



# LAKE COUNTY

DEPARTMENT OF  
GROWTH MANAGEMENT  
*Planning & Community Design Division*

3/11/2008

LESLIE CAMPIONE  
342 E 5TH AVENUE  
MT DORA, FL 32757

**Re: Project No. 2007080013, Application No. 1086**

**Description:** SWATARA  
PUD TEXT AMENDMENT TO ALLOW 10 INDIVIDUAL WELLS FOR PHASE 1

Dear LESLIE CAMPIONE:

Your rezoning application (amendment to PUD Ord.#2007-18) has been reviewed by the Development Review Staff. Review comments are attached. All comments must be satisfied by the applicant prior to receiving a staff approval or being placed on a Public Hearing agenda.

Please respond to comments in the following manner:

1. **Submit fifteen (15) legible, signed and sealed sets of plans. (19 sets if within Clermont JPA)**
  - Revised sheets shall have revision dates in the title block.
  - Plan revisions must be either circled or their location indicated in the written response letter.
2. **Provide a written response to all comments.**
3. **All plans shall provide a space five (5) inches by six (6) inches on the front page of each set of submittals to be used for the County approval stamp.**
4. **Plan revisions submitted thirty (30) days after the DRS meeting will result in a \$100 Plan Revision fee.**
5. **When all requested information has been received, it will be circulated to the DRS staff for review.**

The Development Review Staff will then review revised plans and responses to comments for compliance with the appropriate Land Development Regulations and Comprehensive Plan. This review will be completed within fifteen (15) days of receipt of all required information and you will be notified of the results of the review.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Rick Hartenstein, Senior Planner/Case Manager  
Division of Planning and Community Design  
(352) 343-9739 x5400

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9816  
*Board of County Commissioners • www.lakecountyfl.gov*

JENNIFER HILL  
*District 1*

ELAINE RENICK  
*District 2*

DEBBIE STIVENDER  
*District 3*

LINDA STEWART  
*District 4*

WELTON G. CADWELL  
*District 5*

Project No. 2007080013, Application Request No. 1086

**PLANNING & COMMUNITY DESIGN DIVISION**

**Rejection Comments**

**Item:**

**Remarks:**

**Informational Comments**

**Item:**

**Remarks:**

**Review Status:** COMPLETE

**PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041**

**Rejection Comments**

**Item:**

**Remarks:**

**Informational Comments**

**Item:** RIGHT-OF-WAY

**Remarks:** R/W to be addressed at preliminary plat/site plan stage.

**Review Status:** COMPLETE

**FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788**

**Rejection Comments**

**Item:** PROVIDE ADDITIONAL INFORMATION OR CLARIFICATION NEEDED FOR FIRE REVIEW.

**Remarks:** 1st review BDH Rejected 2-14-08

We are not sure of the applicants intent from the information provided and would like to discuss it further at a DRS meeting. Section 9.08 of our LDR contains most of the following information regarding Fire Protection Water Supply:

Every subdivider Shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows, for one

and two-family dwellings:

1. Water Supply for Single and Two-Family Dwellings. In all new subdivisions, expansion of existing subdivisions, planned unit Developments, or master park plans, an adequate water supply system and an adequate water delivery system for fire protection as defined in this Section Shall be provided

(a) Water Supply System. For 1- and 2-family dwellings not exceeding 2 stories in height, the following Needed Fire Flows shall be used.

TABLE INSET:

Distance between Buildings	Needed Fire Flow
$\geq 3750$	
11--30	1,000
10' or les	1,500

There shall be a minimum of one (1) fire hydrant provided for every one thousand (1,000) gpm required.

Locations and numbers of hydrants will be required based on distance between buildings.

Distance from or spacing of fire hydrants shall be a maximum of five hundred (500) feet from the furthestmost point of any Structure as the Fire Department would lay hose or as otherwise specified by the Fire Department to meet determined water flow requirements for fire protection and/or increase fire protection effectiveness. Fire hydrants shall be connected to water mains of six-inch minimum size which are of satisfactory loop design in low density residential subdivisions and a minimum of eight-inch mains in all other areas. Connection to dead end stubs are acceptable, provided that said stubbed water main is not less than eight (8) inches and will provide acceptable flow.

Hydrant placement is to be a minimum of six-foot and a maximum of nine-foot from the curb or paved road surface unless otherwise approved. The center of the steamer port shall be eighteen (18) inches minimum and twenty-four (24) inches maximum above final Grade. Steamer port shall be correctly positioned for the proper connection. Hydrants shall have 7 1/2 ' clearance to each side and 4' clearance from the back.

Fire hydrant marker is a blue device visible during daylight and reflective at night, which is to be approved as permanently installed on the Road surface. All fire hydrants Shall be required to have fire hydrant marker(s) installed. Hydrant markers are to be installed by the Developer, owner, or contractor.

TABLE INSET:

Class AA Rated capacity of 1500 gpm or greater  
Class A Rated capacity of 1000-1499 gpm  
Class B Rated capacity of 500-999 gpm  
Class C Rated capacity of less than 500 gpm

All barrels are to be red. The tops and nozzle caps will be painted with the following capacity indicating color scheme to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition:

TABLE INSET:  
Class AA Light Blue  
Class Green  
Class Orange  
Class Red

In subdivisions with smaller than one (1) acre lots and where no public or private water system is available for flow, an alternative means of fire protection water supply shall be provided with the County Manager or designee's approval, such as:

- 1) Residential fire sprinkler system.
- 2) Spacing of homes a minimum of sixty (60) feet apart, minimum of thirty (30) feet from the property lines and, a minimum of thirty (30) feet clear open space on all sides of the structure.

Normally, we consider water to be available if a letter is provided from a Utility Provider indicating that Central Water is available.

If the project is required to have Central Water and a Waiver is requested our position would be that we are opposed to granting such Waivers.

