OF SAID N.E. 1/4, N.E. 1/4, A DISTANCE OF 714.24' TO THE POINT OF BEGINNING; RUN THENCE S35°33'04"W, TO THE SOUTH LINE OF THE SAID N.E. 1/4, N.E. 1/4; A DISTANCE OF 621.19'; RUN THENCE N89°56'24"W ALONG THE SAID SOUTH LINE, A DISTANCE OF 454.75' TO THE SOUTHWEST CORNER OF THE SAID N.E. 1/4, N.E. 1/4; RUN THENCE N44°59'41"E, A DISTANCE OF 934.54'; RUN THENCE S44°51'23"E, A DISTANCE OF 220.00' TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES, MORE OR LESS. SUBJECT TO A 25' INGRESS/EGRESS EASEMENT OVER THE NORTHEASTERLY 25' THEREOF.

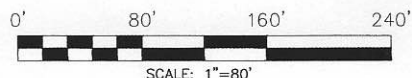
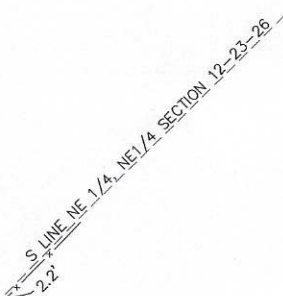
5.0 ACRES
(VACANT)

PARCEL #12-23-26-000100001400

NOT PLATTED

NOT PLATTED

N 44°59'41" E 934.54'



LEGEND:

- = SET 1/2" IRON ROD #LB8060
- = FOUND 1/2" IRON ROD NO#

SURVEYOR'S REPORT:

1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. LEGAL PROVIDED BY CLIENT.
3. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS WERE NOT LOCATED EXCEPT AS NOTED.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF TERRA VISTA CT (N LINE OF DESCRIPTION) AS BEING N44°51'23"W, PER DEED

SW CORNER OF THE NE 1/4,
NE1/4 OF SECTION 12,
TOWNSHIP 23 S, RANGE 26 E
FENCE CORNER SO.1', WO.9'

Date	Revisions	DATE: 12-12-16	SCALE: 1" = 80'	CAL. BY: SEB	DRAWN BY: SMO	JOB NO. 116117	
<p>ATLANTIC SURVEYING 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 407-656-4993</p>				<p>I hereby certify that this Plat of Boundary Survey was prepared in accordance with the standards of practice for the profession of surveying and mapping as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.</p> <p><i>Steven E. Blankenship</i> STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA</p>			

Attachment B

Barron, Janie

From: Lavalley, Helen C <LavalleyH@lake.k12.fl.us>
Sent: Wednesday, May 2, 2018 9:35 AM
To: Barron, Janie
Subject: RE: COMP PLAN MAP AMENDMENT / CREEDEN , DEBORAH - PROJECT#2018040005 AR#3411 / FLU# 18-08-2

Hey Janie:

Thanks for the follow up!

The CPA application indicates that the applicant is proposing 2 residential units. The drawing (18-003CP) indicates one residential unit with an accessory building.

Please be advised that the proposed two (2) residential units would be exempt from School Concurrency review.

Let me know if you have any questions.

Thanks again,

Helen LaValley

Lake County Schools
352-253-6694





- Lake County
- Sumter County
- Town of Astatula
- City of Bushnell
- City of Center Hill
- City of Clermont
- City of Coleman
- City of Eustis
- City of Fruitland Park
- City of Groveland
- Town of Howey-in-the-Hills
- Town of Lady Lake
- City of Leesburg
- City of Mascotte
- City of Minneola
- Town of Montverde
- City of Mount Dora
- City of Tavares
- City of Umatilla
- City of Webster
- City of Wildwood
- Florida Central Railroad
- Lake County Schools
- Sumter County Schools

April 27, 2018

Janie Barrón
 Planner
 Planning & Zoning Division
 Lake County Department of Economic Growth
 315 W. Main St.
 Tavares, FL 32778

**RE: Creeden, Deborah; Comprehensive Plan Amendment,
 Project #2018040005, AR #3411, FLU#18-08-2**

MS Barrón,

The Lake~Sumter MPO has reviewed the documents submitted for the Creeden, Deborah; Comprehensive Plan Amendment, Project #2018040005, AR #3411, FLU#18-08-2 to change the land use designation on approximately 5.0 acres from Wellness Way 1 to Rural. The Lake~Sumter MPO offers the following Observations and Recommendations:

Observations Regarding the Project:

