# Amendment Number 05/8/1-2
# Lake County Gateway, LLC

## Project Data

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| **Agent / Owner** | Ron Manley / Tom Harb, Lake County Gateway, LLC |
| **Application** | Future Land Use Map Amendment from Urban Expansion (4/1) with Employment Center & Community Commercial Overlay **to** Urban Expansion (4/1) with Regional Commercial (132 acres) & Public Resource Lands (10 acres conservation) Overlays. |
| **Location** | North-side of S.R. 50 East, West of the Florida Turnpike Interchange |
| **Total Acreage** | 142 +/- total acres |
| **Commission District** | District 2 – Robert A. Pool |
| **Section, Township and Range** | Sections 24 & 25 of T/R 22/26 |
| **Existing Zoning/Existing Land Use** | Urban Expansion, Community Commercial & Employment Center / Planned Industrial & Planned Commercial |
| **Joint Planning Area/City** | Yes / Clermont |
| **Project Planner** | Alfredo Massa, Senior Planner |

## Recommendation

Staff recommends denial of the proposed amendment for the following reasons:

# Analysis

## Background

The proposed Plaza Collina Development of Regional Impact (DRI) is located just west of the Lake/Orange County border. The DRI has frontage along its southern boundary on the north side of State Road 50 and frontage along a portion of Plaza Collina's northern boundary with Old (scenic) County Road 50. The proposed amendment site is located within Commission District 2 (Robert A. Pool). The subject property has a gross acreage of 142+/- acres and a total of three (3) future land use designations:

1. **Urban Expansion** Allows up to four dwelling units per acre. The primary function of the urban expansion land use is *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* (Policy 1-1.6);
2. **Employment Center** This designation permits the development of light industrial, heavy industrial, wholesale, manufacturing and assembly uses, warehousing, offices and combinations of these uses
3. **Community Commercial** This designation permits 50,000 to 500,000 square feet of gross leasable area; maximum impervious surface ratio is 70% of the gross development parcel; maximum building height is 50 feet; and maximum Floor Area Ratio (FAR) is 0.70.

The current zoning for the site is *Planned Commercial* and *Planned Industrial*. The purpose of the planned industrial "MP" district is to provide for any industrial land use currently available in any other industrial district and to provide for any industrial land use for which no provision is made elsewhere in the regulations. The purpose of the planned commercial "CP" district is to provide for any commercial land use currently available in any other commercial district and to provide for any commercial land use for which no provision is made elsewhere in the regulations

The future land use amendment application under review is to change the future land use focus from light industrial/manufacturing to a program of commercial development that includes 1,200,000 square feet of "big box" retail, restaurants, shopping, personal services, offices, and business uses. The Development of Regional Impact application which was filed by the owner/developer with the Department of Community Affairs and the East Central Florida Regional Planning Council also includes up to 200 residential units.

**Existing Land Uses in Surrounding Area**

The proposed land use change from *Urban Expansion* (4/1) with Employment Center and Community Commercial Overlay to *Urban Expansion(* (4/1) with Regional Commercial and Public Resource Lands is not inconsistent with the land use in the area.

Currently, the land uses in the area are as follows:

1. **West:** Vacant land (recently the Employment Center designation for this parcel was changed by the BCC to Urban Expansion to permit an auto dealership to be built on the site.)

2. **South:** Frontage along State Road 50 for entire southern border of property. Across SR 50 are a wide array of uses from vacant land to citrus groves, residential development, a sand and gravel pit, and self-storage units.

3. **East:** Vacant land along with a few buildings in a light industrial area.

4. **North:** Approximately half the frontage is on Old County Road 50 with the predominant uses on both sides of Old CR 50 being vacant lands along with some citrus groves, a greenhouse for ornamentals, and a few residential dwelling units at the junction of Lake Boulevard and Old CR 50..

