



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

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

Case No. and Project Name: RZ-21-17-4, Bernfeld, Hastings, Highsmith Property PUD

Applicant: Greg Beliveau, AICP, LPGURP

Owner: Harvey Bernfeld, Theresa R. & Hunter L. Hastings, Genita M. & Billy A. Highsmith

Requested Action: Rezone Agriculture (A) zoned property to Planned Unit Development (PUD) to facilitate a mixed-use development, and approve a waiver to the central potable water and sewer connection requirement.

Staff Determination: Staff finds the rezoning application consistent with the LDR and Comprehensive Plan.

Case Manager: Steve K. Greene, AICP, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 15.35 +/- acres

Location: Southeast corner of the SR 46 / SR 453 intersection

Alternate Key No.: 1510244, 1510546, 1124174, and 1708923

Future Land Use Category: Regional Office

Existing Zoning District: Agriculture (A)

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area/ISBA: Mount Dora Interlocal Service Boundary Area (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Office	Planned Industrial (MP)	Industrial	Light Manufacturing (across SR 46)
South	Regional Office	Agriculture (A)	Residential	Single-Family Dwellings (large agriculture lots)
East	Regional Office	A	Residential	Single-Family Dwellings (large agriculture lots)
West	Regional Office	A	Residential	Single-Family Dwellings (large agriculture lots) across SR 453

– Summary of Analysis –

The subject property, identified by Alternate Key Numbers 1510244, 1510546, 1124174, and 1708923 is located at the southeast corner of the SR 46/SR 453 intersection, in the unincorporated Mount Dora area. The Applicant seeks to rezone 15.35-acres of property from Agriculture (A) to Planned Unit Development (PUD) zoning to accommodate a non-residential mixed-use development. The four parcels are currently developed with primary residential uses and non-intensive agriculture use. The rezoning application proposes a three (3) phased development program of the following uses:

Proposed Uses	Square Footage
Medical, Religious, and Daycare	136,600
Retail, Consumer, and Personal Services	20,000

- Analysis -

Land Development Regulations (LDR) Section 14.03.03 Standards for Review.

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

The proposed rezoning to PUD for a mixed-use development is consistent with LDR Section 4.03.01. Based on the concept plan (Attachment “A”), the development demonstrates a diversification of uses, development phasing, and 20% open space is to be provided. The proposed 20% open space exceeds the minimum 15% required by the Regional Office Future Land Use Category.

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

The subject parcel is designated as Regional Commercial Future Land Use pursuant to the Future Land Use Map contained in the 2030 Comprehensive Plan (Comp Plan). The mixed-use PUD zoning is consistent with Regional Commercial Policy I-1.3.6. The location of the proposed PUD zoning district at the intersection of SR 46 and SR 453 demonstrates consistency with the location criteria for Regional Office uses pursuant to the Comp Plan policy. The application contained an environmental assessment consistent with requirements of Conservation Element Policy III-3.2.5, that identified the flora and fauna on site. The EA did not reveal any threatened, endangered or species of special concern, but it did specify the need for an updated EA during the site development process after rezoning approval. As previously indicated, the concept plan proposes 20% open space, greater than the minimum 15% required by the future land use. Additionally, the application proposes to only develop 40% of the property with impervious surfaces, which is less than the 75% maximum.

The Regional Office Future Land Use requires connection to central potable water and central sewer services pursuant to Comp Plan Policy IX-2.2.3 and IX-3.1.2. The Applicant provided information that indicates central services (potable water and sewer) by the City of Mount Dora are not within the required connection distance (reference Attachment “B”), thus, the central services are not available at this time. The Applicant has submitted a request to waive the connection requirement until the central utility services become available (Reference Attachment “C”).

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

The proposed non-residential uses are inconsistent with the current Agriculture zoning and existing residential dwellings of the four parcels. The Agriculture zoning is non-conforming with the Regional Office future land use. As such, the proposed PUD rezoning will correct the non-conforming zoning to accommodate the future mixed-use development.

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

There does not appear to be a non-residential rezoning trend within the immediate surrounding area over the last five years. However, the PUD rezoning is submitted pursuant to the County’s long-range development vision for this area of the County.

