



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): January 4, 2023
Board of County Commissioners (BCC): February 7, 2023

Case No. and Project Name: RZ-22-22-4, Wiggins Property

Applicant: Timothy W Green (Green Consulting Group).

Owner: Wiggins Round Lake LLC

Requested Action: Rezone 0.92 +/- acres (~40,075 square feet) from Rural Residential (R-1) to Neighborhood Commercial (C-1) to allow the development of the property.

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

Case Managers: Bernice Gonzalez, MDUR, CMP, AICP, MCIP-I, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 0.92 +/- acres (~40,075 square feet)

Location: East of Round Lake Road and South of SR 46

Alternate Key No: 2614056

Future Land Use Category: Regional Office (Attachment "A")

Proposed Future Land Use: Regional Commercial [Separate Application - See FLU-22-10-4] (Attachment "B-C")

Existing Zoning District: "R-1" Rural Residential District (Attachment "D")

Proposed Zoning District: "C-1" Neighborhood Commercial District

Joint Planning Area/ISBA: Mount Dora Joint Planning Area

Overlay Districts: Mt Plymouth-Sorrento and Wekiva Study Area Overlays

Adjacent Property Land Use Table

Alternate Key #2614056

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Office	Planned Commercial (CP)	Light Manufacturing Building and Vacant to the north of SR 46	The property to the immediate north is owned by the Wiggings' Family Trustee and SR 46.
South	Regional Office	Agriculture (A)	Residential	-
East	Regional Office	Planned Commercial (CP)	Light Manufacturing	-
West	Regional Office	Light Industrial (LM)	Store/Residence	-

- Summary of Analysis -

The applicant is requesting a rezoning of 0.92 +/- acres (~40,075 square feet) from Rural Residential (R-1) to Neighborhood Commercial (C-1) to allow the future development of the property. The undeveloped subject parcel has a Regional Office Future Land Use Category designation (FLUC) in the 2030 Comprehensive Plan. The parcel is located within the Mt Plymouth-Sorrento and Wekiva Study Area Overlays as well as the Mount Dora Joint Planning Area (JPA) and is within the Wolf Branch Innovation District.

The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning is accompanied by a Small-Scale Comprehensive Plan Amendment to change the Future Land Use Category (FLUC) on 4.68 +/- acres, inclusive of the subject parcel, from Regional Office to Regional Commercial (FLU-22-10-4; Attachment "E-F"). The subject parcel is located within the City of Mount Dora Utilities Service Area. The City of Mount Dora will provide water and sewer service to the site with recently installed infrastructure on SR 46. The development may be served with an individual well and septic system until public services become available. (Attachment "G").

The applications for rezoning and Small-Scale land use amendment were submitted to the City of Mount Dora as part of the application review process for comments. The Applicant was provided a copy of the comments received from the City . (Attachment "H-K")

On October 22, 2019, the Board of County Commissioners approved the final Implementation Plan and directed staff to amend the Future Land Use Map for properties within the Wolf Branch Innovation District Implementation Plan. Staff was also directed to process an amendment to the relevant comprehensive plan policies to establish the Wolf Branch Innovation District which will contain specific use and development criteria. Amendments will also be needed to the Land Development Regulations to implement the comprehensive plan policies. At the time of the review of this application these measures are yet to be adopted.

The intent of the adopted implementation plan for the Wolf Branch Innovation District (WBID) has been taken into consideration in the review of this application. Furthermore, in their "Response September 19, 2022 Comments" letter, (Attachment "L-P") the applicant has indicated that, *"Once annexation is legally appropriate and the property is annexed, the total site will be designated as a Gateway in the City of Mount Dora's future Innovation District."* **[underline emphasis added]**. The applicant's legal counsel has also submitted a response to the City's comments, which has been forward to the City of Mount Dora. (Attachment "Q-S").

Presently the Office of Planning and Zoning has not received an application for development in connection with the properties subject to the rezoning and land use amendment applications. Staff finds the proposed rezoning consistent with the current

regulatory framework and recommends approval.

Table 1. Existing and Proposed Development Standards for Alternate Key #2614056					
	Zoning District	Maximum ISR	Minimum Open Space	Maximum Floor Area Ratio	Maximum Building Height
Existing	R-1	30%	35%	20%	40 Feet
Proposed	C-1	70%	35%	50%	50 Feet

Land Development Regulations Section 14.03.03 Standards for Review.

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

The request is consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which establishes lands that benefit the public and general welfare. The C-1 zoning request will make the site consistent with the surrounding CP zoning with C-1 uses on the north and east of the site.

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

The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied by the Small-Scale Comprehensive Plan Amendment request will grant this site compatible uses.

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

The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied by the Small-Scale Comprehensive Plan Amendment request will grant this site compatible uses.

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

The current Future Land Use does not allow R-1 uses and would require a change to develop the property.

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 City of Mount Dora will be the future provider of utilities for the site. Documentation is being requested to verify the future conditions and timing. The development shall be served with an individual well and septic system unless public services become available, in accordance with the Comprehensive Plan and LDR, as amended. Septic and sewage service, as applicable, must be permitted in accordance with the Florida Department of Health (DOH) – Lake County, Florida Department of Environmental Protection (DEP), Comprehensive Plan, and LDR, as amended.