### **Informational Comments**

**Item:**  
**Remarks:**

**Review Status:** REJECT

**HEALTH DEPT. - MARCELO BLANCO (352) 253-6130**  
**Rejection Comments**

**Item:**  
**Remarks:**

**Informational Comments**

**Item:** WATER SUPPLY

**Remarks:** 03/05/08 - Previously submitted plans specified connection to public water supply. An individual (lot-specific) letter stating whether public water is available will be required at time of application for each well permit. -MJB-

**Item:** REZONING ONLY

**Remarks:** 03/05/08 - No objection to rezoning, however: Previously submitted plans specified connection to public water supply. An individual (lot-specific) letter stating whether public water is available will be required at time of application for each well permit. -MJB-

**Review Status:** COMPLETE

**ENVIRONMENTAL REVIEW- JENNIFER COTCH (352)343-9739**

**Rejection Comments**

**Item:**

**Remarks:**

**Informational Comments**

**Item:**

**Remarks:**

**Review Status:** COMPLETE

**CONCURRENCY - DEVELOPMENT REVIEW**

**Rejection Comments**

**Item:**

**Remarks:**

**Informational Comments**

**Item:**

**Remarks:**

**Review Status:** COMPLETE

Cc: File (Proj#2007080013 AR#1086)  
Ricardo Soto-Lopez, Chief Planner  
Lake Swatara Properties, Inc. 342 E. 5th Avenue Mount Dora FL 32757

# PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD  
April 2, 2008



BOARD OF COUNTY COMMISSIONERS  
April 22, 2008

<b>CASE NO: PH #11-08-4</b> Lake Swatara Properties, Inc./Leslie Campione, P. A.	<b>Case Manager:</b> Rick Hartenstein, Senior Planner	<b>Agenda Number: # 7</b>
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**- Application Request -**

<b>Owners:</b> Lake Swatara Properties, Inc. (the "Owner")	<b>Applicant:</b> Leslie Campione, P. A. (the "Applicant")
<b>Future Land Use:</b> Urban Expansion	<b>Zoning District:</b> Planned Unit Development (PUD)
<b>Land Use Density:</b> Maximum 4 dwelling units/ 1 gross acre	<b>Existing Density:</b> 1dwelling unit/ 1 acre (40 units)
	<b>Proposed Density:</b> <b>No Change</b> 1 dwelling unit/gross acre based on conceptual plan (40 Units) approved in Ordinance#2007-18

**Requested Action:** The request has three parts:

1. A waiver of the central potable water service requirement for the Urban Expansion Future Land Use Category (FLUC) under Land Development Regulation (LDR) Section 6.12.01 (A) as it relates to the development of the Swatara Subdivision, Phase 1 (10 Lots); and
2. To amend PUD Ordinance #2007-18 Section 1 (F) to eliminate the requirement for central water service for Phase 1 (10 Lots); and
3. To clarify Section 1 (B)(3) regarding the agricultural uses to allow a wholesale nursery.

**- Site Information -**

<b>Size of Parcel:</b>	40.78+/- Gross acres
<b>Map Location:</b>	Section 6 / Township 19S / Range 27E
<b>Location:</b>	Eustis area – southeast corner of CR 44 and CR 44A (AK#'s 1040141, 1754071, 3834278, and 1040132).
<b>Joint Planning Area:</b>	N/A
<b>Utility Service Area:</b>	City of Eustis
<b>Site Utilities:</b>	Individual Well and Central Sewer (Proposed)
<b>Road Classification:</b>	CR 44 – major collector, County maintained, asphalt CR 44A – minor collector, County maintained, asphalt

Site Visit: February 19, 2008 Signs Posted: February 29, 2008 (3)

Commissioner's District: 4 (Stewart)

Surrounding Land Uses		Surrounding Zoning	
NORTH	Single-family residential	NORTH	R-3 (Medium Residential) and Eustis city limits
SOUTH	Single-family residential, Lake Swatara, and Eustis city limits	SOUTH	Eustis city limits, A (Agriculture), and RP (Residential Professional)
EAST	Single-family residential, Eustis city limits, pasture, and Lake Swatara	EAST	Eustis city limits
WEST	Single-family residential, pasture, and citrus grove	WEST	A (Agriculture) and RP (Residential Professional)

**- Summary of Staff Determination -**

Staff finds:	
<b>Request 1.</b>	The waiver to connect to a public central water system and the elimination of the requirement contained in Section 1 (F) Ordinance #2007-18 is inconsistent with the Comprehensive Plan as discussed in the analysis and Findings of Fact below; therefore, staff recommends <b>DENIAL</b> .
<b>Request 2.</b>	To amend PUD Ordinance #2007-18 Section 1 (F) to eliminate the requirement for central water service for Phase 1 (10 Lots) is inconsistent with the Comprehensive Plan as discussed in the analysis and Findings of Fact below; therefore, staff recommends <b>DENIAL</b> ; and
<b>Request 3.</b>	The request to amend Section 1 (B) (3), Ordinance #2007-18, adding clarification language related to agricultural uses consistent with the Comprehensive Plan and Land Development Regulations as discussed in the analysis and Findings of Fact below; therefore, staff recommends <b>APPROVAL</b> of this request.
<p>The attached ordinance is drafted to include Request 3 only. Requests 1 &amp; 2 have not been included in the ordinance since they are inconsistent with the requirements of the Comprehensive Plan.</p>	
<p><b><u>Zoning Board Recommendation:</u></b></p>	

**-Summary of Analysis-**

The subject property is within a PUD (Planned Unit Development) zoning district, governed by Ordinance #2005-79 and Ordinance #2007-18, and is located within the Urban Expansion Future Land Use Category. The Applicant is requesting a waiver of the central potable water service requirement for the Urban Expansion FLUC, Comprehensive Plan Policies 1-1.6A and 1-1.6B under Section 6.12.01 (A) LDR as it relates to the development of the Swatara Subdivision, Phase 1 (10 Lots). Furthermore, the Applicant wishes to amend the language contained in the Lake Swatara Properties, Inc. PUD Ordinance #2007-18 Section 1 (F) to eliminate the requirement for central water service for Phase 1, (10 Lots), and clarification of Section 1 (B)(3) regarding the agricultural uses.

The request for a waiver of the connection requirement and the request to modify Ordinance #2007-18 to allow individual wells is inconsistent with Policies 1-1.6A and 10-9.5(d) of the Comprehensive Plan as well as Section 6.12.01 (A) of the Land Development Regulations that specifically require that *water and sewer services in the Urban, Urban Expansion, and Ridge land use categories, if a public system is available, the development shall be required to connect to the system as discussed in the analysis below.*

The proposed development is located within the City of Eustis utility notification boundary and the city has stated in a letter dated March 10, 2008, that central potable water is available under terms and conditions agreeable to the City of Eustis.

