

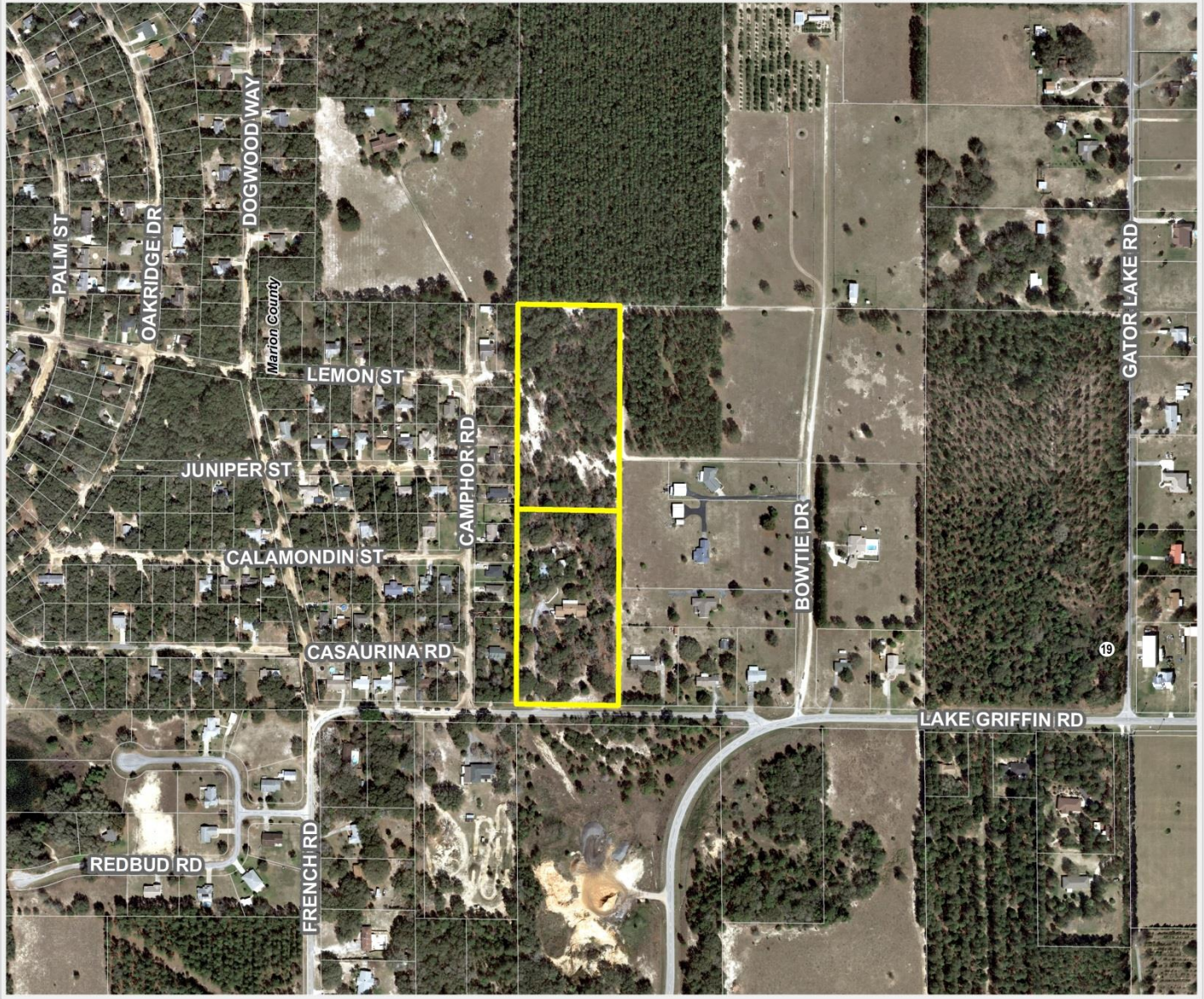
LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING AND ZONING BOARD  
March 30, 2016



BOARD OF COUNTY COMMISSIONERS  
April 19, 2016

<p><b>RZ-16-05-5</b> Yonally-Gist Rezoning</p>	<p><b>District 5</b></p>	<p><b>Agenda Item # 6</b></p>
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**Requested Action:** Rezone 9.77 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF/Nursing Home).

