



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): November 26, 2019
Board of County Commissioners (BCC): December 17, 2019

Case No. and Project Name: RZ-19-06-4, Sorrento Pines PUD

Applicant: Jimmy Crawford, Esq.

Owner: Sorrento Pines, LLC

Requested Action: Rezone 200.45 +/- acres from Community Facility District (CFD) to Planned Unit Development (PUD) for a residential subdivision.

Staff Determination: Staff finds the rezoning consistent with the Comprehensive Plan and Land Development Regulations (LDR).

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 200.45 +/- acres

Location: West of Rolling Oak Road, adjacent to County Road 437 in the Sorrento area

Alternate Key No.: 2723530 and 1744768

Future Land Use: Rural Transition (FLUM Amendment to PUD pending)

Current Zoning District: Community Facility District (CFD)

Flood Zone: "A" and "X"

Joint Planning Area / ISBA: None

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	Rural Transition	Planned Unit Development (PUD)	Residential Subdivision	Sorrento Hills Phase 3
South	Rural Transition	Agriculture (A)	Residential and Agricultural	Large Tract Single-Family Dwelling Units
East	Mt. Plymouth-Sorrento Receiving Area and Receiving Area A-1-20	Agriculture (A) and Rural Residential (R-1)	Residential Subdivision	Rolling Oak Estates, adjacent to County Road 437
West	Public Service Facility & Infrastructure and Rural Transition	Community Facility District (CFD) and Agriculture	Spray Field and Residential	Spray Field owned by City of Eustis, Agricultural, and Single-Family Dwelling Unit

Staff Analysis

The subject properties, identified by Alternate Key Numbers 2723530 and 1744768, comprise 200.45 +/- acres and are generally located west of Rolling Oak Road, adjacent to County Road 437 in the Sorrento area. The subject properties are zoned Community Facility District (CFD) in accordance with Ordinance #2011-28 and are designated as Rural Transition Future Land Use Category (FLUC). The currently allowed use of the subject properties is a solar farm.

The Applicant seeks to rezone the subject properties to Planned Unit Development (PUD), to facilitate the development of a 348-lot subdivision, with an overall density of 1.74 dwelling units per one (1) net acre and a minimum open space requirement of 45%. The Concept Plan is attached to the proposed ordinance as Exhibit "B".

The proposed rezoning application was submitted concurrent with a site specific proposed future land use map amendment application (FLU-19-02-4) to change the future land use designation of the subject properties from Rural Transition to Planned Unit Development. The proposed future land use amendment was presented to the PZB on July 9, 2019 and the BCC voted to approve the transmittal of the proposed map amendment to the Department of Economic Opportunity (DEO) on July 30, 2019. The County received a letter from DEO dated September 18, 2019, indicating that DEO did not have any comments. Tentatively, the proposed future land use map amendment and proposed rezoning will be presented to the BCC on December 17, 2019.

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 an application to change the future land use designation of the subject properties from Rural Transition to Planned Unit Development; the density of the proposed PUD rezoning is consistent with the density requested within the proposed PUD future land use designation. The proposed density is currently inconsistent with the existing future land use designation of Rural Transition until the BCC adopts the proposed site-specific PUD future land use.

The rezoning is consistent with Comprehensive Plan Goal I-1 Purpose of the Future Land Use Element, which states that Lake County's land use policies shall ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas. The proposed PUD density is transitional between the north-eastern properties designated as lower density Wekiva River Protection Area Receiving Area A-1-20 (density of twenty (20) dwellings per one (1) net acre) and the south-eastern properties designated as higher density Mt. Plymouth-Sorrento Receiving Area future land use (density of five and one-half (5.5) dwellings per one (1) net acre).

The rezoning is consistent with Comp Plan Policy I-3.4.5, which states that central water and sewer facilities can be connected to a regional system when available, for new development in the Wekiva Study Area with a density equal to or greater than one unit per net acre. The Applicant is proposing to develop the property at 1.74 dwellings per one (1) net acre which is compliant with this policy.

The rezoning is consistent with Comp 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 (pending Planned Unit Development FLUC) and open space is to be configured in a single continuous tract. The Concept Plan indicates that the open space will be configured in a single continuous tract.