The Lake County Public Safety Department is opposed to granting waivers in relation to the elimination of water supply systems for fire protection purposes as seen in a memo dated March 9, 2007, from the Deputy Fire Chief, included in the staff report backup material.

Based on the inconsistency with the Comprehensive Plan, Land Development Regulations and comments from the Fire Chief and City of Eustis, Staff recommends denial for the central water connection waiver request and the elimination of the central water requirement in Section 1 (F) of Ordinance #2007-18.

#### **FINDING #1**

The Applicant's request for a waiver to the central potable water connection requirement is inconsistent with Comprehensive Policy 1-1.6A states, *"Residential development within the Urban and Urban Expansion areas are required to have central potable water service consistent with the provisions of Policy 1-1.6B."* Policy 1-1.6B states, *"With respect to water and sewer services in the Urban, Urban Expansion, and Ridge land use categories, if a public system is available, the development shall be required to connect to the system."*

Policy 10-9.5 (d) states, *"All new development within urban compact areas and, where applicable, within urban expansion areas must connect to central water systems where such systems become available."*

The City of Eustis states in a letter dated March 10, 2008, that central potable water is available under terms and conditions agreeable to the City of Eustis. The Comprehensive Plan does not contain provisions for a waiver request to these requirements; therefore this request is inconsistent with the Comprehensive Plan.

#### **FINDING #2**

The Applicant is requesting for a text amendment to Section 1 (F) Ordinance #2007-18, to eliminate the requirement for central water and be permitted to utilize individual private wells for Swatara Subdivision Phase 1 consisting of ten (10) lots. This request is inconsistent with Comprehensive Plan Policy 1-1.6B which states, *"With respect to water and sewer services in the Urban, Urban Expansion, and Ridge land use categories, if a public system is available, the development shall be required to connect to the system."* The City of Eustis states in a letter dated March 10, 2008, that central potable water is available; therefore, this request is inconsistent with the Comprehensive Plan.

#### **FINDING #3**

The Applicant is requesting a text amendment to Section 1 (B) (3) Ordinance #2007-18, clarifying the agricultural uses as they relate to a tree farm/nursery operation. FS 570.02 (1) defines "Agriculture" as *the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.* FS 581.011 (20) and (22) further defines (20) "Nursery" as *any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where*

*aquatic plant species are tended for harvest in the natural environment. (22) "Nursery Stock" means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution, unless specifically excluded by rules of the department.* This clarification amendment is consistent with the Comprehensive Plan and LDRs as seen in Policy 1-1.15 (2) which allows agriculture as a permitted use in the Urban Expansion FLUC and Section 4.03.01 (2) LDR, which encourages the diversification of uses within a PUD.

## - STANDARDS OF REVIEW & ANALYSIS -

(Per Section 14.03.03 of the Land Development Regulations)

- A. **Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

### LANDUSE

The request is consistent with Section 3.00.03 of the Land Development Regulations (LDRs) that permits PUD zoning in the Urban Expansion Future Land Use Category. Furthermore, Section 4.03.01 (2) LDR, encourages the diversification of uses within a PUD.

### WAIVER REQUEST

The Applicant is basing the request for a waiver to the central potable water system connection requirements on Section 6.12.01 (A), LDR. Section 6.12.01 (A), LDR pertains to all private potable water systems connecting to and utilizing a regional/sub-regional potable water system when that regional/sub-regional potable water system comes within three hundred (300) feet of the private potable water system measured as a curb line distance within a right-of-way or the centerline distance within an easement unless exempted by the Board of County Commissioners via public hearing. This exemption does not take precedence to the public system connection requirements contained in Policies 1-1.6A and 1-1.6B, and 10-9.5 (d).

### AGRICULTURE USES

Regarding the clarification of agricultural uses as referenced in Ordinance #2007-18, Section 1 (B) (3), Florida Statute (FS) 570.02 (1) defines "Agriculture" as *the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.* FS 581.011 (20) and (22) further defines (20) "Nursery" as *any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.* (22) "Nursery Stock" means *all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution, unless specifically excluded by rules of the department.* As such, the request to develop and operate a tree farm/nursery operation within the undeveloped phases, common area tracts, and Tract D of the proposed development will be a permitted use providing any wholesale or retail sales are for the items/products that are raised and/or produced on the farm/nursery.

The wholesale or retail sale of items/products not raised or produced on the farm/nursery would be a change of use from agriculture to commercial and will require an amendment to the PUD to include commercial uses for the property. This requested amendment is consistent with the Comprehensive Plan and LDRs as seen in Policy 1-1.15 (2) and Section 4.03.01 (2) LDR, as agriculture is a permitted use in the Urban Expansion FLUC and the diversification of uses within a PUD is encouraged within a PUD.

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

The request for a waiver to the central potable water requirement and the text amendment to Section 1 (F), Ordinance #2007-18, is inconsistent with the Comprehensive Plan as seen in Policy 1-1.6A which states, *"Residential development within the Urban and Urban Expansion areas are required to have central potable water service consistent with the provisions of Policy 1-1.6B."* Policy 1-1.6B states, *"With respect to water and sewer services in the Urban, Urban Expansion, and Ridge land use categories, if a public system is available, the development shall be required to connect to the system."* The Comprehensive Plan does not contain provisions for a waiver request to these requirements; therefore this request is inconsistent with the Comprehensive Plan.

The City of Eustis states in a letter dated March 10, 2008, that central potable water is available under terms and conditions agreeable to the City of Eustis. The Comprehensive Plan does not contain provisions for a waiver request to these requirements; therefore this request is inconsistent with the Comprehensive Plan.

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

The proposed rezoning has no affect on the density of the proposed project; thus resulting in an orderly and logical development pattern in the area. The proposed development is a planned, low-density, single-family residential subdivision with a multi-family component at the intersection of CR 44 and CR 44A. The overall residential density of the project is 0.86du/ac as approved under Ordinance #2007-18. This request proposes no changes to the density as approved.

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

There have been no changed conditions that require a rezoning. The Applicant wishes to obtain an exemption to the central potable water connection requirement, be allowed to utilize individual private wells in Phase 1 of the Swatara Subdivision consisting of ten (10) lots, which is currently under review as a preliminary plat, and amend the agricultural use language to allow for a nursery use within the existing PUD.

