#### LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

## PETITION TO REZONE PROPERTY

#### LAKE COUNTY ZONING BOARD March 7, 2012



BOARD OF COUNTYCOMMISSIONERS March 27, 2012

PH #7-12-3	Case Manager:	Agenda Item # 5
Yalaha Community Center	Rick Hartenstein, AICP, CPM	
Rezoning	Senior Planner	

Owner: Yalaha Community Club, Inc. (the "Owner")

Applicant: Lake County Board of County Commissioners/Lake County Housing Division (the "Applicant")

**Requested Action:** Rezone 1.2 +/- acres from Agriculture (A) to Community Facility District (CFD) Zoning District to permit the development of a community center to serve the citizens in the Yalaha Community.

#### - Site Location & Information -

Approximate site location shown with a red dot.

Approximate one resulted enterin man a real det.				
		Size	1.2 +/- acres	
HE-MOUNTAIN SER		Location	26548 Yalaha Road, south of CR 48 1242134 Rural Transition	
17 8 16 MAKESHORE OF	RC	Alternate Key #		
TAMESIDE OR	5	Future Land Use		
Johns Ton			Existing	Proposed
EALL SUMES OF THE PROPERTY OF		Zoning District/Density	Agriculture/ 1 du per 5 net acres	CFD – N/A
20 2025		Floor Area Ratio (FAR)	0.10 (max.) LDR	0.30 (max.)
ООМЕ		Impervious Surface	0.30 (max.)	0.30 (max.)
		Ratio (ISR)	(Comp Plan)	(Comp Plan)
		Joint Planning Area	Howey-in-the-Hil	ls (unofficial)
WHITTLN		Utility Area:	None	
-BUSS YRD LADERALN CONWAY.RD		Site Utilities	Well & Septic	
		Road Classification	Yalaha Rd. (#3-3	128A) – Local
29	ILE RD	Flood Zone/ FIRM	X/A - 12069C0460D	
AKE-R	SUNRISE-HILL	Panel	Effective Date Ju	ly 3, 2002
-TURKEYI-		Commissioner District	3-Conner	

Site Visit: January 24, 2012

Sign Posted: February 1, 2012 (1 Sign Posted)

#### Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Mix of Single-Family Rural Residential and agriculture	None
South	Rural Transition	Agriculture (A)	Mix of Single-Family Rural Residential and agriculture	None
East	Rural Transition	Agriculture (A)	Mix of Single-Family Rural Residential and agriculture	None
West	Rural Transition	Agriculture (A)	Mix of Single-Family Rural Residential and agriculture	None

#### - Summary of Staff Determination -

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the application to rezone 1.2+/- acres from Agriculture (A) to Community Facility District (CFD) Zoning District for a Community Center **with conditions**, as specified in the attached ordinance.

#### ZONING BOARD RECOMMENDATION:

#### - Summary of Analysis -

The Applicant is requesting establishment of a new Community Facility District (CFD) Zoning District on 1.2 acres to develop a community center for the residents of the Yalaha community. The property is located at 26548 Yalaha Road and is currently zoned as Agriculture with a Rural Transition Future Land Use.

#### Analysis –

LDR Section 14.03.03 (Standards for Review)

#### A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The Applicant seeks to construct a community center on the 1.2-acre property. This use is permissible within the CFD Zoning District. Section 3.00.03, Land Development Regulation (LDR) permits a Community Center as a Community Facility use. A Community Center is a Civic Use which is permitted in the Rural Transitional Future Land Use Category. The proposed use of the property is consistent with the CFD definition specified by Section 3.00.02.Y, LDR, as the use promotes the general welfare of community needs for county residents. The proposed community center use on the property is similar to and consistent with the Classification of Uses specified by Section 3.01.02.F.1, LDR.

#### Landscape Requirements (LDR Section 9.01.00)

The proposed site was evaluated to incorporate existing trees and shrubs (staff exhibit 1-7 as Attachment 1) into the landscape concept plan in accordance with Section 9.01.04.A.13, LDR, to make best use of the materials on site. Due to the building constraints for this site, the proposed landscape buffers shown as the Conceptual Landscape Plan on Exhibit "C" of the proposed Ordinance have been reduced from fifteen (15) feet to seven (7) feet in the southwest corner of the property. The dumpster has been located within eight (8) feet of the southern property line to allow the parking area, building, and retention area to be placed further away from the flood zone and wetlands to the rear of the property. This will also provide additional open space for passive activities. A landscape plan prepared by a registered Landscape Architect will be required with the site plan submittal.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

This request is consistent with the land use provisions of the Rural Future Land Use Series specified by Comprehensive Plan (Comp Plan) Policy I-1.4.3., as the proposed use is not adverse to the rural character of the area. The proposed use will provide limited community needs to the residents of this rural area consistent with this policy. Additionally, the proposed use is consistent with Comp Plan Policy I-1.4.5 which specifies the application of a conditional use permit or other land use regulatory instrument for civic uses

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

The establishment of this new CFD Zoning District is consistent with the existing land uses in the area and is consistent and similar in scale and character with the uses being conducted in the area as demonstrated by a small community store, post office, and fire station.

