



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): March 4, 2020
Board of County Commissioners (BCC): March 24, 2020

Case No. and Project Name: RZ-19-31-2, Beebe Property Rezoning

Applicant: Jim Arrington, Provident Housing Solutions

Owner: Byron Beebe

Requested Action: Rezone approximately 7.75 +/- acres from Agriculture (A) to Planned Unit Development (PUD) for an age-restricted multi-family housing development, to include waiver requests to the PUD acreage requirement.

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

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 7 +/- net acres (7.75 +/- gross acres)

Location: North of Hunt Trace Boulevard, and south of Jacks Lake, in the Clermont area.

Alternate Key No.: 1647797

Future Land Use Category: Urban Medium Density

Existing Zoning District: Agriculture (A)

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area/ISBA: City of Clermont JPA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Lake	Jacks Lake
South	City of Clermont	City of Clermont	Residential	Residential properties under jurisdiction of City of Clermont, adjacent to Hunt Trace Boulevard
East	City of Clermont	City of Clermont	Residential	Age-restricted multi-family development (Clermont Ridge Senior Villas)
West	City of Clermont	City of Clermont	Residential	Residential properties under jurisdiction of City of Clermont

– Summary of Analysis –

The subject 7.75 +/- acre parcel is zoned Agriculture (A) and designated as Urban Medium Density Future Land Use Category (FLUC). The property is located north of Hunt Trace Boulevard, and south of Jacks Lake. The City of Clermont borders the property on the south, east, and west property lines. The property lies within the City of Clermont Joint Planning Area (JPA); the City of Clermont reviewed the application and did not identify any concerns or comments. The application seeks to rezone the subject parcel from Agriculture (A) to Planned Unit Development (PUD) for an age-restricted (55+) multi-family housing development.

This application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the minimum 10-acre PUD requirement per Land Development Regulations (LDR) Section 4.03.03.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

The request is consistent with the purpose and intent PUD zoning district allowed by Land Development Regulations (LDR) Section 4.03.00, with the exception of the 10-acre minimum acreage requirement for PUD zoning. However, as previously stated, the Applicant requests that the BCC waive the acreage requirement. The LDR specifies that PUDs are allowed in all land use classifications, such as the Urban Medium future land use, and that PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses.

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

The request is consistent with Comprehensive Plan Policy I-1.3.3, Urban Medium Density FLUC, which allows a maximum density of seven (7) dwelling units per net buildable acre and requires a minimum of twenty (20) percent common open space. The concept plan illustrates forty-nine (49) proposed units, consistent with the density of the Urban Medium Density FLUC.

The request is consistent with Comprehensive Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which states that density shall not exceed the underlying Future Land Use Category and that a PUD shall be accompanied by a conceptual plan.

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

The surrounding properties lie within the jurisdictional limits of the City of Clermont, but are developed with residential uses similar to what is proposed in the application. The eastern-adjacent parcel is developed with an age-restricted multi-family housing development, identical to that which is proposed in the application, but under different ownership.

The application contains the following supporting statement for the proposed rezoning, *“The property next door is for affordable senior housing. The adjoining property will have the same land use.”*

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

The application also included the following supporting statement: *“There is a great need for affordable senior housing in this area.”*

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

The parcel will be serviced by central water and sewer.

Office of Parks and Recreation

The request is not anticipated to adversely impact park capacity or levels of service.

Office of Public Safety

Lake County EMS Station #351 and Lake County Fire Rescue Station #90 are located less than three (3) miles from the subject property. Fire protection water supply and emergency access will be addressed during review of the development application, should the rezoning request be approved by the Board.

Schools

Age-restricted communities are exempt from school concurrency, pursuant to Land Development Regulations (LDR) Section 5.01.03.B.7.d. During the development review process, the Applicant will be required to provide documentation to demonstrate that the state mandated criteria as an "age-restricted" community is met, in order to become exempt from school concurrency.

Solid Waste

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

Transportation Concurrency

The Applicant received a Tier 1 Traffic Analysis Exemption from Lake County Public Works Transportation Engineering. This will be verified during the development review process and prior to commencement of construction.

