

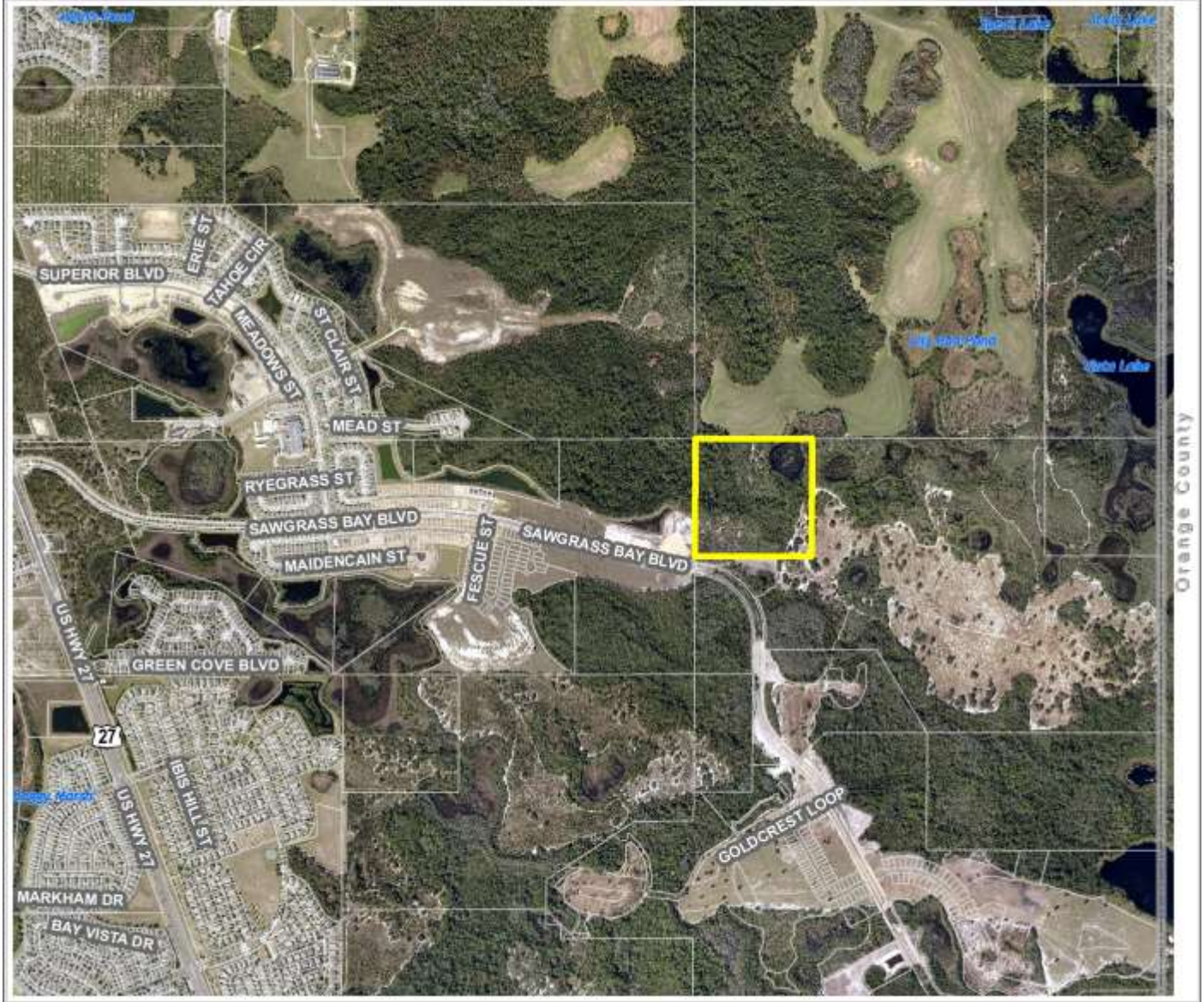
# LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board  
October 31, 2018



Board of County Commissioners  
November 20, 2018

RZ-17-30-1 Walker PUD	Commissioner District 1 Sullivan	Agenda Item #6
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**Requested Action:** Rezone approximately 40.02 acres (Alternate Key 3335708) from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.