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 proposed rezoning seeks to waive the central utility connection requirement until services become available by the City of Mount Dora. Until such time when the central services become available potable water and septic tank provisions will be required via permitting by the Florida Department of Health – Lake County.

Office of Public Safety

Fully staffed Fire Station #39, at 31431 Walton Heath Ave, in Sorrento is approximately 4 miles east subject parcels. Hydrants are approximately 0.4 miles away, making the use of our Tanker Task Force necessary. In the event of a fire, Lake County Fire Rescue would provide a minimum of four 1000-gallon water capacity engines, three 3,000-gallon water capacity tankers and one 6,000-gallon Super Tanker.

Parks

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

Solid Waste

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

Transportation Concurrency

All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

Sidewalks will be required per Land Development Regulations Commercial Design Standards, as amended.

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

This property has been disturbed by previous residential and agriculture development. However, an updated environmental statement will be requested with the submittal of the future development application.

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

There is no information within the application regarding the rezoning effect on property values.

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

The proposed rezoning will not alter the future development pattern established by the Regional Office future land use.

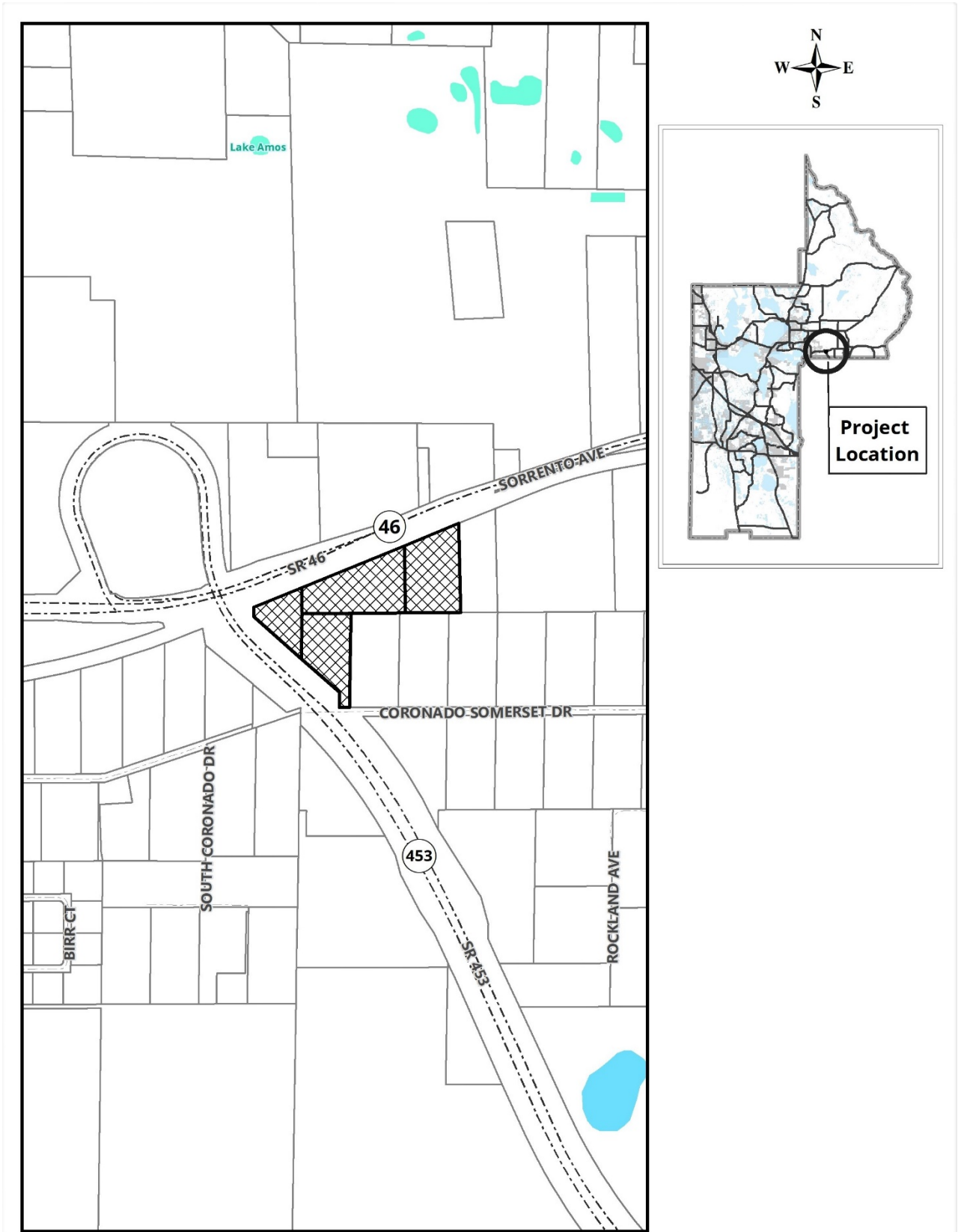
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The request is in harmony with the general intent of the Comp Plan and LDR, as stated in Sections A through H above.

