LAKE COUNTY PLANNING AND DEVELOPMENT SERVICES ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY PLANNING AGENCY
August 18, 2005

BOARD OF COUNTY COMMISSIONERS
September 27, 2005

Case Number: SLPA#05/8/1-2	**Tracking Number:#77-05-SLPA**	**Agenda Number: #3**

- Application Request -

Owner: Wolfgang Dueren/Lake Susan Lodge Trust
Applicants: Jimmy D. Crawford, Gray Robinson/Steven J. Richey, P.A.

REQUEST FOR A CHANGE IN THE FUTURE LAND USE DESIGNATION OF TRANSITIONAL - GREEN SWAMP AREA OF CRITICAL STATE CONCERN (GSACSC) TO RIDGE - GSACSC FOR 6.6 ACRES

-Summary of Analysis-

The applicants are requesting this change under the direction of a Special Master's Recommendation (File No. SM-11-01). The Lake Susan Lodge is a facility that borders the shore of Lake Susan and Lakeshore Drive south of Clermont. The subject parcel is located within the Clermont JPA. The lodge was developed in the 1940's and has been continuously operated since as a fish camp with cottages, a marina, a restaurant, and other mixed use facilities. The lodge currently features fifteen (15) cottage units and related accessory uses. Since the lodge was developed prior to current laws and regulations, it exists as a legal non-conforming use. Termination of this use would require the owner to comply with the present Land Development Regulations and Comprehensive Plan. The owners wish to replace the fifteen (15) cottage units with 18 townhome/condominium units, a more desirable use and consistent with of the neighboring area. In addition, the owners are seeking to construct three additional units on Mr. Dueren's adjacent property, for a total of 21 units on 6.6 acres. The owners are also intending to keep the existing restaurant as part of the overall development plan. Since the parcel lies in the Transitional future land use category, the density is limited to one dwelling unit per five acres, with an increase to one unit per acre if the parcel meets the timeliness criteria established in Policy 1A-2.1 of the Comprehensive Plan. Therefore, the owners, at best, would be allowed up to six (6) units on the subject parcel if they meet timeliness, assuming the removal of the restaurant. The density calculation would have to be lowered to accommodate the existing restaurant. The applicants are requesting the change to the Ridge future land use category, which allows up to four dwelling units per acre. If approved, a maximum of 24 dwelling units on the subject parcel would be permitted, provided sufficient points were obtained through the use of the Urban Area Residential Density Chart contained in Table 3.03.03 of the Land Development Regulations. This number is based upon the removal of the restaurant.

Since the subject parcel is located in the Transitional future land use category, a timeliness study should have been conducted to see if the applicants have justification to request a higher-density land use classification. If the subject parcel met timeliness, the maximum allowable density would be one unit per acre. A staff conducted GIS analysis shows that wetlands comprise approximately 1.3 acres of the subject parcel and that roughly 2.1 acres lie within the 100-year floodplain. The joint LDRs with the City of Clermont allows no alteration of the 100-year flood plain. Therefore, a little over four (4) acres could be used for development. If the project met timeliness, the subject parcel could have up to six (6) units spread out over 4.5 acres, equating to a gross density of .91 dwelling units per acre and a net density of 1.33 dwelling units per acre. With the installation of roads and necessary stormwater systems, the average lot size would probably be one-half acre lots. This would closely resemble the lots in the neighboring area. If the project was developed under the Ridge future land use

designation, it would be allowed up to 24 dwelling units spread out on the 4.5 acres, equating to a gross density of 3.6 dwelling units per acre and a net density of 5.3 dwelling units per acre. The applicants are proposing this development to be built as townhomes. There are no townhomes in the surrounding area, which is solely single-family residential.

The applicants are proposing the project to be developed as a Planned Unit Development (PUD). PUD is the only zoning designation that would permit multifamily development under Table 3.01.03 Schedule of Permitted and Conditional Uses, of the Land Development Regulations in either the Ridge or Transitional future land use category, as established in Table 3.00.03 Land Use - Zoning District Matrix, of the Land Development Regulations. However, Section 4.03.03, General Site Development Standards, of the Land Development Regulations, subsection (B) requires a PUD to be ten acres in size. The subject parcel has a gross area of only 6.6 acres. Policy 1-1.2, Allowance for Open Space, requires 60 % open space with a PUD located in the Transitional future land use category or 40 % open space in the Ridge future land use category. Based upon these requirements, the actual upland area of the site remaining for development is significantly diminished.

The subject parcel is bordered by the Urban Expansion future land use category to the northwest and Transitional on all other sides. If the future land use is changed to Ridge, the parcel would be an island with Transitional on three sides and Urban Expansion on the other. There are no other parcels in this section or adjoining sections with the Ridge future land use designation. In addition, no townhomes have been developed in the Ridge future land use category.

