



# LAKE COUNTY

DEPARTMENT OF  
GROWTH MANAGEMENT  
*Planning & Community Design Division*

**LOCAL PLANNING AGENCY**  
N/A

**BOARD OF COUNTY  
COMMISSIONERS**  
July 26, 2011

**-Item-**

Type: County-initiated Comprehensive Plan Policy & Map Amendment to Comply with Clonts Groves, Inc. (Case Number DOAH 10-8957GM) Stipulated Settlement Agreement

Creation or Revision: Revision

Description: Revises the 2030 Future Land Use Map for the Clonts Groves, Inc. property, comprising approximately 711 acres, from Rural Transition (up to 1 du/net acre) to Urban Low Density (maximum 4 du/1 net acre) to meet the requirements of a Stipulated Settlement Agreement.

**- Summary of Staff Recommendation -**

Staff recommends **APPROVAL** of the request to adopt the Comprehensive Plan Future Land Use Map and Text Amendments.

**-- Summary --**

On July 23, 2010, the State of Florida Department of Community Affairs (the "DCA") published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes. On August 13, 2010, Clonts Groves, Inc. (the "Petitioner") filed a Petition for an Administrative Hearing in the matter of Lake County Ordinance No. 2010-25 amending the County's Comprehensive Plan and the related Notice of Intent to find the plan in compliance, issued by the DCA.

The Petitioner objected to the redesignation of the Future Land Use from Urban Expansion to Rural Transition citing a reduction in the development potential of the property and insufficient data, inventory and analysis.

The State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Clonts Groves, Inc. did enter into a Stipulated Compliance Agreement for Case Number DOAH 10-8957GM to resolve the Petition. This amendment is required as a condition of this Stipulated Agreement and will reestablish a similar future land use on the property as existed prior to adoption of the 2030 Comprehensive Plan, allowing a potential density of 4.0 dwelling unit/net acre.

## -- Analysis --

The Clonts Groves, Inc. property is located east of U.S. Highway 27 in Section 21 & 28, Township 23 South, Range 26 East, west of the Orange County Line. The property can be accessed from Schoffield Road via U.S. Highway 27 and is approximately 711 acres with 124 acres of open water bodies and 7.0 acres of wetlands, leaving 580 net acres available for development.

The 1991 Comprehensive Plan categorizes this property for Urban Expansion future land use, which allows a density of 1.0 to 4.0 dwelling units/acre with a maximum intensity (a/k/a floor area ratio) ranging from 0.50 to 0.70 FAR , depending on commercial location criteria. Assuming 20% of the land may meet the criteria at the time of development, this land use would potentially allow for a maximum of 3,031,76 square feet of commerce uses.

In comparison, the Rural Transition Future Land Use Category (FLUC) had limited potential for non-residential uses, which allows primarily support commercial, mining and community facility uses. The Rural Transition FLUC does not have designated intensity (a/k/a floor area ratio); however, it does include a designated impervious surface ratio (ISR) of 20% and a minimum open space requirement of 50% (when developing at 1.0 dwelling/net acre). Using the open space and ISR criteria, a maximum potential development for nonresidential commerce is 3,789,720 square feet.

The proposed Urban Low Density FLUC would increase the density from a potential 580 dwelling units to 2,320 dwelling units on 580-upland acres.

