

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

PLANNING & ZONING BOARD
June 6, 2012



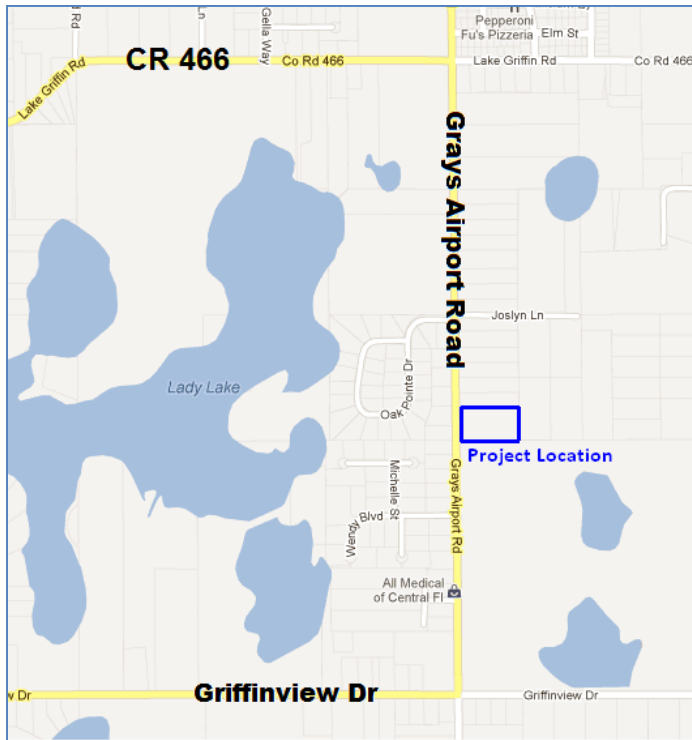
BOARD OF COUNTY COMMISSIONERS
June 26, 2012

PH #26-12-5 Benton Property	Case Manager: Melving Isaac, Planner	Agenda Item #5
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Owner/Applicant: Jo Ann & Larry Benton (the "Owner/Applicant")

Requested Action: Rezone property from Community Facility District (CFD) to Ranchette District (RA).

- Site Location & Information -



Size	4.9 +/- acres	
Location	Lady Lake area, East of Grays Airport Road	
Alternate Key #	2796995	
Future Land Use	Rural Transition	
	Existing	Proposed
Zoning District	CFD	RA
Impervious Surface Ratio	.50 max (Policy I-1.4.5)	.10
Floor Area Ratio	1.0 max (LDR Section 3.02.06)	N/A
Joint Planning Area	Lady Lake	
Utility Area:	Lady Lake	
Site Utilities	Existing well and septic system	
Road Classification	Grays Airport Road - Local	
Flood Zone/ FIRM Panel	X/170 Zone X - Area determinate to be outside 500-year floodplain	
Commissioner District	5 (Cadwell)	

Approximate site location outlined in Blue

Site Visit May 25, 2012
Sign Posted May 25, 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	Rural Transition	Rural Residential (R-1)	Rural Residential	
South	Rural Transition	Estate Residential (R-2)	Vacant Land	
East	Rural Transition	Rural Residential (R-1)	Rural Residential	
West	Rural Transition	Rural Residential (R-1)	Rural Residential	Property surrounded by Grays Airport Road at the west

- 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 Community Facility District (CFD) to Ranchette District (RA). This property was previously rezoned from Rural Residential (R-1) to Community Facility District (CFD) in March 2012 (reference attached Ordinance #2012-18). At this time, the Applicant seeks to rezone the property to Ranchette District (RA) to continue the previously allowed uses on the property. The subject property consists of 4.9 +/- acres and is located in the Lady Lake area, east of Grays Airport Road. The property currently has an existing residence.

- Analysis -

(LDR Section 14.03.03)

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 some agricultural and residential uses in the RA Zoning District. The proposed RA district will provide a transition from the more dense residential in the west to the less dense and more rural areas to the north, south and east.

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

The RA zoning request is consistent with Comprehensive Plan Policy I-1.4.5 as agricultural and residential uses are allowable in the Rural Transition Future Land Use Category (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 rural residential uses and vacant rural lands. Rezoning the property to RA will serve as a transition between the adjacent rural residential (located at the west and north) and large acreage parcels (located at the east and south) and is consistent with the intention of the Rural Transition FLUC. 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;

This property was previously rezoned from Rural Residential (R-1) to Community Facility District (CFD) for church uses in March 2012. Subsequently, the development of the property for a church failed. Now the Property Owner seeks to rezone the property to Ranchette District (RA) to continue the previously allowed uses on the property, which are consistent with and similar to the surrounding land 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 rezoning will not result in additional demands on public facility capacity or levels of service.

Water/Sewage - The property is being served by an existing private well and septic system. As indicated by the Town of Lady Lake there is no central water and sewer available to this property.

Fire and Emergency Services - The subject parcel is approximately 3.0 miles from Lake County Fire Station 54 (closest fire station), located at 6200 Lake Griffin Road, Lady Lake.

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

The property is currently developed with an existing residence.

