

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

PLANNING and ZONING BOARD  
July 11, 2012



BOARD OF COUNTY COMMISSIONERS  
July 24, 2012

<b>PH #24-12-5</b> L & M Williams Family Scout Reservation/BSA	<b>Case Manager:</b> Rick Hartenstein, AICP, CPM, Senior Planner	<b>Agenda Item # 4</b>
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**- Application Request -**

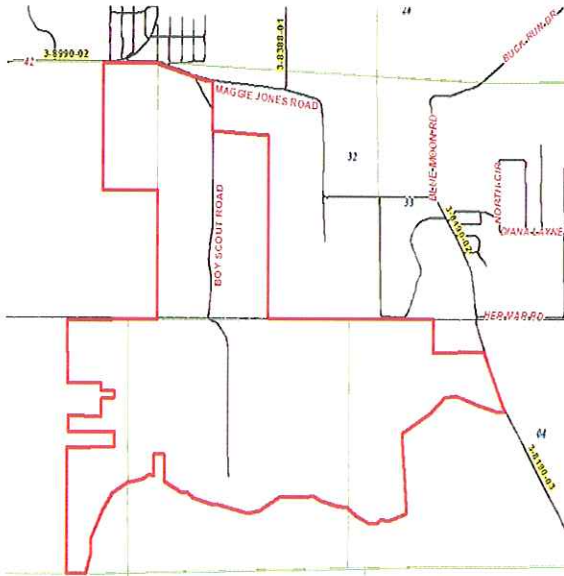
**Owner:** Central Florida Council of the Boy Scouts of America (BSA) - Ron A. Oats, Officer (the "Owner")

**Applicant:** Michael D. Harding, P.E. (the "Applicant")

**Requested Action:** To amend Community Facility District (CFD) Ordinance #2008-66 to transfer 66 of 78 available development rights from a portion of the property to properties identified by Alternate Key Numbers 1597765 and 1597366 (aka the Timothy J. Bailey property).

**- Site Location & Information -**

Approximate site location outlined in red



<b>Size</b>	1,080 +/- acres	
<b>Location</b>	Paisley area – southeast of the CR 42/Maggie Jones Road intersection.	
<b>Alternate Key/s</b>	Multiple – see ordinance	
<b>Future Land Use</b>	Rural/Wekiva Sending A-1-20 & A-1-40	
<b>Zoning/Density Prior to March 12, 1990</b>	Agriculture – 1 DU to 5 Gross Acres	
<b>Zoning District/Density</b>	<b>Existing</b>	<b>Proposed</b>
	CFD-N/A	CFD-N/A
<b>Floor Area Ratio (FAR)</b>	1.0 Max – (LDR)	1.0 Max – (LDR)
<b>Impervious Surface Ratio (ISR)</b>	0.30 Max (Policy I-1.4.4, I-3.2.1, & I-3.2.2)	0.30 Max (Policy I-1.4.4, I-3.2.1, & I-3.2.2)
<b>Joint Planning Area</b>	N/A	
<b>Utility Area:</b>	N/A	
<b>Site Utilities</b>	Well & central sewer	
<b>Road Classification</b>	Rural Major Collector - CR 42 (2-lane pavement)	
<b>Flood Zone/ FIRM Panel</b>	X /A – 12069C0235 D Effective Date July 3, 2002	
<b>Commissioner District</b>	5 – Cadwell	

**Site Visit:** June 14, 2012

**Signs Posted:** June 14, 2012 (5 signs)

**Table 1: Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Conservation	CFD, R-1 & A	Electrical Transfer Station, Residential, & Vacant Ag Land	None
South	Wekiva Sending A-1-40 Conservation	A	Lake Norris and Conservation Land	None
East	Rural Wekiva Sending A-1-20 Wekiva Sending A-1-40	R-1 & A	Residential and Vacant Ag Land	None
West	Conservation	A	Conservation Land	None

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the CFD zoning request to facilitate the transfer of sixty-six (66) of the available seventy-eight (78) development rights from a portion of the existing Boy Scout Camp property, while continuing the existing permitted uses for the camp, as conditioned in the attached Ordinance.

**PLANNING AND ZONING BOARD RECOMMENDATION:** The Board recommended 6-0 for **APPROVAL** subject to the conditions set forth in the attached Ordinance.

**-Summary of Analysis-**

The Leonard and Majorie Williams Family Scout Reservation property is zoned Community Facility District (CFD) and comprises approximately 1,080 +/- acres, located within the Rural and Wekiva River Protection Area (WRPA) A-1-20 and A-1-40 Sending Area Future Land Use Categories (FLUC). A portion of the property contains several structures for various camping, scouting, equestrian, educational, and administrative functions and the operations for the Boy Scout Reservation. The Central Florida Council of Boy Scouts of America manages the reservation and desires to transfer sixty-six (66) of the available seventy-eight (78) development rights from +/-394.04-acres as shown on Exhibit "C" of the attached Ordinance. The transfer will eliminate all development rights from the designated portion of the property. As a planned zoning district permitted within the WRPA, the CFD zoning may accommodate the transfer of development rights and provide a mechanism for tracking the transferred development rights.

Comprehensive Plan (the Plan) Policy I-3.3.2 Subsection 2. provides for the determination of and transfer of development rights from WRPA Sending Areas One and Two, to WRPA Receiving Areas One and Two. Chapter 7 LDR further regulates the transfer of development rights (TDRs) within the WRPA and provides specific guidelines to accommodate this process.



- Analysis -

(Land Development Regulations Section 14.03.03)

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

Staff has not identified any conflict which would result from this rezoning as it is consistent with the current activities being conducted. The proposed rezoning is intended to facilitate the transfer of development rights from a portion of the camp property while maintaining the existing recreational scouting, camping, and educational activities that are currently on-going. This CFD rezoning request is consistent with the Schedule of Permitted and Conditional Uses specified by LDR 3.01.03 and the provisions of LDR Chapter 7 regarding the protection of environmentally sensitive land and the transfer of development rights within the WRPA.

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

**Land Use**

The properties of the proposed CFD rezoning amendment are situated within three (3) Future Land Use Categories (FLUCs): Rural, WRPA A-1-20 Sending Area and WRPA A-1-40 Sending Area. The application is consistent with the Rural FLUC pursuant to Policy I-1.4.4, which governs land uses in the Rural FLUC,. This policy limits the Impervious Surface Ratio (ISR) to 30% of the gross land area for civic and recreational uses. This request is consistent with the WRPA A-1-20 and A-1-40 Sending Area FLUC pursuant to Plan Policies I-3.2.1 and I-3.2.2 which govern the uses within these FLUCs, limits the ISR to 30% of the gross land area for civic and recreational uses, and designates these Areas as Sending Areas 1 and 2 for the use of transferable development rights. The transfer of the development rights will allow the continuation of passive recreational uses as defined in the Lake County Comprehensive Plan on the +/- 394.04-acres from which the development rights are extinguished.