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

Public Safety: Fire Rescue Station #39 is located approximated 3.5 miles from the subject property. Fire protection water supply and emergency access will be addressed during the site plan review process.

Transportation Concurrency: The current Level of Service (LOS) is “C” 34%. The exact retail use and square footage are required to determine whether development meets or exceeds current LOS. No development is being proposed in connection with the rezoning request. The exact retail use and square footage will be determined at the Site Plan stage of any development proposed on the site.

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

The property is currently undeveloped with mature tree canopy. Tree removal will have to be in accordance with LDR Section 9.02.00. All environmental resources will be addressed through the development review.

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

There is no information within the rezoning application that specifies the effects on area property values.

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

The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied by the Small-Scale Comprehensive Plan Amendment request will grant this site compatible uses.

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

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

None

Attachment "A" – Future Land Use Map



Attachment "B" – Amendment (FLU-22-10-4)

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Office of Planning and Zoning Comprehensive Plan Amendment Application and Submittal Checklist

Date: 06/29/2022 Project Name: Wiggins

Property Owner(s): Ruth A Wiggins / Everett S Wiggins / Wiggins Round Lake LLC RECEIVED

Phone: (352) 267-0102 JUN 29 2022

Address: P.O. Box 429, Sorrento, FL 32776 Planning & Zoning

Email: greg.wiggins@aol.com

Applicant: Green Consulting Group / Timothy W. Green

Phone: (352) 357-9241

Address: 4070 United Avenue, Mount Dora, FL 32757

Email: tgreen@greenconsultinggroup.com

Relationship to Owner: Agent

Alternate Key(s) of Subject Property: 1510571, 2614056, 1510562

Type of Amendment: Map Amendment: Text Amendment:

The size of the subject property in acres or fractions thereof:
 Upland: 4.68 Wetland: 0 Water: 0 Total: 4.68

Has a decision or recommendation denying a proposed amendment to the Comprehensive Plan been considered by the Board of County Commissioners or the Planning & Zoning Board within a one (1) year period from the date of the application? Yes No If yes, please explain below.

Will an application for rezoning or other development permit be submitted to the County in conjunction with this project? Yes No. If yes, please explain below.

Is the proposed amendment applicable to the Green Swamp ACSC? Yes No
 Does the proposed amendment apply to the Wekiva River Protection Area? Yes No
 Is the subject property under a joint planning agreement or ISBA? Yes No

If yes, which jurisdiction? City of Mount Dora

Attachment "C" – Amendment (FLU-22-10-4)

Page 2 of 2

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:

The proposed site is proposed to be regional commercial with a FAR of 3.0. The site is currently regional office with a FAR of 3.0. The City of Mount Dora will provide water and sewer service to the site with recently installed infrastructure on SR 46 through the utility service area agreement.

Describe and demonstrate and describe how the amendment will not fiscally burden County services: Impact fees for additional county and city services will offset any additional development cost. Increase in taxable value will insure an offset for required county services.

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

There are no known historic and/or cultural resources associated with this site.