The Special Master's Recommendation is only a recommendation and is not binding on the County's part. On page seven of the Special Master Recommendation, it states, "The petitioner's proposal is summarized as sixteen (16) enumerated items set forth above (beginning on page 2). Of those sixteen items, all parties unanimously endorse at least thirteen of the sixteen items. Only items k,l, and m, which essentially proposes to construct 21 age restricted adult only town home units on the lodge property and Dueren properties, are controversial. The County and DCA are not against some units being constructed but it is the density that needs to be resolved." None of the sixteen items mentioned addresses a comprehensive plan amendment. Staff is opposed to the proposed number of townhomes to be constructed and dwelling type.

Comprehensive Plan Policy 1-1.14, General Land Use Location Criteria subsection (1)(g) establishes that multifamily residential development may be suitable to serve as a transitional use between higher density development, such as commercial, and lower density development, such as single-family residential. This is not the case with this project since there is no commercial development adjoining the subject parcel, which is surrounded by single-family homes. Policy 1-12.4, Density Allocations, indicates that when allocating density, protecting neighborhood cohesiveness and the stability of residential character needs to be considered, as well as ensuring compatible transitions between abutting low, medium, and high density residential districts. The current Transitional future land use designation provides assurance that the intent of the two policies above will be met. The proposed Ridge future land use designation, however, would be inconsistent with these policies.

The Special Master's Recommendation has merit, especially in outlining the highest and best use of the subject parcel. However, the development of the property under the current future land use designation of Transitional, with the subject parcel meeting timeliness, appears to be the best use. This determination is based upon the density of the surrounding single-family residences, the Comprehensive Plan, and the Land Development Regulations. If the parcel was developed at a ratio of one dwelling unit per acre and clustered on the upland portion of the subject parcel, the density and intensity would be comparable to the existing single-family residences in the immediate area. If the future land use is changed to Ridge, though, the density and intensity would be greater than that of the surrounding area. Therefore, staff is unable to support the request based upon its incompatibility with the Comprehensive Plan and Land Development Regulations.

- Summary of Staff Determination –

Staff recommends **denial** of the request to change the future land use designation of the 6.6 acre subject parcel from Transitional to Ridge.

JK 08/05/05

- Site Information –

Size of Parcel: 6.6 +/- acres

Map Location: Section 1/ Township 23S/ Range 25E

Location: Clermont Area - Parcel is Southeast of the intersection of Lakeshore Dr. and Osprey Pointe Blvd.

Future Land Use: Transitional

Joint Planning Area: Clermont

Utility Area: Clermont

Site Utilities: Central Water and Sewer

Road Classification: Collector

Site Visit: August 8, 2005 Signs Posted: August 8, 2005 (2)

Commissioner's District: 2

Surrounding Land Use		Surrounding Future Land Use	
NORTH	Single-family residential	NORTH	Urban Expansion
SOUTH	Single-family residential	SOUTH	Transitional
EAST	Lake Susan	EAST	Transitional
WEST	Single-family residential	WEST	Transitional

- Findings -

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

A. Whether the proposed amendment is in conflict with all elements of the Comprehensive Plan;

The proposed amendment would be inconsistent with the Lake County Comprehensive Plan, especially policies 1-1.14, 1-12.4, and 1-1.2, as outlined in the staff report above.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations;

The proposed amendment would be in conflict with applicable provisions of these regulations. The Joint Planning Agreement (JPA) with the City of Clermont would prevent filling or alteration of the 100-year floodplain. In addition, the proposed project would be in conflict with section 4.03.03 of the Land Development Regulations, that requires a PUD to be a minimum of ten acres in size.

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

The proposed amendment and its associated land use are inconsistent and incompatible with the surrounding land use and development patterns in the area. The proposed townhomes are not compatible with the single-family residences in the area.

D. Whether there have been changed conditions that justify an amendment;

The applicants have indicated that subject parcel has been surrounded by residential subdivisions and the motel/weekly rental use of the property has become inconsistent with the surrounding neighborhood.

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, including, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

The proposed amendment may result in a significant increase in demand on public facilities. The applicants have indicated that capacity exists for the project. However, no detailed information has been received to justify this claim.

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

The proposed amendment would not likely have an adverse impact on the natural environment. The termination of this non-conforming use would provide a mechanism to bring any new projects up to current standards. These improvements would include increased setbacks from the jurisdictional wetland line and the installation of stormwater treatment systems that are currently not in place.

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

No information has been submitted to indicate that the proposed amendment 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 patterns;

The proposed amendment would not result in an orderly and logical development pattern in the area. The change from Transitional to Ridge would permit the subject parcel to be developed at a higher density than the surrounding area is currently developed. In addition, the introduction of townhomes in an area of predominately single-family residential would not be considered a logical development pattern.

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 amendment would be in conflict with the general intent of the Lake County Comprehensive Plan and the Lake County Land Development Regulations.

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.

The applicant has submitted a rezoning request to change the zoning to Planned Unit Development (PUD). The request is for the development of 21 age restricted townhomes with the elimination of the current non-conforming uses, except for the existing restaurant. Staff has recommended denial of the request based upon Comprehensive Plan Policies 1-1.14, 1-12.4, and 1-1.2 and section 4.03.03 of the Land Development Regulations.

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

LOCAL PLANNING AGENCY:

FINAL ACTION B.C.C.:

JK 08/05/05