



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021
Board of County Commissioners (BCC): September 7, 2021

Case No. and Project Name: RZ-21-05-4 Mt Ines PUD

Applicant: Poulos and Bennett Engineering, c/o Kathy Hattaway

Owner: Kurly Key Properties, LLC

Requested Action: Rezone approximately twenty (20) acres from Light Industrial (LM) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision.

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

Case Manager: Michele Janiszewski, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 20.13 Gross Acres

Location: North of Robie Avenue, in the Mount Dora area

Alternate Key No.: 1124786 & 1048419

Current Future Land Use: Regional Office

Proposed Future Land Use: Urban Low Density

Current Zoning District: Light Industrial (LM)

Proposed Zoning District: Planned Unit Development (PUD)

Flood Zone: "X"

Joint Planning Area / ISBA: Mount Dora Joint Planning Area (JPA)

Overlay Districts: Wekiva Study Area and Partially within a Major Commercial Corridor

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	City of Mount Dora and Regional Office	City of Mount Dora and Light Industrial (LM)	Vacant and Residential	
South	Regional Office	LM, Rural Residential (R-1), and Agriculture (A)	Residential	
East	Urban Low	Community Facility District (CFD)	Assisted Living Facility	Neulife Rehab
West	Urban Low	Mixed Residential (R-7)	Residential	Robie Terrance Subdivision

Staff Analysis

The subject property (identified by Alternate Key Numbers 1124786 and 1048419) contains approximately 20.13 acres with no wetlands or waterbodies. The subject property is located North of Robie Avenue, in the Mount Dora area. The subject property is located within the Mount Dora JPA and the application was provided to the City of Mount Dora for comments. The City of Mount Dora provided comments stating that a covenant to annex will be required with the utility connection and future development applications will be reviewed by the City to ensure consistency with their standards.

The subject property is currently zoned Light Industrial and is part of the Regional Office Future Land Use Category. The Applicant is seeking to develop the property with a low-density residential subdivision (80 dwelling units) at a density of 4.0 dwelling units per net acre and has submitted applications to amend the Future Land Use Category from Regional Office to Urban Low Density and rezone the property from Light Industrial (LM) to Planned Unit Development (PUD). Both applications will be presented to the Board of County Commissioners on September 7, 2021, for consideration.

Standards for Review (LDR Section 14.03.03)

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

The application is consistent with the current development standards contained within the LDR.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category allows residential development at a maximum density of four (4) dwelling units per net acre. The Applicant is proposing to develop the property with a residential subdivision at a density of 3.4 dwelling units per net acre, consistent with the Urban Low FLUC.

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

The application seeks to develop the subject property with a low-density residential development, consistent with the proposed Urban Low Density Future Land Use Category.

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

The Applicant seeks to develop the property with residential uses in lieu of office uses. The subject property is located within an area designated as the 'Wolf Branch Innovation District' (WBID) which is an area of unincorporated Lake County intended to be developed as a mixed-use employment center within Central Florida in conjunction with the completion of the Wekiva Parkway Extension. The Wolf Branch Innovation District Implementation Plan, dated September 20, 2019, concluded that the area had an abundance of Regional Office FLUC and recommended that seventy-three (73) parcels, including the subject property, change their FLUC from Regional Office to a low density, residential category to better accommodate the growth in the area. The rezoning application is consistent with the Wolf Branch Innovation District Implementation Plan recommendations and the proposed Urban Low FLUC.

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.

The rezoning will not adversely impact the County's adopted levels of service for schools, parks, recreation, police, drainage, solid waste, and fire and emergency medical facilities. Any future development of this property will require an analysis to demonstrate that the proposed development does not adversely impact the County's adopted levels of service.

Water and Sewer: The City of Mount Dora has indicated that central water and central sewer are available to the subject property. The Urban Low Density Future Land Use Category requires all development to connect to a potable water service and regional wastewater provider.

Schools: Lake County Schools reviewed the application and stated that the development will be subject to school concurrency prior to final development order approval.

Parks: The proposed comprehensive plan amendment is not anticipated to adversely impact park capacity or levels of service.

Solid Waste: The proposed rezoning is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety: Mount Dora Fire Department is located 2.6 miles from the subject property and Lake County Fire Rescue Station (LCFR Station #39) is located 7.3 miles from the subject property.

