

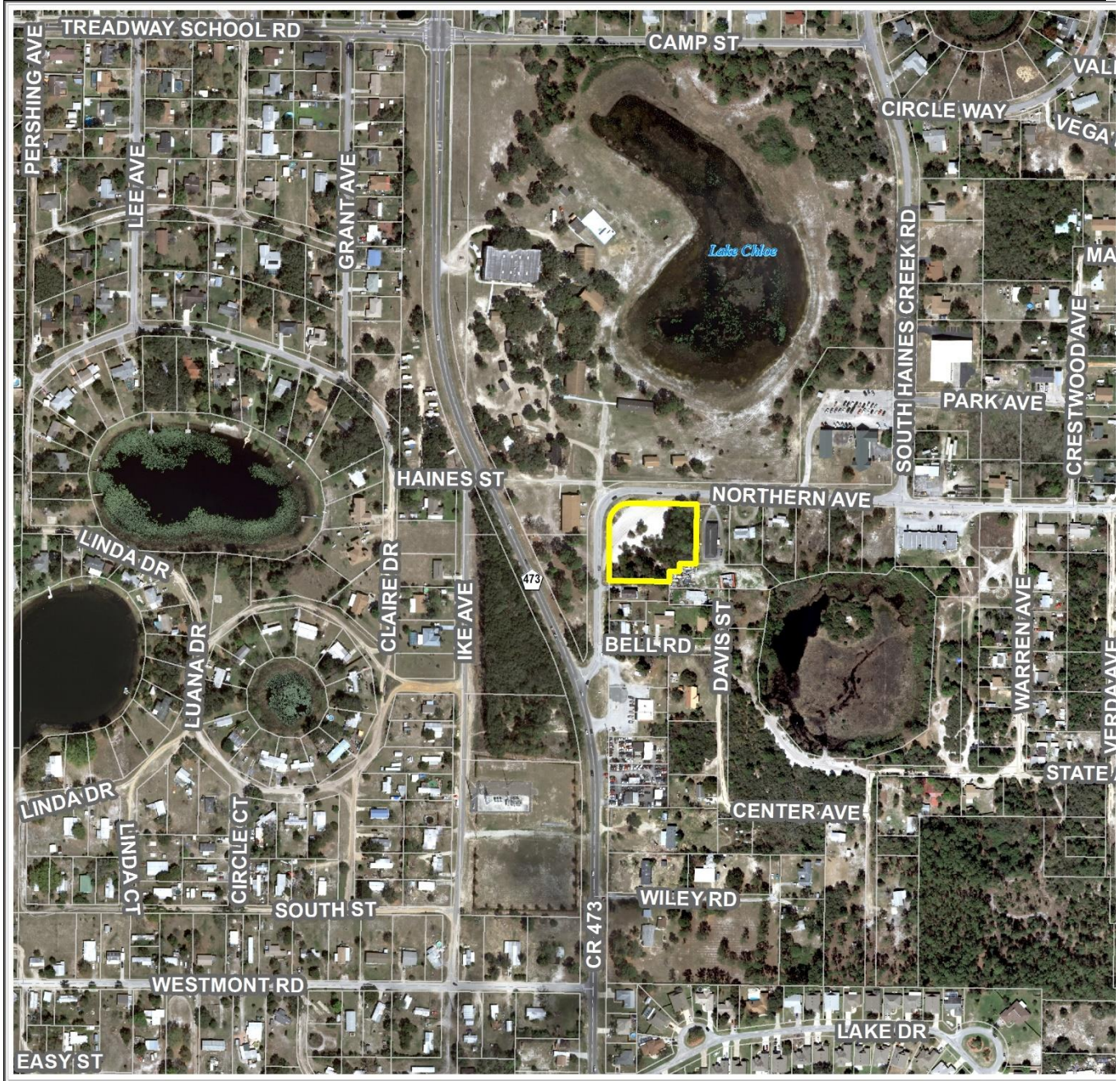
**LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT**

PLANNING & ZONING BOARD
August 2, 2017



BOARD OF COUNTY COMMISSIONERS
August 22, 2017

RZ-17-07-3 Takvorian Property Rezoning	Commissioner District 3 Breedon	Agenda Item #3
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Requested Action: Rezone property from Neighborhood Commercial (C-1) to Urban Residential (R-6).

Location: Leesburg area, south and east of Northern Avenue and east of CR 473.