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 Planning & 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-1.4.5 as agricultural and residential uses are allowable, and the request conforms to the general land use criteria and activities of the Rural Transition Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits some agricultural and residential uses in the RA 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.

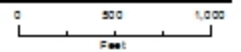
WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**



CURRENT ZONING
COMMUNITY FACILITY DISTRICT (CFD)



ADOPTED FUTURE LAND USE
RURAL TRANSITION



BENTON PROPERTY

CASE NO.
PH #26-12-5
CASE LOCATION:
T18S, R24E, S14
REQUESTING:

Rezone property to Ranchette District (RA)

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

DATA SOURCES:

Lake County GIS Department Planimetrics, 2008 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 thereon. 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



ORDINANCE #2012-XX
Benton Property
PH #26-12-5

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

WHEREAS, Jo Ann & Larry Benton (the "Applicant/Owner") made a request to rezone property from Community Facility District (CFD) to Ranchette District (RA); and

WHEREAS, this petition will supersede and replace CFD Ordinance #2012-18; and

WHEREAS, the subject property consists of 4.9 +/- acres and is generally located in the Lady Lake area, East of Grays Airport Road, in Section 14, Township 18 South, Range 24 East, currently having Alternate Key Number 2796995, and more particularly described below:

LEGAL DESCRIPTION:

The South 337.50 feet of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 18 South, Range 24 East, in Lake County, Florida.

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

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #26-12-5 on June 6, 2012, after giving Notice of Hearing on petition 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 June 26, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, 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 have 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 subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Community Facility District (CFD) to Ranchette District (RA) in accordance with this Ordinance. This Ordinance shall supersede and replace Ordinance #2012-18.

Section 2. Development Review and Approval: Prior to the issuance of any permits, the Owner shall be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

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

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

5 ENACTED this _____ day of _____, 2012.

6
7 FILED with the Secretary of State _____, 2012.

8
9 EFFECTIVE _____, 2012.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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14

LESLIE CAMPIONE, Chairman

15 **ATTEST:**

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

20 **APPROVED AS TO FORM AND LEGALITY**

21 _____
22 SANFORD A. MINKOFF, County Attorney

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ORDINANCE #2012-18
Freedom Community Church
PH #6-12-5

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

WHEREAS, Sandy & Barry Hayes (the "Applicant") made a request on behalf of Jo Ann & Larry Benton (the "Owner") to rezone property from Rural Residential (R-1) to Community Facility District (CFD) for a church, pastoral retreat, office and religious classrooms; and

WHEREAS, the subject property consists of 4.9 +/- acres and is generally located in the Lady Lake area, East of Grays Airport Road, in Section 14, Township 18 South, Range 24 East, currently having Alternate Key Number 2796995, and further described as:

LEGAL DESCRIPTION:

The South 337.50 feet of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 18 South, Range 24 East, in Lake County, Florida.

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

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #6-12-5 on March 7, 2012;

AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on March 27, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, 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 have 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 subject property, subject to the following terms:

Section 1. Terms:

The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Rural Residential (R-1) to Community Facility District (CFD) in accordance with this Ordinance.

- A. Land Uses:
 - 1. House of Worship.
 - 2. The existing residential structure shall be limited to the following uses:
 - a. Pastoral retreat.

1 b. Office.

2 c. Religious classrooms.

3 All uses shall be generally consistent with the Conceptual Plan as shown on EXHIBIT "A". To
4 the extent where there are conflicts between the Conceptual Plan and this Ordinance, this
5 Ordinance shall take precedence.

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

9 B. Development Standards:

10 1. Parking:

11 a. Parking surfaces may be grass or other pervious material, except as required for
12 handicapped accessibility.

13 b. All other provisions of the Land Development Regulations (LDR), as amended shall
14 apply.

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

17 3. Landscaping, Buffering, and Screening:

18 a. Agricultural Buffer (South): South buffer adjacent to property designated as agricultural
19 shall be a minimum of 50 feet from the property line for any vertical structure.

20 b. South Landscape Buffer: A 10 foot wide landscape buffer (within the Agricultural Buffer)
21 consisting of three (3) canopy trees and two (2) ornamental trees per 100 linear feet
22 shall be installed. A hedge shall not be required.

23 c. North Landscape Buffer: A 15 foot wide landscape buffer consisting of a minimum four
24 (4) canopy trees, two (2) ornamental trees and a continuous hedge per 100 linear feet,
25 shall be installed.

26 d. Scope of Installation. The North and South landscape buffers shall be installed adjacent
27 to the property lines. The landscaping shall be installed beginning at Grays Airport
28 Road to the eastern extent of development on the property to ensure all structures and
29 uses are screened.

30 e. West Landscape Buffer: Installation shall be installed consistent with the LDR, as
31 amended.

32 f. East Landscape Buffer: No buffer required.

33 g. All landscaping shall be maintain consistent with the approved site plan.

34 h. Existing trees may be used to meet the above tree requirements in accordance with the
35 LDR.