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

The Lake County GIS aerial map indicated that the subject property contains wetlands and lies partially within the "AE" Flood Zone. As such, all sensitive resources will be addressed through the development review process with the submittal of an environmental assessment at the time of site plan submittal to assess the quality of environmental community on the property. The EA will also identify environmental protection and mitigation techniques to be undertaken prior to the commencement of construction. The wetland areas will be required to be placed into a conservation easement prior to the commencement of construction. This is proposed as a development condition in the proposed PUD ordinance. New development will be required to meet all criteria contained within the Land Development Regulations (LDR) and Comprehensive Plan.

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

The application does not contain any information regarding proposed development impact on property values.

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

The surrounding properties lie within the jurisdictional limits of the City of Clermont and are developed with similar residential uses. The eastern-adjacent parcel is developed as an age-restricted multi-family housing development, identical to that which is proposed in this application.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

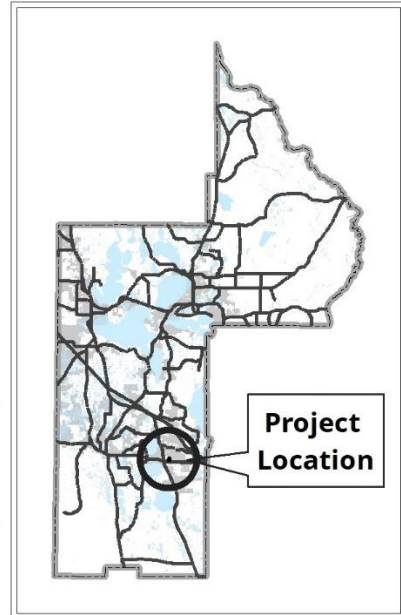
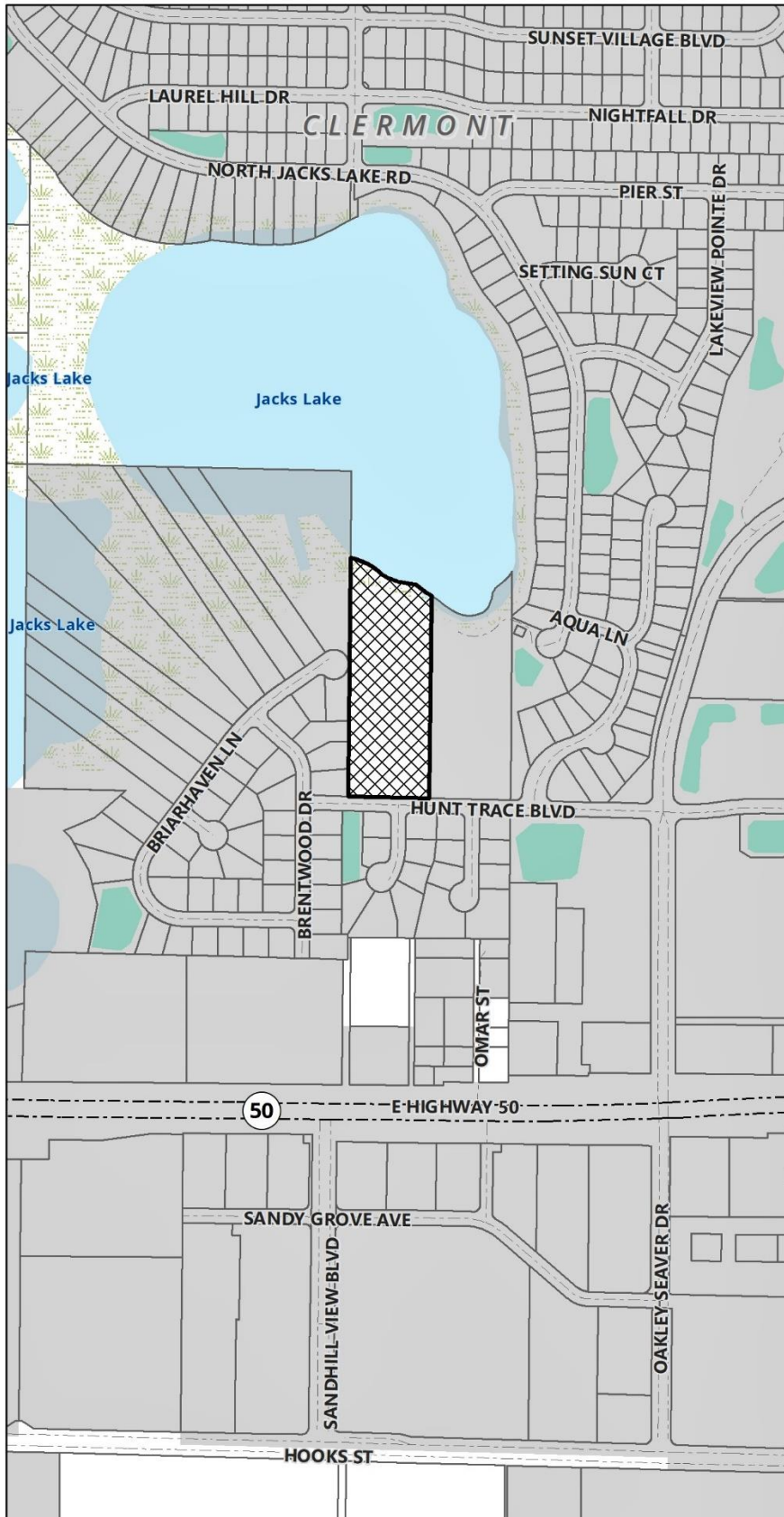
The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

