



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): July 9, 2019
 Board of County Commissioners (BCC): July 30, 2019

Case No. and Project Name: RZ-19-09-4, Pandolph Property PUD

Applicant: Rick Hartenstein, AICP, CPM

Owner: George and Lynda Pandolph

Requested Action: Rezone 25.29 acres from Agriculture (A) and Planned Industrial (MP) to Planned Unit Development (PUD) to facilitate a seven (7) lot residential subdivision with equestrian uses.

Staff Determination: Staff recommends approval of the rezoning application with the conditions contained in the proposed ordinance.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 25.29 acres

Location: East of US Highway 441, and south of Robie Avenue in the Mount Dora area

Alternate Key No.: 3330986, 2832088, 26011753266391

Future Land Use: Regional Office (FLUM Map Amendment to Urban Low Density pending)

Current Zoning District: Agriculture (A) and Light Industrial (LM)

Flood Zone: AE/X

Joint Planning Area/ ISBA: Mount Dora JPA

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Community Facility District (CFD)	Assisted Living Facility	Southside of Robie Avenue
South	Orange County	Planned Development (P-D) Orange County	Residential subdivision	Stonybrook Hills Unit 2
East	Regional Office	Light Industrial (LM)	Single family residence	None
West	Urban Low	Agriculture (A)	Single family residence	None

Staff Analysis

The subject properties, identified by Alternate Key Numbers 3266391, 3330986, 2601175, and 2832088, comprise 25.29 acres and are generally located east of US Highway 441 and adjacent to Robie Avenue in the Mount Dora area. Additionally, the properties lie within the Mt. Dora Joint Planning Area (JPA). Alternate Key Numbers 3330986, 2832088, 2601175 are zoned Agriculture (A) and Alternate Key Number 3266391 is zoned Light Industrial (LM); all properties have a current future land use designation of Regional Office. However, the Applicant has submitted a future land use map amendment application to change the future land use designation of the subject properties from Regional Office to Urban Low Density.

As seen in the Concept Plan included within the proposed ordinance, the Applicant intends to develop the subject properties as a Planned Unit Development with seven (7) residential lots and equestrian uses.

Standards for Review (LDR Section 14.03.03)

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

The Applicant has submitted a future land use map amendment application to change the future land use designation of the subject properties from Regional Office FLUC to Urban Low Density FLUC. The proposed rezoning will be consistent with Comprehensive Plan I-1.3.2 Urban Low Density Future Land Use, which allows single family dwelling units at a maximum density of four (4) dwellings per one (1) net acre, if the future land use map amendment is approved. The Applicant has proposed seven dwellings on 23.33 net acres for a net density of one (1) dwelling per 3.3 net acres. This proposed density would be consistent with the proposed Urban Low FLU.

The proposed rezoning to develop a seven dwelling (7) residential subdivision is consistent with Comprehensive Plan Policy I-3.4.2 Open Space Requirements within the Wekiva Study Area (WSA). Pursuant to the policy minimum open space must be provided consistent with the requirements of the applicable Future Land Use Category (Urban Low Density) and open space is configured in a single continuous tract. However, this must be determined upon submittal of a development application for preliminary plat approval.

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

The proposed rezoning is consistent with the LDR Section 4.03.01 which states that Planned Unit Developments are allowed in all land use categories. Additionally the proposed rezoning is consistent with LDR Section 4.03.03(B), which states that PUDs must contain at least ten (10) acres.

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

The proposed request for a Planned Unit Development for a residential subdivision with equestrian uses is compatible with the eastern Agriculturally zoned properties and the western Planned Unit Development zoned (Sullivan Ranch) and Agriculturally zoned properties. The proposed PUD is also compatible with the residential subdivision located in Orange County to the south. The proposed PUD for a residential development is incompatible with the surrounding non-residential zoning districts. However, some of the surrounding non-residential zoned properties are developed with single family dwelling units. Additionally, the concept plan indicates that the lots will range in size from two (2) acres to four (4) acres consistent with the surrounding large residential and agricultural lots.

