

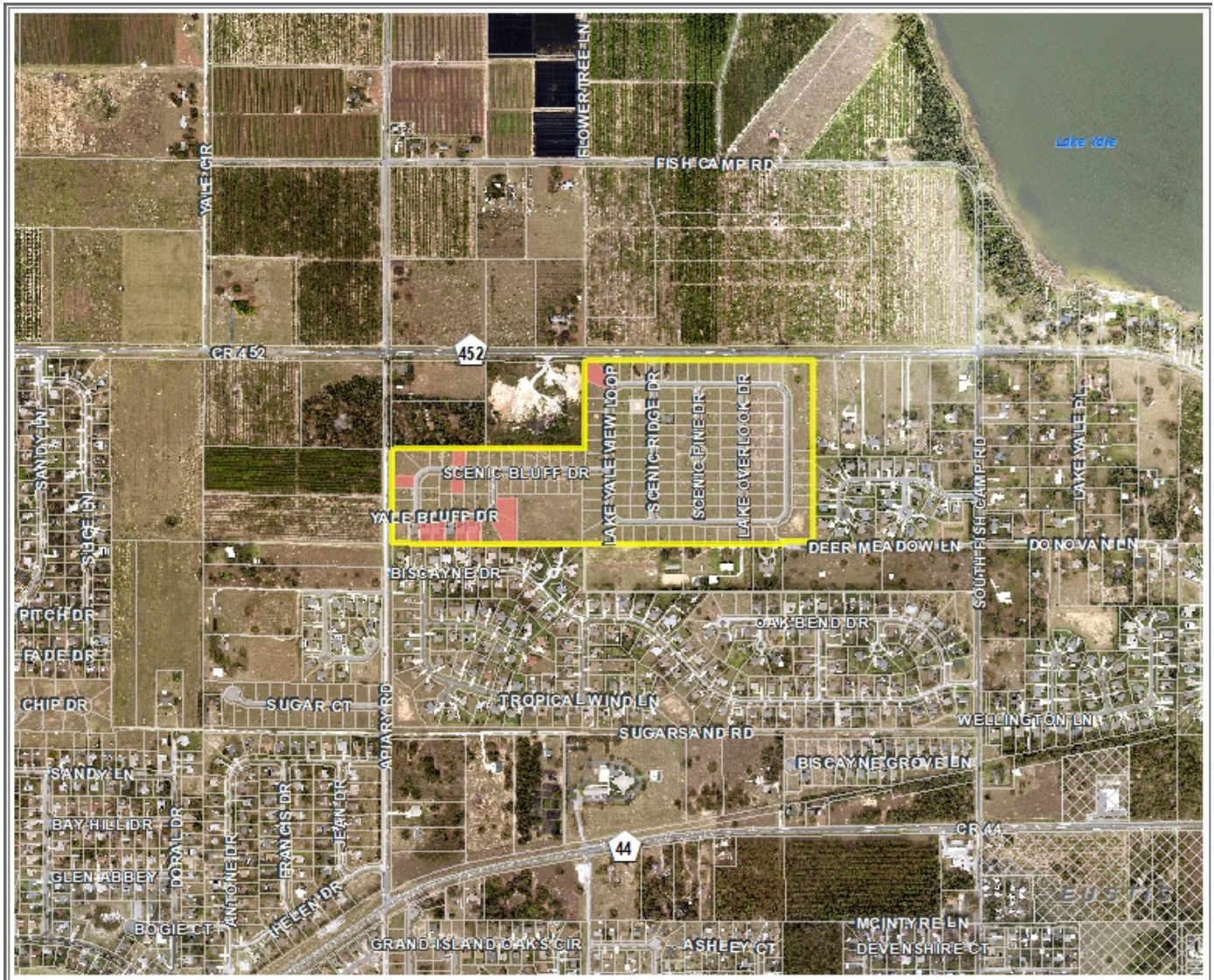
LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board
November 28, 2018



Board of County Commissioners
December 18, 2018

RZ-18-18-4 Windy Ridge Subdivision PUD	Commissioner District 4 Campione	Agenda Item #6
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Requested Action: Rezone the Windy Ridge residential subdivision from R acres from Medium Residential (R-3) to Planned Unit Development (PUD) to facilitate the development consistent the Urban Low impervious surface ratio of 60%.

