

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

**PLANNING AND ZONING BOARD**  
June 4, 2013



**BOARD OF COUNTY COMMISSIONERS**  
June 24, 2013

<p><b>PH #18-14-3</b> Orlando North Airpark/L &amp; S Farms Property Rezoning</p>	<p><b>Case Manager:</b> Steve K. Greene, AICP Chief Planner</p>	<p><b>Agenda Item # 2</b></p>
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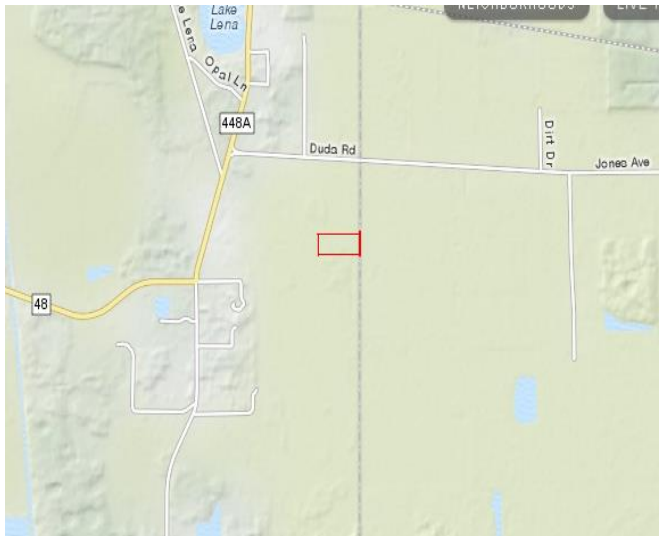
**Applicant:** Lake County Planning and Community Design (the "Applicant")

**Owner:** Orlando North Airpark, Long & Scott Farms, (the "Owner")

**Requested Action:** Rezone property from Community Facility District (CFD) zoning, authorized by Ordinance #2012-74, to Agriculture zoning and revoke the previously approved CFD ordinance.

### Site Location and Information

The red outline denotes approximate site location



Site Visit(s): May 14, 2014  
Sign(s) Posted: May 14, 2014 (1)

<b>Size</b>	Approx. 6 acres	
<b>Location</b>	Lake/Jem area, south of Duda Rd., along and west of the Lake/Orange Co. Boundary	
<b>Alternate Key #</b>	3824088	
<b>Future Land Use/ Density</b>	Rural/1du per 5 acres	
	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Zoning District</b>	CFD	Ag
<b>Density</b>	N/A	N/A
<b>Intensity (FAR/ISR)</b>	1.0/.80	.10/.10
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Road Classification</b>	Private road	
<b>Flood Zone / FIRM Panel</b>	Zone X/Panel C0100E	
<b>Commission District</b>	3-Connor	

#### Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Agricultural uses	Long & Scott Farm
South	Rural	Agriculture (A)	Agricultural uses	Long & Scott Farm
East	Orange County		Airstrip	
West	Rural	Agriculture (A)	Agricultural uses	Long and Scott Farm

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the request to rezone the subject property from Community Facility District (CFD) to Agriculture (A) and to revoke CFD Ordinance #2012-74.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**-Summary of Analysis-**

The purpose of the requested rezoning application is to rezone the aircraft landing over-run for the Orlando North Air Park in Orange County, immediately to the east, from Community Facility District (CFD) to Agriculture (A). The property (.6-acres) is governed by CFD Ordinance #2012-74 (Attachment 1) and located in the Lake Jem area of Lake County. The aircraft over-run is no longer needed for the intended use as the air park is now a private use facility (reference Attachment 2). The property owner has given consent to the application to rezone the property to Agriculture.

**- Analysis -**

(Standards for Review - LDR 14.03.03)

**A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

The proposed rezoning and revocation Ordinance #2004-85 does not conflict with any provisions of the Land Development Regulations (LDR). The Agriculture rezoning is consistent with the Rural Future Land Use category of the property pursuant to Land Development Regulations (LDR), Chapter 3.00.04, Land Use – Zoning District Matrix.

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

The proposed rezoning is consistent with the Comprehensive Plan (Comp Plan) Policy I-1.4.4, Rural Future Land Use Category (FLUC) which permits agriculture uses. As the airstrip is no longer necessary to support the functions of the adjacent Orlando North Air Park, the Applicant is agreeable to the County initiative to rezone the property back to agriculture use.