Whether there have been changed conditions that justify a rezoning;

The Applicant seeks to develop a community center which is not allowed in the Agriculture Zoning District. The establishment of a new CFD Zoning District would accommodate the need of a community center for the area.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

**Transportation** - Public Works has indicated there is adequate capacity available along the CR 48 right of way to support the community center.

Water and Sewage – The proposed community center will be served by on-site well and septic tank. The Town of Howey-in-the-Hills has indicated that water and sewer service is not available. The Florida Department of Health as indicated that any existing or proposed water system with greater than 25 on-site users will require review and approval by the Florida Department of Environmental Protection. Additionally, any existing septic tank and/or wells will have to be assessed at the time of site plan for proper permits to accommodate the new use.

Fire & Emergency Services – Yalaha Fire Station #76, located on CR 48, will provide services to the property.

**Solid Waste** – The proposed rezoning and new use will not cause any adverse impact to the current solid waste capacity or level of service.

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

Additional adverse impacts are not anticipated, however, any additional development intensity shall cause the need for an Environmental Assessment pursuant to LDR site development requirements.

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

The application did not contain any information regarding the effect the proposed rezoning would have on property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning will result in a continuation of the existing development pattern in the area and will not cause an adverse effect on the area consistent with Comp Plan Policy I-1.1.3. The proposed community center use is compatible with the existing land uses in the area.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The Town of Howey-in-the-Hills has indicated that it does not provide water or sewer to the property (Attachment 2).

FINDINGS OF FACT: The proposed CFD rezoning and the proposed use is consistent with the intent and purpose of Comp Plan Policy I-1.4.3 as it specifies maintaining the rural character of land within Rural Future Land Use Series.

1. The proposed rezoning application and use is consistent with Comp Plan Policy I-1.4.5 regarding permissible uses within the Rural Transitional Future Land Use Category.

2. The zoning request is consistent with the allowable uses within rural land uses pursuant to Section 3.00.03,

LDR.

3. The proposed use in the rezoning request is consistent with the Community Facilities District specified by Section 3.00.002.Y, LDR.

4. The use proposed by the rezoning request is consistent with Section 3.01.02.F.1, LDR.

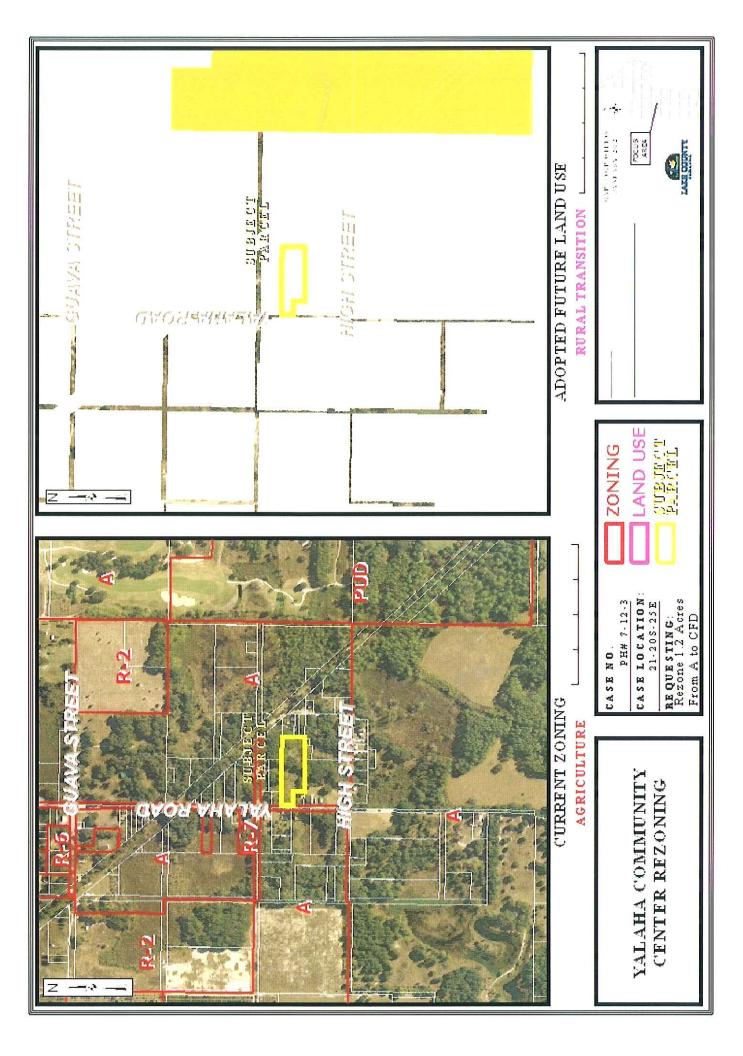
5. The proposed landscape modifications are consistent with and meet the intent of Section 9.01.00, LDR.

