



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearings: Planning & Zoning Board (PZB): June 4, 2025
Board of County Commissioners (BCC): July 1, 2025

Case No. and Project Name: PZ2024-329, Oswalt Clermont

Applicant(s)/Owner: Franciscus Bombeeck, Burgland Investments, LLC.

Requested Action: Rezone approximately 9.44 +/- acres from Urban Residential (R-6) District to Planned Unit Development (PUD) District to facilitate the development program for Oswalt Clermont, a residential subdivision.

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

Case Manager: Leslie Regan, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 9.44 +/- acres

Location: West of Oswalt Road and north of Grand Hills Boulevard, in the unincorporated Clermont area

Alternate Key No.: 1114870

Future Land Use: Rural Transition (Attachment "A")

Current Zoning District: Urban Residential (R-6) District (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD) (Attachment "C")

JPA/ISBA: City of Clermont Joint Planning Area

Overlay/Rural Protection Area: N/A

Adjacent Future Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Urban Residential (R-6)	Residential	Single-Family Dwelling Units
South	Rural Transition	Urban Residential (R-6)	Residential	Single-Family Dwelling Units
East	Rural Transition	Urban Residential (R-6)	Residential and Right-of-Way	Single-Family Dwelling Units east of Oswalt Road
West	Rural Transition	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit

- Summary of Analysis -

The subject parcel is identified by Alternate Key Number 1114870 and contains approximately 9.44 +/- acres. The subject property is generally located West of Oswalt Road and north of Grand Hills Boulevard, in the unincorporated area of the Clermont area. The subject property is currently zoned Urban Residential (R-6) District; is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan (with a concurrent requested change to Planned Unit Development FLUC). The subject parcel is a vacant parcel of land (Attachment "C").

The Applicant seeks approval to rezone the subject property from R-6 to Planned Unit Development (PUD) District to allow construction of a single-family residential subdivision.

The subject property is located within the City of Clermont Joint Planning Area (JPA) and the application was provided to the City of Clermont for review and comment. The City of Clermont provided comments, and all comments have been addressed through the revision process.

- Staff Analysis -

LDR Section 14.05.03 (Standards for Review)

A. Whether the rezoning conflicts with any applicable provisions of the Code (Land Development Regulations).

The rezoning request is consistent with LDR Section 4.03.00, which outlines the Purpose and Intent of the Planned Unit Development zoning district. One of the purposes of the PUD District is to provide a means for land to be used more effectively, detail the natural amenities of land encouraging functional open space within the PUD and to provide the County assurance that the PUD will be developed according to specifications. This project proposal is a smaller Planned Residential community that is meeting the regulations for this zoning district.

The rezoning request is consistent with LDR Section 4.03.01 entitled Purpose and Intent which states that Planned Unit Developments shall be allowed in all Land Use classifications.

The rezoning request is consistent with the Future Land Use designation, in that the Applicant is also requesting to change the Future Land Use Category to Planned Unit Development FLUC . The proposal is meeting Section 4.03.04 Residential Development within a Planned Unit Development District.

New development will be required to meet all criteria specified in the LDR, as amended.

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

The application seeks to rezone the property from R-6 to PUD. The current Future Land Use category for the property is Rural Transition with a request to Planned Unit Development FLUC .

The request is consistent with Comprehensive Plan Policy IX-2.2.2 entitled Mandatory Center Water Connection, which states new development within the Urban Future Land Use Series to connect to a public water system, when available. Sunshine Utilities has provided documentation (Attachment "D") indicating that potable water service is available with a mutually acceptable agreement with the owner.

The request is consistent with Comprehensive Plan Policy I-7.8.1 entitled Planned Unit Developments, which states that a PUD shall be developed as an integrated unit containing one or more land uses and shall ensure compatibility with existing and allowed uses on neighboring properties. The proposed project shares similar lot sizes as surrounding properties and includes provisions for open space requirements.

New development will be required to meet all criteria specified in the Comprehensive Plan.

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

The proposed rezoning request is consistent with adjacent neighboring properties. The Applicant has proposed a change to the Future Land Use Category as well in order to ensure consistency with the proposed development and both the Future Land Use Plan and the zoning. The Planned Development zoning will limit the site to a density or total units not to exceed 21 units' total.

