



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): December 1, 2021
Board of County Commissioners (BCC) (Transmittal): January 4, 2021
Board of County Commissioners (BCC) (Approval): To Be Determined

Case No. and Project Name: FLU-21-05-3, Drake Pointe Development

Applicant: Peter Pensa, AICP, AVID Group, LLC

Owner: GPK Harris Lake LLC; Melanie Hunter Life Estate; Melanie Hunter; Robert W. Hunter, Jr. Life Estate; and Wilma M Hunter Life Estate

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on approximately 293.810 acres from Rural Transition to Planned Unit Development FLUC and amend associated Comprehensive Plan Policies to incorporate the proposed development program for the Drake Pointe Development which will include 555 lots for single-family dwelling units, marina with restaurant and limited retail, and recreational facilities.

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

Case Manager: Michele Janiszewski, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 293.810 Gross Acres, 231.56 Net Acres

Location: Northeast of County Road 48 and along Lake Harris in the Howey-in-the-Hills area.

Alternate Key No.: 1226155, 1242371, 1371961, 3827817, 1517389, 3855902, 1535972, 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 3815464, 3450221, 1792291, 3016050, 2704381, 1803411, 1803403

Current Future Land Use: Rural Transition

Proposed Future Land Use: Planned Unit Development

Current Zoning District: Agriculture (A) and Rural Residential (R-2)

Proposed Zoning District: Planned Unit Development (PUD) [Separate Application - See RZ-21-19-3]

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

Joint Planning Area / ISBA: Howey-in-the-Hills ISBA

Overlay Districts: Not Applicable

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1), Agriculture (A), and Agriculture Residential (AR)	Residential Uses	Single-Family Dwelling Units on Lots Ranging From 0.25 to Seven Acres in Size.
South	Urban Low	Planned Unit Development (PUD)	Residential Development with Golf Course and Amenities	Bishops Gate Golf Course and Community
East	Not Applicable	Not Applicable	Lake Harris	Lake Harris
West	Urban Low and Rural Transition	PUD, A, and AR	Residential Development with Amenities and Residential Uses	Mission Inn Resort and Single-Family Dwelling Units on Large Lots

Staff Analysis

The subject property contains approximately 293.810 acres and is located northeast of County Road 48 and on either side of Drake Avenue in the Howey-in-the-Hills area. The property is currently zoned Agriculture (A) and is part of the Rural Transition Future Land Use Category (Table 1).

Table 1. Existing and Proposed Development Standards.

	Future Land Use Category	Density	Maximum Dwelling Units	Maximum Impervious Surface Ratio	Minimum Open Space	Building Height
Existing	Rural Transition	One dwelling unit per net acre*	231	0.10	35-50%	40 Feet
Proposed	Planned Unit Development (PUD)	Four dwelling units per net acre	555	0.55	25%	40 Feet

*The base density for the Rural Transition FLUC is one dwelling unit per 5 net acres. If developed as a Rural Clustered Subdivision, the density can be increased to one dwelling unit per 3 net acres with 35% open space or one dwelling unit per one acre with 50% open space.

The application is seeking to amend the Future Land Use Map to establish a PUD FLUC on the subject property with a development program to accommodate their proposed development. The proposed development consists of 555 dwelling units at a density of 2.4 dwelling units per net acre and 1.8 dwelling units per gross acre. Additionally, the development will include a marina with restaurant, limited convenience retail, and recreational uses. The development will be gated and only the residents will have access to the marina, restaurant, retail, and recreational uses.

The subject property is located within the Town of Howey-in-the-Hills ISBA; the Town was provided a copy of the application. The Town provided a letter stating that they expect the development to use the Town as the source for potable water, but the Town has not provided staff with information on the location of their utilities to determine whether the development meets the criteria for the central water and sewer system (Attachment "A"). Since the proposed development exceeds a density of one dwelling unit per net acre, the development will need to utilize central water and sewer.

Staff has received a letter of concern regarding the applications from the residents of the Yalaha area (Attachment "C").

If the application for the comprehensive plan amendment is approved by the Board of County Commissioners (the 'Board') for transmittal to the Florida Department of Economic Opportunity (DEO), the rezoning application will be presented to the Board for approval at the same time as the application for the Future Land Use Amendment is presented for adoption

Standards for Review (LDR Section 14.03.03)

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

The proposed amendment is not fully consistent with all elements of the Comprehensive Plan.

The **Future Land Use Element** seeks to 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; promote the conservation and preservation of Lake County's natural and cultural resources; and direct development to established urban areas to prevent sprawl.

The Comprehensive Plan defines 'urban sprawl' as:

Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development, ribbon or strip commercial or other development.

The subject property is currently within the Rural Transition FLUC and is seeking to provide private utilities to the development. The development is proposed to be developed at 2.4 dwelling units per net acre.

The subject property is situated between the Urban Low and Rural Transition FLUCs which allow a maximum density of four (4) dwelling units per net acre and one dwelling unit per net acre, respectfully. The proposed amendment will establish a maximum density of 2.4 dwelling units per net acre to serve as a transition between the other FLUCs; however, the proposed development will be developed at a higher density than those developments located within the Urban Low FLUC (Bishop's Gate and Mission Inn).