**General Location:** 40105 French Road east of Lady Lake

**Owner:** Carolyn D. Yonally, Trustee of the Carolyn D. Yonally Revocable Living Trust dated 6/21/07 (the "Owner")

**Applicant:** Stanley and Keisha Gist (the "Applicant")

**- Site Location & Information -**

<b>Size</b>	9.77 +/- acres
<b>Location</b>	40105 French Road, Lady Lake
<b>Alternate Key #</b>	1238781 and 3874829 (effected parcels)
<b>Future Land Use</b>	Rural
<b>Existing Zoning District</b>	Rural Residential (R-1)
<b>Proposed Zoning District</b>	Community Facility District (CFD)
<b>Joint Planning Area</b>	Lady Lake

**Land Use Table**

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>Comments</b>
<b>North</b>	Rural and Rural Transition	R-1 & A	Residential and Agriculture	Vacant land with timber
<b>South</b>	Rural	R-1	Residential and Borrow Pit	Lake Co. Public Works Borrow Pit
<b>East</b>	Urban Low	R-1	Residential	Vacant land with timber
<b>West</b>	Urban Low	R-1 & A	Residential	Carlton Village Subdivision

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** to Rezone 9.77 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF) subject to the conditions established in the associated Ordinance.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The Applicant is requesting to rezone 9.77 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF). An ACLF (Nursing Home) is defined in LDR 3.01.02.E.13 as *“An establishment providing bed-care and in-patient services for Persons needing regular medical attention, but excluding surgical and emergency medical services or providing care for alcoholism, drug addiction, mental disease, or communicable disease.”*

The parcel is located within the Rural Future Land Use Category which has an established base density of 1 DU / 5 net acres. In addition, the property is located in the Emerald Marsh Rural Protection Area (RPA). The project consists of two (2) parcels (4.77 acres and 5 acres) originally developed utilizing the Lot Split process consistent with the Emerald Marsh RPA policy. The Applicant proposes to combine the parcels and develop a 160 bed ACLF, if this rezoning is approved.

The proposed rezoning is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category (FLUC), which allows nursing and personal care facilities (ACLF) as a conditional use in the Rural FLUC. The CFD Zoning District is a planned zoning district and conditions have been placed in the associated Ordinance regulating the principal as well as the accessory uses fulfilling the conditional use requirement for specific conditions regulating a specific use. The Land Development Regulations (LDRs) permit the CFD Zoning District in the Rural FLUC and recognize an ACLF/Nursing Home as a permitted use within the CFD Zoning District.

As discussed in the analysis below, Staff finds the application consistent with the Comprehensive Plan and Land Development Regulations and recommends approval as conditioned in the attached Ordinance.

– 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 rezoning application is consistent with Table 3.00.03 Land Use – Zoning District Matrix, Land Development Regulations (LDR) which permits the Community Facility District (CFD) zoning district within the Rural Future Land Use Category.

The rezoning application is consistent with Section 3.01.02, Classification of Uses and Section 3.01.03, Schedule of Permitted and Conditional Uses, LDR, which defines an ACLF/Nursing Home and permits an ACLF/Nursing Home within the CFD Zoning District.

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

*Comprehensive Plan Policy I-1.2.2 Consistency between Future Land Use and Zoning, Table FLUE 2*, requires a minimum of thirty-five (35%) percent of the net buildable area be set aside as open space. A condition has been incorporated into the proposed Ordinance requiring a minimum of 35% open space in accordance with the above policy. The proposed CFD zoning amendment is consistent with Comprehensive Plan Policy I-1.4.4, “*Rural Future Land Use Category*”, as nursing and personal care facilities (ACLF/Nursing Home) are permitted as a conditional use in the Rural FLUC. Utilizing the CFD Zoning District, which is a planned zoning district, fulfills the conditional use permit requirement. Conditions have been placed in the associated Ordinance regulating the principal as well as the accessory uses for the proposed ACLF/Nursing Home. The property is located within the Emerald Marsh Rural Protection Area and will be developed under the Rural FLUC criteria consistent with *Comprehensive Plan Policy I-5.3.2 Land Use in the Emerald Marsh Rural Protection Area*. Any development or future expansion of the proposed facility will be subject to the Rural FLUC criteria.

