

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
August 1, 2012



BOARD OF COUNTY COMMISSIONERS
August 28, 2012

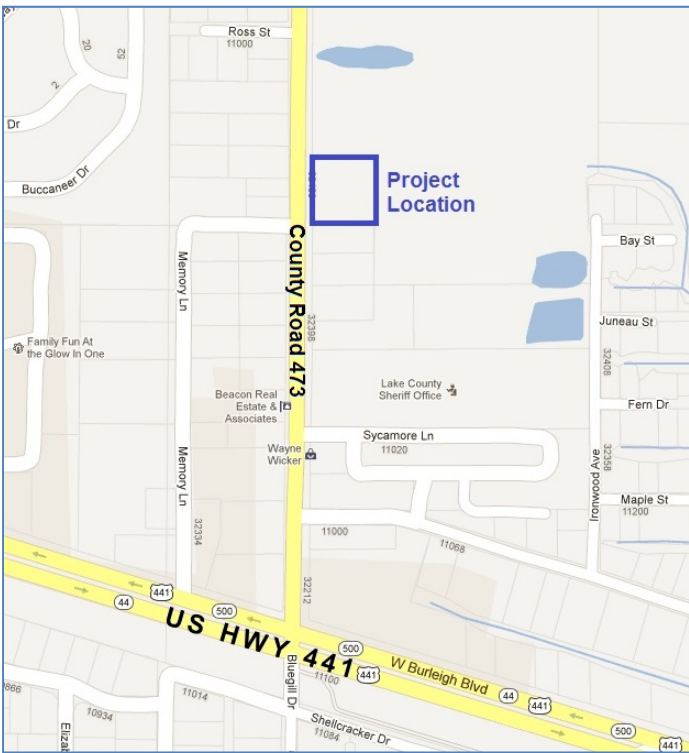
PH #28-12-3 Casp CFD Rezoning	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Owner: Marcy & Mark Casp (the "Owner")

Applicant: Michelle Pols, Bridge to Ability, Inc. (the "Applicant")

Requested Action: Rezone property from Planned Commercial (CP) to Community Facility District (CFD) for a Day Care Center/School. CP Ordinance #33-93 for a professional office will be superseded and replaced by the proposed ordinance.

- Site Location & Information -



Size	38,588 s.f. (.9 +/- acres)	
Location	Leesburg area, East of CR 473, North of US Hwy 441	
Alternate Key #'s	1183871	
Future Land Use	Urban Medium Density, Major Commercial Corridor	
	Existing	Proposed
Zoning District	CP	CFD
Impervious Surface Ratio (Policy I-1.3.3)	0.70 max	0.70 max
Floor Area Ratio (Policy I-1.3.3)	2 max	0.35 max
Joint Planning Area	N/A	
Utility Area:	Leesburg	
Site Utilities	Existing well and septic system	
Road Classification	CR 473 – Urban Collector	
Flood Zone/ FIRM Panel	X/334	
Commissioner District	3 (Conner)	

Approximate site location outlined in Blue

Site Visit July 19, 2012

Sign Posted July 19, 2012 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium Density	Urban Residential (R-6)	Rural Residential	Single family home on 27 acre wooded tract.
South	Urban Medium Density	Urban Residential (R-6), Planned Commercial (CP)	Residential	
East	Urban Medium Density	Urban Residential (R-6)	Rural Residential	Single family home on 27 acre wooded tract.
West	Urban Medium Density	Urban Residential (R-6), Planned Commercial (CP)	Residential, Commercial	Adjacent to CR 473 with single family homes across the road.

- Summary of Staff Determination -

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

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone property from Planned Commercial (CP) to Community Facility District (CFD) to establish a Day Care Center/School. CP Ordinance #33-93 will be superseded and replaced by the proposed ordinance.

The subject property consists of .9 +/- acres and is located in the Leesburg area, East of CR 473, North of U.S. Highway 441. The property contains an existing office building which will be used for the proposed activity.

The proposed rezoning request is consistent with the Comprehensive Plan Policy I-1.3.3, which permits Day Care Center/School uses in the Urban Medium Density Future Land Use Category (FLUC). Additionally, the request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows Day Care Center/School use in the CFD Zoning District.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

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

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

The CFD zoning request is consistent with Comprehensive Plan Policy I-1.3.3 as Day Care Center/School uses are allowable in the Urban Medium Density FLUC.