Policy I-1.3.1.1 Applicability, all new residential or mixed-use development in excess of 100 net buildable acres within the Urban Future Land Use Series shall be required to demonstrate compliance with the principles of Traditional Neighborhood Design. Comprehensive Plan Policy I-1.3.1 Traditional Neighborhood Development, states that Traditional Neighborhood Design includes, but is not limited to, the follow principles:

- Provide a range of housing types for various ages, incomes, and lifestyles;
- Ensure compatibility with established neighborhoods and with rural or transitional areas that may be adjacent to the Traditional Neighborhood;
- Provide for an integrated network of local two-lane streets, bicycle trails, and pedestrian paths to connect neighborhoods, access the Neighborhood Core and promote connectivity throughout the Traditional Neighborhood;
- Minimize isolating features including gated communities and cul-de-sac design;
- Create a sense of place by implementing design standards, traditional village architectural guidelines, traffic calming, lighting, and landscaping standards, liberal use of street trees, community parks, and open space that protect and enhance the character of the Traditional Neighborhood; and

- Provide for environmentally responsible development through the minimization of land disturbance in order to maintain existing topography and natural amenities, Low Impact Development practices, and implementation of building standards such as Leadership in Energy and Environmental Design (LEED), Florida WaterStar and Energy Star, unless there is a conflict with Florida Building Code, in which case Florida Building Code prevails.

The application states that the development will be consistent with the Traditional Neighborhood Design concepts:

- By offering multiple uses to the residents including a marina with a restaurant and bar; retail bait and tackle shop; equipment rental retail outlet; and civic and clubhouse facilities.
- The main road leading into the subdivision is designed to provide multi-modal transportation system for automobiles, separate bicycle lanes, and pedestrian sidewalks.
- The application proposes developing three different types of single-family dwelling units.
- Sidewalks will be developed along all streets and pedestrian trails will be provided throughout the development.
- The community is proposing open space tracts that are a minimum of 75' in width on the north side of the project to further assist in providing a natural transition from the PUD to the Rural Transition FLUC.

Staff reviewed the development plan for consistency with the principles of Traditional Neighborhood Development and noted that:

- The proposed mixture of uses will only be amenities to the residents of the development and will not be open to the public.
- The concept plan for the development depicts multiple cul-de-sacs and the development will be gated.
- There is no variety in housing types for various ages, incomes, and lifestyles.

The amendment is not fully consistent with the Future Land Use Element.

The **Capital Improvements Element** seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. The proposed development will not be issued a final development order by the County unless there is sufficient capacity of public facilities to meet the standards for levels of service for the existing population and for proposed development.

The **Conservation Element** is intended to provide a framework for the ongoing monitoring, management and use of the County's natural resources. The development application proposed minimal impacts to the existing wetlands and proposes protecting most of the wetlands through conservation easements. The application is not in conflict with the Conservation Element.

The **Economic Element** seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. The proposed amendment is not in conflict with the Economic Element.

The purpose of the **Housing Element** is to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. The application proposes providing 555 single-family dwelling units.

The **Intergovernmental Coordination Element** strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The subject property is located within the Town of Howey-in-the-Hills ISBA and the Town was provided with a copy of the application to provide input. The Town stated that the proposed development is within the Town's exclusive utility service district, and they can provide potable water and center wastewater service to Drake Pointe (Attachment "A"). Conversely, the application proposes construction of a private utility facility to service the subdivision.

The goal of the **Parks and Recreation Element** is to facilitate the development and management of parks and

facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The concept plan shows active and passive recreational uses, including a clubhouse, nature trail, and sports courts. However, these uses are proposed to be private and not accessible to the public. The application is consistent with the Parks and Recreation Element.

The goal of the **Transportation Element** is to prepare a plan that emphasizes more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The application is not in conflict with the Transportation Element.

The purpose of the **Public Facilities Element** is to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refers to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public-school facilities. See Section E below.

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

The proposed amendment is not in conflict with any provisions of the LDR. If the amendment is approved for transmittal, the application will be brought back before the Board with an application to rezone the property to PUD which will incorporate the applicable comprehensive plan policies and regulations.

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

The application is seeking to change the Future Land Use Category from Rural Transition to PUD to facilitate the development of a residential development with private amenities. The development is proposing 2.4 dwelling units per net acre which exceeds the maximum density permitted within the Rural Transition FLUC. The Rural Transition FLUC allows residential development at a base density of one dwelling unit per five (5) net acres; one dwelling unit per three net acres with 35% open space; or one dwelling unit per net acre with 50% open space. The Urban Low FLUC allows four (4) dwelling units per net acre, but the Applicant has request to utilize the PUD FLUC to only allow 2.4 dwelling units per net acre. The proposed amendment is consistent with the proposed land uses.

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

The Applicant has provided a justification statement which is included as Attachment "B".

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 development is proposing to provide water and central sewer via an offsite private utility owned by Drake Pointe Subdivision. The Town of Howey-in-the-Hills has maintained the position that the developer should connect to the potable water and central sewer services provided by the Town.

LDR Section 6.12.01.A, states that all private potable water systems shall be connected to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system. LDR Section 6.12.01.B, states that all private treatment systems shall be connected and utilized to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system.

Based on the information provided by the Town (Attachment "A"), their potable water and sewer lines are not close enough to require the development to connect to the Town's utilities.

Schools

The Lake County School Board reviewed the application and states that project has a valid school concurrency

capacity reservation for 550 single family dwelling units which will expire on February 5, 2022. The applicant will be required to amend the reservation to add the additional five dwelling units.

