

**Development Services Department Response To Cindy Newton's Statements at the June 1, 2023  
City Commission Meeting on Estes Reserve Preliminary Subdivision Plat (Resolution No. 23-18)**

**Ms. Newton:** It is stated that this project is consistent with the Comprehensive Plan and the Land Development Regulations. The definition in your LDR of impervious surface not only includes the tops of the streets and sidewalks but it also includes compacted soil or anything that is filled and compacted.

**Response:** The City's LDR defines **impervious surface** as: "Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including compacted sand, clay or lime rock, as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots."

For Suburban Residential lots such as the Estes Reserve Subdivision, the City's LDR calls for 40% impervious surface. Compacted soils are generally associated with areas that will be covered by an impervious material. The Estes Reserve Subdivision's impervious surface, inclusive of the tops of the streets and sidewalks, meets the 40% requirement per the City's LDRs.

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**Ms. Newton:** Most of this proposed plan would result in almost the entire lot being highly disturbed and compacted to 95% to 98%. To meet the LDR, only 2.82 acres would be compacted. You would have to have 1.88 acres remain undisturbed and not compacted.

**Response:** The Estes Reserve Subdivision will not be compacted to 95% nor 98%. The site will have 2.82 acres of pervious area and 1.88 acres of impervious surface. The impervious surface meets the 40% impervious surface ratio allowed in the Suburban Residential Land Use District.

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**Ms. Newton:** The density in Suburban Residential allows 5 units per acre. The Comprehensive Plan limits this to 2.5 units per acre in this area.

**Response:** The Planning staff conducted an exhaustive search of the City's Comprehensive Plan and did not find a limitation of 2.5 dwelling units per acre for the Wekiva Springs Protection Area as an alternate density to that allowed under the Suburban Residential (SR) Future Land Use, **except for in Map #19.**

Table A-3.1, entitled Future Land Use Table (See Attachment B), highlights the City's future land use districts along with the maximum net density (total dwelling units per net acre) and the maximum impervious surface (% of the net buildable area) for each. Because the Estes Reserve Subdivision is within a Suburban Residential (SR) future land use district, it is allowed a maximum of 5 dwelling units per acre and a 40% maximum impervious surface ratio.

Map #19 is titled a Working Non-Transmitted Draft Map. It was produced in 2007, was never adopted by Lake County, and has not been amended since 2007. As such, it is not consistent with current land use conditions in either unincorporated Lake County or the City of Eustis.

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**Ms. Newton:** The property shown is Number 8 Chandler Sand which by St. Johns definition is Type A most effective recharge soil and this is in the Wekiva Springs Overlay Protection District.

**Response:** All property in the Wekiva Springs Overlay Protection Area that is Type A most effective recharge soil is not unbuildable. If this statement refers to Policy FLU 5.1 of the Comprehensive Plan, said policy states:

**Policy FLU 5.1.1: Land Use Activity Restrictions**

*The City designates the Wekiva Springs Overlay Protection District as provided on the Future Land Use Map. The City shall restrict new land use activities within the Wekiva Overlay Protection District, within and adjacent to most effective recharge area, karst features and sensitive natural habitats, that have a potential to adversely impact ground water and surface water quality; such as mining, landfills, spray fields, golf courses, heavy industry, intense animal operations and other uses or activities with extensive impervious surface area, involving hazardous chemicals or materials, having potential to contaminate groundwater, or requiring significant consumption of groundwater beyond the City's adopted level of service.*

*The Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:*

*The subject site is in a suburbanizing area of Lake County. The absence of periodic fires has allowed the ecosystem to change and various non-fire tolerant plant species to become established, exhibits low biodiversity and **contains no scrub/shrub xeric plant communities of any significance**.*

***Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.***

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**Ms. Newton:** Policy FLU 5.1.4 in your open space requirements limits how much of your most effective recharge area can be disturbed.