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

Since the 2011 adoption of the Comprehensive Plan there have been no applications to develop the subject area consistent with the existing Regional Office FLUC. A letter dated May 2, 2019 from the City of Mount Dora stated that upon annexation the subject properties would be given a Future Land Use Designation of "Low/Medium Density Residential" consistent with the proposed Urban Low Density FLUC. As previously stated the subject properties are located within the Mt. Dora JPA.

- E. 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 central water and sewer consistent with Comprehensive Plan Policy IX-2.2.4 and Policy IX-3.1.5 which requires that properties within the Urban Future Land Use Series connect to central water and sewer consistent with the mandatory connection policy. Mt. Dora has indicated that central water and sewer services will be provided to the proposed development.

Schools

Based on a review by the Lake County School Board, the schools that would be affected by the rezoning and their projected five-year capacity status are as follows: Sorrento Elementary School would be at 72% capacity; Mount Dora Middle School would be at 68% capacity; and Mount Dora High School would be at 94% capacity.

The Applicant will be responsible for obtaining school concurrency prior to final plat pursuant to LDR Sec. 5-A.00.00.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Public Safety

Lake County Fire Station #27 is located at less than five (5) miles away at 19212 County Road 44B, Eustis.

Transportation Concurrency

No adverse impacts are anticipated on roads. The Applicant submitted and received approval of a Request for Exemption from Full Transportation Concurrency Impact Study.

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

Although adverse impacts are not anticipated, any future development will require the submittal of an environmental assessment (EA) that is dated no more than six (6) months prior to the application submission date. The EA must describe the existence of any threatened, endangered, and species of special concern on the property to include the presence of wetlands and water bodies pursuant to the LDR, as amended.

- G. Whether, and the extent to which, the proposed amendment 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.