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

The rezoning amendment is consistent with the surrounding land uses (agricultural uses and SFR at 1 DU/5 net acres) and Rural FLUC. The CFD zoning is a permitted zoning district within the Rural FLUC and the proposed ACLF/Nursing Home is consistent with the Rural FLUC. The proposed rezoning application does not create any inconsistent land uses in the area.

**D. Whether there have been changed conditions that justify a rezoning;**

The Applicant wishes to establish an ACLF/Nursing Home at this location, thus requiring the rezoning to CFD to be consistent with the Comprehensive Plan and LDRs.

**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** – The standard Level of Service (LOS) for the impacted roadway of Gray's Airport Rd is "D" with capacity of 612 trips. This segment of roadway (Marion County Rd to CR 466) is currently operating at twenty three percent (23%) of its capacity in the peak hour direction. This project will be generating thirty-five (35) pm peak hour trips, in which twenty (20) trips will impact the peak hour direction increasing the Volume to Capacity Ratio (v/c) to twenty-seven (27%) percent. The Applicant will be required to complete a Tier 1 Traffic Impact Study to be included with the site plan and development application submittal. Currently there are no County funded improvements scheduled for this segment of Gray's Airport Rd.

**Water and Sewage** – Utilities will be provided utilizing an on-site public water system and on-site sewage treatment system (package plant).

**Solid Waste** – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

**Fire and Emergency Services** - Lake County Fire Station 54, located at 6200 Lake Griffin Road, Lady Lake, less than 2 miles east of the property for fire-emergency services.

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

*Policy I-5.3.2 Land Use in the Emeralda Marsh Rural Protection Area* – The property is located within the boundaries of the Emeralda Marsh Rural Protection Area and has the Rural FLUC designation, which is a permitted future land use category within the Emeralda Marsh Rural Protection Area. The proposed project does not propose the subdividing of lots, but if a subdivision of lots were proposed in the future, the subdivision would be required to be consistent with Rural FLUC criteria and Emeralda Marsh RPA criteria. The Application proposes no impacts on the natural environment.

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

The application does 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 majority of the area north, east, and south of the proposed project is developed as five (5) plus acre tracts consistent with the Rural FLUC. The proposed project will be located on 9.8 acres and will be providing a minimum of thirty-five (35%) percent of the property as open space consistent with the Rural FLUC and the development pattern for the area. Based on the analysis above, there is no indication the rezoning application would result in a disorderly or illogical development pattern for 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.**