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**Clermont Joint Planning Area Future Land Use**

The Clermont Joint Planning Area Future Land Use Map designation for the site under review is Commercial/Services which is in keeping with the applicant's request to change the County's land use designations to Regional Commercial from the current future land use of Employment Center and Community Commercial. The applicant is also seeking to add the Public Resource Lands (conservation) designation to a portion of the site under review (+/- 10 acres) which will help to protect and save a wetland area. Additionally, according to the Clermont Joint Planning Area Future Land Use Map, the overwhelming majority of the lands along the northern and southern borders of the site under review are classified as *residential* and *residential professional mixed use*.

1) **Inconsistent with Future Land Use Element Policy 1-1.2.** Allowance for Open Space. The County shall require the following minimum open space standards for development:

| Land Use | Minimum Open Space Requirements |
|---|---|
| Commercial | 20% of total development |

- Of the total +/-142 acres under review, the applicant has proposed that 10 acres be categorized *Public Resource Lands (conservation)* and the remaining 132 (+/-) as regional commercial. Said 10 acres of conservation land constitutes only seven (7) percent of the project lands.
    - Correspondence from the applicant dated August 19, 2005, states that they *"will meet the comprehensive plan requirements for commercial project, where applicable."*

2) **Inconsistent with Future Land Use Element Policy 1-13.2,** Amendments to the Comprehensive Plan**.** The County shall require all applicants pursuing an amendment to the "Future Land Use Map" to demonstrate that all facilities or service capacities are currently available, or shall be available after the implementation of scheduled capital improvements, to meet general needs of the proposed land use.

- **Transportation**

    - The Lake County Public Works Department responded to this land use amendment on August 16, 2005, with (in part), *"The primary transportation issue with the proposed Plaza Collina development appears to be implementation of mitigation measures concurrent with project development."*

      (See detailed comments below under ***Reviewing Agencies***.)

    - The Lake-Sumter Metropolitan Planning Organization responded to this land use amendment on August 15, 2005, with (in part), *"given the size and nature of this project, we are concerned for the potential impacts to the surrounding transportation system…The MPO respectfully offers to assist…in reviewing this project as it proceeds through the DRI process."*

- **Education**

  - The Lake County School Board states in correspondence dated August 8, 2005, that the *"proposed amendment has the potential to add 200 new single family dwelling units that will contribute 82 new students to the Lake County School system.* Additionally, *"the site will adversely impact area schools that are already over or nearly over capacity."*

- **Drainage**

  - Lake County Water Resource Management recommends approval of the Plaza Collina DRI with the following exceptions:

    i. *A minimum 50-foot natural buffer shall be established upland of wetlands and between any development. This shall be classified as a "no-build zone";*
    ii. *A former mining operation was once on a portion of the site in question. Staff can not support future mining operations within the site since mining requires a rural future land use; and*
    iii. *Restrictions for High Recharge Impacts will be addressed during the rezoning and/or development review stage.*

- **Solid Waste**

  - The Lake County Department of Environmental Services stated in an email dated 8/26/05 that, *"Solid Waste capacity is available."*

- **Police Services**

  - The Lake County Sheriff's Office stated in a letter dated August 22, 2005, *"Current assets and funding for the Lake County Sheriff's Office would probably be inadequate to patrol and serve the full capacity of the Plaza Collina property."*

- **Utilities**

  - The City of Clermont in a letter dated March 4, 2005, has identified the availability of capacity for potable water and sewer:

    *"The City of Clermont's East Water Reclamation Facility and the East Side Potable Water system have the capacity to serve the project. In addition, both systems are in the process of expanding capacity to continue to meet the increasing demands."*

3) **Inconsistent with Future Land Use Policy 1-1.12,** Maintenance of Internal Consistency. The maintenance of internal consistency among all Elements of the Comprehensive Plan shall be a prime consideration in evaluating all requests for amendments to any Element of the Plan. Among other considerations, the Future Land Use Map shall not be amended to provide for a more intense land use unless traffic circulation, water, sewer, solid waste, drainage, park and recreation facilities necessary to serve the area are available or shall be in place concurrent with the impacts of development (*as noted in item #2 above, not all of these are presently available).* Additionally, amendments are also appropriate to accommodate additional population growth, shifting development patterns and to maximize utilization of existing infrastructure consistent with protection of natural resources.

