



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): January 2, 2020
Board of County Commissioners (BCC): January 28, 2020

Case No. and Project Name: RZ-19-27-2, Hammock Ridge PUD Amendment

Applicant: Jim Atkinson, Summergate Companies, LLC

Owner: Territo Corporation, Angela & Joseph Territo, and Vernon A. Schneider

Requested Action: Amend and replace Planned Unit Development (PUD) Ordinance #2005-105 with a new ordinance to rezone 14.99 +/- acres from PUD to Agriculture (A); rezone 16.12 +/- acres from Agriculture (A) to PUD; and to bring the PUD into compliance with current Land Development Regulations (LDR) and Comprehensive Plan policies. Additionally, the Application proposes setback waivers.

Staff Determination: Staff finds the rezoning amendment to be consistent with the LDR and Comprehensive Plan.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

Subject Property Information

Size: 57.31 +/- acres (proposed PUD)

Location: Southeast of the intersection of Hammock Ridge Road and Lake Louisa Road, in the Clermont area.

Alternate Key No.: 1593425, 2705914, 1593417, 1593433, 1752558, 1752558, 1796873, and 1663083

Future Land Use: Urban Low Density

Current Zoning District: Agriculture (A), and Planned Unit Development (PUD) by Ordinance #2005-105

Flood Zones: "AE", "A", and "X"

Joint Planning Area/ ISBA: Clermont JPA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Estate Residential (R-2) and Medium Residential (R-3)	Residential	Timberlane, Hammock Pointe and Hammock Reserve Subdivisions
South	Conservation and Urban Low Density	Community Facility District (CFD) and Urban Residential (R-6)	Residential and Community Facility	The Oranges Subdivision
East	City of Clermont	City of Clermont	Residential	Foxchase Subdivision
West	Green Swamp Rural	Urban Residential	Residential	Estates at Lake Susan Subdivision

Staff Analysis

The application seeks to replace PUD Ordinance #2005-105 with a new ordinance to remove Alternate Key Number 1593425 (14.99 +/- acres) from the PUD legal description, rezone Alternate Key Number 1593425 to Agriculture (A), and rezone Alternate Key Number 1796873 (16.12 +/- acres) from Agriculture (A) to Planned Unit Development (PUD). This will result in 57.13 +/- acres of in PUD zoned acreage. The Applicant also proposes to amend the density of the PUD from 2.2 dwelling units per gross acre to 2.88 dwelling units per net acre, for a total of one-hundred fifty seven (157) single-family dwelling units, in lieu of the currently allowed one-hundred twenty (120) single-family dwelling units. These lots are proposed to be 50-foot wide, minimum. Additionally, the application seeks proposed variable side setbacks between 5-feet to 10-feet, with demonstration of a 4:1 maximum slope between homes.

The subject properties are located within the Clermont Joint Planning Area (JPA); the City of Clermont reviewed the application and did not provide any comments or concerns.

Standards for Review (LDR Section 14.03.03)

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

The uses and density of the proposed Planned Unit Development are consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category (FLUC), which allows residential development at a maximum density of four (4) dwelling units per net acre, and requires a minimum of twenty-five (25) percent open space. The proposed ordinance contains a condition requiring a minimum of twenty-five (25) percent open space, to remain consistent with the policy.

Pursuant to Comprehensive Plan Policies IX-2.2.2, Mandatory Central Water Connection, and IX-3.1.2, Mandatory Sewer Connection, new development within the Urban Future Land Use Series shall connect to a central water and central sewer service. The Applicant has provided letters from Utilities Inc. of Florida (a/k/a Lake Utility Services) and the City of Clermont, which indicate that water and sewer connections are available.

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

The proposed request is consistent with the residential development standards contained within Land Development Regulations (LDR) Section 4.03.00, Planned Unit Development District; and with LDR Section 4.03.01, which states that PUDs are allowed in all land use categories. Additionally, the proposed PUD will encompass approximately 57.31-acres; pursuant to LDR Section 4.03.03.B, a PUD must be at least ten (10) acres in size.

