

LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING AND ZONING BOARD
May 31, 2017



BOARD OF COUNTY COMMISSIONERS
June 20, 2017

RZ-17-05-5 Harmony Hills Rehabilitation Facility (Chrysalis Health) CFD Amendment	Commission District 5 Blake	Agenda Item #3
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Requested Action: Amend Community Facility District Ordinance #2016-09 to allow seven existing agricultural and equestrian buildings associated with the Comprehensive Transitional Education Facility to maintain reduced setbacks along the western property line.

Owner: Eduardo Lacasa, Lake Dorr, LLC

Applicant: Eduardo Lacasa, Lake Dorr, LLC

- Site Location & Information -

Size	65 +/- acres (total)
Location	North Altoona area north on SR 19, left on Boys Ranch Road to 18307 Boys Ranch Road
Alternate Key #	1220157 & 1220360
Future Land Use	Rural
Existing Zoning District	Community Facility District (CFD)
Proposed Zoning District	Community Facility District (CFD)
Joint Planning Area	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Conservation	Agriculture	Conservation	None
South	Rural Transition	Agriculture	Single Family Residential	None
East	Rural	Agriculture	Single Family Residential	None
West	Located in Marion County	Located in Marion County	Undeveloped	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval** to rescind Community Facility District (CFD) Ordinance #2016-09, and replace with a new ordinance with the same terms as Ordinance #2016-09 except to now allow seven existing agricultural and equestrian buildings associated with the Comprehensive Transitional Education Facility to maintain current reduced setbacks along the western property line.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to amend Community Facility District (CFD) Ordinance #2016-09 to allow existing agricultural and equestrian buildings that are associated with the Comprehensive Transitional Education Facility to maintain reduced setbacks along the western property line. The subject property is comprised of two legally described parcels identified as Alternate Key Numbers 1220157 and 1220360. The total acreage of both parcels is 65 +/- acres. The subject property is zoned Community Facility District (CFD) pursuant to Ordinance #2016-09, and is located within the Rural Future Land Use Category and within the Wekiva-Ocala Rural Protection Area (RPA).

The subject property was originally developed under Conditional Use Permit (CUP#165-5) in 1970 and rezoned to Community Facility District (CFD) in September 1998 pursuant to Ordinance #1998-76. Ordinance #1998-76 permitted a rehabilitation, training, and foster care center for at risk youth on the property. The property was known as the Lake County Boys Ranch. On February 16, 2016, the Board of County Commissioners approved Ordinance #2016-09 which removed "rehabilitation, training, and foster care center for at risk youth" as a permitted use and

added the use "Comprehensive Transitional Education Facility." LDR 3.01.02.E.11 defines a Comprehensive Transitional Education Facility as a "group of jointly operating centers or units which provide educational care, training, treatment, habilitation, and rehabilitation services to persons who have developmental disabilities." The approved Ordinance includes a condition that states that the subject encroaching agricultural and equestrian buildings located on the western property line must be corrected within 180 days of the effective date.

After Ordinance #2016-09 was approved, the Applicant submitted a minor site plan application (Project #2016110016/AR #3064) in order to facilitate a change of use from the Lake County Boys Ranch to a Comprehensive Transitional Education Facility. During the site plan review it was discovered that the existing encroaching agricultural and equestrian buildings that required correction pursuant to the ordinance were still located at the same location on the property.

In order to correct the encroachment, the Applicant has requested to amend Ordinance #2016-09 rather than demolish the agricultural and equestrian buildings. The proposed CFD amendment would allow the agricultural and equestrian buildings to maintain existing setbacks as shown in Exhibit "C" of the proposed ordinance. The existing setbacks shown in Exhibit "C" are listed below.

Building 1 is located 3.1 feet from the western property line,

Building 2 is located 5.7 feet from the western property line,

Building 3 is located 6.9 feet from the western property line,

Building 4 is located 2.2 feet from the western property line,

Building 5 is located 10.5 feet from the western property line,

Building 6 is located 1.0 foot from the western property line, and

Building 7 is located 7.0 feet from the western property line.

A condition is included within the proposed ordinance that specifies that the existing lean to roof and horse stalls on Building 7, which encroach into Marion County, are to be removed. An additional condition is included within the ordinance which states that the structures will not be able to be replaced if they are demolished.