Please be Aware of the Following Policies

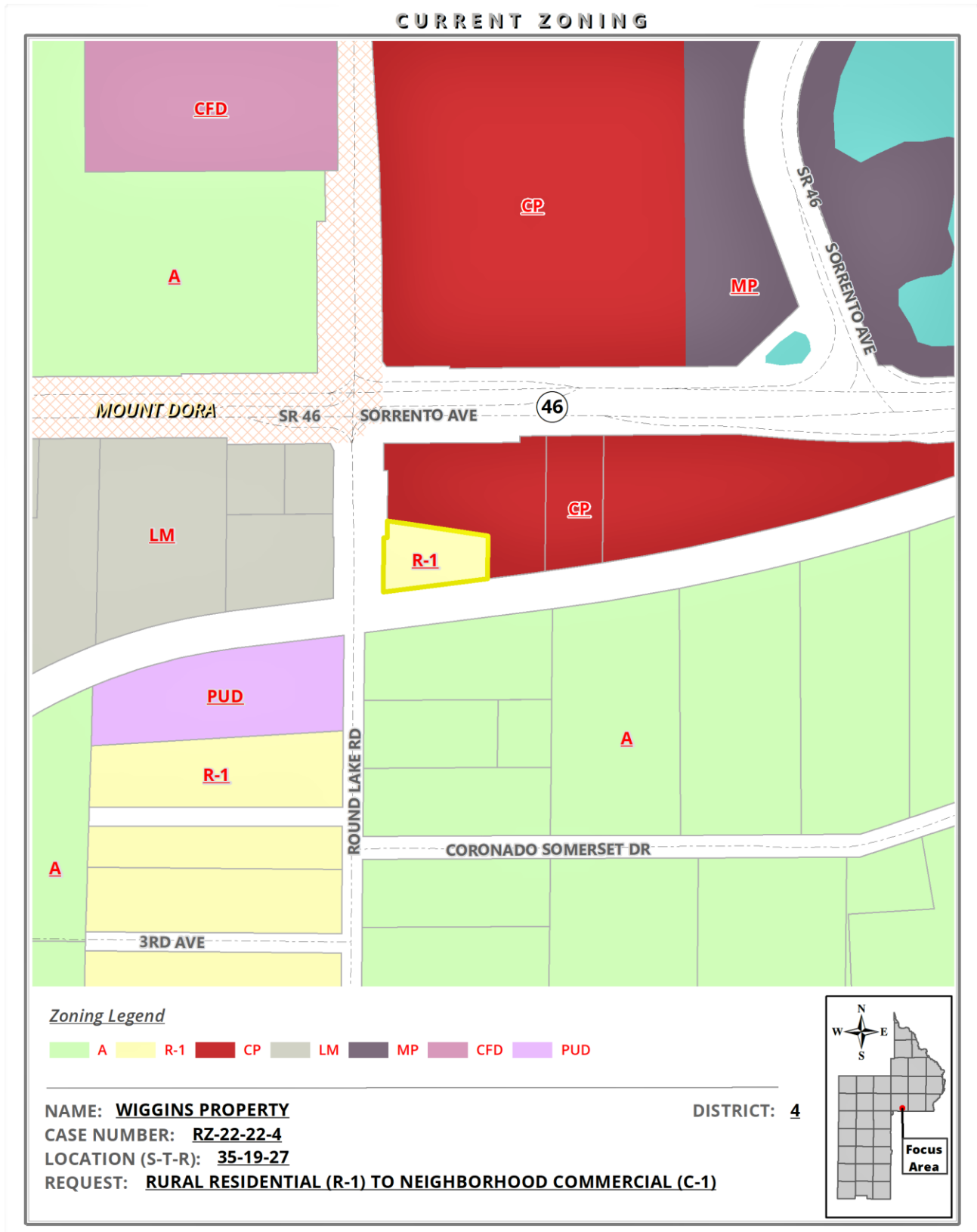
CP Policy I-7.13.4 Alternative Future Land Use Designation

The Board of County Commissioners may determine that a Future Land Use Category other than the designation requested by the applicant is appropriate, provided that the approved Future Land Use Category does not exceed the density or intensity of the Future Land Use Category or use that was publicly advertised for consideration.

LDR 14.00.09 Res Judicata.

Once a final decision denying an application has been made by the Board of County Commissioners or the Board of Adjustment, the matter shall not be considered again for a period of one (1) year from the date the application was denied. The applicant may re-apply prior to the one (1) year, but the matter will not be presented to the Lake County Planning and Zoning Board, Board of County Commissioners or Board of Adjustment until after one (1) year has elapsed. However, the Board of County Commissioners and the Board of Adjustment shall refuse to hear subsequent applications based upon a determination that a substantial change in circumstances has not occurred between the original denied application and the subsequent application, even where the subsequent application has been filed after the one (1) year has elapsed. Notwithstanding the foregoing, if the Board of County Commissioners denies an application without prejudice, the applicant may re-apply within ninety (90) days of the denial so long as a substantial change in circumstances has occurred between the time of the original denied application and the subsequent application.

Attachment "D" – Zoning Map



Attachment “E” – Project Narrative (Page 1 of 2)

Wiggins Round Lake LLC

Rezoning Project Narrative

a. Whether the rezoning is in conflict with any applicable provisions of the Land Development Code.

Response: The request is consistent with LDR Section 3.00.02, Purpose and Intent of Districts, which establishes lands that benefit the public and general welfare. The C-1 zoning request will make the site consistent with the surrounding CP zoning with C-1 uses on the north and east of the site.

b. How the application is consistent with all elements of the Comprehensive Plan.

Response: The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied with the Small Scale Comprehensive Plan Amendment request will grant this site compatible uses.

c. How the proposed rezoning is inconsistent with existing and proposed land uses.

Response: The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied with the Small Scale Comprehensive Plan Amendment request will grant this site compatible uses.

d. A statement describing any changed conditions that would justify the rezoning.

Response: The current Future Land Use does not allow R-1 uses and would require a change to develop the property.

e. Description of how 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.

Response: **Water and Sewer:** The City of Mount Dora will be the future provider of utilities for the site. Documentation is being requested to verify the future conditions and timing. The development shall be served with an individual well and on-site septic system unless public services become available, in accordance with the Comprehensive Plan and LDR, as amended. On-site septic and sewage service, as applicable, must be permitted in accordance with the Florida Department of Health (DOH) – Lake County, Florida Department of Environmental Protection (DEP), Comprehensive Plan, and LDR, as amended. **Solid Waste:** The request is not anticipated to adversely impact solid waste capacities or levels of service. **Public Safety:** Office of Public Safety Lake County Fire Rescue Station #39 is located approximated 3.5 miles of the subject property. Fire protection water supply and

Attachment “F” – Project Narrative (Page 2 of 2)

emergency access will be addressed during the site plan review process. Transportation Concurrency: The standard Level of Service (LOS) will have to be met with any site plan approval for the site.

f. Any impacts the rezoning application would affect the natural environment.