**Owners:** Rex Walker and Judy Stone (f/k/a Judy Walker)

**Applicants:** Rex Walker and Marion Skilling

**- Site Location & Information -**

<b>Size</b>	40 gross acres (estimated approximately 25.076 acres of Uplands)
<b>Location</b>	North of Sawgrass Bay Boulevard in south Lake County
<b>Future Land Use</b>	Wellness Way 3 (Max. capacity allocation of 1.35 dwelling units per net acre)
<b>Proposed Land Use</b>	Urban Low Density (Max. density of four (4) dwelling units per net acre) (Separate Application; see FLU-17-11-1)
<b>Zoning District</b>	Agriculture (A) (Max. density of 1 dwelling unit per five (5) acres)
<b>Proposed Zoning District</b>	Planned Unit Development (PUD)
<b>Joint Planning Area / ISBA</b>	None
<b>Overlay Districts</b>	None

**- Land Use Table -**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Wellness Way 3	Agriculture (A)	Improved Pasture and Wetlands	None
<b>South</b>	Wellness Way 3	Planned Unit Development (PUD)	Retention Pond	Avalon Groves Development
<b>East</b>	Wellness Way 3	Planned Unit Development (PUD)	Undeveloped and Wetlands	Avalon Groves Development
<b>West</b>	Urban Low	Planned Unit Development (PUD)	Undeveloped	Sawgrass Bay Development

**- Summary of Staff Recommendation -**

**Staff Recommendation: APPROVAL** of the application to rezone approximately 40.02 acres (Alternate Key 3335708) from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.

**Planning and Zoning Board Recommendation:**

**Analysis**

The subject property (Alternate Key 3335708) contains approximately 40.02 acres (including wetlands and open bodies of water). Preliminary environmental review indicates that the property contains approximately twenty-four (24) net acres; a formal wetland delineation will be required with the development application for the preliminary plat. The northeast corner of the property lies within flood zone A as established on by the FEMA flood maps. The property is located north of Sawgrass Bay Boulevard in south Lake County.

The Applicants have submitted a rezoning application to rezone the subject property from Agriculture (A) to Planned Unit Development (PUD). In addition, the Applicants submitted a Comprehensive Plan Amendment application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately forty (40) acres from Wellness Way 3 to Urban Low Density. The application for the comprehensive plan amendment was approved by the Board of County Commissioners (the 'Board') for transmittal to DEO on April 24, 2018. The rezoning and comprehensive plan amendment will be presented to the Board at the same time for approval.

### **Standards for Review**

#### *Pursuant to LDR Section 14.03.03 Standards for Review*

**A. Whether the rezoning is in conflict with any applicable provisions of the Code.**

The proposed amendment would not be in conflict with the Land Development Regulations. The property is currently zoned Agriculture (A) and the Applicants have submitted an application to rezone the property Planned Unit Development (PUD). Land Development Regulation Section (LDR) Section 4.03.01, *Purpose and Intent*, states that Planned Unit Development are allowed in all land use classifications.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. The Applicants are seeking to concurrently amend the Future Land Use Map to change the Future Land Use Category from Wellness Way 3 to Urban Low Density. The rezoning is consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category, which lists residential development as a typical use in the Urban Low FLUC.

The draft PUD ordinance is consistent with Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category, which allows residential development at a maximum density of four (4) dwelling units per net acre and requires residential developments in excess of 10 dwelling units to provide a minimum 25% of the net buildable area of the entire site as common open space.

Pursuant to Comprehensive Plan Policy IX-3.1.1, Regional Wastewater Service Criteria, Policy IX-3.1.2, Mandatory Sewer Connection, and Policy IX-3.1.5, Provisions of Central Sewer Services Inside of Designated Urban Areas, development within the Urban Future Land Use Series must connect to central water and sewer when services are available. The subject property is located within Utilities, Inc. Service Area and potable water and sanitary sewer capacity is available. The Applicants are proposing to connect the proposed development to the utilities.

The property north of the subject property is zoned Agriculture (A) and has a bona fide agricultural operation. Pursuant to Comprehensive Plan Policy I-7.7.5, *Agricultural Buffers*, a fifty (50) foot buffer will need to be provided between the proposed development and the property utilized for agricultural purposes. This condition was included in the draft ordinance.