This application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the minimum 10-acre PUD requirement. Staff must emphasize that approval of this rezoning is contingent upon BCC approval of the requested waiver.

Map of Subject Property



ORDINANCE #2020-XX
Beebe Property Rezoning
RZ-19-31-2

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 Arrington, Provident Housing Solutions (the “Applicant”) submitted a rezoning
4 application on behalf of Byron Beebe (the “Owner”), to establish a Planned Unit Development (PUD) zoning
5 district for the purpose of accommodating an age-restricted multi-family development; and

6 **WHEREAS**, the subject property consists of 7.75 +/- gross acres and is located north of Hunt Trace
7 Boulevard, and south of Jacks Lake, in the Clermont area, within Section 20, Township 22 North, Range 26
8 East, having Alternate Key Number 1647797, and more particularly described below:

9 **LEGAL DESCRIPTION: EXHIBIT “A” – ATTACHED**

10 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-19-31-2 on 4th day of
11 March, 2020, after giving notice of the hearing on the petition for a change in zoning, including notice that the
12 petition would be presented to the Board of County Commissioners of Lake County, Florida, on 24th day of
13 March, 2020; and

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

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

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

21 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show the
22 Planned Unit Development (PUD) in accordance with this Ordinance. All uses specified must be
23 generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the
24 extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance
25 will take precedence.

26 **A. Waivers.**

- 27 1. Planned Unit Development minimum acreage requirement pursuant to LDR Section
28 4.03.03(B).

29 **B. Land Uses.**

- 30 1. Multi-family use – forty-nine (49) dwellings, within ten (10) buildings (maximum); not to
31 exceed seven (7) dwelling units per net acre.

- 32 2. One (1) multi-purpose building for use as a Rental Office/Clubhouse/Amenity Center.

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

36 Any other use of the property will require approval of an amendment to this Ordinance by
37 the Board of County Commissioners.