The Lake County Department of Public Works reviewed the application and determined that the requested side setback of 5-feet shall may be permissible with demonstration that the cut/fill grading activity accommodates a 4:1 maximum slope between homes. Should these requirements not be demonstrated to a level sufficient to satisfy LDR Section 9.11.00, Lot Grading, the Applicant will be required to meet a minimum side setback of 7.5-feet from the property lines.

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

The proposed amendment is consistent with existing land uses, as the subject properties are surrounded by residential uses with similar density.

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

The application does not contain any information in regards to changed conditions which justify an amendment. On March 22, 2019, the Applicant applied for a pre-submittal meeting with Development Review Staff, during which the proposed rezoning and concept plan were reviewed.

- 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

Water service will be provided by Utilities Inc. of Florida. Sewer service will be provided by the City of Clermont.

Schools

The School Board of Lake County has reviewed the application and provided a School Concurrency Capacity Reservation. School concurrency must be addressed prior to final plat pursuant to Land Development Regulations (LDR) Chapter 5.

Parks

The proposed amendment is not anticipated to adversely impact parks or trails.

Solid Waste

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

Public Safety

The closest Fire Rescue Station is City of Clermont Fire Department Station #2, located less than three (3) miles from the site at 2200 Hartwood Marsh Road, Clermont.

- 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).

- 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 impact on property values.

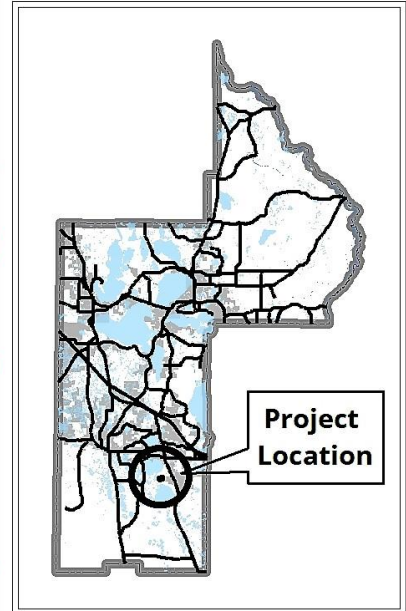
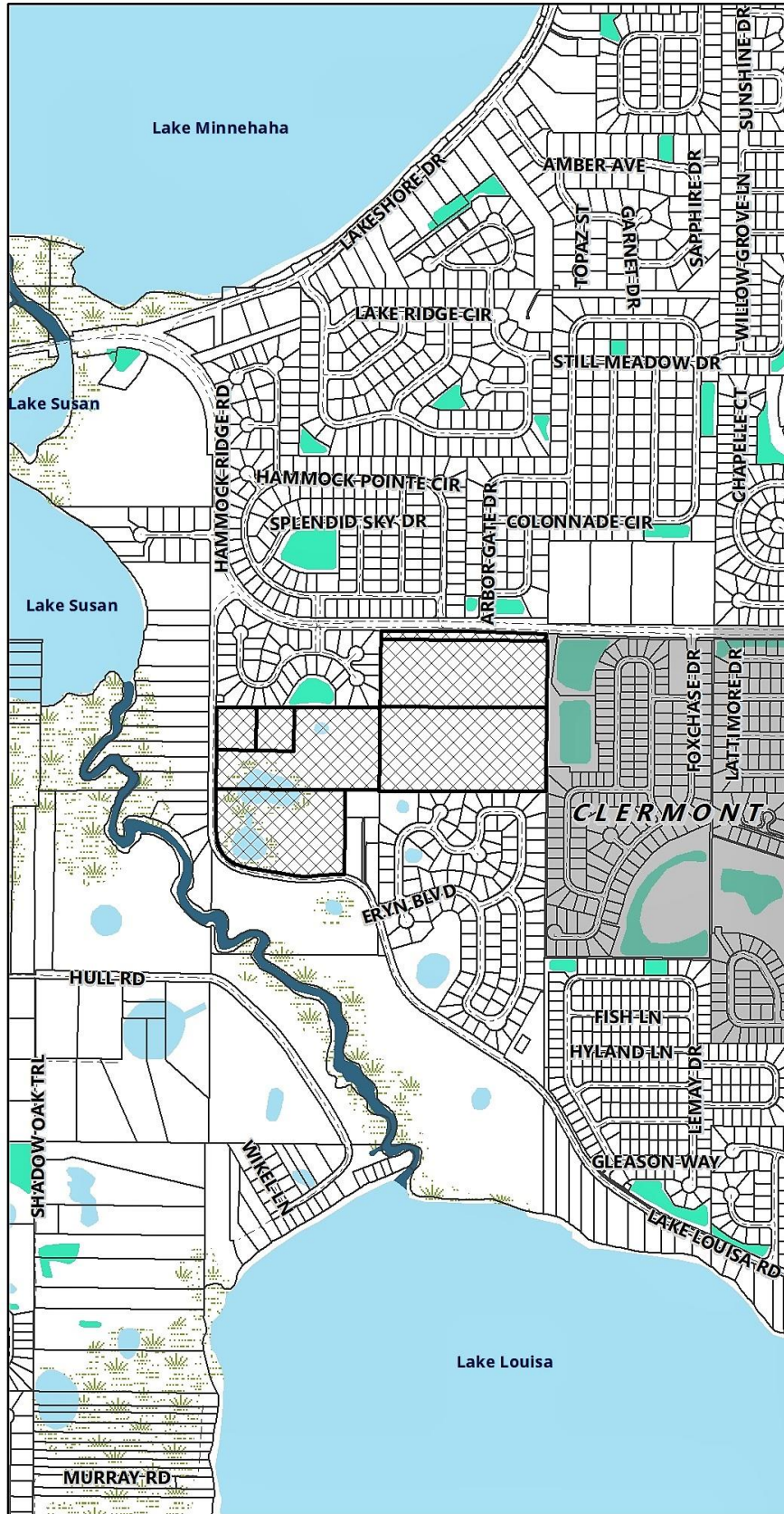
- H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The surrounding parcels are developed with residential subdivisions, similar to that proposed by the application. The proposed amendment would result in an orderly and logical development pattern for the area.