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

Lake County Fire Department Station 76 is located approximately 0.5 miles from the subject property.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of CR 48 is "D" with capacity of 1070 trips in the peak direction. Currently, the impacted segment from Lime Avenue to SR 19 is operating at "C" thirty nine percent (39%). This project will be generating approximately five hundred twenty-eight (528) pm peak hour trips, in which three hundred and thirty-three (333) trips will impact the peak hour direction. Currently, there are no county funded improvements scheduled for this segment of CR 48.

F. Whether, and the extent to which, the proposed amendment would result in significant 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. The wetlands on the subject property will be protected through conservation easements.

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

The application did not contain any information pertaining to how the amendment would affect 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 application is to establish a PUD FLUC and zoning district on the subject property to accommodate 555 single-family dwelling units at a density of 2.4 dwelling units per net acres and 1.89 dwelling units per gross acres.

South of the subject property, along the north side of County Road 48, is the Bishops Gate Golf Course and Community which is zoned PUD by Ordinance 2012-42. The PUD ordinance allows residential uses at a maximum density of 1.62 dwelling units per net acre and non-residential including a golf school, marina, and recreational amenities (fitness center, driving range, and golf practice areas).

Southwest of the subject property, on the south side of County Road 48, is the Mission Inn development which is zoned PUD by Ordinance 2005-107. The PUD ordinance allows a mixture of single-family and multi-family dwelling units at a maximum density of 2.0 dwelling units per gross acre. Non-residential uses permitted within the development include 75,000 square feet of commercial development, 260-acre golf course, clubhouses, restaurants, and recreational facilities.

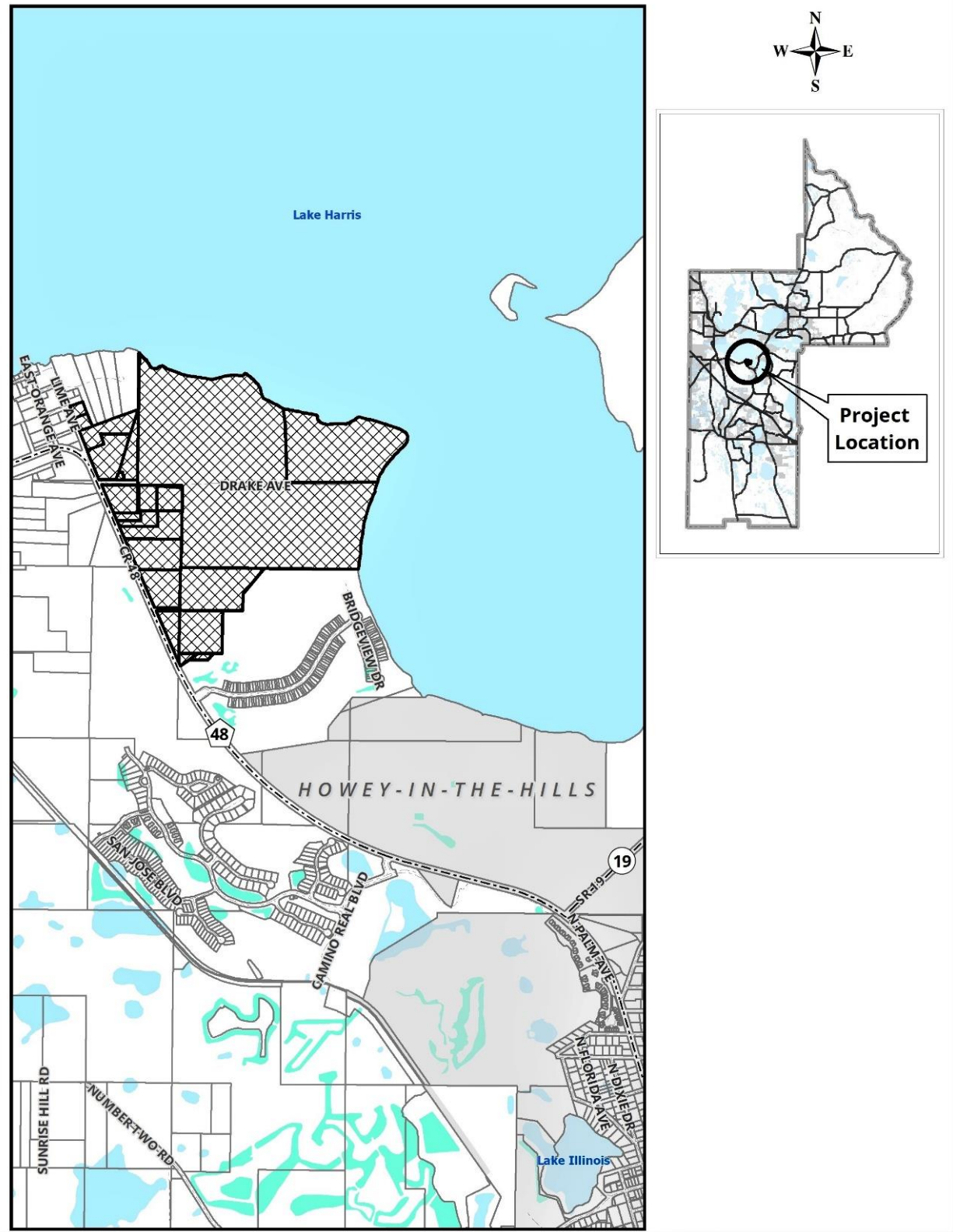
West of the property is developed with single-family dwelling units on large lots ranging in size from four to nine acres in size. Northwest of the subject property is developed with single family dwelling units on lots ranging from 0.25 to seven acres in size.

