



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 Policy Plan Map Amendment to comply with the Nola Land Company, Inc. (Case Number DOAH 10-89598GM) Stipulated Settlement Agreement

Creation or Revision: Revision

Description: 1) Revises the 2030 Future Land Use Map by changing the Future Land Use Category from Regional Office to Urban Low Density to meet the requirements of the Stipulated Settlement Agreement;
2) Create a new Future Land Use Element Policy, which limits the property to the development of 894 age-restricted dwelling units on the Nola Land Company, Inc. property in accordance with the Stipulated Settlement Agreement; and
3) Amends the Future Land Use Map to include a note stating the above limitation in accordance with the 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, Nola Land Company, 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 their parcel being designated as Regional Office on the 2030 Future Land Use Map, citing an adverse impact on their development plans already underway and inadequate data, inventory and analysis.

The State of Florida Department of Community Affairs, the Lake County Board of County Commissioners

and the Petitioner entered into a Stipulated Settlement Agreement for Case Number DOAH 10-8959GM to resolve the Petition. This amendment is required as a condition of this Stipulated Agreement and will change the Future Land Use Category from Regional Office to Urban Low Density.

-- Analysis --

The Nola Land Company, Inc. property (the "Property") is located south of US Hwy 50 in Section 22 Township 22 South, Range 26 East, west of the Hartle Road as depicted in Attachment 1 below. The property is located between the Granville and Pine Valley Industrial Parks. The property can be accessed from Emil Jahna Road via US Hwy 27. The Property is approximately 541 acres, with 133 acres of wetlands/open water.

The 1991 Comprehensive Plan category for this property are Urban Expansion, Rural and Employment Center Future Land Use. The Property was rezoned to Planned Unit Development through Ordinance 2006-30, which granted zoning approval for 894 age-restricted dwelling units.

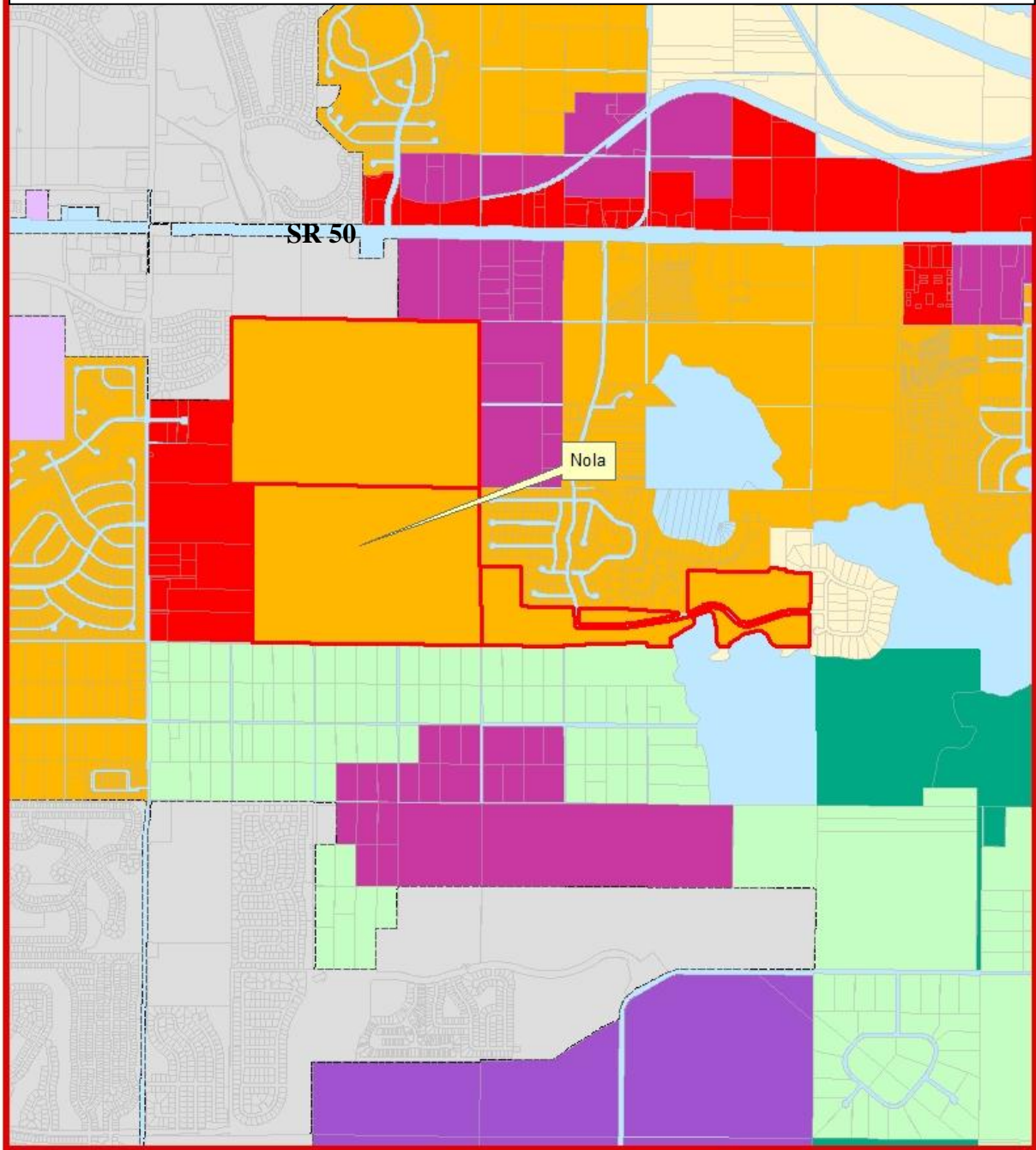
The 2030 Comprehensive Plan changed the future land use on the Property to Regional Office. The Regional Office Future Land Use Category (FLUC) allows primarily office and light manufacturing uses as well as support uses. This category allows residential development in the form of multifamily with the provision that such development be subsequent or concurrent with the development of the office or light manufacturing use. The density allowed is 1.0 dwelling unit/10,000 SF of commercial space. This FLUC allows an intensity (a/k/a floor area ratio) of 3.0. Therefore, the property has a potential density of over 5,000 multi-family units.