**Response:** FLU Policy 5.1.4, included below, does not state how much recharge area may be disturbed.

**Policy FLU 5.1.4: Open Space Requirements.**

*In order to **protect natural resources** within the Wekiva Springs Overlay Protection District, including but not limited to the most effective recharge areas, karst features and sensitive natural habitats, including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub, the City shall require that new development preserve and dedicate open space pursuant to the policies established for the Wekiva Springs Overlay Protection District. Open space shall be connected to the greatest extent possible within the development site and to natural areas or open space within adjacent property in order to provide larger contiguous corridors.*

*The Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:*

***Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.***

*The Development Review Committee (DRC) is requiring open space in the tree protection area on the north side of the property. Further, a wildlife or greenway corridor is being established between this property and the School Board's wooded property to the west.*

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**Ms. Newton:** (FLU) 5.1.5 talks about dedication of open space and that it shall be given to most effective recharge areas.

**Response:** Policy FLU 5.1.5 of the Comprehensive Plan states:

**Policy FLU 5.1.5: Open Space Priority and Assignment.**

*Priority for preservation and dedication of open space shall be given to the most effective recharge areas, karst features, and sensitive natural habitats including Long Leaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetated communities. Assignment of open space shall be determined at the time of site plan review to maximize protection of natural resource features and functions. This evaluation shall consider the aforementioned priorities, protection of wildlife habitat, the ability to provide substantial buffering to natural wetlands and water bodies, and the ability to create greenway corridors. Other significant resources, such as natural wetlands and floodplains and other sensitive habitats shall be protected consistent with all other objectives and policies of the Comprehensive Plan. Within the Wekiva Springs Overlay Protection District, natural wetland impacts, including the placing or depositing of fill within natural wetlands, shall be prohibited except as necessary to provide for legal ingress or egress to developable upland areas. In such circumstances, structural enhancements may be required to maintain wetland connectivity and natural flow regimes.*

As mentioned previously, the Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:

**Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.**

**The Development Review Committee (DRC) is requiring open space; the area where the bulk of the trees are being saved can be construed as the establishment of a greenway corridor (from Estes Road westward into the School Board site's Northeastern corner).**

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**Ms. Newton:** Policy (FLU) 5.1.6 is the dedication of open space where natural open space is designated as part of the development and shall remain undeveloped and protected.

**Response:** The development is preserving the northern part of the property as open space and is leaving the area undeveloped and protected (it is being identified on the plat as part of the open space). The area will be recorded as a separate tract (for protection) on the plat.

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**Ms. Newton:** All the development under (FLU) 5.2 of the Wekiva Springs Protection District shall meet conservation design standards as set forth below.

**Response:** The statement alludes to Policy FLU 5.2.1 of the Comprehensive Plan which states:

**Policy FLU 5.2.1. Principals of Conservation Design**

*Within the Wekiva Springs Overlay Protection District, all new development shall be required to implement the following principals of conservation design, with the exception of very low density rural residential that does not exceed one (1) dwelling unit per five (5) acres:*

- a. When clustering dwelling units within a development, the clustering of uses shall be designed to occur in those areas with the lowest priority for preservation.
- b. Establishment of natural open space, consistent with Policies FLU 5.1.4 through 5.1.8 and Policies FLU 5.2.1 through 5.2.3, which shall be connected wherever possible and protected by recorded conservation easement, **dedicated plat**, or similar binding instrument.
- c. **Protection and enhancement of corridors for wildlife movement in coordination with adjacent properties**, if applicable.
- d. Minimize site disturbance and alteration of terrain through use of design techniques that **protect native vegetation and minimize earth movement**.
- e. Use of **Florida Friendly landscaping** and limiting areas requiring irrigation.
- f. Design of stormwater systems as natural amenities.
- g. Central water and sewer treatment facilities with urban service areas that can be connected to a regional system when available or use of performance-based on-site wastewater treatment systems consistent with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element.
- h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.