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

The Applicant wishes to rezone the property and construct a single-family residential subdivision. The surrounding area is residential in nature and similar in lot sizes. The 21-lot subdivision is a smaller scale subdivision. The proposed density is lower than that allowed by the current Urban Residential Zoning.

A companion Future Land Use Amendment is being presented to amend the Future Land Use from Rural Transition to PUD FLUC. The rezoning request is consistent with existing and proposed land uses.

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.

Any future development of this property will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewage

Sunshine Utilities has provided documentation (Attachment "D") indicating that potable water service is available with a mutually acceptable agreement with the owner.

Sunshine does not provide sanitary sewer in the area. The property will be required to utilize a Distributed Wastewater Treatment System.

Schools

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

Parks

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

Solid Waste

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

Public Safety

Lake County Fire Station #109 is located 2.16 miles from the subject property and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during any future site plan review process, should the rezone be approved by the Board.

Transportation

Transportation exemption was received and approved.

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

An environmental assessment will be required to be submitted with any future development application to indicate the presence of vegetation, soils, wetlands, threatened and endangered species on the site. Any required State permitting, or mitigation will be obtained before development can commence. All sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Comprehensive Plan and Land Development Regulations (LDR).

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

In their Justification Narrative (Attachment "E"), the Applicant provided the following statement: *"The Property is current zoned R-6 and is undeveloped. Any development of this Property as a market rate single-family development would increase the site's and surrounding property's values."*

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

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

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

The proposed rezoning application was submitted concurrently with a site specific proposed Comprehensive Plan Map Future Land Use Category to Planned Unit Development being presented under a separate cover as case.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

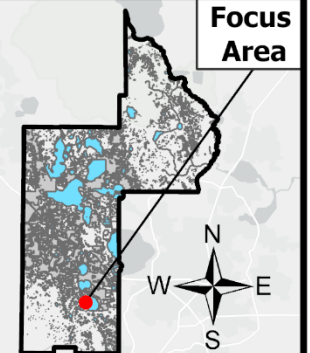


FLU

Rural Transition Green Swamp Rural

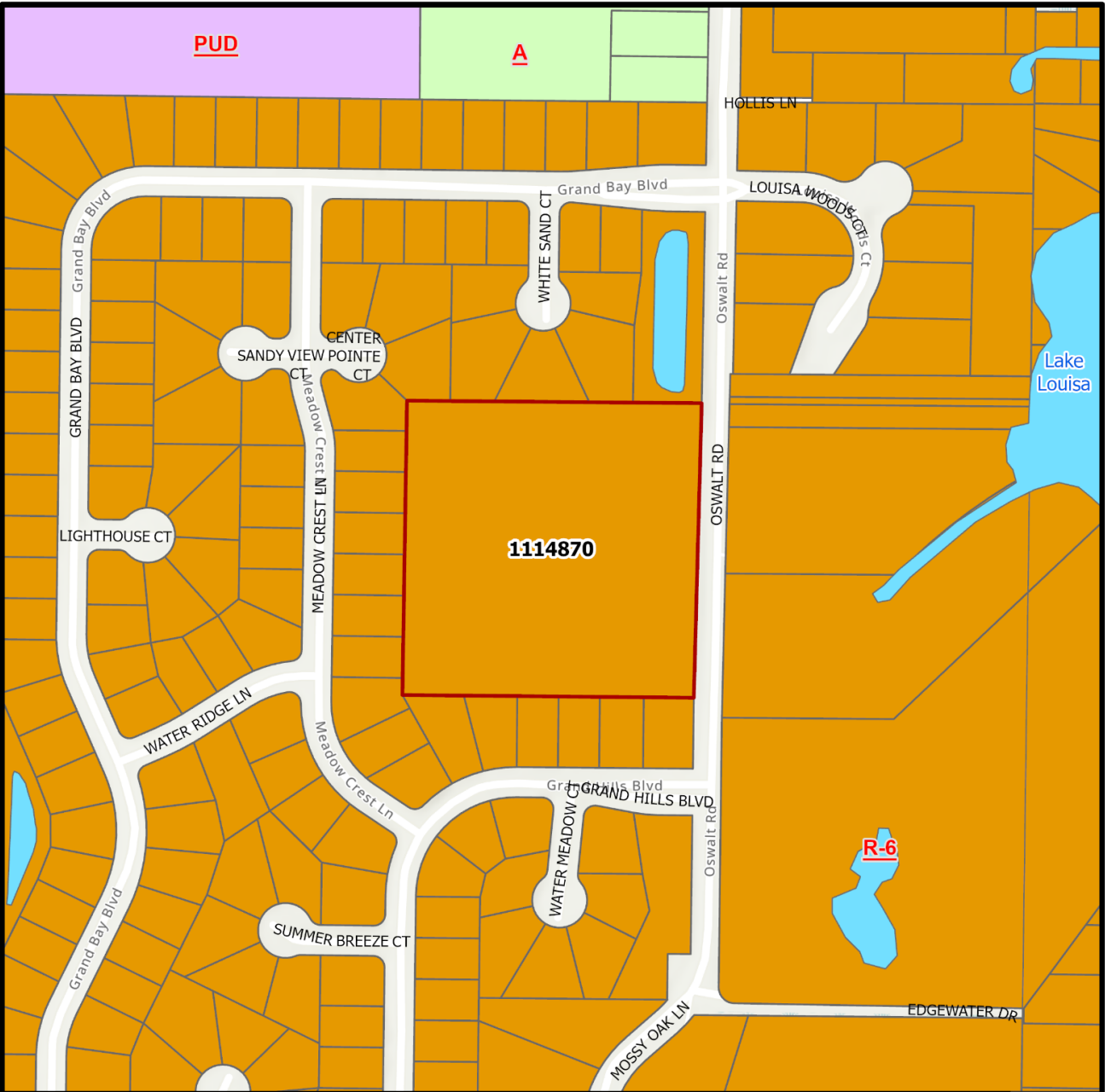
NAME: OSWALT PROPERTY
CASE NUMBER: RZ-PZ2024-329
LOCATION (S-T-R): 13-23-25
REQUEST: FROM R-6 TO PUD