Based on these findings of fact, staff recommends approval of the rezoning application, with conditions, as specified in the

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-





## STAFF EXHIBIT 1 PH# 7-12-3

### Yalaha Community Club, Inc./Lake Co. Housing Division

#### Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken from Yalaha Rd. looking east at the north property line corner marker. Heavy oak canopy in this corner which would preclude the planting of canopy trees for the first 80 feet of the north property line buffer. Four ornamental trees and a row of shrubs planted on 48 inch centers will be sufficient buffer along the first 80 feet of the northern property line buffer.



## STAFF EXHIBIT 2 PH# 7-12-3

### Yalaha Community Club, Inc./Lake Co. Housing Division

#### Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken from Yalaha Rd. looking east at a continuation of the north property line. The heavy oak canopy along this property line would preclude the planting of canopy trees for the first 80 feet of the north property line buffer. Four ornamental trees and a row of shrubs planted on 48 inch centers will be sufficient buffer along the first 80 feet of the northern property line buffer.



# STAFF EXHIBIT 3 PH# 7-12-3

### Yalaha Community Club, Inc./Lake Co. Housing Division

#### Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken looking east at a continuation of the north property line from the end of the first 80 feet for a distance of 120 feet along the north property line buffer. Two canopy trees, four ornamental trees and a row of shrubs planted on 48 inch centers will be sufficient buffer for this area of the northern property line (total length of northern buffer is 200 feet).



## STAFF EXHIBIT 4 PH# 7-12-3

### Yalaha Community Club, Inc./Lake Co. Housing Division

#### Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken looking east along the southern property line. This is a heavily wooded area with sufficient native vegetation to meet the intent of the landscape buffer requirements and would preclude the requirement of any additional planting along this area of the site.



## STAFF EXHIBIT 5 PH# 7-12-3

Yalaha Community Club, Inc./Lake Co. Housing Division

### Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken looking at the eastern boundary property line area. This is a heavily wooded area with sufficient native vegetation to meet the intent of the landscape buffer requirements and would preclude the requirement of any additional planting along this area of the site.