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

The subject property is surrounded by residential uses, by CR 473 at the west and the Major Commercial Corridor located in the south. Commercial activity exists across CR 473 where there is a store and 200 feet south where there are an auto sale and repair garage, and the Lake County Warehouse facility. Changing the use of the site to CFD is consistent with the surrounding uses with the conditions included in the ordinance. Therefore, the proposed rezoning is generally consistent with the land use patterns in the area.

The property contains existing landscape surrounding the property. The adjacent property located at the north and east side of the property contains a dense wooded area and the west side is adjacent to the CR 473, therefore no additional landscaping is required.

There is a single family residence to the south which is the only adjacent residence. The owner of this adjacent south property indicated that has no concerns about the noise from the playground near her residence (Attachment 1). Based on the above, the Applicant is requesting a waiver from the LDR requirements of a noise study. The proposed ordinance includes a waiver indicating that a noise study will not be required for the development of Day Care Center/School facility.

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

A rezoning was approved on 2010 for a property located 200 feet south which allows Day Care Center among its permitted 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 create any additional demands on public facilities and services beyond those previously proposed. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use. The Applicant will be required to complete a Tier 1 Traffic Study prior to site plan approval.

- 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 building. Therefore, no adverse impacts on the natural environment are expected.

- 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 disrupt the existing orderly and logical development pattern of the area.

- I. **Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

The proposed rezoning will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

- J. **Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

N/A.

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

1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.3.3 as Day Care Center/School uses are allowable and the request conforms to the general land use criteria and activities of the Urban Medium Density Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits Day Care Center/School uses in the CFD Zoning District.

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

WRITTEN COMMENTS FILED:

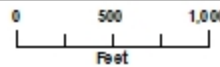
Supportive: -1-

Concern: -0-

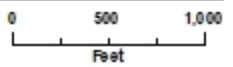
Opposition: -0-



CURRENT ZONING
PLANNED COMMERCIAL (CP)



ADOPTED FUTURE LAND USE
URBAN MEDIUM DENSITY



CASP CFD REZONING

CASE NO.
PH #28-12-3

CASE LOCATION:
T19S, R25E, S24

REQUESTING:
Rezone from Planned Commercial (CP) to Community Facility District (CFD) for a Day Care Center/School

- 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



1 A. Land Uses:
2 1. Day Care Center.
3 2. Primary and/or Secondary education.
4 Accessory uses directly associated with the above uses may be approved by the County
5 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
6 as approved by the Board of County Commissioners.

7 B. Devellopment Standards:
8 1. The above Land Uses shall be in conformance with all Federal, State and Local
9 Regulations at all times.
10 2. Noise: A noise study will not be required for the development of Day Care Center/School
11 facility. Public Address Systems or similar amplification devices shall not be installed or
12 used.

13 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, Building Height and
14 Parking shall be in accordance with the Comprehensive Plan and LDR, as amended.

15 D. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.

16 E. Transportation Improvements/Access Management: Access management shall be in
17 accordance with the LDR, as amended.

18 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
19 with Dark-Sky Principles.

20 G. Signage: Signs shall be in accordance with the LDR, as amended.

21 H. Concurrency Management Requirements: Any development shall comply with the Lake County
22 Concurrency Management System, as amended.

23 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
24 required to submit a site plan for review and approval in accordance with the Comprehensive
25 Plan and LDR, as amended.

26 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
27 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
28 Comprehensive Plan, and Lake County Land Development Regulations shall include any
29 future amendments to the Statutes, Code, Plans, and/or Regulations.

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

31 A. After establishment of the facilities as provided herein, the aforementioned property shall only
32 be used for the purposes named in this Ordinance. Any other proposed use must be
33 specifically authorized by the Board of County Commissioners.

34 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
35 move, convert, or demolish any building structure, add other uses, or alter the land in any
36 manner within the boundaries of the above described land without first obtaining the necessary
37 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
38 required from the other appropriate governmental agencies.

- 1 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
- 2 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
- 3 Owner and any successor, and shall be subject to each and every condition herein set out.
- 4 D. Construction and operation of the proposed use shall at all times comply with the regulations of
- 5 this and other governmental permitting agencies.
- 6 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
- 7 shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is
- 8 made good and aware of the conditions established by this Ordinance and agrees to be bound
- 9 by these conditions. The purchaser or lessee may request a change from the existing plans
- 10 and conditions by following procedures contained in the Land Development Regulations, as
- 11 amended.
- 12 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 13 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 14 in this ordinance and to recommend that the ordinance be revoked.