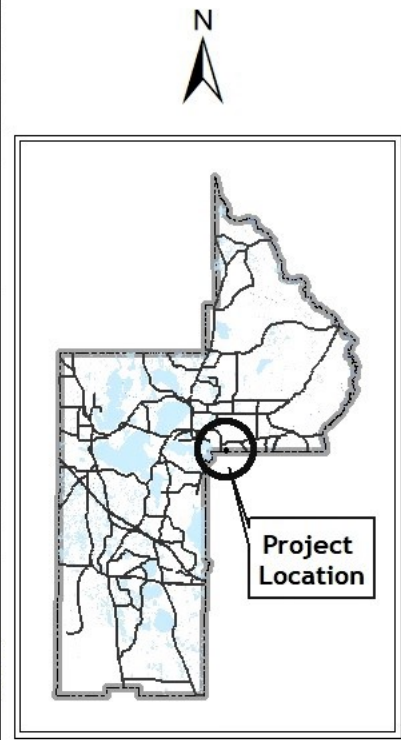
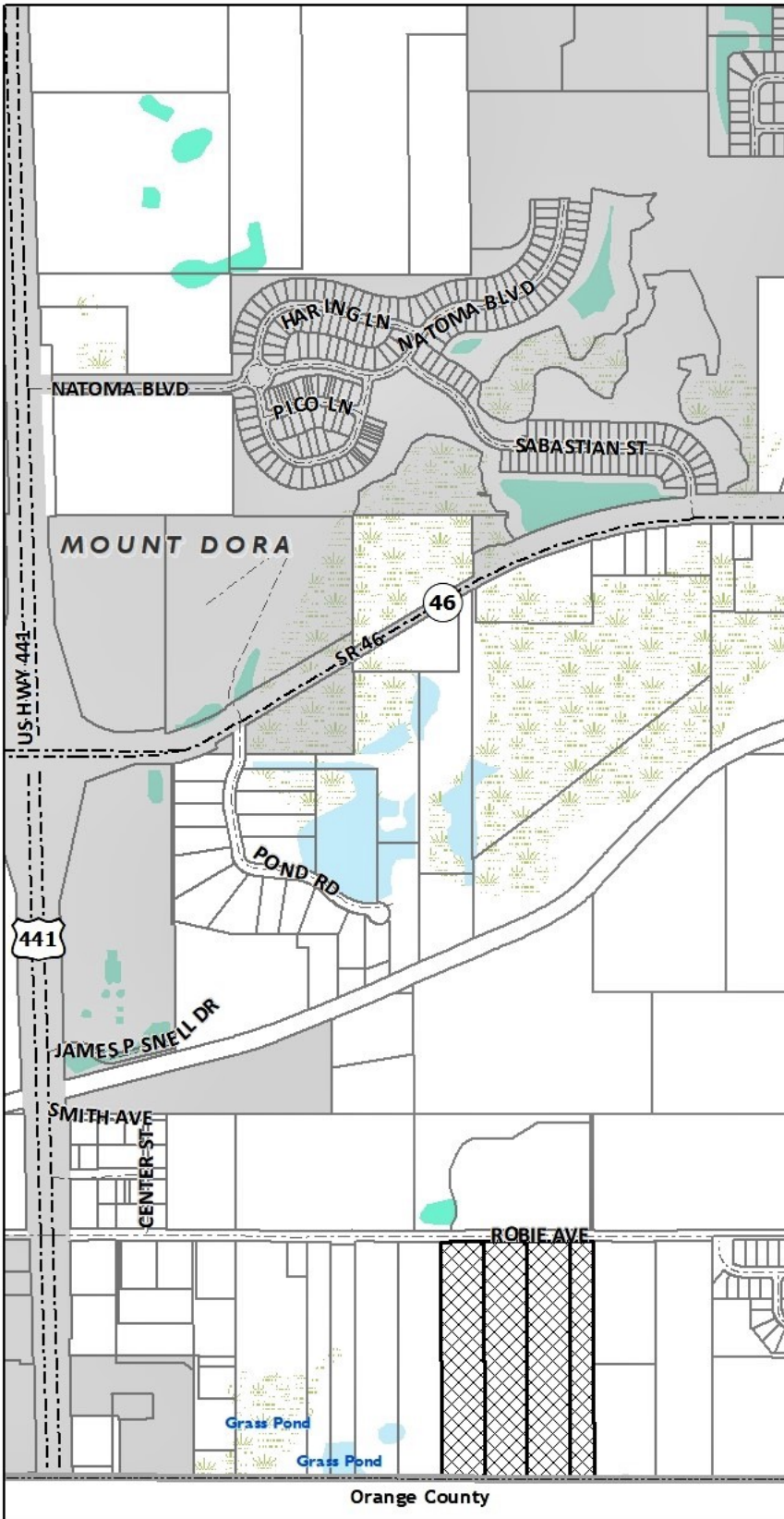
- H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The proposed PUD rezoning for residential development may be contrary to existing non-residential zoning districts however it is similar to the existing residential development (Sullivan's Ranch) which was platted in 2006. It does not appear that the proposed rezoning would cause a disruption to the existing orderly, logical development pattern in the area. The southern adjacent properties are developed with an existing residential subdivision.

- I. 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 amendment will not be contrary to the purpose and interest of Lake County's regulations.

Map of Subject Property.



Ordinance #2019-XX
Pandolph Property PUD
RZ-19-09-4

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

WHEREAS, Rick Hartenstein, AICP, CPM, LLC (the "Applicant") submitted a rezoning application on behalf of George and Lynda Pandolph (the "Owner"), to rezone 25.29 acres from Agriculture (A) and Light Industrial (MP) to Planned Unit (PUD) Development to facilitate a seven (7) lot residential subdivision with equestrian uses; and

WHEREAS, the subject property consists of approximately 25.29 +/- acres located east of US highway 441 and adjacent to Robie Avenue in the Mount Dora area in Section 33, Township 19 South, Range 27 East, known as Alternate Key Numbers 3330986, 2832088, 2601175, and 3266391, and more particularly described in Exhibit "A"; and

WHEREAS, the property is located within the Urban Low Density Future Land Use Category; and

WHEREAS, the Lake County Planning and Zoning Board did on the 9th day of July, 2019 review Petition RZ-19-09-4; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 30th day of July, 2019; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning and Zoning Board, 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 Planned Unit Development (PUD) for the property described in Exhibit "A". The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence.