**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 roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;**

Lake County Schools provided comment stating that this proposal would have an adverse impact on Eustis Elementary School as it is 14% over capacity. The other schools affected by this request are Eustis Middle School that is 10% *under* capacity and Eustis High School that is 9.0% *under* capacity.

A Traffic Impact Assessment Update conducted by Griffey Engineering, Incorporated dated December 22, 2006 was submitted with this application. The Public Works Department reviewed this information and responded in support of this request by stating that:

"The study generally follows the County's guidelines for traffic impacts with some modifications requested by the City of Eustis, which intends to annex the property.

We agree with the study conclusions and recommendation which follow: Under the proposed development plan, all of the roadway segments will operate within acceptable levels of service for the

2011 horizon year. It is recommended that any proposed development should include phased construction and that a traffic impact study be required for each phase of development to monitor traffic conditions and review possible mitigation."

These recommendations were included in Ordinance #2007-18 at the time of adoption. This request will have no affect on these findings.

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

The property in question currently has a preliminary plat under review for the first phase consisting of ten (10) lots. The environmental assessment submitted with the preliminary plat application identified the presence of wetlands and threatened species (gopher tortoise) on site. This request should have no affect on the natural environment.

County staff will closely monitor development of the site through the development review process as outlined in the LDRs, which were designed to minimize environmental and other impacts through density and intensity restrictions, stormwater regulations, minimum open space requirements, buffering, landscaping, and setback requirements.

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

No information has been submitted to indicate that the proposed rezoning would adversely affect the property values in the area.

**H. Whether and the extent to which the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The proposed amendment would result in an orderly and logical development pattern in the area. The proposed development is a planned, low-density, single-family residential subdivision with a multi-family component at the intersection of CR 44 and CR 44A. The overall residential density of the project is 0.86du/ac.

In 2007, the City of Eustis annexed the properties to the north, south and east of the site. The property to the south was developed as a single-family residential subdivision at a density of 2.8du/ac, Spring Ridge Estates, and has central water and sewer services supplied by the City of Eustis.

**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 proposed rezoning is not in harmony with the general intent of the Comprehensive Plan as stated in Policies 1-1.6A, 1-1.6B, and 10-9.5 (d) and the Lake County Land Development Regulations Section 6.12.01 (A) because it:

1. Does not demonstrate adequate facilities are available;
2. Is inconsistent with the mandatory connection requirement to a regional/subregional potable water system;

**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.**

N/A

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

- Request 1.** A waiver to the requirement to connect to a public central water system:
- 1) The request is inconsistent with the Comprehensive Plan Policies 1-1.6(A), 1-1.6 (B), 1-1.6 (C), and 10-9.5 (d) because:
    - a. There are no provisions for a waiver to this requirement contained in the Comprehensive Plan; and
    - b. Mandatory connection to a central potable water system is required when such system is available; and
    - c. The City of Eustis has confirmed central potable water system availability.

Therefore, staff recommends **DENIAL of Request 1.**

- Request 2.** Amend PUD Ordinance #2007-18 Section 1 (F) to eliminate the requirement for central water service for Phase 1 (10 Lots):
- 1) The request is inconsistent with Lake County Land Development Regulations, Sections 6.12.01 (A) because it:
    - a. Is inconsistent with the mandatory connection requirement to a regional/subregional potable water system.

Therefore, staff recommends **DENIAL of Request 2.**

- Request 3.** Amend Section 1 (B) (3), Ordinance #2007-18, adding clarification language related to agricultural uses:
- 1) The request is consistent with Comprehensive Plan Policy 1-1.15 (2) and Land Development Regulations Section 4.03.01 (2) because it:
    - a. Allows agriculture as a permitted use in the Urban Expansion FLUC; and
    - b. Encourages the diversification of uses within a PUD.

Therefore, staff recommends **APPROVAL of Request 3.**

The attached ordinance is drafted to include Request 3 only. Requests 1 & 2 have not been included in the ordinance since they are inconsistent with the requirements of the Comprehensive Plan.

**WRITTEN COMMENTS FILED:** Supportive: -0- Opposition: -0-

**FINAL ACTION B.C.C:**

Department of Growth Management  
Planning & Community Design

# LAKE COUNTY THIS PROPERTY WILL BE CONSIDERED FOR: REZONING

CASE NO. PH #11-08-4 THIS APPLICATION WILL BE CONSIDERED AT THE FOLLOWING  
APPLICANT LESLIE CAMPBELL, PA PUBLIC MEETINGS AT THE DATES AND TIMES SPECIFIED:  
LOW SWAMP FORESTED INTERESTED PARTIES MAY APPEAR AT THE MEETING(S)  
PRESENT ZONING PUB (Public Use)  
ACTION REQUESTED Amend PUD ZONING BOARD April 2, 2009 AT 9:00 A.M.  
To Amend Where To Change Where COUNTY COMM. April 22, 2009 AT 9:00 A.M.  
System How UP Requirements THESE MEETINGS WILL BE HELD AT 315 W. MAIN ST. TAVARES  
And Add Certain Other Language FOR FURTHER INFORMATION OR TO REVIEW THE FILE  
To Amend Use CALL: (352)343-9739 EXT. 5565 OR FAX (352)343-9767  
OR 9595 • 315 W. MAIN ST. TAVARES - ROOM 510

## STAFF EXHIBIT

PH #11-08-4

Picture taken from CR 44 looking east at the property showing the posting.

Department of Growth Management  
Planning & Community Design



**STAFF EXHIBIT**

**PH #11-08-4**

Picture taken 2/29/08 from CR 44 looking east at the property showing the posting.

