Amendment Number LPA #06/3/1-2
Tracking No. 11-06-LPA

Karl Corporation, et al
Kieran J. Kilday, Kilday & Associates

LOCAL PLANNING AGENCY	**BOARD OF COUNTY COMMISSIONERS**
March 31, 2006	April 25, 2006 (30-day continuance)
	May 30, 2006 (Transmittal)

Project Data

Agent / Owner:	Kieran J. Kilday, Kilday & Associates / Karl Corporation, et al.
Application:	Future Land Use Map Amendment from Rural (1/5) to Urban Expansion (4/1); text amendments to (a) Traffic Circulation Element, adding Policy 2-4.10 re: Karl Kahlert Parkway, and (b) amending the 5 Year Schedule of Capital Improvements adding a $30,670,000 private/public funding partnership for the Karl Kahlert Parkway.
Location:	East of State Road 27, South of Hartwood Marsh Road, north and south of the Schofield Road ROW to the Orange County line.
Total Acreage:	2,098 +/- total acres
Commission District:	District 2 – Robert A. Pool
Section, Township and Range:	Sections 25, 26, 27, 34, 35, 36 of T/R 23/26
Existing Zoning/Existing Land Use:	Agricultural / Rural
Joint Planning Area/City:	N/A
Project Planner:	Alfredo Massa, Senior Planner

Recommendation

Staff recommends **approval** of the proposed amendments for transmittal to the Florida Department of Community Affairs.

Analysis

Background

A DRI is defined by Chapter 380.06(1), Florida Statutes (FS) as any development that would have a substantial impact on the health, safety or welfare of citizens in more than one county. The state has established thresholds to determine when a development must undergo the DRI review process. For residential developments within Lake County the threshold limit is 2,000 units. The East Central Florida Regional Planning Council (ECFRPC) is responsible for coordinating a multi-agency review of activities at the regional level and reviews the DRI application for development approval (ADA) for consistency with adopted state and regional plans. The ECFRPC is an advisory body to the local government, and so does not approve or deny applications, but does issue an Assessment Report that is used to develop and subsequently adopt the binding Development Order between the applicant and the county. The Assessment Report is presently scheduled to be submitted to the ECFRPC on June 21, 2006.

County Staff are working concurrently in preparing the review and final adoption of both the future land use amendment(s) application, which is presented to Local Planning Agency for recommendation to the Board of County Commissioners (BCC), and the development order resultant from the DRI planned use development (PUD) application which is presented to Zoning Board for recommendation to the BCC.

The Development Order (DO) is the binding order that authorizes and formally approves the DRI. It is executed between the applicant and the local government. The DO spells out most, if not all, of the binding conditions to be imposed upon the DRI and usually includes any separate agreements made to resolve specific local and regional issues. At a minimum, conditions of approval would include mitigation requirements, monitoring procedures, DO compliance, commencement and termination dates, requirements for the annual report, and a legal description of the property. Accordingly, staff recommendation for approval of the future land use amendments found herein is for transmittal only , subject to the DRI development order on adoption.

The proposed Karlton Development of Regional Impact (DRI) is located on the east side of State Road (SR) 27 where its western most border is less than 8/10 of a mile from US27/SR25 (US27/SR25, a four lane collector, runs north-south throughout the length of the county). The proposed project site runs eastward approximately three (3) miles across vacant rural lands to the border Lake County shares with Orange County. The Karlton DRI occupies land to the north and south of the Schofield Road right-of-way (an unpaved road) that transects the property.

The future land use amendment application under review request to change the future land use focus from rural with agricultural zoning to urban expansion consisting of:

- 5,211 residential units comprised of a variety of single family and multi-family units of which 2,496 could be age-restricted units.
- A mixed-use village center (Karlton Commons) with associated retail, commercial, office, institutional, such as a library, and residential uses
- A hotel
- Community serving commercial uses
- Parks, recreation and open space that will include an interconnected pathway and trail system
- 50 acre institutional site that can accommodate both elementary and middle schools
- a 320 bed hospital
- a 120 bed adult congregate living facility
- a 10 acre utility site
- a five acre site designated for institutional uses which may include a fire station, police substation and Lake Sumter EMS substation
- Karl Kahlert Parkway.