None

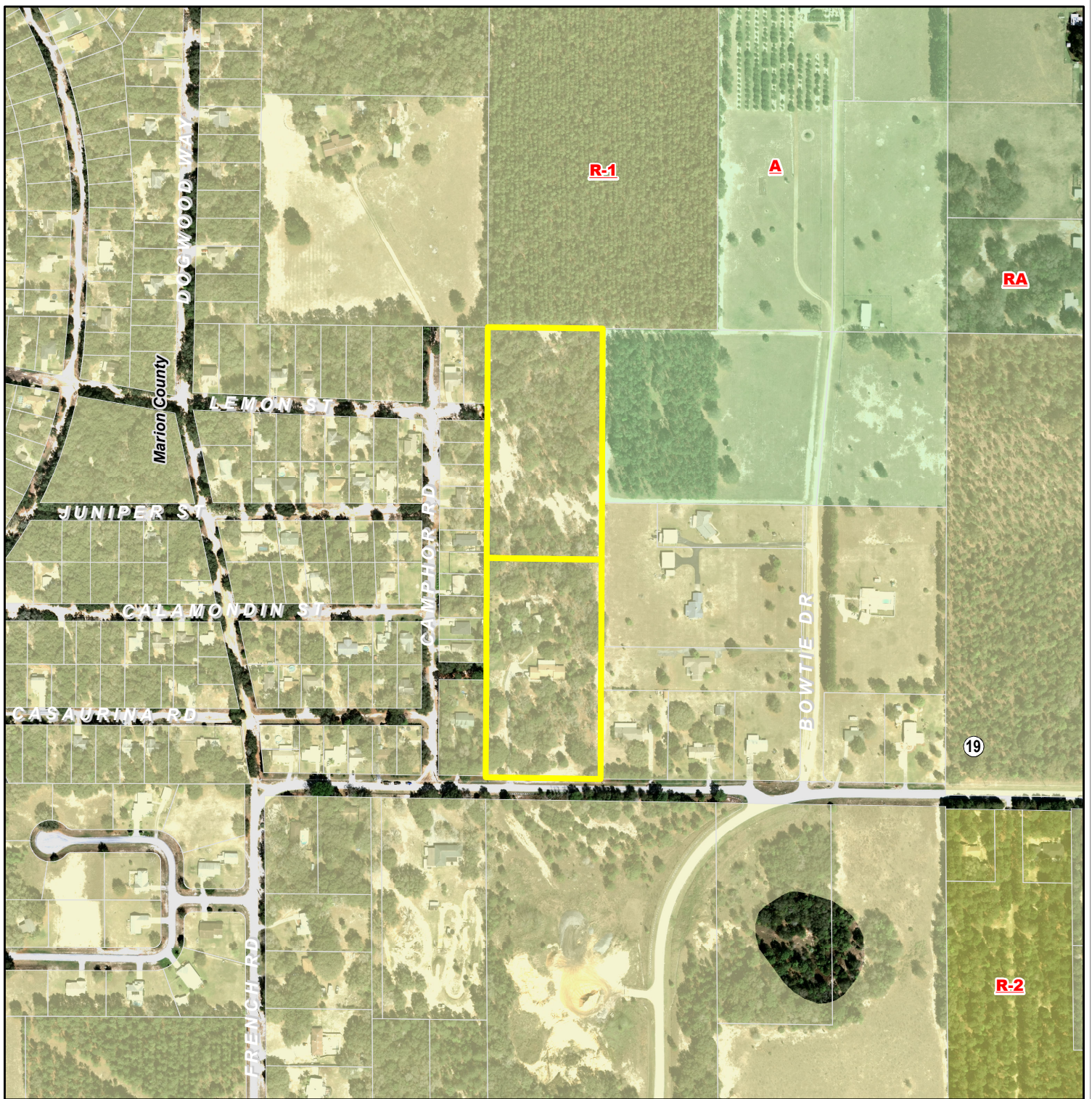
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

1. The rezoning application is consistent with Comp Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC), which allows nursing and personal care facilities as a conditional use (Planned Zoning District).
2. The rezoning application is consistent with Table 3.00.03 *Land Use – Zoning District Matrix*, LDR, which permits the establishment of the CFD Zoning District within the Rural FLUC.
3. The rezoning application is consistent with Section 3.01.03 *Schedule of Permitted and Conditional Uses*, LDR, which permits an ACLF/Nursing Home in the CFD Zoning District.

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

**Case Manager:** Rick Hartenstein, AICP, CPM, Senior Planner

**WRITTEN COMMENTS FILED: Supportive: -0-                      Concern: -0-                      Opposition: -0-**



ZONING LEGEND

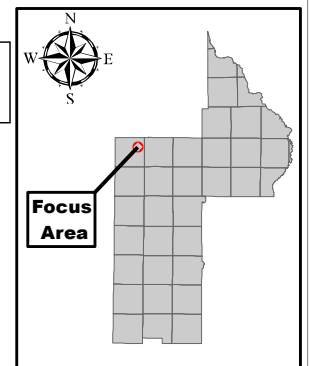
A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