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

The Applicants wish to develop the subject property with a residential subdivision independent from the Wellness Way Urban Service Area Plan. The Applicants are proposing to develop the property with a maximum density of four (4) dwelling units per net acre, consistent with the proposed Urban Low FLUC.

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

The Owners would like to develop at a higher density to accommodate future population growth in south Lake County. The surrounding area is being developed with residential subdivisions including Sawgrass Bay and Avalon Groves.

**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 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 proposed ordinance requires development to connect to a potable water service and regional wastewater provider. Utilities Inc. of Florida has indicated that they have the available capacity to serve the proposed project.

### Schools

Based on a review by the Lake County School Board, the schools that would be affected by the future land use designation change and their projected five-year capacity status are as follows: Sawgrass Bay Elementary School would be at 105% capacity, Windy Hill Middle School would be at 123% capacity, and East Ridge High School would be at 98% capacity. The project does have the potential to adversely impact the school system, however, the School District's 2017-18 Five Year Capital Plan currently proposes a new K8 school scheduled to provide relief at the elementary and middle school level. It is scheduled to open in August 2021. The Applicants are responsible for obtaining school concurrency prior to final plat.

### Parks

The proposed comprehensive plan amendment is not anticipated to adversely impact park capacity or levels of service.

### Solid Waste

The proposed rezoning is not anticipated to adversely impact solid waste capacities or levels of service.

### Public Safety

Lake County Fire Station #112 is located approximately 4.1 miles away from the subject property.

### Transportation Analysis

The Lake-Sumter Metropolitan Planning Organization (MPO) reviewed the application and, using the ITE Trip Generations Manual, concluded that the resulting traffic impacts will be 952 Daily trips and 75 post meridiem (PM) Peak Hour Trips. The MPO had no objections to the Future Land Use Map amendment and the associated rezoning application due to the development in the area and the available capacity on the roadway system. The Applicants provided a Transportation Facilities Analysis which concluded that the amendment is adequately supported by the existing roadway network.

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

The amendment will not result in a significant impact on the natural environment. The Applicants provided a preliminary assessment of the wetlands and upland habitats which did not identify any wildlife within the wetlands which would limit or delay permitting of the proposed wetland impacts. The assessment states that the only listed wildlife identified on the subject property is the gopher tortoise. Prior to construction, a permit will be required from the FWC to relocate the onsite population to an approved long term protected recipient site.

Any 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.

#### **G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area.**

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

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

The area surrounding the subject property is developed with residential subdivisions at a similar density proposed in the applications. The proposed amendment will have no negative effects on the development pattern in the area.

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

The proposed rezoning will be consistent with the purpose and interest of Lake County's regulations.

**J. Any other matters that may be deemed appropriate by the Lake County Planning and Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

Not at this time.

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

1. The request is consistent with Comprehensive Plan (CP) Policy I-1.3.2, *Urban Low Density Future Land Use Category*, which allows residential development at a maximum density of four (4) dwelling units per net acre and requires residential development in excess of 10 dwelling units to provide a minimum 25% of the net buildable area of the entire site as common open space; and
2. The request is consistent with Policy IX-3.1.1, *Regional Wastewater Service Criteria*, Policy IX-3.1.2, *Mandatory Sewer Connection*, and Policy IX-3.1.5, *Provisions of Central Sewer Services Inside of Designated Urban Areas*, which require development within the Urban Future Land Use Series to connect to central water and sewer when available; and
3. The request is consistent with LDR Section 4.03.01 which allows the establishment of Planned Unit Developments (PUD) within all land use classifications.

Based on these findings of fact, staff recommends **APPROVAL** of the application to rezone approximately 40.02 acres (Alternate Key 3335708) from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.