Owner/Applicant: Takvorian Properties, LLC ("Owner"), Ronni Caggiano ("Applicant")

- Site Location & Information -

Size	Approximately 1.31 acres
Location	Leesburg area, south and east of Northern Avenue and east of CR 473 south and east of Northern Avenue and east of CR 473
Alternate Key #	1180660
Future Land Use	Urban Medium
Existing Zoning District	C-1
Proposed Zoning District	R-6
Joint Planning Area	N/A

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium	Planned Unit Development (PUD)	Church of God property	Community facility, residential, and recreational uses
South	Urban Medium	Planned Commercial (CP), R-6 (Urban Residential)	Commercial used and vacant property	N/A
East	Urban Medium	Planned Commercial (CP)	Mini-storage building	N/A
West	Urban Medium	Urban Residential (R-6)	Church related building and vacant property	Support facility for church of God property

Land Use Table

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** 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 the property from Neighborhood Commercial (C-1) to Urban Residential (R-6) to construct a triplex on the property. The subject property is undeveloped and consists of Approximately 1.31 acres and is located in the Leesburg area, south and east of Northern Avenue and east of CR 473 473. The intent of the existing C-1 zoning designation is to provide limited retail services of a convenience nature, serving a rural community or residential neighborhood. The intent of the proposed R-6 zoning designation is to provide for medium density single-family residential and multi-family housing usage in a suburban or rapidly urbanizing area. The proposed R-6 zoning is consistent with the residential zoning of the surrounding properties as they are zoned R-6, and lends itself to multi-family residential development.

The proposed rezoning request is consistent with the Comprehensive Plan and Land Development Regulations (LDR) as residential uses are allowable in the Urban Medium FLUC and in the R-6 zoning district. The request for R-6 zoning (maximum density of 6 dwelling units per acre) is consistent with the Urban Medium FLUC, which allows a maximum density of 7 dwelling units per net buildable acre.

In addition, this application includes a request to the Board of County Commissioners (BCC) to consider an exemption to the central water and sewage system connection requirements contained within LDR Section 6.12.01(A) and (B). Approval of the exemption will allow the use of an individual well and septic system on the property. **Staff must emphasize that approval of this rezoning is contingent upon the BCC approval of the exemption to the Central Water and Sewage System connection requirements for the property** (please see Attachment #1).

– 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 LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits multi-family residential uses including a triplex in the R-6 Zoning District.

The City of Leesburg has indicated that water is not located within 300-feet of the subject property and sewer is not located within 1,000 feet of the subject property. Comprehensive Plan Policies IX-2.2.2 *Mandatory Central Water Connection* and IX-3.1.2 *Mandatory Sewer Connection* requires development in the Urban future land use series in excess of one unit per net acre to connect to a public water system and to provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners (BCC) in a public hearing. The proposed development cannot connect to central water as these services are not located within proximity to the subject property.

As previously explained in the *Summary of Analysis*, the Applicant seeks an exemption to the required central water and sewage system connections requirements contained within LDR Section 6.12.01(A) and (B) to allow the use of an individual septic system in the proposed development, refer to Attachment #1.

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

The R-6 rezoning request is consistent with Comprehensive Plan Policy I-1.3.3, *Urban Medium Density Future Land Use Category*, which allows residential uses in the Urban Medium Future Land Use Category (FLUC). Rezoning the property to R-6 (maximum density of 6 dwelling unit per acre) is also consistent with the Urban Medium FLUC which allows a maximum density of 7 dwelling units per net buildable acre.

The City of Leesburg has indicated that water is not located within 300-feet of the subject property and sewer is not located within 1,000 feet of the subject property. Comprehensive Plan Policies IX-2.2.2 *Mandatory Central Water Connection* and IX-3.1.2 *Mandatory Sewer Connection* requires development in the Urban future land use series in excess of one unit per net acre to connect to a public water system and to provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners (BCC) in a public hearing.

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

Properties in the immediate area of the proposed rezoning are characterized by residential and commercial uses, and are zoned CP (Planned Commercial), C-1 (Neighborhood Commercial), and R-6 (Urban Residential). Therefore, the R-6 rezoning is compatible with existing land uses and will result in an orderly and logical development pattern.

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

The applicant has indicated a desire to construct a triplex on the property, however, the existing C-1 zoning does not lend itself to residential uses because the existing C-1 zoning designation is to provide limited retail services of a convenience nature, serving a rural community or residential neighborhood. The proposed triplex use is a use permitted under the requested R-6 zoning district and is consistent with the surrounding residential zoning designations.

- 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;**

Water/Sewage - The use of well and septic system are proposed for the property development. The applicant is requesting that the proposed rezoning move forward with an exemption for central water and sewage system connections. The applicant provided a Utility Notification form which notes the City of Leesburg will not provide central water and sewage service to this property.

