

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

IN RE: LAKE COUNTY
COMPREHENSIVE PLAN AMENDMENT
15-1SP; ADOPTING ORDINANCE NO.
2015-27, LPA # 14/10/L-2WELLNESS
WAY SECTOR PLAN MAP AND TEXT
AMENDMENT TO THE COUNTY
COMPREHENSIVE PLAN

**Docket No.
15-1SP-NOI-3501-(A)-(N)**

**STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE**

The Florida Department of Economic Opportunity, pursuant to section 163.3184(5)(b), Florida Statutes, hereby issues this Statement of Intent to find the comprehensive plan amendment adopted by the Lake County Ordinance Number 2015-27, LPA # 14/10/l-2 Wellness Way Sector Plan Map and Text Amendment on July 21, 2015, (“Amendment”) not “in compliance” based upon the Objections, Recommendations and Comments Report issued by the Department on February 6, 2015, which is hereby incorporated by reference. The Department finds the Amendment not “in compliance,” as the term is defined in section 163.3184(1)(b), Florida Statutes, for the following reasons:

1. **Failure to Identify Adequate Potable Water Supply:** The data and analysis provided by the County intending to support the Long Term Master Plan (LTMP) indicates there will be insufficient water to meet the projected demand from the Wellness Way Sector Plan (WWSP). The County has not included other water supply options or water development projects to meet the projected potable water demand needs for the WWSP. Section 163.3245(3)(a)(2), Florida Statutes requires sector plans provide a general identification of the water supplies needed and available sources of water, including water resources development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long term master plan.

Authority: Sections 163.3177(1); 163.3177(1)(f); 163.3177(5)(b); 163.3177(6)(a)2.d.; 163.3177(6)(a)3.f.; 163.3177(4)(a); 163.3177(6)(c); 163.3245(1); 163.3245(3)(a)2., and 6.; and 163.3245(3)(b)3., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide a general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan.

2. Allowing Development within the LTMP without a Detailed Specific Area Plan: Within the boundaries of the WWSP is property that prior to the adoption of the LTMP received local government approval to develop, including Planned Unit Development (PUD) approval. The County adopted Policy 1-8.7.9 specifically allowing the Avalon Groves PUD to develop and continue to develop until the adoption of a detailed specific area plan (DSAP). Section 163.3245(3), Florida Statutes, states that sector planning encompasses two levels: adoption pursuant to section 163.3184, Florida Statutes, of a LTMP for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more DSAPs that implement the LTMP and within which section 380.06, Florida Statutes is waived. Section 163.3245(5)(a), Florida Statutes, further states that “[l]ocal governments may not issue any permits or approvals ... to development that are not consistent with the detailed specific area plan.” If a DSAP has not been adopted for the area included within the PUD it cannot be demonstrated that the development permitted is consistent with a DSAP. Furthermore, the land uses allowed within the Avalon Groves PUD are inconsistent those identified on the Wellness Way Sector Plan Future Land Use Map.

Policy 1-8.7.9, further adopts a self-amending policy in violation of section 163.3245(8), Florida Statutes. The policy allows the Avalon Groves PUD to be deemed withdrawn from the Sector Plan if the portion of the policy allowing the PUD to continue development without a DSAP is rendered unenforceable or interpreted by a court or administrative body in any way that causes an impairment or other adverse change to the Avalon Groves PUD. The policy also states, that to the extent required, this provision shall constitute Lake County’s authorization for the owner of any lands within such PUD to voluntarily withdraw from the sector plan. Section 163.3245(8), Florida Statutes, states that after adoption of a long term master plan, an owner may withdraw his or her property from the master plan only with the approval of the local government by plan amendment adopted and reviewed pursuant to section 163.3184, Florida Statutes.

Finally, Policy 1-8.7.1 states development approvals (i.e. lot splits, conditional use permits, etc.) may be approved after the adoption of the Long Term Master Plan but before the approval of the DSAP. Such development approvals cannot occur until after the adoption of the DSAP consistent with section 163.3245(5)(a), Florida Statutes. The policy also states that development approvals cannot occur until after adoption of the DSAP. The policy is internally inconsistent with itself, with other adopted policies, including Policies 1-8.7.8., 1-8.7.9., and Policy 1-8.7.10., as well as the requirements of section 163.3245(5)(a), Florida Statutes.

Authority: Section 163.3177(1); and Section 163.3245 (1), (3), (5)(a), and (8), Florida Statutes

Recommended Remedial Actions: This inconsistency may be remedied by revising Policy 1-8.7.9 to delete the exemption of the Avalon Groves PUD from the requirement of a DSAP consistent with the LTMP before commencing development. The policy also needs to be revised to remove the self-amending portion of the policy to be consistent with the requirements of section 163.3245(8), and section 163.3184, Florida Statutes. Policy 1-8.7.1 needs to be revised to recognize the need for a DSAP for any development approval to occur within the LTMP.