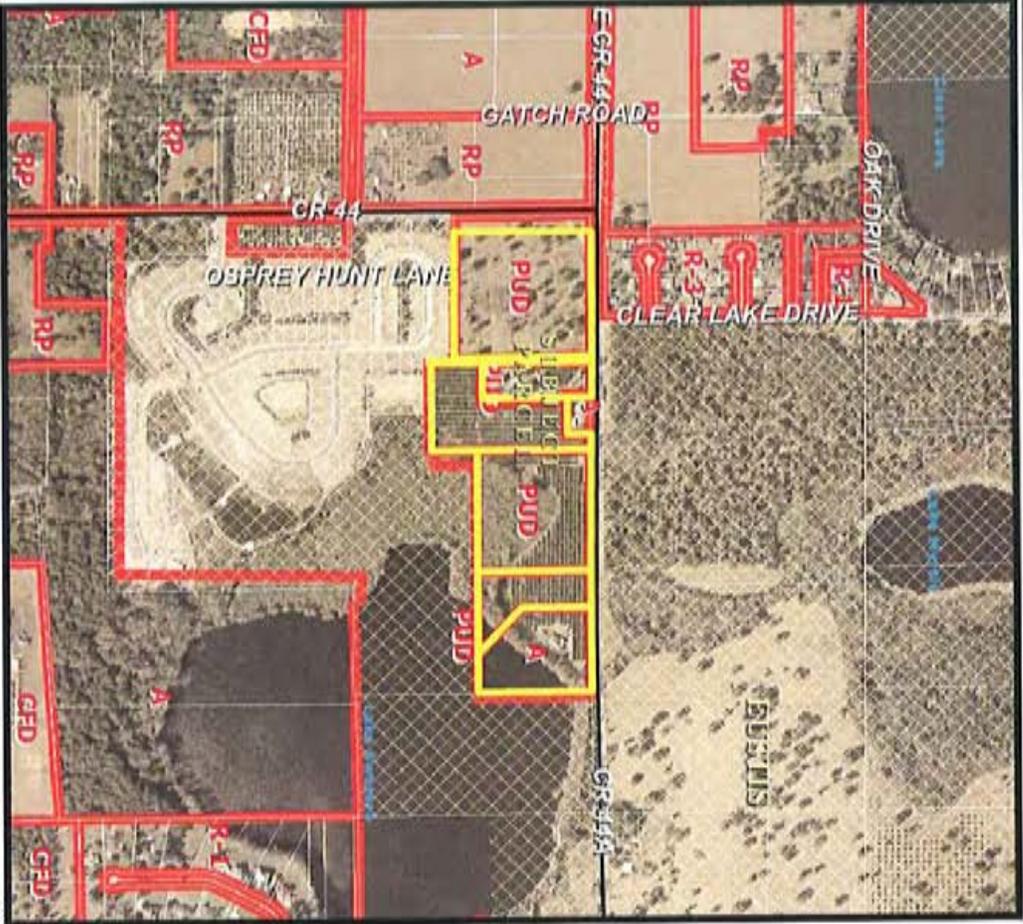
Department of Growth Management  
Planning & Community Design



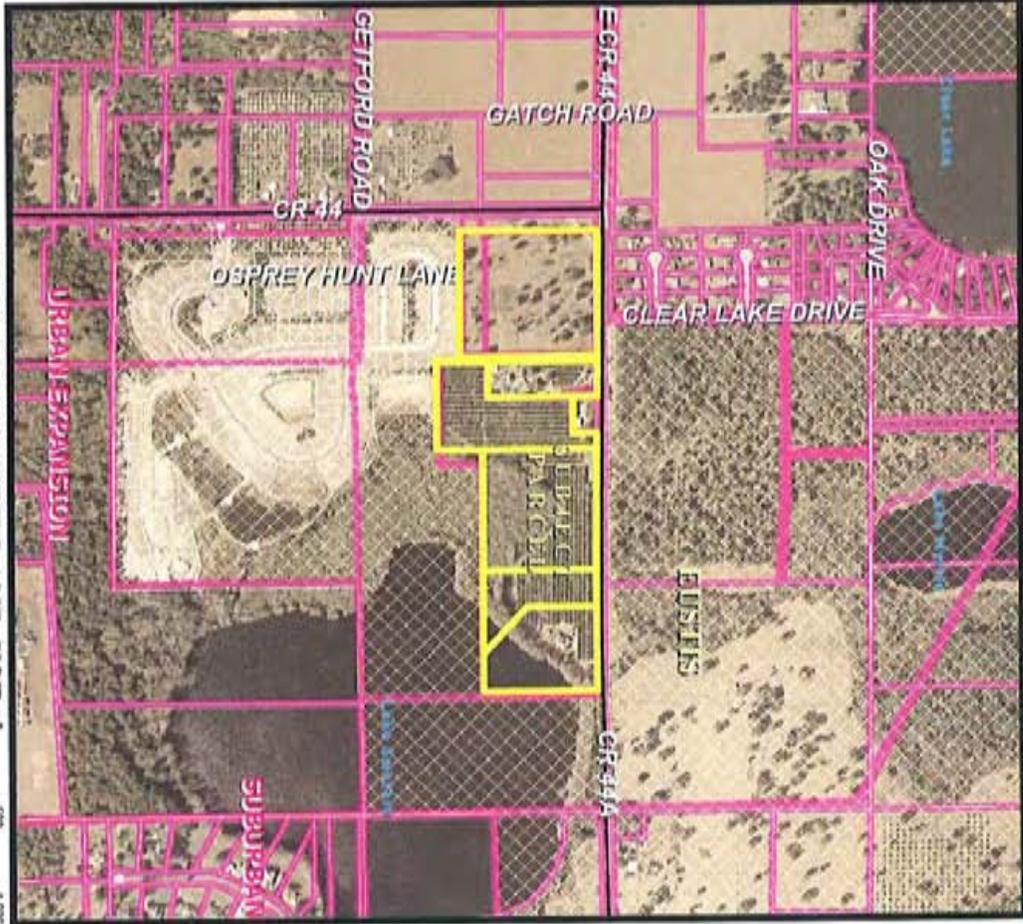
**STAFF EXHIBIT**

**PH #11-08-4**

Picture taken 2/29/08 from CR 44 showing a fire hydrant on the western boundary of the Swatara PUD property. The hydrant is part of the City of Eustis' central water system.



**CURRENT ZONING**  
**PUD (PLANNED UNIT DEVELOPMENT)**



**ADOPTED FUTURE LAND USE**  
**URBAN EXPANSION**



LAKE SWATARA PROPERTIES, INC./  
 LESLIE CAMPIONE, P. A.