Transportation Concurrency: Public Works reviewed the application and noted that the standard Level of Service (LOS) for the impacted roadway of US 441 is "D" with capacity of 1200 trips in the peak direction. Currently the impacted segment from the Orange County Line to SR 46 is operating at "C" sixty seven percent (67%). This project will be generating approximately sixty-nine (69) pm peak hour trips, in which forty-three (43) trips will impact the peak hour direction. The applicant will be required to complete a Tier 1 traffic study prior to preliminary plat approval.

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

Any sensitive resources will be addressed through the development review process. New development will be required to meet all criteria contained within the Comprehensive Plan and LDR, as amended.

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

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

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

The area is surrounded by a mixture of zoning districts including R-7, CFD, LM, R-2, and A but the area is primarily developed with residential uses, assisted living facilities, or is vacant. Although the properties to the north and south of the subject property are zoned LM, the WBID Implementation Plan determined that those properties would best be developed with residential uses at a maximum density of four (4) dwelling units per net acre which is consistent with the application.

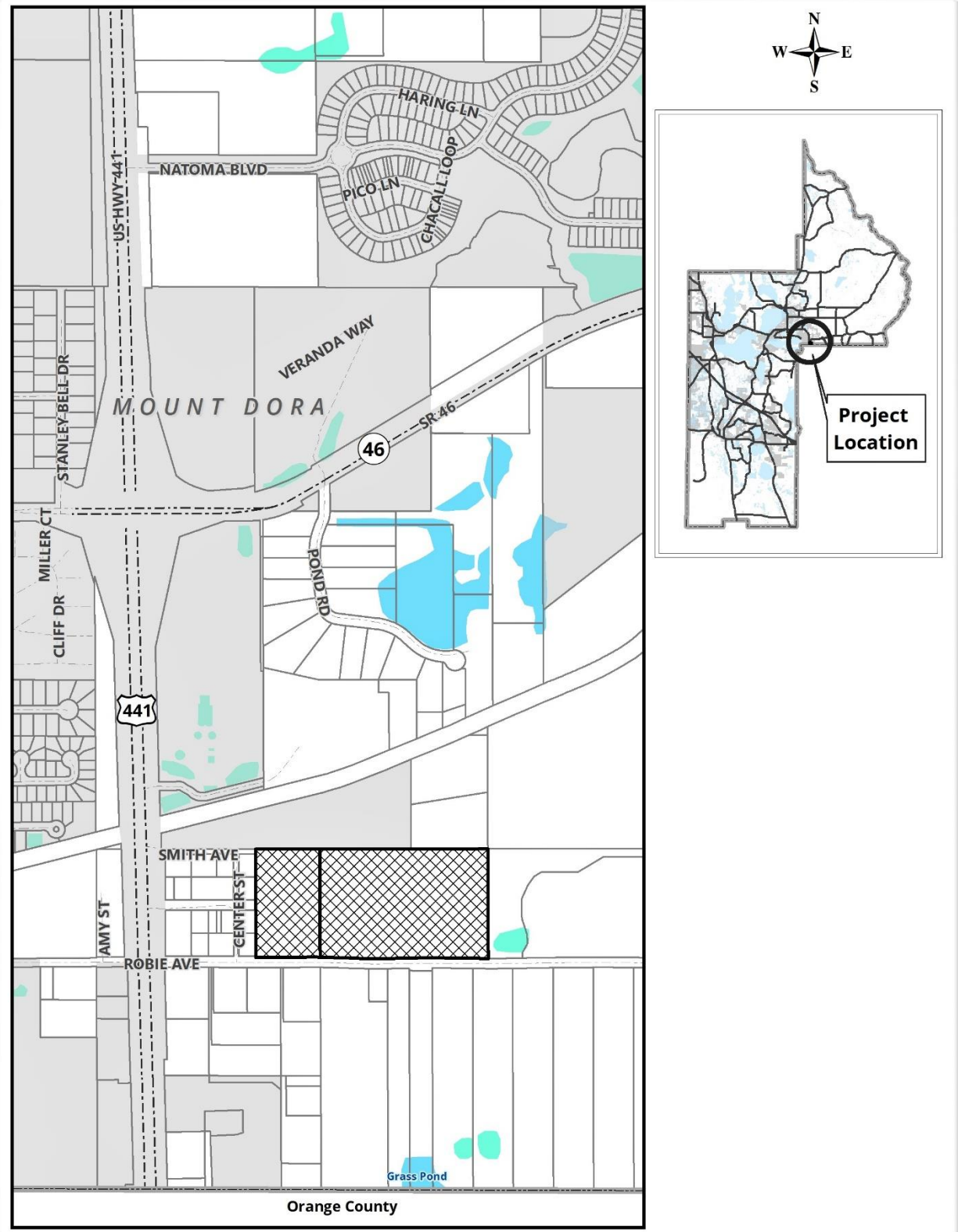
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