A. Permitted Land Uses.

1. A maximum of seven (7) single family residences may be developed on the subject property.
2. Equestrian Uses
3. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Home occupations may be allowed in accordance with the LDR, as amended.

1 Any other use of the site not specified above will require approval of an amendment to this
2 Ordinance by the Board of County Commissioners.

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

- 4
5 1. A minimum of twenty-five percent (25%) of the subject property acreage must be designated
6 as open space as defined in the Comprehensive Plan, as amended.
- 7 2. The maximum Impervious Surface Ratio (ISR) for the entire subdivision is sixty percent
8 (60%) consistent with the Comprehensive Plan, as amended.
- 9 3. The maximum building height will be forty (40) feet.
- 10
11 4. All other development standards must be in accordance with the Comprehensive Plan and
12 Land Development Regulations, as amended.

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

Development Type	Front	Side	Rear
Single Family Residence	Twenty-five (25) feet	Ten (10) feet	Twenty (20) feet

- 14 1. All setbacks must be measured from the property line.
- 15 2. Any setback not specified must be in accordance with the Lake County Land Development
16 Regulations, as amended.

17 **D. Landscaping, Buffering, and Screening.** All new development must provide landscaping,
18 buffering, and screening in accordance with the Lake County Land Development Regulations,
19 as amended.

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21 **E. Environmental Requirements.**

- 22
23 1. An environmental survey shall be conducted in accordance with the LDRs, as amended, to
24 address natural vegetative communities, wildlife corridors, and designated species prior to
25 submittal of any development application. The environmental survey must identify protected
26 habitat, wildlife corridors, flora, and fauna.

27
28 **F. Noise.** Compliance must be in accordance with the Lake County Land Development
29 Regulations, as amended.

30 **G. Transportation.**

- 31 1. All access management shall be in accordance with the Comprehensive Plan and Land
32 Development Regulations, as amended.
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1 **H. Stormwater Management.**

2 1. The stormwater management system shall be designed in accordance with all applicable
3 Lake County and St. Johns River Water Management District (SJRWMD) requirements;
4 as amended.

5 2. The developer shall be responsible for any flood studies required for developing the site
6 and comply with FEMA, Comprehensive Plan and Land Development Regulations, as
7 amended. Any development within the floodplain as identified on the FEMA maps will
8 required compensating storage.

9 **I. Utilities.** The development will be serviced by central water and sewer systems, in accordance
10 with the Comprehensive Plan and Land Development Regulations, as amended.

11 **J. Lighting.** Exterior lighting must be in accordance with the Lake County Land Development
12 Regulations, as amended, and consistent with Dark-Sky Principles.

13 **K. Signage.** All signage must be in accordance with the Lake County Land Development
14 Regulations, as amended.

15 **L. Schools.** School Concurrency shall be met before final plat approval in accordance with the
16 Comprehensive Plan and LDR, as amended.

17 **M. Concurrency Management Requirements.** Any development must comply with the Lake
18 County Concurrency Management System, as amended.

19 **N. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall
20 submit a preliminary plat, construction plans, and final plat generally consistent with the
21 Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the
22 Comprehensive Plan and LDR, as amended.

23
24 **O. PUD Expiration.** Physical development shall commence within three (3) years from the date of
25 this Ordinance approval. Failure to commence construction within three (3) years of approval
26 shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or
27 superseding documents amended. Prior to expiration of the three-year time frame, the Board
28 of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame
29 for a maximum of two (2) years upon a showing that reasonable efforts have been made
30 towards securing the required approvals and commencement of work.