Both the Mission Inn and Bishop's Gate developments are designated as part of the Urban Low FLUC which allows residential development at a maximum density of four (4) dwelling units per net acre. The proposed development is proposing 2.4 dwelling units per net acre which would serve as a transition between the Urban Low FLUC to the South and Rural Transition FLUC to the North. However, the proposed development proposes a higher density than both the Mission Inn and Bishop's Gate developments.

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

Subject Property



Attachment "A" – Input from the Town of Howey-in-the-Hills



October 20, 2021

Michele Janiszewski, AICP, Lake County Chief Planner
Via email – mjaniszewski@lakecountyfl.gov

Re: Drake Pointe Comments (Project #2021010001/AR#4279)

Dear Ms. Janiszewski,

Thank you for allowing the Town of Howey-in-the-Hills to provide comments for the proposed Drake Pointe Development (Project #2021010001/AR #4279).

Drake Point is located in the Town's exclusive utility service district created in 2003 pursuant to Ordinance 2003-307, recorded in the public records of Lake County, Book 02849, Page 0159. The Town will serve potable water and provide central wastewater service to Drake Pointe. The Town respectfully requests that Lake County condition development approvals for Drake Pointe accordingly, with the Town of Howey-in-the-Hills as the provider of potable water and central sewer service.

The CDD has confirmed currently available ERUs for Drake Pointe; there is an existing wastewater force main at the entrance of Bishops Gate, 3,500 feet from the entrance to Drake Pointe. Also, there is a new town well/water treatment plant currently being planned at the corner of CR 48 & SR 19 (adjacent to one of the town's existing wells); the new well will be approximately 9,000 feet from the entrance of Drake Pointe.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Sean O'Keefe". The signature is fluid and cursive.

Sean O'Keefe
Town Administrator/Financial Manager

cc: Martha MacFarlane, Mayor
Thomas A. Harowski, AICP, Town Planner
Thomas J. Wilkes, Town Attorney
Steve K. Greene, AICP, Lake County Chief Planner, sgreene@lakecountyfl.gov

Town of Howey-in-the-Hills

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Attachment “B” – Justification Statement (4 Pages)



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PHONE (727) 789-9500

[AUTH#6139 LB7345]

Comprehensive Plan Amendment Justification

Please demonstrate that facilities and services are or will be available within the adopted levels of service throughout the Comprehensive Plan (or the levels of service adopted by the municipality in whose utility area the proposed amendment is located and as adopted in the Capital Improvements Element or by joint agreement with the County), including, but not limited to, water supplies (including permitted quantities) facilities, sewer services, solid waste, transportation, parks and recreational facilities and schools:

Water and Wastewater: Per the Lake County Comprehensive Plan, Lake County does not provide potable water or wastewater services. The County shares a Joint Planning Agreement with the Town of Howey-in-the-Hills; however, the water and wastewater utilities are more than mile from the proposed site and based on Policy 1.2.3 (Mandatory Connection Ordinance) the site is outside of the area of required connection. The distance to connecting to the existing utilizes of Howey-in-the-Hills is further diminished by the fact that the Town of Howey-in-the-hills does not have capacity to serve the proposed development. The developer is proposing to provide a potable water facility onsite and wastewater treatment facility offsite to serve the proposed community, the new facilities are intended to be constructed with the impact of the development.

Solid Waste: The County’s current level of service is sufficient to provide services for the proposed development. The proposed Comprehensive Plan amendment is not anticipated to adversely impact solid waste capacities or levels of service.

Schools: As of this application, school concurrency is reserved for 550 homes and a letter of no impact has been requested for the additional 5 homes (total 555 homes). Should capacity fall short during the review process due to expiration of reservation or other reason, the developer will work with the school board to provide for mitigation alternatives as needed that will offset any negative impacts.

Parks and Recreation: Lake County requires a minimum level of service of 4 acres for every thousand (1,000) residents. The proposed community will provide No additional impact is being caused by the proposed development, as the proposed development is planning to provide park and recreation services within the development. The proposed development will provide nature trails, boat ramp, club house activities, and multi-purpose open space.

Transportation: Initial review has indicated that State Road 48 has sufficient capacity to maintain the additional trips without burdening the level of service provided and causing any additional fiscal impacts to the capital improvements plan. The development proposes to



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construct and maintain the roads within the development and make turn lane improvements on CR-48 to serve the development.

Describe and demonstrate and describe how the amendment will not fiscally burden County services:

As described above the proposed development is intended to meet the minimum levels of service established in the Comprehensive Plan. The amendment would not place any undue burden financially on Lake County and its residents. The project is proposing to supply the water and wastewater demands by constructing the necessary facilities and underground network to serve the development both onsite and offsite. The development will be supplying onsite recreation opportunities for its residents, which will reduce the demand for public park usage and unnecessary trips. While solid waste demand will be increasing, the demand will not be above and beyond the level of service offered by the County currently.

The two greatest impacts will be transportation and School; however, these impacts will be mitigated in part by natural selection-based market factors. The homes are not “starter homes” and thereby an older more established resident will be residing in many of the homes, this is in part because of planned price point and location of the development. Although the schools as of this application has capacity to meet the needs of the development, the development is estimating far less impact due to projected final consumer. Additionally, if at the time of Capacity reservation, Capacity falls short the developer will mitigate to reduce or eliminate any fiscal impact that results.