Fire and Emergency Services - The subject parcel is approximately 0.23 miles from Lake County Fire Station 71 (closest fire station), located at 11305 Park Avenue, Leesburg.

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

According to aerial photography, the subject property has been cleared for future development as evidenced by visible dirt and sand along the frontage since at least 1979. The property has been significantly altered from its natural state for over the past 38 years. The application proposes no impacts on the natural environment.

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

The application does not include any information regarding the effect of the proposed rezoning on area property values.

- 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. This application includes a request to the Board of County Commissioners (BCC) to consider an exemption to the central water and sewage system connection requirements contained within LDR Section 6.12.01(A) and (B). Approval of the exemption will allow the use of an individual well and septic system. **Approval of this rezoning is contingent upon the BCC approval of the exemption to the Central Water and Sewage System connection requirement for the property (Attachment #1).**
2. The request is consistent with Comprehensive Plan Policies IX-2.2.2 *Mandatory Central Water Connection* and IX-3.1.2 *Mandatory Sewer Connection* which requires development in the Urban future land use series in excess of one unit per net acre to connect to a public water system and to provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners (BCC) in a public hearing.
3. The request is consistent with Comprehensive Plan Policy I-1.3.3, *Urban Medium Density Future Land Use Category* which permits residential uses.
4. The request for R-6 zoning (maximum density of 6 dwelling units per acre) is consistent with the Urban Medium FLUC, which allows a maximum density of 7 dwelling units per net buildable acre.

5. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits multi-family residential uses in the R-6 Zoning District.

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

Case Manager: Bobby Howell, AICP, Senior Planner

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



FUTURE LAND USE LEGEND

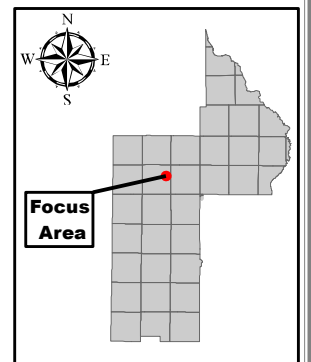
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|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Summer Bay | |

NAME: TAKVORIAN PROPERTY

CASE NUMBER: RZ-17-07-3

LOCATION (S-T-R): 13-19-25

REQUEST: NEIGHBORHOOD COMMERCIAL TO MIXED RESIDENTIAL DISTRICT

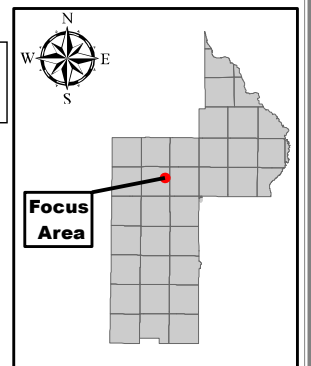




ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: TAKVORIAN PROPERTY
CASE NUMBER: RZ-17-07-3
LOCATION (S-T-R): 13-19-25
REQUEST: NEIGHBORHOOD COMMERCIAL TO MIXED RESIDENTIAL DISTRICT



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

2 **ENACTED** this _____ day of _____, 2017.

3 **FILED** with the Secretary of State _____, 2017.

4 **EFFECTIVE** _____, 2017.

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

7 _____
8 **TIMOTHY I. SULLIVAN, Chairman**

9 **ATTEST:**

10 _____
11 **NEIL KELLY, Clerk of the**
12 **Board of County Commissioners**
13 **Lake County, Florida**

14 **APPROVED AS TO FORM AND LEGALITY**

15 _____
16 **MELANIE MARSH, County Attorney**

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**Exhibit A.
Legal Description**

FROM THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ RUN EAST 440 FEET, SOUTH 66 FEET TO THE POINT OF BEGINNING. RUN SOUTH 233.7 FEET, EAST 180 FEET, NORTH 30 FEET, EAST 30 FEET, NORTH 23.7 FEET, EAST 50 FEET, NORTH 180 FEET, AND WEST 260 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 13, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.



MEMORANDUM

TO: Lake County Board of County Commissioners

THROUGH: Jeff Cole, County Manager

FROM: Robert L. Chandler IV, CEcD, Economic Growth Director

DATE: August 22, 2017

SUBJECT: Exemption for Central Water and Sewage System Connection Requirements
Takvorian Properties, LLC R-6 Rezoning - RZ#2017-07-3

The property owner, Takvorian Properties LLC, is requesting an exemption to the central water and sewage system connection requirements contained within Land Development Regulations (LDR) Section 6.12.01 (A) and (B) for the parcel located south and east of Northern Avenue and east of CR 473 in the Leesburg area (Alternate Key Number 1180660).