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

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

19 ENACTED this _____ day of _____, 2012.
 20
 21 FILED with the Secretary of State _____, 2012.
 22
 23 EFFECTIVE _____, 2012.

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

26 _____
 27 **LESLIE CAMPIONE, Chairman**

28 **ATTEST:**

29 _____
 30 **NEIL KELLY, Clerk of the**
 31 **Board of County Commissioners**
 32 **Lake County, Florida**

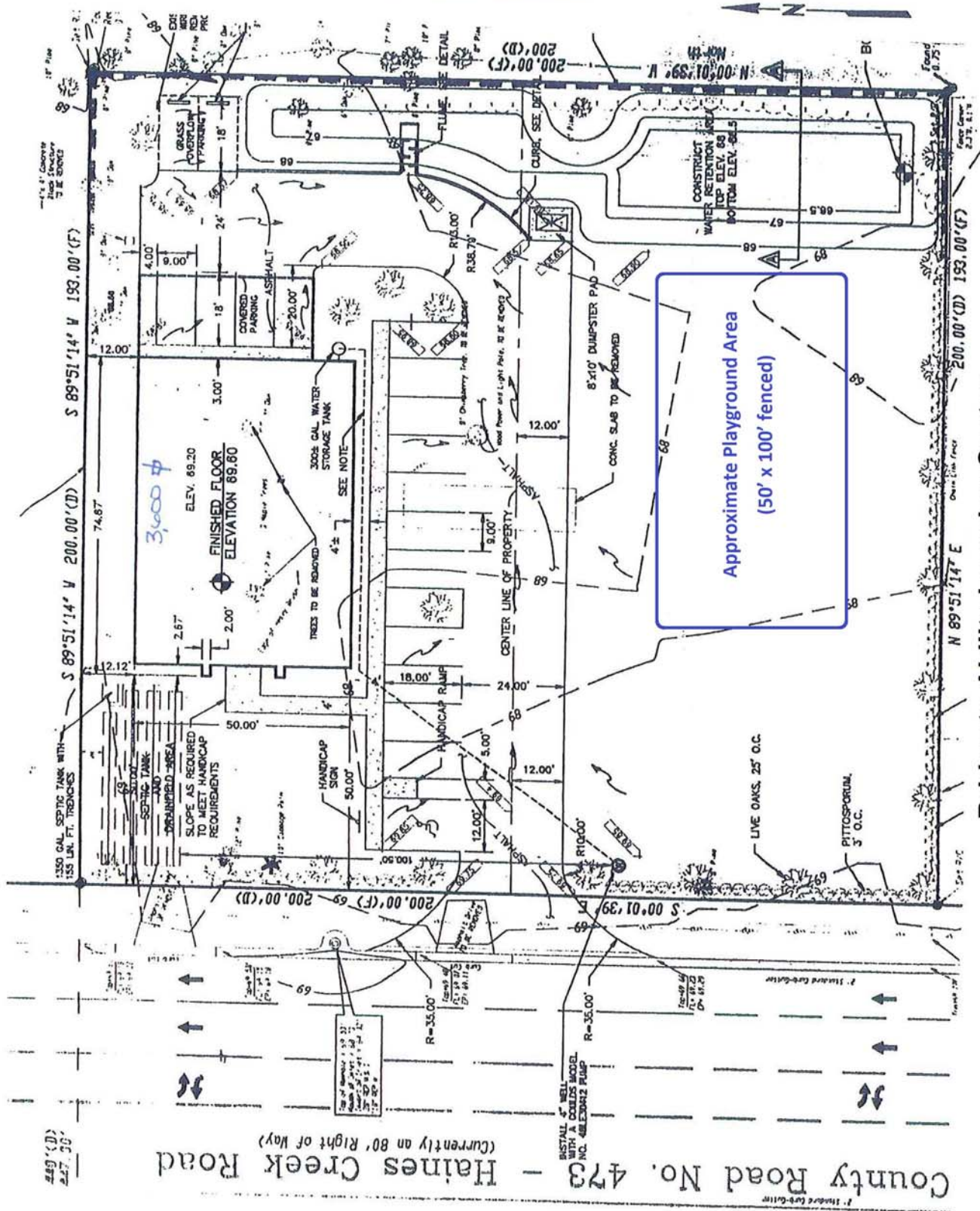
33 **APPROVED AS TO FORM AND LEGALITY**

34 _____
 35 **SANFORD A. MINKOFF, County Attorney**
 36

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EXHIBIT "A" - CONCEPTUAL PLAN