**Density & Intensity Limits and Transferable Development Rights (TDRs)**

Plan Policy I-3.3.2 governs the development of land within the WRPA. The general provisions require clustering of units, protection of environmentally sensitive lands, directs development away from surface waters and wetlands, and provides guidelines for the use of TDRs within the Sending and Receiving Areas of the WRPA. This policy provides property owners within the WRPA a mechanism to utilize the development potential of their property while providing protection to environmentally sensitive areas.

Available TDRs are established for transfer from a sending area to a receiving area based on the zoning density in effect prior to March 12, 1990. In this case, the effective zoning prior to March 12, 1990, was Agriculture (A), which had a density of one (1) dwelling unit (du) to five (5) gross acres.

The Applicant is requesting to transfer sixty-six (66) of the available seventy-eight (78) TDRs from a portion (394.04 acres) of the total 1,080 acres for the camp ( $394.04 \text{ acres} \div 5 = 78$ ) to property located in the WRPA A-1-20 Receiving Area (Receiving Area #1) and the WRPA Mt. Plymouth-Sorrento Receiving Area (Receiving Area #2) FLUC. The transfer of development rights is to facilitate the creation of a proposed 73 unit Planned Unit Development (PUD) on property identified by Alternate Key #1597765 and #1597366. The proposed PUD will be subject to a rezoning receiving these TDRs.



Plan Policy I-3.3.2, Subsection 2.b., requires that the sending area property used for the acquisition of the TDRs must be placed into a conservation easement to cap the development rights remaining on the sending property (394.04 acres) as described in Exhibit "B" (Conservation Area Legal Description) and shown in Exhibit "C" (Conservation Plan) of the attached Ordinance. The sending property will have twelve (12) remaining development rights. Conditions have been placed in the attached Ordinance to address these requirements.

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

The proposed rezoning is consistent with the surrounding agriculture, conservation and rural residential uses. The proposed rezoning is consistent with the existing CFD Zoning District and the current camping and outdoor educational activities undertaken by the Boy Scouts of Central Florida. The proposed transfer of 66 of the available 78 TDRs and the placement of a conservation easement on the 394.04 acres used to establish the TDR transfer is consistent with the existing and proposed land uses in the area.

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

A request was made to transfer 66 of the available 78 TDRs to permit the increase of density necessary for a proposed 73 lot PUD, thus requiring the rezoning to amend the CFD zoning district for the property to accommodate the transfer of the TDRs.

**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;**

There is no evidence that the proposed rezoning would result in additional demands on public facilities or impose adverse impacts on the Levels of Services and public facility capacities.

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

Staff has no evidence that the proposed rezoning will result in adverse impacts on the natural environment. The site is heavily vegetated with limited development and with the placement of the conservation easement over the 394.04 acres of transferred development rights, the proposed rezoning protects the natural environment of the area. Passive recreational uses as defined in the Lake County Comprehensive Plan would be allowed on the property after the transfer is completed.

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

Staff has no 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 recognizes the existing development pattern in the surrounding area of rural and agriculture uses.

- 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 is not in conflict with the public interest and would further 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 zoning amendment and found:

1. The CFD rezoning request is consistent with Comprehensive Plan Future Land Use Element Policy I-1.4.4 which governs civic and recreational uses within the Rural Future Land Use Category.
2. The CFD rezoning request is consistent with Comprehensive Plan Future Land Use Element Policy I-3.2.1 which governs civic and recreational uses within the Wekiva River Protection Area A-1-40 Sending Area Future Land Use Category.
3. The CFD rezoning request is consistent with Comprehensive Plan Future Land Use Element Policy I-3.2.2 which governs civic and recreational uses within the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category.
4. The CFD rezoning request is consistent with Comprehensive Plan Future Land Use Element Policy I-3.3.2 which limits density and intensity of the land uses within the Wekiva River Protection Area and governs the establishment and transfer of Transferable Development Rights (TDRs) within the Wekiva River Protection Area.
5. The CFD rezoning request is consistent with Comprehensive Plan Future Land Use Element Objective 1-20 and its policies pertaining to the protection of natural systems of the Wekiva River Protection Area.

Based on these findings of fact, staff recommends **APPROVAL** of this request.