A highlight of the Karlton DRI is the proposed four lane Karl Kahlert Parkway, a major regional (east/west) transportation connector between US27/SR25 and the SR429 Expressway. The proposed Kahlert Parkway could substantially benefit the south Lake County residents that now have to rely solely on SR50 for east-west travel and access to the Orange County road network inclusive of SR 429, SR 408, and the southbound Florida Turnpike.

Future Land Use Map Amendment

The proposed amendment site is located within Commission District 2, and has a gross acreage of +/- 2,098 acres and a future land use designation of Rural.

As defined in the existing Lake County Comprehensive Plan, Policy 1-1.6: **Rural** allows up to one (1) dwelling unit per five (5) acres. The primary functions of the Rural areas, as designated on the "Future Land Use Plan Map", shall be to allow for the continuation of existing agricultural uses, maintain open space, and protect native habitats. Residential development in the Rural area shall have a maximum density of one dwelling unit per five acres.

The current zoning for the site is **"A", Agriculture District**. As defined in the existing Lake County Land Development Regulations, Chapter III, 3.00.02.C: The purpose of the district is to provide a method whereby parcels of Land which are most suited to agricultural usage may be classified and preserved for this purpose. Agriculture is a major industry of the County; therefore it is the intent of this district to: Provide long term means for preventing further re-encroachment upon agricultural enterprises; to encourage agricultural pursuits by preserving good soils and agricultural areas from subdivision Development or commercial and industrial Construction.

Existing Land Uses in Surrounding Area

The proposed land use change from *Rural* (1/5) to *Urban Expansion* (4/1) is for transmittal reliant upon ECFRPC review. Currently, the land uses in the area are as follows:

1. **West:** An operational orange grove with a future land use of urban expansion along most of the project site's western border (said orange grove fronts on US27/SR25).

2. **South:** Open water bodies, wetlands, groves, and rural lands encompass the southern border.

3. **East:** The Orange County border along which lies the Horizon West development project. (The Horizon West Village land use classification and Sector Plan, a master planned initiative, is made up of six individual villages totaling about 45,000 homes at build-out supported by a regional town center and covering roughly 28,000 acres in west Orange County.)

4. **North:** Primarily Rural open space that appears to have been active agricultural in the past, as well as portions of Conserv II (public lands owned by the Orlando Utilities Commission, not available for development).

Joint Planning Area Future Land Use

The Karlton DRI, along its western border, is adjacent to the southern-most portion of the Clermont Joint Planning Area (JPA) whose future land use designation, as noted above, is also urban expansion. Annexation into Clermont is not being sought by the applicant at this time and utilities will be provided by Lake Utilities Services, Inc.

Text Amendments

1. Capital Improvements Element

Applicant requests to amend Table X-1A, Five Year Schedule of Capital Improvements for Category A Facilities with addition of the following:

Road LOS Projects	From	To	Type of Improvement	Project Phase	Funding Source	Year Scheduled	Projected Cost
Karl Kahlert Parkway	US 27	Orange County Line	ROW Acquisition & New Construction Multi-Laning (4.11 miles)	Phase 1	Private / Public Partnership	2007	$ 30,670,000

The Lake County Public Works Department has indicated that a private/public partnership may be an acceptable and workable solution but that the applicant cannot presuppose that the County accepts any financial responsibility for any non-negotiated major road construction projects.

2. Traffic Circulation Element

The applicant requests the addition of Policy 2-4.10:

Policy 2-4.10: Karl Kahlert Parkway Addition to the Traffic Circulation System. By the end of 2006, Lake County shall include Karl Kahlert Parkway, between US27 and the Lake and Orange County line, into its Traffic Circulation Model and include the patterns that would be created by the construction of this east-west regional transportation connector. Karl Kahlert Parkway is identified on the adopted Lake-Sumter Metropolitan Planning Organization Long Range Transportation 2025 Needs Plan. The County shall then revise its Future Land Use Map and Future Traffic Circulation Map to include Karl Kahlert Parkway.

