



August 5, 2010

Chuck Hiott, P.E.  
Booth, Ern, Straughan & Hiott (BESH)  
350 North Sinclair Avenue  
TAVARES, FL 32778

RE: Mission Park Phase II Partial Re-plat – Pre-submittal Application  
(Project #2010070004/ Application Request #1676)

Dear Mr. Hiott:

The Development Review Staff (DRS) has reviewed your pre-submittal application for a Mission Park Phase II Partial Replat. We have attached our review comments for your reference. Please feel free to use this information in the preparation of your formal development application. Please find attached a copy of Ordinance #2001, BOA Variance #69-01-2, and the Transportation Concurrency Exemption study.

A meeting to discuss the comments with DRS has been scheduled for August 12, 2010. The meeting will be held in Growth Management Conference Room located on the 5th Floor of the Lake County Administration Building, 315 W. Main Street in Tavares.

Please be advised that our review of your pre-submittal application is a cursory review before filing any formal applications. The cursory review and comments related to the pre-submittal meetings do not constitute a waiver of any requirements contained in the County's Comprehensive Plan, Land Development Regulations, nor does it constitute an approval of your proposal.

Should you have any questions, please contact our office at (352) 343-9739.

Sincerely,

Steve K. Greene, AICP  
Chief Planner

P.O. BOX 7800 • 315 W. MAIN ST., SUITE 511, TAVARES, FL 32778 • P 352.343.9739 • F 352.343.9595  
Board of County Commissioners • [www.lakecountyfl.gov](http://www.lakecountyfl.gov)

JENNIFER WILK  
District 1

EIJAINE BENICK  
District 2

JIMMY CONNER  
District 3

LINDA STEWART  
District 4

WILTON G. CADWELL  
District 5

Project No. 2010070004, Application Request No. 1676

**PLANNING & COMMUNITY DESIGN DIVISION, Steve Greene, (352) 343-9739**  
**Informational Comments**

**Item:** PROPOSED DEVELOPMENT DESCRIPTION (REDEVELOPMENT OR NEW DEVELOPMENT)

1. The applicant proposes to re-plat Lot 127 (.30-acres) into 2-lots from the current configuration as within Phase II of the platted Mission Park subdivision.

**Item:** PROPERTY ACREAGE/SIZE

1. Lot 127 is currently .30-acres & exists within the 24-acre Phase II of the Mission Park subdivision. The entire subdivision comprises approximately 50-acres.

**Item:** PROPERTY LOCATION

1. Lot 127 is situated along Merlot Way of the subdivision. The Mission Park subdivision is situated east of US 27, north of CR 474.

**Item:** PROPOSED DEVELOPMENT CONSISTENT WITH CURRENT FUTURE LAND USE & ZONING

1. The proposed redevelopment for residential purposes is consistent with the Green Swamp-Ridge future land use designation and Ordinance #2001-29. The ordinance limits development to 4 dwellings per acre. In order to ensure consistency of the land use density, an analysis of the entire plat as presented on the construction plan will be required to assess the partial replat via the preliminary plat application.

**Item:** OUTSIDE AGENCY APPROVALS REQUIRED (SJRWMD, DEP, US ARMY COE, FFWCC, ETC.)

1. Please provide a copy of all applicable local, regional, state, and federal permits in-conjunction w/preliminary plat application or construction plan.

**Item:** SETBACKS PROPOSED

1. The setbacks for a residential structure on the property will be: Front - 25-feet; side & rear setback- 5-feet; secondary front setback (corner-lot) - 15-feet.

**Item:** WATER/SEWER PROVISIONS

1. Although the documentation indicates the property is currently serviced by Lake Utilities, this will have to be confirmed at the time of preliminary plat application.

**Item:** WITHIN EXISTING JPA (CLERMONT, MT. DORA, LADY LAKE)

1. This property is within the existing Clermont JPA. Comments from Clermont will be requested during the course of the preliminary plat review.

**Item: GREEN SWAMP**

1. This property is within the Green Swamp Area of Critical State Concern. As such, review by the Department of Community Affairs will be requested pursuant to the paragraph below.