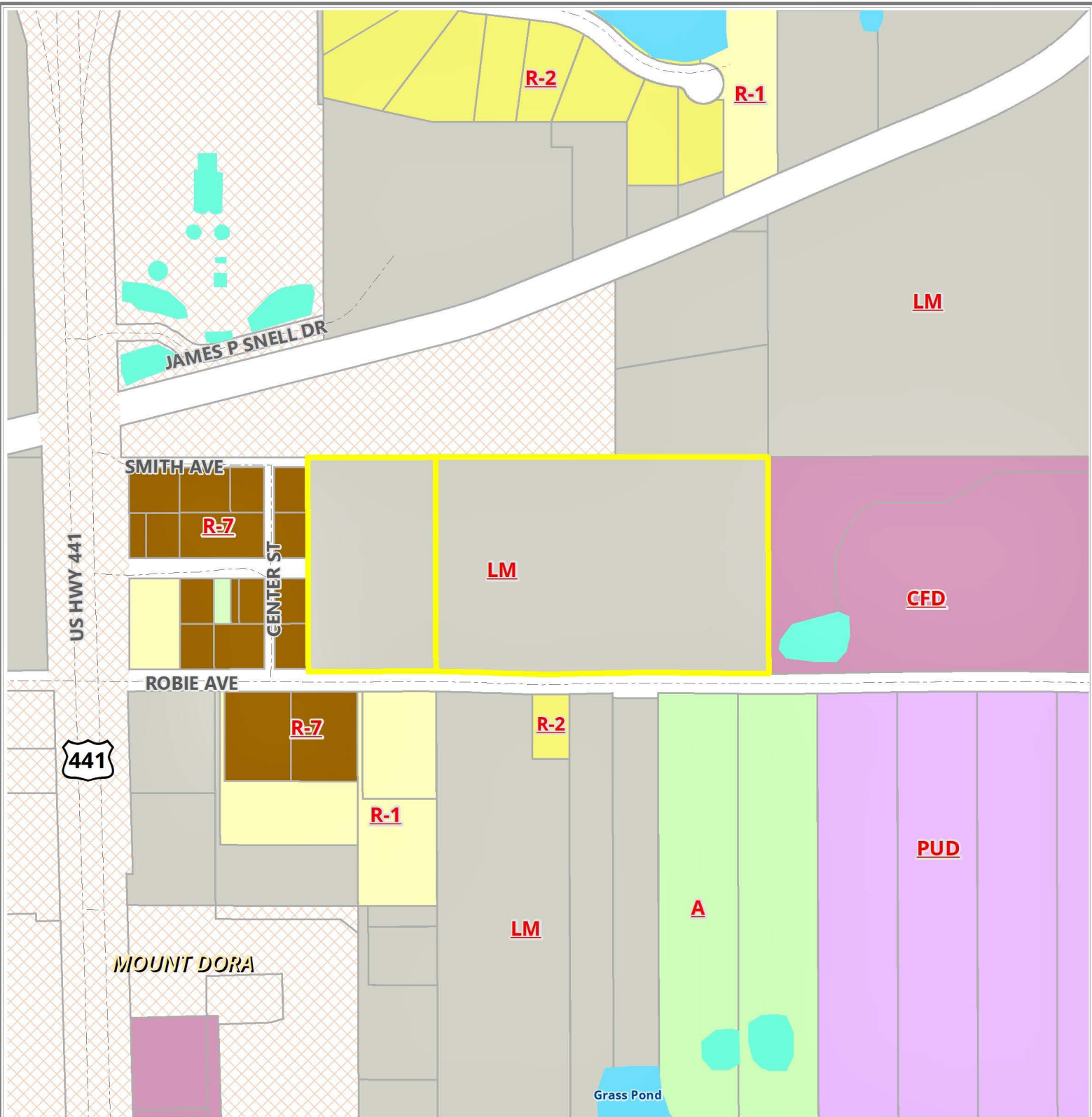
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

Not at this time.