Response: The property is currently undeveloped with mature tree canopy. Tree removal will have to be in accordance with LDR Section 9.02.00. All environmental resources will be addressed through the development review process.

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

Response: There is no information within the rezoning application that specifies the effects on area property values.

h. How the proposed rezoning would result in an orderly and logical development pattern.

Response: The current Regional Office FLU does not allow R-1 uses. The current R-1 zoning is inconsistent with the existing Regional Office Future Land Use. This requested rezoning accompanied with the Small Scale Comprehensive Plan Amendment request will grant this site compatible uses.

i. How the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

Response: Accompanied with the requested Small Scale Comprehensive Plan Amendment the request will be in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

Attachment "G" – City of Mount Dora Utility Notification



Office of Planning and Zoning

Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

The applicant is proposing the following:

Single-Family Dwelling _____ Multi-Family Units _____ Duplex _____ Commercial X

Administrative Lot Split _____ Commercial Project X Rezoning X

Legal description: Section 35 Township 19 Range _____ Alt Key # 1510571 / 1510562/ 2614056

Subdivision NA Lot NA Block NA Additional Legal attached _____

Hook up to Central Sewage IS within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water IS within 300 feet of the above described property.
(is or is not)

The City of Mount Dora, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No X Central Water: Yes _____ No X
Will the connection to the central sewage system be via a X gravity line or a _____ force main/pump?

Wellfield Protection:

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is _____ or is not X within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature C. D. Jant

Print Name, Title and Entity: Christopher D. Jant, City Engineer Date 10/21/22

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff: Staff Name: _____
Date Received: _____ Address #: _____ Project Name: _____

Attachment “H” – City of Mount Dora Comments (Page 1 of 2)



CITY OF
MOUNT
DORA

Someplace Special.

August 31, 2022


Green Consulting Group, Inc.
c/o Timothy W. Green
4070 United Avenue
Mount Dora, Florida 32757
By Email: tgreen@greenconsultinggroup.com

RE: JPA Projects - Wiggins Property
FLUM Amendment (AR#4948) – FLU-22-10-4
Rezoning (AR#4949) – RZ-22-22-4


Dear Mr. Green:

The City of Mount Dora is in receipt of applications pertaining to the above-referenced applications affecting property within the Mount Dora Joint Planning Area (JPA). The subject property is located within the Wolf Branch Innovation District. Please be advised of the following review comments from the City:

1. A Covenant to Annex and Utility Agreement(s) shall be required prior to agreeing to provide utility services outlining, among other items, timing of utilities for connection to the City’s central systems, and specific uses of the site.
2. Pursuant to the City/County JPA agreement, development plans will require site plan/plat reviews by the City pursuant to the City’s normal plan review process meeting the requirements of the City’s Land Development Code. A full set of drawings will be required.
3. The developer is obligated to pay all appropriate connection and impact fees.
4. Upon annexation into the City, the property will be designated as Employment Center Gateway Sub-District Land Use Category and Wolf Branch Innovation Gateway (WBI-G) Zoning District. The proposed land use and zoning district will be inconsistent with the City’s intended land use and zoning district for the property once annexed.
5. Development plans are required to meet the City’s Wolf Branch Innovation District zoning permitted uses and design standards.

 (352) 735-7100

 www.CityofMountDora.com

 510 N. Baker St. Mount
Dora, FL 32757



Attachment “I” – City of Mount Dora Comments

(Page 2 of 2)

JPA Projects - Wiggins Property
FLUM Amendment (AR#4948) – FLU-22-10-4
Rezoning (AR#4949) – RZ-22-22-4
August 31, 2022

If you have any comments or questions, please do not hesitate to contact me at janiszewskim@cityofmounddora.com or 352-735-7112. As always, thank you for allowing us the opportunity to review and comment on the projects.

Thank you,

Michele Janiszewski

Michele Janiszewski, AICP
Senior Planner

cc: Mr. Christopher D. Gaw, P.E. City Utilities Engineer
Mr. Vince Sandersfeld, Department of Planning & Development Director
Mr. Bobby Howell, Director of Planning & Zoning, bobby.howell@lakecountyfl.gov
Ms. Janie Barrón, Chief Planner, jbarron@lakecountyfl.gov
Ms. Emily Johnson, Case Manager, EWJohnson@lakecountyfl.gov

Attachment “J” – City of Mount Dora Comments – Second Review (Page 1 of 2)



CITY OF
MOUNT
D O R A

Someplace Special.

November 1, 2022

Ms. Jennifer Barker, County Manager
315 W Main Street
Tavares, Florida 32778
By Email: jbarker@lakecountyfl.gov

RE: JPA Development Review
Wiggins Property (Property) (Second Review)
FLUM Amendment (AR#4948) – FLU-22-10-4
Rezoning (AR#4949) – RZ-22-22-4

Dear Ms. Barker:

The City of Mount Dora is in receipt of applications pertaining to the above-referenced Property which is located in the Wolf Branch Innovation District and is within the Mount Dora Joint Planning Area (JPA). In addition to the comments provided in our letter dated August 31, 2022, City staff would also reiterate concerns about the future development of the Property.