- 1 **C. Open Space, Impervious Surface Ratio, and Building Height.**
2 1. Impervious Surface Ratio (ISR): 0.70 (maximum, overall development).
3 2. Open Space: 20% (minimum)
4 3. Building height: 45-feet maximum.
- 5 **D. Development Standards/Design Criteria.** Development shall adhere to commercial design
6 standards in accordance with the Comprehensive Plan and Land Development Regulations
7 (LDR), as amended.
- 8 **E. Setbacks.** Setbacks shall be in accordance with the Land Development Regulations (LDR),
9 as amended.
- 10 **F. Parking Requirements.** Off-street parking must be provided in accordance with the Land
11 Development Regulations (LDR), as amended.
- 12 **G. Landscaping, Buffering, and Screening.** All new development must provide landscaping
13 in accordance with the Land Development Regulations (LDR), as amended.
- 14 **H. Environmental Requirements.**
- 15 1. An environmental assessment dated within six (6) months of the development
16 application submittal will be required. The environmental assessment must specify the
17 presence of vegetation, soils, and any threatened or endangered species that may exist
18 on the site. Any State permitting or mitigation will be required before development can
19 commence.
- 20 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
21 and Land Development Regulations (LDR), as amended.
- 22 3. Open space shall be provided in accordance with the Land Development Regulations
23 (LDR), as amended.
- 24 **I. Noise Compliance.** Development shall comply with noise protection provisions of the Land
25 Development Regulations, as amended.
- 26 **J. Transportation Improvements.** All access management shall be in accordance with the
27 Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 28 **K. Utilities.** The development shall be serviced by central water and sewer.
- 29 **L. Stormwater Management.** The stormwater management system must be designed in
30 accordance with all applicable Lake County and St. Johns River Water Management District
31 requirements.
- 32 **M. Floodplain Management.** The Owners will be responsible for any flood studies required for
33 developing the site and to comply with Federal Emergency Management Agency (FEMA)
34 regulations, the Comprehensive Plan, and the Land Development Regulations. Any
35 development within the floodplain as identified on the FEMA maps will require compensating
36 storage.
- 37 **N. Lighting.** Exterior lighting must be in accordance with the Land Development Regulations,
38 as amended, and consistent with Dark-Sky Principles.

1 **O. Signage.** All signage must be in accordance with the Land Development Regulations, as
2 amended.

3 **P. Concurrency Management Requirements.** Any development must comply with the Lake
4 County Concurrency Management System, as amended.

5 **Q. Development Review and Approval.**

6 1. Prior to the issuance of any permits, the Applicant shall be required to submit a
7 preliminary plat, construction plans, and final plat generally consistent with Exhibit "B" -
8 Concept Plan for review and approval in accordance with the Comprehensive Plan and
9 LDR, as amended.

10 2. PUD Expiration: Physical development shall commence within three (3) years from the
11 date of this Ordinance approval. Failure to commence construction within three (3) years
12 of approval shall cause the revocation of this ordinance, in accordance with the
13 Comprehensive Plan or superseding documents amended. Prior to expiration of the
14 three-year time frame, the Board of County Commissioners may grant, via a Public
15 Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a
16 showing that reasonable efforts have been made towards securing the required
17 approvals and commencement of work.

18 **Section 2. Conditions.**

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

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

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

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

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

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

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

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

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

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

7 **EFFECTIVE** _____, 2020.

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BOARD OF COUNTY COMMISSIONERS

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LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, CHAIRMAN

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16 **ATTEST:**

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20 **GARY J. COONEY, CLERK OF THE**
21 **BOARD OF COUNTY COMMISSIONERS**
22 **LAKE COUNTY, FLORIDA**

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26 **APPROVED AS TO FORM AND LEGALITY:**

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30 **MELANIE MARSH, COUNTY ATTORNEY**

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Exhibit “A” – Legal Description

Lot Tract 61-A, Map of Section 20 Township 22 South Range 26 East Lake County, Florida, according to the map or plat thereof, as recorded in Plat Book 3, Page 30, of the Public Records of Lake County, Florida.