**CASE NO.**  
 PH# 11-08-4

**CASE LOCATION:**  
 6-19S-27E

**REQUESTING:**  
 Amend PUD Ordinance  
 Language

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

**DELIVERABLES:**  
 Lake County GIS Department, Esri/arcgis, 3200 American  
 Blvd. Columbus, IN 47203  
 Data Contributor: Lake Swatara Properties, Inc. and  
 County of Lake  
 Date: February 2008

**MAP COMPOSITION:**  
 FEBRUARY, 2008

**FOCUS AREA**

**Lake County**





## City of Eustis

P.O. DRAWER 68 • EUSTIS, FLORIDA 32727-0068 • 352-483-5430

March 10, 2008

RECEIVED

MAR 10 2008

Rick Hartenstein, Sr. Planner  
Lake County Growth Management Dept.  
PO Box 7800  
Tavares FL 32778-7800

Planning & Community Design

Re: Swatara Development

Dear Mr. Hartenstein:

The City of Eustis has potable water and sanitary sewer available to the proposed "SWATARA" development located at the southeast corner of the Eustis by-pass (CR44) and CR44A under terms and conditions agreeable to the City of Eustis. Commitment to provide services to a proposed new development is not made until the following information is received and submitted to the City Commission for approval:

1. Application forms for outside city water and sewer service with all necessary fees paid in full in the building department.
2. An Agreement to Annex on terms and conditions agreeable to the City of Eustis.
3. A Developers Agreement on terms agreeable to the City of Eustis.

Paperwork submitted to the Commission for the November 15, 2007 meeting by Swatara Properties, Inc. requested outside City sewer services only. It was stated in a letter accompanying the application that "we are not requesting water service at this time as we intend to utilize another water source" and "...it is not our intention to annex into the City limits at this time." The location of the development is in our "Chapter 180" service area and thus, the commission approved city sewer services for the development. Water service however is discretionary and not generally provided by the City to outside users. The City is not the exclusive provider of water services only sewer services.

The City currently has a building moratorium in effect until July 2008 which prevents new residential development to be considered until the Land Development Regulations have been updated and approved. Therefore, any outside water and certain sewer service requests are being denied until the moratorium expires. At that time any new requests will need to follow the protocol as described above.

If you have other questions, feel free to call me at (352) 483-5480 or the City Attorney, Derek Schroth, at (352) 589-1414.

Sincerely,

*Lawrence W. Konieczko*

Lawrence W. Konieczko, P.E.  
Acting Director of Public Services

CC: Paul Berg, City Manager  
Jim Myers, Finance Director  
Derek Schroth, City Attorney  
John Schneiger, Acting Development Services Director  
Frances Nipe, Interim Planning & Code Enforcement Manager  
Erwin Gajentan, Water Dept. Director

**Hartenstein, Rick**

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**From:** Jolliff, John  
**Sent:** Thursday, February 28, 2008 3:14 PM  
**To:** Hartenstein, Rick  
**Subject:** RE: Swatara PUD Central Water Waiver Request (PH#11-08-4)

Yes, Public Safety continues to be opposed to the granting of waivers related to the connection of central water for fire protection purposes.

-----Original Message-----

**From:** Hartenstein, Rick  
**Sent:** Thursday, February 28, 2008 2:49 PM  
**To:** Jolliff, John  
**Cc:** Sheahan, Brian; Soto-Lopez, Ricardo; Greene, Steve; Hawthorne, Brian  
**Subject:** Swatara PUD Central Water Waiver Request (PH#11-08-4)

Chief Jolliff,

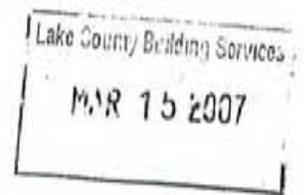
Per our conversation regarding your memo dated March 9, 2007 as it relates to the Department of Public Safety opposing the granting of waivers to the connection to central water for fire protection, is it still the position of the department to be in opposition to these type request? Thanks for your assistance.

Rick Hartenstein, Senior Planner



# LAKE COUNTY FLORIDA

DEPARTMENT OF PUBLIC SAFETY  
*Fire Rescue Division*



## MEMORANDUM

To: Brian Hawthorne  
From: John Jolliff, Deputy Fire Chief   
Date: March 9, 2007  
Re: Fire Protection Issues- Consideration of Waiver for Central Water Source

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The Department of Public Safety is opposed to granting waivers in relation to elimination of water supply systems for fire protection purposes. There are several points that should be considered regarding such an important issue and the impact it will have on Lake County in the coming years.

The latest Insurance Services Office (ISO) risk analysis report issued last year penalized Lake County for the lack of a static water supply for fire protection purposes. Although the County has invested heavily in securing more Tanker/Pumper fire response vehicles over the last three years to help compensate for the lack of water distribution systems; this is clearly a stop-gap measure until such time as growth provides in-ground water systems. We have placed these Tankers at strategic locations so as to maximize their effectiveness as well as provide a frame work for a Tanker shuttle program that meets the ISO requirements.

Over the last twelve months, the Department of Public Safety has been fielding questions on a regular basis from citizens frustrated and angry with insurance companies canceling their homeowners insurance due to lack of an in-ground water supply - fire hydrant system accessible to their home or neighborhood.

It is imperative that the County work toward a solution that resolves these problems for the future. Granting waivers of this nature will only exacerbate the problem while doing a disservice to those we protect and serve.

cc: Gary Kaiser, Director of Public Safety

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315 W. Main Street, Suite 411 • P.O. Box 7800 • Tavares, FL 32778 • Phone 352-343-9458 • Fax 352-343-9516  
*Lake County Board of County Commissioners • [www.lakecountyfl.gov](http://www.lakecountyfl.gov)*

JENNIFER HILL  
*District 1*

ELAINE RENICK  
*District 2*

DEBBIE STIVENDER  
*District 3*

LINDA STEWART  
*District 4*

WELTON G. CADWELL  
*District 5*



1           **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
2 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they  
3 pertain to the above tract of land subject to the following terms and conditions:

4    **I.    Terms and Conditions:** The County Manager or designee shall amend Ordinance #2007-18  
5 Planned Unit Development (PUD) in accordance with this Ordinance.

6  
7    A.    **Concept Plan:** Development of the site shall be substantially consistent with the submitted  
8 concept plan titled Big Canoe at Swatara, dated November 2006 attached as Exhibit B  
9 with two exceptions. The exceptions are: the mixed use buildings depicted on Tract A  
10 shall not include commercial uses; and the twenty (20) multi-family dwelling units or  
11 twenty (20) single-family detached lots, permitted by this ordinance and located within  
12 Tract A are not required to be configured as shown on the concept plan (in three  
13 buildings). To the extent where there are conflicts between the concept plan and this  
14 Ordinance, this Ordinance shall take precedence.