Owners: Keith J. Shamrock Family Trust, Patricia B. Shamrock, Family Trust; Eric Marks, President Avex Homes, LLC; Lee Russo; Richard L. and Linda L. Davis; Todd M. and Brandy Kremer; Daniel and Jana J. Collazo; Luis E. and Genevieve R. Martinez; Peter Collins and Tammy Van Alostne; Carlos Riveria and Alicia D. Borrero; Charles C. and Amy E. Johnson; Thomas W. and Elaine D. Helms; James and Jessica Lopez Franquiez;

Applicant: Charles C. Hiott, P.E., BESH, Inc.

- Site Location & Information -

Size	64.75 acres
Location	East of Apiary Road in the Eustis area
Current Future Land Use	Urban Low (1 dwelling unit per 5 net acres)
Zoning District	Medium Residential (R-3) (Max. density of 3 dwelling unit per acre)
Proposed Zoning District	Planned Unit Development (PUD)
Joint Planning Area/ ISBA	N/A
Overlay Districts	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Estate Residential (R-2)	One single family residence	Large residential tracts of agriculture use
South	Urban Low	Medium Residential (R-3) and Rural Residential (R-1)	residential development	Biscayne Heights subdivision
East	Urban Low	R-2	residential development	South Lake Yale Shores subdivision
West	Urban Low	Agriculture (A)	Apiary Road and residential development	Apiary Pointe subdivision

- Summary of Staff Recommendation -

Staff Recommendation: DENIAL of the application to rezone the Windy Ridge subdivision, less Lots 2, 3, 4, 5, 6, 7, 9, 10, 11, 55, 72, 75, 76, 77, 81, 84, 90, 113, and 116 from R-3 (Medium Residential) to Planned Unit Development (PUD) to allow development in accordance with the Urban Low Impervious Surface Ratio (60%).

Planning and Zoning Board Recommendation: Approval, 7-0

Analysis

The rezoning application is submitted to rezone the platted Windy Ridge subdivision, less Lots 2, 3, 4, 5, 6, 7, 9, 10, 11, 55, 72, 75, 76, 77, 81, 84, 90, 113, and 116 from R-3 (Medium Residential) to Planned Unit Development (PUD), that would allow development in accordance with the Urban Low Impervious Surface Ratio (60%). The applicant contends that the current R-3 zoning and its ISR limit of 35% hinders the ability of future lot owners to construct swimming pools and other accessory structures on their lots. Although the rezoning to PUD is allowable within any future land use category, establishing the PUD zoning over certain lots within the subdivision will result in inconsistent and incompatible development within the platted subdivision.

Standards for Review

Pursuant to LDR Section 14.03.03 Standards for Review

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

The proposed amendment to rezone the Windy Ridge subdivision from R-3 (Medium Residential) to Planned Unit Development (PUD) is consistent with Land Development Regulation (LDR) Section 3.00.04 Consistency of Zoning Districts with Land Use Classifications. This LDR provision allows for PUD zoning in all future land use categories. Additionally, Windy Ridge subdivision meets the minimum acreage requirement for PUD zoning as LDR Section 4.03.03(B) requires PUD's to be a minimum of 10-acres. Windy Ridge subdivision is approximately 65-acres in size.

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

The proposed PUD zoning is consistent with all elements of the Comprehensive Plan (Comp Plan). The overall residential density of the subdivision is less than the maximum allowed residential density of 4 dwellings per net acre. Although the subdivision size will be reduced by 16-lots that will not be part of the PUD rezoning (those lot owners opted out), the size reduction of the subdivision will not result in residential density exceeding the maximum 4 dwellings per net acre allowed by the Urban Low future land use (Policy I.1.3.2). Further, the rezoning amendment is consistent with the mandatory central water and sewer connection provisions of Comp Plan Policies IX-2.2.4 and IX-3.1.5 as the platted subdivision is connected to City of Eustis facilities.

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

The rezoning application does not create an inconsistency with the existing and proposed uses as the property is platted for residential development. The proposed PUD rezoning will foster residential development as specified within the proposed zoning ordinance.