4) **Consistent with Future Land Use Policy 1-1.13,** Land Use Density and Intensity Standards. Upon adoption of this Plan, the following land use density and intensity standards shall apply. Land Development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for densities and intensities as indicated below:

   **§ 2c:** Regional Commercial Center: 500,000 or more square feet of gross leasable area; maximum impervious surface ratio is 70% of the gross development parcel. Maximum building height is 50 feet. Maximum surface ratio shall be no greater than 30% of the gross development parcel. Maximum Floor Area Ratio (FAR) is 1.0.

5) **Consistent with Future Land Use Policy 1-3A.1,** Commercial Development in Land Use Classifications. Urban areas should be served by shopping facilities, which are designed and planned around market and service areas. These areas are generally categorized under one of the following shopping center types:

   1. Regional Activity Centers:

      a. Location - will be at the intersections of arterials or along an arterial at an appropriate distance from an interchange of an arterial with an interstate highway. These centers shall be located within the Urban and Urban Expansion land use categories. In addition, these centers require a minimum population of 150,000 within its service area for support.

      b. Allows - 500,000 square feet or more of gross leasable area.

      c. Major component may be a mall with two or three anchor stores.

      d. Service Areas – county-wide to regional area.

      e. Requires a unified site plan, which incorporates an internal traffic circulation system and pedestrian circulation.

f. May not be separated by public streets and highways.

g. Site design will not compromise the integrity of adjacent uses.

h. May contain office, professional or institutional use.

6) **Consistent with Conservation Element Policy 7-7.7,** Conservation Land Designation. Lake County shall establish a *public resource lands* category within its future land use plan which shall provide its citizens with the opportunity and incentives to dedicate lands for conservation. All development activities shall be prohibited within these preservation areas with the exception of recreational and educational uses listed below:

1. Passive Recreation Facilities such as:
   a. boardwalks
   b. hiking/horseback trails
   c. primitive camp sites in designated recreation areas
   d. picnic areas

2. Conservation Facilities:
   a. fire lanes and fire towers
   b. facilities designed to protect nesting, feeding, or habitat areas for designated species, or to support the propagation of other game and non-game species
   c. facilities designed to protect an archaeological or historical site
   d. wildlife monitoring stations

7) **Consistent with 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.

## Reviewing Agencies

The following agencies were asked to review this Land Use amendment for impacts: Lake County Public Works Department, Lake County School Board, Lake County Department of Environmental Services, the Lake-Sumter MPO, and the St Johns River Water Management District.

### Lake County Sheriff's Office

The Sheriff's Office, in a letter dated August 22, 2005, stated:

*Sheriff Daniels has reviewed the Plaza Collina Amendment.*

*Current assets and funding for the Lake County Sheriff's Office would probably be inadequate to patrol and serve the full capacity of the Plaza Collina property.*

*With proper funding, staffing and support, the Lake County Sheriff's Office would be able to provide full law enforcement services to all the residents of the Plaza Collina property. Please assist us by forwarding development schedules, occupancy statistics and anticipated dates of completion so that proper funding and staffing may be sought. Based upon need, it is believed that the Lake County Commission will continue to properly fund the agency.*

### Lake County Department of Public Safety

The Public Safety Office had no comments on the project.

### Lake-Sumter Metropolitan Planning Organization

*The MPO has reviewed the Plaza Collina CPA application. Given the size and nature of this project, we are concerned for the potential impacts to the surrounding transportation system, particularly SR 50 and CR 50. The MPO respectfully offers to assist the Planning and Public Works Departments in reviewing this project as it proceeds through the DRI process. Southeast Lake County, as I'm sure you are aware, is one of our more rapidly developing and densely populated areas. It will be of vital importance to monitor the transportation system in this area.*

### Lake County Public Works Department

Public Works Staff has reviewed the revised application for the *Plaza Collina Comprehensive Plan Amendment* submitted July 15, 2005. On pages 15-18 of the application, the applicant has submitted responses to various policies in the Traffic Circulation Element of the Comprehensive Plan. Our comments address these responses.