15  
16    B.    **Land Uses:** The use of this site shall be limited to that of twenty (20) detached single-  
17 family dwelling units, and a maximum of twenty (20) attached, multi-family units. The  
18 overall residential density of the project shall not exceed one dwelling unit per acre  
19 (1.0du/a).

20  
21        1.    **Open Space:** A minimum of twenty-five percent (25%) of the base site area of the  
22 PUD shall be used for open space. Open space includes: all "common areas"  
23 shown on Exhibit B, including conservation, and active and passive recreation  
24 areas; or "common areas" that may be depicted on a Final Site Plan/PUD  
25 Amendment for any portion of the property when the "common areas" are  
26 proposed to be substantially different, in size or location, than those presented in  
27 Exhibit B.

28  
29        2.    **Common Areas, Active and Passive Recreational Uses:** The developer may  
30 include active and passive recreational uses and passive agricultural uses within  
31 areas designated as common areas on the concept plan (see #1 above). Passive  
32 agricultural uses shall include cattle grazing, equestrian uses, hay production,  
33 citrus groves, tree farms, vineyards, and sheep or goat grazing. Structures  
34 constructed for recreational or agricultural uses within Tract C as shown on the  
35 concept plan shall be permitted a setback of fifteen (15) feet from the boundary  
36 line establishing said common area tract.

37  
38        3.    **Agricultural Uses:** Agricultural uses as described herein which qualify as a bona-  
39 fide agricultural uses such as but not limited to a tree farm/nursery operation under  
40 Florida Statutes shall be permitted within all undeveloped phases, common area  
41 tracts, and Tract D providing any wholesale or retail sales are for the items/products that  
42 are raised and/or produced on the farm/nursery.

43  
44        4.    **Sidewalks:** According to Land Development Regulations (LDR) Section 4.03.02 D,  
45 Planned Unit Developments located in the Urban Expansion Future Land Use

- 1 Category (FLUC) shall provide sidewalks in accordance with LDR Section 9.04.00  
2 Transportation Systems standards.  
3
- 4 5. Detached Single-Family Dwelling Units:  
5
- 6 a) A maximum of twenty (20) detached single-family dwelling units are  
7 permitted.  
8
- 9 b) Height: All detached single-family dwelling units shall be limited to forty  
10 (40) feet in height.
- 11 c) Setbacks:
- 12 (1) Detached single-family dwelling units shall maintain the following  
13 setbacks: front – fifteen (15) feet, sides – ten (10) feet, and rear –  
14 fifteen (15) feet. This provision shall not restrict the developer  
15 from implementing greater setbacks.
- 16 (2) All structures shall be setback a minimum of twenty-five (25) feet  
17 from all rights-of-way bounding the project area.
- 18 (3) For wetland jurisdictional boundaries and the mean high water  
19 line of shorelines/open water bodies: (1) there shall be a  
20 minimum twenty-five (25) foot upland buffer landward from these  
21 boundaries, (2) all principal and accessory structures shall  
22 maintain a minimum fifty (50) foot setback from these boundaries.
- 23 (4) If permitted under the rules administered by the County and St.  
24 Johns River Water Management District, boardwalks, gazebos  
25 and non-impervious structures shall be permitted within the  
26 wetland or shoreline buffer areas.
- 27 d) Lot Size: There shall be a minimum lot size of 8,700 square feet for  
28 detached single-family lots. This provision shall allow clustering of the  
29 detached single-family dwelling units, and will also not restrict the  
30 developer from platting larger lots, provided that minimum open space  
31 requirements are met and the total number of detached single-family lots  
32 and attached multi-family units does not exceed forty (40).
- 33 6. Cassell Residence: The Cassell residence currently located on the subject  
34 property referenced as Tract D on the concept plan may be incorporated into the  
35 subdivision plat. Outbuildings, garages, swimming pools and other improvements  
36 currently located on the property may be permitted to remain and to the extent that  
37 setbacks required herein are not met in such instances, said structures shall be  
38 considered permitted, non-conforming uses. Renovations, additions or  
39 reconstruction of the structures on Tract D shall be permitted in accordance with  
40 the LDRs provided that any additions to existing buildings must meet the setbacks  
41 established herein. Tract D may continue to utilize its own private driveway, but  
42 upon development of the PUD, Tract D shall consolidate its driveway with the PUD  
43 entrance. Should the developer chose to do so, Tract D may be divided into no

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more than three (3) lots in addition to those shown on the concept plan, and outbuildings, garages and accessory structures shall be removed if necessary to meet the lot size and setback requirements set forth herein.

7. Harvison Residence: The Harvison residence currently located in the vicinity of Lot 2 on the concept plan shall be incorporated into the subdivision plat and upon final plat approval, use of the existing driveway connection to CR 44A shall be discontinued.

8. Multi-Family Residential Uses:

a) A maximum of twenty (20) attached multi-family residential dwelling units shall be permitted. Two parking spaces shall be dedicated for each residential unit. Short-term rental of these units is prohibited.

b) Height: All attached multi-family dwelling units shall be limited to forty (40) feet in height.

c) Setbacks:

(1) Attached multi-family dwelling units shall maintain the following setbacks: front – fifteen (15) feet, sides – ten (10) feet, and rear – fifteen (15) feet. This provision shall not restrict the developer from implementing greater setbacks.

(2) There shall be a minimum fifteen (15) foot setback along the south boundary of Tract A.

(3) All structures shall be set back a minimum of twenty-five (25) feet from the rights-of way of CR 44 and CR 44A.

(4) For wetland jurisdictional boundaries and the mean high water line of shorelines/open water bodies: (1) there shall be a minimum twenty-five (25) foot upland buffer landward from these boundaries, (2) all principal and accessory structures shall maintain a minimum fifty (50) foot setback from these boundaries.

(5) If permitted under the rules administered by the County and St. Johns River Water Management District, boardwalks, gazebos and non-impervious structures shall be permitted within the wetland or shoreline buffer areas.

9. Commercial Use: Although commercial uses are not approved, the property owner may make application for an amendment to this PUD ordinance, concurrently with any other application that may be required, seeking approval for commercial uses on Tract A only. The County will review the application pursuant to the Comprehensive Plan and Land Development Regulations in effect at the time of the application.