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

Adoption of the Comp Plan Urban Low Future Land Use Policy I.1.3.2 in Year 2011, caused the R-3 zoned and platted subdivision to be inconsistent with future land use. The Urban Low land use allows residential development at 60% impervious surface ratio (ISR) whereas the R-3 zoning allows a maximum ISR of 35%. Thus, when lot owners and builders south to develop the lots to accommodate pools and other like accessory structures in accordance with the new ISR of the adopted Comp Plan, the R-3 zoning capped the development ISR to 35%. The Applicant asserts that the strong demand of residential buyers for pool and other hardscape amenities on their residential lots are hindered by the 35% ISR maximum of the existing R-3 zoning district.

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

Water and Sewer

Required central water and sewer service is provided by the City of Eustis.

Schools

The proposed rezoning amendment is not anticipated to adversely impact Lake County Schools.

Parks

The proposed rezoning amendment is not anticipated to adversely impact Lake County Parks as an amenity center, with community pool was recently approved for the subdivision.

Public Safety

Lake County Fire Station #72 located at 12340 CR 44 in Leesburg will provide fire services to this subdivision.

Transportation

The proposed rezoning amendment is not anticipated to adversely impact existing levels of services of the surrounding road network.

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

The proposed rezoning amendment is not anticipated to adversely impact the surrounding natural environment as the property has been engineered for residential development.

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

There is no indication that the rezoning application will affect property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning could result in disorderly and illogical development pattern within the platted subdivision. The establishment of PUD zoning over certain lots within the subdivision will result in inconsistent and incompatible development within the platted subdivision as some of the lots develop with 60% ISR and others develop with 35% ISR. This unbalanced and incompatible development will likely adversely affect the residential quality of the subdivision that was envisioned when it was platted in Year 2004.

Additionally, the proposed rezoning causes the need to apply perimeter landscape buffering standards that were not in effect when the property was platted in Year 2004. The PUD rezoning requires a Type B perimeter buffer which must be a minimum of 15-feet wide and consist of 3 canopy trees, 2 ornamental trees, and a single row of shrubs along the north, east and southern subdivision line. This would result in a 15-foot wide buffer between the newly rezoned PUD lots and the existing R-3 zoned lots. This would result in an undesirable, disjointed and internal incompatible subdivision than what was anticipated and expected when the subdivision was platted in Year 2004.

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 conflicts with the public interest and is not in harmony with the purpose and general intent and purpose of the Comprehensive Plan Policy I-1.1.1 and Land Development Regulations as stated in Section 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.

Not at this time.

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

1. The proposed rezoning application is consistent with Comp Plan Urban Low Future Land Use Policy I.1.3.2 as the residential density does not exceed the maximum density of 4 dwellings per net acre.
2. The proposed rezoning application is consistent with Comp Plan Comp Plan Policies IX-2.2.4 and IX-3.1.5, respectively. The rezoning amendment will not conflict with the mandatory central water and sewer connection provision as the platted subdivision is connected to City of Eustis facilities.
3. The rezoning application is consistent with LDR Section 3.00.04 as the proposed PUD zoning is allowed in all future land use categories.

4. The rezoning application is consistent with LDR Section 4.03.03(B) as the proposed PUD meets the 10-acre minimum requirement.
5. The rezoning application does not further the public interest and is not in harmony with the purpose and general intent and purpose of Comp Plan Policy I-1.1.1 as it pertains to innovative planning that fosters the development of quality and compatible communities. The establishment of PUD zoning over certain lots within the subdivision will result in inconsistent and incompatible development within the platted subdivision as some of the lots develop with 60% ISR and others develop with 35% ISR. This unbalanced and incompatible development will likely adversely affect the residential quality of the subdivision that was envisioned when it was platted in Year 2004.

Based on findings of fact Number 5, above, staff recommends **DENIAL** of the application to rezone the Windy Ridge subdivision, less Lots 2, 3, 4, 5, 6, 7, 9, 10, 11, 55, 72, 75, 76, 77, 81, 84, 90, 113, and 116 from R-3 (Medium Residential) to Planned Unit Development (PUD) to allow development in accordance with the Urban Low Impervious Surface Ratio (60%).