Mount Dora Land Development Code (LDC), Section 3.4.15 (8)(d)(16) includes as a permitted use: “Only the permitted uses under a planned commercial (CP) ordinance previously approved by Lake County and recorded in the public records prior to May 31, 2021 for a property within the WBI-G district or the employment center gateway sub-district future land use. This provision controls over any conflicts with the prohibited use provisions. The above CP ordinances only pertains to permitted uses and all other design standards and conditional uses listed in this code shall apply upon new developments.”

Staff understands that Lake County Ordinance 2000-21 establishes a Planned Commercial (CP) zoning district on a portion of the subject property (Alternate Keys 110571 and 1510562) and the current rezoning application seeks to rezone Alternate Key 2614056 to C-1.



(352) 735-7100



www.CityofMountDora.com



510 N. Baker St. Mount
Dora, FL 32757



Attachment “L” – Response September 19, 2022 Comments (Page 1 of 5)

Response to September 19, 2022 Comments

Application for Comprehensive Plan Amendment (Regional Office to Regional Commercial) - Wiggins Property
Project No. 2022070006; Application Request No. 4948
Case No. FLU-22-10-4; Alternate Key No. 1510571, 1510562, and 2614056

Application for Rezoning (R-1 to C-1) - Wiggins Property
Project No. 2022070006; Application Request No. 4949
Case No. RZ-22-22-4; Alternate Key No. 2614056

Review Comments

Office of Planning & Zoning Comp Plan Amendment (AR #4849) & Rezoning (AR #4949)

Please complete and submit the attached Utility Notification Letter from the City of Mount Dora.

Response: The Utility Notification Letter has been sent to the City of Mount Dora.

Transportation Concurrency Review (Public Works Department) Comp Plan Amendment (AR#4849) & Rezoning (AR#4949)

Transportation review fee cannot be determined at this time.

Response: Acknowledged.

Transportation concurrency cannot be determined at this time, please provide the Office of Planning with the following information:

1. Please provide the exact retail use and square footage of the project.

Response: The exact retail use and square footage cannot be determined at the Comprehensive Plan and Zoning stage of the process. The exact retail use and square footage will be determined at the Site Plan stage of the development of the site.

City of Mount Dora

Please see the enclosed letter from City of Mount Dora and provide a written response confirming whether the requested components requested by the City affecting property within the Mount Dora Joint Planning Area (JPA) and within the Wolf Branch Innovation District and provide a revised Concept Plan as necessary.

Response: While the property is within the JPA, the property does not currently meet the legal requirements for annexation into Mount Dora under Chapter 171, Florida Statutes. Lake County is the local government with comprehensive planning and zoning authority over the property. The owner had previously worked with the City of Mount Dora in its adoption of the Gateway standards and the City recognized within the City's Gateway Land Development Regulation uses and vested rights the property obtains prior to annexation. Ordinance # 2020-20 Adopted on by the Mount Dora City

Attachment “M” – Response September 19, 2022

Comments (Page 2 of 5)

Council on May 4, 2021 recognizes permitted uses of the property's existing CP Zoning and outlined uses found in Lake County CUP # 16-00-CP as approved with Ordinance #2000-21 on April 25, 2000 for Alternate Keys: 1510562 and 1510571. Further, Ordinance #2020-20 recognizes as permitted uses all existing uses on the property that legally exist prior to annexation. Once annexation is legally appropriate and the property is annexed, the total site will be designated as a Gateway in the City of Mount Dora's future Innovation District and the existing uses and vested rights obtained under Lake County's zoning and other development orders should be recognized by the City's Gateway Land Development Regulations. Thus, there is no conflict with proceeding with the proposed future land use map amendment and rezoning request. A concept plan is not required at this time.

Portions of Ordinance #2020-20

Wolf Branch Innovation District Gateway Standards.

d. Permitted uses within WBI-G

“(16) uses permitted under a planned commercial (CP) ordinance previously approved by Lake County and recorded in the public records prior to April 30, 2021 for a property within the WBI-G District or the Employment Center Gateway Sub-District future land use. The provision controls over any conflicts with the prohibited use provisions.”

“(17) Existing uses on a property that legally existed prior to annexation of a property that is designated with the WBI-G district zoning or the Employment Center Gateway Sub-District future land use. The expansion of such uses and their principal and accessory structures are also permitted. This provision controls over any conflicts with the prohibited use provisions.”

A revised Concept plan is not needed for this application

Informational Comments

The Offices or Departments of the County involved with the review process have provided informational comments to inform you of Code requirements and/or processes that will be required as you move forward with the development process. The informational comments are listed below.

Office of Planning and Zoning

1. Please be advised the applicant is responsible for paying the legal advertisement and notification fees. The recording fees will be calculated separately, a fee request letter will be forthcoming in the near future.

Response: Acknowledged.