That being the case for the existing setbacks, the requested rezoning amendment for the existing agricultural and equestrian buildings is consistent with *Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category* (FLUC), as agricultural and equestrian uses are permitted within the Rural FLUC. Additionally, the primary use of the property, the Comprehensive Transitional Education Facility, is permitted conditionally within the Rural FLUC. Per LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, general agricultural uses are permitted within the CFD zoning district. Per LDR 3.01.02, Classification of Uses, Comprehensive Transitional Education Facility is listed as Community Facility District uses.

– 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 requested rezoning amendment for alternative setbacks for the existing agriculture and equestrian buildings is consistent with the LDR as general agricultural uses are permitted within the Community Facility Zoning District per LDR Table 3.01.03, Schedule of Permitted and Conditional Uses. The buildings are accessory structures for the Comprehensive Transitional Education Facility, which is listed as a Community Facility District Use in LDR 3.01.02, Classification of Uses.

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

The requested rezoning amendment is consistent with *Comprehensive Plan Policy I-1.4.4 Rural FLUC*, as agricultural and equestrian uses are permitted within the Rural Future Land Use Category. The buildings are accessory structures related to the primary use of the property, Comprehensive Transitional Education Facility, which is identified as a nursing and personal care facility and is conditionally permitted within the Rural FLUC. Utilizing the CFD Zoning District, which is a planned zoning district, fulfills the conditionally permitted requirement.

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

The rezoning amendment requests to allow the existing equestrian and agricultural buildings to maintain their current reduced setbacks along the western property line and is not seeking to change the use of the buildings or the primary use of the property. Therefore, the agricultural and equestrian buildings remain consistent with the surrounding agricultural and residential land uses in the area.

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

Community Facility District (CFD) Ordinance #2016-09 required that the building encroachments along the western property line be corrected within 180 days from the effective date of the ordinance. The Applicants have requested to amend the ordinance to allow the existing buildings to maintain the current reduced setbacks rather than demolish the existing buildings.

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 Engineering Division has recommended approval with no additional conditions.

Water and Sewage – The property is serviced by well and septic. The agricultural and equestrian buildings will not impact the well and septic services on the property.

Fire & Emergency Services – Lake County Fire Station #14, located at 42700 State Road 19, is less than five (5) miles from the subject property.

Solid Waste – The proposed rezoning amendment 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;

Adverse impacts are not anticipated, however, any future substantial development will required the submittal of an Environmental Assessment pursuant to LDR Ch. 6 regarding protection of natural resources.

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;

There is no indication the proposed rezoning will disrupt the existing orderly and logical development pattern of 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.**

N/A

FINDINGS OF FACT:

1. The existing agricultural and equestrian buildings are accessory structures to the Comprehensive Transitional Education Facility (primary use) located on the property.
2. The requested rezoning amendment is consistent with *Comprehensive Plan Policy I-1.4.4 Rural FLUC*, as agricultural and equestrian uses are permitted within the future land use category.
3. The requested rezoning amendment is consistent with the LDRs as general agricultural uses are permitted within the Community Facility Zoning District per LDR Table 3.01.03, Schedule of Permitted and Conditional Uses.
4. The primary use of the property, Comprehensive Transitional Education Facility, is consistent with LDR Table 3.01.03 and with Comprehensive Plan Policy I-1.4.4 Rural FLUC which conditionally permits nursing and personal care facilities.