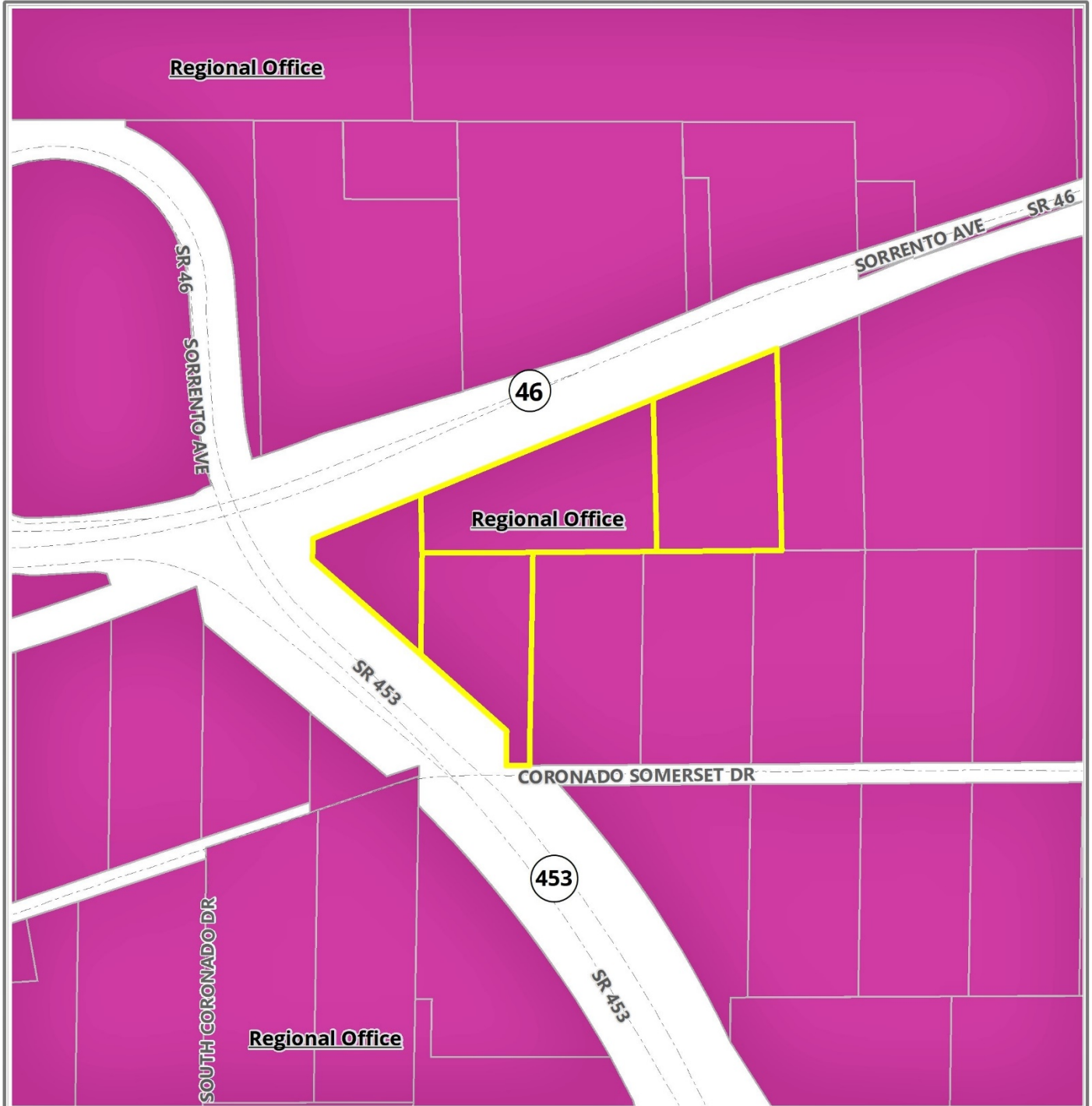
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The Applicant seeks a waiver to the central water and central sewer connection requirements per Comp Plan Policy IX-2.2.3 and IX-3.1.2. The Applicant provided information that indicates central services (potable water and sewer) by the City of Mount Dora are not within the required connection distance (reference Attachment "B"), thus, the central services are not available at this time. The Applicant's waiver request is provided as Attachment "C" of this report.

Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Regional Office

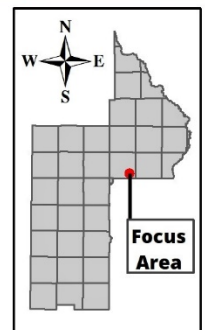
NAME: **BERNFELD, HASTINGS & HIGHSMITH PROPERTY**

DISTRICT: **4**

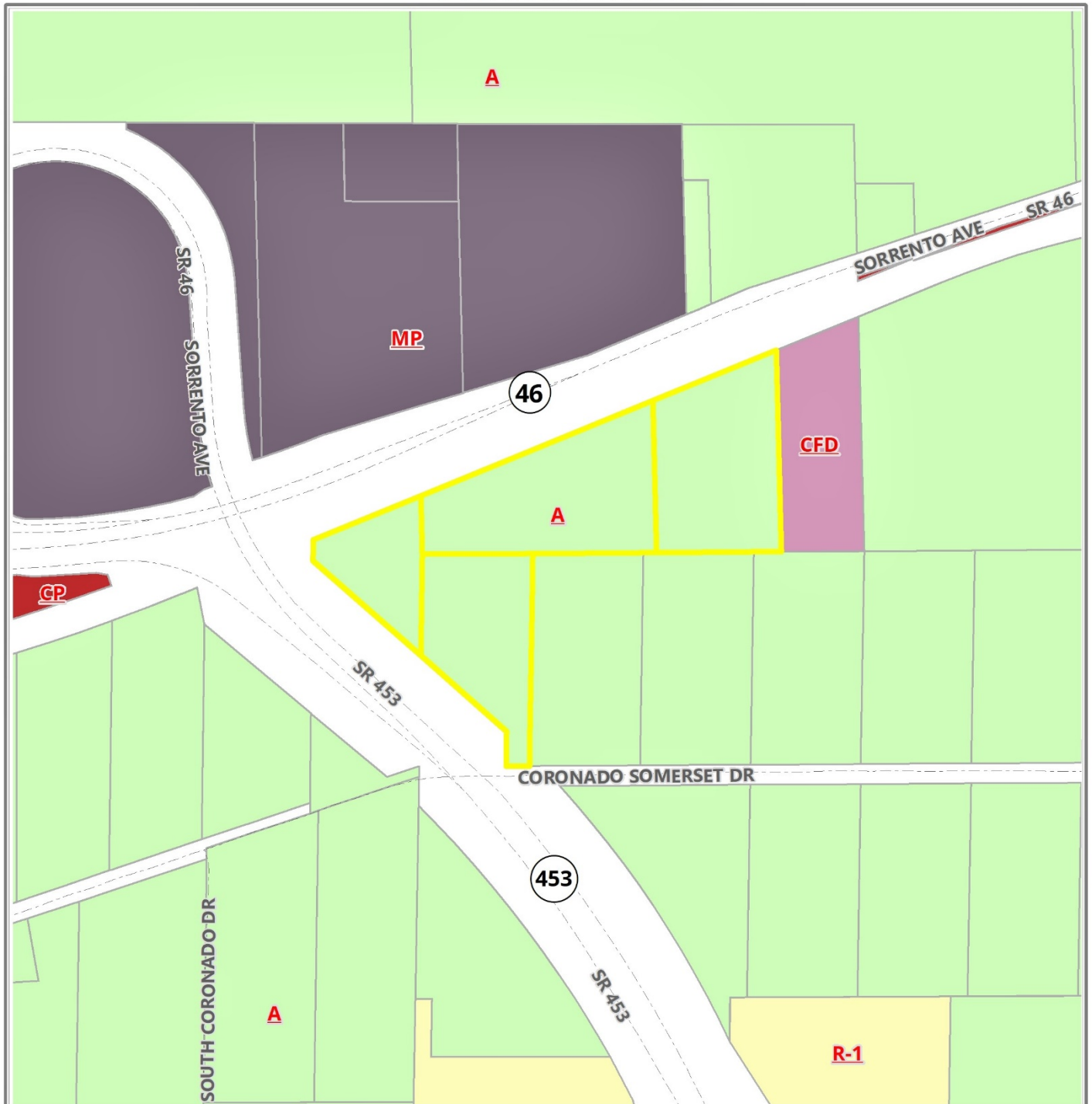
CASE NUMBER: **RZ-21-17-4**

LOCATION (S-T-R): **26, 35-19-27**

REQUEST: **AGRICULTURE (A) TO PLANNED UNIT DEVELOPMENT (PUD)**



CURRENT ZONING



Zoning Legend

■ A ■ R-1 ■ CP ■ MP ■ CFD

NAME: BERNFELD, HASTINGS & HIGHSMITH PROPERTY

DISTRICT: 4

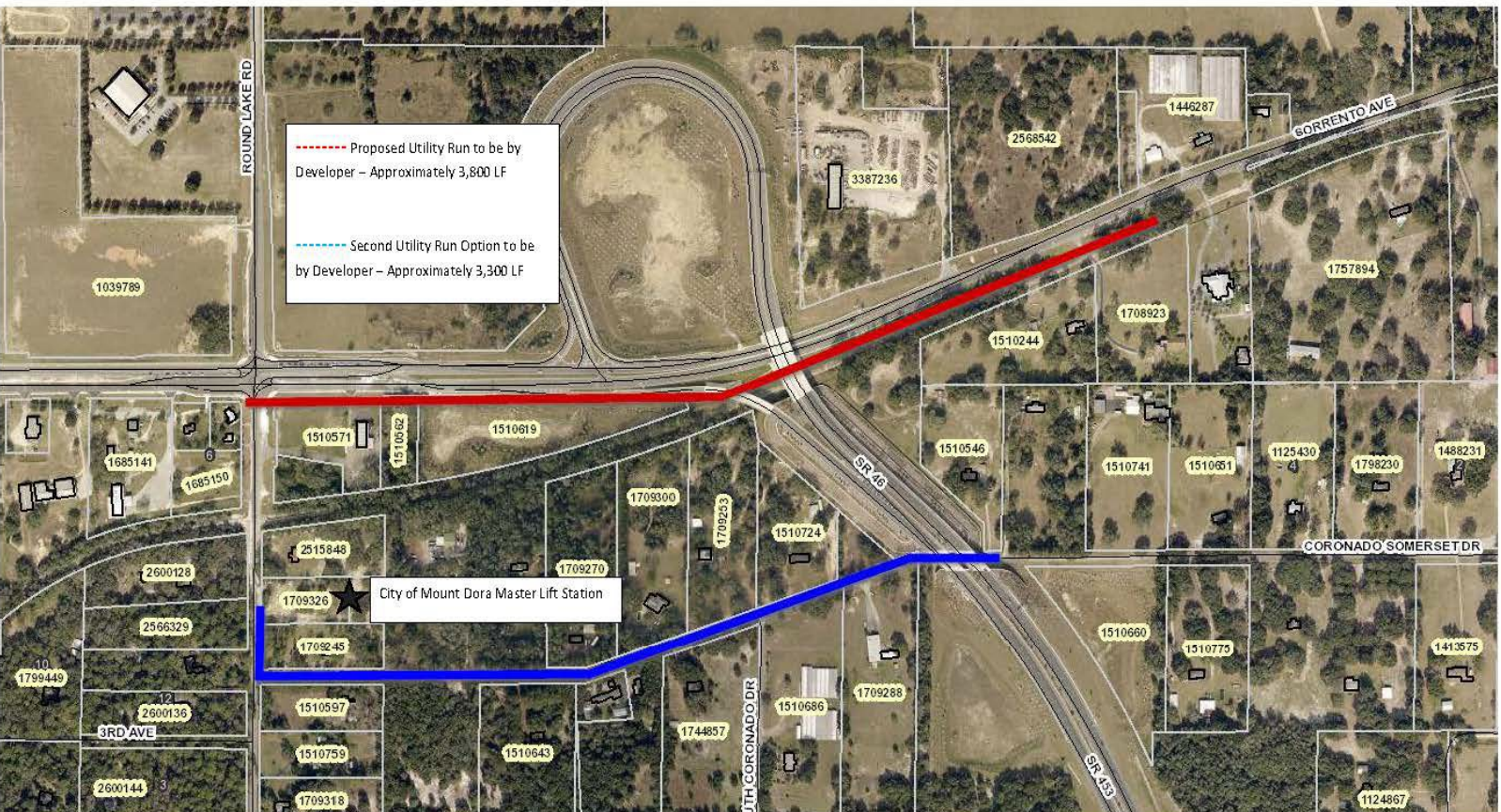
CASE NUMBER: RZ-21-17-4

LOCATION (S-T-R): 26, 35-19-27

REQUEST: AGRICULTURE (A) TO PLANNED UNIT DEVELOPMENT (PUD)



Attachment "B" — Utility Connection Distance Map



Attachment "C" – Utility Connection Waiver Request



June 24, 2021

Sent Via Email

MEMORANDUM

TO: Steve Greene, AICP, Chief Planner, Lake County Office of Planning & Zoning
FROM: Greg A. Beliveau, AICP, President LPG, Urban & Regional Planners, Inc.

RE: Utility Connection Waiver Request Justification: PUD Rezoning - Bernfeld, Hastings, and Highsmith Properties Alternate Key Nos. 1510244, 150546, 11424174 and 1708923 (LPG#1887/1)