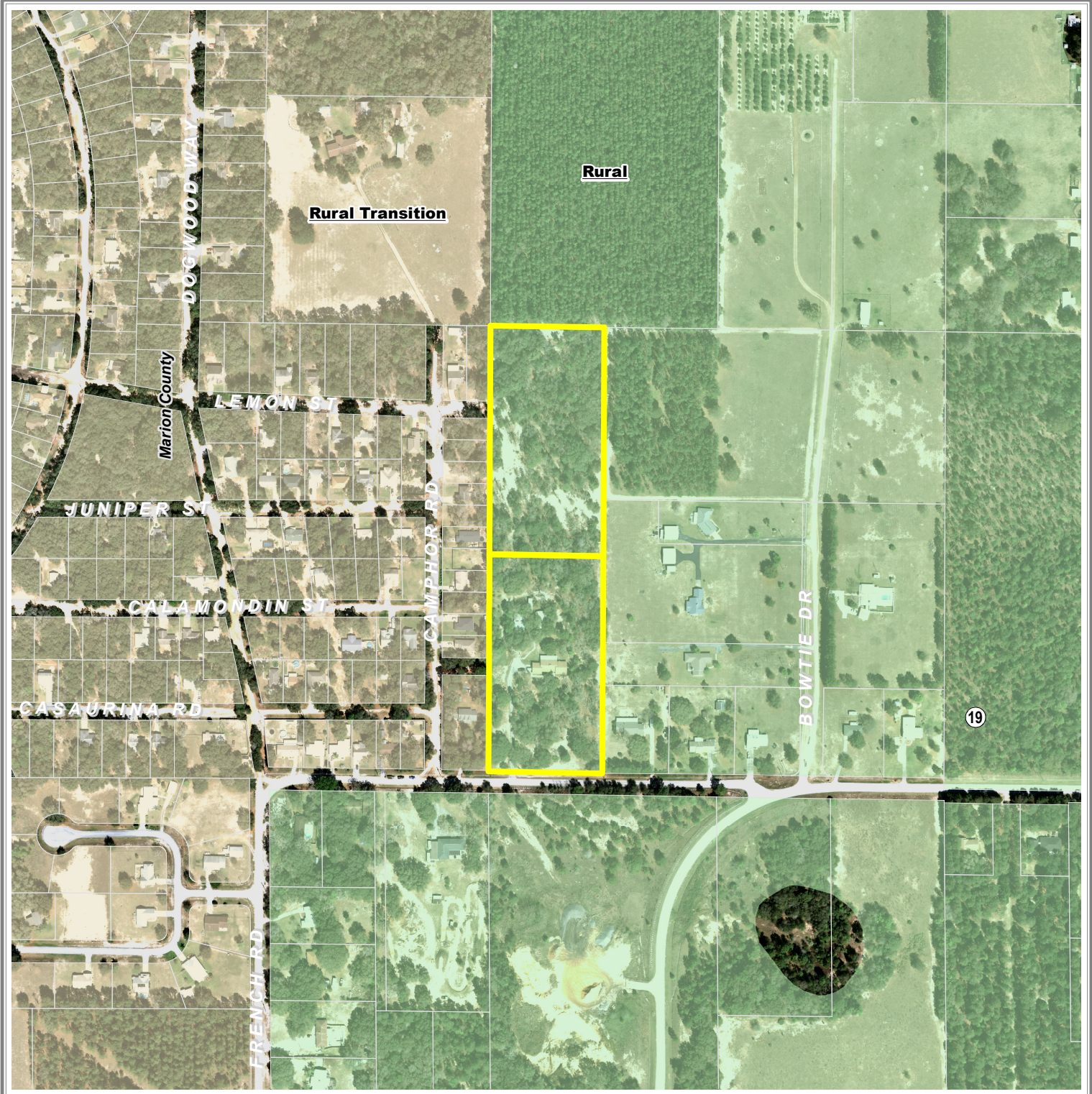
NAME: AT HOME CARE - ALF

CASE NUMBER: RZ-16-5-5

LOCATION (S-T-R): 11-18-24

REQUEST: R-1 TO CFD





**FUTURE LAND USE LEGEND**

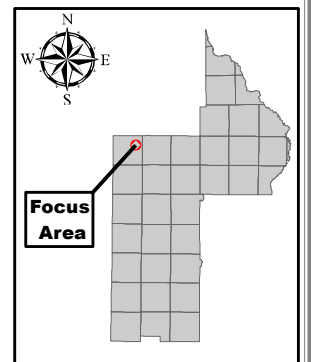
- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation          | Urban Low Density    |
| Cagans Crossing                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural               |                      |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition    |                      |
| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20 |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40 |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | Urban High Density  |                      |