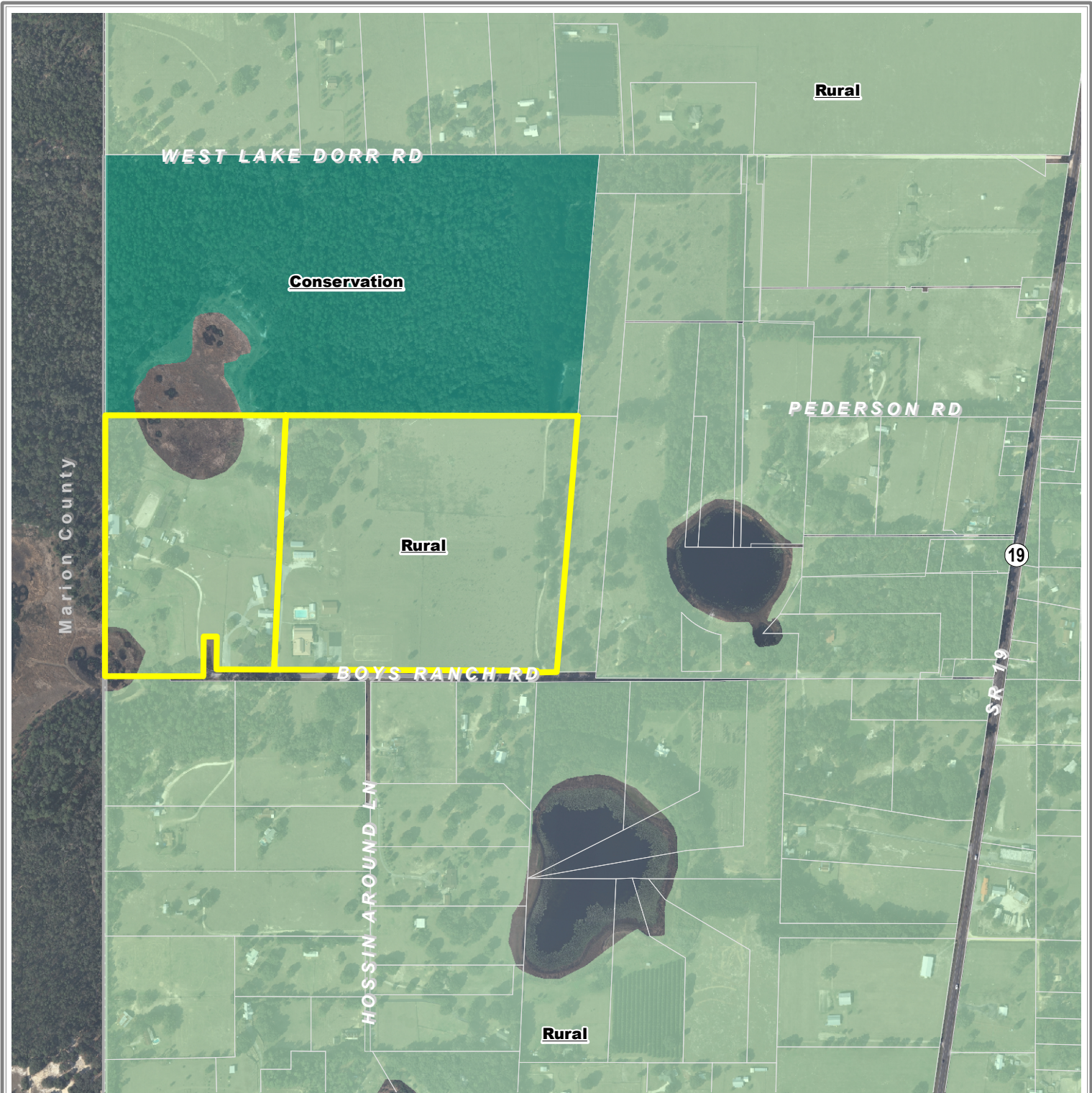
Based on these findings of fact, staff recommends **Approval with conditions** of the rezoning application, with conditions, as specified in the attached Ordinance.