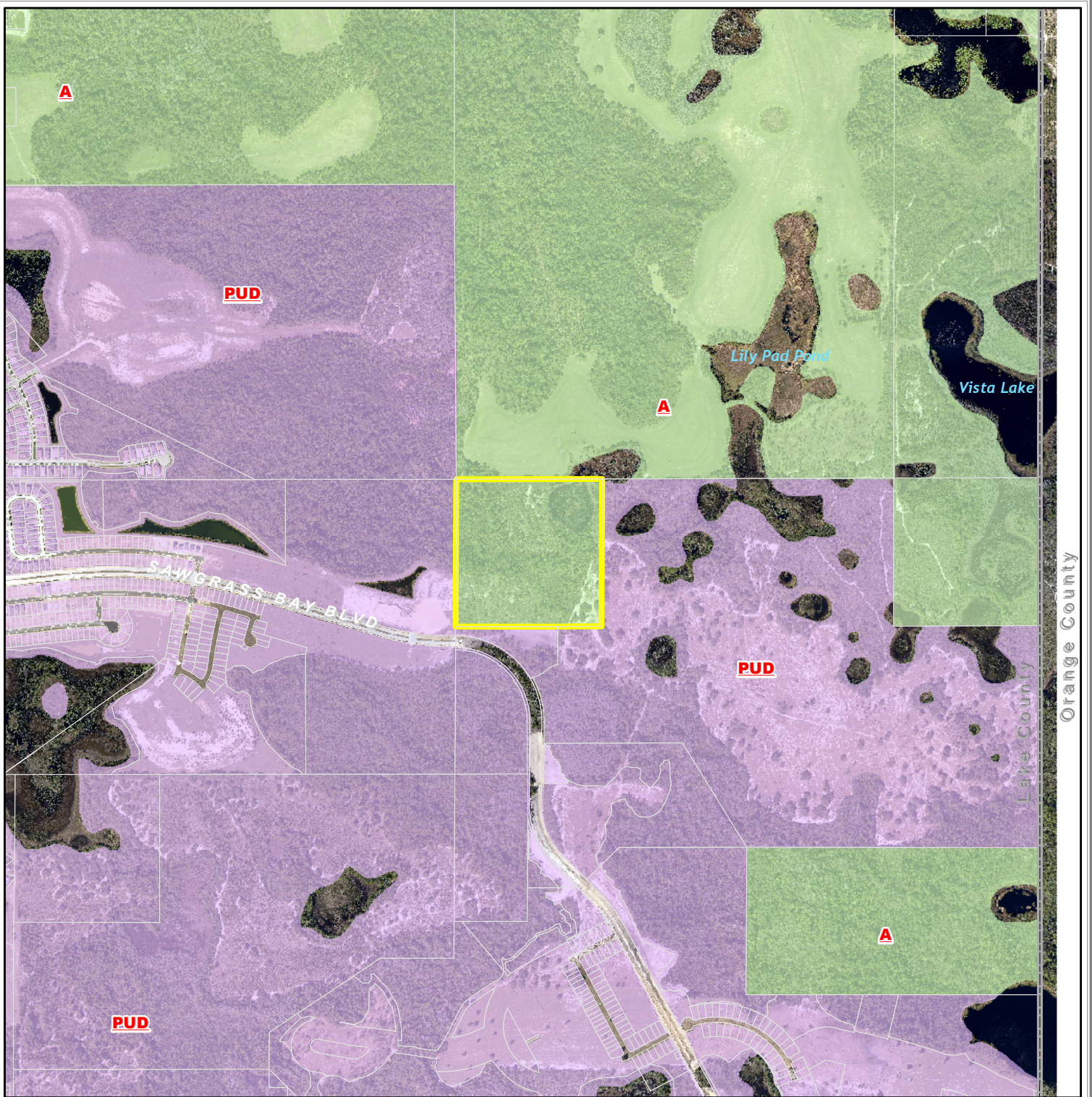
**Case Manager:** Michele Janiszewski, Chief Planner