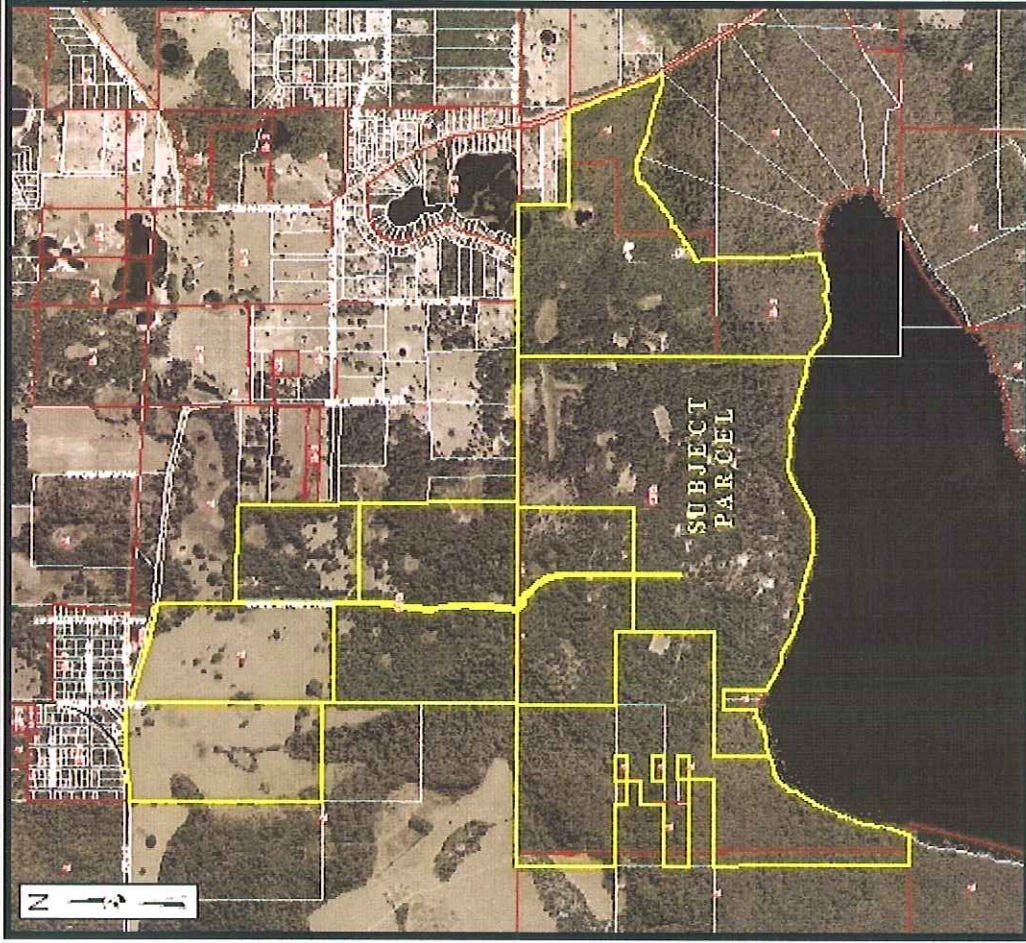
**WRITTEN COMMENTS FILED:**

**Supportive: -0-**

**Concern: -0-**

**Opposition: -0-**





**CURRENT ZONING**  
**COMMUNITY FACILITY DISTRICT (CFD)**

**CAMP LA-NO-CHE - BOY  
 SCOUTS OF AMERICA  
 REZONING**

**CASE NO.**  
 PH# 24-12-5

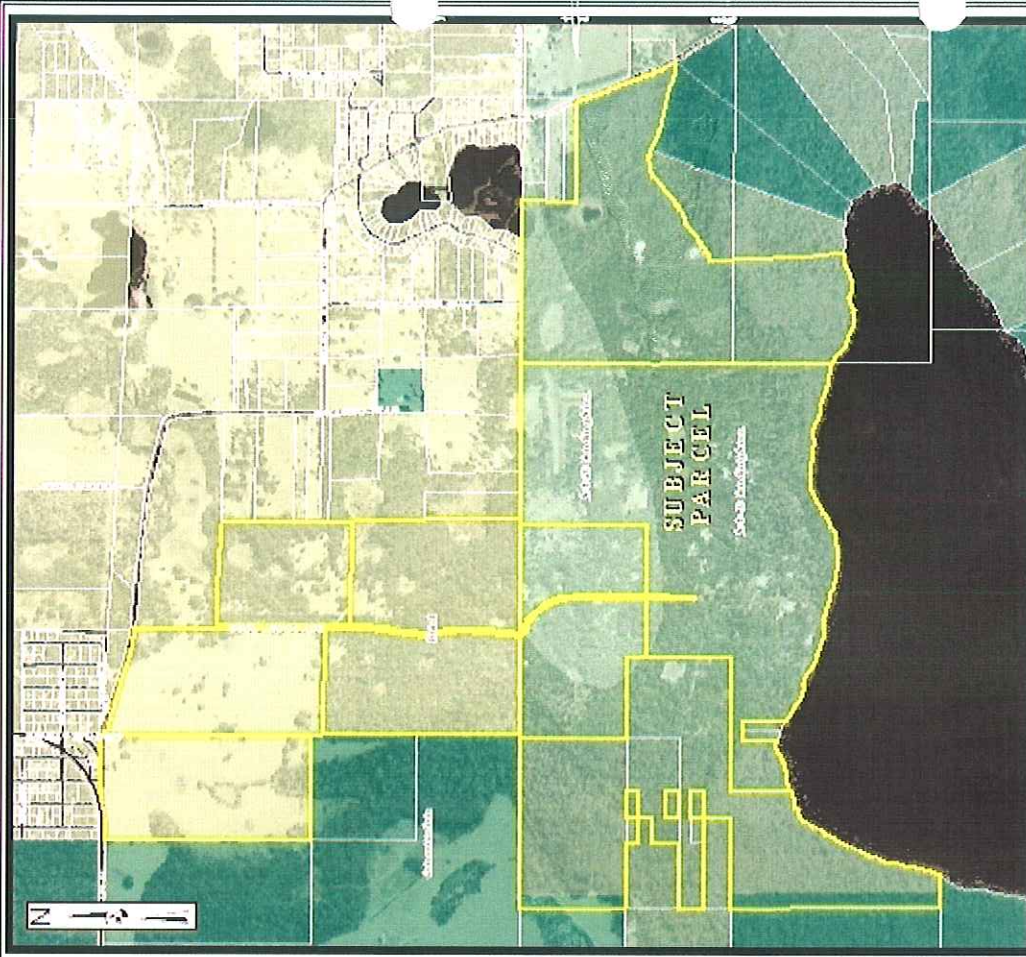
**CASE LOCATION:**  
 31/32-178-28E

**REQUESTING:**  
 Amend CFD Zoning  
 (to transfer development rights (TDRs))

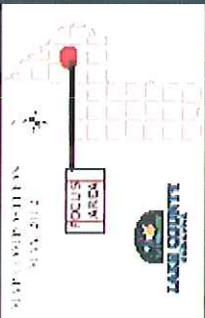
**ZONING**

**LAND USE**

**SUBJECT PARCEL**



**2030 FUTURE LAND USE**  
**RURAL, A-1-20 & A-1-40 SENDING AREA**









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**NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules, Ordinances, and Regulations of Lake County, Florida, be altered and amended as they pertain to the above described property subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to reflect and show Community Facility District (CFD) in accordance with this Ordinance. All previously approved Ordinances, specifically Ordinances #1996-54, #2003-10 and #2008-66, are hereby rescinded and replaced by this Ordinance.

The uses of this property shall be limited to the uses specified in this Ordinance and generally consistent with the area shown on the Conservation Plan attached hereto as Exhibit "C". To the extent where there are conflicts between Exhibit "C" and this Ordinance, this Ordinance shall take precedence.

A. Land Use: Any other use of the property described by Exhibit "A" of this Ordinance other than those uses currently existing as a Boy Scout camp, with accessory uses related to the primary activity, and those listed below shall require an amendment of this ordinance by the Board of County Commissioners.

1. Primitive recreational camping, up to one-hundred (100) campsites;
2. Administrative offices and conference center;
3. Director and Ranger(s) residences;
4. Sewage treatment and water plant facilities;
5. Marksmanship range(s) for shotguns, rifle, archery and clay shooting;
6. Active recreational facilities, including but not limited to ball fields, swimming pools, and climbing towers;
7. Equestrian uses and activities; and
8. Watercraft recreational facilities, including docks for powerboats, canoes, and sail boating.
9. Accessory support structures and building, to include religious, educational, ecology, trading post, museum, and health facilities such as a dispensary, first aid station, and clinic for campers only.