DISTRICT: 1



Attachment “B” – Zoning District Map

CURRENT ZONING

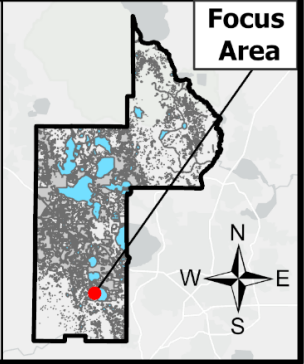


Zoning

A R-6 PUD

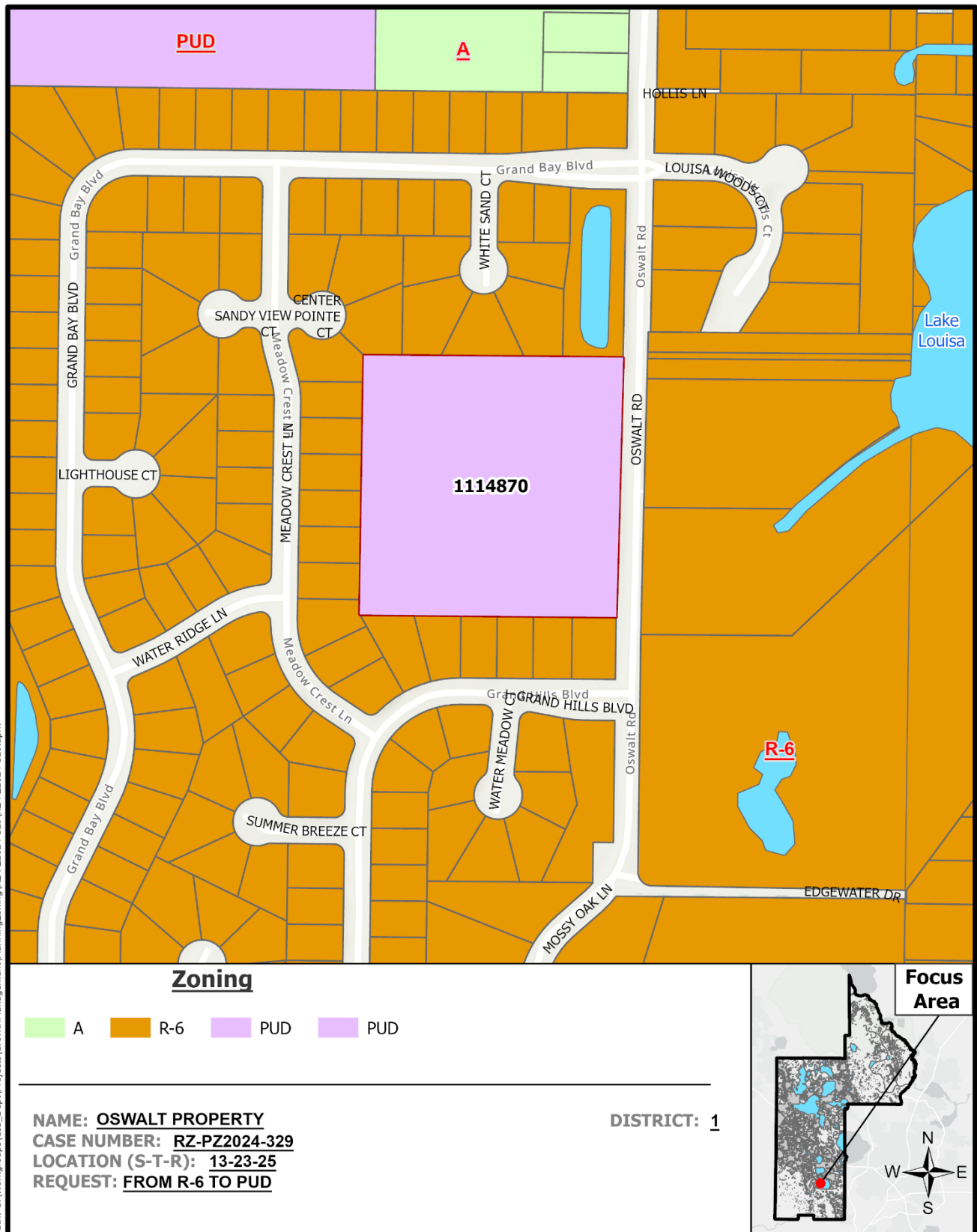
NAME: OSWALT PROPERTY
CASE NUMBER: FLU-PZ2024-329
LOCATION (S-T-R): 13-23-25
REQUEST: RURAL TRANSITION TO PUD

DISTRICT: 1



Attachment “C” Proposed Zoning District Attachment “D” Utility Letter

PROPOSED ZONING



Map of Subject Property



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\FLU-PZ2024-329\FLU-PZ2024-329.aprx

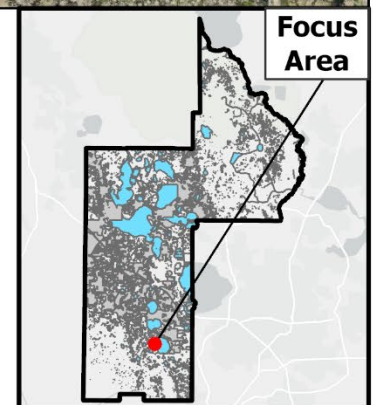
1/15/2025

Aerial Map of Subject Property

RZ-PZ2024-329
Oswalt Property



From R-6 to PUD



ORDINANCE 2025 - _____

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; REZONING 9.44 +/- ACRES FROM URBAN RESIDENTIAL (R-6) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) TO FACILITATE THE DEVELOPMENT PROGRAM FOR OSWALT CLERMONT, A RESIDENTIAL SUBDIVISION FOR PROPERTY IDENTIFIED AS ALTERNATE KEY NUMBER 1114870, LOCATED IN SECTIONS 13, TOWNSHIP 23 SOUTH, RANGE 25 EAST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Burgland Investments, LLC (the "Applicant") submitted a rezoning application on behalf of Thomas Dixon and Carol Dixon Patterson (the "Owner"), to rezone approximately 9.44 +/- acres from Urban Residential (R-6) District to Planned Unit Development (PUD) District to facilitate the development program for Oswalt Clermont, a residential subdivision; and

WHEREAS, the subject property consists of approximately 9.44 +/- acres located west of Oswalt Road and north of Grand Hills Boulevard in the unincorporated Clermont area in Section 13, Township 23 South, Range 25 East, known as Alternate Key Number 1114870 and more particularly described in Exhibit "A"; and

WHEREAS, the property is located within the Planned Unit Development Future Land Use Category; and

WHEREAS, the Lake County Planning and Zoning Board did on the 4th day of June 2025, review Petition PZ2024-329; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 1st day of July 2025; and

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

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

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

Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map to Planned Unit Development (PUD) for the property described in Exhibit "A". The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence.