The rezoning is consistent with Comp Plan Policy I-7.14.2, which states that an application to establish a Planned Unit Development Future Land Use Category shall be accompanied with an application to rezone the subject property to Planned Unit Development.

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

The rezoning is consistent with LDR Section 4.03.01 which states that PUDs 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 rezoning requests a residential subdivision with a density of 1.74 dwelling units per one (1) net acre; the proposed single family-use is compatible with the surrounding single-family uses. The request is compatible with the existing northern adjacent residential neighborhood, Sorrento Hills subdivision (one (1) dwelling per one (1) net acre), and the south-eastern residential neighborhood, Rolling Oaks subdivision (one (1) dwelling per one (1) net acre). However, the proposed density is inconsistent

with the lower densities of the surrounding large properties (one (1) dwelling per five (5) net acres) which are large tracts with single-family and agricultural uses located north-east, south, and south-west of the subject properties. The proposed request is inconsistent with the western adjacent parcel that is used as a spray field by the City of Eustis.

The Concept Plan (Exhibit "B" of the ordinance), depicts a 200-foot buffer along on the south-western portion of the subject property (adjacent to the property located on the east-side of Equestrian Trail). Additionally, the Applicant proposes to retain the existing natural buffers located along the perimeter of the subject property, to include the large forested area and buffer located along the south and western edges of the property.

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

The Applicant has indicated that between 2010 and July 2016, the U.S. Census Bureau approximates the population of Lake County grew by 12.9; that is 3.3 percent higher than the state wide average and 8.2 percent higher than the national average. Additionally, it was indicated by the Applicant that the growing population of Lake County is driving market demand for a variety of single-family homes.

Also, the subject property is currently zoned Community Facility District (CFD) in accordance with Ordinance 2011-28, which allowed development of a solar farm; the Applicant indicates that the solar farm use is no longer a potential use for the site.

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 City of Eustis has indicated that it can provide central water, reclaimed water, and sewer to the proposed development.

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: Sorrento Elementary School would be at 74% capacity; Mount Dora Middle School would be at 68% capacity; and Mount Dora High School would be at 98% capacity.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #39) is located within five (5) miles of the subject properties.

Transportation Concurrency

The Applicant submitted a traffic impact study for the proposed rezoning which indicated that various roadway segments and intersections within the study area are anticipated to exceed acceptable Levels of Service standards.

Additionally, the Applicant provided a Transportation Demand Analysis for the proposed PUD Future Land Use Category amendment which found that the study identified that the following roadways will likely experience traffic volume impacts: Thrill Hill Road to C.R. 437, S.R. 44 to S.R. 46 and C.R. 437 to C.R. 437 North. The study compared the impacts of the increased number of trips between the current Rural Transition FLUC if it were developed with the third alternative density of one (1) dwelling per one (1) net acre and the proposed PUD FLUC with a density of two (2) dwellings per one (1) net acre.

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

An updated environmental assessment prepared within six (6) months of the preliminary plat submittal date will be required. The assessment will address the presence of protected flora and fauna. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations (LDR).

The Applicant provided an Environmental Assessment which identified eighty-five (85) potentially occupied gopher tortoise burrows on the subject property. The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e. application of a 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities. No other endangered species or protected upland communities were identified on the subject property.

The Applicant has provided bear management language which can be found in the attached proposed ordinance.

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 of the proposed rezoning on property values in the area.