B. Transferable Development Rights (TDRs):

1. The transfer of sixty-six (66) development rights (TDRs) from +/- 394 acres as shown in Exhibit "B" shall be permitted to be transferred upon the required rezoning of the Receiving Site. The transfer conveyance shall be recorded in the Public Records of Lake County, Florida. The available TDRs is based on Agricultural Zoning density in place prior to March 12, 1990, (394.04 total acres ÷ 5 = 78 TDRs). The property identified in Exhibit "B" shall have twelve (12) development rights available for transfer in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. Conservation Easement Required:
  - a. The transferring property (394.04 acres) as described in Exhibit "B" of this



- 1 Ordinance shall be set aside as a conservation easement meeting the  
2 requirements of the Comprehensive Plan and Land Development Regulations, as  
3 amended.
- 4 b. The twelve (12) remaining development rights may be used within land subject to  
5 this ordinance, but not within the boundaries of the conservation easement  
6 described in Exhibit "B".
- 7 c. Uses within the conservation easement shall be limited to passive recreational  
8 uses as defined in the Lake County Comprehensive Plan and those uses allowed  
9 within a Conservation Future Land Use Category in accordance with the  
10 Comprehensive Plan and Land Development Regulations, as amended.
- 11 d. The transfer of TDRs shall be through a conveyance document to the receiving  
12 property (Alternate Key Numbers 1597765 and 1597366), approved by the County,  
13 and shall be recorded in the Public Records of Lake County, Florida.
- 14 e. Upon the effective date of this Ordinance and prior to the issuance of any future  
15 development orders or building permits for the property described in Exhibit "A", the  
16 site plan shall be amended to show the TDR Conservation Easement as described  
17 in Exhibit "B" and shall be consistent with Exhibit "C" of this Ordinance.
- 18 C. Setbacks: Setbacks shall be in accordance with all applicable requirements contained  
19 within the Lake County Land Development Regulations, as amended.
- 20 D. Landscaping:
- 21 1. Native trees and shrubs existing at the time of this rezoning shall suffice to meet buffer  
22 requirements providing that existing vegetation within 50 feet of the property lines is  
23 preserved with the exception of fire breaks and permitted roads. No additional  
24 landscaping shall be required unless vegetation is removed.
- 25 E. Signage: Signage shall be in accordance with all applicable requirements contained within  
26 the Lake County Land Development Regulations, as amended.
- 27 F. Lighting: All lighting used on the site shall not illuminate adjacent properties.
- 28 G. Floodplain: Pursuant the Land Development Regulations, the applicant shall be subject to  
29 the general requirements and construction standards regarding development with a  
30 Special Flood Hazard Area.
- 31 H. Development Review and Approval: Prior to the issuance of future development orders or  
32 permits for development after approval of this ordinance, the Applicant shall be required to  
33 update the site plan to incorporate Exhibit "C" – Conservation Plan, for review and  
34 approval in accordance with the Comprehensive Plan and Land Development Regulations,  
35 as amended.
- 36 I. Concurrency Management Requirements: The Applicant shall comply with the Lake  
37 County Concurrency Management System in accordance with the Comprehensive Plan  
38 and Land Development Regulations, as amended.
- 39 J. Future Amendments to Statutes, Code, Plans and/or Regulations: The specific references  
40 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County



1 Comprehensive Plan, and Land Development Regulations and include any future  
2 amendments to the Statutes, Code, Plan, and/or Regulations.

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

5 A. After establishment of the facilities as provided herein or specified, the aforementioned property  
6 shall only be used for the purposes named in this Ordinance.

7 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
8 move, convert, or demolish any building structure, or alter the land in any manner within the  
9 boundaries of the above described land without first submitting the necessary plans in  
10 accordance with the requirements of Lake County and obtaining the permits required from the  
11 other appropriate governmental agencies.

12 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the  
13 land and the terms, conditions, and provisions hereof, and shall be binding upon the present  
14 owner and any successor, and shall be subject to each and every condition herein set out.

15 D. Construction and operation of the proposed use shall at all times comply with the regulations of  
16 Lake County and any other permitting agencies.

17 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall  
18 include in the transfer or lease agreement, a provision that the purchaser or lessee is made  
19 good and aware of the conditions pertaining to the authorized use and agrees to be bound by  
20 these conditions. The purchaser or lessee may request a change from the existing plans and  
21 conditions by following procedures contained in the Land Development Regulations, as  
22 amended.

23 F. Action by the Lake County Code Enforcement Special Master: The Lake County Code  
24 Enforcement Special Master shall have the authority to enforce the terms and conditions set  
25 forth in this Ordinance and to recommend that the Ordinance be revoked.

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

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Ordinance NO. #2012-  
(PH#24-12-5/L&M Williams Family Scout Reservation Property/BSA Scout Camp Rezoning)

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

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**FILED** with the Secretary of State \_\_\_\_\_, 2012.

**EFFECTIVE** \_\_\_\_\_, 2012.

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

\_\_\_\_\_  
**LESLIE CAMPIONE, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**SANFORD A. MINKOFF, County Attorney**





Ordinance NO. #2012-

(PH#24-12-5/L&M Williams Family Scout Reservation Property/BSA Scout Camp Rezoning)

1 feet to the Point of Tangency thereof; Thence S 66° 25' 35" W, 62.49 feet to the Point of Curvature of a curve  
2 concave Southeasterly; having a Central Angle of 10° 03' 21", and a radius of 365.00 feet; Proceed thence  
3 Southwesterly along the arc of said curve 64.00 feet; Thence South to the Point of Tangency thereof; Thence S  
4 56° 24' 30" W, 499.39 feet to the Point of Curvature of a curve concave Southeasterly, having a Central Angle of  
5 58° 51' 45", and a radius of 70.00 feet; Proceed thence Southerly along the arc of said curve 71.89 feet to the  
6 Point of Tangency thereof; Thence S 02° 15' 15" E, 1,237.25 feet; Thence S 04° 55' 03" E, 383.00 feet more or  
7 less to the water's edge of Lake Norris. Ingress and Egress, LESS (the W 1/2 of the NW 1/4 of said Section 4)

8 Above described line being the centerline of a 50.00 foot wide easement for Ingress and Egress, LESS (the W  
9 1/4 of the NW 1/4 of said Section 4) and LESS the Boy Scout Road.