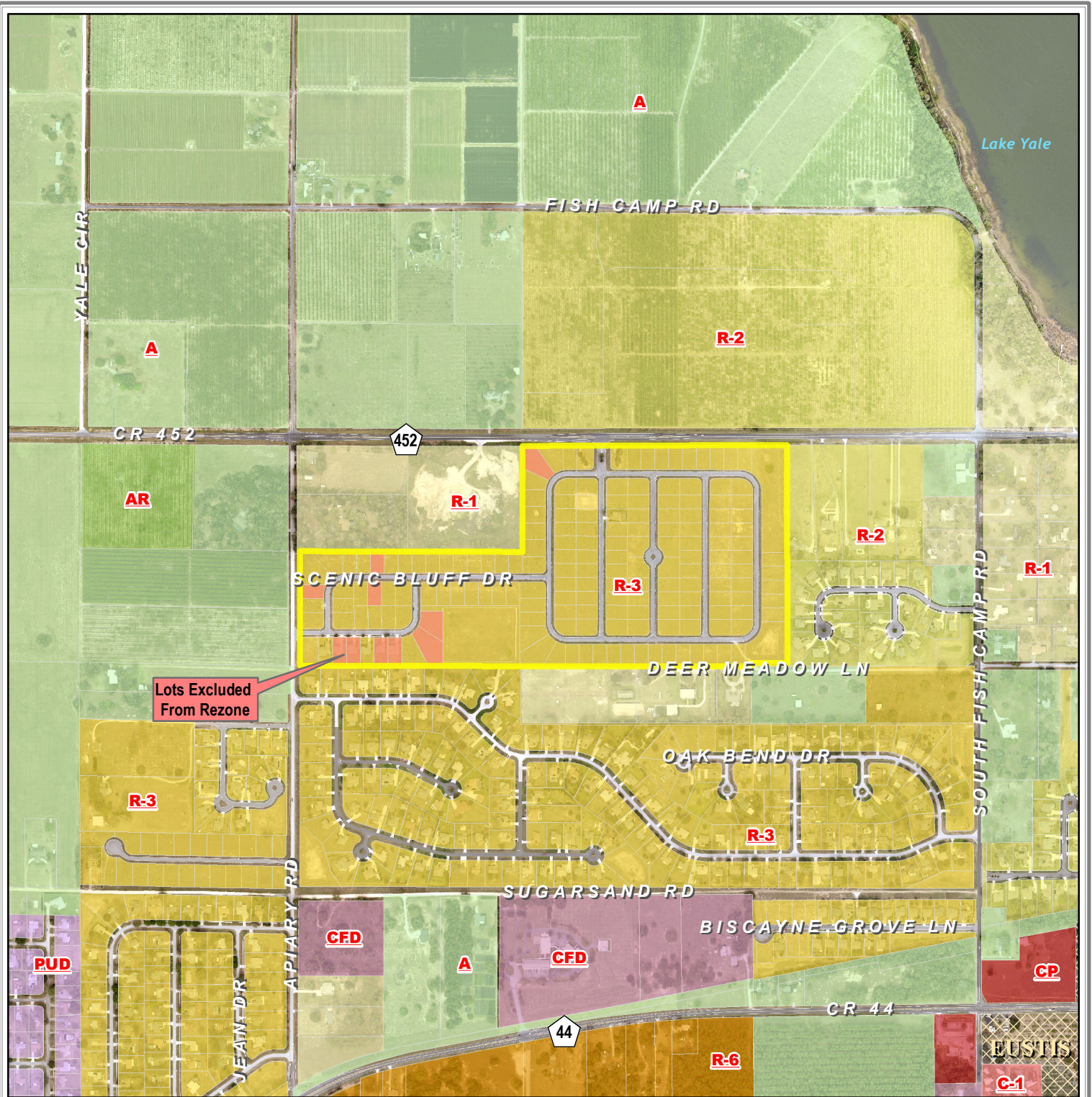
Case Manager: Steve K. Greene, AICP, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