Case Manager: Christine Rice Rock, Planner

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

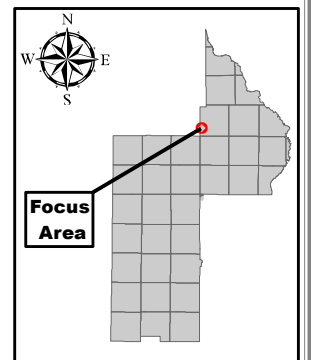
Opposition: -0-

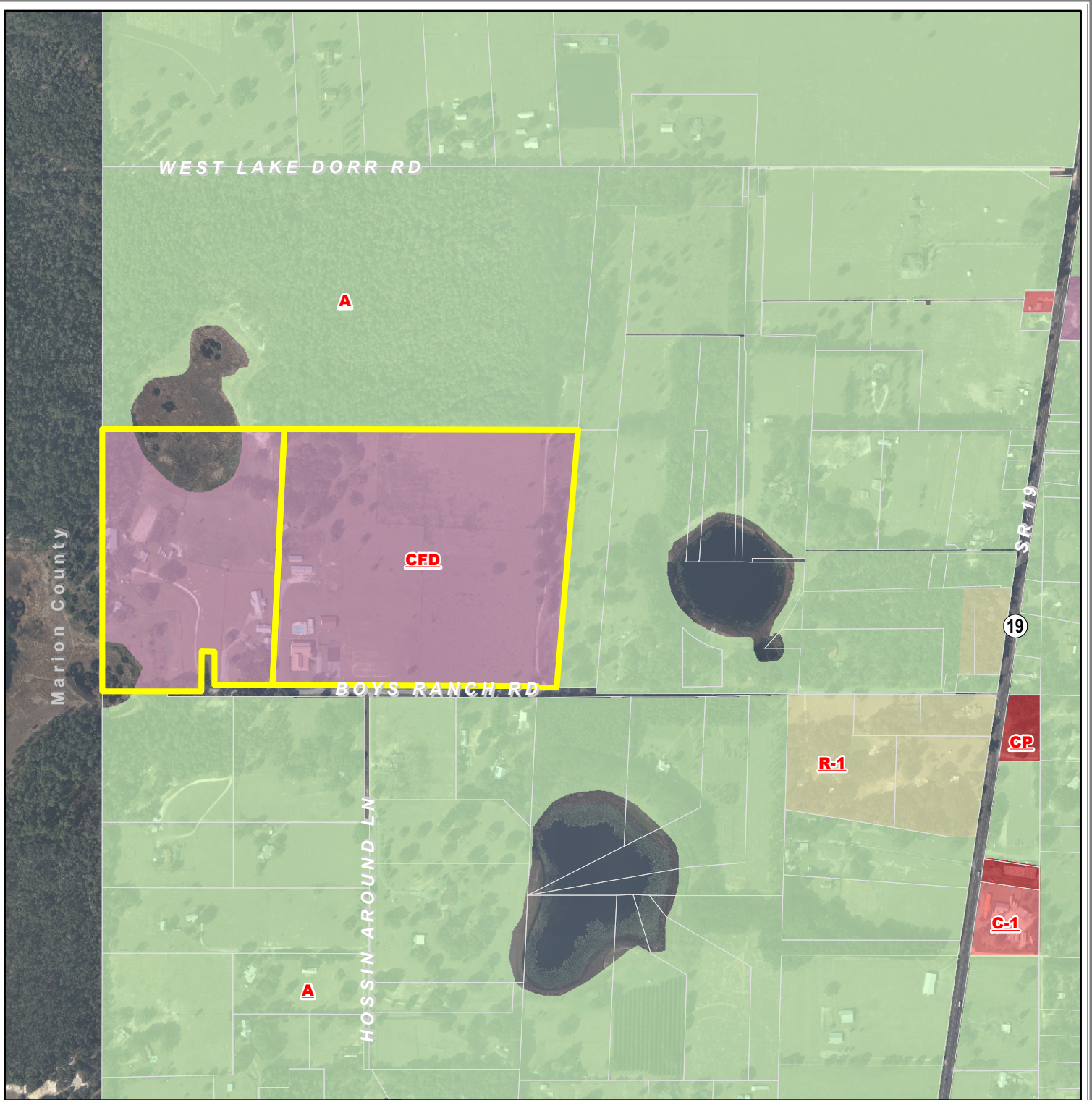


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| 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 | Summer Bay | |

NAME: HARMONY HILLS
CASE NUMBER: RZ-17-05-5
LOCATION (S-T-R): 30-17-27
REQUEST: COMMUNITY FACILITY DISTRICT TEXT AMENDMENT

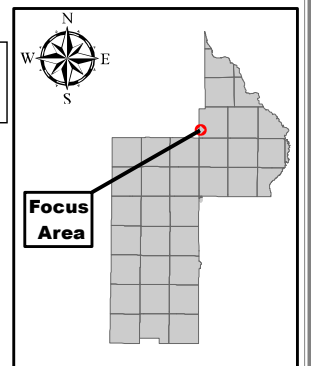




ZONING LEGEND

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: HARMONY HILLS
CASE NUMBER: RZ-17-05-5
LOCATION (S-T-R): 30-17-27
REQUEST: COMMUNITY FACILITY DISTRICT TEXT AMENDMENT



1 **A. Land Use:**

2 1. Use of the land area shall be limited to a Comprehensive Transitional Education Facility
3 offering a comprehensive behavioral health and rehabilitation program providing in-patient
4 services only.