31 **P. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
32 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
33 Comprehensive Plan, and Lake County Land Development Regulations shall include any future
34 amendments to the Statutes, Code, Plans, and/or Regulations.

35 **Section 2. Conditions.**

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

39

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

- 6 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land
7 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present
8 Owner and any successor, and will be subject to each and every condition in this Ordinance.

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

- 15 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code
16 Enforcement Special Master will have authority to enforce the terms and conditions set forth in
17 this ordinance and to recommend that the ordinance be revoked.

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

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22 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance
23 to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.
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Section 5. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2019.

FILED with the Secretary of State _____, 2019.

EFFECTIVE _____, 2019.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A" – Legal Description

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The East 132.87 feet of the W ½ of SW ¼, Section 33, Township 19 South, Range 27 East, subject to right-of-way for County Road 4-3780 on the North side thereof, Lake County, Florida.

From a 6" concrete monument, located at the SW corner of the SW ¼ of the SE ¼ of Section 33, Township 19 South, Range 27 East, Lake County, Florida, run thence S 88° 53' 27" E along the South line of the SW ¼ of the SE ¼, 288.41 feet, to the point of beginning; thence N 0° 49' 41" E, 1340.11 feet to the North line of the SW ¼ of the SE ¼ 236.96 feet, to a point that is 132.87 feet N 89° 05' 21" W of the NE corner of the West ½ of the SW ¼ of the SE ¼; thence S 0° 50' 17" W parallel with the East line of the West ½ of the SW ¼ of the SE ¼ 1340.93 feet to the South line of the SW ¼ of the SE ¼; thence N 88° 53' 27" W along said South line 236.73 feet to the P.O.B. Less right-of-way for Robie Ave., Lake County, Florida.

Begin at a 6" concrete monument located at the SE corner of the SE ¼ of the SW ¼ of Section 33, Township 19 South, Range 27 East, Lake County, Florida (said corner also being the SW corner of the SW ¼ of the SE ¼ of said Section 33); run thence N 88° 47' 30" W along the South line of the SE ¼ of the SW ¼ 185.06 feet; thence N 0° 48' 29" E 1338.43 Feet to the North line of the SE ¼ of the SW ¼; thence S 89° 00' 16" E along the North line of the SE ¼ of the SW ¼ 185.55 feet to the NW corner of the SW ¼ of the SE ¼; thence S 89° 05' 21" E along said North line of the SW ¼ of the SE ¼ 51.42 feet; thence S 0° 49' 05" W 1339.29 feet to the South line of the SW ¼ of the SE ¼; thence N 88° 53' 27" W along said South line 51.68 feet to the Point of Beginning. Less right-of-way for Robie Ave. Subject to all easements, rights of way, and restrictions of record.