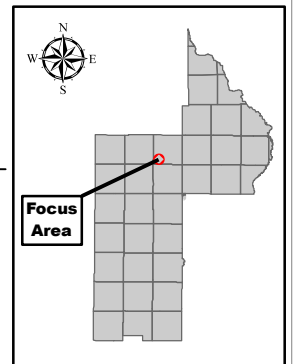
Questions: -0-

Opposition: -0-

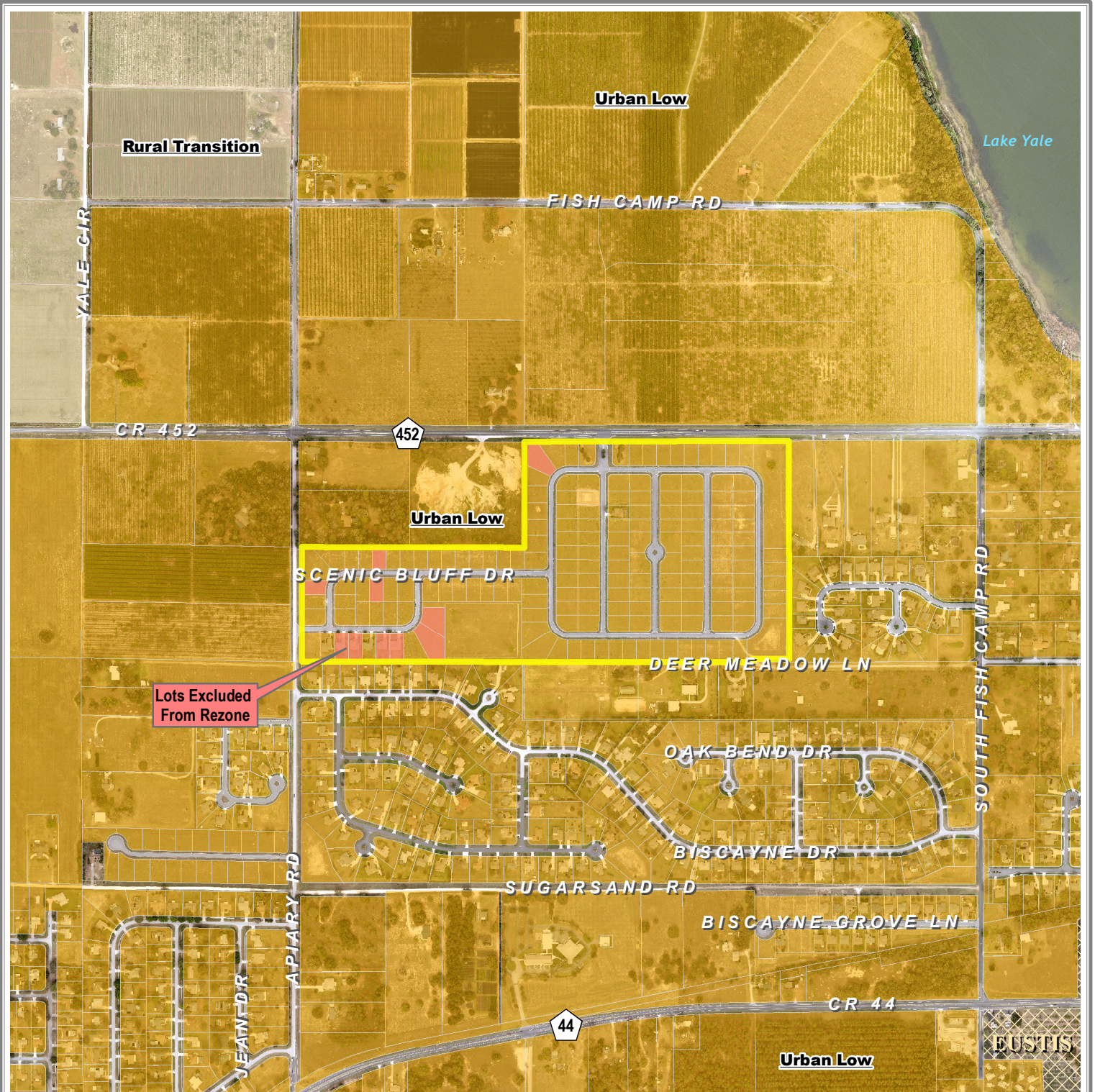


ZONING LEGEND

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	

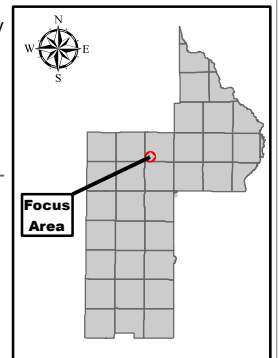


NAME: WINDY RIDGE
CASE NUMBER: RZ-18-18-4
LOCATION (S-T-R): 29-18-26
REQUEST: MEDIUM RESIDENTIAL (R-3) TO
PLANNED UNIT DEVELOPMENT (PUD)



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 | Recreation | South Lake Regional Park | Wellness Way 3 |
| Green Swamp Rural | Recreation | Summer Bay | Wellness Way 4 |
| Green Swamp Rural Conservation | | | Towncenter |
| Heavy Industrial | | | |



