

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
October 30, 2013



BOARD OF COUNTY COMMISSIONERS
November 19, 2013

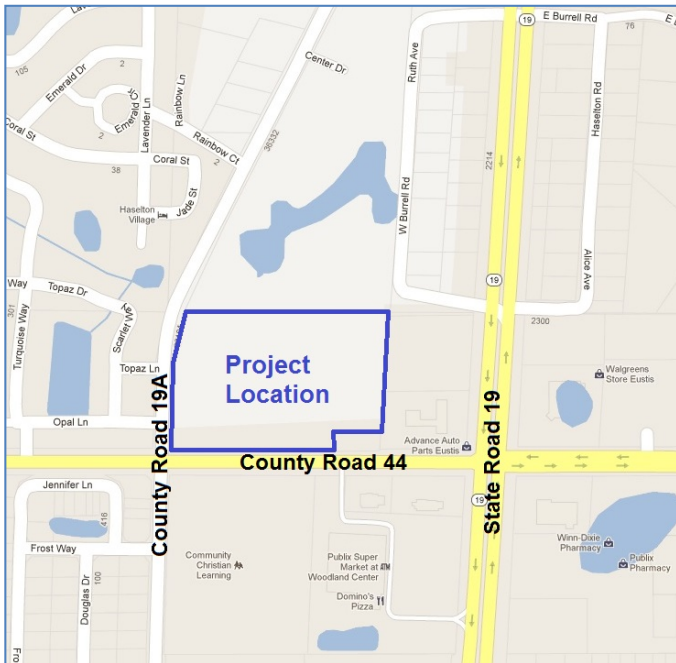
PH #13-13-4 Sanders/Duke Energy - Substation	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Barbara & William Sanders Trustees (the "Owner")

Applicant: Ulay Thompson - Duke Energy (the "Applicant")

Requested Action: Rezone property from Urban Residential (R-6) to Community Facility District (CFD) for an Electric Transmission Substation.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit October 17, 2013
Sign Posted October 17, 2013 (2 posted)

Size	10 +/- acres	
Location	Eustis area, Northeast of County Road 44 and County Road 19A intersection	
Alternate Key #'s	1408032 and a portion of 1632706	
Future Land Use	Urban Low and Minor Commercial Corridor	
	Existing	Proposed
Zoning District	R-6	CFD
Impervious Surface Ratio	0.55	0.60 max (Comp Plan Policy I-1.3.2)
Floor Area Ratio	0.40	0.35 max (Comp Plan Policy I-1.3.2)
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	N/A	
Road Classification	County Road 44 – Urban Collector County Road 19A – Urban Collector	
Flood Zone/ FIRM Panel	(X, A)/215	
Commissioner District	4 (Campione)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Urban Residential (R-6)	Large Acreage Residential	
South	City of Eustis	City of Eustis	Church, Commercial	Property surrounded by County Road 44, a Church and a Commercial Center at the south
East	City of Eustis	City of Eustis	Commercial	Auto Parts, Gas Station/Convenience Store
West	City of Eustis	City of Eustis	Residential	Property surrounded by County Road 19A and Mobile Home Community at the west

- 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 a property consisting of approximately 10 acres from Urban Residential (R-6) to Community Facility District (CFD) for an Electric Transmission Substation. The subject property is currently vacant and is located in the Eustis area, Northeast of County Road 44 and County Road 19A intersection.

The proposed rezoning request is consistent with the Comprehensive Plan and LDR, which permit utilities uses in the Urban Low Future Land Use Category (FLUC) and in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

– 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 Table 3.01.03, *Schedule of Permitted and Conditional Uses* that permits utilities 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-1.3.2, as utilities are an allowable use in the Urban Low FLUC. This policy permits utilities uses with the issuance of a Conditional Use Permit (CUP). The CFD rezoning will satisfy the requirements of a CUP for the proposed use.

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

The subject property is surrounded by residentially zoned parcel on the north, a mobile home community and CR 19A on the west; County Road 44, a church and commercial uses exist on the south. Commercial uses are present on the east. Rezoning the property to CFD is consistent with the intention of the Urban Low FLUC which allows utilities and community facility uses. Conditions included in the ordinance are intended to mitigate any impacts the use will have on the surrounding community. Therefore, the proposed rezoning is generally consistent with the land use patterns in the area and will be appropriately screened from the neighboring uses.

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

The applicant has indicated that the potential loss of electric generation from the Lake Co-Gen facility and the Crystal River Energy Complex necessitates the need for this substation project. The new 2030 Comprehensive Plan requires the submittal of site plans for electrical service providers to assist in planning and programming of electrical utility services. An ordinance condition is proposed to facilitate the submittal of a site plan pursuant to Comprehensive Plan Policy VI-1.6.5.

