

## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

#### OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): February 2, 2022

Board of County Commissioners (BCC) (Transmittal): March 1, 2022 Board of County Commissioners (BCC) (Approval): To Be Determined

Case No. and Project Name: FLU-21-08-5, Expert Investments

Applicant: Greg Beliveau, LPG Urban and Regional Planners, Inc.

Owner: Expert Investments, LLC

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category

(FLUC) on approximately 9.63 acres from Rural Transition to Planned Unit Development FLUC and amend associated Comprehensive Plan Policies to incorporate the proposed development program for the development which will include 10 single-family dwelling

units.

Staff Determination: Staff finds the application consistent with the Comprehensive Plan and Land

Development Regulations (LDR).

Case Manager: Michele Janiszewski, Chief Planner

PZB Recommendation:

#### **Subject Property Information**

Size: 9.63 Acres

Location: The northwest corner of the intersection of French Road and Lake Griffin Road in the

Lady Lake Area.

Alternate Key No.: 1278759

Current Future Land Use: Rural Transition

Proposed Future Land Use: Planned Unit Development

Current Zoning District: Rural Residential (R-1)

Proposed Zoning District: Planned Unit Development (PUD) [Separate Application - See RZ-21-28-5]

Flood Zone: "X"

ISBA / Joint Planning Area: Lady Lake ISBA

Overlay Districts: Not Applicable

#### **Land Use Table**

<u>Direction</u>	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Residential	Single-family dwelling units developed at a density of 1.18 dwelling units per gross acre
South	Rural Transition	Rural Residential (R-1)	Residential	Single-family dwelling unit on nine (9) acres
East	Rural	Rural Residential (R-1)	Residential	Single-family dwelling units on lots approximately 1.15 acres in size
West	Rural Transition	Rural Residential (R-1)	Residential	Single-family dwelling unit on five (5) acres

### **Staff Analysis**

The subject property contains approximately 9.63 acres and is located at the northwest corner of the intersection of French Road and Lake Griffin Road in the Lady Lake Area. The property is currently zoned Rural Residential (R-1) 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 five net acres*	1	30%	35-50%	40 Feet			
Proposed	Planned Unit Development (PUD)	1.02 dwelling units per net acre	10	35%	20%	40 Feet			

<sup>\*</sup>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 net acre with 50% open space. A proposed Rural Conservation Subdivision must consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density. The subject property is less than fifteen (15) acres and is not eligible to be developed as a Rural Conservation Subdivision.

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 ten dwelling units at a density of 1.02 dwelling units per net acre. The subject property is located within the Town of Lady Lake ISBA. The Town was provided a copy of the application and did not provide any comments.

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 subject property is in a residential area developed with single-family dwelling units on lots with a similar size and density. The amendment is consistent with Policy I-1.1.3, which directs growth and development to urban areas where public facilities and services are presently in place or planned. The amendment is consistent with Objective I-7.14, which states that the Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to accommodate site specific development standards for unique properties and developments which do not conform to an established Future Land Use Category. The subject property is in an area designated with a base density of one dwelling unit per five net acres but has been developed at a density consistent with the zoning district which allows one dwelling unit per acre. The application seeks to allow the property to be developed at a density of 1.02 dwelling units per acre but with comparable lot sizes to the surrounding area. The amendment is 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 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 goal of the **Housing Element** is to direct Lake County to adopt standards, plans and principles, and participate in partnerships that will provide energy efficient, decent, safe, and sanitary housing for all current and anticipated future residents regardless of income. The application proposes providing ten single-family dwelling units and is not in conflict with the Housing Element.

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 Lady Lake ISBA. The application was provided to the Town and staff did not receive any comments.

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 an area designated as a recreational for the residents. The amendment 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.

# 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 comprising of ten lots, comparable in size and dimensions to the residential lots to the north and east of the subject property. The proposed amendment is consistent with the proposed land uses.

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

The surrounding area is developed with residential lots with a smaller lot size and higher density than those supported by the Rural and Rural Transition FLUC. The application seeks to develop the property consistent with the surrounding subdivisions which requires a higher density.

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 develop with individual wells and septic tanks.

#### Schools

Residential projects of five or more units are subject to school concurrency. This must be obtained prior to final plat.

#### **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 54 is located approximately 1.9 miles from the subject property.

#### Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of Lake Griffin Rd is "D" with capacity of 680 trips in the peak direction. Currently the impacted segment from Grays Airport Rd to Marion County Rd is operating at "B" twenty four percent (24%). This project will be generating approximately eleven (11) pm peak hour trips, in which seven (7) trips will impact the peak hour direction.

The Applicant provided a Request for Exemption for a Tier 1 Traffic Analysis, prepared by Griffey Engineering, Inc. which concluded that the proposed project would result in 5 inbound trips and 4 outbound trips in the PM peak hour period and the local roadway network has adequate capacity to accommodate the new trips without reducing the Level of Service (LOS).

# 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 subject property contains no wetlands or open bodies of water and is not located within a floodplain.