- 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 is consistent with the purpose and interest of Lake County's regulations.

Map of Subject Property



ORDINANCE #2019-XX
Hammock Ridge PUD Amendment
RZ-19-27-2

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 **WHEREAS**, Jim Atkinson of Summergate Companies, LLC (the “Applicant”) made a request, on
4 behalf of Territo Corporation, a Florida Corporation, Angela & Joseph Territo, and Vernon A. Schneider
5 (the “Owners”), to rescind and replace Planned Unit Development (PUD) #2005-105 with a new ordinance
6 to rezone 14.99 +/- acres from PUD to Agriculture (A); rezone 16.12 +/- acres from Agriculture (A) to PUD;
7 to bring the PUD into compliance with current Land Development Regulations (LDR) and Comprehensive
8 Plan policies; and to propose setback waivers; and

9 **WHEREAS**, the subject property to be zoned Agriculture (A) consists of 14.99 +/- acres and is
10 generally located southeast of the intersection of Hammock Ridge Road and Lake Louisa Road, in the
11 Clermont area, in Section 6, Township 23 South, Range 26 East, having Alternate Key Number 1593425,
12 and more particularly described below:

13 **SCHNEIDER PROPERTY LEGAL DESCRIPTION: [EXHIBIT “A” – ATTACHED]**

14 **WHEREAS**, the subject property to be zoned Planned Unit Development (PUD) in total consists of
15 57.31 +/- acres and is generally located southeast of the intersection of Hammock Ridge Road and Lake
16 Louisa Road, in the Clermont area, in Section 6, Township 23 South, Range 26 East, having Alternate Key
17 Numbers 2705914, 1593417, 1593433, 1752558, 1752558, 1796873, and 1663083, and more particularly
18 described below:

19 **HAMMOCK RIDGE PUD LEGAL DESCRIPTION: [EXHIBIT “B” – ATTACHED]**

20 **WHEREAS**, the subject properties are located within the Urban Low Density Future Land Use
21 Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

22 **WHEREAS**, on December 20, 2005, the Board of County Commissioners of Lake County, Florida,
23 approved PUD Ordinance #2005-105 for 120 single-family dwelling units, with a gross residential density of
24 2.2 dwelling units per acre; and

25 **WHEREAS**, this rezoning ordinance hereby rescinds and replaces Ordinance #2005-105; and

26 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-19-27-2 on January
27 2, 2020, after giving Notice of Hearing on petition for a change in the use of land, including notice that said
28 petition was presented to the Board of County Commissioners of Lake County, Florida, on January 28,
29 2020; and

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

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

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject properties, subject to the following terms:

Section 1 Terms:

1.1 The County Manager or designee shall amend the Official Zoning Map to rezone the property described in Exhibit “A” to Agriculture (A) zoning.