1. The project site is approximately 5.0 acres of vacant land located west of Avalon Road, on the south side of Terra Vista Court, approximately 0.15 miles west of the intersection of Lookout Hill Road and Terra Vista Court, in eastern south Lake County, Florida.
2. The proposed Comprehensive Plan Amendment is to change the Future Land Use Category (FLUC) from Wellness Way 1 to Rural.
3. The surrounding land uses are Agriculture (A) which allow 1 DU per 5 acres.
4. The Rural Future Land Use Category allows 1 DU per 5 acres.
5. The residential density for Wellness Way 1 is a minimum of 3 Dwelling Unit (DU) per Acre and a maximum of 20 DUs per acre.
6. The applicant has stated that they desire to build two (2) residential dwelling units on the 5 acres.
7. A zoning district of Agricultural Residential (AR) has a maximum density of 1 DU per 2 acres.
8. The proposed land use change will result in a lower density, this results in fewer traffic impacts.
9. There is adequate capacity on the local roadway network to accommodate the applicant's request.

Recommendations Regarding Traffic Impacts:

1. Since the request is to change the land use to allow for 2 residential units on 5 acres of land which results in fewer potential traffic trips, the Lake~Sumter MPO has no objections regarding this request.

"Promoting Regional Transportation Partnerships"
www.LakeSumterMPO.com

**225 W. Guava St. Suite 211, Lady Lake, Florida 32159
 Phone (352) 315-0170**

2. If Lake County desires to limit the density on the property while allowing the applicant to construct their desired homes, then a zoning district of Agricultural Residential (AR) would be appropriate.

Should you have any questions please contact me by email at bhutt@lakesumtermo.com or by phone at (352)315-0170 ext. 3.

Thank You,

Brian R. Hutt

Brian R. Hutt, AICP
Lake~Sumter MPO
TMS Project Manager

ORDINANCE 2018–XX
FLU-18-08-2
Creeden Property

1 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**
2 **FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE**
3 **FUTURE LAND USE MAP FROM WELLNESS WAY 1 FUTURE LAND USE CATEGORY TO**
4 **RURAL FUTURE LAND USE CATEGORY ON PROPERTY LOCATED WEST OF THE**
5 **LAKE/ORANGE COUNTY LINE AND SOUTHWESTERLY OF TERRA VISTA COURT IN THE**
6 **WINTER GARDEN AREA, DESCRIBED AS ALTERNATE KEY NUMBER 3424913, AND MORE**
7 **SPECIFICALLY DESCRIBED IN EXHIBIT “A”; PROVIDING FOR PUBLICATION AS REQUIRED**
8 **BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND**
9 **PROVIDING FOR AN EFFECTIVE DATE.**

10
11 **WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal
12 planning, and land development regulation in the State of Florida; and

13 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County
14 Commissioners of Lake County to “[p]repare and enforce comprehensive plans for the development of the
15 county”; and

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

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

23 **WHEREAS**, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan
24 became effective and designated the property as part of the Rural Future Land Use Category; and

25 **WHEREAS**, on the 5th of January 2016, the Board of County Commissioners approved Ordinance
26 No. 2016-1, for the adoption of the Wellness Way Area Plan, which was subsequently challenged and not
27 immediately made effective; and

28 **WHEREAS**, on the 26th day of December 2017, a Joint Motion for Final Order Dismissing Challenge
29 and Closing File was granted by the State of Florida Administration Commission making Ordinance No. 2016-
30 01 effective; and

31 **WHEREAS**, Ordinance No. 2016-01 designated the subject property as Wellness Way 3 Future Land
32 Use Category; and

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

35 **WHEREAS**, on the 30th day of May 2018, this Ordinance was heard at a public hearing before the
36 Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

37 **WHEREAS**, on the 19th day of June 2018, this Ordinance was heard at a public hearing before the
38 Lake County Board of County Commissioners for adoption; and

39 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt
40 the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

1 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
2 Florida, that:

3 **Section 1. Comprehensive Plan Future Land Use Map Amendment.** The 2030 Comprehensive Plan
4 Future Land Use Map is hereby amended to change the Future Land Use Category for the subject property,
5 described in **Exhibit "A"** attached and incorporated in this Ordinance, from Wellness Way 1 to Rural Future
6 Land Use Category.

7
8 **Section 2. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184,
9 Florida Statutes.

10
11 **Section 3. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any
12 reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect
13 the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners' intent
14 to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of
15 this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts
16 had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
17 person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding
18 shall not affect the applicability thereof to any other person, property or circumstances.

19
20 **Section 4. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
21 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
22 amendment package is complete. If timely challenged, this amendment shall become effective on the date
23 the state land planning agency or the Administration Commission enters a final order determining this
24 adopted amendment to be in compliance. No development orders, development permits, or land uses
25 dependent on this amendment may be issued or commence before it has become effective. If a final order
26 of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made
27 effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to
28 the state land planning agency.