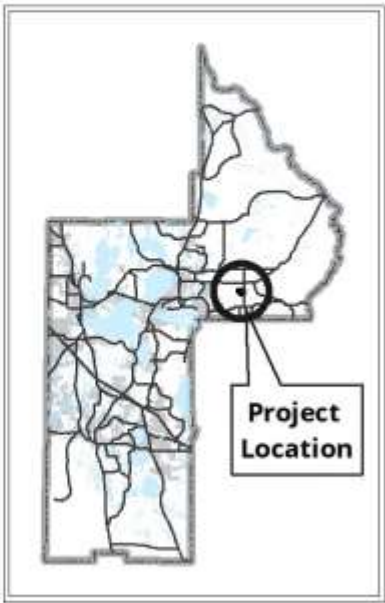
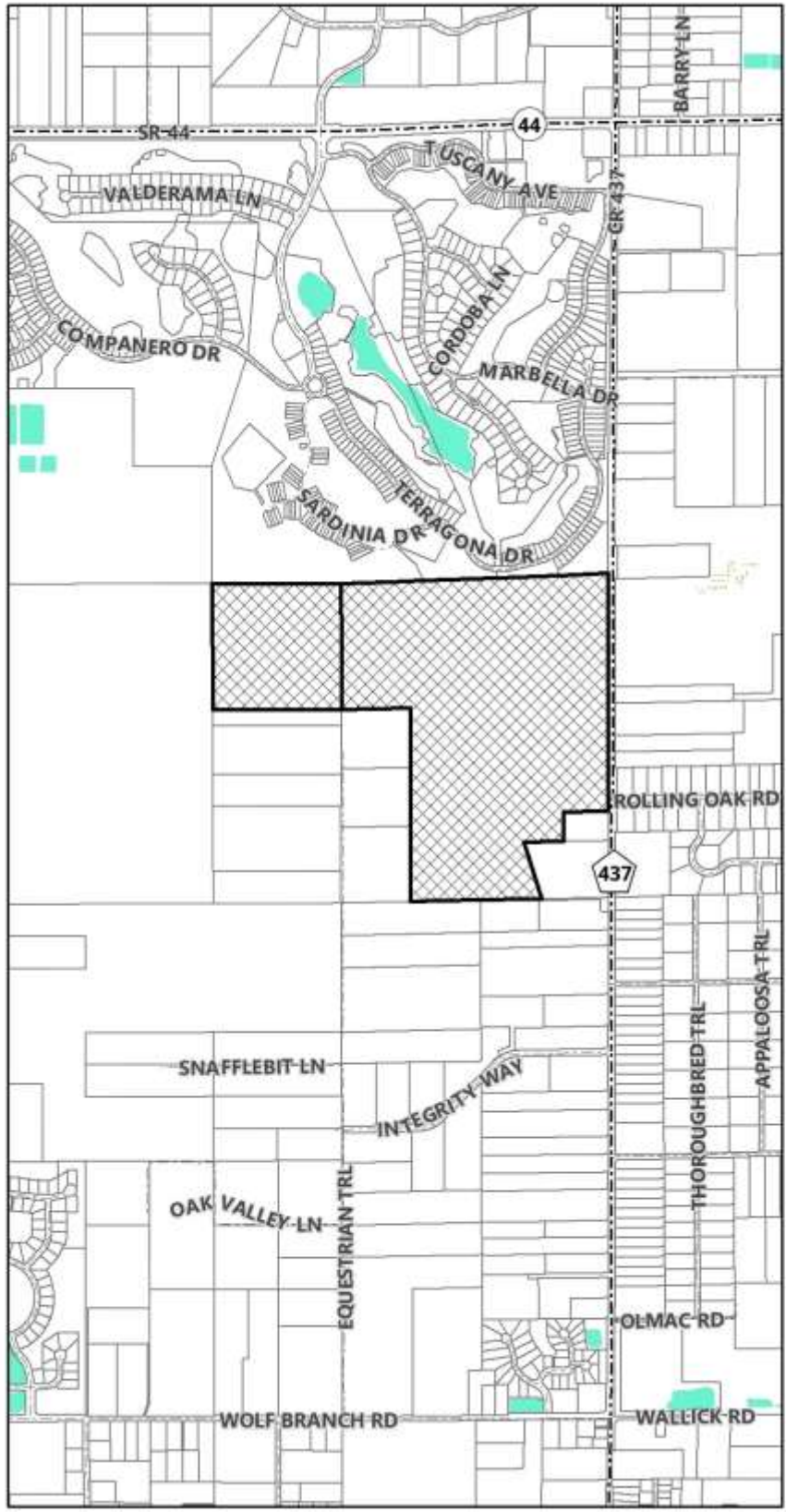
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed rezoning is compatible with the development pattern to the north and south-west as the density of the proposed PUD is similar to the density of the existing residential subdivisions. The proposed density of 1.74 dwellings per one (1) net acre is transitional between the higher density Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area (density of five and one-half (5.5) dwellings per one (1) net acre) FLUC to the north and the lower density Wekiva River Protection Receiving Area A-1-20 (one (1) dwelling per twenty (20) net acres) FLUC and Rural Transition FLUC (five (5) dwellings per one (1) net acre) to the south and south-west.