The requested future land use change from Regional Office to Urban Low Density would be a substantial reduction in both density and intensity; however, allowing the potential development approved by Ordinance 2006-30 would allow the property owner to complete their original development plan.

– 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.

**Nola Land Company, Inc.
Attachment 1**



**ORDINANCE 2011-
LPA#11-7-3
Nola Land Company, Inc.**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE CATEGORY FROM REGIONAL OFFICE TO URBAN LOW DENSITY FOR SAID PARCEL; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.9, WHICH LIMITS RESIDENTIAL DENSITY TO 894 AGE-RESTRICTED UNITS ON SAID 541-ACRE PARCEL; PROVIDING FOR VESTING PERIOD OF 12 YEARS FOR DEVELOPMENT PLANNED IN ORDINANCE NO. 2006-30; 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 25th 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 23rd 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 13th day of August, 2010, Nola Land Company, Inc. Pospisil 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 26th day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Nola Land Company, Inc. did enter into a Compliance Agreement for DOAH Case Number 10-8959GM, as permitted by Section 163.3184(6), Florida Statutes; and

WHEREAS, on the 26th 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. Comprehensive Plan Text Amendment. The following Policy is added to the Comprehensive Plan:

Policy I-1.6.9 Specific Limitations on the Nola Land Company Property

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8959GM, challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately 541-acre parcel of land generally located south of State Road 50 at Emil Jahna Road, described as:

Govt Lot 1, LESS begin at NW cor of Govt Lot 1, run E 660 ft, S to N'ly r/w line of Hartle Rd & Pt A, return to POB, run S 660 ft, E 510 ft, S to N'ly r/w line of Hartle Rd, NE'ly along said road r/w to Point A, NW 1/4 of SW 1/4 of NW 1/4, begin 50.25 N of SE cor of NW 1/4, run W 1305 ft., S 8.3 ft, W to SW cor of NW 1/4, N to NW cor of S 1/2 of SW 1/4 of NW 1/4, E to NE cor of S 1/2 of SE 1/4 of NW 1/4, S to POB, LESS Hartle Rd 66 ft r/w, Sec 35 Twp. 22S Range 26E; E 3/4 of S 1/2 of Sec 27 Township 22S Range 26E; N 1/2 – LESS W 1660 ft of Section 34 Township 22S Range 26E (also described by Lake County Property Appraiser Alternate Key Number 1095964, 1095972 and 2717874).

The property shall be assigned the Urban Low Density Future Land Use Category (maximum density 4 du/1 net acre). The owner of the property is hereby allowed to develop, and shall not exceed, 894 age-restricted residential units.

The Future Land Use Map shall contain a note stating this limitation.

Section 2. Future Land Use Map Amendment. The Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.9 Specific Limitations on the Nola Land Company Property and is attached hereto as Exhibit "A" of the this Ordinance.

Section 3. Vesting to Land Development Regulations and 2030 Comprehensive Plan.

The County agrees that the development described in Ordinance #2006-30 shall be vested for a period of 12 years from execution of this agreement. The development shall be allowed in accordance with the terms of the approved PUD under Ordinance #2006-30. Where any requirement of the Comprehensive Plan is in conflict with the terms of the approved PUD, Ordinance #2006-30, as may be amended, shall govern.

Section 4. Advertisement. This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

Section 5. 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 6. Effective Date. This Ordinance shall become effective as provided by Section 163.3189, Florida Statutes.

Ordinance No. 2011-__: LPA11-7-3 Nola Land Company

ENACTED this ____ day of _____, 2011.

FILED with the Secretary of State _____, 2011.

EFFECTIVE _____, 2011

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Jennifer Hill, Chairman

This ____ day of _____, 2011.

ATTEST:

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

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

EXHIBIT A
LPA#11-7-3
Nola Land Company, Inc.