A. Permitted Land Uses.

1. A maximum of nineteen 21 single-family residences may be developed on the subject property, at a maximum density of 2.01 dwelling units per 1 net acre. The average lot size would be 84' x 120'. A mandatory homeowner's association must be established.

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

B. Open Space, Impervious Surface Ratio, Floor Area Ratio and Building Height.

1. A minimum of thirty-five percent (35%) of the subject property acreage must be dedicated in perpetuity for preservation as common open space using a conservation or open space easement, or plat restrictions. The homeowners' association shall be responsible for maintaining the open space.
2. The maximum Impervious Surface Ratio (ISR) for the entire subdivision is sixty-five percent (65%) consistent with the Comprehensive Plan, as amended. Individual lots may be developed at a higher ISR if the Developer demonstrates that the overall ISR of the development will not exceed 0.65.
3. The maximum building height will be forty (40) feet.
4. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

C. Setbacks. The minimum setback for residential development will be as follows:

Development Type	Front	Secondary Front	Side	Rear
Single-Family Residence	25-feet	15-feet	7.5 feet	25-feet
Accessory Structures	25 feet	15-feet	7.5 feet	7.5'-feet

1. All setbacks must be measured from the property line.
2. The minimum wetland setback is 50 feet from jurisdictional wetland line.
3. Any setback not specified must be in accordance with the Land Development Regulations (LDR), as amended.

D. Bear Management.

1. Homeowners shall be required to use County approved, bear-resistant garbage carts, if available. If bear resistant garbage carts are not available, regular carts shall be modified to be bear resistant or homeowners shall be required to keep cans in a secure location.
2. Homeowners shall not have bird and wildlife feeders that are not modified to exclude bears.

3. Homeowners shall be placed on notice that they are purchasing property within an area known for Florida Black Bear habitat. New homeowners shall be given information published by the Florida Fish and Wildlife Conservation Commission regarding living among the Florida Black Bear and ways to reduce encounters.
4. All PUD requirements regarding the Florida Black Bear management shall be included in the homeowner governing documents for the community and shall be enforced by the homeowner's association for the property. Lake County shall have the right, but not the obligation, to enforce such provisions.

E. Landscaping, Buffering, and Screening. Landscaping, buffering and screening shall be in accordance with the Comprehensive Plan and LDR, as amended.

1. Drought tolerant, native trees, and drought tolerant, native vegetation shall be utilized for all street trees, landscape buffers, and stormwater retention/detention areas.
2. Perimeter buffers shall consist of canopy and understory trees and plants utilizing 100% Florida native plant materials from the IFAS list. Exotic/invasive species shall be removed. Existing vegetation located along the perimeter of the PUD may be used to count towards the minimum perimeter landscaping requirement.
3. Best Management Practices for native landscaping and "right plant-right place" landscaping techniques shall be utilized in the design and installation of invasive exotic plant species in all landscape plantings is prohibited.
4. The HOA shall manage buffer areas in accordance with a management plan that protects native habitats and limits the proliferation of nuisance/exotic vegetative species. A copy of the management plan will be provided to the County.
5. Smart Irrigation Best Management Practices shall be utilized for all landscape irrigation and shall incorporate soil moisture and rain sensors into the irrigation design.
6. Topsoil and/or soil amendments will be required prior to any landscape planting to help reduce the irrigation needs to maintain healthy landscaping. Landscaping and screening shall be in accordance with the Comprehensive Plan and LDR, as amended.
7. Landscaping and screening shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

F. Environmental Requirements. An environmental assessment dated within six (6) months of the date the preliminary plat is submitted will be required to demonstrate the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any State permitting or mitigation will be required before development can commence compliance in accordance with the Comprehensive Plan and LDR, as amended.