Map of Subject Property.



CURRENT ZONING



Zoning Legend

A R-1 R-2 R-7 LM CFD PUD

NAME: **MT INES SUBDIVISION PROPERTY**

DISTRICT: **4**

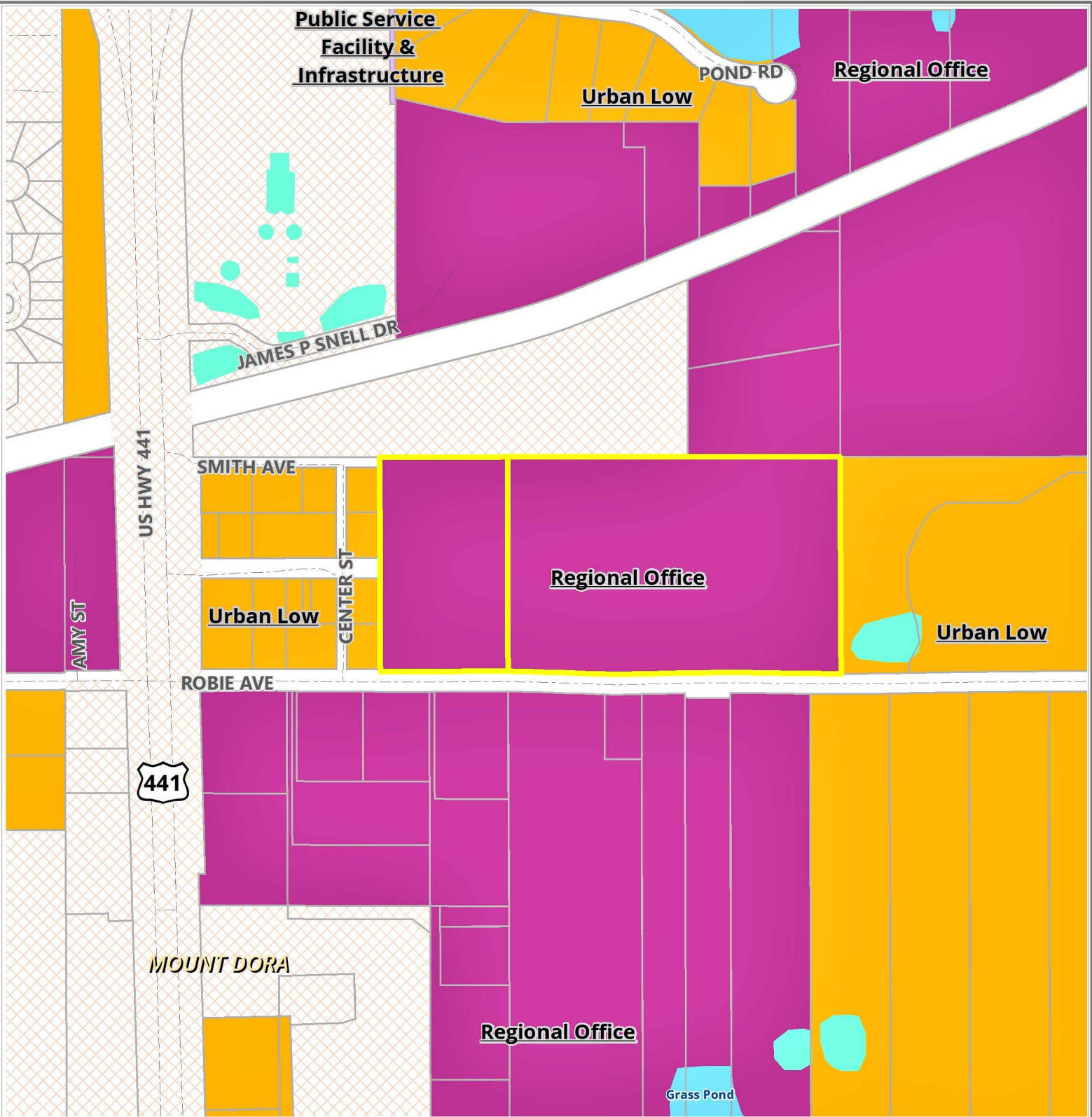
CASE NUMBER: **RZ-21-05-4**

LOCATION (S-T-R): **33-19-27**

REQUEST: **LIGHT INDUSTRIAL (LM) TO PLANNED UNIT DEVELOPMENT (PUD)**



CURRENT FUTURE LAND USE



Future Land Use

 Regional Office  Urban Low  Public Service Facility Infrastructure

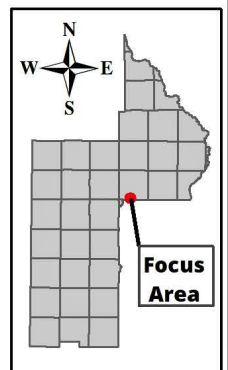
NAME: **MT INES SUBDIVISION PROPERTY**

DISTRICT: **4**

CASE NUMBER: **RZ-21-05-4**

LOCATION (S-T-R): **33-19-27**

REQUEST: **LIGHT INDUSTRIAL (LM) TO PLANNED UNIT DEVELOPMENT (PUD)**



ORDINANCE NO. 2021 - _____
Mt. Ines PUD
RZ-21-05-4

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

WHEREAS, Kathy Hattaway, Poulous and Bennett (the 'Applicant'), on behalf of Kurly Key Properties, LLC (the 'Owner'), has requested to rezone approximately twenty (20) acres from Light Industrial (LM) to Planned Unit Development (PUD) to facilitate the development of a residential subdivision; and

WHEREAS, the subject property consists of 20 +/- acres located north of Robie Avenue in the Mount Dora area, situated in Section 33, Township 19 South, Range 27 East, and more particularly described below:

The East 380 Feet of the SE ¼ of NW ¼ of SW ¼ and the W ¾ of S ½ of NE ¼ of SW ¼, Section 33, Township 19 South, Range 27 East, Lake County, Florida.

WHEREAS, the property is located within the Urban Low Density Future Land Use Category, as designated by Ordinance 2021-XX; and

WHEREAS, the Lake County Planning and Zoning Board did, on the 4th day of August 2021, review Petition RZ-21-05-4 after giving Notice of Hearing on petition for a rezoning, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 7th day of September 2021; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, Staff Report 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.