- 1 C. Landscaping, Walls and Fencing:  
2  
3 1. The developer shall provide a fifteen (15) foot wide, Type B landscape buffer  
4 around the perimeter of the site, with the exception of those portions abutting  
5 wetlands and/or shoreline. The landscape buffer shall be installed at such time  
6 each phase is developed.  
7  
8 2. The developer may install a wall or fencing along the south boundary of the  
9 property between this development and the subdivision to the south, Spring Ridge  
10 Estates. For purposes of minimizing noise from CR 44 and CR 44A, a perimeter  
11 wall up to ten (10) feet in height may be installed.  
12  
13 3. Existing vegetation may be used to meet landscape requirements, and specifically,  
14 citrus groves located on the subject property shall be considered sufficient  
15 landscape material to meet the above-referenced buffer requirements.  
16  
17 4. All other landscaping within the PUD shall comply with the applicable requirements  
of LDR Section 9.01.00, Landscaping Standards.
- 18 D. Wetland / Tree Protection / Wildlife Requirements: A tree removal permit may be required  
19 pursuant to LDR Section 9.02.02, Tree Protection.
- 20 E. As the site is partially located in Flood Zone AE, a 100-year floodplain, the project shall  
21 comply with all floodplain requirements, as established in LDR Section 9.07.08. A Letter of  
22 Map Revision from the Federal Emergency Management Agency shall be required to  
23 remove any portion of the site from a floodplain.
- 24 F. Utilities: The development shall be served by central utilities, water and sewer service.
- 25 G. Transportation Improvements: The applicant shall comply with all access management  
26 requirements, as established in LDR Section 9.05.00 and all comments provided by the  
27 Public Works Department regarding the submitted Traffic Study, dated December 22, 2006  
28 that include:  
29  
30 "The study generally follows the County's guidelines for traffic impacts with some  
31 modifications requested by the City of Eustis, which intends to annex the property.  
32 We agree with the study conclusions and recommendation which follow: Under  
33 the proposed development plan, all of the roadway segments will operate within  
34 acceptable levels of service for the 2011 horizon year. It is recommended that any  
35 proposed development should include phased construction and that a traffic  
36 impact study be required for each phase of development to monitor traffic  
37 conditions and review possible mitigation."  
38
- 39 H. Development Review and Approval: Prior to the issuance of any permits, the owner shall  
40 be required to submit plats and/or site plans for review and approval by the Development  
41 Review Staff or designee. The plats and/or site plans shall meet all submittal requirements  
42 as contained in LDR Sections 14.07.00 and 14.09.00 and comply with all County codes  
43 and ordinances, as amended.

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I. Future Development Orders: Any requested development order must comply with the LDRs, as amended, and the Comprehensive Plan, as amended.

J. Future Amendments to Statutes, Code, Plans and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Comprehensive Plan, and Land Development Regulations include any future amendments to the Statutes, Code, Plan, and/or Regulations.

II. **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.

III. **Effective Date:** This Ordinance shall become effective as provided by law

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008,

FILED with the Secretary of State \_\_\_\_\_, 2008,

EFFECTIVE \_\_\_\_\_, 2008.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
WELTON G. CADWELL, Chairman

ATTEST:

\_\_\_\_\_  
JAMES C. WATKINS, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
SANFORD A. MINKOFF, County Attorney

EXHIBIT "A"

1  
2 LEGAL DESCRIPTION: Rehrer's Sub N 776.8 ft of Lot 5 S of Eustis-Cassia Hwy, LESS E 25 ft Sec 6  
3 Twp. 19S Rge. 27E; Rehrer's Sub from NW cor of Lot 4, run S 00 deg. 39' 27" E 33.04 ft to S r/w line of  
4 Hwy 44-A & POB, run S 89 deg 26' 25" E along S r/w line 175 ft, S 00 deg 39' 27" E 135.01 ft, S 89 deg 55'  
5 15"E 40 ft, S 01 deg 49' 36" W 461.40 ft to a point 629.18 ft S of N line of Lot 4, N 89 deg 55' 15" W 204.88  
6 ft, N 00 deg 39' 27" W 64.32 ft, S 89 deg 55' 15" W 9.88 ft to W line of Lot 4, N 00 deg 39' 27" W 531.87 ft  
7 to POB (6-19-27); Rehrer's Sub begin at intersection of W line of Lot 2 with S r/w line of CR 44-A, run N 89-  
8 18-42 E along said S r/w line 200 ft, S 0-40-02 E 379 ft, S 46-45-07 E 369.40 ft to S line of said Lot 2, N 89-  
9 49-29 W 466.15 ft to SW cor of Lot 2, N 0-40-02 W 628.28 ft to POB, LESS CR 44A – Lot 3, that part of  
10 Lots 4 & 5 described as follows: From NW cor of Lot 4 run S 33.04 ft to S r/w line of CR 44A, S 89-26-25 E  
11 along said S r/w line 195.03 ft, cont S 89-47-10 E along said S r/w line 200.02 ft for POB, cont S 89-50-45  
12 E 83.35 ft to E line of Lot 4, S 0-40-31 E 628.04 ft to SW cor of Lot 3, cont S 0-40-31 E 252.14 ft to SE cor  
13 of Lot 4, N 89-46-22 W 478.62 ft to SW cor of Lot 4, N 0-39-27 W 137.27 ft, N 89-47-38 W 25 ft., N 0-39-27  
14 W 744.05 ft to S r/w line of CR 44A, S 89-26-25 E 25 ft to E line of Lot 5, S 0-39-27 E 531.87 ft, S 89-55-15  
15 E 9.88 ft, S 0-39-27 E 64.32 ft, S 89-55-15 E 204.88 ft, N 01-49-36 E 461.40 ft, S 89-55-15 E 180.02 ft, N  
16 0-39-27 W 132.86 ft to POB (6-19-27); add: Rehrer's Sub Lot 2 – LESS Begin at intersection with W line of  
17 Lot 2 with S r/w line of CR 44A, run N 89 deg 18' 42" E 200 ft, S 0 deg 40' 02" E 379 ft, S 46 deg 45' 07" E  
18 369.40 ft to S line of Lot 2, N 89 deg 49' 29" W 466.15 ft to SW cor of Lot 2, N 0 deg 40' 02" W 682.28 ft to  
19 POB, Sec 6 Twp 19S Rge. 27E.

20