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

The proposed Agriculture rezoning does not create an inconsistency with existing and proposed land uses. The property is currently vacant and undeveloped land. The current state of the land does not pose any inconsistency and any future use would be limited to Agriculture uses.

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

As previously stated, the property is no longer needed for an aircraft landing over-run for the Orlando North Air Park. As such, with the property owners consent, Lake County has initiated the rezoning to Agriculture use.

**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 Agriculture rezoning will not impose any adverse impacts upon public facilities in Lake County. Fire Station #78 is identified as the unit that will provide emergency fire services and covers the Lake Jem area. The station is approximately 3.5 miles away on CR 448. The response time is approximately 7 minutes and 25 seconds.

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

The proposed rezoning will not create any significant adverse impacts on the natural environment as it has been disturbed previously when the land was prepared for aircraft over-run use.

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

Not applicable.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The proposed rezoning will not change the existing development pattern 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;**

The proposed rezoning would be 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 Planning and 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 this rezoning request and found:

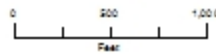
1. The rezoning application is consistent with Comprehensive Plan (Comp Plan) Policy I-1.4.4, Rural Future Land Use Category which allows agriculture uses.
2. This rezoning application is consistent with the Rural future land use category of the property pursuant to Land Development Regulations (LDR), Chapter 3.00.04, Land Use – Zoning District Matrix.

Based on these findings of fact, staff recommends **APPROVAL** of the rezoning application and approval of the revocation of CFD Ordinance #2004-85.

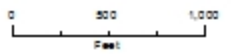
**WRITTEN COMMENTS FILED:      Support: -0-      Concern: -0-      Oppose: -0-**



**CURRENT ZONING**



**CURRENT 2030 FUTURE LAND USE**



**LONG & SCOTT FARMS/  
ORLANDO NORTH AIRPARK**

**CASE NO.**  
PH# 18-14-3

**CASE LOCATION:**  
25-20-26

**REQUESTING:**  
COMMUNITY FACILITY DISTRICT (CFD) TO  
AGRICULTURE (A)

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

**DATASOURCES:**

Lake County GIS Department Planimetrics, 2009 aerial image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features. 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 contained on this map product should be obtained by any user of this map.

**MAP COMPOSITION:**  
JANUARY, 2008

**FOCUS AREA**







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ORDINANCE NO. #2012-74  
PH#25-10-3

Orlando North Airpark - West Orange Airport Authority

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

**WHEREAS**, Guy S. Haggard (the "Applicant") submitted an application on behalf of the West Orange Airport Authority (the "Property Owner") to amend Community Facility District (CFD) Ordinance #2004-85 to remove a condition; and

**WHEREAS**, the Lake County Board of County Commissioners approved Ordinance #2004-85 on November 16, 2004 to rezone property from the Agriculture (A) Zoning District to CFD for a private Airstrip and stormwater management areas; and

**WHEREAS**, the subject property consists of approximately 6 acres located South of the Lake Jem Area, south of Duda Road, along and west of the Lake/Orange County Boundary in Section 25, Township 20S, Range 26E, lying within Alternate Key #3824088, and more particularly described as:

**LEGAL DESCRIPTION:**

Commence at the West ¼ corner of Section 30, Township 20S, Range 27E; Thence Run N00°14'57"W Along the West Line of Section 30, A Distance of 344.34 feet for the Point of Beginning; Thence Run S89°28'45"W A Distance of 1454.68 feet; Thence Run N00°31'15"W, A Distance of 180.00 feet; Thence Run N89°28'45"E, A Distance of 1455.54 feet; Then Run S00°14'57"E, A Distance of 180.00 feet to the Point of Beginning, Said Lands Being in Section 25, Township 20S, Range 26E, Lake County, Florida.

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

**WHEREAS**, this petition shall rescind and replace Ordinance #2004-85; and

**WHEREAS**, the Lake County Planning and Zoning Board reviewed petition PH#25-10-3 on the 4<sup>th</sup> day of April, 2012 after giving Notice of Hearing for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 24<sup>th</sup> day of April, 2012; and May 22, 2012; and November 20, 2012; and

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

FILED  
12 DEC - 3 PM 3:03  
CLERK OF STATE  
TALLAHASSEE, FLORIDA



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

3           **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
4 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they  
5 pertain to the above tract of land subject to the following terms and conditions:  
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7           **1. Terms:** The County Manager or designee shall amend the Zoning Map in accordance with  
8 this Ordinance. This Ordinance shall rescind and replace Ordinance 2004-85 and mean and  
9 include the total of the following:

10           **A. Land Uses:** Use of the site shall be limited to that of an airstrip extension for an  
11 airport facility for single engine and light twin-engine planes located on an adjoining  
12 property in Orange County. The airstrip shall consist of:  
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- 14                   (1) One paved airstrip modification 1,455 feet long, 50 feet wide; and
- 15                   (2) Storm water management areas only; and
- 16                   (3) No other structures or hangars; and
- 17                   (4) Total length and width of area modification is limited to 1,455 feet in length  
18 and 180 feet in width including the storm water retention areas.
- 19                   (5) Accessory uses related thereto may be approved by the County Manager or  
20 designee. Any other use of the site shall require approval of an amendment  
21 by the Board of County Commissioners.

22           **B. Limitation on Airport Uses:** This zoning approval is granted based on the following  
23 limitations on the uses of the airport and airstrip in both Orange and Lake Counties,  
24 as acknowledged by the Applicant:  
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- 26                   (1) Landings and departures are restricted to daylight hours only.
- 27                   (2) Lighting of the airstrip after dusk is prohibited.
- 28                   (3) Jets and helicopters are prohibited from landing or departing from the  
29 airstrip.
- 30                   (4) Flight and training facilities are prohibited from the airstrip.
- 31                   (5) Parachutists, hang gliders, ultra lights, and gliders are prohibited.
- 32                   (6) Failure to adhere to these limitations, **or lengthen the airstrip longer than**  
33 **a combined total of 4,455 feet**, shall constitute a violation of this ordinance  
34 and shall be grounds for **a County initiated** rezoning of the Lake County  
35 portion back to Agriculture (A) Zoning.  
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37           **C. Consistency with Airport Development Requirements:**

- 38                   (1) Development of the site shall be substantially consistent with the  
39 development plan submitted and approved.  
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- 1 (2) FDOT and/or FAA approved type wind indicators shall be installed in
- 2 accordance with FDOT or FAA regulations.
- 3 (3) The object-free area (OFA) extends 200' past the end of the airstrip. Objects
- 4 non-essential for air navigation or aircraft ground maneuvering purposes are
- 5 not to be placed in the OFA.
- 6 (4) The Runway Protection Zone (RPZ) extends 1,000' past the end of the
- 7 airstrip. Prohibited land uses are not allowed inside the RPZ (i.e. residences,
- 8 schools, hospitals, office buildings, and any other use of similar
- 9 concentrations of people, along with land uses that attract wildlife).
- 10 (5) The Applicant shall submit a legal instrument, acceptable to the County
- 11 Attorney, demonstrating that the RPZ shall be limited to non-prohibited uses,
- 12 to ensure that the requirements of subsection (4) above are met.
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15 D. Water or sewer services are not necessary in conjunction with this use within the

16 boundaries of Lake County.

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18 E. Lighting: All outdoor lighting shall not illuminate rights-of-way or adjacent properties

19 and shall be so shaded and adjusted so the light is directed on the same premises

20 where such light source is located. Exterior lighting shall be in accordance with the

21 Land Development Regulations, as amended.

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23 F. Any and all access to the facility shall be from Orange County.

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25 G. Floodplain: The applicant shall be subject to the general requirements and

26 construction standards regarding development within a Special Flood Hazard Area.

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28 H. Permitting: Prior to the issuance of permits, the applicant shall submit a site plan

29 indicating the location of the proposed airstrip. The site plan shall meet all submittal

30 requirements and comply with all County codes and ordinances, Comprehensive

31 Plan, and Land Development Regulations, as amended.

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33 I. Future Amendments to States, Code, Plan and/or Regulations:

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35 The specific references in this Ordinance to the Florida Statutes, Florida

36 Administrative Code, Lake County Comprehensive Plan, and Lake County Land

37 Development Regulations shall include any future amendments to the Statutes,

38 Code, Plan, and/or Regulations, as amended.

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

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

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30 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
31 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the  
32 validity of the remaining portions of this Ordinance.  
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Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 20<sup>th</sup> day of November, 2012.

FILED with the Secretary of State December 3, 2012.

EFFECTIVE December 3, 2012.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

Leslie Campione  
LESLIE CAMPIONE, CHAIRMAN

ATTEST:

  
Neil Kelly  
NEIL KELLY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

Sanford A. Minkoff  
SANFORD A. MINKOFF, County Attorney