G. Noise. Compliance must be in accordance with the LDR, as amended.

H. Transportation. All access management shall be in accordance with the Comprehensive Plan and LDR, as amended. The property is within the Clermont Joint Planning Area and Chapter XV of the Land Development Regulations shall apply to this area.

1 **I. Future Road Maintenance.** Future road maintenance will be funded using a municipal
2 service taxing unit (MSTU), or municipal service benefit unit (MSBU) as authorized under
3 Section 125.01(1)(q), Florida Statutes. Before or concurrent with any final plat or site plan
4 approval, the Owner shall provide any documentation required by the County to impose an
5 MSTU or MSBU, at the County's discretion, on the platted or commercial lots. Additionally,
6 the Owner acknowledges and agrees that the MSTU or MSBU shall be collected as a non-
7 valorem assessment using the uniform method of collection set forth under Section
8 197.3632, Florida Statutes.

9 **J. Stormwater Management.**

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

13 2. The Owner shall be responsible for any flood studies required for developing the site
14 and comply with FEMA, Comprehensive Plan and LDR, as amended. Any development
15 within the floodplain as identified on the FEMA maps will require compensating storage.

16 **K. Parking Requirements.** Parking shall be provided in accordance with the LDR, as
17 amended.

18 **L. Utilities.**

19 1. The development will be serviced by central water and sewer systems, in accordance
20 with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
21 Provided, in the event sewer is not available, the property will utilize a distributed
22 wastewater treatment systems.

23 2. All homes constructed shall be Florida Water Star SM Program certified.

24 **M. Annexation.** Owner agrees not to enter into any covenant with a municipality to annex
25 which alters the prerequisites of a voluntary annexation under Section 171.044, Florida
26 Statutes.

27 **N. Lighting.** All development will adhere to the dark-sky principles set forth in Section 3.09.00,
28 Land Development Regulations, as amended. These same provisions shall apply to
29 individual lot owners as well as to the common areas.

30 **O. Signage.** All signage must be in accordance with the Land Development Regulations
31 (LDR), as amended.

32 **P. Schools.** School Concurrency shall be met before final plat approval in accordance with
33 the Comprehensive Plan and Land Development Regulations (LDR), as amended.

34 **Q. Concurrency Management Requirements.** Any development must comply with the Lake
35 County Concurrency Management System, as amended.

- 1 **R. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall
2 submit a preliminary plat, construction plans, and final plat generally consistent with the
3 Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the
4 Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 5 **S. PUD Expiration.** Physical development shall commence within three (3) years from the
6 date of this Ordinance approval. Failure to commence construction within three (3) years of
7 approval shall cause the revocation of this ordinance, in accordance with the
8 Comprehensive Plan or superseding documents, as amended. Prior to expiration of the
9 three-year time frame, the Board of County Commissioners may grant, via a Public Hearing,
10 one (1) extension of the time frame for a maximum of two (2) years upon a showing that
11 reasonable efforts have been made towards securing the required approvals and
12 commencement of work. Notwithstanding the foregoing, if at any time the developer is
13 granted an extension of time pursuant to Section 252.363, Florida Statutes, or Section 7-5,
14 Lake County Code, to the preliminary plat, construction plans, or final plat, commencement
15 of physical development shall be equally extended so long as the development is
16 proceeding in good faith and does not allow the originally extended development order to
17 expire.
- 18 **T. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
19 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
20 County Comprehensive Plan, and Lake County LDR shall include any future amendments
21 to the Statutes, Code, Plans, and/or Regulations.

22 **Section 2. Conditions.**

- 23 **A.** After establishment of the facilities as provided in this Ordinance, the property identified in
24 this Ordinance may only be used for the purposes identified in this Ordinance. Any other
25 proposed use must be specifically authorized by the Board of County Commissioners.
- 26 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
27 move, convert, or demolish any building structure, add other uses, or alter the land in any
28 manner within the boundaries of the above-described land without first obtaining the
29 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
30 the permits required from the other appropriate governmental agencies.
- 31 **C.** This Ordinance will inure to the benefit of and will constitute a covenant running with the
32 land and the terms, conditions, and provisions of this Ordinance, and will be binding upon
33 the present Owner and any successor and will be subject to each condition in this
34 Ordinance.
- 35 **D.** The transfer of ownership or lease of any or all the property described in this Ordinance
36 must include in the transfer or lease agreement, a provision that the purchaser or lessee is
37 made good and aware of the conditions established by this Ordinance and agrees to be
38 bound by these conditions. The purchaser or lessee may request a change from the existing
39 plans and conditions by following procedures contained in the Land Development
40 Regulations, as amended.