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CASE NUMBER: RZ-18-18-4
LOCATION (S-T-R): 29-18-26
REQUEST: MEDIUM RESIDENTIAL (R-3) TO
PLANNED UNIT DEVELOPMENT (PUD)

Ordinance 2018-xx
Windy Ridge Subdivision Planned Unit Development (PUD)
RZ-18-18-4

1 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
2 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
3

4 **WHEREAS**, Charles C. Hiott, P.E. (the "Applicant") made a request on behalf of Keith J. Shamrock
5 Family Trust, Patricia B. Shamrock, Family Trust; Eric Marks, President Avex Homes, LLC; Lee Russo;
6 Richard L. and Linda L. Davis; Todd M. and Brandy Kremer; Daniel and Jana J. Collazo; Luis E. and
7 Genevieve R. Martinez; Peter Collins and Tammy Van Alystne; Carlos Riveria and Alicia D. Borrero; Charles
8 C. and Amy E. Johnson; Thomas W. and Elaine D. Helms; James and Jessica Lopez Franquiez (the
9 "Owners") to rezone the Windy Ridge platted subdivision from Medium Residential (R-3) to Planned Unit
10 Development (PUD) zoning, excluding Lots 2, 3, 4, 5, 6, 7, 9, 10, 11, 55, 72, 75, 76, 77, 81, 84, 90, 113, and
11 116 within Wind Ridge subdivision; and

12 **WHEREAS**, the subject property consists of 64.75 +/- acres, East of Apiary Road in the Eustis area,
13 within Section 29, Township 18 South, Range 26 East, and is more particularly described in "EXHIBIT - A"
14 below; and

15 **WHEREAS**, the subject property is located within Urban Low Future Land Use Category in
16 accordance with Ordinance Number 2004-0058; and

17 **WHEREAS**, the property is platted as specified by Lake County Plat Book 00059, Pages 0043
18 through 0046, recorded on July 20, 2006; and

19 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-18-18-4 on the 28th day
20 of November, 2018, after giving notice of the hearing on the petition for a change in zoning, including notice
21 that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on the
22 18th day of December, 2018; and

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

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

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

30 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show the
31 Planned Unit Development (PUD) zoning district in accordance with Exhibit "A" of this Ordinance.
32 All uses specified must be generally consistent with the Concept Plan as shown in Exhibit "B" of
33 this Ordinance. To the extent where there are conflicts between the Concept Plan and this
34 Ordinance, the Ordinance will take precedence.

35 **A. Permitted Land Uses.**

- 36 1. Residential, 157 single family lots, maximum.
- 37 2. Accessory uses may be approved by the County Manager or designee.

1 3. Any other use of the property will require approval of an amendment to this Ordinance by the
2 Board of County Commissioners.

3 **B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Future
4 residential development must be in accordance with the Land Development Regulations (LDR) and
5 Comprehensive Plan, as amended.

6 **C. Setbacks.** The residential development will adhere to the minimum setbacks in accordance with the
7 LDR, as amended.

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

10 **E. Landscaping, Buffering, and Screening.**

11 1. A Type-B landscape buffer must be provided along the north, east and south perimeter
12 boundary of this residential PUD to the adjacent Rural Residential (R-1), Estate Residential (R-
13 2) and Medium Residential (R-3) zoning districts prior to certificate of occupancy of the first
14 dwellings within this PUD on those respective sides of this subdivision.

15 2. A Type-B landscape buffer must be provided between the PUD and Medium Residential (R-3)
16 zoned lots within the subdivision, prior to the certificate of occupancy of the first dwelling of the
17 adjacent lots within the subdivision.

18 3. All future development within the subdivision must provide landscaping in accordance with the
19 Lake County Land Development Regulations, as amended.

20 **F. Environmental Requirements.**

21 1. Prior to any future development, a current environmental assessment must be submitted to
22 identify potential negative impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
23

24 **G. Noise:** Compliance must be in accordance with the Lake County Land Development Regulations,
25 as amended.
26

27 **H. Transportation Improvements.**

28 1. All access management must be in accordance with the Comprehensive Plan and Land
29 Development Regulations, as amended.
30

31 **I. Utilities:**

32 1. Central Water and Sewer must be provided in accordance with the Comprehensive Plan, as
33 amended.