1.2 The County Manager or designee shall amend the Official Zoning Map to rezone the property described in Exhibit “B” to Planned Unit Development (PUD) zoning. This Ordinance shall rescind and replace Ordinance #2005-105. All uses upon the property described in Exhibit “B” shall be generally consistent with the “Conceptual Plan” attached hereto as Exhibit “C.” To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

A. Land Uses:

1. Residential: 157 residential single-family dwelling units, not to exceed a density of 2.88 dwelling units per net buildable acre.

B. Setbacks:

1. Single-Family Residential:

Front	25 feet from the property line
Secondary Front	15 feet from the property line
Side ¹	Variable between 5-10 feet. (7.5 feet ¹ from the property line minimum without 4:1 slope between homes)
Rear	5 feet from the property line
Wetlands/Open Water	50 feet from the jurisdictional wetland line

¹Side Setbacks of 5 feet from the property line shall be allowed so long as the 10-foot cut/fill requirement and 4:1 maximum slope between homes is met.

2. All other setbacks shall be as established in the LDR, as amended.

C. Development Standards:

Open Space	Minimum 25% of the net buildable area over the entire project site
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Lot Width	Minimum 50 feet
Impervious Surface Ratio (ISR)	Maximum 60% over the entire project site
Building Height	Maximum 40 feet

1 All development requirements within the Urban Low Density (FLUC) shall be in accordance with
 2 the Comprehensive Plan and LDR, as amended.

3 D. Landscaping, Buffering, and Screening:

4 1. A minimum 50-foot wetlands buffer shall be provided to all wetlands. A conservation easement
 5 of the wetland area and buffer will be required. The easement must be dedicated to a
 6 conservation agency (FDEP or SJRWMD), a non-profit conservation organization or land trust,
 7 or Lake County, subject to acceptance by the Board of County Commissioners for
 8 maintenance and protection. The conservation easement will be required prior to Final Plat
 9 approval.

10 2. All other landscaping, buffering, and screening requirements shall be in accordance with the
 11 LDR, as amended.

12 E. Noise: Compliance shall be in accordance with the LDR, as amended.

13 F. Utilities: Central water and sewer connection shall be provided in accordance with the
 14 Comprehensive Plan and LDR, as amended.

15 G. Transportation Improvements/Access Management:

16 1. A Tier Two (2) Traffic Study will be required in accordance with the Conceptual Plan attached
 17 hereto as Exhibit "B."

18 2. Sidewalks will be required along Lake Louisa Road, in accordance with the LDR, as amended.

19 3. Turn lanes will be required at the entrances to the development on all county maintained
 20 roads.

21 4. East Lake Louisa Road will be required to be modified to meet current County standards, as
 22 amended.

23 5. All access management shall be in accordance with the Comprehensive Plan and LDR, as
 24 amended.

25 H. Stormwater Management:

26 1. The Stormwater management system shall be designed in accordance with all applicable Lake
 27 County and St. Johns River Water Management District (SJRWMD) requirements, as
 28 amended.

29 2. The developer shall be responsible for any flood studies required for developing the site and
 30 comply with the requirements of FEMA, the Lake County Comprehensive Plan, and LDR, as
 31 amended.