- 5 a. Therapeutic Counseling.
6 b. Vocational Development.
7 c. Social Skills and Life Management Training.
8 d. Nursing/Medical Care associated with the Rehabilitation Program.
9 e. The facility shall be limited to sixty (60) beds for in-patient care/treatment, together with
10 the necessary staff to support the facility.

11 2. Existing Structures:

- 12 a. Multi-purpose Building
13 b. Classroom Buildings (3)
14 c. Portable Classroom Buildings (3)
15 d. Portable Administration Building
16 e. Swimming Pool
17 f. Living Facilities
18 g. Bunk House & Kitchen
19 h. Offices & Mess Hall
20 i. Administration Offices
21 j. Food Service & Snack Bar
22 k. Maintenance Shop
23 l. Rodeo Arena & Support Facilities
24 m. Restroom Facilities
25 n. Caretaker's Residence
26 o. Agricultural and Equestrian Buildings (7)

27 Accessory Uses - Those uses directly associated with the principal use may be approved by
28 the County Manager or designee. Any other use of the site not identified above shall require
29 an amendment to this Ordinance as approved by the Board of County Commissioners.
30

31 **B. Open Space, Setbacks, and Parking:**

32 1. Open Space, Setbacks, and Parking shall be in accordance with the Comprehensive Plan
33 and LDR, as amended.

34 2. Agricultural and equestrian buildings shown on the overall concept plan, Exhibit "B", and
35 identified as Buildings 1-7 on Exhibit "C" are permitted to maintain current reduced setbacks
36 specified below.

- 37 a. Building 1 has a setback of 3.1 feet from the western property line.
38 b. Building 2 has a setback of 5.7 feet from the western property line.
39 c. Building 3 has a setback of 6.9 feet from the western property line.
40 d. Building 4 has a setback of 2.2 feet from the western property line.
41 e. Building 5 has a setback of 10.5 feet from the western property line.
42 f. Building 6 has a setback of 1.0 foot from the western property line.

- 1 g. Building 7 has a setback of 7.0 feet from the western property line. The existing lean to
2 roof and horse stalls are to be removed.
- 3 3. If the agricultural and equestrian buildings identified as Buildings 1 – 7 on Exhibit “C” are
4 demolished they may not be reconstructed in the same location. In that event, the setbacks
5 for all new structures shall be accordance with the LDRs and the Comprehensive Plan, as
6 amended.
- 7
- 8 **C. Floor Area Ratio/Intensity, Impervious Surface (ISR), and Height of Structures:** Floor Area
9 Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance with the
10 Comprehensive Plan and LDR, as amended.
- 11 **D. Landscaping, Buffering, and Screening:** Landscaping, Buffering, and Screening shall be in
12 accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- 13 **E. Transportation/Access Management:** All access management shall be in accordance with the
14 Comprehensive Plan and Land Development Regulations, as amended.
- 15 **F. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development
16 Regulations, as amended.
- 17 **G. Lighting:** Exterior lighting shall be cut-off type and in accordance with the Land Development
18 Regulations, as amended.
- 19 **H. Fire Protection:** Fire Protection shall be in accordance with all applicable federal, state, and
20 local codes and/or regulations, as amended.
- 21 **I. Utilities:** The potable water well shall have a well head protection area of three hundred (300')
22 feet and shall be depicted on all development plans.
- 23 **J. Concurrency Management Requirements:** Any development shall comply with the Lake
24 County Concurrency Management System, as amended.
- 25 **K. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be
26 required to submit a site plan application generally consistent with Exhibit “B” - Conceptual Plan,
27 attached, for review and approval in accordance with the Comprehensive Plan and LDR, as
28 amended.
- 29 **L. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references
30 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
31 Comprehensive Plan, and Lake County Land Development Regulations shall include any future
32 amendments to the Statutes, Code, Plans, and/or Regulations.
- 33 **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall
34 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. Any other proposed use must be specifically
37 authorized by the Board of County Commissioners.
- 38 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
39 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
40 within the boundaries of the above described land without first obtaining the necessary approvals

1 in accordance with the Lake County Code, as amended, and obtaining the permits required from
2 the other appropriate governmental agencies.