Attachment “N” – Response September 19, 2022

Comments (Page 3 of 5)

2. A sign advertising the public hearings will need to be posted on the subject property along the public access roads/county road(s) closest to the subject property a minimum of ten (10) days prior to the Planning & Zoning Meeting. You will receive notification of when the sign is ready and available for pick up at the Office of Planning & Zoning. Proof of posting will need to be provided after the sign is posted. If the sign is not posted in a timely manner, the application will be postponed, and the applicant will be reassessed for the additional advertisement fees.

Response: Acknowledged.

3. A copy of the staff report will be available a minimum of five (5) working days prior to the hearing. The agendas and staff comments for all projects are available for viewing on the website at www.lakecountyfl.gov under Board Agendas/Minutes.

Response: Acknowledged.

Public Works – Engineering Review Rezoning (AR#4949)

Comments:

The current property owner owns the parcel to the north. The two properties will need to share access from Round Lake Road and State Road 44. Easements maybe required with the future development to ensure access remains if parcels are sold off individually.

Response: Acknowledged.

Conditions for the Ordinance:

Transportation:

1. All access management shall be in accordance with the Florida Department of Transportation (FDOT), Comprehensive Plan and Land Development Regulations, as amended.

Response: Acknowledged.

2. Cross-Access with the adjacent property on the Parcel # 351927000200000500, Alt Key 1510571 will be required.

Response: Internal connections will be created with the Site Plan process.

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

Response: Acknowledged.

Stormwater and Floodplain Management:

The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.

Attachment “O” – Response September 19, 2022 Comments (Page 4 of 5)

Response: Acknowledged.

Office of Parks and Trails

1. The property is located along State Road 46 and Round Lake Road where the future Wekiva Trail and Round Lake Road Trail will be located. The trail's location (north or south of State Road 46 and west or east of Round Lake Road) is to be determined later, therefore, this property may be affected by the future trails.

Response: Acknowledged.

2. The property is also situated immediately north of the existing railroad right of way where the future Wekiva Trail located (within the existing railroad right of way).

Response: Acknowledged.

3. Additional right of way may be required if trails are finally located along the property. Developer must closely coordinate with Public Works before any development application approval to ensure there is enough right of way for the trail's construction.

Response: Additional “right of way” for the trail would have to be obtained from the property owners. I am not aware of any provision for dedication right of way for trail construction.

4. At this time, the Wekiva Trail and Round Lake Road Trail are under Planned Trail phase.

Response: Acknowledged. The 60% plans for the Round Lake Road Trail illustrate the 12 foot Multi-use trail is located on the west side of Round Lake Road.

5. According to the Trail Master Plan the proposed trails are planned to run along State Road 46, Round Lake Road and within the existing railroad right of way.

Response: Acknowledged.

6. Note that additional comments may be provided at the time of submitting a development application.

Response: Acknowledged.

Office of Building Services – Fire Review Rezoning (AR#4949)

No objections to rezoning, provided compliance with Florida Fire Prevention Code and LDR's regarding adequate water supply and emergency access.

Response: Acknowledged.

The Florida Fire Prevention Code mandates specific fire protection features based on occupancy;

Attachment “P” – Response September 19, 2022

Comments (Page 5 of 5)

these items will be addressed during the building permitting phase. (i.e., automatic sprinkler system and fire alarm)

Response: Acknowledged.

Office of Public Safety Support

Comments may be forthcoming under a separate cover.

Response: Acknowledged.

Attachment “Q” – Email Response (Page 1 of 3)

From: [Janiszewski, Michele](#)
To: [Gonzalez, Bernice](#)
Cc: [Johnson, Emily](#); [Howell, Bobby](#); [Marsh, Melanie](#); [Timothy Green](#); [Greg Wiggins](#); [Sandersfeld, Vince](#)
Subject: RE: TIME SENSITIVE ITEMS | FLU-22-10-4_RZ-22-22-4_WIGGINS PROPERTY
Date: Friday, December 16, 2022 11:34:55 AM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Wiggins Property City Comments Second Review 11-01-2022.pdf](#)

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you! Staff will review.

Thank you,



Michele Janiszewski, AICP
Senior Planner

T: (352) 735-7112 Ext. 1712
Email: janiszewskim@cityofmountdora.com

City of Mount Dora
510 N Baker St
Mount Dora, FL 32757

From: Gonzalez, Bernice <bernice.gonzalez@lakecountyfl.gov>
Sent: Friday, December 16, 2022 11:22 AM
To: Janiszewski, Michele <janiszewskim@ci.mount-dora.fl.us>
Cc: Johnson, Emily <emily.johnson@lakecountyfl.gov>; Howell, Bobby <bobby.howell@lakecountyfl.gov>; Marsh, Melanie <melanie.marsh@lakecountyfl.gov>; Timothy Green <tgreen@greenconsultinggroup.com>; Greg Wiggins <greg.wiggins@aol.com>
Subject: FW: TIME SENSITIVE ITEMS | FLU-22-10-4_RZ-22-22-4_WIGGINS PROPERTY

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Good morning

Please be advised the applicant has provided the comments below in response the city’s review comments and will be included in the staff report as an attachment.