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 tracts of land, as described in Exhibit "A", subject to the following terms:

Section 1. Terms. The County Manager or designee shall amend the Zoning Map from Light Industrial (LM) to Planned Unit Development (PUD) in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit 'B'.

A. Land Use.

1. The subject property may be developed with a maximum of 80 single-family dwelling units, not to exceed four (4) dwelling units per net acre.
2. Passive and active recreation uses developed in conjunction with the residential subdivision shall be permitted.

B. Development Standards.

1. Impervious Surface Area: Maximum ISR shall be 0.60 for the overall development. Individual lots may be developed at a higher ISR as long as the Developer demonstrates that the overall ISR of the development will not exceed 0.60.

- 1 2. A minimum of twenty-five (25) percent of the net buildable area shall be designated as Open Space.
- 2 Open Space standards shall adhere to the definition in the Comprehensive Plan, as amendment.
- 3 3. A twelve (12) trail shall be installed along the north side of Robie Avenue, adjacent to the property. No
- 4 sidewalk or trail is required to be installed on the south side of Robie Avenue. Sidewalks shall be
- 5 installed and along both sides of the internal roads.
- 6 4. The maximum building height is forty (40) feet.
- 7 5. Each residential lot shall be a minimum of fifty (50) feet wide and a minimum of one hundred twenty
- 8 (120) feet deep.
- 9 6. Setbacks for the dwelling units shall be as follows:

Front	25 feet from right-of-way or front property line, whichever is greater
Side	5 feet from the property line
Rear	5 feet from the property line
Secondary Frontage	15 feet from the right-of-way or property line, whichever is greater