34 **J. Stormwater Management.** The stormwater management system must be designed in accordance
35 with all applicable Lake County and St. Johns River Water Management District requirements.

36 **K. Floodplain Management.** The Owners will be responsible for any flood studies required for
37 developing the site and to comply with Federal Emergency Management Agency (FEMA)
38 regulations, the Comprehensive Plan, and the Lake County Land Development Regulations. Any
39 development within the floodplain as identified on the FEMA maps will require compensating storage.

1 L. **Lighting:** Exterior lighting must be in accordance with the Lake County Land Development
2 Regulations, as amended, and consistent with Dark-Sky Principles.

3 M. **Signage:** All signage must be in accordance with the Lake County Land Development Regulations,
4 as amended.

5 N. **Concurrency Management Requirements.** Any development must comply with the Lake County
6 Concurrency Management System, as amended.

7 O. **Development Review and Approval.** Prior to the issuance of any permits, the Owners must submit
8 a site plan application for review and approval in accordance with the Comprehensive Plan and Lake
9 County Land Development Regulations, as amended.

10 **Section 2. Conditions.**

11 A. After establishment of the facilities as provided in this Ordinance, the property may only be used for
12 the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by
13 the Lake County Board of County Commissioners.

14 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move,
15 convert, or demolish any building structure, add other uses, or alter the land in any manner within
16 the boundaries of the above described land without first obtaining the necessary approvals in
17 accordance with the Lake County Code, as amended, and obtaining the permits required from the
18 other appropriate governmental agencies.

19 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and
20 the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and
21 any successor, and will be subject to each and every condition set out in this Ordinance.

22 D. The transfer of ownership or lease of any or all of the property described in this Ordinance must
23 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
24 and aware of the conditions established by this Ordinance and agrees to be bound by these
25 conditions. The purchaser or lessee may request a change from the existing plans and conditions by
26 following the procedures contained in the Land Development Regulations, as amended.

27 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
28 Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and
29 to recommend that the ordinance be revoked.

30 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
31 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
32 of the remaining portions of this Ordinance.

33 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
34 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
35 Florida Statutes.

36

37

1 Section 5. 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.

7
8
9 BOARD OF COUNTY COMMISSIONERS
10 LAKE COUNTY, FLORIDA

11 _____
12
13 _____, CHAIR

14
15 ATTEST:

16
17
18 _____
19 GARY J. COONEY, CLERK OF THE
20 BOARD OF COUNTY COMMISSIONERS
21 LAKE COUNTY, FLORIDA

22
23
24 APPROVED AS TO FORM AND LEGALITY

25 _____
26 MELANIE MARSH, COUNTY ATTORNEY
27

Exhibit A. Legal Description.

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THAT PORTION OF SECTION 29, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE SOUTH 89°12'32" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 29 FOR 2,636.30 FEET TO THE EASTERLY RIGHT OF WAY LINE OF APIARY ROAD; THENCE NORTH 00°55'25" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 661.78 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29; THENCE NORTH 89°12'38" EAST ALONG SAID NORTH LINE FOR 1,312.21 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 29; THENCE NORTH 00°47'19" WEST ALONG SAID WEST LINE FOR 612.10 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 452; THENCE NORTH 88°54'19" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 1,517.60 FEET TO THE WESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3141, PAGE 551 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY BOUNDARY AND THE SOUTHERLY BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3141, PAGE 551 THE FOLLOWING TWO (2) COURSES: RUN SOUTH 02°22'11" EAST FOR 650.60 FEET; THENCE NORTH 89°44'39" EAST FOR 1.60 FEET TO THE EAST LINE OF THE WEST 210.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE SOUTH 00°39'15" EAST ALONG SAID EAST LINE FOR 610.54 FEET TO THE NORTH LINE OF THE SOUTH 20.00 FEET OF SAID SOUTHWEST 1/4 OF SECTION 29; THENCE SOUTH 88°56'29" WEST ALONG SAID NORTH LINE FOR 210.01 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 29; THENCE SOUTH 00°39'15" EAST ALONG SAID WEST LINE FOR 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 64.75 ACRES, MORE OR LESS.

Excluding Lots 2, 3, 4, 5, 6, 7, 9, 10, 11, 55, 72, 75, 76, 77, 81, 84, 90, 113, and 116 within Wind Ridge Plat, as recorded in Plat Book 59, Page 43, Official Records of Lake County, Florida.