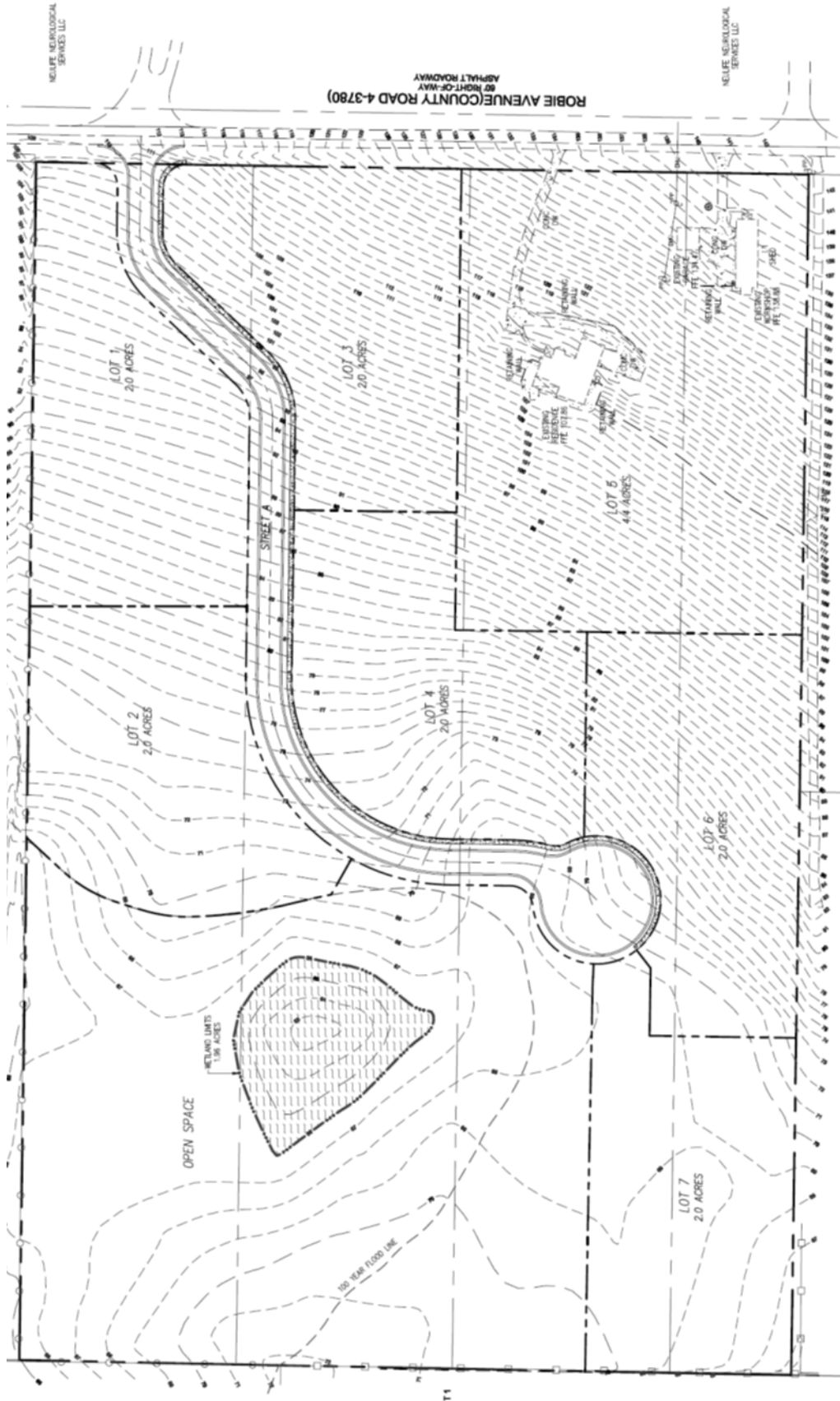
Above described premises also known as: Lot 3 of East ½ of Southeast ¼ of the Southwest ¼, the West ½ of the Southwest ¼ of the Southeast ¼ of Section 33, Township 19 South, Range 27 East, Lake County, Florida.

From a 6" concrete monument located at the SW corner of the SW ¼ of the SE ¼ of Section 33, Township 19 South, Range 27 East, Lake County, Florida, run thence South 88° 53' 27" East along the South line of the SW ¼ of the SE ¼ 51.68 feet to the Point of Beginning; thence North 0° 49' 05" E 1339.29 feet to the North line of the SW ¼ of the SE ¼; thence South 89° 05' 21" East along the North line of the SW ¼ of the SE ¼ 236.96 feet; thence South 0° 49' 41" West 1340.11 feet to the South line of the SW ¼ of the SE ¼; thence North 88° 53' 27" West along said South line 236.73 feet to the Point of Beginning. Less right of way for Robie Ave. Lake County, Florida.

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Exhibit "B" – Conceptual Plan



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