*Regarding the potential traffic generation and projected impacts that could result from a change in land use designation at the site, we submit the following review comments:*

- *The primary transportation issue with the proposed Plaza Collina development appears to be implementation of mitigation measures concurrent with project development. Without adequate and timely mitigation measures, the scheduled*

*increase in capacity for SR 50 may be inadequate to meet concurrency requirements in support of the project.*

- *On June 15, 1999 the Lake County Board of County Commissioners approved a Class III Access Management plan for SR 50 with the concurrence of the City of Clermont. The Class III approval was subsequently accepted by FDOT and incorporated into its PD&E for improvements to the SR 50 corridor. Class III access management includes restrictions on the spacing of traffic signals and median openings. The preliminary proposals by Plaza Collina would modify the access standards at this location. The developer will have the responsibility to gain approval from the County Commission for a change to the approved access management standard on the SR 50 corridor along the property frontage. In our previous discussions with the developer, it was agreed that the overall Access Class for SR 50 will not change, but that the requested waiver from FDOT for access management will apply to this location only.*
- *For the Plaza Collina project, we also favor an additional full median opening between Lake Boulevard and Magnolia Pointe Boulevard. Improvements, such as right and left turn lanes, should be made at all access locations consistent with the traffic impacts. Traffic signals should be part of a coordinated system with fiber optic links for remote access by Lake County Traffic Operations.*
- *An important mitigation measure to help increase the project's internal capture trips will be a reverse frontage road connecting with properties to the west. On July 26, 2005 the Board of County Commissioners approved development for the tract of land immediately adjacent to the Plaza Collina site on the west. This approval included a frontage road connecting from the Plaza Collina site, west to Tiny Morse Boulevard. A review of the topographical relief toward the western sector of the Plaza Collina site suggests that, with careful design, the Plaza Collina development can construct a reverse frontage road to connect with the frontage road approved for the adjacent tract.*
- *The Lynx transit system has submitted comments regarding its choice of a new park-and-ride lot to serve the transit system. Those comments indicate preference for a lot in Orange County near the intersection of SR 50 and the SR 429 Western Beltway. Though this may meet a regional goal of the Lynx transit system, we don't see how it mitigates trips on SR 50 in Lake County associated with the Plaza Collina development. We would like to see more detail from the Lynx planning section on how project mitigation in Lake County would be served by a proposed Park-and-ride located in Orange County approximately seven miles east of the project site.*
- *To a lesser extent, dedication of right-of-way for a bike trail along a segment of the northern boundary can eventually serve as a traffic mitigation measure. There will be some use of the trail as a means of accessing the Plaza Collina development from neighboring residential areas and Lake County looks forward to receiving the land dedication for this project in a timely manner.*

**Lake County School Board offered the following comments:**

*The proposed amendment has the potential to add 200 new single-family dwelling units that will contribute 82 new students to the Lake County School system. 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 **58%** Over Capacity
- **Windy Hill** Middle School **64%** Over Capacity
- **East Ridge** High School **44%** Over Capacity

| **SCHOOL NAME** | Student Enrollment 5/26/2005 | Permanent Student Capacity* | Current % of Perm. Capacity | Student Enrollment w/ Impact | % of Perm. Capacity w/ Impact |
|---|---|---|---|---|---|
| Lost Lake Elementary | 1,421 | 923 | 154% | 1,458 | 158% |
| Windy Hill Middle | 1,436 | 887 | 162% | 1,456 | 164% |
| East Ridge High | 2,573 | 1,804 | 143% | 2,598 | 144% |

*June 16, 2005, FISH Report, FDOE

**Lake County Department of Environmental Services** (response received via email 8/17/05 from Blanche V.G. Hardy, P.G., Director)

*Visual buffers and conservation buffers may have very dissimilar benefits. Proposing a visual buffer, while aesthetically pleasing, may not facilitate conservation.*