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

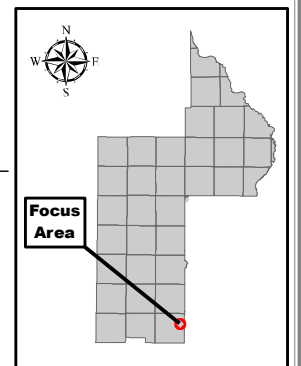
**Opposition: -0-**

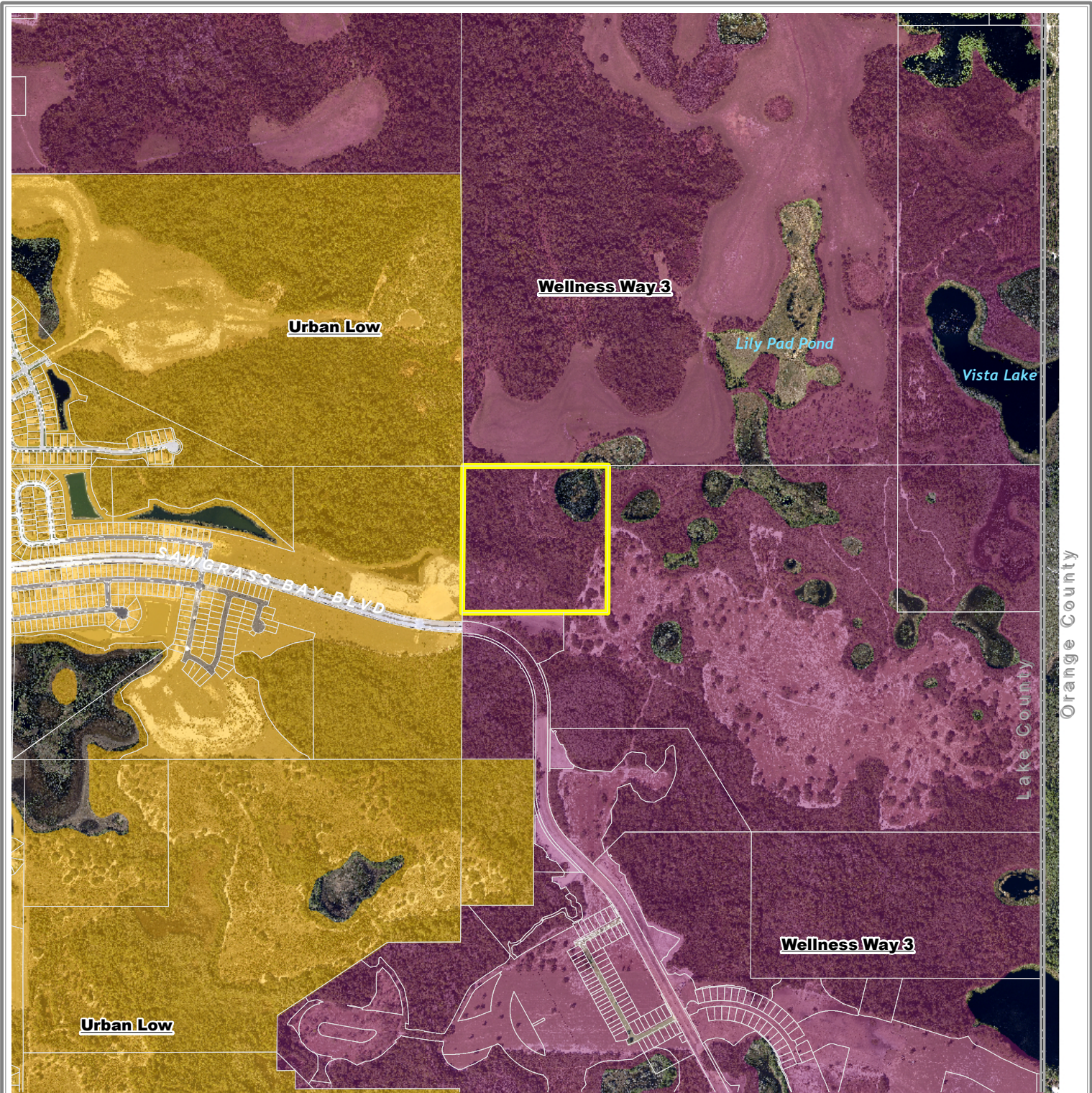


**ZONING LEGEND**

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

**NAME: WALKER PROPERTY**  
**CASE NUMBER: RZ-17-30-1**  
**LOCATION (S-T-R): 13-24-26**  
**REQUEST: AGRICULTURE (A) TO**  
**PLANNED UNIT DEVELOPMENT (PUD)**