A waiver to the utility connection requirements of Policy IX-2.2.2 and IX-3.1.2 is requested for the above referenced project. As demonstrated by the enclosed executed Utility Connection Form central water and sewer are not located within the required connection distances pursuant to LDC 6.12.00. Therefore, the project cannot connect to central water and sewer. A waiver to the connection requirements is requested to allow for the use of private onsite potable water and onsite sewage disposal. The requisite \$250.00 fee is enclosed along with this justification and the executed utility connection form.

If you have any comments or questions, please do not hesitate to contact my office at 352-385-1940

Enclosures
Utility Notification Form
Fee for \$250.00

cc
Mr. & Mrs. Hunter Hastings
Mr. & Mrs. Billy Highsmith
Mr. Harvey Bernfeld
Vince Sandersfeld, City of Mount Dora

1162 Camp Ave., Mount Dora, FL 32757. Phone (352) 385-1940 Fax (352) 383-4824

1 **ORDINANCE #2021-XX**

2 **Bernfeld, Hastings, Highsmith Property PUD**

3 **RZ-21-17-4**

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

6 **WHEREAS**, the Land Planning Group, Urban and Regional Planners (LPG)., (the "Applicant")
7 submitted a rezoning application on behalf Harvey Bernfeld, Theresa R. & Hunter L. Hastings, Genita M. &
8 Billy A. Highsmith (the "Owners") to rezone property from Agriculture (A) to Planned Unit Development (PUD)
9 to facilitate a mixed-use development of non-residential uses; and

10 **WHEREAS**, the subject property consists of approximately 15.35 +/- acres located at the southeast
11 corner of the SR 46 / SR 453 intersection, known as Alternate Key Numbers 1510244, 1124174, 1510546,
12 and 1708923, and more particularly as described below;

13 **LEGAL DESCRIPTION (Exhibit "A" Attached)**

14 **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-21-17-4 on the 4th
15 day of August 2021, after giving notice of the hearing on the petition for change in zoning, including notice
16 that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 7th
17 day of September 2021; and

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

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

23 **WHEREAS**, the approval of this ordinance shall supersede and replace any and all previous zoning
24 ordinances on the subject properties.