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34 ***{Remainder of page intentionally left blank}***

1 ENACTED this _____ day of _____, 2018.

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3 FILED with the Secretary of State _____, 2018.

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5 EFFECTIVE _____, 2018.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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TIMOTHY I. SULLIVAN, CHAIRMAN

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ATTEST:

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NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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APPROVED AS TO FORM AND LEGALITY:

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MELANIE MARSH, COUNTY ATTORNEY

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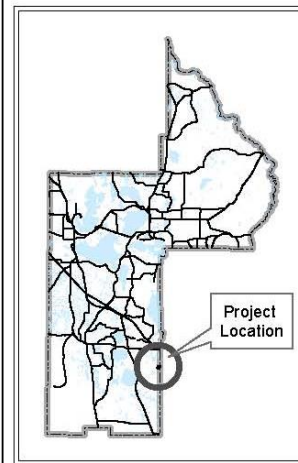
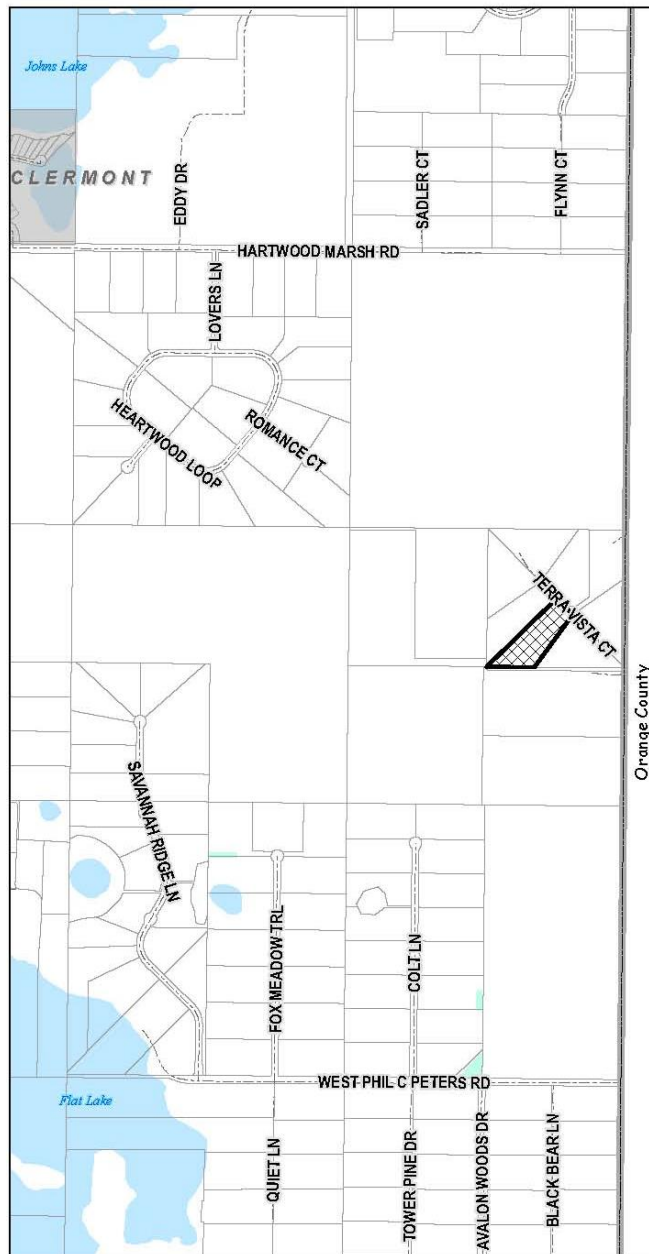
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EXHIBIT "A" – Legal Description

2 COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF NORTHEAST 1/4 OF
3 SECTION 12, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; RUN THENCE
4 NORTH 44°51'23" WEST TOWARD THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF
5 NORTHEAST 1/4, A DISTANCE OF 714.24 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH
6 35°33'04" WEST TO THE SOUTH LINE OF THE SAID NORTHEAST 1/4 OF NORTHEAST 1/4 A DISTANCE
7 OF 621.19 FEET; RUN THENCE NORTH 80°56'24" WEST ALONG THE SAID SOUTH LINE A DISTANCE
8 OF 454.75 FEET TO THE SOUTHWEST CORNER OF THE SAID NORTHEAST 1/4 OF NORTHEAST 1/4;
9 RUN THENCE NORTH 44°51'23" EAST, A DISTANCE OF 220.00 FET TO THE POINT OF BEGINNING.
10 SUBJECT TO A 20 FEET INGRESS/EGRESS EASEMENT OVER THE NORTHEASTERLY 25 FEET
11 THEREOF.



12