Initial review has indicated that CR-48 has sufficient capacity to maintain the additional trips without burdening the level of service provided and causing any additional fiscal impacts to the capital improvements plan. The development proposes to construct and maintain the roads within the development and make turn lane improvements on CR-48 to serve the development. The number of trips is anticipated to be approximately 4,990 daily trips (See Traffic Impact Study for detailed breakdown of trips).

Describe and demonstrate that historic and cultural resources will not be affected by unnecessary and unmitigated negative impacts:

There are no known historic or cultural resources that will be negatively impacted by the proposed development, as of the date of this application. Should historic or cultural resources be discovered during the development process, activities shall cease, and the proper authority (Federal, State, or local) shall be notified and authorization and/or necessary permits shall be pulled prior resuming.



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Land Use Compatibility Analysis:

The development is proposing 555 units on 293.81 acres (based on survey), of which 46.81 acres is wetlands. The development is proposing to maintain the natural features to the greatest extent possible (topography and wetlands). The community to the south of the proposed development is a community call Bishop's Gate the community is zoned PUD, with an Urban Low Density FLU, the development is a townhome community. There is a community named Mission Inn Las Colinas to the Southwest of the proposed development site and is also a PUD, with an Urban Low Density FLU and is made of single family homes. Both communities have a max 4 dwelling units per acre. The proposed development site will be seeking the same classification and proposing single family homes, which will provide a transition from the condensed townhome style development to the south to the rural unplatted single-family homes to the north.

Demand Analysis / Residential Justification Statement:

The Lake County Comprehensive plan has forecasted a slowdown within unincorporated Lake County in population from 2000 to 2030. The Comprehensive Plan original projected 460,103 by year 2025. The team revised the projection to 410,000 by 2030 to account for a serve decline in housing sales and construction and assumed recovery would not rebound to historic highs. The population of Lake county as of 2019 is estimated to be 367,118 (US Census) with average growth rate of 2%, which yields a population increase of 46,316 by 2025 or otherwise a population of 413,434 by 2025. Current population trends are yielding higher than expected from the Lake County Comprehensive Plan, with the higher demand from population growth the current and projected housing stock will meet a shortfall. Based on estimated US Census data for 2019, there are 163,586 Housing units in the County (with an average per person household of 2.55) the current housing supply can house a population of up to 417,144. However, after exceeding the next 5 years the housing stock will begin to face a deficit.

The Comprehensive Housing Market Analysis published in 2018 by HUD indicated 2.9% population growth in the region over the three years following the report (ending January 2021). The growth in Lake County has come up short of that number, which is in part due to a stable purchase market due to the pandemic. As the house sales increase post-pandemic the housing demand could see growth return to near HUD projected levels for the Lake County market. Which would further exacerbate a housing supply shortfall.

The Proposed location of the development would have fallen within the projections (Lake County Comp Plan) for Howey-in-the-Hills if the project had qualified for annexation. The County data identifies the Howey-in-the-Hills is projected to have an above average (106%)



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growth rate from 2000 to 2030, the Town is currently on track with the projection. Based on this data, the area around Howey-in-the-Hills will experience a higher-than-normal growth rate.

Drake Point Park will provide up to 555 units if approved, the project would result in expanding the housing stock to supply demand for Lake County / Howey-in-the-Hills.

Attachment "C" – Letter of Concern (2 Pages)

The Yalaha Community Concerns Regarding the Proposed Drake Point Park At Lake Harris Development

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Planning & Zoning

After careful discussion and consideration, we the landowners and residents of the community of Yalaha, including both adjacent landowners and landowners of property in the vicinity of the proposed Drake Point Park at Lake Harris Development, have hereby determined a number of concerns that we would like addressed and resolved in this matter prior to progress of this proposed project. The list below is essentially a synopsis, with additional concerns that may be identified at a future time.

- 1) Entrances and exits, thus, egress points to and from the proposed development, are limited to an area just adjacent to a large blind curve where huge semi-truck commercial traffic habitually slows down only during the curve. This creates a serious and imminent major accident/fatality risk for residents of the proposed development as well as a major pileup/blockage of traffic issue such that the entire 48/19 commercial as well as residential traffic would be impacted with no alternate routing available among and between major areas of Lake county as well as between the Lake County area and access to the turnpike and therefore Orlando metropolitan areas. This project to be successful would require the development company to procure financial backing to significantly widen the road before, during, and after the blind curve to account for safe turn lanes, a merge lane, and an additional regular lane in both directions to accommodate this situation. The additional purchase of land adjacent to the road would be needed as well with no guarantee that existing owners would be willing to sell their land.

- 2) The proposed development would require a sewage treatment plant/facility to be built as there is no city or county sewage system available. Due to the location of the proposed development near the Florida protected lands of the Lake Harris area of the St. Johns River waterway, a sewage leak in this area would pollute the entire St. Johns River waterway network, producing contamination to the entire Central Florida metropolitan region. This would be devastating not only ecologically, but more important to the health of countless Central Florida residents whose water supply is dependent on localized wells. The entire city of Yalaha depends on localized wells. There is no city water supply. Therefore, the contamination of the water would result in very serious health impacts to the residents of Yalaha as well as countless residents across the entire Central Florida region who depend on clean well water. Such a devastation situation would undoubtedly lead to very costly litigation and waterway infrastructure for the development company and cleaning efforts that would have astronomical costs due to impact across the entire Central Florida region.