10 Containing 1,080 acres more or less.

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**EXHIBIT "B"**

**(Conservation Area Legal Description and Transferable Development Rights [TDRs] Area)**

Leonard and Marjorie Williams Family Scout Reservation  
Central Florida Council, Boy Scouts of America

The following described parcels of land are intended to be used for a conservation easement for the purpose of utilizing the Transfer of Development Credits program for Lake County Florida.

A tract of land lying in a portion of Sections 4, 5 and 6, Township 18 South, Range 28 East, Lake County Florida.

Commencing at the Southeast corner of Section 4, Township 18 South, Range 28 East, Lake County, Florida: thence N 30° 24' 41" W, 3,711.68 feet; thence S 74° 17' 54" W, 34.21 feet to the Point of Beginning. Said Point of Beginning being the intersection of the centerline of an existing woods road and the west Right-of-Way of Maggie Jones Road; thence continuing S 74° 17' 54" W, 8.31 feet to the Point of Curvature of a curve to the right, having a Central Angle of 36° 31' 50", a radius of 240.00 feet an arc length of 153.02 feet; thence N 68° 52' 44" W, 107.85 feet to the Point of Curvature of a curve to the left, having a Central Angle of 07° 32' 49", a radius of 930.00 feet an arc length of 121.96 feet; thence N 74° 24' 04" W, 442.32 feet to the Point of Curvature of a curve to the right, having a Central Angle of 09° 14' 22", a radius of 600.00 feet and arc length of 76.73 feet; thence N 67° 09' 39" W, 222.77 feet to the Point of Curvature of a curve to the left having a Central Angle of 28° 02' 36", a radius of 295.00 feet and an arc length of 144.32 feet; thence S 84° 47' 00" W, 86.41 feet to the Point of Curvature of a curve to the left having a Central Angle of 36° 28' 45", a radius of 240.00 feet and an arc length of 152.80 feet; thence S 48° 16' 01" W, 369.62 feet to the Point of Curvature of a curve to the right having a Central Angle of 18° 09' 47", a radius of 695.00 feet and an arc length of 152.80 feet; thence S 66° 25' 35" W, 62.49 feet to the Point of Curvature of a curve to the left having a Central Angle of 10° 03' 21", a radius of 365.00 feet and an arc length of 64.00 feet; thence S 56° 24' 30" W, 499.39 feet to the Point of Curvature of a curve to the left having a Central Angle of 58° 51' 45", a radius of 70.00 feet and an arc length of 71.89 feet; thence S 02° 15' 15" E, 1,237.25 feet; thence S 04° 55' 03" E, 383.00 feet more or less to the water's edge of Lake Norris; thence westerly along said water's edge S 83° 42' 11" W, 655.37 feet; thence S 80° 03' 15" W, 255.56 feet; thence N 64° 50' 36" W, 778.71 feet; thence N 72° 52' 24" W, 603.68 feet; thence N 89° 11' 40" W, 511.52 feet; thence N 16° 15' 54" W, 1,026.93 feet; thence N 89° 50' 18" E, 2,356.01 feet to the East Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence northerly along the east line of said section N 16° 24' 39" W, 1,380.77 feet; thence S 89° 57' 32" W, 2,666.85 feet; thence N 15° 57' 34" W, 1,382.19 feet to the North Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence N 89° 58' 45" E along the north line of said section 2,656.02 feet to the Northeast corner of said section; thence S 89° 49' 08 E, 793.46 feet to the Southeast Corner of Section 32 Township 17 South, Range 28 East, Lake County, Florida; thence along the south line of said section S 89° 56' 23" E, 1,301.83 feet; thence S 01° 49' 01" W, 668.97 feet; thence S 89° 53' 53" E, 1,244.82 feet to a point on the west Right-of-Way line of Maggie Jones Road; thence southerly along said Right-of-Way line S21° 29' 28" E, 714.85 feet; thence S 21° 26' 46" E, 462.23 feet; thence S 31° 11' 56" E, 160.12 feet to the point of beginning.

Containing 290.16 acres more or less.

Ordinance NO. #2012-  
(PH#24-12-5/L&M Williams Family Scout Reservation Property/BSA Scout Camp Rezoning)

1 Together with:  
2 A tract of land located in a portion of Sections 5 and 6 Township 18 South, Range 28 East, Lake County, Florida  
3 being more particularly described as follows: Beginning at the Northwest Corner of the East half of the Northeast  
4 Quarter of Section 6, Township 18 South, Range 28 East, Lake County, Florida: thence S 89° 59' 05" E,  
5 1,319.07 feet to the Northwest Corner of Section 5, Township 18 South, Range 28 East, Lake County, Florida:  
6 thence continuing easterly along the north line of said section S 89° 36' 54" E, 709.16 feet; thence N 89° 54' 17"  
7 E, 1,283.03 feet; thence S 15° 49' 46" E, 1,381.52 feet; thence S 89° 58' 12" W, 1,998.48 feet; thence N 89° 48'  
8 32' W, 1,491.74 feet to a point on the west line of the east half of the northeast quarter of Section 6, Township  
9 18 South, Range 28 East, Lake County, Florida: thence along said west line N 08° 28' 52" W, 1,344.14 feet to  
10 the Point of Beginning.

11 Containing 103.88 acres more or less.

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13 The total acreage of the Conservation easement is 394.04 acres more or less.

14

15 Transferable Development Rights (TDRs) are based on the gross density of the Zoning District in place for the  
16 property on or before March 12, 1990. County Records show the Agriculture (A) Zoning District with a gross  
17 density of one (1) dwelling unit (du) per five (5) gross acres (394.04 acres ÷ 5 = 78.81 TDRs)