BACKGROUND: On April 21, 2017, Takvorian Properties, LLC requested an exemption from LDR Section 6.12.01(A) and (B) which states:

LDR Section 6.12.01 (A) *Central Water System:*

Central Water System. All private potable water systems, unless exempted by the Board of County Commissioners via Public Hearing, shall be connected and utilized to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system or any of the central lines of the private potable water system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement. The private potable water system shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional potable water system. Notwithstanding the three hundred (300) feet mandatory Connection requirement, existing Development utilizing a private potable water system shall be required to connect to a regional/subregional potable water system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.

LDR Section 6.12.01(B) *Central Sewage System:*

All private treatment systems, unless exempted by the Board of County Commissioners via Public Hearing, shall be connected and utilized to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system, measured as a curb line distance within a Right-of-Way or the centerline

ECONOMIC GROWTH DEPARTMENT | PLANNING & ZONING DIVISION
P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 – ROOM 510 • P 352-343-9641 • F 352-343-9595
Board of County Commissioners • www.lakecountyfl.gov

distance within an Easement. The private treatment system shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional wastewater system. Notwithstanding the one thousand (1,000) feet mandatory Connection requirement, existing Development utilizing a private treatment system shall be required to connect to a regional/subregional wastewater system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.

LDR Section 6.12.01(A) and (B) allows the Board of County Commissioners (BCC) via a duly noticed public hearing, to exempt private treatment systems from having to meet the above mentioned connection requirements.

The applicant justifies the request for an exemption from central water and sewage system connection requirements based on the fact that there is no central water and sewage systems available in close proximity to the subject property. The City of Leesburg has indicated that it will not provide central water and sewage system services to this property(Reference Attachment#1).

Based on the above, the applicant is requesting that the proposed R-6 rezoning for a multi-family triplex residence move forward with an exemption for central water and sewage system connections, allowing for the use of individual water and septic system.

ANALYSIS: LDR Section 6.12.01 (A) *Central Water System*, and LDR Section 6.12.01 (B) *Central Sewage System*, requires a connection to central water systems when water is located within 300 feet of a private potable water system and when sewage system when lines are within 1,000 feet of a private treatment system or any of the central lines of the private treatment system. The City of Leesburg has indicated that water and sewage systems are not located within 300 feet and 1,000 feet of the subject property. Additionally, Comprehensive Plan Policies IX-2.2.2 *Mandatory Central Water Connection* and IX-3.1.2 *Mandatory Sewer Connection* requires development in the Urban future land use series in excess of one unit per net acre to connect to a public water system and to provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners (BCC) in a public hearing. The proposed development cannot connect to central water as these services are not located within proximity to the subject property.

Rezoning Application - A rezoning application is being submitted concurrent with this exemption request for central water and sewage system connection. The rezoning application seeks to rezone the property to R-6 (maximum density of 6 dwelling units per acre). The Florida Department of Health has indicated that it does not have any objection to the rezoning. The property is approximately 1.31 acres. The applicant desires the R-6 zoning to eventually construct a triplex on the property.

RECOMMENDATION: It is recommended that the Board of County Commissioners **GRANT** the request to exempt the subject development from the requirements of LDR Section 6.12.01(A) and (B) for central water and sewage systems as the proposed development cannot connect to central water as these services are not located within proximity to the subject property. If the Board of County Commissioners grants the request, staff will exempt the development from the requirements of LDR Section 6.12.01 (A) *Central Water System* and (B) *Central Sewage System*.



Department of Economic Growth

Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

The applicant is proposing the following:

Single-Family Dwelling _____ Multi-Family Units Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning

Legal description: Section 13 Township 19 Range 25 Alt Key # 1180660

Subdivision 0002 Lot 000 Block 06705 Additional Legal attached _____

Hook up to Central Sewage is not within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water is not within 300 feet of the above described property.
(is or is not)

The City of _____, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No _____ Central Water: Yes _____ No _____
Will the connection to the central sewage system be via a _____ gravity line or a _____ force main/pump?

Wellfield Protection:

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is _____ or is not _____ within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature Amy Fleck

Print Name and Title: Executive Assistant Amy Fleck Date 4/21/17

Please return this completed form to the Lake County Planning & Community Design via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff:	Staff Name: _____
Date Received: _____	Address #: _____ Project Name: _____