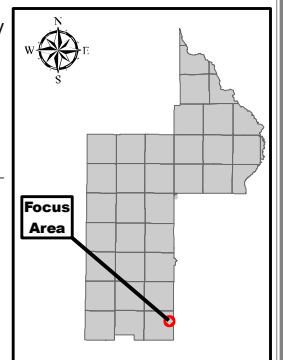




**FUTURE LAND USE LEGEND**

- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Cagan Crossings                | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| Green Swamp Core Conservation  | Regional Office                            | Sending Area A-1-20      | Wellness Way 1       |
| Green Swamp Interlachen        | Public Service Facility and Infrastructure | Sending Area A-1-40      | Wellness Way 2       |
| Green Swamp Ridge              | Receiving Area A-1-20                      | South Lake Regional Park | Wellness Way 3       |
| Green Swamp Rural              | Recreation                                 | Summer Bay               | Wellness Way 4       |
| Green Swamp Rural Conservation |  |                          | Towncenter           |
| Heavy Industrial               |  |                          |                      |

**NAME: WALKER PROPERTY**  
**CASE NUMBER: RZ-17-30-1**  
**LOCATION (S-T-R): 13-24-26**  
**REQUEST: AGRICULTURE (A) TO**  
**PLANNED UNIT DEVELOPMENT (PUD)**



**Ordinance 2018- \_\_**  
**Walker Planned Unit Development (PUD)**  
**RZ-17-30-1**

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

**WHEREAS**, Rex Walker and Marion Skilling, (the “Applicants”), on behalf of Rex Walker and Judy Stone (f/k/a Judy Walker) (the “Owners”) have made a request to establish a Planned Unit Development (PUD) zoning district; and

**WHEREAS**, the subject property consists of 40.02 +/- acres and is located north of Sawgrass Boulevard in south Lake County, within Section 13, Township 24 South, Range 26 East, and is more particularly described below:

The Northwest ¼ of the Northwest ¼ of Section 13, Township 24 South, Range 26 East, Lake County, Florida.

**WHEREAS**, the subject property is located within the Urban Low Future Use Category in accordance with Ordinance Number 2018-\_\_\_\_ ; and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-17-30-1 on October 31, 2018, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on November 20, 2018; and

**WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

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

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

**Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show the Planned Unit Development (PUD) zoning district in accordance with this Ordinance. All uses specified must be generally consistent with the Concept Plan as shown in Exhibit “A” of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance shall take precedence. Road, lot layouts, open space, and stormwater ponds as depicted on the Concept Plan may be subject to change.

**A. Permitted Land Uses.**

1. The subject property can be developed with a maximum of four (4) dwelling units per net acre. This development may contain a mixture of single family detached dwelling units and single family attached dwelling units (duplexes or townhomes). In addition, one (1) additional dwelling unit may be built within the net buildable area of the parcel for every five (5) acres of wetlands on the subject property.



2. Accessory uses may be approved by the County Manager or designee. Any other use of the property will require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.**

1. The Maximum Building height is forty (40) feet.
2. The maximum Impervious Surface Ratio (ISR) will be 60% for the overall development. The maximum ISR for each lot may be 75% as long as the applicant demonstrates that the overall development will not exceed 60% ISR.
3. The development shall provide a minimum of 25% open space of the net buildable area. Minimum required open space may include permeable stormwater management areas (berm and slope) if enhanced as amenities utilizing native vegetation.
4. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

**C. Development Standards.**

1. The minimum Lot Width shall be as follows:
  - a. Single Family Dwelling Unit (detached): Forty (40) feet.
  - b. Townhome: Fifteen (15) feet.
2. Minimum size of dwelling unit: 1,250 square feet of living area.

**D. Setbacks.** The minimum setback for residential development will be as follows:

Development	Front	Side <sup>2</sup>	Rear <sup>2</sup>	Multiple Frontage
Single Family Residence <sup>1</sup>	Twenty feet (20) Feet	Five (5) Feet	Five (5) Feet	Fifteen (15) feet
Townhomes or Duplexes	Twenty feet (20) Feet	0 Feet (with a minimum of ten (10) feet between structures)	Five (5) Feet	Fifteen (15) feet

Note 1: Porches may receive a reduced front setback of ten (10) feet from the right of way or property line, whichever is greater. Porches with a reduced front setback shall not be fully enclosed and shall not exceed one-story in height.

Note 2: Pools, pool enclosures, screen rooms, sheds and all other accessory structures shall have a five (5) foot side and rear setback.

1. All setbacks detailed in the chart above must be measured from the property line unless stated otherwise.
2. Driveways for single family lots shall be setback a minimum of five (5) feet from the side property lines. The setbacks for driveways for the townhomes/condos may be allowed to have a zero foot side setback with an approved grading plan.