Regards

Bernice

Attachment “R” – Email Response (Page 2 of 3)



BERNICE GONZALEZ, MDUR, CMP, AICP, MCIP-I
Senior Planner

Office of Planning & Zoning

A P.O. Box 7800, Suite 510, Tavares, FL 32778

P 352-343-9641 | **F** 352-343-9767

E Bernice.gonzalez@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

From: Dan Langley <dlangley@fishbacklaw.com>

Sent: Friday, December 16, 2022 6:59 AM

To:

Cc: Gonzalez, Bernice <bernice.gonzalez@lakecountyfl.gov>; **Subject:** FW: TIME SENSITIVE ITEMS | FLU-22-10-4_RZ-22-22-4_WIGGINS PROPERTY

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Howell:

I represent the applicant for the Wiggins Property application for a FLUM amendment and rezoning. The condition that City of Mt. Dora is requesting be imposed on the County’s rezoning of the property to C-1 is illegal and inconsistent with the County’s code. My client is requesting a straight zoning classification. Thus, the County’s land development regulations under the C-1 zoning district would apply to the property once rezoned to C-1, not the City’s land development regulations or some variant of it. This application is not for a planned development zoning where the County and the property owner negotiate uses and performance standards to incorporate into a development agreement. The performance standards and uses of the C-1 zoning district apply. The County cannot deviate from its land development regulations on a whim and without going through a land development regulation amendment process as suggested by the City.

We would ask that you not let the City’s comments lead you down the path of

Attachment "S" – Email Response (Page 3 of 3)

imposing illegal conditions on the rezoning request or further delay in processing the FLUM amendment and rezoning request.

Feel free to contact me if you have any further questions. Thank you.

Daniel W. Langley
Fishback Dominick
1947 Lee Road
Winter Park, Florida 32789
Telephone (407) 262-8400
Email: dlangley@fishbacklaw.com

Board Certified in City, County and Local Government Law



FISHBACK ♦ DOMINICK
ESTABLISHED 1935
ATTORNEYS AND COUNSELORS AT LAW

From: Sandersfeld, Vince <sandersfeldv@ci.mount-dora.fl.us>
Sent: Tuesday, December 13, 2022 7:20 PM
To: Howell, Bobby <bobby.howell@lakecountyfl.gov>
Cc: Gonzalez, Bernice <bernice.gonzalez@lakecountyfl.gov>; Kramm, Josh <krammj@ci.mount-dora.fl.us>; Hand, Ethan <HandE@ci.mount-dora.fl.us>; Janiszewski, Michele <janiszewskim@ci.mount-dora.fl.us>; Timothy Green <tgreen@greenconsultinggroup.com>
Subject: RE: TIME SENSITIVE ITEMS | FLU-22-10-4_RZ-22-22-4_WIGGINS PROPERTY