- 10
- 11 **C. Landscaping.** Landscape buffering shall be installed and maintained in accordance with the requirements of
- 12 the Land Development Regulations (LDR), as amended.
- 13 **D. Transportation.**
- 14 1. All access management shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 15 2. Additional right-of-way for Robie Avenue may be required.
- 16 3. The developer shall submit a required traffic impact analysis with future development applications and
- 17 plans, as amended.
- 18 **E. Environmental Requirements.** An environmental survey shall be conducted in accordance with the LDRs, as
- 19 amended, to address natural vegetative communities, wildlife corridors, and designated species prior to
- 20 submittal of any development application.
- 21 **F. Utilities.** Central water and sewer shall be provided to the development prior to construction plan and/or site
- 22 plan approval. A copy of the utility service agreement shall be provided to the County.
- 23 **G. Storm Water and Drainage Requirements.** The stormwater management system shall be designed in
- 24 accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD)
- 25 requirements, as amended.
- 26 **H. External Lighting Standards and Requirements.**
- 27 1. Exterior lighting shall comply with the LDR, as amended.
- 28 2. All light fixtures, including security lighting, shall be limited to cutoff type fixtures and shall be
- 29 incorporated as an integral design element that complements the design of the development through
- 30 style, material, and color. Luminaries shall not be tilted. Floodlights or lighting types featuring sag,
- 31 convex, or drop lenses shall be prohibited.

1 3. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be
2 submitted with any site plan or construction plan application. Such plan shall consist of a photometric
3 plan of the developed area of the site with accompanying data tables and product design details
4 addressing support poles, lamp fixtures and lenses.

5 **I. Development Review and Approval.** Prior to the issuance of any permits, the Developer shall be required to
6 submit a formal site plan or preliminary plat, construction plans, and final plat, for review and approval to Lake
7 County. The site plan or preliminary plat, construction plans, and final plat shall meet all submittal requirements
8 and comply with all County codes and ordinances, as amended.

9 **J. Concurrency Management.** The Owner and Developer shall comply with concurrency management
10 regulations and shall be subject to all applicable concurrency requirements as set forth in the LDRs.

11 **K. PUD Expiration.** Physical development shall commence within three (3) years from the date of this Ordinance
12 approval.

13 1. Failure to commence construction within three (3) years of approval shall cause the revocation of this
14 ordinance, in accordance with the Comprehensive Plan or LDR requirements.

15 2. Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via a
16 Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing
17 that reasonable efforts have been made towards securing the required approvals and commencement
18 of work.

19
20 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:

21 **A.** After establishment of the facilities as provided hereinA, the aforementioned property shall only be used for the
22 purposes named in this Ordinance.

23 **B.** No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or
24 demolish any building structure, or alter the land in any manner (except for normal maintenance activities – i.e.
25 painting screening, etc.) within the boundaries of the above described land without first submitting the necessary
26 plans in accordance with requirements of Lake County, and obtaining the permits required from the other
27 appropriate governmental agencies.

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

31 **D.** Construction and operation of the proposed use shall always comply with the regulations of this and other
32 governmental permitting agencies.

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

38 **F.** The Lake County Code Enforcement Special Master shall have the authority to enforce the terms and conditions
39 set forth in this Ordinance and to recommend that the Ordinance be revoked.

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

4 **SECTION 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a copy
5 of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
6 Florida Statutes.

7 **SECTION 5. Effective Date.** This Ordinance shall become effective as provided by law.

8
9 **ENACTED** this _____ day of _____, 2021.
10
11 **FILED** with the **Secretary of State** _____, 2021.
12
13 **EFFECTIVE** _____, 2021.