3. Lack of Minimum and Maximum Density and Intensities: The adopted LTMP did not include minimum or maximum density or intensity standards for the land uses within the Sector Plan as required by section 163.3245(3)(a)1., Florida Statutes. Objective 1-8.2, the supporting policies, and the Framework Map submitted with the data and analysis for the amendment did not adopt minimum or maximum density or intensity standards. Policies 1-8.2.1.1 and 1-8.2.1.2 adopted minimum “Average” densities, maximum “Average” densities, minimum “Average” floor area ratio (FAR), and maximum “Average” FAR. These are averages and not absolute minimum and maximum densities and intensities. Without these minimum and maximum densities and intensities, the LTMP is lacking in demonstrating general principles and guidelines addressing urban form and the interrelationships of future land uses.

Authority: Sections 163.3177(1); 163.3177(6)(a)1.; and 163.3245(1) and (3)(a)1. and 6., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to specify maximum and minimum densities and intensities of use, linked to a Framework Map that generally depicts areas of urban, agricultural, rural, and conservation land use; identifies allowed uses in various parts of the planning area; and supports the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components.

4. Failure to Adopt the Required Framework Map and Hierarchy of Places: The required Framework Map in section 163.3245(3)(a)1., and 6., Florida Statutes, was not included as part of the adopted amendment. Furthermore, the Framework map that was submitted as part of the data and analysis for the adopted amendment is internally inconsistent with the adopted Long Term Master Plan and does not meet the requirements of section 163.3245(3)(a), Florida Statutes.

Furthermore, the Framework Map submitted as part of the data and analysis with the adopted LTMP does not meet the requirements of section 163.3245(3)(a), Florida Statutes.

Section 163.3245(3)(a)1., Florida Statutes, requires the plan to contain a framework map that, at a minimum, generally depicts areas of urban, agricultural, rural, and conservation land use and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components. This is not illustrated on the map identified as the Framework Map. The Framework Map is internally inconsistent with the adopted Future Land Use Map (FLUM); areas designated for rural and conservation uses on the Framework Map are depicted with intense urban uses on the Future Land Use Map.

Authority: Section 163.3177(1); and Section 163.3245 (1), (3)(a)(1), Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide an adopted Framework Map that, at a minimum, generally depicts areas of urban, agricultural, rural, and conservation land use; identifies allowed uses in various parts of the planning area; specifies maximum and minimum densities and intensities of use; and provides the general framework for the development pattern in developed areas with graphic illustrations based on a hierarchy of places and functional place-making components. The Framework Map must also be consistent with the Future Land Use Map adopted as part of the amendment and the densities and intensities should be reflected in the policies under Objective 1-8.2.

5. Lack of Meaningful and Predictable Open Space Guidelines: The adopted LTMP is not meaningful and predictable in providing for open space as part of the overall urban form of the area creating internal inconsistencies.

The adopted amendment removed the requirement to preserve a minimum of 50% open space and instead provided “a significant amount” without criteria to direct what will be recognized as “significant amount.” The adopted amendment also created internal inconsistencies between the depiction of open space and the policies guiding open space. The un-adopted Framework Map does not depict the required urban form, in part, because the open space areas and preserve areas are not identified on the map. The Framework Map is also inconsistent with the adopted Future Land Use Map. The FLUM identifies a major portion of the Sector Plan Area as Wellness Way 1, the most intense land use outside of the Town Center land use. The Framework Map however, identifies a portion of the Wellness Way 1 area as Rural. The Wellness Way 4 land use category, the least intensive of the land use categories in the sector plan and thus the area with the most amount of open space, is the remainder of the area identified as “Rural”. Therefore, it is not clear the character of the mislabeled Wellness Way 1 area on the Framework Map. Policy 1-8.2.4 identifies elements that may make up the Wellness Corridors. The elements include community farms and gardens, preserved uplands, water bodies, wetlands, cultural and

environmental resources among a longer list of uses. The areas identified as Wellness Corridors on the un-adopted Framework Map are simply the proposed paved roadway network. The Framework Map does not depict any of the areas identified in Policy 1-8.2.4 as making up the Wellness Corridor.