**Continued Statement by Ms. Newton:** (FLU) 5.2.1 except for the exception of very low density of 1 dwelling unit per 5 acres you are supposed to be using conservation design.

**Response:** The City uses Conservation Design as more specifically explained below:

**Section a. When clustering dwelling units within a development, the clustering of uses shall be designed to occur in those areas with the lowest priority for preservation.**

*In the Estes Reserve development, dwelling units are not being clustered because there are no significant natural features such as wetlands, floodplains, karst features, Long Leaf Pine, Sand Hill, Sand Pine or Xeric Oak Scrub to set back from as referenced in the **Environmental and Natural Resource Assessment** prepared by Ray and Associates. (See Attachment A).*

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**Section b. Establishment of natural open space, consistent with Policies FLU 5.1.4 through 5.1.8 and Policies FLU 5.2.1 through 5.2.3, which shall be connected wherever possible and protected by recorded conservation easement, **dedicated plat**, or similar binding instrument.**

*The Development Review Committee (DRC) is requiring the natural open space (containing significant trees) to be reflected on the plat.*

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**Section c. Protection and enhancement of corridors for wildlife movement in coordination with adjacent properties.**

*The natural open space (containing significant trees) can serve as a wildlife corridor and connect Estes Road to the School Board's Property (in a greenway corridor capacity).*

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**Section d. Minimize site disturbance and alteration of terrain through use of design techniques that protect native vegetation and minimize earth movement.**

*The Estes Reserve Subdivision property does not contain native vegetation per the **Environmental and Natural Resource Assessment** prepared by Ray and Associates. (See Attachment A).*

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**Section e. Use of Florida Friendly landscaping and limiting areas requiring irrigation.**

*The City's LDRs in Sec. 115-9.1 states that all new landscaping shall meet the guidelines of the Florida Friendly Landscaping and Waterwise Florida Landscape Guides published by St. Johns River Water Management District. The Estes Reserve Subdivision must comply with the landscaping guidelines.*

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**Section f. Design of stormwater systems as natural amenities.**

*The City requires a permit from the St. Johns Water Management District for stormwater ponds. The ponds are designed and engineered to accommodate storm water from the subdivision and prevent the water from flowing onto surrounding properties in larger quantities than before the subdivision was built.*

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**Section g. Central water and sewer treatment facilities with urban service areas that can be connected to a regional system when available or use of performance-based on-site wastewater treatment systems consistent with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element.**

*The Estes Reserve Subdivision will connect to the City's central water and sewer treatment facilities.*

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**Section h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.**

*The developer is extending and connecting to the City's reclaimed water lines.*

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**Ms. Newton:** Establishment of the open space – minimalization of site disturbance and alteration of terrain so that you use the design techniques to provide the native vegetation and recharge.

**Response:** Estes Reserve Subdivision established open space along with the undisturbed trees in the northern part of the property. As referenced in the **Environmental and Natural Resource Assessment Report**, prepared by Ray and Associates (See Attachment A), there is no native vegetation left on the property. The City's LDRs require no more than 40% of the property to have impervious surface so there are ample areas for recharge. In addition, this use is limited to single family residences which are not the main culprits adversely impacting the aquifer.

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**Ms. Newton:** If you do the 2.5 density here, it would limit (the subdivision) to about 11 homes. You can cluster these (homes) either toward the beginning or over toward Mayhill and you should be able to meet the Comp Plan Regulations and the LDR.

**Response:** *Per Staff's interpretation, the Estes Reserve Subdivision is consistent with the City's LDR and Comprehensive Plan. With the applicant's **Environmental and Natural Resource Assessment Report**, prepared by Ray and Associates, it is clear the site does not contain the natural features spelled out for protection in the Wekiva Springs Overlay Protection District.*

*The Estes Reserve Subdivision complies with the Suburban Residential (SR) Land Use System density per the City's LDRs as it will have less than 5 dwelling units per acre (which is the allowed maximum density in the SR District).*

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