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- 3) The proposed development with 500 homes would create at least an estimated 1000 person traffic addition to the 48 road, based on a modest estimate of 2 people living in each home. The 48 would be impacted in an untenable way such that bumper to bumper traffic would occur along the 48 in both directions all the way from the 27 in Leesburg to the 441 in Tavares. With one lane in each direction, the 48 is not built to handle this additional traffic and there are no alternate avenues that Yalaha residents would be able to use to procure basic services such as supermarkets and gas stations. If there is a blockage due to untenable traffic, emergency vehicles would be unable to pass, creating life threatening situations. The 48 would therefore need to be expanded, widened to 2 lanes in each direction, again, requiring the developer to absorb these exorbitant costs along the entire length of the 48 from Leesburg at the 27 to Tavares at the 441, which accounts for in excess of 20 miles.
- 4) City water is not available in Yalaha. The developer would need to pay to drive city water from Leesburg or Tavares across the 20 mile distance to provide basic service to the proposed development. The land on which the 20 mile route sits is all privately owned with varying right of ways, indicating that at multiple points throughout this route, it may become necessary for the developer to have already purchased adjoining lands that landowners may be unwilling to sell to the developer. The developer would be required to absorb the cost of the 20 mile water provision routing as well as the purchase price of multiple adjoining lands to the 20 mile route.
- 5) The community landscape of Yalaha is rural country with the majority of landowners owning large single home parcels of over one acre each and many owning very large acreage. There are no suburban developments in this area. The closest one is the Legacy of Leesburg with full access to the major 27 road in Leesburg. That community along with all the other Pringle development communities on the 27 depend on well established water system and sewer treatment plants built years ago and paid for by the city and county. By altering the entire community of Yalaha landscape with the proposed development with no commensurate existing infrastructure resources to rely on, the developer would be required to single-handedly incur the huge costs of any and all known infrastructure ventures as well any unexpected and costly additional concerns that may arise since none of the essential city and county resources are available in the existing community landscape of Yalaha.

Because these impacts are expected to be both extremely costly for the developer as well as potentially imminently hazardous requiring expensive abatement procedures across the entire St Johns River waterway in Central Florida, it is of utmost importance that the concerns above be addressed and resolved by the developer prior to progress on this project.

- The Landowners of the town of Yalaha

ORDINANCE 2022 – XX
FLU-21-05-3
Drake Pointe PUD

1 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA;**
2 **AMENDING THE FUTURE LAND USE MAP FROM RURAL TRANSITION TO PLANNED UNIT**
3 **DEVELOPMENT FUTURE LAND USE CATEGORY FOR A 293.810 ACRE PROPERTY LOCATED**
4 **NORTHEAST OF COUNTY ROAD 48 AND ALONG LAKE HARRIS, IN THE HOWEY-IN-THE-HILLS**
5 **AREA, AS DESCRIBED IN THIS ORDINANCE; AMENDING COMPREHENSIVE PLAN POLICY I-**
6 **7.14.4 ENTITLED ‘PLANNED UNIT DEVELOPMENT LAND USE CATEGORY’ TO INCLUDE THE**
7 **DRAKE POINTE PLANNED UNIT DEVELOPMENT AND ASSOCIATED DEVELOPMENT PROGRAM**
8 **WHICH ALLOWS FOR THE DEVELOPMENT OF 555 DWELLING UNITS AND ASSOCIATED**
9 **AMENITIES; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA**
10 **STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
11

12 **WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal
13 planning, and land development regulation in the State of Florida; and

14 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County
15 Commissioners of Lake County to “[p]repare and enforce comprehensive plans for the development of the
16 county”; and

17 **WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May 2010, the
18 Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030
19 Comprehensive Plan; and

20 **WHEREAS**, on the 23rd day of July 2010, the State of Florida Department of Community Affairs,
21 now known as the Community Planning and Development Division of the Florida Department of Economic
22 Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In
23 Compliance" with Chapter 163, Florida Statutes; and

24 **WHEREAS**, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan
25 became effective and designated the property as part of the Rural Transition Future Land Use Category; and

26 **WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of
27 Comprehensive Plan Amendments; and

28 **WHEREAS**, on the 1st day of December 2021, this Ordinance was heard at a public hearing before
29 the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

30 **WHEREAS**, on the 4th day of January 2022, this Ordinance was heard at a public hearing before
31 the Lake County Board of County Commissioners for approval to transmit to the state planning agency and
32 other reviewing agencies; and

33 **WHEREAS**, on the XX day of XXXX 2022, this Ordinance was heard at a public hearing before the
34 Lake County Board of County Commissioners for adoption; and

35 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt
36 the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

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

Section 1. Comprehensive Plan Future Land Use Map Amendment. The 2030 Comprehensive Plan Future Land Use Map is hereby amended to change the Future Land Use Category for the subject property, described in Exhibit “A” attached and incorporated in this Ordinance, from Rural Transition to Planned Unit Development Future Land Use Category.