18

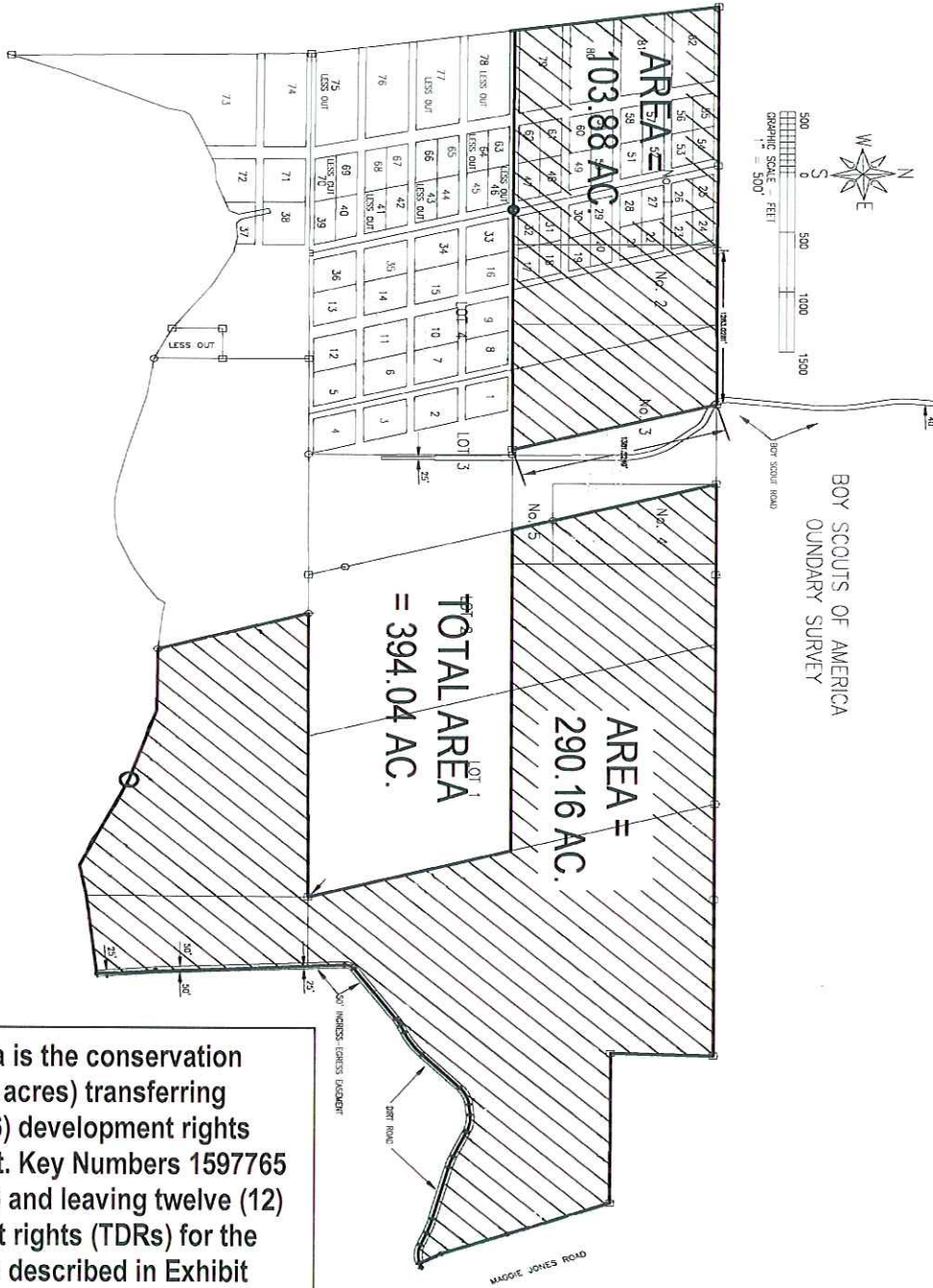
19



**EXHIBIT "C"**  
**(Conservation Plan with Area Designated)**

Leonard and Marjorie Williams Family Scout Reservation  
 Central Florida Council, Boy Scouts of America

1  
 2  
 3  
 4  
 5



Hashed Area is the conservation area (394.04 acres) transferring sixty-six (66) development rights (TDRs) to Alt. Key Numbers 1597765 and 1597366 and leaving twelve (12) development rights (TDRs) for the 394.04 acres described in Exhibit "B" above.

6

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**July 11, 2012**

The Lake County Planning and Zoning Board met on Wednesday, July 11, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, July 24, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

**Members Not Present:**

Timothy Morris, Vice Chairman	District 1
Donald Heaton	Ex-Officio Non-Voting Military Representative

**Staff Present:**

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Melving Isaac, Planner, Planning and Community Design Division  
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Erin Hartigan, Assistant County Attorney  
Ross Pluta, Engineer III, Public Works  
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 1:04 p.m. He led the Pledge of Allegiance, and Lorenzo G. John Ameri, Board Member, gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.



TABLE OF CONTENTS

TAB NO:                      CASE NO:                      OWNER/APPLICANT/AGENT/PROJECT

Agenda Updates

Consideration of Minutes      June 6, 2012

CONSENT AGENDA

Tab 1                              PH# 20-12-3                      BLR-Windmill Rd. Commercial, LLC/  
J. Hall, AICP  
BLR-Windmill PUD Rezoning

Tab 2                              PH# 21-12-3                      Floribra-Windmill 27 I & II, LLC/  
J. Hall, AICP  
Floribra-Windmill PUD Rezoning

REGULAR AGENDA

Tab 3                              PH# 25-12-5                      Northside Christian Church of Fruitland  
Park/Alan Wayne Bradley/  
Northside Christian Church

Tab 4                              PH# 16-12-4                      Timothy J. Bailey/T. Green, AICP, ASLA  
Tim Bailey PUD Rezoning

Tab 5                              PH# 24-12-5                      Central Florida Council of the BSA/  
M. Harding, P.E./  
L&M Williams Family Scout Reservation-  
BSA

Other Business

Adjournment

MINUTES

**MOTION by Ted DeWitt, SECONDED by Lorenzo G. John Ameri to APPROVE the June 6, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.**

**FOR:**                              DeWitt, Ameri, Gonzalez, Bryan, Kesselring, Miller

**AGAINST:**                      None

**MOTION CARRIED: 6-0**

**CASE NO:** PH# 16-12-4 **TAB NO.** 4

**OWNER:** Timothy J. Bailey  
**APPLICANT:** Green Consulting Group, Inc./Timothy W. Green  
**PROJECT NAME:** Tim Bailey PUD Rezoning

AND

**CASE NO:** PH# 24-12-5 **TAB NO.** 5

**OWNER:** Central Florida Council of the Boy Scouts of America (BSA) –  
Ron A. Oats, Officer  
**APPLICANT:** Michael D. Harding, P.E.  
**PROJECT NAME:** L & M Williams Family Scout Reservations/BSA