**NAME: AT HOME CARE - ALF**

**CASE NUMBER: RZ-16-5-5**

**LOCATION (S-T-R): 11-18-24**

**REQUEST: R-1 TO CFD**



**ORDINANCE #2016-XX**  
**RZ-16-05-5**  
**Carolyn D. Yonally Trust Property**  
**Stanley and Keisha Gist**

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

**WHEREAS**, Stanley and Keisha Gist (the "Applicants") submitted an application on behalf of Carolyn D. Yonally, as Trustee of the Carolyn D. Yonally Revocable Living Trust dated 6/21/07 (the "Owner") to rezone 9.77 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF/Nursing Home); and

**WHEREAS**, the subject property consists of approximately 9.77 +/- acres located at 40105 French Road in the east Lady Lake area, in Sections 11 Township 18 South, Range 24 East, consisting of Alternate Key Numbers 1238781 & 3874829, and more particularly described as:

**LEGAL DESCRIPTION – (Exhibit "A")**

**WHEREAS**, the property subject to the request is located within the Rural Future Land Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-16-05-5 on the 30<sup>th</sup> day of March, 2016, 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 19<sup>th</sup> day of April, 2016; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, the staff report 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 pertaining to the development of the above described property has been duly approved; and

**NOW THEREFORE, BE IT ORDAINED** 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:

**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 Exhibit "A" of this Ordinance. All uses shall be generally consistent with the Concept Plan as shown in Exhibit "B", of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, this Ordinance shall take precedence.

**A. Land Use:**

1. Use of the land area shall be limited to an Adult Congregate Living Facility (ACLF). The facility shall be limited to one hundred sixty (160) beds for in-patient care/treatment, together with the necessary staff to support the facility.

- 1                   2. Existing Structures:
- 2                   a. Single-Family Residence to be utilized as a Caretaker’s Residence.
- 3                   b. Two (2) storage buildings identified on Exhibit “B” Concept Plan as existing structures
- 4                   to be utilized for maintenance equipment and storage for the facility.
- 5                   Accessory Uses - Those uses directly associated with the principal use may be approved by
- 6                   the County Manager or designee. Any other use of the site not identified above shall require
- 7                   an amendment to this Ordinance as approved by the Board of County Commissioners.
- 8                   **B. Open Space, Setbacks, and Parking:** Open Space, Setbacks, and Parking shall be in
- 9                   accordance with the Comprehensive Plan and LDR, as amended.
- 10                  **C. Floor Area Ratio/Intensity, Impervious Surface (ISR), and Height of Structures:** Floor Area
- 11                  Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance with the
- 12                  Comprehensive Plan and LDR, as amended.
- 13                  **D. Landscaping, Buffering, and Screening:** Landscaping, Buffering, and Screening shall be in
- 14                  accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- 15                  **E. Transportation/Access Management:** All access management shall be in accordance with the
- 16                  Comprehensive Plan and Land Development Regulations, as amended. A Tier 1 Traffic Impact
- 17                  Analysis will be required with any development application submittal.
- 18                  **F. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development
- 19                  Regulations, as amended.
- 20                  **G. Lighting:** Exterior lighting shall be cut-off type and in accordance with the Comprehensive Plan,
- 21                  Land Development Regulations, and Dark-Sky guidelines, as amended.
- 22                  **H. Fire Protection:** Fire Protection shall be in accordance with all applicable federal, state, and
- 23                  local codes and/or regulations, as amended.
- 24                  **I. Utilities:** The utilities (central water and sewer) shall be provided by an on-site public water
- 25                  system and on-site sewage treatment system (package plant). The water and sewer system
- 26                  shall be subject to all applicable federal, state, regional, and local rules, regulations, and codes,
- 27                  as amended.
- 28                  **J. Concurrency Management Requirements:** Any development shall comply with the Lake
- 29                  County Concurrency Management System, as amended.
- 30                  **K. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be
- 31                  required to submit a site plan application generally consistent with Exhibit “B” - Conceptual Plan,
- 32                  attached, for review and approval in accordance with the Comprehensive Plan and LDR, as
- 33                  amended.
- 34                  **L. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references
- 35                  in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 36                  Comprehensive Plan, and Lake County Land Development Regulations shall include any future
- 37                  amendments to the Statutes, Code, Plans, and/or Regulations.