- *Findings* -

(Per Section 14.02.03 of the Lake County Land Development Regulations)

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

The proposed future land use amendment is consistent with the following Lake County Comprehensive Plan Objectives and Policies:

Future Land Use Objective 1-1, Planning for residential quality and neighborhood cohesiveness. Designate and promote sufficient areas for quality residential development and neighborhood cohesiveness, and require the availability of adequate facilities to support demands necessitated by existing and future housing development and associated populations.

Policy 1-1.2 Allowances for Open Space wherein the County requires a minimum of 25% of total residential PUD's to be *open space* and the applicant has agreed to provide this allocation.

Policy 1-1.6 Function of Future Land Use Categories which states in part, *The primary function of the Urban Expansion area, as designated on the "Future Land Use Plan Map" shall be to contain urban sprawl, to economically provide for public facilities and services, and to provide for the efficient use of land while providing for the retention of adequate levels of open space and native habitats consistent with the character of Lake County. Residential development in the Urban Expansion Area shall have a density from one (1) to a maximum of four (4) dwelling units per one acre.* The applicant has stated in his application that only 5,211 dwelling units will be constructed whereas the maximum 4/1 residential allocation for urban expansion would allow 8,392 (2098 acres x 4units / acre).

Additionally, *Policy 1-1.6* states that, *New commercial development shall be allowed within the Urban Land Use category without a Comprehensive Plan Amendment provided such development meets the locational criteria for commercial activity centers within the Data, Inventory and Analysis support document for the Comprehensive Plan, and meets the criteria established within other policies of the Comprehensive Plan.* As previously noted, the applicant has agreed to provide a 50 acre schools site; a five acre site for public / institutional purposes; and construction of the Karl Kahlert Parkway.

Policy 1-1.6A Water and Sewer Service Requirements for Developments Within Urban and Urban Expansion Areas which states in part *Residential developments within Urban and Urban Expansion areas are required to have central potable water service consistent with the provisions of Policy 1-1.6B.* The applicant has provided written confirmation from Lake Utilities Services, Inc., that central water and sewer will be part of the proposed development.

Policy 1-1.6B: Additional Water and Sewer Requirements which states in part, With *respect to water and sewer service 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. If the development lies within the franchise area of an existing private system, the development shall be required to connect to the private system. The applicant has provided written confirmation from Lake Utilities Services, Inc., that central water and sewer will be part of the proposed development.

The proposed future land use amendment is **inconsistent** with the following Lake County Comprehensive Plan policies:

Policy 1-1.9 Availability of Facilities to Support Residential Land Uses. This policy states in part that residential densities shall be compatible with available public facilities and their capacity to serve development. Since schools are recognized as a public facility and the impact analysis supplied by the Lake County School Board staff verifies that the schools serving this area are over capacity, staff finds this request inconsistent with this policy.

Based on current school attendance zones, schools that will be adversely affected by the proposed amendment and their current permanent capacity status are as follows:

- **Lost Lake** Elementary School **206%** Over Capacity
- **Windy Hill** Middle School **151%** Over Capacity
- **East Ridge** High School **107%** Over Capacity

Policy 1-13.1 Mandatory Compliance with the Concurrency Management System. This policy requires that *necessary facilities and resources* be *in place and functional concurrent with the impacts of development.*

School Concurrency: The applicant has made provisions to allocate 50 acres on the project site as a *schools site* for the potential construction of an elementary school and a middle school, the adequacy of this allocation, however, was not specifically addressed by the Lake County School Board staff in their comments. Concerns were raised by the School Board staff that the applicant did not address needed student stations at the high school level which would almost certainly be required.

Due to the recent passage of Senate Bill 360 which, among other things, requires that all new development meet school concurrency requirements, and as the County is a pilot community for the Department of Community Affairs, staff would not consider this inconsistency, on its own, as a reason to suggest denial of these amendments.

Solid Waste: The applicant should be aware that as regards concurrency requirements for solid waste, options, beyond the use of the land fill and incinerator operated by the county, may need to be considered.