**GREEN SWAMP NOTIFICATION LANGUAGE**

Please be advised that this property is located in the GREEN SWAMP which is designated as an Area of Critical State Concern, pursuant to Chapter 380, Florida Statutes, Section 380.05. Because of the GREEN SWAMP Area of Critical State Concern designation there is a forty-five (45) day review period during which a Development Order - unless exempted - is reviewed by the Department of Community Affairs for compliance with the Lake County Comprehensive Plan, the Lake County Land Development Regulations, and State Statutes and Regulations relating to the GREEN SWAMP.

Upon approval of the Development Order, Lake County shall render it to the DCA. Notice will be promptly forwarded to you from the Department of Community Affairs (DCA) regarding compliance of the application with the GREEN SWAMP regulations from The Department of Community Affairs located in Tallahassee, Florida.

Lake County hereby advises you that any work commencing on your project prior to receiving notice from the DCA of compliance of your building permit with the GREEN SWAMP laws, ordinances, and regulations is at your own risk and your contractor's risk.

Representatives from the DCA may wish to conduct a site visit at the location of the construction. In the event the Development Order is found to be inconsistent with the Lake County Comprehensive Plan, the Lake County Land Development Regulations, or State Statutes or Regulations, the DCA may choose to appeal the issuance of the Development Order and seek an administrative hearing, in which case you shall be notified.

Should you have any questions regarding this process, please do not hesitate to telephone the DCA office by telephone at (850) 922-1766 Attention Rebecca Jetton. The office is located at 2555 Shumard Oak Blvd, Tallahassee, FL 32399-2100.

**Item: CONCEPTUAL PLAN OF PROPOSED DEVELOPMENT**

1. When the preliminary plat is submitted, ensure that it specifies the land area acreage, land use density (existing and proposed), ISR (existing and proposed), and open space (existing and proposed) over the entire platted subdivision.

2. Based on the information provided and gathered from Lake County records, the provision of open space is unclear. Please provide information to clarify the provision of 40% open space per the Comp Plan when the preliminary plat is

submitted to demonstrating the required open space for the entire plat.

3. To be consistent with BOA Variance #69-01-2 and the application of 45% ISR over the entire subdivision, the newly created lot may be allowed to utilize the residual ISR from the existing development of the parent lot, not to exceed 2,940 square feet.

5. In order to facilitate residential development of the new lot and reduce the likelihood of creating non-conformities with the parent lot it's recommended that the new lot not exceed 6,534 square feet, maximum.

**Review Status:** NEED MORE INFO

**HEALTH DEPT - E. CHRIST/ P. BUTLER(352) 253-6130**

**Review Status:** APPROVED

**LANDSCAPE RVW - GRANT WENRICK 352-343-9739 EXT 5832**

**Informational Comments**

**Item:** LANDSCAPE PLAN

1) Informational - At time of the future site development, the newly created lot shall comply with the landscape code for the correct amount of canopy trees and size required for residential lots and also for the maximum amount (60%) of moderate water use turf that may be utilized on the pervious area of the lot. There is no limitation to the amount of Bahia turf that may be utilized per lot. If installed irrigation is utilized, the turf areas and other landscape types such as shrubs and groundcovers shall be on separate zones. These requirements may be met with a note on the future site/plot plan and will be checked by Staff prior to the time of the final Certificate of Occupancy.

**Review Status:** APPROVED W/COMM

**FIRE - GUTTING/SIKES (352) 343-9653 EXT. 5427**

**Review Status:** APPROVED

**PUBLIC WORKS - ROSS PLUTA/SETH LYNCH 352-483-9041**

**Informational Comments**

**Item:** STORMWATER

1. The two lots in this proposed replat/split will be required to have at minimum 5 ft drainage easements alongside and rear property lines. Drainage swales will need to be constructed at time of single family dwelling is constructed to prevent runoff and convey storm-water towards the front.

2. The lot grading for the newly created lot should follow FHA Type A grading, that grades and drains to front of the lot and street. Providing all needed swales, berms and other stormwater management needed so not to adversely affect or discharge stormwater to neighboring lots. A certified lot grading plan from a surveyor, landscape architect or , engineer will be required for the proposed new lot following the requirements in the lot grading ordinance - LDR 9.07.09 Grading

**Review Status:** APPROVED W/COMM

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

**Review Status:** APPROVED

**TRANSPORTATION CONCUR - SHARON LEWIS(352)483-9050**

**Review Status:** APPROVED

INFORMATION ONLY

R-Board Supp

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

ORDINANCE NO. #2001-29  
Tracking No. #24-01-Z  
Battaglia Fruit Co. Inc.  
PH#16-01-2