Section 2. Comprehensive Plan Text Amendment. The Lake County 2030 Comprehensive Plan, Policy I-7.14.4 entitled ‘Planned Unit Development Land Use Category,’ shall be amended to read as follows:

Policy I-7.14.4 Planned Unit Development Land Use Category

The following land use table details the development program, including the maximum densities and intensities, for the adopted Planned Unit Development Future Land Use designations:

Amendment No.	Name / Location	Former FLU Designation	Development Program	Ordinance No.
FLU-19-02-4	Sorrento Pines	Rural Transition	Residential [328 dwelling units and 45% open space]	2019-73
FLU-19-07-2	Evergreen Estates	Wellness Way 1	Residential [Two (2) dwelling units per net acre]; there shall be no access, emergency or otherwise, to Flynn Court or Champagne Drive except for the 5-acre estate lots	2020 - 65
FLU-21-01-1	Holiday Travel Park	Urban Low and Urban Medium	995 Temporary RV spaces, 112 mobile home sites and associated facilities	2021 – 38
FLU-21-03-5	Wildwoods Campground	Rural	84 RV spaces, Three (3) dwelling units and accessory uses	2021 - 40
<u>FLU-21-05-3</u>	<u>Drake Pointe</u>	<u>Rural Transition</u>	<u>555 dwelling units and private amenities</u>	<u>2022- XX</u>

Section 3. Advertisement. This Ordinance was advertised pursuant to Sections 125.66 and 163.3184, Florida Statutes.

Section 4. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners’ intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

1 **Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
2 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
3 amendment package is complete. If timely challenged, this amendment shall become effective on the date
4 the state land planning agency or the Administration Commission enters a final order determining this
5 adopted amendment to be in compliance. No development orders, development permits, or land uses
6 dependent on this amendment may be issued or commence before it has become effective. If a final order
7 of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made
8 effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to
9 the state land planning agency.

10
11 ENACTED this ____ day of _____, 2022.

12
13 FILED with the Secretary of State _____, 2022.

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

18
19
20
21 _____
Sean M. Parks, Chairman

22 ATTEST:

23
24
25 _____
26 Gary J. Cooney, Clerk
27 Board of County Commissioners of
28 Lake County, Florida

29
30
31 Approved as to form and legality:

32
33
34 _____
35 Melanie Marsh, County Attorney
36

Exhibit “A” – Legal Description

1
2
3 PROPERTY ALTERNATE KEY NUMBERS:

4 1226155, 3450221, 1242371, 3815464, 1371961, 3827817, 1517389, 3855902, 1535972,
5 3878118, 1673801, 1792304, 1792312, 3827816, 2923989, 2923962, 1792291, 3016050,
6 2704381, 1803411, 1803403

7 A PARCEL OF LAND LYING IN SECTION 15 AND 22, TOWNSHIP 20 SOUTH, RANGE 25
8 EAST BEING DESCRIBED AS FOLLOWS:
9

10 COMMENCE AT NORTH QUARTER CORNER OF SAID SECTION 22 FOR A POINT OF
11 REFERENCE; THENCE RUN NORTH 89°14'57" WEST ALONG THE SOUTH LINE OF
12 THAT CERTAIN QUIT CLAIM DEED, RECORDED IN OFFICIAL RECORDS BOOK 5263,
13 PAGE 681, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, 670.22 FEET TO
14 THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 48; THENCE RUN THE
15 FOLLOWING 4 COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH
16 23°24'43" WEST, 11531.02 FEET; THENCE RUN SOUTH 66°37'55" WEST, 16.97 FEET;
17 THENCE RUN NORTH 20°18'28" WEST, 226.54 FEET; THENCE DEPARTING SAID EAST
18 RIGHT-OF-WAY LINE OF COUNTY ROAD 48, RUN THE FOLLOWING 3 COURSES
19 ALONG THE EAST RIGHT-OF-WAY LINE OF LIME AVENUE: NORTH 20°34'23" WEST,
20 201.94 FEET; THENCE RUN NORTH 20°00'00" WEST, 317.00 FEET; THENCE RUN
21 NORTH 19°50'21" WEST, 405.58 FEET TO THE NORTH LINE OF QUIT CLAIM DEED
22 RECORDED IN OFFICIAL RECORDS BOOK 4470, PAGE 2292 OF SAID PUBLIC
23 RECORDS; THENCE RUN NORTH 69°59'13" EAST, ALONG SAID NORTH LINE, 210.05
24 FEET TO THE EAST LINE OF SAID QUIT CLAIM DEED; THENCE RUN
25 SOUTH 19°51'32" EAST, ALONG SAID EAST LINE, 406.34 FEET TO THE SOUTHWEST
26 CORNER OF LOT 3, A.J. PHARES YALAHA SUBDIVISION AS REFERENCED ON THE
27 MAP OF DRAKE POINT PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED
28 IN PLAT BOOK 1, PAGE 19 OF SAID PUBLIC RECORDS; THENCE RUN
29 NORTH 70°07'30" EAST, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF
30 622.19 FEET TO THE WEST LINE OF THE CERTAIN WARRANTY DEED RECORDED IN
31 OFFICIAL RECORDS BOOK 4452, PAGE 673 OF SAID PUBLIC RECORDS; THENCE RUN
32 NORTH 02°08'18" EAST, ALONG SAID WEST LINE, 961.62 FEET TO A POINT ON THE
33 62.5 FOOT CONTOUR LINE, BEING THE FLORIDA DEPARTMENT OF
34 ENVIRONMENTAL PROTECTION "SAFE UPLAND" LINE OF THE WATERS OF LAKE
35 HARRIS, THENCE RUN ALONG SAID "SAFE UPLAND" LINE CONTOUR BEING
36 APPROXIMATED BY THE FOLLOWING COURSES: SOUTH 48°13'31" EAST, 171.61
37 FEET, SOUTH 30°28'21" EAST, 198.50 FEET, SOUTH 89°28'36" EAST, 214.54 FEET,
38 SOUTH 75°33'09" EAST, 163.02 FEET, SOUTH 64°37'20" EAST, 195.83 FEET,
39 SOUTH 81°24'01" EAST, 185.82 FEET, SOUTH 83°21'55" EAST, 150.78 FEET,
40 NORTH 82°35'47" EAST, 145.75 FEET, NORTH 88°37'02" EAST, 289.27 FEET,
41 NORTH 82°48'31" EAST, 99.43 FEET, SOUTH 72°51'05" EAST, 124.28 FEET,
42 SOUTH 49°04'35" EAST, 589.31 FEET, SOUTH 68°28'09" EAST, 696.95 FEET,
43 SOUTH 83°52'42" EAST, 390.31 FEET, NORTH 79°30'03" EAST, 312.29 FEET,
44 SOUTH 77°09'39" EAST, 405.31 FEET, SOUTH 64°24'04" EAST, 290.41,
45 SOUTH 18°43'07" EAST, 72.17 FEET, SOUTH 32°23'54" WEST, 158.54 FEET,