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

27 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map in
28 accordance with this Ordinance. The uses of the property will be limited to those uses
29 specified in this Ordinance and generally consistent with the Conceptual Plan attached as
30 Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this
31 Ordinance will take precedence.

32 **A. Utility Connection Waivers.** The requested waiver from the Central Sewer Service
33 System connection requirement pursuant to LDR Section 6.12.01(B) and
34 Comprehensive Plan Policy IX-3.1.2 for development within the Urban Future Land Use
35 Series is hereby granted until such time as the service becomes available, in accordance
36 with the Comprehensive Plan and LDR, as amended.

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B. Permitted Land Uses.

1. Medical, Religious, and Daycare Use - 136,600 square feet
2. Retail, Consumer and Personal Service Use - 20,000 square feet

Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Other uses of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

C. Open Space, Impervious Surface Ratio, and Building Height. Open Space, impervious surface ratio, and building height shall be in accordance with the Comprehensive Plan and LDR, as amended.

D. Setbacks.

1. Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least 50 feet from the jurisdictional wetland line as delineated on a survey.
2. Setbacks shall be in accordance with the LDR, as amended.

E. Parking Requirements. Off-street parking must be provided in accordance with the LDR, as amended.

F. Environmental Requirements.

1. An environmental assessment dated within six (6) months of the site plan submittal will need to be submitted showing the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any state permitting or mitigation will be required before development can commence.
2. Environmental resources shall be protected in accordance with the Comprehensive Plan and LDR, as amended.
3. A tree removal permit is required prior to the removal of any trees consistent with the criteria of the LDR, as amended.

G. Landscaping, Buffering, and Screening. All new development must provide landscaping, buffering, and screening in accordance with the LDR, as amended.

H. Noise. Noise impacts must be in accordance with noise protection of the LDR, as amended.

I. Transportation.

1. All access management shall be in accordance with the Comprehensive Plan and LDR, as amended.
2. The developer shall submit a required traffic impact analysis and provide appropriate mitigation as required pursuant to the LDR, as amended.
3. Sidewalks will be required per the Commercial Design Standards in the LDR, as amended.

1 **J. Stormwater and Flood Plain Management.**

- 2 1. The stormwater management system shall be designed in accordance with all
3 applicable Lake County and St. Johns River Water Management District
4 (SJRWMD) requirements, as amended.
- 5 2. The developer shall be responsible for any flood studies required for developing
6 the site and comply with FEMA, Comprehensive Plan and LDR, as amended. Any
7 development within the floodplain as identified on the FEMA maps will require
8 compensating storage.

9 **K. Utilities.** The development shall be serviced by potable well and septic tank consistent
10 with the Florida Department of Health Regulations, as amended. However, the
11 development shall connect to central water and central sewer when services become
12 available, in accordance with the Comprehensive Plan and LDR, as amended.

13 **L. Lighting.** Exterior lighting must be in accordance with the LDR, as amended, and
14 consistent with Dark-Sky Principles.

15 **M. Signage.** All signage must be in accordance with the LDR, as amended.

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

18 **O. Development Review and Approval.** Prior to the issuance of any permits, the Owner
19 shall submit a development application for site plan review generally consistent with the
20 Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the
21 Comprehensive Plan and LDR, as amended.

22 **P. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific
23 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
24 County Comprehensive Plan and LDR shall include any future amendments to the
25 Statutes, Code, Plans, or LDR.

26 **Section 2. Conditions.**

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

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

37 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with
38 the land and the terms, conditions, and provisions of this Ordinance, and will be binding
39 upon the present Owner and any successor, and will be subject to each and every
40 condition in this Ordinance.