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

- 3 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only  
4 be used for the purposes named in this Ordinance. Any other proposed use must be specifically  
5 authorized by the Board of County Commissioners.
- 6 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
7 move, convert, or demolish any building structure, add other uses, or alter the land in any manner  
8 within the boundaries of the above described land without first obtaining the necessary approvals  
9 in accordance with the Lake County Code, as amended, and obtaining the permits required from  
10 the other appropriate governmental agencies.
- 11 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land  
12 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner  
13 and any successor, and shall be subject to each and every condition herein set out.
- 14 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of  
15 this and other governmental permitting agencies.
- 16 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall  
17 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good  
18 and aware of the conditions established by this Ordinance and agrees to be bound by these  
19 conditions. The purchaser or lessee may request a change from the existing plans and conditions  
20 by following procedures contained in the Land Development Regulations, as amended.
- 21 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code  
22 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in  
23 this ordinance and to recommend that the ordinance be revoked.

24 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
25 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
26 the validity of the remaining portions of this Ordinance.

27 **Section 4. Filing with the Department of State:** The clerk shall be and is hereby directed forthwith to send  
28 a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with  
29 Section 125.66, Florida Statutes.  
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1 **Section 5. Effective Date. This Ordinance shall become effective as provided by law.**

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3 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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5 **FILED** with the Secretary of State \_\_\_\_\_, 2016.

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7 **EFFECTIVE** \_\_\_\_\_, 2016.

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10 **BOARD OF COUNTY COMMISSIONERS**  
11 **LAKE COUNTY, FLORIDA**

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17 **SEAN M. PARKS, CHAIRMAN**

18 **ATTEST:**

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23 **NEIL KELLY, CLERK OF THE**  
24 **BOARD OF COUNTY COMMISSIONERS**  
25 **LAKE COUNTY, FLORIDA**

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29 **APPROVED AS TO FORM AND LEGALITY**

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33 **MELANIE MARSH, COUNTY ATTORNEY**

**Exhibit "A"**  
**Legal Description**

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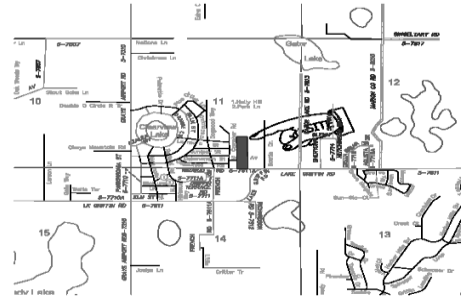
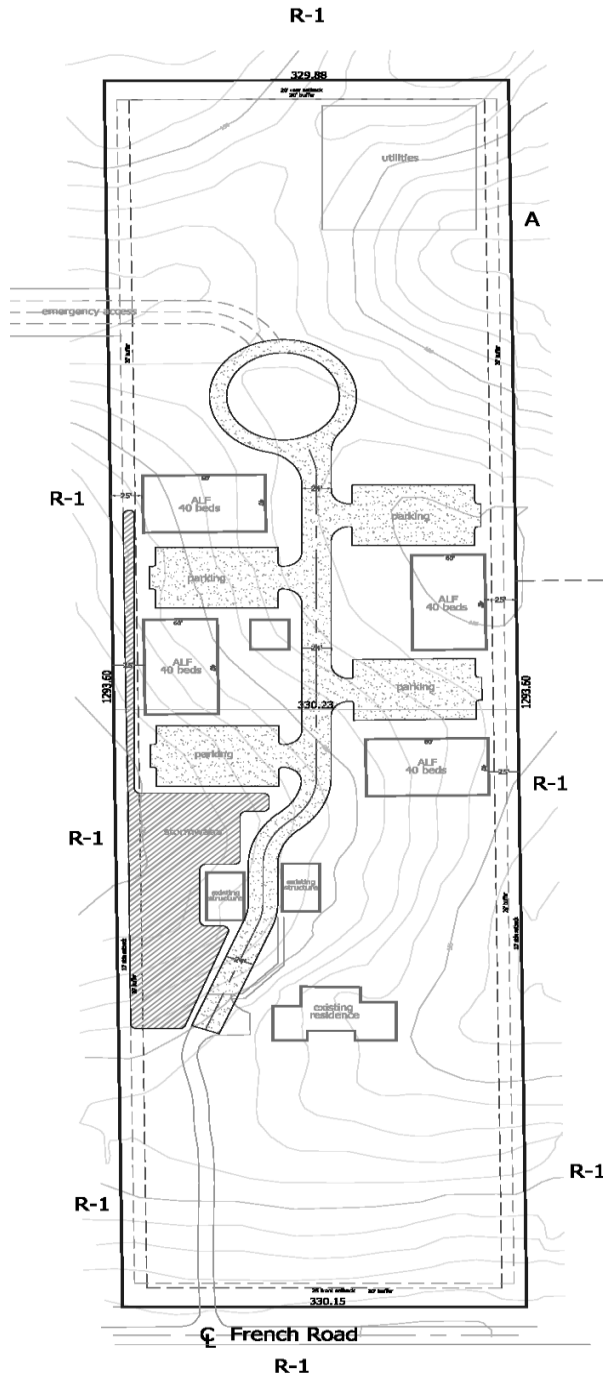
The West ½ of the East ½ of the Southwest ¼ of the Southeast ¼ in Section 11, Township 18 South, Range 24 East, Lake County, Florida. Less the South 659.89 feet thereof. Subject to all easements, rights-of-way, and restrictions of record, if any.