Rick Hartenstein, Senior Planner, stated that Tab 4 and Tab 5 would be presented together, but he wanted to discuss Tab 5, which is the sending area property, first before discussing Tab 4, which is the receiving area property, and he also wanted to briefly explain how transferrable development rights (TDRs) are utilized in the Wekiva River. He noted that the purpose of the TDR process is to permit the owners of the property subject to density limitations established in the Comprehensive Plan to utilize the development potential of that property as it existed by zoning district density prior to March 12, 1990, and he defined TDRs as the conveyance of development rights from a sending area by deed, easement, or legal instrument to a designated receiving area, and recorded in the public records of Lake County. He indicated that within the Wekiva River Protection Area (WRPA) there are four designated Future Land Use Categories that are utilized for the TDR process and the WRPA A-1-40 and the A-1-20 Sending Area is the area in which the development rights are acquired. He added that the WRPA A-1-20 and the Mount Plymouth/Sorrento receiving area is utilized to establish additional density through a Planned Unit Development (PUD). He mentioned that the Comprehensive Plan establishes the process for determining the number of development rights and explained that the sending area property, which is the Boy Scouts Reservations property, is proposing to transfer 66 of their 78 total development rights from 394 acres of the 1,080 acre property. He pointed out that the property is currently zoned Community Facility District, but in 1990 the property was zoned Agriculture and the base density at that time was one dwelling unit to five gross acres. He added that the 394 acres will be set aside as a conservation easement that will only allow passive recreational uses, and the 12 remaining development rights ownership will remain with the Boy Scout Camp and may be transferred at a later date to another property or used on the 1,080 acres outside of the conservation easement. He related that the receiving area property, which is the Tim Bailey PUD property, is approximately 40 acres that is zoned Agriculture and is located in the WRPA A-1-20 receiving area and the Mount Plymouth/Sorrento receiving area. He then showed a chart depicting the density and TDR utilization for both receiving areas and briefly explained the number of TDRs necessary in order to increase the number of units for the project. He mentioned that, in regards to Tab 5, staff received email correspondence from an individual in the area expressing some concerns about the project and noted that staff met with the individual and addressed those concerns. He also indicated that, in regards to Tab 4, staff received 34 letters of support from individuals within and outside the area of the project. He stated that staff recommends approval of Tab 4 and Tab 5 with the conditions contained in the ordinances.

Rick Gonzalez, Board Member, asked what the density per acre would be for the receiving areas. Mr. Hartenstein answered that the density for the Mount Plymouth/Sorrento receiving area would be 2.4 dwelling units to the net acre and the density for the WRPA A-1-20 receiving area would be one dwelling unit to the net acre.



Mr. Bryan asked if the density could increase for the Mount Plymouth/Sorrento receiving area. Mr. Hartenstein replied "yes," adding that it could increase to 5.5 dwelling units to the net acre.

Mr. Bryan asked if the densities could be clustered. Mr. Hartenstein responded that the blending of densities is not allowed between the two Future Land Use Categories.

Mr. Gonzalez commented that his main concern is that the property would be sodded with St. Augustine grass which would subsequently waste water and cause excess chemicals to go into the Wekiva Receiving Area, and he asked if that would be addressed during the site plan approval. Mr. Hartenstein stated that the landscape ordinance will address that.

Ted DeWitt, Board Member, asked if there is septic service in that area. Mr. Hartenstein replied that provisions are placed in the ordinance specifying that the applicant must contact the City of Eustis to enter into a utility service agreement with the City to provide water and sewer services since those services are available in that area. He noted that the applicant must provide a fully executed utility service agreement prior to approval of the preliminary plat and if the City of Eustis and the applicant cannot work out an agreement, the applicant is capable of providing their own central water and sewer system.

**MOTION by Kasey Kesselring, SECONDED by Ted DeWitt to APPROVE PH# 24-12-5, L&M Williams Family Scout Reservations/BSA.**

**FOR: Kesselring, DeWitt, Ameri, Gonzalez, Bryan, Miller**

**AGAINST: None**

**MOTION CARRIED: 6-0**

**MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE PH# 16-12-4, Tim Bailey PUD Rezoning.**

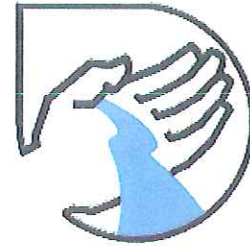
**FOR: Kesselring, Gonzalez, DeWitt, Ameri, Bryan, Miller**

**AGAINST: None**

**MOTION CARRIED: 6-0**

FRIENDS  
OF THE  
WEKIVA  
RIVER

P.O. Box 6196  
Longwood, Florida 32791-6196



Lake County Board of County Commissioners  
315 West Main Street  
P.O. Box 7800  
Tavares, Florida 32778

RECEIVED

JUL 19 2012

July 18, 2012

Planning & Community Design

**RE: Transfer of Development Rights within WRPA;  
Bailey/Camp La-No-Che rezoning (PH 16-12-4 and PH 24-12-5)**

Dear Lake County Board of County Commissioners,

The Friends of the Wekiva River (FOWR) is a Florida nonprofit organization whose purpose is to protect, preserve, and restore the natural functions and beauty of the Wekiva River System and its environs. As part of its mission, our organization strives to ensure that development considers the long-term future of the basin and quality of life for future generations. The Wekiva River Protection Act, enacted to protect natural resources and rural character, is an important component of this.

It has recently come to our attention that Lake County is considering the rezoning of properties that require the transfer of development rights between sending and receiving areas within the Wekiva River Protection Area (WRPA). Specifically, rezoning applications involved would increase the development potential of property located within Receiving Areas of the WRPA by 66 dwelling units in exchange for extinguishing developments rights on 394 acres at Camp La-No-Che, owned by the Boy Scouts of America within Sending Areas of the WRPA. FOWR conceptually supports the intended transfer of development rights and acknowledges that the Boy Scout Camp—which serves a beneficial recreational purpose compatible with the protection of natural resources within the Wekiva-Ocala ecological corridor—is ideally suited for such a transfer. We are very concerned, however, that the process proposed by the two zoning ordinances defers the actual transfer of development rights and assignment of a legally binding Conservation Easement to an unknown time in the future when the receiving parcel is developed. This is inconsistent with the Lake County Comprehensive Plan and Land Development Regulations, which require that the transfer of development rights occur simultaneous with the rezoning process. Moreover, it specifically shifts the responsibility for securing transferable development rights (TDRs) from the rezoning applicant to a future developer, causing the rezoning action to become a speculative endeavor.