Hi Bobby

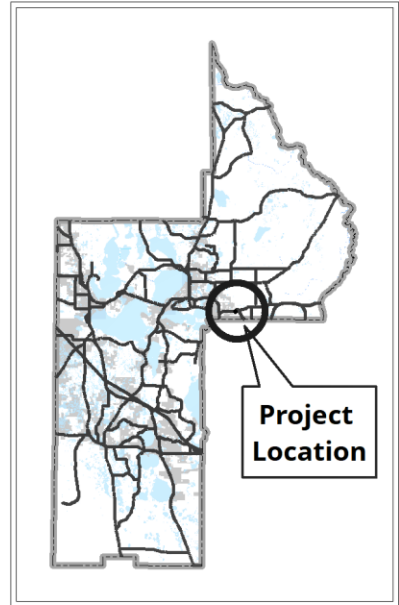
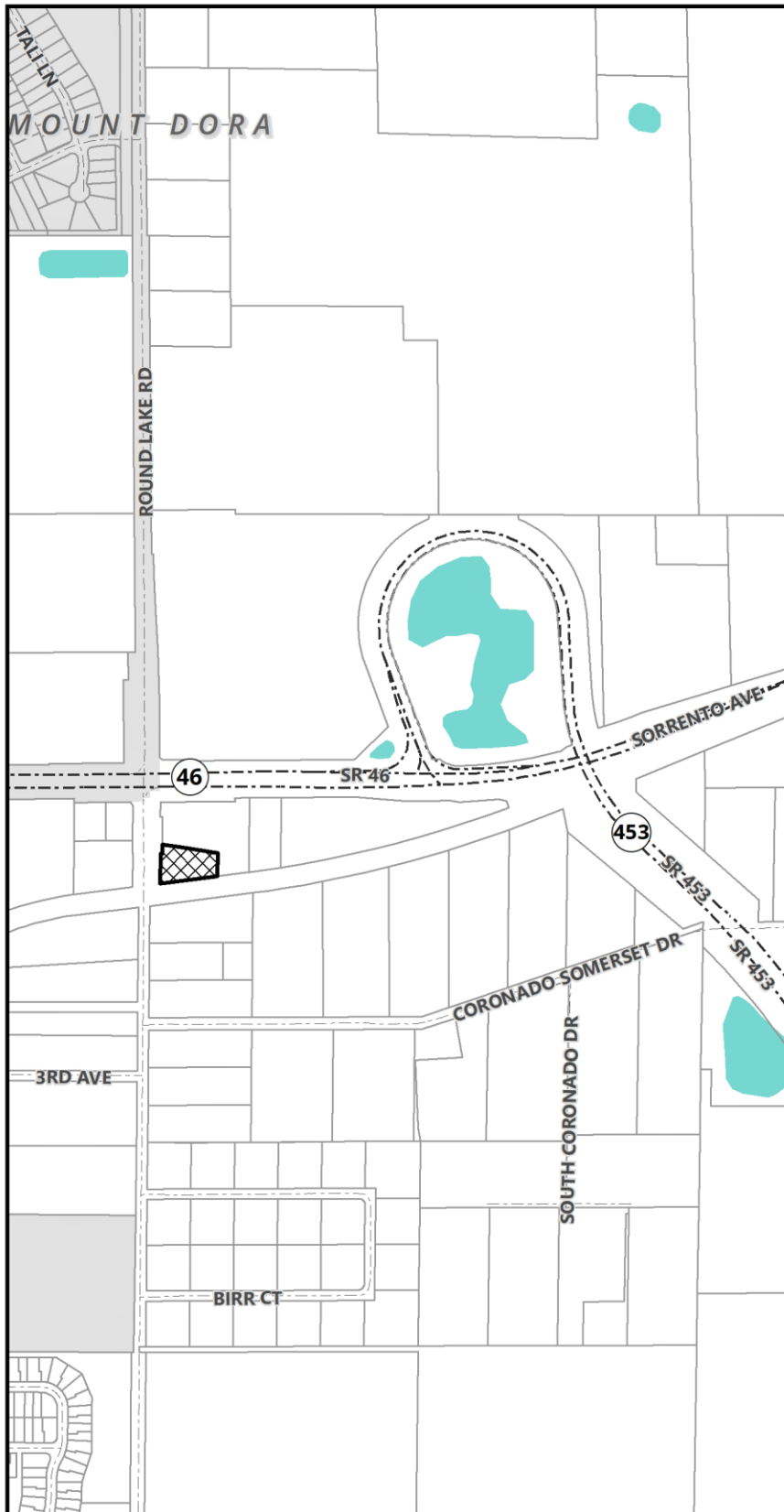
In addition to utility confirmation, has the applicant committed to the City comments and LDC requirements pertaining to Wolf Branch Innovation district design standards? See attached. My office has not been involved in any recent application revisions. If scheduling for public hearings right after the holiday, there is a concern city comments and requirements (JPA) are silent. Please advise and provide assurance and draft ordinances addressing the attached requirements.

I'm confident the County will insist the hard work of the WBID are being maintained.

Please let me know the status by end of week, as I'll need to report to City administration to the project has met city LDC requirements (or not).

Vince

Map of Subject Property



ORDINANCE #2023-_____
Wiggins Round Lake LLC
RZ-22-22-4

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

WHEREAS, Timothy W Green (the "Applicant") requested a rezoning application on behalf of Wiggins Round Lake LLC ("the Owner") to rezone approximately 0.92 +/- acres from Rural Residential (R-1) District to Neighborhood Commercial (C-1) District to allow the development of the property; and

WHEREAS, the subject property consists of 0.92 +/- acres (~40,075 square feet) located east of Round Lake Road and south of SR 46 in the Mount Dora area of unincorporated Lake County, in Parcel No. 4, Section 35, Township 19 South, Range 27 East, Lake County, identified by Alternate Key Number 2614056, more particularly described respectively as:

Commence at the Northwest corner of said Section 35, Township 19 South, Range 27 East; thence South 00 degrees 00'00" East along the West line of said Section 35, a distance of 238.18 feet; thence leaving said West line, South 81 degrees 46'25" East, a distance of 87.85 feet to the Point of Beginning; thence continue South 81 degrees 46'25" East, a distance of 265. 73 feet; thence South 00 degrees 00'00" East, a distance of 111.01 feet to a point on the North right-of-way line of CSX Railroad, said point also being 350 feet East of the West line of Section 35; thence along said North right-of-way line South 82 degrees 16'05" West, a distance of 27 4.50 feet to a point on the East right-of-way line of Round Lake Road per Official Records Book 4797, Pages 242 through 244, of the Public Records of Lake County, Florida; thence along said East right-of-way line North 00 degrees 00'00" East, a distance of 141.53 feet; thence North 90 degrees 00'00" East, a distance of 9.00 feet; thence North 00 degrees 00'00" East, a distance of 44.43 feet to the Point of Beginning.

WHEREAS, the property subject to the request is located within the Regional Office Future Land Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the lands subject to this amendment are located in the Wolf Branch Innovation District, as the Implementation Plan was adopted by the Board of County Commissioners in October 2019, and within the Mount Dora Joint Planning Area (JPA); and

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-22-22-4 on the 4th day of January 2023, after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 7th day of February 2023; and

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

WHEREAS, upon review, certain terms pertaining to the development of the above-described property has been duly approved.