CFM 2001033342  
BOOK 01932 PAGE 1967 - 1969  
DATE: 04/11/2001 03:38:12 PM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 13.00  
TRUST FUND 2.00

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Planning and Zoning Commission did on the 7th day of March, 2001, review petition #16-01-2, a request for a rezoning from A (Agriculture) to R-4 (Medium Suburban Residential) on property generally located in South Lake County / Boggy Marsh area - Property located S of Boggy Marsh Road and W of US 27/SR 25. (Sec 15 Twp. 24S Rge. 26E) (50 +/-acres)

LEGAL DESCRIPTION [EXHIBIT A ATTACHED]

AND, after giving Notice on petition for an amendment to the change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 20th day of March, 2001, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, and any comments, favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly advertised, and

WHEREAS, upon review, certain terms and conditions pertaining to the development of the above described property have been duly approved, and

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

Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Maps from A to R-4 (Medium Suburban Residential), in accordance with this ordinance.

2001 APR - 11 10:30  
FILED  
STATE OF FLORIDA

Use of the shall be for those uses of the R-4 zoning district, as outlined in the Lake County Land Development Regulations. Any other use of the site shall require approval of an amendment by the Lake County Board of County Commissioners.

Section 2. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Development Review and Approval: Prior to the issuance of any permits the applicant shall be required to submit preliminary plats reflecting central water and sewer (utilities) for review and approval by the Lake County Development Review Staff. The preliminary plat and / or site plans shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 20 day of March, 2001.  
FILED with the Secretary of State April 5, 2001.  
EFFECTIVE April 5, 2001.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

Catherine Hanson  
CATHERINE HANSON, CHAIRMAN

ATTEST:

James G. Watkins  
James G. Watkins, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

Sanford Minkoff  
Sanford Minkoff, County Attorney

EXHIBIT "A" - LEGAL DESCRIPTION

ORDINANCE NO. #2001-29

PP#16-01-2

Tracking No. #24-01-Z

Battaglia Fruit Co. Inc.

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

**LEGAL DESCRIPTION:** All that part and parcel of the S 1/2 of Sec 15 Twp. 24S Rge 26E, as follows: Beginning at the Intersection of the S line of said Sec 15 and the W r/w of US Hwy 27, run thence W 1,737 ft to a point approximately 75 ft W of the Low Water Mark of a boggy marsh; begin again at the aforesaid POB and run N 19 deg 48' W along r/w line of said Hwy 27, 2,081.5 ft; thence N 89 deg. 48' W, 790 ft to a point approximately 75 ft W of the Low Water Mark of said boggy marsh; thence in a S'ly direction parallel to the shore line of said boggy marsh and approximately 75 ft W of the Low Water Mark thereof, to intersect the first described line, said tract containing 50 acres more or less.

ORDER OF THE LAKE COUNTY BOARD OF ADJUSTMENT

OWNER: Battaglia Fruit Co., Inc.  
Cecelia Bonifay, Akerman, Senterfitt & Eidson PA

CASE NO.: BOA#69-01-2

LAKE COUNTY, a political subdivision of the State of Florida, hereby grants a variance(s) from the Lake County Land Development Regulations, as amended, for the property legally described in EXHIBIT "A" requesting a variance(s) as outlined in EXHIBIT "B" and as approved in EXHIBIT "C".

This Order hereby incorporates by reference, the Board of Adjustment Minutes, Hearing Exhibits, and Lake County Staff file. These items are located at 315 West Main Street, Tavares, Florida 32778, and may be acquired through a public record request.

LAKE COUNTY, A Political Subdivision  
of the State of Florida

Anita Winkler

ANITA WINKLER, Planner  
Planning & Development Services  
Lake County Department of Growth Management

STATE OF FLORIDA  
COUNTY OF LAKE

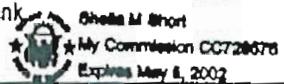
The foregoing Instrument was acknowledged before me this 6 day of NOVEMBER, 2001,

by ANITA WINKLER, who is personally known to me.

