

# JUDGE SAYS COUNTY CAN REZONE LAND TO MAKE WAY FOR HOMES

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TAVARES -- Despite a county staff report that says building the Vista Grande subdivision south of Clermont would be inconsistent with Lake's growth plan, a judge has said it's OK for the county to rezone the property to allow for the 77 homes and park.

**Residents near the 40-acre site on Lake Shore Drive told Circuit Judge G. Richard Singeltary earlier this summer that the new neighborhood would overburden police and fire services and environmental resources, and that the new homeowners would clog the roads.**

**A county staff report seemed to support their position.**

**"The proposed [development] is inconsistent with the Comprehensive [growth] Plan and places undue adverse impact on public facilities," it says.**

**But Sharon Farrell, senior director of the county's Department of Growth Management, said the report was wrong.**

**"This was not our best work," she testified.**

James Homich, an attorney representing the neighbors near the site, said Thursday that he was surprised by the ruling.

"But nothing is ever cut and dried in the legal profession," he added.

The judge's order, signed Tuesday, says that because the property is surrounded by residential subdivisions, the new community would fit right in.

And even though the growth plan says a proposal calling for development next to agricultural land should not be approved, Singeltary saw no problem with it in this instance.

"The owner of the citrus grove is the petitioner on the rezoning and will be the neighboring property of the subdivision after it is developed," the order says. "Citrus groves are not incompatible with residential uses and the testimony showed that throughout Lake County citrus groves and single-family developments are adjacent to each other without incompatibility."

Neighboring residents had complained that the new homes would be too far from urban services. But other testimony and exhibits showed three parks within two miles of the site, three others within five miles and another being built as part of the development.

Law enforcement, fire and emergency medical service providers testified they can serve the area with no problems. And schools, libraries, shopping centers and employment are all located within four to five miles of the site.

Homich said his clients will probably appeal the order. "I expect the appellate court will recognize the clear language of the comp plan," he said.

He has 10 days to file a motion for rehearing and 30 days to file a notice of appeal.

In the meantime, county officials say they are keeping a close eye on the rapid growth in south Lake County.

"We have rules and regulations in place, and our staff and growth-management department do carefully review the submissions that come in," county spokeswoman Patti Michel said. "We have land-use regulations in place to try to protect the environment, and our commissioners do encourage smart growth."