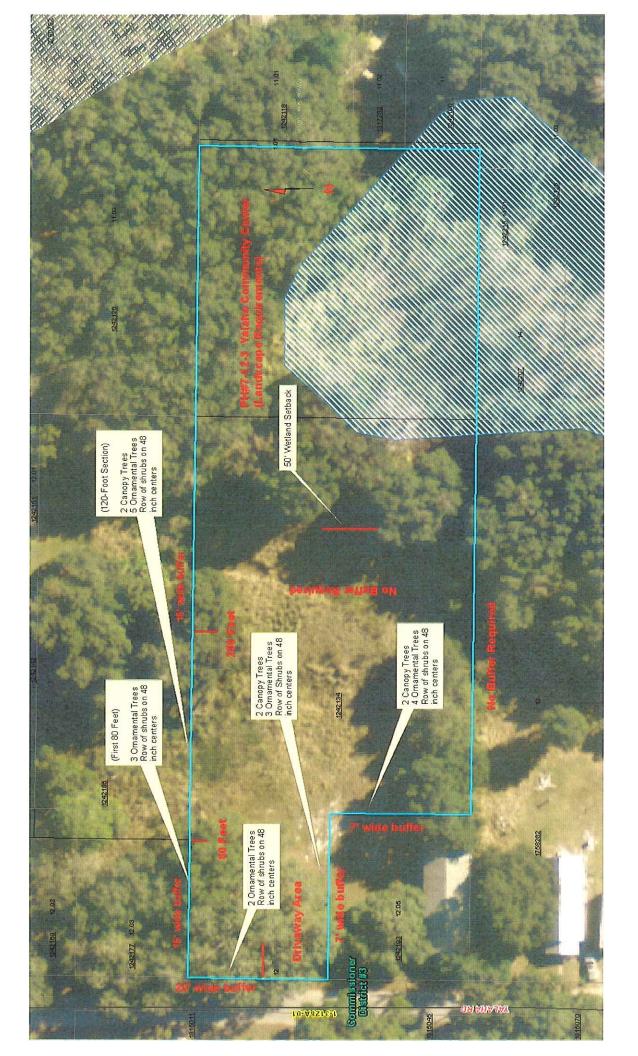


## STAFF EXHIBIT 6 PH# 7-12-3

Yalaha Community Club, Inc./Lake Co. Housing Division

Rezone 1.2 acres from Agriculture to Community Facility District (CFD) for a Community Center

(Site Visit - 1/24/2012) - Picture taken looking east at "L" area along the south and west property line. This area will require 4 canopy trees, 6 ornamental trees, and a row of shrubs planted on 48 inch centers.



C529



## **Utility Notification**

. Wie	ii /a	Address (CDPlus)	#:		
Return To: S. Creogンビ		Date Returned:	# 1/1/2 		
Subject: <u>Utility Notification</u>	- 12	Time Returned: Fax: Phone:	(352) 3439767 (352) 343-9641		
City: HOWEY - N-HILLS		<b>3</b>	(303) 373 3373		
In an effort to assure governmental coopers Lake County shall, per Land Development facilities upon development, within 1,000 fee feet of an approved central water system.	Regulations, Section	6.12.00, require co	nnection to those		
review, or is in the process of obtaining a p	The owner of the following property has a Public Hearing pending, a Commercial Project under review, or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.				
Please acknowledge the availability to serve this form via FAX to (352) 343-9767, or ema	the following propertil to Growthmamtou	y with central utility sy ustservice@lakecou	/stems and return htyff.gov		
Proposed Development:					
Single- Family Dwelling Multi-Family Units	Duplex	Commercial	~		
Administrative Lot Splits Commercial Proj	ectF	Rezoning			
Legal Description: Section <u>Z \</u> Towr	nship <u>Zo</u> Range	25 All Key#_	24 2134		
SubdivisionLot _	Block	Additional Legal a	ttached		
Hook up to Central Sewage SOT within 1,000 feet of the above described property.  (IS OR IS NOT)  Within 300 feet of the above described property.  (IS OR IS NOT)					
The City of/or private provider \( \textstyle \text{OW \( \text{O} \)} \) \( \text{O} \) hook up to this property for:  Central Sewage: Yes \( \text{No } \text{V} \)  Central Water: Yes \( \text{No } \text{No } \text{V} \)		<u>u tti∏S</u> , will pro	vide immediate		
Wellfield Protection: To protect the principal source of water in Lai Regulations, the area within 1,000 feet radius	ке County, per sectio shall be considered	n 6.03.00 of the Land a wellhead protection	Development area.		
This property is or is not $X$ within 1,00	00 feet of an existing	or future wellhead,			
Please attach any conditions that affect th	e availability of prov	/ision of service to t	hls property.		
City Official or Private Provider Signature Print Name / t   V   × 2+5 City Official or Private Provider Title	plajor	Date	1/3/12		
Zoning Division Growth Management Department	Page 1 of 1		y Notification ted on 1/6/2010		

1 2	ORDINANCE #2012 - PH #7-12-3
3	Yalaha Community Club, Inc/Lake County Housing Division
4	raiana community clab, inc/Lake county flousing bivision
5 6 7 8	AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.
9 10	WHEREAS, the Lake County Housing Division (the "Applicant") submitted an application on behalf of the Yalaha Community Club, Inc. (the "Owners") to establish a Community Facilities District (CFD)
11 12	Zoning District for a community center; and
13 14 15	WHEREAS, the subject property consists of approximately 1.2+/- acres located at 26548 Yalaha Road, Yalaha, FL, in Section 21, Township 20 South, Range 25 East, Alternate Key #1242134 and more particularly described as:
16 17 18	LEGAL DESCRIPTION
19 20 21 22	The West 161 feet of the South ½ of Lot 11 and Lot 12, Less the West 100 feet of the South 82.5 feet thereof, Section 21, Township 20 South, Range 25 East, according to the Plat of Bloomfield, Tillman Addition as shown upon Public Records of Lake County, Florida.
23 24	WHEREAS, the property subject to the request is located within the Rural Transition Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and
25 26 27 28 29	WHEREAS, Lake County Zoning Board did review petition PH#7-12-3 on the 7 <sup>th</sup> day of March, 2012, after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 27 <sup>th</sup> day of March, 2012; and
30 31 32 33 34	WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised, and
35 36 37	WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and
38 39 40	<b>NOW THEREFORE, BE IT ORDAINED</b> by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, subject to the following terms:
41 42 43	Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map to show the Community Facility District (CFD) in accordance with this Ordinance. All uses shall be generally