3. Any setback not specified herein must be in accordance with the Lake County Land Development Regulations, as amended.

**E. Parking Requirements.** Off-street parking must be provided in accordance with the Lake County Land Development Regulations, as amended.

**F. Landscaping, Buffering, and Screening.** All new development must provide landscaping in accordance with the Lake County Land Development Regulations, as amended.

**G. Environmental Requirements.**

1. Development (structures and impervious surfaces) shall be setback a minimum of fifty (50) feet from the jurisdictional wetland line or mean high water line, whichever is further landward, with the exception of water dependent uses and structures such as docks, platforms, and pile-supported walkways or similar structures. The use of fertilizers, pesticides, or herbicides is strictly prohibited within upland buffer zones unless specifically authorized by the appropriate federal or state agency.
2. Prior to any future development, a current environmental assessment must be submitted to identify potential negative impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
3. All wetlands and wetland buffers within the property must be placed into a conservation easement that will run in favor of, and be enforceable by, a homeowners' association, a public agency acceptable to Lake County, or Lake County, at Lake County's discretion. The conservation easement must require that all wetlands and wetland buffers be maintained in their natural and unaltered state. Any such easement must allow access to water dependent structures such as docks and walkways. Prior to Development all wetland impacts must be mitigated in accordance with St. River Water Management District requirements.
4. A portion of the 50 foot wetland buffer may be included on the platted lots. If a portion of the fifty (50) foot wetland buffer is included on the platted lots, the plat must notate that no structures or impervious surfaces may be placed within the fifty (50) foot wetland buffer and that the wetland buffer be maintained in its natural and unaltered state. The fifty (50) foot wetland buffer must be included in the conservation easement for the wetlands.
5. Wetland impacts may be considered with appropriate jurisdictional permits.

**H. Noise:** Compliance must be in accordance with the Lake County Land Development Regulations, as amended.

**I. Transportation Improvements.**

1. All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. Sidewalks will be required per Land Development Regulations, as amended.

- J. Utilities.** The development shall be served with central potable water and central sewer, in accordance with the Comprehensive Plan and LDR, as amended.
- K. Stormwater Management.** The stormwater management system must be designed in accordance with all applicable Lake County and St. Johns River Water Management District requirements.
- L. Floodplain Management.** The Owners will be responsible for any flood studies required for developing the site and to comply with Federal Emergency Management Agency (FEMA) regulations, the Comprehensive Plan, and the Lake County Land Development Regulations. Any development within the floodplain as identified on the FEMA maps will require compensating storage.
- M. Lighting:** Exterior lighting must be in accordance with the Lake County Land Development Regulations, as amended, and consistent with Dark-Sky Principles.
- N. Signage:** All signage must be in accordance with the Lake County Land Development Regulations, as amended. Offsite signage for the Development may be provided adjacent to the right-of-way for the access connection near the intersection with the Sawgrass Bay Blvd., as approved by Lake County, until such time as future CR 455 road as depicted on Exhibit A is improved.
- O. Concurrency Management Requirements.** Any development must comply with the Lake County Concurrency Management System, as amended.
- P. Development Review and Approval.**
  - 1. Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary plat, construction plans, and final plat generally consistent with EXHIBIT "A" - Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended
  - 2. PUD Expiration: Physical development shall commence within three (3) years from the date of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding documents amended. Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that reasonable efforts have been made towards securing the required approvals and commencement of work.
- Q. Access.** Access for the Development shall be via Sawgrass Bay Blvd, as generally depicted on Exhibit A.

## **Section 2. Conditions.**

- A.** After establishment of the facilities as provided in this Ordinance, the property may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County Commissioners.
- B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.

- C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and any successor, and will be subject to each and every condition set out in this Ordinance.
- D. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.
- E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

**Section 3. 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 4. 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.

**Section 5. Effective Date.** This Ordinance will become effective as provided by law.

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Ordinance 2018-\_\_\_\_, RZ-17-30-1 Walker Property

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

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

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

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Timothy I. Sullivan, Chairman

This \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST:

\_\_\_\_\_  
Gary J. Cooney, Clerk  
Board of County Commissioners  
of Lake County, Florida

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney

### Exhibit A. Concept Plan.

