



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 Jon Pospisil Thrill Hill Road Property (Case Number DOAH 10-8880GM) Stipulated Settlement Agreement

Creation or Revision: Revision

Description: 1) Creates a new Future Land Use Element Policy which specifies a maximum density not to exceed 25 total dwelling units on the 28-acre property. The policy also specifies that development on the property will not be required to connect to central utilities unless potable water is within 330 feet and connection to wastewater is required by state law in accordance with the Stipulated Settlement Agreement; and
2) Amends the 2030 Future Land Use Map to include a note stating this allowance 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 12, 2010, Jon Pospisil, an individual (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 designation of their property as Rural Transition on the 2030 Future Land Use Map citing a lack of adequate data, inventory and analysis as well as a consideration of private property rights.

The Petitioner seeks to ensure that the 28-acre property could be developed under the adopted 2030 Comprehensive Plan Rural Transition Future Land Use Category (FLUC) for a total of 25 dwelling units. The Rural Transition FLUC allows a density of 1.0 dwelling unit / 1.0 net acres of land (with 50% open space) and would allow development consistent with this request. The request for specificity in regards to utilities is likewise consistent with the intent and purpose of the 2030 Comprehensive Plan.

The State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and the Petitioner did enter into a Stipulated Settlement Agreement for Case Number DOAH 10-8880GM to resolve the Petition.

-- Analysis --

The Jon Pospisil Thrill Hill Road property (the "Property") is located east of East El Dorado Lake Drive and part of the El Dorado Subdivision in Section 33, Township 18 South, Range 27 East as shown in Attachment 1 below. The Property is approximately 28 acres in size and can be accessed from West El Dorado Drive.

The 1991 Comprehensive Plan categorizes this property for Suburban Future Land Use. This Future Land Use Category allows a density of 1.0 dwelling unit/5.0 gross acres unless the property meets the Timeliness Criteria contained in plan. This property does not currently meet Timeliness.

The 2030 Comprehensive Plan categorizes the Property as Rural Transition. This Future Land Use Category allows a density of up to 1.0 dwelling unit/1.0 net acres (with 50% open space). The property contains roughly 9 acres of wetlands.

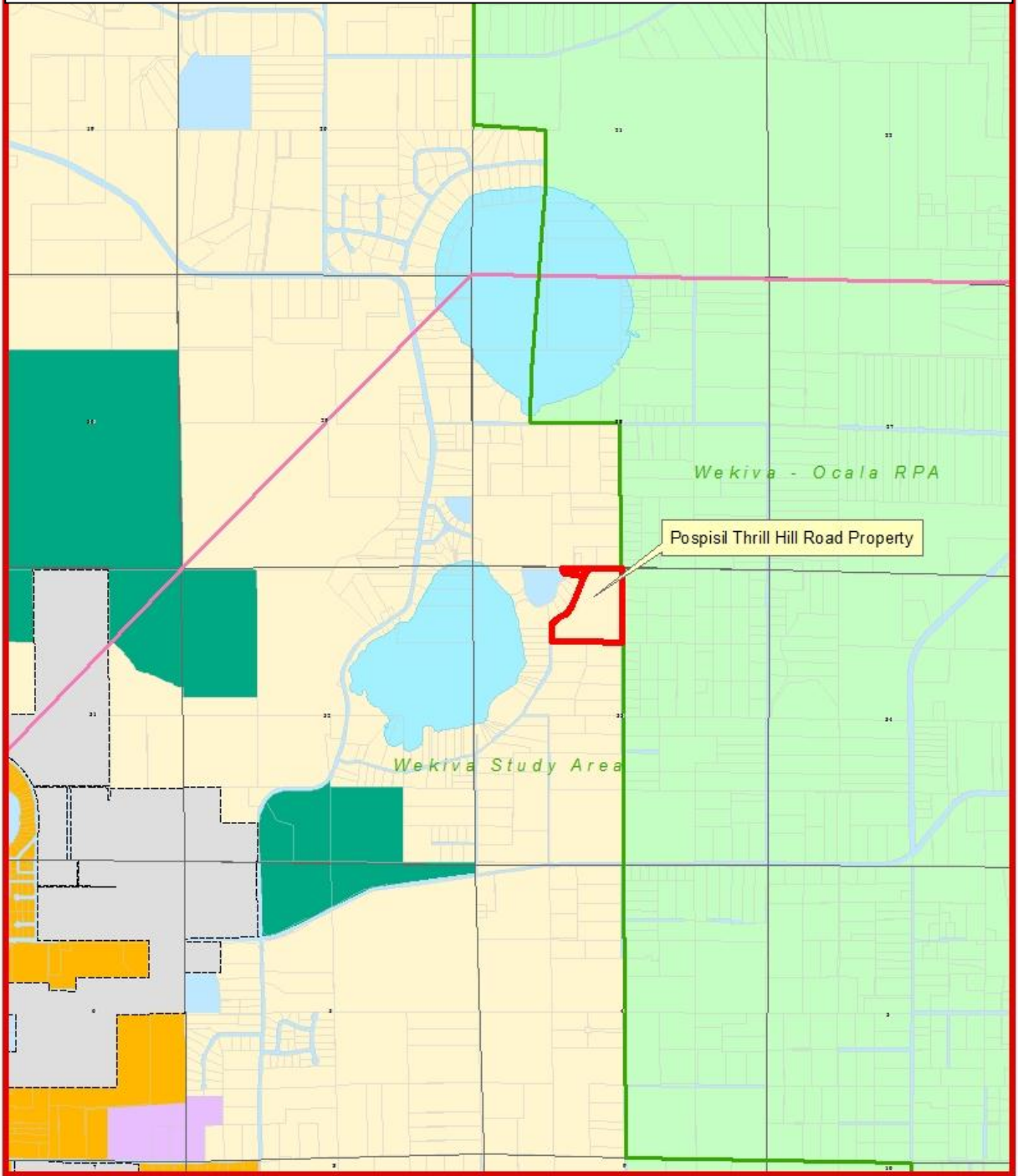
The request for specificity in regards to utilities is likewise consistent with the intent and purpose of the 2030 Comprehensive Plan as contained in Policy I-7.12.3 *Provision of Central Water and Sewer Services* that allows central utilities in the Rural Transition Future Land Use, if available, but does not require connection if the utilities are not available.