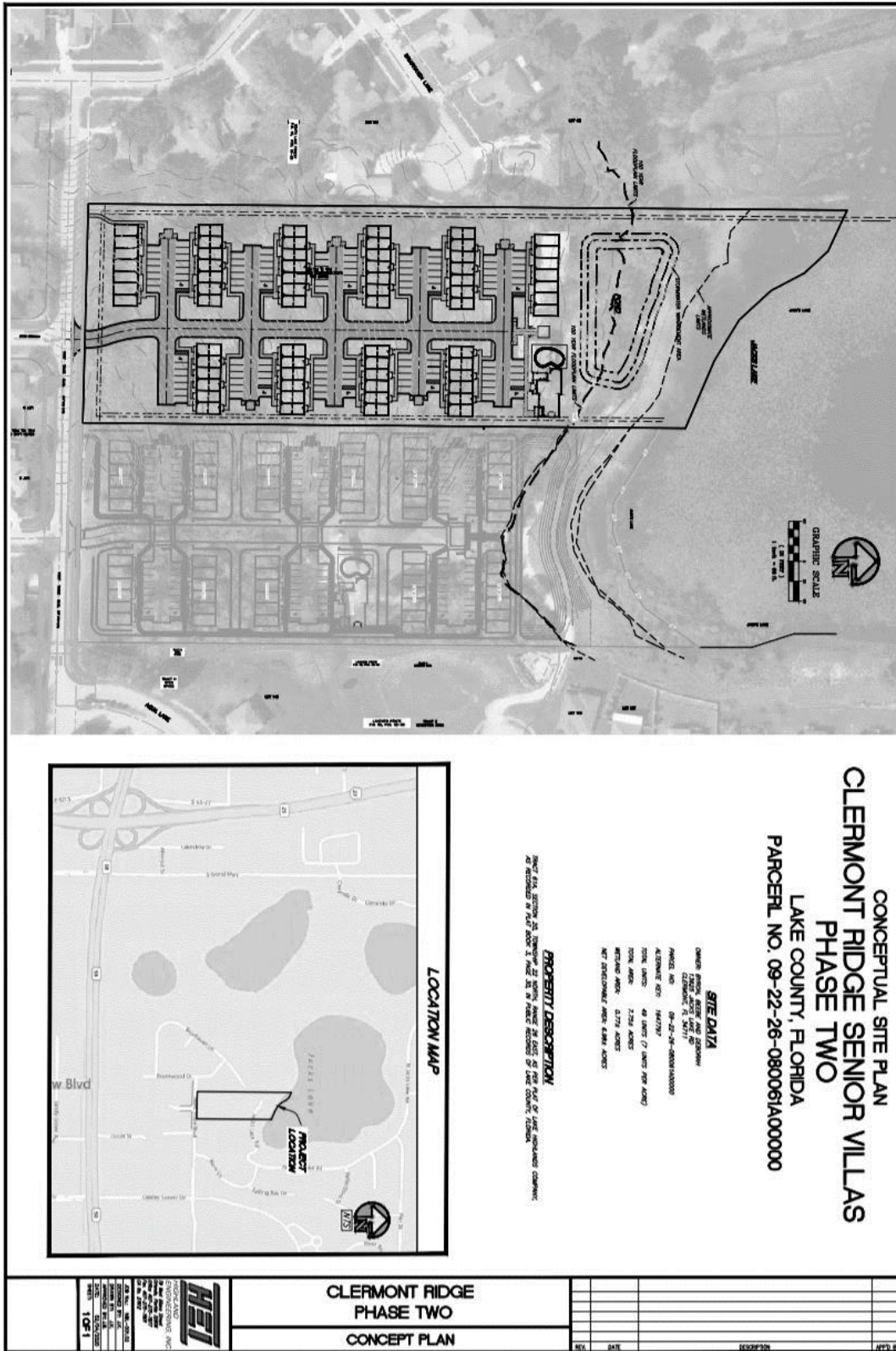
Together with that portion of the now vacated road lying South of and contiguous too said Tract 61-A and lying West of and contiguous too said Tract 61-A, from the South line of said Section 20 to the high water line of Jacks Lake.

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Together with that portion of the now vacated lands lying between the North line of said Tract 61-A and the waters of Jacks Lake, bounded on the West by an extension of the West line of said Tract 61-A and the high water line of the waters of Jacks Lake.

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Exhibit “B” – Concept Plan



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