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.

Subject Property



**Ordinance #2019-XX
Sorrento Pines PUD
RZ-19-06-4**

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

3 **WHEREAS**, Jimmy Crawford, Esq. (the "Applicant") submitted a rezoning application and a large-scale
4 future land use map amendment application on behalf of Sorrento Pines, LLC (the "Owners"), to amend the Future
5 Land Use Map from Rural Transition to Planned Unit Development and rezone property from Community Facility
6 District (CFD) to Planned Unit Development District (PUD) for a Single-Family Residential development; and

7 **WHEREAS**, the subject property consists of approximately 200.45 +/- acres located west of Rolling Oak
8 Road, adjacent to County Road 437 in the Sorrento area in Section 13, Township 19 South, Range 27 East, known
9 as Alternate Key Numbers 2723530 and 1744768, and more particularly described in Exhibit "A"; and

10 **WHEREAS**, the property is located within the Planned Unit Development Future Land Use Category as
11 shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

12 **WHEREAS**, this Ordinance shall be codified into Comprehensive Plan Policy I-7.14.4, entitled 'Planned
13 Unit Development Land Use Category', to reflect the development conditions of this ordinance; and

14 **WHEREAS**, on the 21st day of September, 2007, the Lake County Board of County Commissioners
15 approved Ordinance #2008-05; and

16 **WHEREAS**, on the 4th day of May, 2011, the Lake County Board of County Commissioners approved
17 Ordinance #2011-28, which replaced Ordinance #2008-05; and

18 **WHEREAS**, the Lake County Zoning Board did on the 26th day of November, 2019, review Petition RZ-19-
19 06-4; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance
20 would be presented to the Board of County Commissioners of Lake County, Florida, on the 17th day of December,
21 2019; and

22 **WHEREAS**, this application was presented to the Board of County Commissioners of Lake County,
23 Florida, concurrently with the current application to amend the Future Land Use Map and the Comprehensive Plan
24 (FLU-19-02-4) to reflect the Sorrento Pines development plan as required by Comprehensive Plan Policy I-7.14.2,
25 entitled 'Time frame of Planned Unit Developments'; and

26 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake
27 County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property
28 owners at a Public Hearing duly advertised; and

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

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

33 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to Planned Unit
34 Development (PUD). The uses of the property shall be limited to those uses specified in this
35 Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit "B". To the
36 extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
37 precedence.

38 A. Land Uses:

39 1. 348 single family dwellings (1.74 dwelling units per net acre, maximum).

- 1 k. Front doors shall incorporate the following decorative panels, decorative glass
2 panels or panes, decorative handles, etc.
- 3 2. The total exterior wall area of each building elevation shall be composed of one of the
4 following:
 - 5 a. At least thirty-five percent (35%) full-width brick or stone (not including window
6 and door areas and related trim areas), with the balance being any type of lap
7 siding and/or stucco.
 - 8 b. At least thirty percent (30%) full-width brick or stone, with the balance being
9 stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product
10 is defined as a manufactured strip siding composed of cement-based
11 materials rather than wood fiber-based or plastic-based materials. For
12 example, Masonite or vinyl lap siding would not be allowed under this option).

13 D. Bear Management:

- 14 1. Homeowners shall be required to use County approved, bear-resistant garbage carts, if
15 available. If bear-resistant garbage carts are not available, regular carts shall be modified
16 to be bear resistant.
- 17 2. Homeowners shall not have bird and wildlife feeders that are not modified to exclude
18 bears.
- 19 3. Homeowners shall be placed on notice that they are purchasing a property within an area
20 known for Florida Black Bear habitat. New home owners shall be given information
21 published by the Florida Fish and Wildlife Conservation Commission regarding living
22 among the Florida Black Bear and ways to reduce encounters.
- 23 4. All PUD requirements regarding Florida Black Bear management shall be included in the
24 homeowner governing documents for the community and shall be enforced by the
25 homeowner's association for the property. Lake County shall have the right, but not the
26 obligation, to enforce such provisions.

27 E. Open Space: A minimum of 45% of the net buildable area of the entire site shall be dedicated to
28 open space, as defined in the Comprehensive Plan.

29 F. Landscaping and Buffer Requirements:

- 30 1. 200-foot buffer along on the south-western portion of the subject property (adjacent to the
31 property located on the east side of Equestrian Trail).
- 32 2. Existing trees located around the perimeter of the project are to be maintained in
33 perpetuity to include the forested area and natural buffer located along the south and
34 western edges of the subject property. Where the existing tree coverage is substantial,
35 such tree cover may be substituted for the other-wise required landscape buffer.
- 36 3. Except as otherwise provided herein, landscaping, buffering, and screening shall be in
37 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
38 amended.

39 G. Transportation:

- 40 1. All access management shall be in accordance with the Comprehensive Plan and Land
41 Development Regulations (LDR), as amended.

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- O. 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.
- P. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Land Development Regulations (LDR) shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.

Section 2. Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, 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 shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present Owners and any successors, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be included 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 procedures contained in the Land Development Regulations, as amended.
- F. The Lake County Code Enforcement Special Master shall 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 forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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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

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Exhibit "A" – Legal Description

PARCEL I

A portion of Section 13, Township 19 South, Range 27 East, and Section 18, Township 19 South, Range 28 East, Lake County, Florida, being more particularly described as follows:

BEGIN at the southwest corner of Sorrento Hills, Phase 3, as recorded in Plat Book 52, Pages 69 through 78, Public Records of Lake County, Florida; thence run North 89°53'44" East, along the South line of said Plat, a distance of 1327.47 feet to the Southwest corner of Sorrento Hills, Phases 1 and 2, as recorded in Plat Book 48, Pages 4 through 15, Public Records of Lake County, Florida; thence run North 87°49'27" East, along said South Plat line, a distance of 2740.01 feet to the East line of the West 1/2 of said Section 18; thence departing said South line, run South 00°11'26" West, along said East line a distance of 2441.71 feet to the North line of Sumter Electric Cooperative, Inc. parcel as described in Official Records Book 2386, Page 2371, as recorded in Lake County, Florida; thence departing said East line, run South 88°58'14" West along the said North line, a distance of 439.00 feet to the Northwest corner of said Sumter Electric Parcel; thence departing said North line, run South 00°11'26" West along the West line of said Sumter Electric Parcel, a distance of 300.00 feet to the Southwest corner of said Sumter Electric Parcel and the North line of a Florida Power Corporation parcel, as described in Official Records Book 691, Page 853, as recorded in Lake County, Florida; thence departing said West line run South 88°58'14" West along said North line, a distance of 406.52 feet to the Northwest corner of said Florida Power Corporation parcel; thence departing said North line, run South 18°09'24" East along the Westerly line of said Florida Power Corporation parcel, a distance of 606.96 feet to the Southwest corner of said Florida Power Corporation parcel and the South line of said Southwest 1/4 of Section 18; thence departing said Westerly line, run South 88°58'14" West along the said South line, a distance of 1354.42 feet to the Southeast corner of the South 3/4 of the West 1/2 of the West 1/2 of said Southwest 1/4; thence departing said South line, run North 00°12'01" East along the East line of the said South 3/4 of the West 1/2 of the West 1/2 of the Southwest 1/4, a distance of 1978.36 feet to the Northeast corner of the South 3/4 of the West 1/2 of the West 1/2 of said Southwest 1/4; thence departing said East line, run South 88°43'43" West, along the North line of the South 3/4 of the West 1/2 of the West 1/2 of the Southwest 1/4, a distance of 722.85 feet to the Southeast corner of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 13; thence departing said North line run South 89°45'06" West, along the South line of said North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 13, a distance of 1323.86 feet to the Southwest corner of said North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 13; thence departing said South line, run North 00°15'51" West, along the West line of said North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 13, a distance of 659.00 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 13; thence departing said West line, run North 00°17'47" West along the West line of said Southeast 1/4 of the Northeast 1/4 of Section 13, a distance of 635.96 feet to the POINT OF BEGINNING.