1 D. The transfer of ownership or lease of any or all of the property described in this
2 Ordinance must include in the transfer or lease agreement, a provision that the
3 purchaser or lessee is made good and aware of the conditions established by this
4 Ordinance and agrees to be bound by these conditions. The purchaser or lessee may
5 request a change from the existing plans and conditions by following procedures
6 contained in the LDR, as amended.

7 E. The Lake County Code Enforcement Special Master will have authority to enforce the
8 terms and conditions set forth in this ordinance and to recommend that the ordinance
9 be revoked.

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

13 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
14 Ordinance to the Secretary of State for the State of Florida in accordance with Section
15 125.66, Florida Statutes.

1 **Section 5. Effective Dates. This Ordinance will become effective as provided by law.**
2 **ENACTED** this _____ day of _____, 2021.
3 **FILED** with the Secretary of State _____, 2021.
4 **EFFECTIVE** _____, 2021.

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

8 _____
9 **SEAN M. PARKS, CHAIRMAN**

10 **ATTEST:**

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

17
18 **APPROVED AS TO FORM AND LEGALITY:**

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20
21 _____
22 **MELANIE MARSH, COUNTY ATTORNEY**

Exhibit “A” — Legal Description

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Alt Key #1124174 Located at State Road 453, Sorrento, Florida
That part of the following described parcel of land lying Northerly of the property as contained in that certain order of Taking recorded in the Official Records Book 4854, Page 2285, The Public Records of Lake County, Florida.

Begin at the Northeast corner of the Northwest ¼ of Section 35, Township 19 South, Range 27 East; run South along the East line of said Northwest ¼ a distance of 669.74 feet; run thence South 70°23'74" West, thence North 0°10'10" West, 820.05 feet, more or less, to Southerly right of way S>C>L>R>R>, thence North 66°31'40" East, along the Southerly right of way, 349.92 feet; Thence South 02°26'30" East, 173.77 feet. More or less, to a point of beginning, also described as Lot 13, according to an unrecorded Plat of Sorrento Ranchos.

AND

Alt Key #1510244 Located at 22540 Sorrento Avenue, Sorrento, Florida
Begin at the Southwest corner of the Southwest ¼ of the Southeast ¼ of Section 26, Township 19 South, Range 27 East; Run thence North 88°24' East, 704.22 feet; thence North 02°25' West; 454,86 feet to the Southerly right-of-way line of the Seaboard Coast Line Railroad; thence Southwesterly along the right-of-way line 754.40 feet to the West Line of said Southwest ¼ of Southeast ¼; thence South along the West Line 173.77 feet to the Point of the Beginning; also described as Lot 14, according to an unrecorded plat of Sorrento Ranchos, in Lake County, Florida.

AND

Alt Key #1510546 Located at 22521 Coronado Somerset Drive, Sorrento, Florida
Begin at Northwest corner of the Northwest ¼ of the Northeast ¼ of Section 35, Township 19 South, Range 27 East, run hence South 0°10'10" West along said Northwest ¼ of the 00°10'10" West.669.57 feet to the North line of said Northwest ¼ of the Northeast ¼; thence South 88°24' West along said North line, 332.27 feet to the Point of Beginning also described as Lot 15, of the unrecorded Plat of Sorrento Ranchos.

Less that portion of the above described property as contained in that certain Order of Taking recorded in Official Records Book 47674, Page 276, of the Public Records of Lake County, Florida.

AND

Alt Key #1708923 Located at 22638 Sorrento Avenue, Sorrento Florida
Begin 704.22 feet East of the Southwest corner of the Southwest ¼ of Southeast ¼, Section 26, Township 19 South, Range 27 East, and run thence East to the Southwest corner of said Southwest ¼ of Southeast ¼, thence run North along East Line of said Southwest ¼ of Southeast ¼ to the right of way of Atlantic Coast Line Railroad, thence Southwesterly along said right of way to a point directly North of the Point of Beginning, thence South to the Point of Beginning, Less and except the East 250 Feet thereof.

Exhibit “B” – Conceptual Plan