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

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

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

Section 5. Effective Date. This Ordinance shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

ENACTED this _____ day of _____, 2025.

FILED with the Secretary of State _____, 2025.

EFFECTIVE _____, 2025.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRWOMAN

ATTEST:

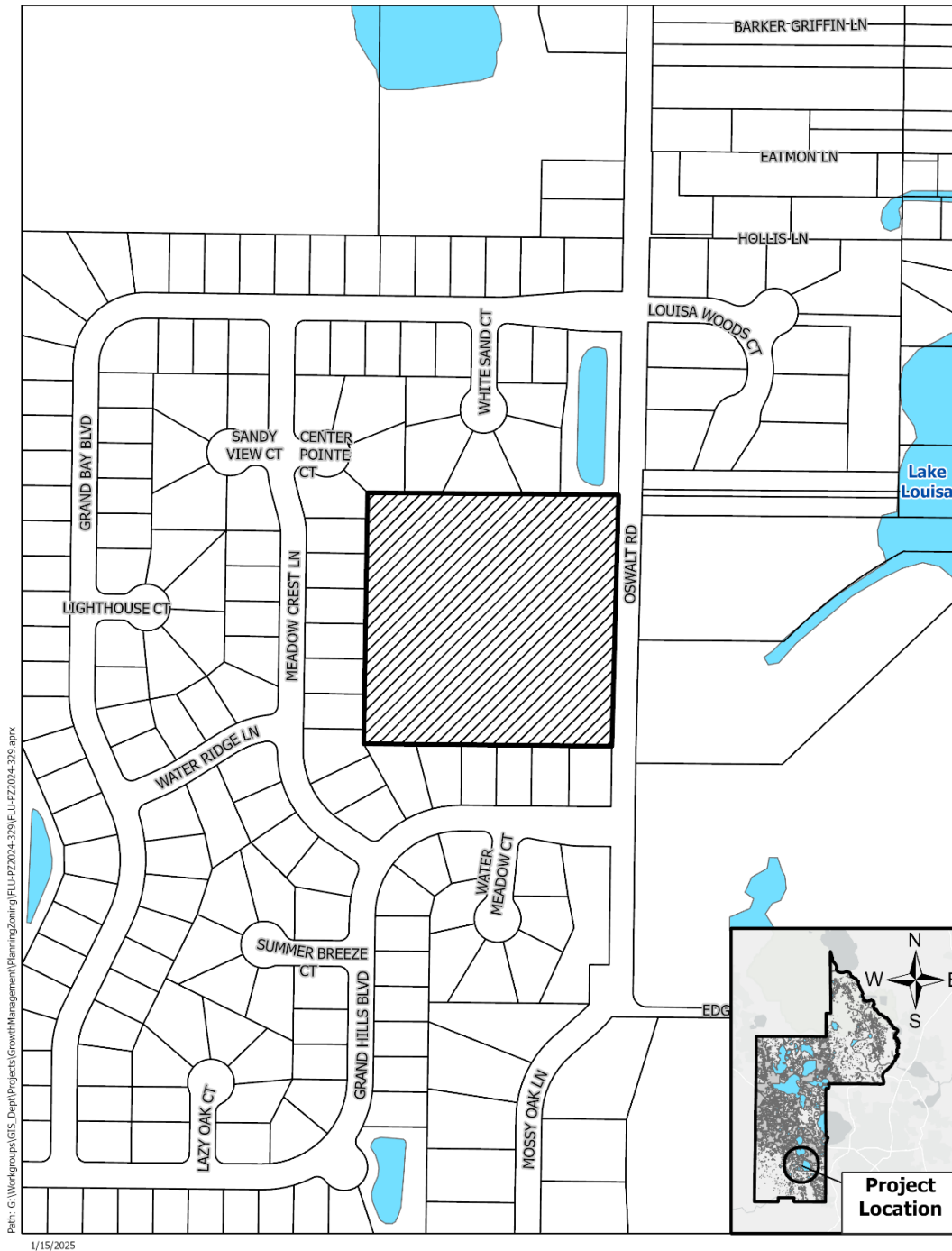
GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