3 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land
4 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner
5 and any successor, and shall be subject to each and every condition herein set out.

6 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of
7 this and other governmental permitting agencies.

8 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall
9 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
10 and aware of the conditions established by this Ordinance and agrees to be bound by these
11 conditions. The purchaser or lessee may request a change from the existing plans and conditions
12 by following procedures contained in the Land Development Regulations, as amended.

13 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
14 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
15 this ordinance and to recommend that the ordinance be revoked.

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

19 **Section 4. Filing with the Department of State:** The clerk shall be and is hereby directed forthwith to send
20 a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with
21 Section 125.66, Florida Statutes.
22
23

24 **Section 5. Effective Date. This Ordinance shall become effective as provided by law.**

25
26 **ENACTED** this _____ day of _____, 2017.

27
28 **FILED** with the Secretary of State _____, 2017.

29
30 **EFFECTIVE** _____, 2017.

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33 **BOARD OF COUNTY COMMISSIONERS**
34 **LAKE COUNTY, FLORIDA**
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39 _____
40 **TIMOTHY I. SULLIVAN, CHAIRMAN**
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ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A"
Legal Description

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Begin at the Northwest corner of Government Lot 2, in Section 30, Township 17 South, Range 27 East, in Lake County, Florida, run North 89 degrees 48 minutes 20 seconds East for 916.91 feet, thence South 02 degrees 28 minutes 00 seconds West for 1,321.55 feet to the South line of said Government Lot 2; thence South 89 degrees 50 minutes 40 seconds West for 855.00 feet, to the West line of said Government Lot 2; thence North 0 degrees 13 minutes 00 seconds West along West line of said Government Lot 2, for 1,319.73 feet to the Point of Beginning.

And:

U.S. Government Lot 2 and the Southeast 1/4 of the Northwest 1/4 of Section 30, Township 17 South, Range 27 East, Lake County, Florida, LESS: Begin at the Northwest corner of Government Lot 2 in said Section 30; run thence North 89 degrees 48 minutes 20 seconds East 916.91 feet; thence South 02 degrees 28 minutes 00 seconds West 1,321.55 feet to the South line of said Government Lot 2; thence South 89 degrees 50 minutes 40 seconds West 855 feet, to the West line of said Government Lot 2; thence North 0 degrees 13 minutes 00 seconds West along the West line of said Government Lot 2, a distance of 1,319.73 feet to the Point of Beginning.