*According to the aerial photos provided, wetland associated soils may exist south of the allocated wetland conservation area. Additional measures to evaluate the area in the vicinity of the eastern most access road should be undertaken.*

*Maintaining an irrigation well (#2) in close proximity of the wetland may adversely impact the wetland by lowering the existing surface water table elevation. Irrigation wells need to be placed outside the potential for groundwater drawdown in the wetland area. Irrigation impacts to the surficial aquifer and to surface water supply need to be considered.*

*A plan for access and buffer for the proposed trail needs to be provided. According to the maps provided in the report, the trail enters and exits the property within the northern boundary.*

*The storm water pond is favorably located to provide water to the wetland through infiltration. What measures will be taken to assure water quality and water budget? Water budget needs to be determined considering both the potential for lack and excess of water supply to the wetland. The proposed pond interrupts surface flow to the wetland. According to the information provided, no water from the proposed pond will enter the wetland. It is also stated that surface flow will provide sufficient water to maintain the wetland. Areas proposed to provide surface flow to the wetland, given the proposed pond location, need to be identified.*

*While water quality is an important part of maintaining appropriate recharge no actual recharge plan has been stated. Site specific recharge parameters need to be determined and a method(s) to preserve recharge volume needs to be presented.*

**Lake County Water Resource Management**

Water Resource Management recommends approval of the Plaza Collina land use plan amendment with the following restrictions:

- *On page 19 Policy 7-5.5: An incorrect statement on page 19 under policy 7-5.5 which states that "There are no impacts proposed to this wetland system. It will be preserved in its current, natural state with an average 25-foot buffer established around the onsite perimeter. See Exhibit 5, Vegetation. The statement should indicate a minimum 50-foot natural buffer shall be established upland of wetlands and between any development. This shall be classified as a "no-build zone." The site lies within the Lake Apopka Basin Development Design and resource Protection Standards area which requires additional wetland protection.*
- *A former mining operation was once on a portion of the site in question. Staff can not support future mining operations within the site since mining requires a rural future land use.*
- *Restrictions for High Recharge Impacts will be addressed during the rezoning and/or development review stage.*

## Comments City of Clermont-Joint Planning Area

Comments expected from the City of Clermont via separate cover as a result of their next scheduled City Council meeting on September 13, 2005.

## Staff Conclusion

As previously noted, the site in question is situated at the gateway to Lake County, and the City of Clermont, for all who enter the County along west-bound State Road 50. Given that the County is experiencing unprecedented growth and could be near the half million mark in population by 2025, along with the fact that presently most residents in the area typically travel into Orange County and the West Oaks Mall in Ocoee due to the lack of shopping options in South Lake County, the site under review could potentially provide the residents of the area with a much needed regional commercial shopping experience. The proposed *regional commercial center* is more in keeping with the observed local and national trends of increased service sector employment as opposed to industrial/manufacturing. Additionally, there is a potential for an increased number of *service sector* employment opportunities that could outnumber those made available if light industrial / manufacturing enterprises had selected this site for development.

Staff, however, at this time cannot recommend approval of this request for a future land use amendment based primarily on the aforementioned policies of the Lake County Comprehensive Plan currently in effect. The applicant is urged to continue to work with County staff through the remainder of the Comprehensive Plan rewrite.

In closing, it should be noted that due to poor scheduling the East Central Florida Regional Planning Council (ECFRPC) and the City of Clermont, who will be meeting to provide official comments on September 21st and September 13th, respectively, did not submit written recommendations to the County for consideration as part of this application for a future land use amendment. The ECFRPC recommendation (through the issuance of a development order) would more than likely have addressed the concurrency issues (and in particular the traffic issues this project will exacerbate) noted in items 2 and 3 of *Review of Applicable Policies*. The City of Clermont's recommendation is important, and mandatory, due to the joint planning agreement we have with them.

**WRITTEN COMMENTS FILED:**

**SUPPORT:** **OPPOSITION:**

**LOCAL PLANNING AGENCY RECOMMENDATION:**

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