Excerpts Comments from the Lake County Public Works Department:
The traffic study estimates internal capture trips at 27% for Phase I and 39% for Phase III. The applicant should clarify whether this high rate results from integrating trips with

employment and retail attractions in Horizon West or the internal capture is strictly within the Lake County boundaries….It is suggested the applicant be prepared to discuss additional improvements to address project impacts on the improved segments of US 27 and at various intersections. It is recommended the applicant revisit, and if necessary, revise some intersection analyses.

Finally, the analysis relies upon several improvements listed in the "MPO TIP". The applicant should reference the current Lake County Transportation Construction Program, available on-line, for the most accurate project information.

Comments from the Lake Sumter Metropolitan Planning Organization:
"We have reviewed the Comprehensive Plan Amendment Application for Karlton. Generally, we feel the request to change the future land use designation from Rural (1 unit per 5 acres) to Urban Expansion (4 units per 1 acre) is OK. However, it is important to note that the trip generation potential of the land with its current Rural land use is 420 p.m. peak hour trips. The new land use designation, allowing the applicant to develop their proposed program, will increase the trip generation to 6,632 p.m. peak hour trips. This will create a significantly greater impact on the local roadway network. The applicant is progressing through the DRI process and has appeared more than cooperative and willing to help mitigate the impacts. The applicant has expressed a willingness to dedicate 220 feet of right-of-way through their development to accommodate an arterial connection between US 27 and SR 429, both Strategic Intermodal System (SIS) facilities. So, while the proposed Comprehensive Plan Amendment would create a significant increase in trips generated, we feel the DRI process will provide the necessary mitigation."

"The MPO will also work with the County and applicant in the potential pursuit of Transportation Regional Incentive Program (TRIP) funding from the State."

B. Whether the proposed amendment is in conflict with any applicable provisions of the Lake County Land Development Regulations.
The proposed future land use amendment and text amendments do not conflict with the Lake County Land Development Regulations.

C. Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.
The proposed future land use amendment is consistent with land uses by which it is bordered on its eastern and western boundaries as previously explained.

D. Whether there have been changed conditions that justify an amendment.
The project site under review appears to have been active in both agriculture and grazing in the past, which were dominant industries in the County, and no appearance of viable agricultural activities were observed in a recent inspection of the site. The agricultural focus in Lake County was greatly diminished as a result of several "freezes" which impacted many landowners in the late 1980's and early 1990's. As the County now prepares for its future in the 21st century, and an anticipated nearly half million residents by 2025, the need for mixed-use communities, variety in home styles, and retail/industrial development, is stronger than ever. The current and future residents of Lake County could

also benefit by the proposed Karl Kahlert Parkway east-west connector which could help to alleviate the traffic pressures now being faced by commuters on SR50 (the only east-west connector in south Lake County). It should be noted that the Green Swamp Area of Critical State Concern lies to the west of US27 and this development is possible infill and, probably, one of the last developments in the area. Also, market pressures from the previously identified Horizon West Sector Plan greatly impact this proposed project site. Additionally, the applicant has made available a market analysis conducted by *Real East Research Consultants* that considerably expands upon the changed conditions noted above.

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

As previously noted, the applicant has proposed the addition of a 320-bed hospital, a 120 bed adult congregate living facility, and a five acre parcel for the location of a police sub-station and fire station. The applicant has also proposed detailed budgets for both a fire station and police sub-station but agreements as to methodology and staffing levels have not been reached. Additionally, consideration needs to be given to including additional land allocations for the location on the project site of both a Lake-Sumter Emergency Medical Services sub-station and a library.

The applicant should be aware that as regards concurrency requirements for solid waste, options, beyond the use of the land fill and incinerator operated by the county, may need to be considered.