- 1 3. Any development within the floodplain as identified on the FEMA maps will require
2 compensating storage.
- 3 I. Schools: School Concurrency shall be met before final plat approval in accordance with the
4 Comprehensive Plan and LDR, as amended.
- 5 J. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with
6 Dark-Sky Principles.
- 7 K. Signage: Signs shall be in accordance with the LDR, as amended.
- 8 L. Fire Protection and Emergency Services Access: Access and fire safety requirements of the
9 development shall be provided in accordance with the Florida Fire Prevention Code and LDR, as
10 amended.
- 11 M. Concurrency Management Requirements: Any development shall comply with the Lake County
12 Concurrency Management System, as amended.
- 13 N. Development Review and Approval:
- 14 1. Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary
15 plat, construction plans, and final plat generally consistent with EXHIBIT "C" – Conceptual Plan
16 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 17 2. PUD Expiration: Physical development shall commence within three (3) years from the date of
18 this Ordinance approval. Failure to commence construction within three (3) years of approval
19 shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or
20 superseding documents as amended. Prior to expiration of the three-year time frame, the
21 Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time
22 frame for a maximum of two (2) years upon a showing that reasonable efforts have been made
23 towards securing the required approvals and commencement of work.
- 24 O. Future Amendments to Statutes, Code, Plans, or Regulations: The specific references in this
25 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
26 and Lake County Land Development Regulations shall include any future amendments to the
27 Statutes, Code, Plans, or Regulations.

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

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

- 1 C. This Ordinance shall constitute a covenant running with the land, and inure to the benefit of, and the
2 terms, conditions, and provisions of which shall be binding upon, the present Owner and any
3 successor, and shall be subject to each and every condition herein set out.
- 4 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
5 and other governmental permitting agencies.
- 6 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
7 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
8 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
9 purchaser or lessee may request a change from the existing plans and conditions by following
10 procedures contained in the Land Development Regulations, as amended.
- 11 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
12 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
13 to recommend that the ordinance be revoked.

14 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
16 affect the validity of the remaining portions of this Ordinance.

17 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
18 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
19 with Section 125.66, Florida Statutes.
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1 **Section 5. Effective Date. This Ordinance shall become effective as provided by law.**

2 **ENACTED** this _____ day of _____, 2020.

3 **FILED** with the Secretary of State _____, 2020.

4 **EFFECTIVE** _____, 2020.

5 **BOARD OF COUNTY COMMISSIONERS**
6 **LAKE COUNTY, FLORIDA**

7 _____

8 **LESLIE CAMPIONE, CHAIRMAN**

9 **ATTEST:**

10 _____

11 **GARY J. COONEY, CLERK OF THE**
12 **BOARD OF COUNTY COMMISSIONERS**
13 **LAKE COUNTY, FLORIDA**

14 **APPROVED AS TO FORM AND LEGALITY**

15 _____

16 **MELANIE MARSH, COUNTY ATTORNEY**

17

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EXHIBIT "A" – SCHNEIDER PROPERTY LEGAL DESCRIPTION

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THE EAST 33.2 FEET OF: THAT PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 6, TOWNSHIP 23

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SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING NORTH AND EAST OF THE COUNTY

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CLAY ROAD, LESS THE EAST 235 FEET THEREOF.

EXHIBIT "B" – HAMMOCK RIDGE PUD LEGAL DESCRIPTION

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PARCEL NO. 1

THE NORTH 362 FEET OF THE WEST 362 FEET OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼, LESS THE WEST 33 FEET FOR ROAD, IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

PARCEL NO. 2

THE NORTH 132 FEET OF TRACTS 35 AND 36, IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST, MONTE VISTA PARK FARMS, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO LAKE COUNTY FOR ROAD RIGHT OF WAY IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2772, PAGE 1175, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL NO. 3

TRACTS 35 AND 36, IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST, IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT OF MONTE VISTA PARK FARMS, RECORDED IN PLAT BOOK 2, PAGE 27, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS THE NORTH 132 FEET THEREOF.

PARCEL NO. 4

TRACTS 45 AND 46, MONTE VISTA PARK FARMS, ACCORDING TO THE PLAT THEROF, RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING OTHERWISE DESCRIBED AS THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST.

PARCEL NO. 5

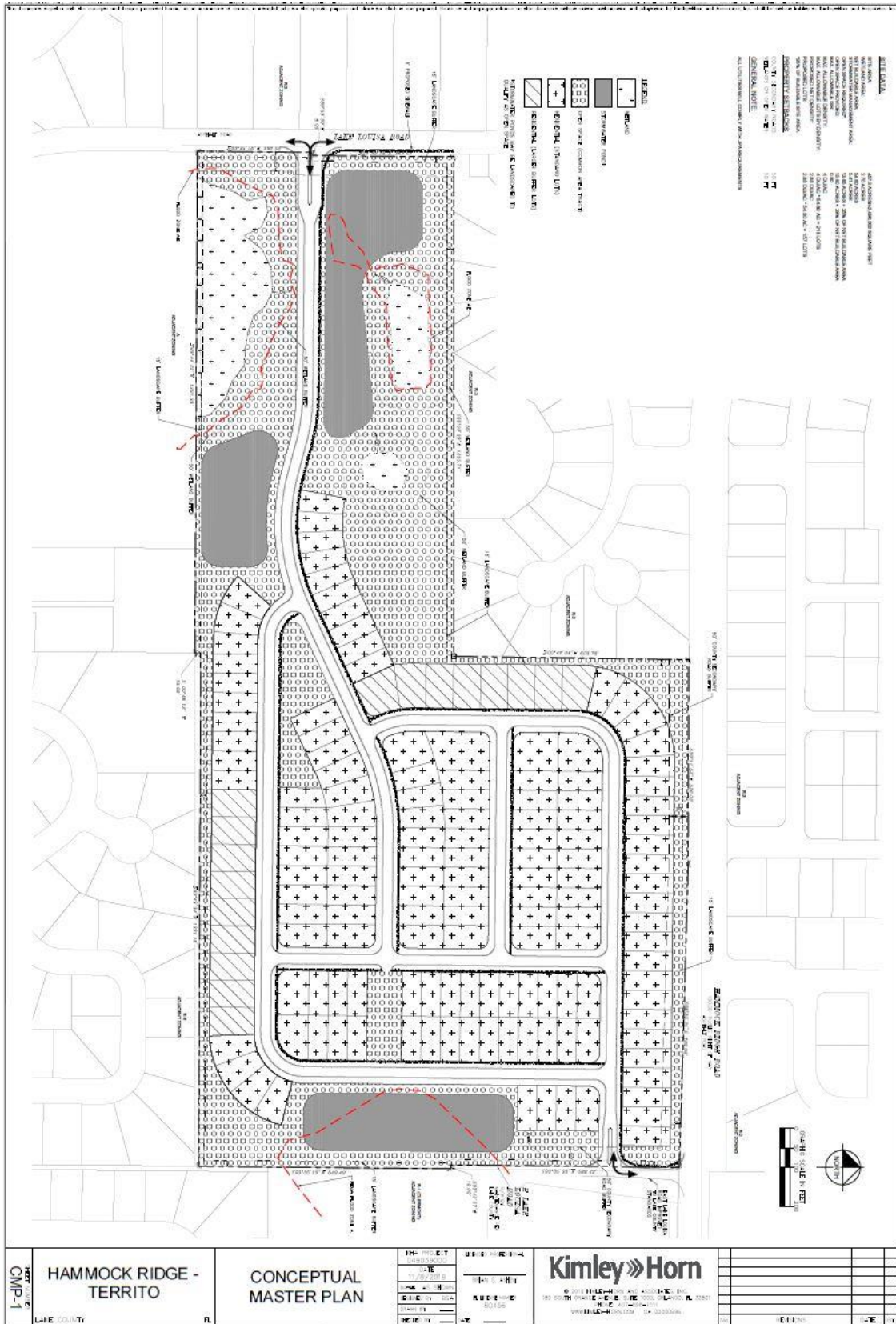
THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST, IN LAKE COUNTY, FLORIDA, LESS THE NORTH 362 FEET OF THE WEST 362 FEET OF THE NORTH ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST 1/4 OF THE SAID SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 26 EAST; THENCE RUN SOUTH 88°28'30" WEST, 661.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88° 28'30" WEST, 661.95 FEET; THENCE SOUTH 00°01'30" WEST 20.00 FEET; THENCE NORTH 88°28'30' EAST, 362.00 FEET; THENCE RUN SOUTH 00°01'30" WEST, 342.00 FEET; THENCE NORTH 88°28'30" EAST, 299.95 FEET; THENCE NORTH 00°01'30" EAST, 362.00 FEET TO THE PONT OF BEGINNING.

AND

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EXHIBIT "C" – CONCEPTUAL PLAN



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