1 SOUTH 47°59'25" WEST, 306.08 FEET, SOUTH 34°28'28" WEST, 160.69 FEET,
2 SOUTH 22°19'42" WEST, 170.42 FEET, SOUTH 02°47'59" EAST, 173.67 FEET,
3 SOUTH 24°39'51" WEST, 379.39 FEET, SOUTH 20°53'09" WEST, 129.67 FEET,
4 SOUTH 10°47'41" WEST, 262.36 FEET, SOUTH 04°51'48" WEST, 356.75 FEET,
5 SOUTH 06°43'37" WEST, 125.96 FEET, POINT BEING 100.00 FEET EASTERLY OF THE
6 NORTHEAST CORNER OF THE AFORESAID SECTION 22; THENCE RUN
7 NORTH 89°32'11" WEST, 100.00 FEET TO THE NORTHEAST CORNER OF THE
8 AFORESAID SECTION 22; THENCE RUN NORTH 89°32'11" WEST, ALONG THE NORTH
9 LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF, 1350.44
10 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 40°37'42" WEST, 872.91
11 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST
12 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN
13 NORTH 89°23'03" WEST, ALONG SAID SOUTH LINE, 73.32 FEET TO THE NORTHEAST
14 CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE
15 NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN SOUTH 01°02'44" WEST,
16 THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF
17 THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 666.91 FEET TO
18 THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF THE NORTHWEST
19 QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE RUN
20 NORTH 89°13'56" WEST ALONG THE SOUTH LINE OF SOUTHWEST QUARTER OF THE
21 NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, A
22 DISTANCE OF 47.47 FEET TO THE CENTERLINE OF A DITCH, THENCE RUN THE
23 FOLLOWING 7 COURSES ALONG THE CENTERLINE OF SAID DITCH: SOUTH 31°25'16"
24 WEST, 1.75 FEET, SOUTH 62°36'34", 98.66', SOUTH 34°07'05" WEST, 113.15 FEET, SOUTH
25 67°31'03" WEST, 41.43 FEET, SOUTH 72°42'59" WEST, 159.42, SOUTH 65°14'08" WEST,
26 143.37 FEET, SOUTH 76°24'55" WEST, 72.29 FEET TO A POINT ON THE AFORESAID
27 EAST RIGHT-OF-WAY OF COUNTY ROAD 48, SAID POINT IS LYING ON A NON-
28 TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN NORTHWESTERLY
29 ALONG SAID NON-TANGENT CURVE HAVING A RADIUS OF 5679.57 FEET, A
30 CENTRAL ANGLE OF 03°34'40", AN ARC LENGTH OF 354.66 FEET, A CHORD LENGTH
31 OF 354.60 FEET, AND A CHORD BEARING OF NORTH 24°58'35" WEST TO A POINT;
32 THENCE RUN NORTH 23°24'43" WEST, NON-TANGENT TO SAID CURVE, 677.51 FEET
33 TO THE NORTH LINE OF TRACT "E", A REPLAT OF DRAKE POINT PARK, ACCORDING
34 TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGES 63A AND 63B OF
35 SAID PUBLIC RECORDS THENCE RUN SOUTH 89°52'25" EAST, ALONG SAID NORTH
36 LINE, 360.53 FEET; THENCE DEPARTING SAID NORTH LINE, RUN
37 NORTH 01°07'49" EAST, 49.93 FEET TO THE SOUTH LINE OF TRACT "D", A REPLAT OF
38 DRAKE POINT PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
39 BOOK 10, PAGES 63A AND 63B OF THE PUBLIC RECORDS; THENCE RUN
40 NORTH 89°51'45" WEST ALONG THE SOUTH LINE OF SAID TRACT "D", 383.19 FEET
41 TO THE AFORESAID EAST RIGHT-OF-WAY OF COUNTY ROAD 48; THENCE RUN
42 NORTH 23°24'43" WEST, 691.61 FEET TO THE POINT OF BEGINNING.

43
44 THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND
45 CONTAINS 293.810 ACRES MORE OR LESS.