and

The South 659.89 feet of the West ½ of the East ½ of the Southwest ¼ of the Southeast ¼ in Section 11, Township 18 South, Range 24 East, Lake County, Florida, less right of way for French Road (Lake Griffin Road). Subject to all easements, rights-of-way, and restrictions of record, if any.

Exhibit "B"  
 Concept Plan

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Location Map  
 no scale

Legal Description:

THE SOUTH 659.89 FT OF THE WEST 1/2 OF THE EAST 1/2 OF THE SW 1/4 OF THE SE 1/4-LESS THE FRENCH RD (LAKE GRIFFIN RD) R/W ORB 3752 PG 445

AND:

THE WEST 1/2 OF THE EAST 1/2 OF THE SW 1/4 OF THE SE 1/4-LESS S 659.89 FT ORB 3752 PG 443

Total acreage: 9.80 acres+/- (427,040 square feet)

Zoning of parcel: Lake County R-1

Proposed Zoning: CFD

Adjacent Zoning:

- North - R-1
- South - R-1
- East - R-1/A
- West - R-1

Future land use: Lake County Rural

Proposed Use: ACLF

100 year flood: none

Wetland /open water: none

Notes:

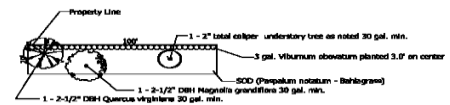
- \* This plan is conceptual in nature and is subject to change due to engineering and other influences.
- \* Maximum allowable building height 50'
- \* Maximum FAR 1.0
- \* Maximum ISR .3
- \* Building setbacks:

- Rear setback 20'
- Front setback - 25' from C/L of road
- Side setback - 20'
- Accessory structure setback - 20'

\* Buffers:

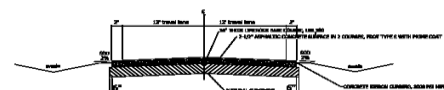
- North - 20' "A" Buffer
- South - 20' "A" Buffer
- East - 20' "A" Buffer
- West - 20' "A" Buffer

- \* Police and fire protection will be provided by Lake County
- \* Water and Sewer provided by on-site systems
- \* Stormwater management will be through a system of swales, wet and dry bottom retention ponds as required.
- \* Existing vegetation to be utilized in landscape buffers wherever possible.



Buffer detail is to illustrate plant material quantity and specifications only. Actual plant material placement may vary. Landscape buffer installed with automatic system. Typical detail does not include existing plant material credit.

100 Feet of  
 Typical 20' Landscape Buffer A  
 not to scale



Typical 24' Road Section  
 not to scale

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