SUBJECT SITE PLAN



Bridge to Ability Learning Center
 32506 CR 473, Leesburg, Florida 34788

2

Isaac, Melving

From: Michelle <bridgetoability@gmail.com>
Sent: Tuesday, July 17, 2012 8:25 PM
To: Isaac, Melving
Subject: Fwd: playground permission

From: Janet Wiley <janetwiley48@gmail.com>
Date: July 17, 2012 8:08:36 PM EDT
To: bridgetoability@gmail.com
Subject: playground permission

I am a retired teacher of 34 years and have even more experiences with children outside of school. Therefore I will not mind the noise from the playground which Bridge to Ability wishes to build beside my residence at 32448 C R 473, Leesburg, FL 34788.

Yours truly,
Janet Wiley

Isaac, Melving

From: Michelle Pols <bridgetoability@gmail.com>
Sent: Wednesday, July 18, 2012 12:49 PM
To: Isaac, Melving
Subject: Noise Study waiver

I would like to request a waiver from the Lake County Land Development Regulations for the requirement of a noise study due to I have spoke to my neighbor on the south side of the property where I would be placing the playground and Janet has indicated in the letter I sent to you that she is a retired teacher and that she would have no problem with the noise and the playground being built next to her property for use by the childcare.

Michelle Pols
Director of Operations

Bridge to Ability, Inc.
Specialized Learning Center
407-729-6926 cell
bridgetoability@gmail.com
www.bridgetoability.org

FILED

ORDINANCE #33-93

FEB 8 31 AM '94

WHEREAS, the Lake County Planning and Zoning Commission did, on the 25th day of August, 1993, review petition #54-93-3 (Shamrock Development Corp), to approve a request for rezoning from R-1-7 (Urban Residential) to CP (Planned Commercial) zoning district for the construction of an office building for a "Corporate Headquarters, on property generally located in the Leesburg area - From the intersection of US 441 & C-473; N on C-473 approx. 1/2 mile to property lying E of road.

LEGAL DESCRIPTION: Begin at a point 440 ft. E and 1133 ft. S of the NW cor of the SW 1/4 of the NW 1/4 of Sec. 24, Twp. 19S, Rge. 25E, run thence S along the E bdry line of said road 200 ft., run thence E 200 ft., run thence N 200 ft., run thence W parallel to the N bdry of the said SW 1/4 of the NW 1/4, 200 ft. to the POB, LESS road r/w of Haines Creek Rd., Lake County, Florida.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said would be present to the Board of County Commissioners of Lake County, Florida, on the 28th day of September, and

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

RIGHTED

FEB 04 1994

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

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: This CP (Planned Commercial) Ordinance shall mean and include the following land uses:
 - A. Land Uses: Use of the site shall be limited to that of a professional office not to exceed 3,000 square feet with a parking area and other uses related thereto. Accessory uses incidental thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of a site plan amendment by the Board of County Commissioners.
 - B. Setbacks: shall be as established under the C-1 (Rural or Tourist Commercial) zoning district.
 - C. Transportation Improvements: The applicant shall provide transportation improvements in accordance with Section 9.04.03 of the Lake County Land Development Regulations and as may be required by the Department of Public Services.
 - D. Permitting: Prior to the issuance of any permits, the applicant shall submit site plans for formal review and approval by the Lake County Technical Review Committee. The site plans shall meet all submittal requirements and comply with all County codes and ordinances.
 - E. Buffering/Screening: The applicant shall be required to provide a vegetative landscaped buffer between all commercial and residential land uses to protect community appearance, reduce glare and noise.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Chapter XIV of the Lake County Land Development Regulations, and obtaining approval from the Director of Land Development Regulation upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in Ordinance #33-93 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the CP (Planned Commercial) zoning established by Ordinance #33-93, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Chapter XIV of the Lake County Land Development Regulations (LDRs), as amended.

DONE AND RESOLVED by the Lake County Board of County Commissioners on the 28th day of September, 1993, A.D.

STATE OF FLORIDA)


:

COUNTY OF LAKE)



CATHERINE C. HANSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on September 28, 1993 as the same appears on record of County Commissioners Minute Book 44 Page 562.

BY: 

JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners
Lake County, Florida