Sheila M Short  
Signature of Acknowledger

Sheila M Short  
Name of Acknowledger (Typed or Print)

Planner  
Title or Rank



Serial Number, if any  
MY COMMISSION EXPIRES: (SEAL)

CFN 2001107811  
Bk 02025 Pgs 0270 - 274; (5pgs)  
DATE: 11/07/2001 08:58:37 AM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 21.00  
TRUST FUND 3.00

EXHIBIT "A"  
LEGAL DESCRIPTION  
BOA#89-01-2  
Battaglia Fruit Co. Inc.  
Cecelia Bonifay, Akerman, Senterfitt & Eldson PA  
October 11, 2001

**LEGAL DESCRIPTION:** Begin on S line of Section and W line of Hwy, run N 19 deg. 48' W along Hwy 2081.5 ft., W 790 ft, S parallel to Marsh Line to S line of Sec, E 1737 ft to POB — LESS additional r/w acquired in 1970 in Sec 15 Twp. 24S Rge. 26E.

EXHIBIT "B"  
REQUESTED VARIANCE  
BOA#69-01-2  
Battaglia Fruit Co., Inc.  
October 11, 2001

**REQUESTED ACTION:** A request for a variance to Lake County Land Development Regulations to Section/Table 3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements, to allow the impervious surface ratio to be calculated on the entire parcel, instead of being calculated on each individual lot. (+/- 50 ac.)

**EXHIBIT "C" – MINUTES**  
**BOA#89-01-2**  
**Battaglia Fruit Co., Inc.**  
**Cecelia Bonifay, Akerman, Senterfitt & Eidson, PA**  
**October 11, 2001**

Anita Winkler, Planner, said staff received a letter of concern regarding this case today. The writers of the letter did not understand the impervious surface issue. She had tried to call them but was not able to reach them. She left a message and will continue to call them so she can explain the issue to them. She showed the aerial from the staff report on the monitor.

Ms. Winkler presented the case and staff recommendation of approval with one condition. She showed the aerial from the staff report on the monitor. This property is located in the Green Swamp Area of Critical State Concern. She read the letter of concern from Lawrence Hull and Marion Hull and submitted it as County Exhibit A. In response to Barbara Newman, Ms. Winkler said staff does not feel this variance will affect the Hull's property. As long as the maximum 45 percent impervious surface ratio is met, calculating on the whole acreage instead of individual lots would not be harmful to the environment.

In response to Henry Wolsmann, Ms. Winkler said the pictures on page 2 of the staff report are views from U. S. 27 not U.S. 441. He was informed by Ms. Winkler that the property is south of CR 48, almost to the County line.

Ruth Gray said she is interested in protecting those lots closest to the Green Swamp. She questioned whether it would be possible to add a condition for those lots. Donald Schreiner said the Land Development Regulations and Comprehensive Plan prohibit stormwater runoff into adjacent properties. Any stormwater runoff must be contained within the 50 acres. Ms. Winkler agreed that this issue would be addressed at Development Staff Review. If the Land Development Regulations protected the first two phases, Mr. Schreiner said they would also apply to this new phase. In response to Ms. Gray, Ms. Winkler said this project would be required to meet stormwater regulations.

Cecelia Bonifay, Akerman, Senterfitt, was present to represent the owners of the property as well as Engineered Homes, who has this property under contract with the owners for purchase. Engineered Homes is also the developer of Weston Hills, Phases I and II. This property will be Phase III of that same development. She explained that all of the property is in the Green Swamp Area of Critical Concern. This property has very well-drained good soils and is currently in active citrus production. She submitted a rendering of the overall development plan for Weston Hills Phases I, II, and III as Applicant Exhibit A. A third phase had been originally planned. Both active and passive recreation areas are currently existing in the development. A conservation easement is also currently existing, and another conservation easement would be added along the back for any wetland areas. A master stormwater plan was submitted to St. Johns River Water Management District for the first two phases. No offsite stormwater discharge into the Green Swamp is permitted. They are in the process of obtaining a stormwater permit for this phase. All St. Johns River Water Management District requirements will be met. Because this property is in the Green Swamp Area of Critical State Concern, the Department of Community Affairs has oversight responsibility. They can appeal any development order that was issued by Lake County. This property has been rezoned to R-4 as were Phases I and II, which allows up to four units per acre. They have worked with Department of Community Affairs, who is aware of the current plans for Phases I and II and have no interest in taking an appeal of this project. She submitted a second rendering dividing the site into various tracts as Applicant Exhibit B. She submitted a chart listing the amount of square footage of impervious surface for each tract as Applicant Exhibit C. Ms. Bonifay explained that the impervious surface area of the prior two phases was calculated on the gross area for each phase, not on a lot-by-lot basis. However, they were concerned that Lake County had changed their interpretation of the Code to mean that the R-4 zoning must be reviewed on a lot-by-lot basis.