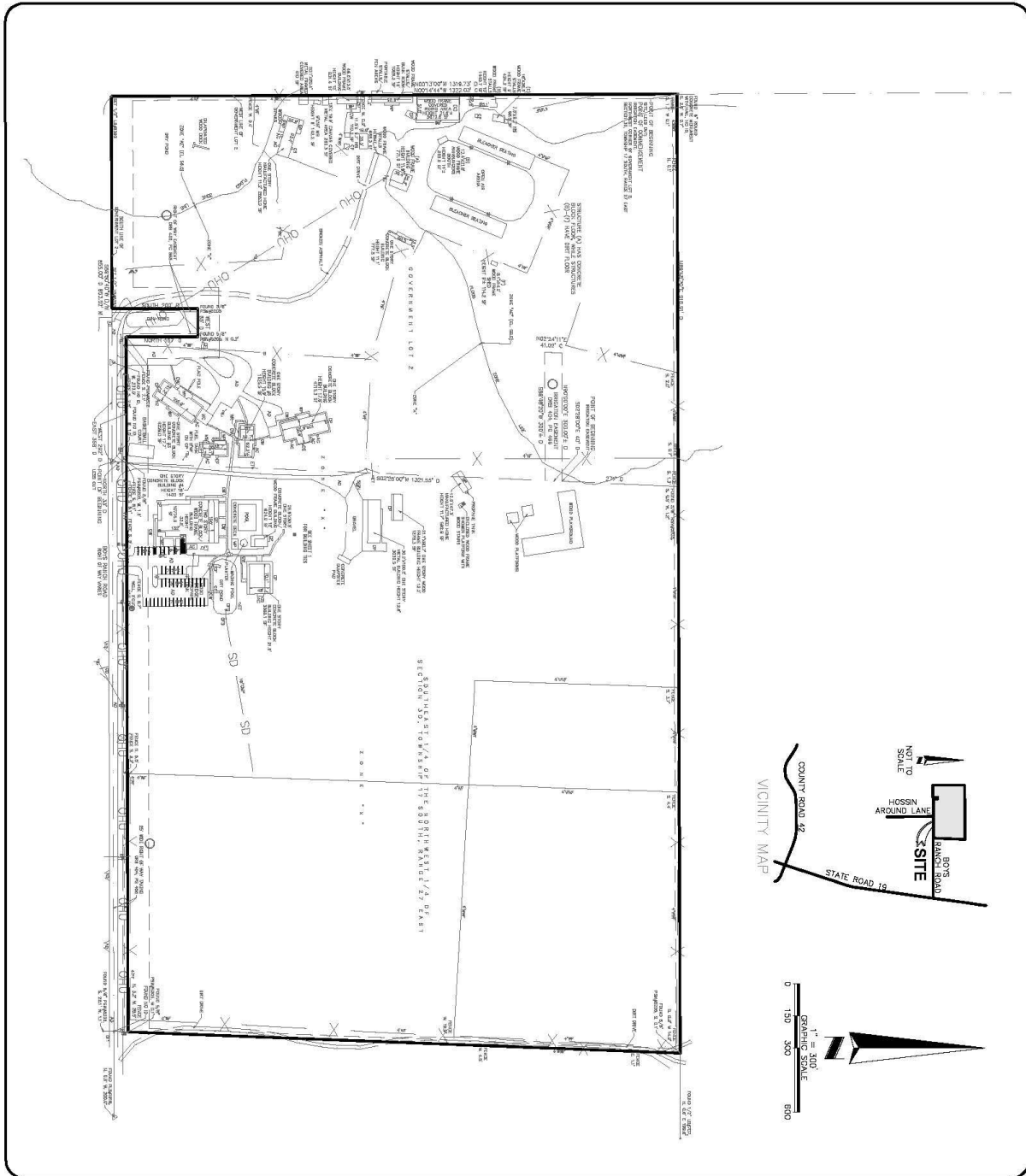
Together With an irrigation easement over the following described tract of land: From the Northwest corner of Government Lot 2 in said Section 30; run North 89 degrees 48 minutes 20 seconds East 916.91 feet; thence South 02 degrees 28 minutes 00 seconds West 271 feet, for a point of beginning; run thence South 02 degrees 28 minutes 00 seconds West 40 feet; run thence South 89 degrees 48 minutes 20 seconds West 300 feet, more or less, to the waters of the lake as located; run thence Northerly and Easterly parallel with the lake boundary to a point directly West of the Point of Beginning; thence East 300 feet, more or less, to the Point of Beginning.

Less and except from the above described parcels those certain lands conveyed to Lake County, Florida, by deed dated February 18, 1994, and recorded in Book 1287, Page 336, Public Records of Lake County, Florida.

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Exhibit "B"
Concept Plan



Drawn:	REVISION:	DATE:
NJR		
Checked: KRW		
Date: 4-3-17		
Scaler: AS SHOWN		
File No.: 15122		
Sheet: 1 of 2		