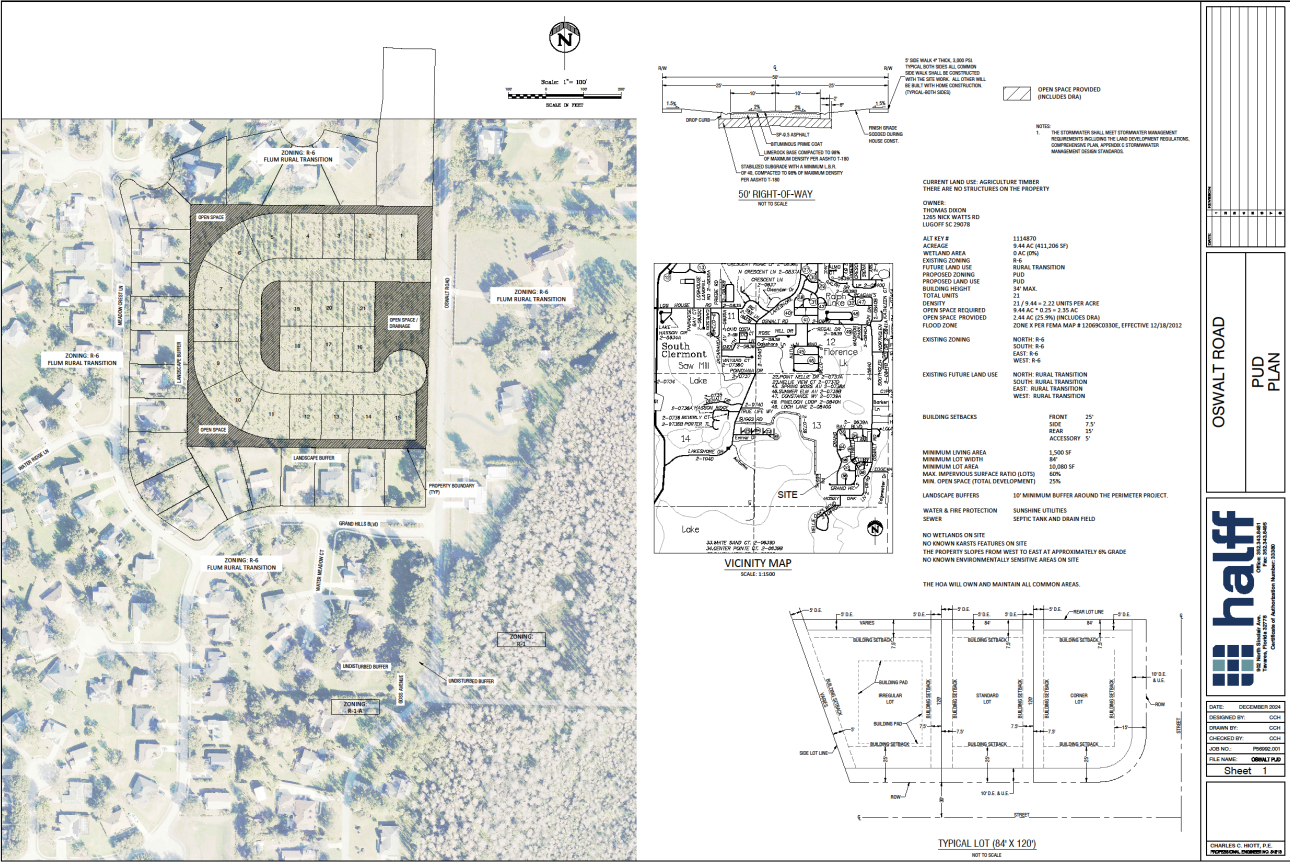
Exhibit "A" – Legal Description

Tract 39 in Groveland Farms in Section 13, Township 23 South, Range 25 East, Lake County, Florida, according to the plat thereof as recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.



1

Exhibit “B” – Conceptual Plan



2