The following provisions of the Land Development Regulations apply:

*7.00.08 D(2) Change of zoning. Upon the issuance and Transfer of Development Rights in accordance with this section, the zoning classification on the property from which the development rights are derived shall be changed to reflect the absence of the rights transferred and the appropriate zoning classification. This shall be accomplished through the approval of an application for rezoning.*

*7.00.08 D(3) Approval procedure for transfer permit. An application for a transfer permit shall be processed simultaneously with a rezoning application for the property, both of which shall be initiated by the property owner at the same time. The rezoning application shall be for the applicable zoning classification reflecting the reduction in density.*



*7.00.08 D(3)(b) Agency review. The County Manager or designee shall review the application for a transfer permit and, upon a determination that the application is complete and the transfer is authorized by this section, shall forward said application for transfer permit with the application for rezoning to the Lake County Zoning Board.*

*7.00.08 D(3)(d) Board of County Commissioners action. The Board shall review the application for rezoning and the recommendations of the Lake County Zoning Board and, after notice and hearing as required by F.S. Ch. 125, SS 125.66, shall approve, approve with modifications or deny the application for a transfer permit at the same time the rezoning is considered. Such approval shall be conditioned upon delivery to the County of a recordable conveyance creating a development limitation subject to approval by the County Attorney. The conveyance shall be recorded together with a copy of the transfer permit in the public records of Lake County.*

*7.00.08 D(4)(a) Assignment of Transferred Development Rights. An application for assignment of transferred development rights shall be filed with the director of planning and development concurrently with a rezoning application for the property within the receiving area to which the density shall be assigned.*

In addition to the above, Policy I-3.3.2 of the Lake County Comprehensive Plan requires that a Conservation Easement be recorded on the sending parcel “as a condition of transfer”. Completing the transfer of development rights and recording a Conservation Easement simultaneous with rezoning is important for several reasons:

- If development rights are not transferred “free and clear” at the time of rezoning, then it becomes incumbent upon all parties involved—the County, as well as current or future owners of both sending and receiving parcels—to remember that outstanding obligations relating to the purchase of TDRs and the recording of a Conservation Easement remain. This puts an ongoing burden upon county staff and property owners, creating an environment prone to mistakes in which future obligations may be overlooked or questionable action taken to avoid those obligations after the rezoning has been approved.
- The upzoning of property in “anticipation” of development rights that have not been conveyed contributes to land speculation. Allowing rezoning without due diligence by the applicant to acquire development rights is likely to encourage any number of rezonings and real estate transactions with the erroneous expectation that entitlements for higher density have been granted. This is not only confusing, but obfuscates the purpose of zoning which is to clearly identify the development potential of land.
- Adoption of a rezoning ordinance that delays the transfer of development rights until issuance of a building permit places the sending parcel (in this case the Boy Scout Camp) in a state of limbo, creating uncertainty with respect to how the parcel may be used in the interim and whether natural characteristics will still be present when the anticipated transfer occurs and a Conservation Easement is eventually established. Consistent with purposes of the Wekiva River Protection Act, it is important that protection of the sending parcel become effective at the time of rezoning to safeguard rural character and the effective, perpetual protection of natural resources.
- Adoption of the rezoning ordinances which have been proposed appears to lock the two subject parcels in a pseudo-contractual relationship which not only clouds potential use of the sending parcel prior to the actual transfer of development rights, but could render the county liable for future development rights that may not be realizable, depending on whether or not owners of the sending and receiving parcels can agree to a purchase price or other terms of transfer later.<sup>1</sup>

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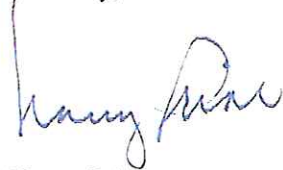
<sup>1</sup> FOWR is concerned that this could create a potential liability on the county to defend the denial of development rights if the two parties cannot agree on a TDR purchase price or possibly even coerce the county to acknowledge presumptive rights of the receiving parcel, thereby undermining purposes of the TDR program and Wekiva River Protection Act.

To avoid the numerous complications identified above, FOWR urges the county to abide by its regulations that require the transfer of development rights simultaneous with rezoning. We believe this can be accomplished through a straight-forward process that involves the presentation and recording of all documents pertaining to the TDR transfer and requisite Conservation Easement at a date certain following approval of sending and receiving zoning ordinances by the County Commission (for example within seven days after ordinance approval). Such a proceeding would be comparable to a real estate closing with representatives for the sending parcel, receiving parcel, and county present. Considering that a conservation easement and related development rights are less-than-fee-simple conveyances of real property, we believe that this is also the most appropriate method to ensure the timely and complete satisfaction of all obligations. Such a process would avoid potential problems for the county in the future, swiftly delink the inter-dependency of sending and receiving parcels, and allow both parties to proceed with their independent endeavors.

Finally, FOWR is concerned with provisions of the proposed rezoning ordinances that refer to compliance with the Comprehensive Plan and Land Development Regulations "as amended." For example, section 1(B)(2)(c) of the Camp La-No-Che ordinance states: "*Uses within the conservation easement shall be limited to passive recreational uses as defined in the Lake County Comprehensive Plan and those uses allowed in a Conservation Future Land Use Category in accordance with the Comprehensive Plan and Land Development Regulations, as amended.*" Delaying the establishment of a Conservation Easement creates the possibility that changes to policies or regulations of the county could undermine conservation objectives intended by the rezoning. Furthermore, the easement itself should be written as a stand-alone legally binding agreement that defines allowed and prohibited uses, rather than referring to a set of county policies or regulations that are subject to change. Similarly, section 2(E) states: "*The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Regulations, as amended.*" Such an allowance is acceptable for provisions of the ordinance relating to property not within the sending area easement. However, this should not be construed to mean that the area where development rights have been extinguished and a perpetual conservation easement has been established could also be changed. This would undermine purposes of the Wekiva River Protection Act and county TDR program.

In closing, FOWR wishes to reiterate that our organization supports the legitimate transfer of development rights within the Wekiva River Protection Area that result in the meaningful protection of natural resources, and we agree that Camp La-No-Che is well suited for this purpose. Our comments are intended to ensure that Lake County's TDR program achieves this desired result.

Sincerely,



Nancy Prine  
Technical Committee Chair  
Friends of the Wekiva River

cc:

Brian Sheahan, Lake County Planning Manager  
Rick Hartenstein, Lake County Senior Planner  
Scott Taylor



## Hartenstein, Rick

---

**From:** npla@aol.com  
**Sent:** Wednesday, July 18, 2012 6:39 PM  
**To:** Campione, Leslie; Cadwell, Welton; Hill, Jennifer; Parks, Sean; Conner, Jimmy; Hartenstein, Rick; Sheahan, Brian  
**Cc:** sbtaylor@encorefarms.com  
**Subject:** Wekiva Protection TDR Lake  
**Attachments:** FOWR\_Lake\_County\_transferable\_development\_rights.pdf

Dear Lake County Commissioners:

Please find attached comments regarding the proposed transfer of development rights in the Wekiva River Protection Area in Lake County.

Thank you for your consideration of our concerns and comments, we would be pleased to discuss this matter with you.

Best regards,

Nancy Prine  
Friends of the Wekiva, Inc.

407 898.9200