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

The project narrative prepared by the Applicant states that the PUD will have a positive impact on home values but did not contain documentation or evidence to suggest the amendment will have an impact on 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 a ten-lot subdivision at a density of 1.02 dwelling units per net acre. Although the area is designated as Rural and Rural Transition FLUC, the area is developed at a slightly higher density.

South and west of the subject property are single family dwelling units on large lots; 8.98 acres and 4.92 acres, respectfully.

The northern property boundary abuts the Lake Griffin Terrace Subdivision and is developed with eighteen residential lots at a density of one dwelling unit per 0.85 acres.

The East View Estates Subdivision is located at the southwest corner of French Road and Lake Griffin Road and is developed with an eight-lot subdivision at a density of 1.14 dwelling units per acre.

West of the subject property are eight lots along French Road which are developed at a density of one dwelling unit per 1.12 acres.

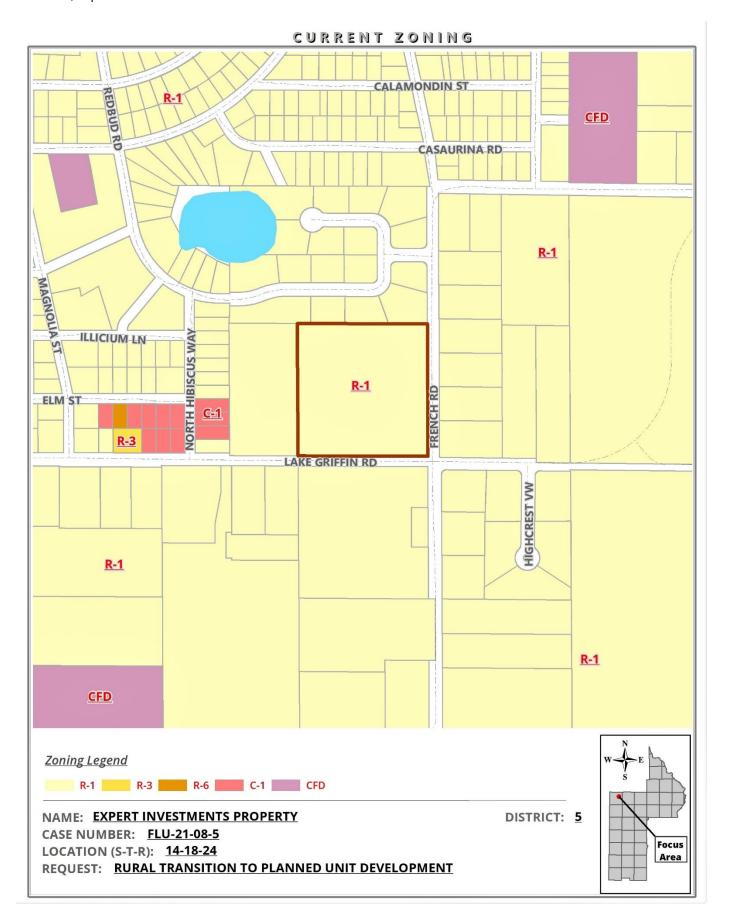
The proposed amendment would establish a FLUC on the subject property which will allow a higher density than the FLUCs in the surrounding area, but the proposed subdivision will be compatible with the surrounding development.

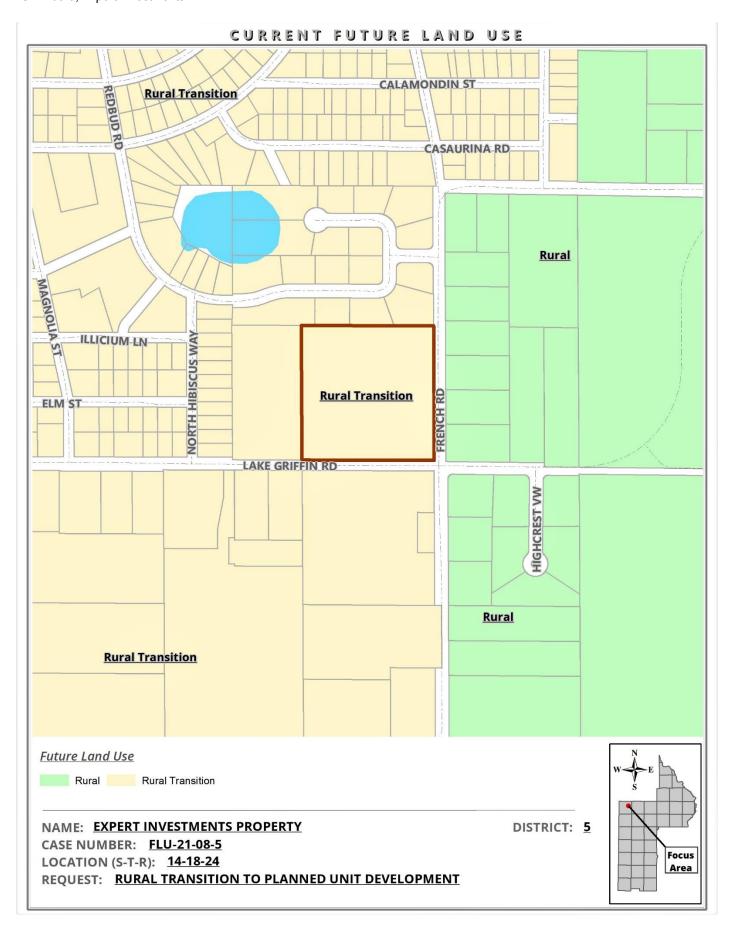
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will not be consistent with the purpose and interest of Lake County's regulations.