Comments from the Lake County Public Safety Director, expressed the need for a four acre parcel to "*accommodate all expected activities of the fire rescue service and allow for future expansion.*" The comments also noted that, "*Final site consideration should be determined using GIS model based on existing fire stations presently located in the US27/SR25 corridor and future planned fire stations within Orange County adjacent to the Karlton DRI.*"

Comments from the Lake County School Board staff report, "*The current FLUM category would allow 419 units and the proposed FLUM category would allow 8,392 units, resulting in a net increase of 7,973 units. Therefore, the potential increase in dwelling units will adversely impact area schools that are already over or nearly over capacity.. A 50-acre school site is planned for the central portion of the development, which will accommodate an elementary school and a middle school. The elementary school will be built for a capacity of approximately 950 and the middle school will be built for a capacity of approximately 1,200. In addition, in its tentative facilities work program, the District has planned and funded improvements to East Ridge High School, which will increase the permanent capacity to approximately 2020 by 2007; Community Partnership High School will include a permanent capacity of 800; and "BBB" High School will include a permanent*

capacity of 1,967. Also, it is anticipated that Lost Lake Elementary will receive enrollment relief in August 2007 with the opening of Elementary "I" at the Greater Lakes/Sawgrass Planned Unit Developments."

Comments from the Lake County Library Services/Department of Community Services, *"This development will be approximately half way between Clermont and the Citrus Ridge area and will be a very populated area that would benefit from a branch library in the future. I would like to recommend that an additional 5 acres be reserved for a branch library site. This should provide enough space for a 10,000 - 15,000 square foot library with associated parking. "*

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

The proposed development will primarily impact those vegetative communities that are already altered such as unimproved pastures, woodland pastures, citrus groves, tree nurseries, and coniferous plantations. The applicant states that, *"…the vast majority of upland natural communities* (49.37 existing acres, Tale 12A1-2) *will be maintained on the project site in either preservation and/or as upland buffers to preserved wetlands* (totaling 46.47 acres)*."* Additionally, safety planning would not allow development within wetlands and/or floodplains.

There are approximately 297 acres on the project site considered surface waters or wetlands. The applicant has proposed preserving these sites with minor exceptions totaling less than 10 acres.

Comments from the Lake County Water Resource Management Division noted, *"…limited impact to the wetlands on the project…the design criteria for utilization of wetlands for development will be based on avoidance, minimization and the consideration of practical design alternatives…the land use plan amendment does not appear to be inconsistent with the conservation element of our current Comprehensive Plan."*

Additionally, *"There are portions of the Karlton site that are considered high and even significant recharge areas. This site is also in a Water Use Caution Area. The DRI only gives water conservation a cursory mention and protecting the recharge potential of the site was not discussed. Because this site contains high and significant recharge areas, Lake County Land Development Regulations, Chapter VI, 6.09.02.D, requires that a site-specific hydro-geological study be performed prior to development to determine the recharge potential of the site."* (The applicant's response to this comments have not yet been received.)

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

There is no indication that the proposed future land use amendments would adversely affect the property values in the area.

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

Residential and commercial development continues to expand along the US27/SR25 corridor south past the Clermont city limits and north from the southern limits of the county (the *Four Corners* area). Presently, at the intersection of Hartwood Marsh Road and US27/SR25 can be found a *Publix Shopping Center* as well as the entrance to the closest residential development (Lake Louisa Vista) which is less than a mile from the proposed project site. Given the anticipated population growth within the county over the next twenty years, along with the growth being observed as a result of the Horizon's West Town Center project (east of the project site in Orange County), the Karlton DRI would seem to be a logical extension of development along the US27/SR25 corridor.

I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed future land use amendments would be in harmony with the general intent of the Lake County Comprehensive Plan and the Lake County Land Development Regulations. The amendments would also serve the future needs of the county and be in keeping with anticipated population increases which call for additional densities and intensities in the south Lake County area.

J. Any other matters that may be deemed appropriate by the Local Planning Agency or the Board of County Commissioners, in review and consideration of the proposed amendment.

1. Staff recommends transmittal of the aforementioned amendments to the existing comprehensive plan contingent upon DRI approval.

2. Staff recommends incorporation of residential development limits within the final development order to restrict applicant to a maximum of 5,211 dwelling units.

WRITTEN COMMENTS FILED: SUPPORT: -0- OPPOSITION: -20-
Lake County Water Authority – Letter of Concern

LOCAL PLANNING AGENCY RECOMMENDATION: Approval (8-1) to Transmit to the Lake County Board of County Commissioners for Transmittal hearing.

(TRANSMITTAL) FINAL ACTION B.C.C: (4/25/06) Postponed to May 30, 2006
(TRANSMITTAL) FINAL ACTION B.C.C: