

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
May 2, 2012



BOARD OF COUNTY COMMISSIONERS
May 22, 2012

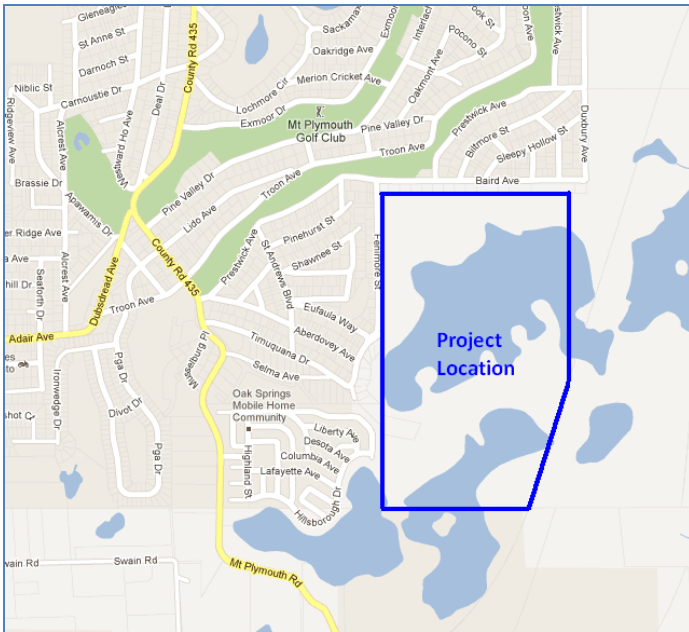
PH #13-12-4 Neighborhood Lakes	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Lake County BCC and SJRWMD (the "Owners")

Applicant: Wendy Breeden, Public Resources Director (the "Applicant")

Requested Action: Rezone property from Rural Residential (R-1) to Community Facility District (CFD) to allow conservation and passive recreational uses.

- Site Location & Information -



Size	210 +/- acres	
Location	Sorrento area, East of CR435, Fenimore Street.	
Alternate Key #	3862857 and 3862858	
Future Land Use	Conservation	
	Existing	Proposed
Zoning District	R-1	CFD
Impervious Surface Ratio	.30	.80 max
Floor Area Ratio	.20	1.0 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Self contained rest room facilities (proposed)	
Road Classification	CR435 – Urban Minor Arterial Fenimore Street – Local	
Flood Zone/ FIRM Panel	(X, AE)/395	
Commissioner District	4 (Campione)	

Approximate site location outlined in Blue

Site Visit April 19, 2012

Sign Posted April 19, 2012 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Mt. Plymouth-Sorrento Receiving Area	Medium Residential (R-3)	Residential	
South	Orange County	Orange County	Vacant Land, Wetlands	Adjacent to Orange County
East	Conservation	Rural Residential (R-1)	Vacant Land, Wetlands	
West	Mt. Plymouth-Sorrento Receiving Area	Urban Residential (R-6), Mobile Home Rental Park (RMRP)	Residential	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the proposed rezoning request, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone property from Rural Residential (R-1) to Community Facility District (CFD) to allow conservation and passive recreational uses. The subject property consists of 210 +/- acres and is located in the Sorrento area, east of CR435, Fenimore Street. The property is designated as Rural Future Land Use Category (FLUC) and located within the Wekiva River Study Area and the Wekiva River Protection Area.

The proposed rezoning request is consistent with the Comprehensive Plan (Comp Plan) and the Land Development Regulations (LDR), which permit conservation and passive recreational uses in the Conservation Future Land Use Category (FLUC) and in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits passive recreational uses in the CFD Zoning District.

The proposed project for Parks and Conservation lands has an approved Land Management Plan and is exempt from the Landscaping Standards in Section 9.01 and the Tree Protection Standards in Section 9.02 of the LDR, per LDR Section 9.01.02(D).

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

The CFD zoning request is consistent with Comprehensive Plan Policy I-1.5.1 *Conservation Future Land Use Category* which permits conservation and passive recreational uses in the Conservation FLUC.

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

The subject property is surrounded by residential uses, vacant lands, and wetlands. The proposed use of the site for conservation and passive recreational uses is consistent with the CFD Zoning District and the existing uses in the surrounding area. Therefore, the proposed rezoning is generally consistent with the land use patterns in the area.

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

The Applicant seeks to establish conservation and passive recreational uses on the property through a CFD Zoning District although the current Rural Residential zoning also allows conservation and passive recreational uses. The purpose of the community facility district is to provide substantial community interest uses and activities which is consistent with the proposed uses.

- 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;

The proposed passive recreational uses will have a limited impact on public facilities.

Lake County Public Resources Division has indicated that may provide self-contained rest room facilities at this site. Therefore, water and sewer services are not necessary for the proposed project due to the low impact of the development.

Fire and Emergency Services – The subject parcel is approximately 2.0 miles from Lake County Fire Station 39 (closest fire station), located at 31431 Walton Heath, Sorrento.

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

The proposed rezoning would result in the preservation of the natural environment with small impact. There are wetlands located within the project boundaries. Any development would be required to meet applicable standards.

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

The application does not contain any evidence that the proposed rezoning would adversely affect 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 would not be adverse to the orderly and logical development pattern of the area that currently exists.

- 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 would be in harmony with the general intent of the Comprehensive Plan and LDR.

- 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.

N/A.

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

1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.5.1 as conservation and passive recreational uses are allowable and conforms to the general land use criteria and activities of the Conservation Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits passive recreational uses in the CFD Zoning District.

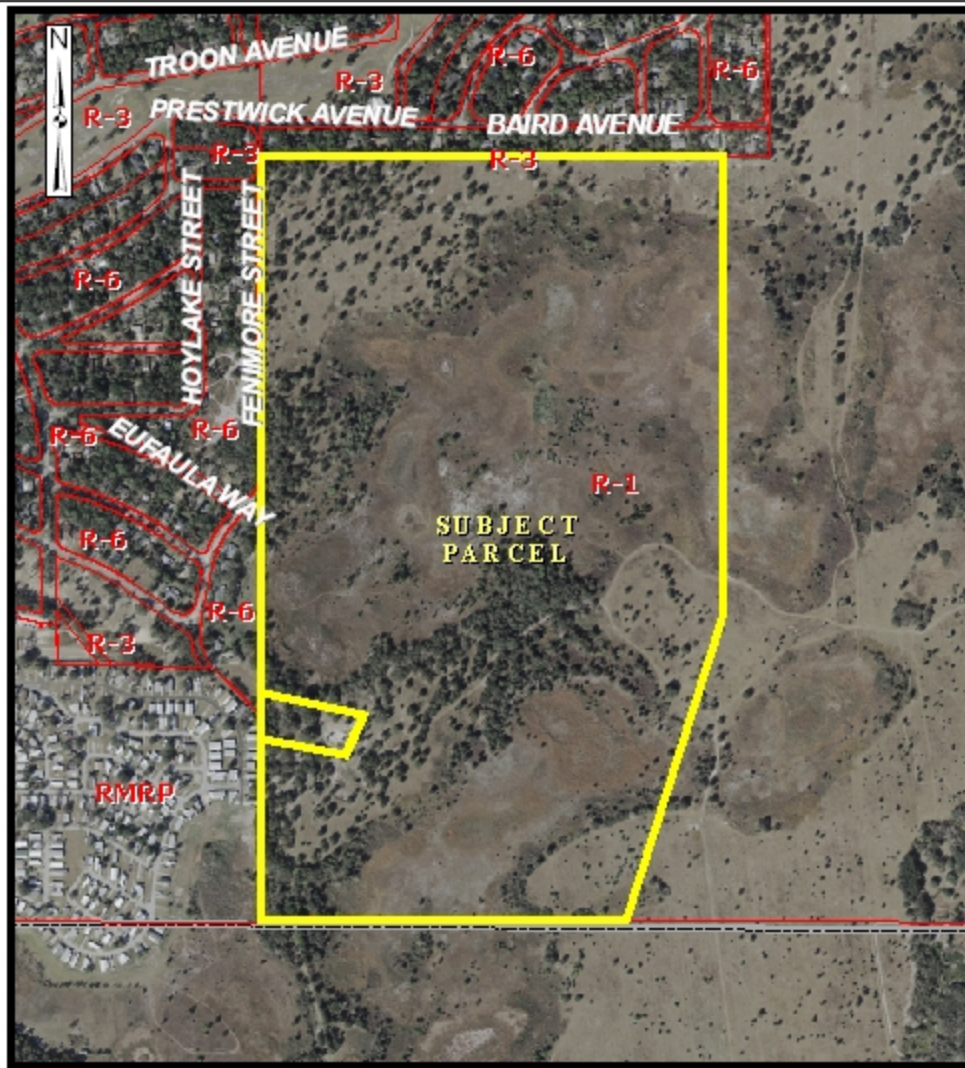
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
RURAL RESIDENTIAL (R-1)



ADOPTED FUTURE LAND USE
CONSERVATION

NEIGHBORHOOD LAKES

CASE NO.
PH #13-12-4

CASE LOCATION:
S33, T19 S, R28E

REQUESTING:
Rezone property to Community Facility District (CFD)
for conservation and passive recreational uses.

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

REFERENCES:

Lake County GIS Department, Pleasanton, 2008 Aerial Image.
Data Collection and Map production compliments of the
County Management Department, Pleasanton Community Design.
This map product was prepared from a Geographic Information System
maintained by the Lake County Board of County Commissioners, its
employees, agents and personnel, made no warranty as to its accuracy,
and in particular its accuracy as to labeling, delineation, contents, property
boundaries, or placement or location of any map features shown. The Lake
County Board of County Commissioners, its employees, agents and personnel
MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR
FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED
WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data
presented on this map product should be obtained by the user of this map.

MAP COMPOSITION:
JANUARY, 2018



1 ORDINANCE #2012-XX
2 Neighborhood Lakes
3 PH #13-12-4
4

5 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE
6 LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.
7

8 WHEREAS, the Lake County Public Resource Department (the "Applicant"), made a request on
9 behalf of the Lake County Board of County Commissioners and St. Johns River Water Management District
10 (the "Owner") to rezone property from Rural Residential (R-1) to Community Facility District (CFD) for
11 conservation and passive recreational uses; and

12 WHEREAS, the subject property consists of 210 +/- acres and is generally located in the Sorrento
13 area, East of CR435, Fenimore Street, in Section 33, Township 19 South, Range 28 East, currently having
14 Alternate Key Numbers 3862857 and 3862858, and more particularly described below:

15 LEGAL DESCRIPTION:

16 A parcel of land being a portion of Section 33, Township 19 South, Range 28 East, Lake
17 County, Florida, being more particularly described as follows :

18 BEGINNING at a 4" by 4" concrete monument stamped "ORANGE COUNTY 4, 5, 32, 33" at
19 the Southwest corner of Section 33, Township 19 South, Range 28 East; thence N00°03'06"W
20 along the West line of the Southwest 1/4 of said Section 33 for 2661.03 feet to the West 1/4
21 corner of said Section 33; thence N00°22'50"W along the West line of the Northwest 1/4 of
22 said Section 33 for 1328.27 feet to the North line of the South 3/4 of said Section 33; thence
23 S89°46'55"E along said North line for 2417.55 feet; thence S00°13'05"W for 2403.01 feet;
24 thence S17°53'21"W for 1656.02 feet to the South line of the Southwest 1/4 of said Section 33;
25 thence S89°57'59"W along said South line for 1888.47 feet to the POINT OF BEGINNING.

26 WHEREAS, the subject property is located within the Conservation Future Land Use Category as
27 shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

28 WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #13-12-4 on May 2,
29 2012, after giving Notice of Hearing on petition for a change in the use of land, including notice that said
30 petition would be presented to the Board of County Commissioners of Lake County, Florida, on May 22,
31 2012; and;

32 WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of
33 the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from
34 the public and surrounding property owners at a Public Hearing duly advertised; and

35 WHEREAS, upon review, certain terms pertaining to the development of the above described
36 property have been duly approved; and

37 NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County,
38 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
39 pertain to the above subject property, subject to the following terms:

40

1 **Section 1. Terms:**

2 The County Manager or designee shall amend the Official Zoning Map to rezone the subject
3 property from Rural Residential (R-1) to Community Facility District (CFD) in accordance with
4 this Ordinance. All uses shall be generally consistent with the Conceptual Plan as shown on
5 EXHIBIT "A". To the extent where there are conflicts between the Conceptual Plan and this
6 Ordinance, this Ordinance shall take precedence.

7 A. Land Uses:

8 1. Conservation and passive recreational uses.

9 Accessory uses directly associated with the above uses may be approved by the County
10 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
11 as approved by the Board of County Commissioners.

12 B. Development Standards:

13 1. Parking: Parking surfaces may be grass or other pervious material, except as required for
14 handicapped accessibility.

15 2. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height
16 shall be in accordance with the Comprehensive Plan and Land Development Regulations
17 (LDR), as amended.

18 3. Landscaping, Buffering, and Screening shall be installed or maintained consistent with the
19 land management plan approved by the Board of County Commissioners.

20 4. Transportation Improvements/Access Management: Access management shall be in
21 accordance with the LDR, as amended.

22 5. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and
23 consistent with Dark-Sky Principles.

24 6. Signage: Signs shall be in accordance with the LDR, as amended.

25 C. Concurrency Management Requirements: Any development shall comply with the Lake County
26 Concurrency Management System.

27 D. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
28 required to submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN
29 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.

30 E. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
31 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
32 Comprehensive Plan, and Lake County Land Development Regulations shall include any
33 future amendments to the Statutes, Code, Plans, and/or Regulations.

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

35 A. After establishment of the facilities as provided herein, the aforementioned property shall only
36 be used for the purposes named in this Ordinance.

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

20 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
21 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
22 affect the validity of the remaining portions of this Ordinance.
23

1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.

2
3 ENACTED this _____ day of _____, 2012.

4
5 FILED with the Secretary of State _____, 2012.

6
7 EFFECTIVE _____, 2012.

8
9 BOARD OF COUNTY COMMISSIONERS
10 LAKE COUNTY, FLORIDA

11
12 _____
LESLIE CAMPIONE, Chairman

13 ATTEST:
14

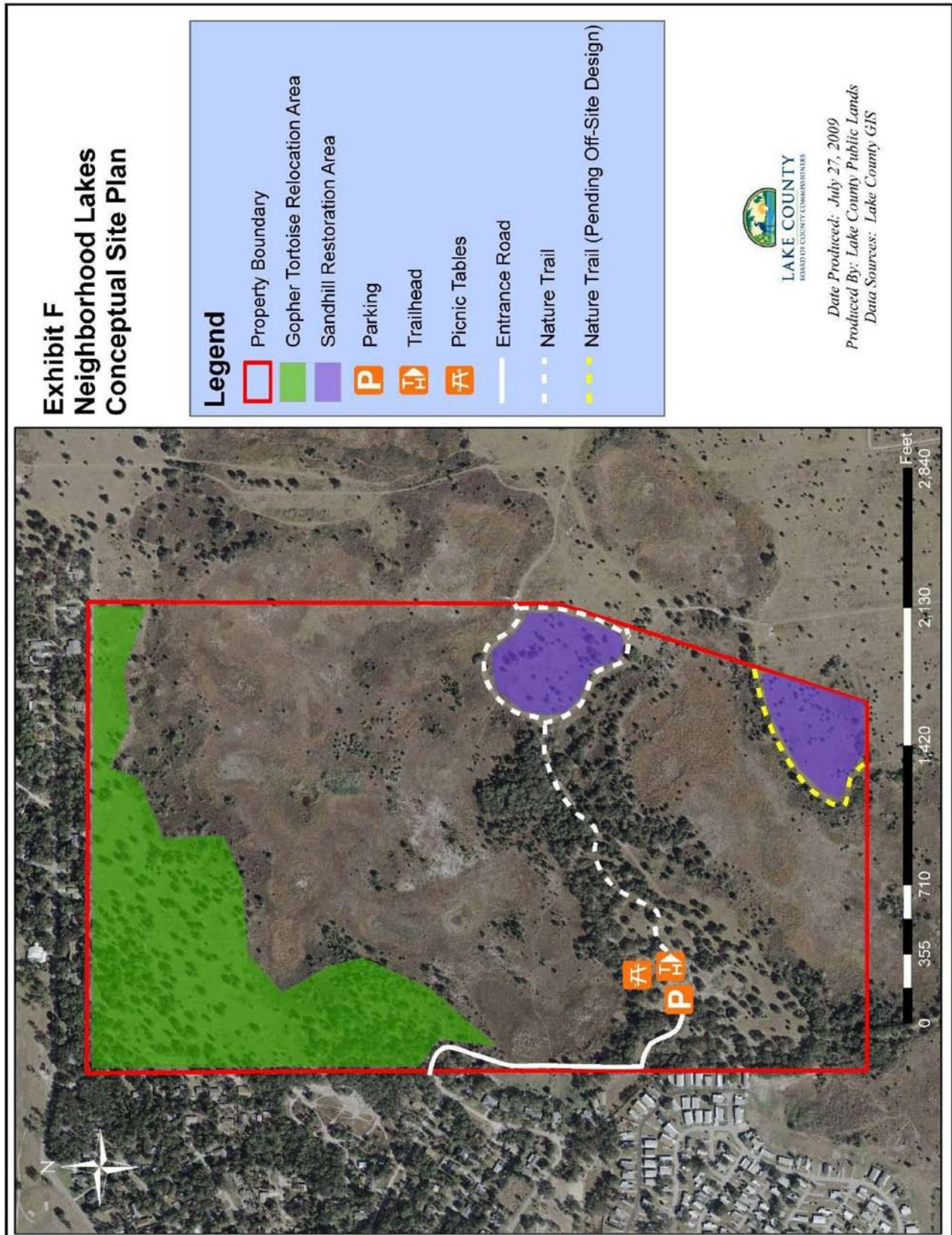
15 _____
16 NEIL KELLY, Clerk of the
17 Board of County Commissioners
18 Lake County, Florida

19 APPROVED AS TO FORM AND LEGALITY

20 _____
21 SANFORD A. MINKOFF, County Attorney
22

1

EXHIBIT "A" - CONCEPTUAL PLAN



2