14
15
16 **BOARD OF COUNTY COMMISSIONERS**
17 **LAKE COUNTY, FLORIDA**

18
19
20 _____
21 **Sean Parks, Chairman**

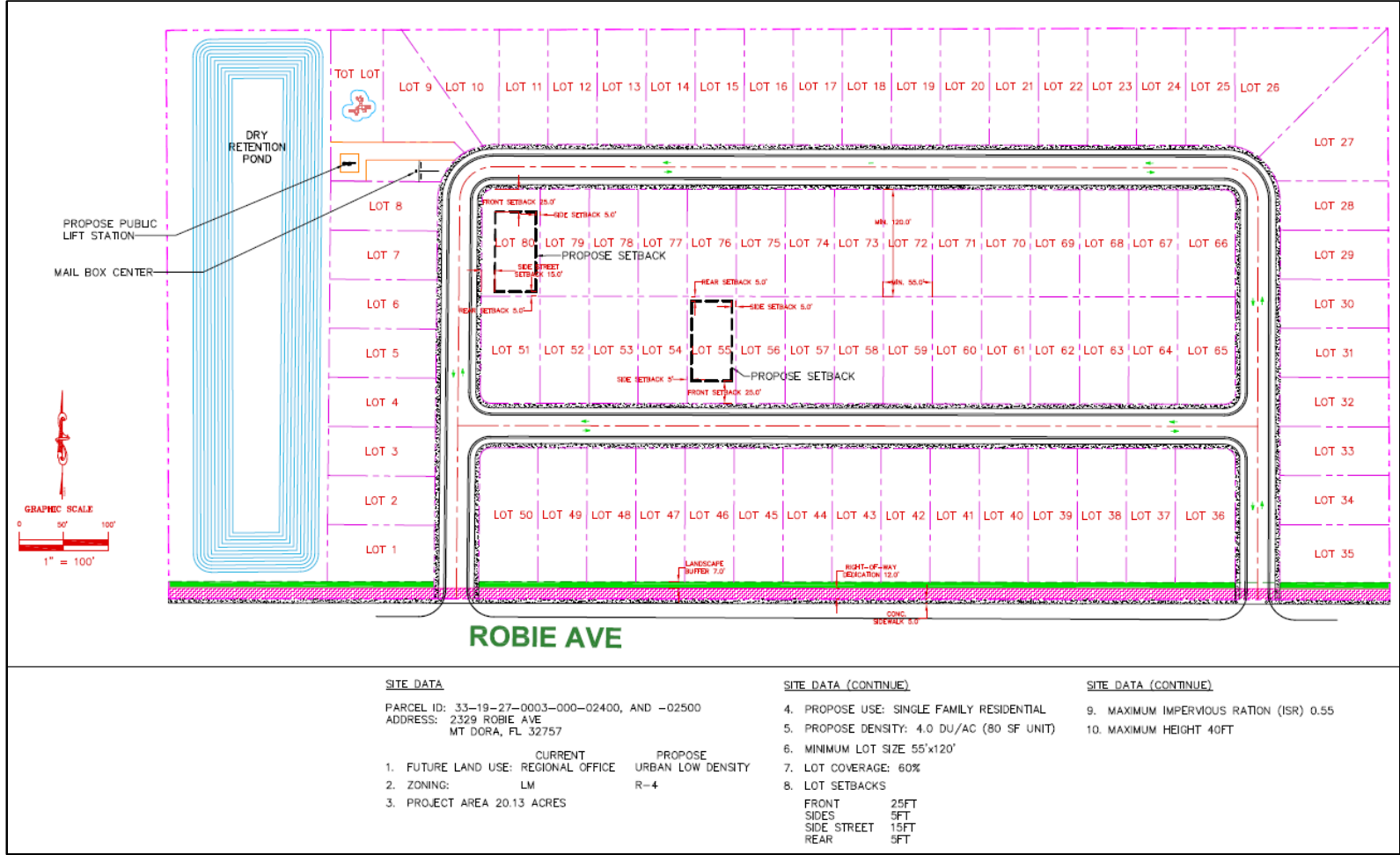
22
23
24
25
26
27 **ATTEST:**

APPROVED AS TO FORM AND LEGALITY

28
29
30 _____
31 **GARY COONEY, Clerk of the**
32 **Board of County Commissioners**
33 **Lake County, Florida**

MELANIE MARSH, County Attorney

EXHIBIT A. Concept Plan.



SITE DATA

PARCEL ID: 33-19-27-0003-000-02400, AND -02500
 ADDRESS: 2329 ROBIE AVE
 MT DORA, FL 32757

- | | |
|-------------------------------------|---------------------------|
| 1. FUTURE LAND USE: REGIONAL OFFICE | PROPOSE URBAN LOW DENSITY |
| 2. ZONING: LM | R-4 |
| 3. PROJECT AREA 20.13 ACRES | |

SITE DATA (CONTINUE)

4. PROPOSE USE: SINGLE FAMILY RESIDENTIAL
5. PROPOSE DENSITY: 4.0 DU/AC (80 SF UNIT)
6. MINIMUM LOT SIZE 55'x120'
7. LOT COVERAGE: 60%
8. LOT SETBACKS

FRONT	25FT
SIDES	5FT
SIDE STREET	15FT
REAR	5FT

SITE DATA (CONTINUE)

9. MAXIMUM IMPERVIOUS RATION (ISR) 0.55
10. MAXIMUM HEIGHT 40FT