In response to Mary Link Bennett, Ms. Bonifay said Phases I and II consisted of approximately 80 upland acres. Three hundred ninety-two lots were platted. They are proposing 202 lots on 50 upland acres for this phase. Ms. Gray was informed by Ms. Bonifay that the dimensions of the lots vary, averaging about 6,900 square feet. Ms. Bonifay

reiterated that all of the subject property is in the Green Swamp. Phases I and II are also in the Green Swamp. The topography of all three phases is almost identical.

In response to Bob Fegers, Montie Plank, project engineer, said that since the sands on this property drain well, there will be percolation ponds on the site.

Ms. Bonifay explained to Ms. Gray that the recreation area for Phases I and II was oversized so that Phase III would also be able to utilize it. The first two phases have approximately 30 to 40 percent open space. The three phases will be interconnected.

There was no one in the audience who was in support of or in opposition to the variance request.

**MOTION** by Ruth Gray, **SECONDED** by Henry Wolsmann to approve BOA#69-01-2 with a condition to protect the westerly lots with a conservation easement or some other special protection against runoff into the Green Swamp.

Mr. Fegers felt this motion goes beyond what the Board should do, and he would not support it. Ms. Newman agreed and was not in favor of the motion.

Valerie Fuchs, Assistant County Attorney, said that before the County can require any taking of property interest such as the conservation easement, a Dolan test must be done so the condition would have to be conditioned upon the Dolan test being met. However, that issue should be heard at the Development Review Staff. The Dolan test would be done at that time. If the Dolan test is met, the conservation easement could be required. When Ms. Gray asked if this issue would definitely be discussed at Development Review Staff, both Ms. Fuchs and Ms. Winkler said they could not guarantee it would be discussed at Development Review Staff since they are not involved with them, but it was their understanding that this is usually done. Ms. Fuchs reiterated that if staff demands an easement, the Dolan test must be done.

Mr. Wolsmann withdrew his second so the motion died for lack of a second.

**MOTION** by Donald Schreiner, **SECONDED** by Bob Fegers to approve BOA#69-01-2 with the following staff-recommended condition: A plat must be submitted designating the areas that will remain pervious with the calculated percentages totaling no more than 45 percent impervious surface over the entire gross acreage.

**FOR:** Newman, Wolsmann, Schreiner, Bennett, Gray, Fegers

**AGAINST:** None

**MOTION CARRIED:** 6-0

## REQUEST FOR EXEMPTION FROM FULL TRANSPORTATION CONCURRENCY TRAFFIC IMPACT STUDY

The subject project, as proposed, is projected to generate 25 or fewer net external p.m. peak hour trips. An exemption from requirement to perform a full transportation concurrency traffic impact study, therefore, is being requested.

### BACKGROUND INFORMATION

Project Name	<i>MISSION PARK Phase II</i>
Applicant	<i>DARREN NOLAN</i>
Site Location	<i>The applicant shall please attach a site location map</i>
Date	

### TRIP GENERATION ANALYSIS

#### Proposed Land Use Program

Land Use	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
<i>SFU</i>	<i>210</i>	<i>957</i>	<i>2</i>	<i>1</i>	<i>1</i>
TOTAL GROSS TRIPS (PROPOSED)					

#### Internal Capture and/or Pass-By Reduction (If Applicable)

Land Use	Internal Capture %	Pass-By Reduction %	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET EXTERNAL TRIPS (PROPOSED)					

TRIP DISTRIBUTION & ASSIGNMENT

The applicant shall please mark the site location on the generic road network provided below and label applicable street names in the project vicinity. Based on local knowledge of roadway network and surrounding land uses, the applicant shall determine a trip distribution % on each street, working from the site, outward (sum of these %'s at the project access must = 100%) and the associated two-directional (inbound and outbound) project trip assignment volumes.

Inbound trip assignment = % distribution x p.m. peak hour net trip generation (enter).

Outbound trip assignment = % distribution x p.m. peak hour net trip generation (exit).