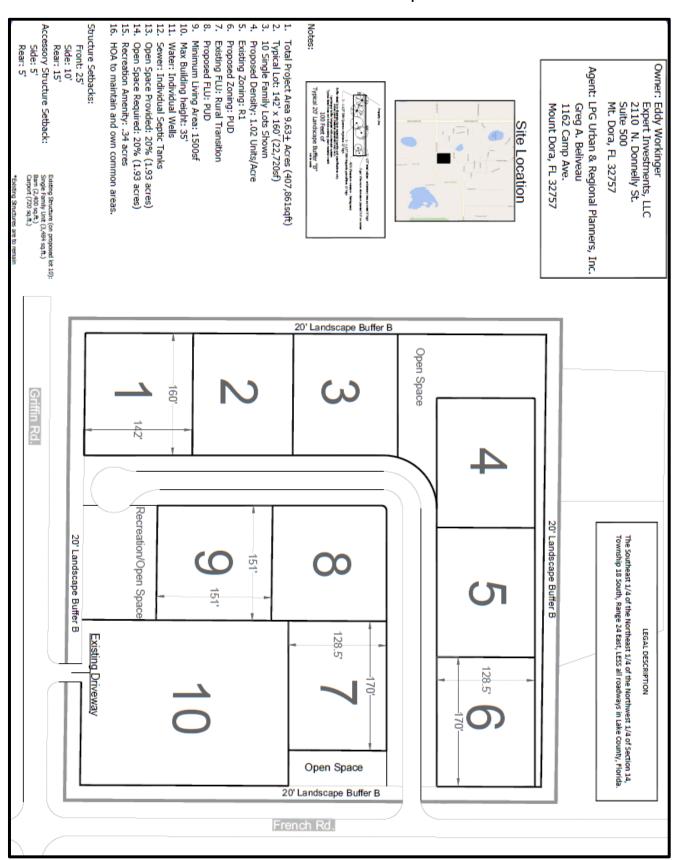
# Subject Property







## Attachment "A" - Concept Plan.



### ORDINANCE 2022 – XX FLU-21-08-5

### **Expert Investments Property**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA
AMENDING THE FUTURE LAND USE MAP FROM RURAL TRANSITION TO PLANNED UNIT
DEVELOPMENT FUTURE LAND USE CATEGORY FOR A 9.63 ACRE PROPERTY LOCATED AT
THE NORTHWEST CORNER OF THE INTERSECTION OF FRENCH ROAD AND LAKE GRIFFIN
ROAD IN THE LADY LAKE AREA, AS DESCRIBED IN THIS ORDINANCE; AMENDING
COMPREHENSIVE PLAN POLICY I-7.14.4 ENTITLED 'PLANNED UNIT DEVELOPMENT LAND USE
CATEGORY' TO INCLUDE THE EXPERT INVESTMENTS PLANNED UNIT DEVELOPMENT AND
ASSOCIATED DEVELOPMENT PROGRAM WHICH ALLOWS FOR THE DEVELOPMENT OF 10
DWELLING UNITS; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11)
FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS. Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal

Commissioners of Lake County to "[p]repare and enforce comprehensive plans for the development of the

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

now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In

became effective and designated the property as part of the Rural Transition Future Land Use Category; and

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planning, and land development regulation in the State of Florida; and WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County

county"; and

Comprehensive Plan; and WHEREAS, on the 23rd day of July 2010, the State of Florida Department of Community Affairs.

Compliance" with Chapter 163, Florida Statutes; and WHEREAS, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan

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

WHEREAS, on the 5th day of January 2022, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

WHEREAS, on the 1st day of February 2022, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for approval to transmit to the state planning agency and other reviewing agencies; and

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

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

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

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<u>Section 1. Comprehensive Plan Future Land Use Map Amendment.</u> 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.

<u>Section 2. Comprehensive Plan Text Amendment.</u> 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	Ordnance 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
FLU-21-08-5	Expert Investments	Rural Transition	10 dwelling units	<u>2022- XX</u>

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

<u>Section 4. Severability.</u> 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.

Section 5. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency. FILED with the Secretary of State \_\_\_\_\_\_, 2022. **BOARD OF COUNTY COMMISSIONERS** LAKE COUNTY, FLORIDA Sean M. Parks, Chairman ATTEST: 

**Board of County Commissioners of** Lake County, Florida Approved as to form and legality: **Melanie Marsh, County Attorney** 

Gary J. Cooney, Clerk

Exhibit "A" – Legal Description

The Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section
14, Township 18 South, Range 24 East, LESS all roadways in Lake
County, Florida.

Containing 9.63+ Acres (407,861sqft).