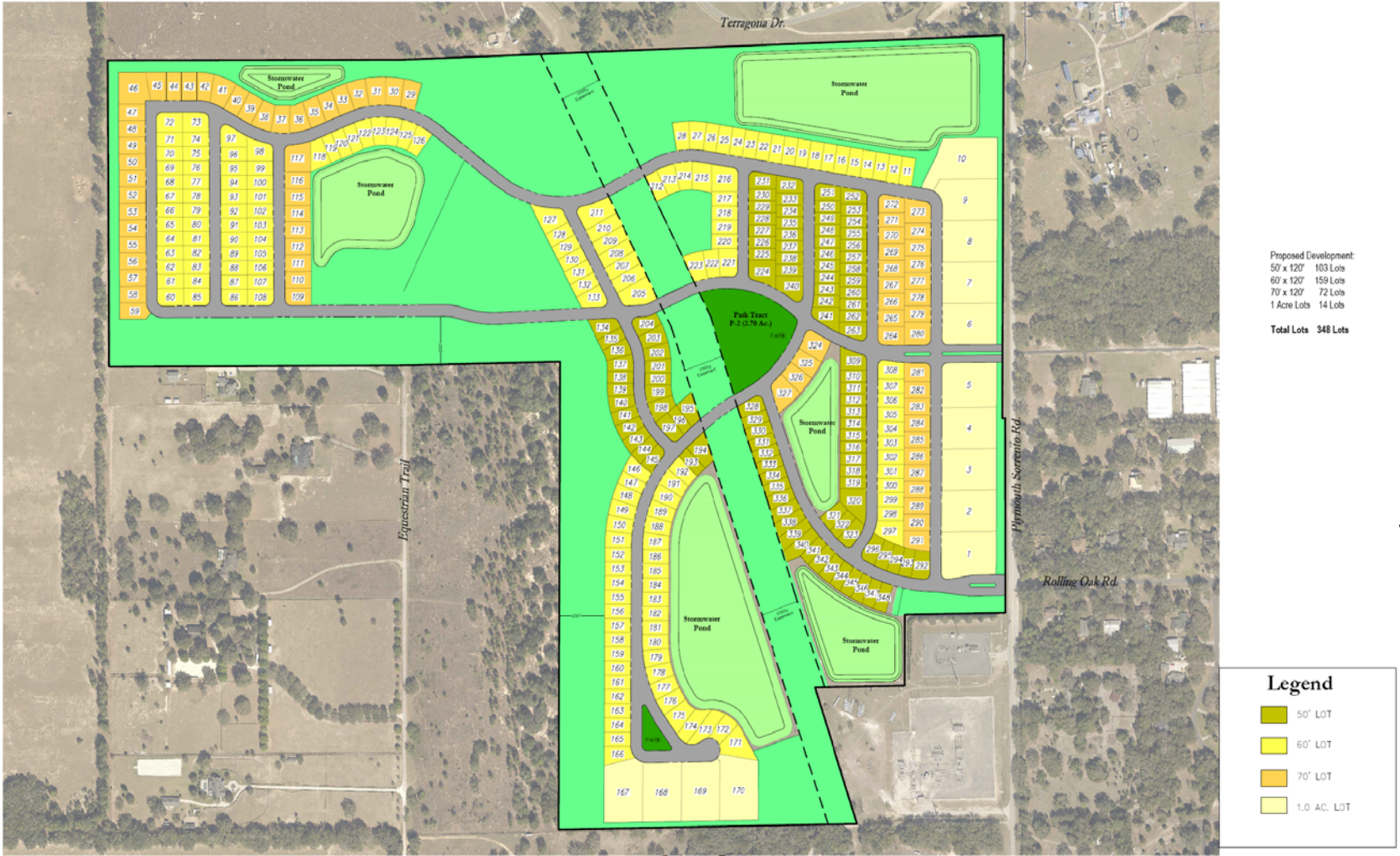
PARCEL II

That part of the South 1701.91 feet, less the South 880.20 feet thereof, of the Southeast 1/4 of Section 18, Township 19 South, Range 28 East, Lake County, Florida, lying West of the Westerly right of way line of State Road #437.

Together containing 200.45 acres, more or less.

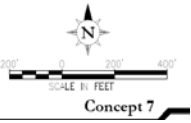
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Exhibit "B" - Conceptual Plan



Proposed Development:
 50' x 120' 103 Lots
 60' x 120' 159 Lots
 70' x 120' 72 Lots
 1 Acre Lots 14 Lots
Total Lots 348 Lots

- Legend**
- 50' LOT
 - 60' LOT
 - 70' LOT
 - 1.0 AC. LOT



Sorrento Pines

POULOS & BENNETT