Authority: Sections 163.3177(1); 163.3177(6)(a)2.c.; 163.3177(6)(e), and 163.3245(1) and (3)(a)6., Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied, in part, by revising the amendment clearly depict on the adopted Framework Map the known suitability open space areas (wetlands, waterbodies or floodprone areas, and conservation areas) together with projected or envisioned Wellness Corridors areas. A depiction of the general open space areas and linkages envisioned to form the Wellness Corridor Network to the communities, the Town Center, Job Hubs, neighborhoods, and external destinations would contribute to providing the general framework for the inter-relationships of the developed areas to the Open Space. Policy I-1.8.4 should be amended to provide meaningful and predictable standards for determining “a significant amount of land area in the form of open space” that will be preserved. Policies should also provide more meaningful and predictable direction for uses within the Wellness Way 4 land use category for the development pattern based on the location of open space and developed areas.

6. Lack of Mobility Options: The adopted LTMP lacks the proper land use planning and urban form to optimize mobility required in section 163.3245(3)(a)3., and 6., Florida Statutes.

The adopted amendment did not contain guidelines to establish each modal component intended to optimize mobility nor did the amendment propose quality communities of a design that promote travel by multiple transportation modes. Further the adopted polices require only an average minimum density of 1.3 units per acre which is not sufficient to support pedestrian, bicycle, or transit mobility. The plan does not include policies that require a predictable urban form or mix of uses which further reduces the likelihood of development occurring in any fashion other than an automobile dependent manner.

Authority: Sections 163.3177(6)(b)1.d., and 2.a.; 163.3245(1); 163.3245(3)(a)3.; and 163.3245(3)(a)6, Florida Statutes

Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to provide an identification of the transportation facilities to serve the future land uses in the long-term master plan, including guidelines to be used to establish each modal component intended to optimize mobility. Planning for improved mobility options would be furthered by revising the amendment to provide an adopted Framework Map to

better identify allowed uses in various parts of the planning area; specify maximum and minimum densities and intensities of use in these areas; and providing the general framework for the development pattern in developed areas. There are more developable areas of the Sector Plan (non-wetland, non-waterbody or flood-prone, and non-conservation areas). These areas are where development can have sufficient density and intensity and development pattern to support multiple mobility options. Indicating in the LTMP these likely developable areas and the mobility option type guidelines to establish each modal component within and between areas, and to areas outside of the Sector Plan, will assist later at the DSAP stage(s) as the location, capacity, design, and phasing of major transportation facilities occur with greater detail.

Also, as indicated above, providing a Framework Plan with more graphic illustrations guiding the hierarchy of places and functional place-making components for indicated developable nodes will better present a general framework for the development pattern in developed areas.

7. Lack of Required Mix of Uses and Urban Form: The proposed amendment did not include the required percentage mix of uses within the proposed Wellness Way future land use categories and did not emphasize an urban form or functional place making pursuant to section 163.3245(3)(a)3., 5., and 6., Florida Statutes. The adopted amendment relies upon minimum and maximum “Average” densities and intensities for the land use categories along with a “Maximum Capacity Allocation Table” to direct density/intensity and mix of uses. These measures are averages and in the case of the density only address maximum density allocation. Additionally, the Sector Plan is bifurcated by Conserv II property (a regional wastewater reuse and recharge facility) and a separate discontinuous north Wellness Way Sector Plan portion resulting in fragmentation of the sector plan. The adopted policies do not emphasize an urban form or functional place-making. For example, the County did not adopt a percent distribution for the mixed use categories; the lack of minimum densities do not ensure an urban form of development; the lack of an adopted Framework Map and hierarchy of places also contributes to the lack of urban form and a general framework for the development pattern in developed areas.

Authority: Sections 163.3177(1), (6)(a)3.h., and 163.3245(1) , (3)(a)1, 3, 5 and 6, Florida Statutes

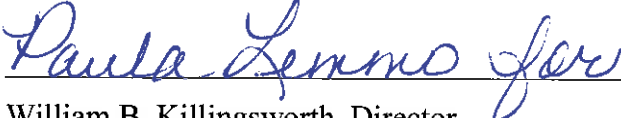
Recommended Remedial Actions: These inconsistencies may be remedied by revising the amendment to strengthen the general principles and guidelines addressing the urban form and the interrelationships of land uses to Conserv II, and the discontinuous north Wellness Way Sector Plan area, that advances the efficient use of land and other resources, creating

quality communities of a design that promotes travel by multiple transportation modes within and external to the Sector Plan.

CONCLUSIONS

1. The Amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes;
2. The Amendment is not “in compliance” as defined in section 163.3184(1)(b), Florida Statutes; and
3. In order to bring the Amendment into compliance, the County may complete the recommended remedial actions described above or adopt another remedial actions that eliminate the inconsistencies.

Executed this 18th day of September, 2015, at Tallahassee, Florida.



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