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

- 1 5. Lighting:
 - 2 a. Twenty four (24) hour exterior lighting shall not be permitted, excluding motion sensor
 - 3 type exterior lighting for security and night time functions.
 - 4 b. Lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
 - 5 Sky Principles.
- 6 6. Signage: Signs shall be in accordance with the LDR, as amended.
- 7 C. Concurrency Management Requirements: Any development shall comply with the Lake County
- 8 Concurrency Management System.
- 9 D. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
- 10 required to submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN
- 11 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 12 E. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
- 13 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 14 Comprehensive Plan, and Lake County Land Development Regulations shall include any
- 15 future amendments to the Statutes, Code, Plans, and/or Regulations.

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

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

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

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

5
6 ENACTED this _____ day of _____, 2012.

7
8 FILED with the Secretary of State _____, 2012.

9
10 EFFECTIVE _____, 2012.

11
12 BOARD OF COUNTY COMMISSIONERS
13 LAKE COUNTY, FLORIDA

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15 _____
LESLIE CAMPIONE, Chairman

16 **ATTEST:**
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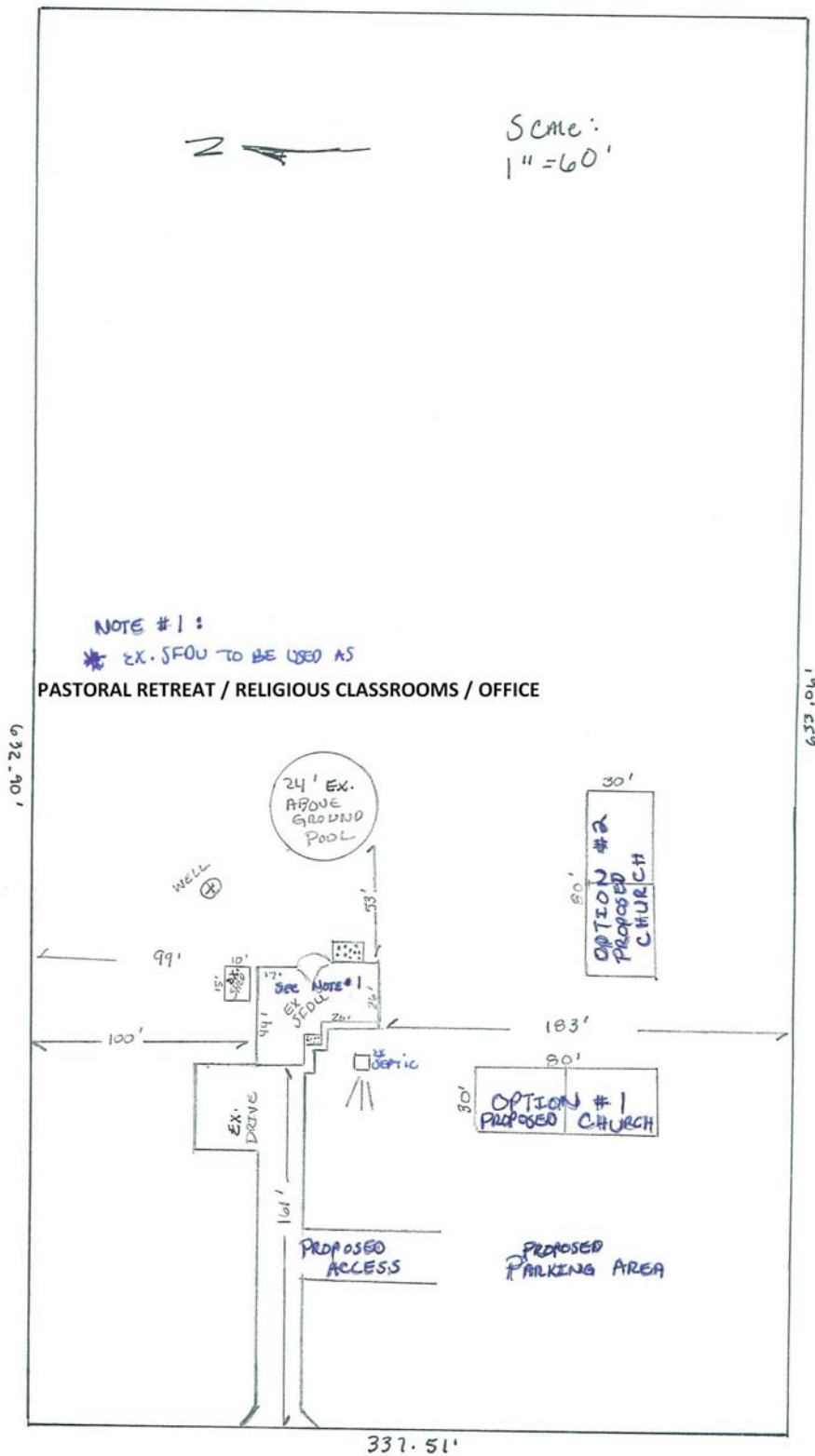
18 _____
19 NEIL KELLY, Clerk of the
20 Board of County Commissioners
21 Lake County, Florida

22 **APPROVED AS TO FORM AND LEGALITY**

23 _____
24 SANFORD A. MINKOFF, County Attorney
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EXHIBIT "A" - CONCEPTUAL PLAN



2

GRAYS AIRPORT ROAD