The proposed amendment may increase the potential density by four (4) dwelling units when the wetland density credit of 1.0 dwelling unit/5 acres of wetlands is counted for the 28 acre property. The proposed amendment would not change the intensity, open space or impervious surface ratio of the Property.

– 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.

Attachment 1
Pospisil Thrill Hill Road



**ORDINANCE 2011-
LPA#11-7-5
Pospisil Thrill Hill Road**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.6, WHICH LIMITS RESIDENTIAL DENSITY TO TWENTY-FIVE (25) DWELLING UNITS ON SAID 28-ACRE PARCEL; REQUIRING CENTRAL UTILITIES FOR POTABLE WATER AND SEWER SERVICES BE PROVIDED UNDER SPECIFIED CONDITIONS; STIPULATING MAXIMUM REQUIRED OPEN SPACE ON SAID PARCEL; STIPULATING MAXIMUM REQUIRED SETBACKS ON SAID PARCEL; 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 12th day of August, 2010, Jon 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 Jon Pospisil did enter into a Compliance Agreement for DOAH Case Number 10-8880GM, 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 2030 Comprehensive Plan:

Policy I-1.6.6 Specific Limitations on the Thrill Hill Road Property

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8880GM, Lake County DCA Docket#10-1ER-NOI-3501-(A)-(1) challenging that portion of the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately twenty-eight (28) acre subject property located to the east of East El Dorado Lake Drive generally described as:

Lot 178, Eldorado Height Subdivision, as record in Plat Book 3 Page 7 as recorded in the public records of Lake County, Florida in Section 33, Township 18 South, Range 27 East

The property shall be assigned the Rural Transition Future Land Use Category and development within this property shall meet the requirements of all applicable goals, objectives, and policies of the Comprehensive Plan; however, the development of the property is hereby allowed, and shall not exceed, a maximum residential density of twenty-five (25) dwelling units, Non-residential uses are as allowed in the assigned future land use category. The County agrees to support efforts by the developer to obtain grants for the eradication of invasive exotic vegetation.

Central Utilities for potable water and sewer shall be provided as follows:

1. Potable Water: The development shall provide central water service with sufficient capacity to serve the development when such system is available and is within 330 feet of the boundary of the subject property; otherwise central water shall not be required unless required by state law.
2. Waste Water: The development shall provide central sewer consistent with state law as specified by 381.0065, F.S., as amended, and shall not be subject to connection requirements contained in the policies herein. If the Florida Health Department determines that ordinary individual septic tanks are appropriate, use of such systems shall be allowed by the County.

The Future Land Use Map shall contain a note stating the limitation of Policy I-1.6.6 Specific Limitations on the Thrill Hill Property.

Section 2. Future Land Use Map Amendment. The Future Land Use of the Pospisil Thrill Hill Road property is Rural Transition (maximum 1 du/1 net acre with 50% open space) and the Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.6 Specific Limitations on the Thrill Hill Road Property and is attached hereto as Exhibit "A" of the this Ordinance.

Said property is described as follows:

Lot 178, Eldorado Height Subdivision, as record in Plat Book 3 Page 7 as recorded in the public records of Lake County, Florida in Section 33, Township 18 South, Range 27 East.

Section 3. Stipulations on Required Open Space. The County agrees that any zoning regulations applicable to the Thrill Hill Road Property shall be consistent with the following stipulations:

- a. Not more than 50% of the net buildable area shall be required to be preserved as common open space.
- b. Building setbacks for any lots platted on the subject property with frontage on East Eldorado Lake Drive, shall not be required to exceed 25 feet from the present road Right-of-Way.

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 for by law.

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#11-7-6
Pospisil Thrill Hill Road