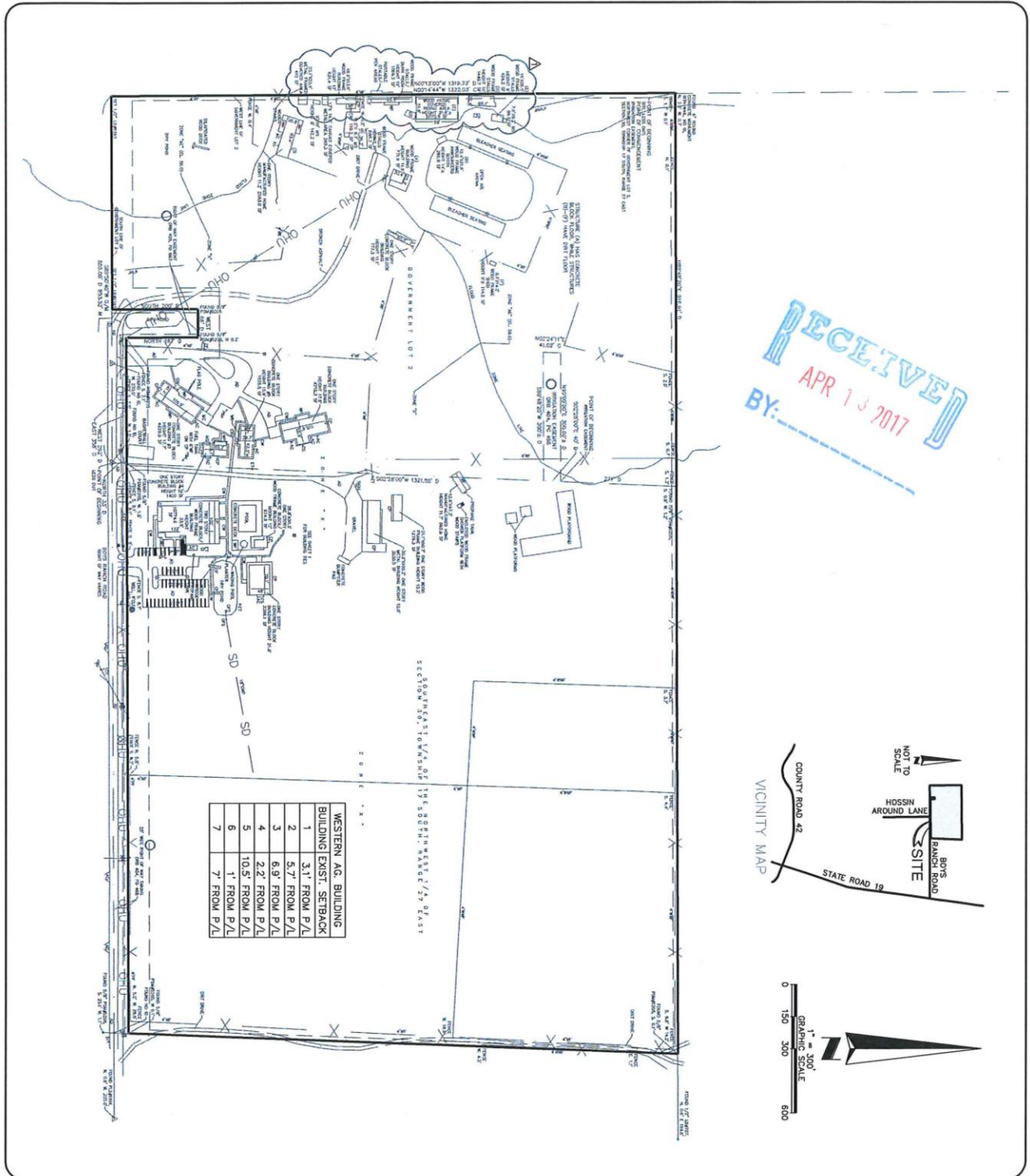
HARMONY HILLS (CHRYSALIS HEALTH)
ZONING AMENDMENT MAP
ALTOONA, FLORIDA

Wicks Engineering Services, Inc.
 225 West Main Street, Tallahassee, Florida 32378
 www.wicksengineering.com (352) 343-8687
 C.A. #30082

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Exhibit "C"
Buildings 1 -7 – Existing Setbacks



Drawn: NSR	REVISION:	DATE:
Checked: KRW	✓ COUNTY COMMENTS 04-11-2017	
Date: 4-3-17		
Scale: AS SHOWN		
File No.: 15122		
Sheet: 1 of 2		

HARMONY HILLS (CHRYSALIS HEALTH)
 ZONING AMENDMENT MAP
 ALTOONA, FLORIDA

Wicks Engineering Services, Inc.
 225 West Main Street, Tallahassee, Florida 32378
 www.wicksengineering.com (352) 343-8667
 C.A. #30062

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