1 2 3	who	nsistent with either Concept Plan A or B as shown in Exhibit "A" and "B", attached. To the extent ere there are conflicts between the Conceptual Plans and this Ordinance, this Ordinance shall e precedence.
4 5 6 7	Α.	Land Use: The permitted uses listed below are specifically limited to the land area described in this Ordinance.
8 9		1. Community Center
10 11 12		Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not identified above shall require an amendment to this Ordinance as approved by the Board of County Commissioners.
13 14 15 16	В.	Open Space, Setbacks, and Parking shall be in accordance with the Comprehensive Plan and LDR, as amended.
17	C.	Floor Area (FAR), Impervious Surface (ISR), and Height of Structure:
18		1. FAR 0.30 (maximum)
19		2. ISR 0.50 (maximum)
20 21		3. Structure Height 50 Feet (maximum)
22	D.	Landscaping, Buffering, and Screening:
23		1. All landscaping shall be as shown on Exhibit "C" – Landscape Concept Plan, attached.
24		2. All vegetation shall be consistent with the LDR, as amended.
25		3. Minor landscape modifications may be approved by the County Manager or Designee.
26 27		4. Other landscape requirements shall be consistent with the LDR, as amended.
28	E.	Transportation Improvements/Access Management:
29 30		1. All access management shall be in accordance with the LDR, as amended.
31 32	F.	Signage: Signs shall be accordance with the LDR, as amended.
33 34 35	G.	Lighting: Exterior lighting shall be cut-off type and in accordance with the LDR, as amended, and consistent with Dark-Sky principles.
36	H.	Fire Protection:
37 38		1. If an early warning remote monitoring fire protection system is utilized for the building, the site shall be developed in accordance with Exhibit "A" – Concept Plan A, attached.
39 40		2. If an underground fire protection water storage tank is utilized, the site shall be developed in accordance with Exhibit "B" – Concept Plan B, attached.

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### 1 I. Utilities:

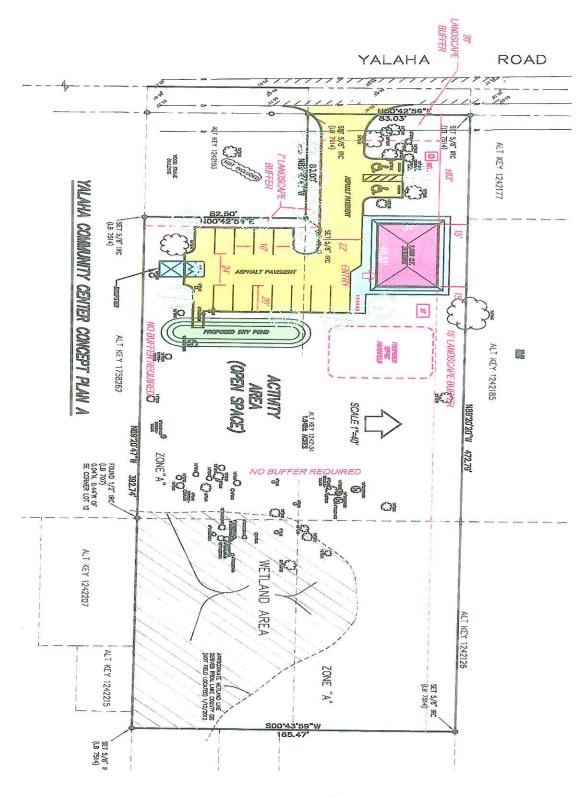
- 1. The provision of potable water shall be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan, and LDR, as amended.
- Septic and sewage service shall be permitted in accordance with the Florida Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan, and LDR, as amended.
- 3. Any portion of an on-site septic system shall be setback 100 feet from the wetland jurisdiction line in accordance with the Comprehensive Plan, as amended.
- J. Concurrency Management Requirements: Any development shall comply with the Lake County Concurrency Management System, as amended.
- K. Development Review and Approval: Prior to the issuance of permits, the Applicant shall be required to submit a site plan application generally consistent with Exhibit "A" or "B" Conceptual Plan A or B, attached, for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- L. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.

#### **Section 2.** Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental permitting agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound

		er or lessee may request a change fron edures contained in the Land Developm	• .
F.		de Enforcement Special Master. The land have authority to enforce the terms and that the ordinance be revoked.	
Section 3.		ence, clause or phrase of this Ordinance of competent jurisdiction, then said hold portions of this Ordinance.	
Section 4.	Effective Date. This Ordinar	nce shall become effective as provided	by law.
ENACTED	thisday of	, 201	2.
FILED with	the Secretary of State	, 201	2.
EFFECTIVI	<b>.</b>	, 201	2.
		E COUNTY, FLORIDA	
		LESLIE CAMPIONE, CHAIRMAN	
ATTEST:			
<b>BOARD OF</b>	Y, CLERK OF THE COUNTY COMMISSIONERS NTY, FLORIDA		
APPROVE	OAS TO FORM AND LEGALITY		
SANFORD	A. MINKOFF, COUNTY ATTORNE	EY .	

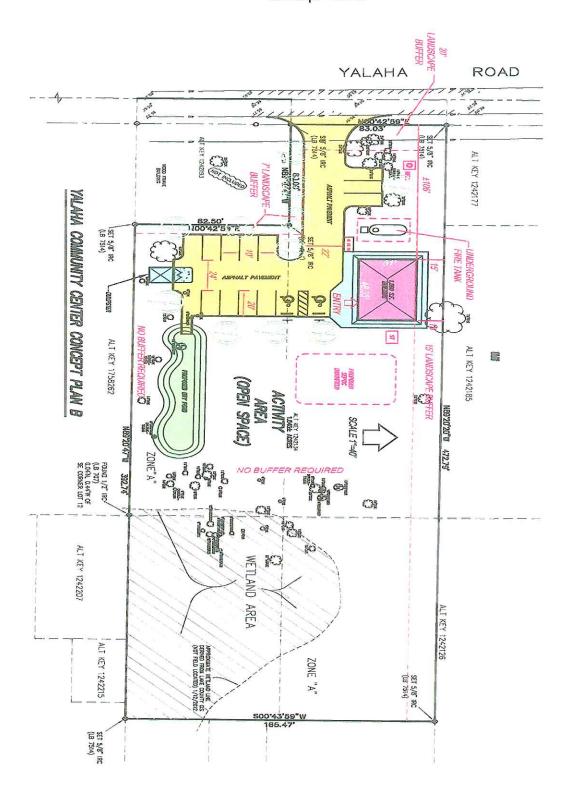
### Exhibit "A" Concept Plan A



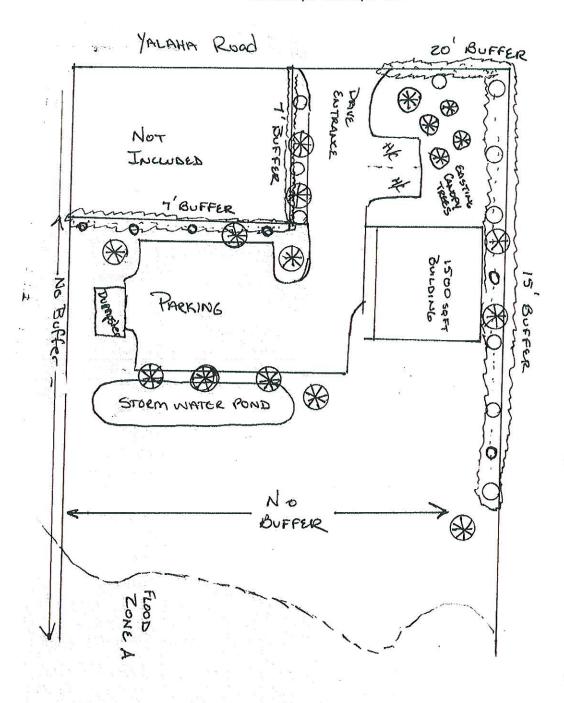
PH#7-12-3 Yalaha Community Center Rezoning 2/15/2012

#### 1 2 3

### Exhibit "B" Concept Plan B



# Exhibit "C" Landscape Concept Plan



SHOUBS (Ipunt@ 48" combors)

O New or existing Ornamental Tree

4 5