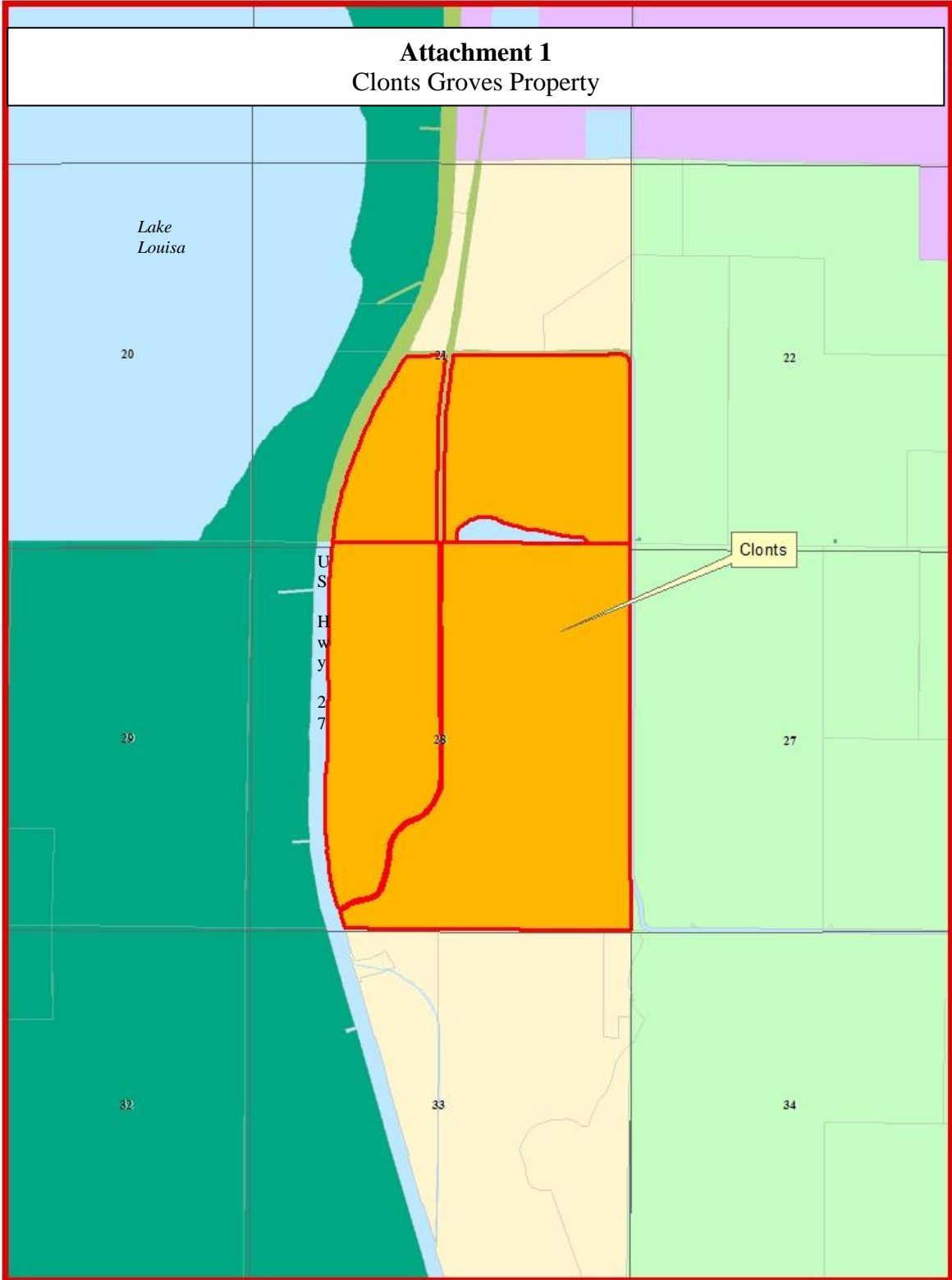
The Urban Low Density FLUC allows a broad range of commerce and light industrial uses (with conditional use approval) as well as community facility uses with an intensity of 0.25 FAR for nonresidential commerce uses and; with a minimum of 20% open space. Assuming 20% of the upland will be developed for commerce, this FLUC would increase the potential for nonresidential development to 1,263,240 square feet from the adopted Rural Transition FLUC. However, the proposed amendment to Urban Low Density would be a net decrease from the 1991 Plan's Urban Expansion Category currently assigned to the property.

Infrastructure needed to support intense residential and non-residential development is not currently available, however an infrastructure and services analysis would be performed as part of any future request to rezone the property. Any future development would have to demonstrate compliance with concurrency requirements to ensure that needed infrastructure would be in place, concurrent with the impacts of the proposed development.

Based on the current FLUC designation of Urban Expansion assigned to the property by the 1991 Comprehensive Plan, designating the subject property as Urban Low Density will not result in increased impacts.

## – Recommendation –

Based upon the requirements of the Stipulated Settlement Agreement between the County, DCA and the Petitioner and the analysis herein, staff recommends **APPROVAL** of the proposed Amendment.



**ORDINANCE 2011-  
LPA#11-7-1  
Clonts Groves, Inc.**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN FUTURE LAND USE MAP BY ASSIGNING THE URBAN LOW DENSITY FUTURE LAND USE CATEGORY ON THE APPROXIMATELY 711 ACRES ALSO KNOWN AS THE CLONT'S PROPERTY; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

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

**WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

**WHEREAS**, on the 13<sup>th</sup> day of August, 2010, Clonts Groves, Inc. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Clonts Groves, Inc. did enter into a Compliance Agreement for DOAH Case Number 10-8957GM, as permitted by Section 163.3184(6), Florida Statutes; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

**WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

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

**Section 1. Future Land Use Map Amendment.** The Future Land Use Map is hereby amended to

change the Future Land Use Category on the following described parcel from Rural Transition (up to 1 du/net acre) to Urban Low Density (maximum 4 du/1 net acre) as shown in Exhibit A, attached hereto:

The parcel of land generally located on the south side of the City of Clermont on the east side of U.S. Highway 27 between Schofield Road and N. Bradshaw Road, consisting of approximately 711 acres, described as:

Tracts 33, 48, 49 and 64, less the East 33 feet thereof; all of Tracts 34, 35, 36, 44, 45, 46, 47, 50, 51, 52, 53, 59, 60, 61, 62 and 63, and that part of Tracts 37, 38, 39, 40, 41, 54, 55 and 58 lying east of the right-of-way of U.S. Highway No. 27 in Section 21, Township 23 South, Range 26 East, in Lake County, Florida, according to the plat of Monte Vista Park Farms recorded in Plat Book 2, Page 27, Public Records of Lake County, Florida.

Also, all that part of Section 28, Township 23 South, Range 26 East in Lake County, Florida, lying East of the right-of-way of U.S. Highway No. 27, less the East 33 feet thereof.

**Section 2. Advertisement.** This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

**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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective as provided for by law.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

FILED with the Secretary of State \_\_\_\_\_, 2011.

EFFECTIVE \_\_\_\_\_, 2011

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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Jennifer Hill, Chairman  
This \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

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Neil Kelly, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

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Sanford A. Minkoff  
County Attorney

**EXHIBIT A**  
**Clonts Groves, Inc.**