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;

Transportation – The following is a Public Works condition for the CFD Ordinance:

- Access to site shall meet current access management requirements and Florida Greenbook. The access off of CR 19A will require a dedicate 40 feet of right-of-way from centerline of the road.

Fire and Emergency Services – The subject parcel is approximately five (5) miles from Lake County Fire Station 27 (closest fire station), located at, 19212 County Road 44B, Eustis. The proposed use of the property is not anticipated to have any adverse impacts on these services.

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

The property is currently vacant. An environmental assessment, no older than six (6) months, will be required with a development application.

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 electric substation utility is consistent with the intention of the Urban Low FLUC and proposed CFD Zoning District, and will blend with the existing uses and development pattern in the surrounding area with conditions included in the proposed CFD Ordinance.

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

The proposed rezoning would be in harmony with the general intent of the Comprehensive Plan and LDR.

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

N/A.

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

1. The rezoning request is consistent with the Comprehensive Plan as stated in Policy I-1.3.2, as utilities are an allowable use in the Urban Low Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows utilities uses in the CFD Zoning District.
3. The rezoning request is consistent with Comprehensive Plan Policy VI-1.6.5, in that a site plan will be required by ordinance condition to facilitate the provision of electrical utility services.

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

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

- 1 B. Outside Agency Approval: The use of the property for the Electric Transmission Substation shall be in
2 conformance with all Federal, State and Local Regulations at all times.
- 3 C. Setbacks: Setbacks between the substation property boundary and permanent equipment structures
4 shall be provided as follows, consistent with Florida Statutes (F.S.) 163.3208(4)(b)(1&2), as amended:
 - 5 1. For setbacks between 100 feet and 50 feet, a security fence shall be installed; OR
 - 6 2. Less than 50 feet, a masonry wall or fence eight (8) feet high with landscaping consistent with the
7 provisions below shall be installed around the substation.
- 8 D. Landscaping, Buffering, and Screening:
 - 9 1. Per F.S. 163.3208 (3) and F.S. 163.3209, vegetated buffers beneath aerial access points shall not
10 be required to have a mature height of greater than 14 feet. Additionally, landscape shall not
11 intrude horizontally closer than the distance specified in Table 2 of ANSI Z133.1-2000 for lines
12 affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2,
13 as amended.
 - 14 2. The following landscape buffering shall apply for the electrical substation activity, except where
15 exempted by local, state or federal code;
 - 16 a. North, West and South property line – Type A buffer.
 - 17 b. East property line – Type B buffer.
 - 18 3. All landscaping shall be of evergreen variety.
- 19 E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
20 with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 21 F. Noise: Compliance shall be in accordance with the LDR, as amended.
- 22 G. Environmental: An environmental assessment, no older than six (6) months, shall be submitted with a
23 development application.
- 24 H. Transportation Improvements/Access Management: Access to site shall meet current access
25 management requirements and Florida Greenbook. The access off of CR 19A will require a dedicate
26 40 feet of right-of-way from centerline of the road.
- 27 I. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
28 Sky Principles.
- 29 J. Signage: Signs shall be in accordance with the LDR, as amended.
- 30 K. Concurrency Management Requirements: Any development shall comply with the Lake County
31 Concurrency Management System.
- 32 L. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
33 required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN for review
34 and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 35 M. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
36 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
37 Lake County Land Development Regulations shall include any future amendments to the Statutes,
38 Code, Plans, and/or Regulations.

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

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

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

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

13 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
14 and other governmental permitting agencies.

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

20 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
21 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
22 to recommend that the ordinance be revoked.

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

1 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
2 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
3 with Section 125.66, Florida Statutes.

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

5 ENACTED this _____ day of _____, 2013.

6 FILED with the Secretary of State _____, 2013.

7 EFFECTIVE _____, 2013.

8 BOARD OF COUNTY COMMISSIONERS
9 LAKE COUNTY, FLORIDA

10 _____
11 LESLIE CAMPIONE, Chairman

12 ATTEST:

13 _____
14 NEIL KELLY, Clerk of the
15 Board of County Commissioners
16 Lake County, Florida

17 APPROVED AS TO FORM AND LEGALITY

18 _____
19 SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" – LEGAL DESCRIPTION

DESCRIPTION: (PARCEL 'A')

THAT PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 35, RUN NORTH 0°05' WEST 767.67 FEET; THENCE NORTH 88°07' EAST 23 FEET FOR THE POINT OF BEGINNING, BEING THE INTERSECTION OF EAST RIGHT-OF-WAY OF OLD STATE HIGHWAY NO. 19 WITH THE NORTH RIGHT-OF-WAY OF STATE ROAD NO. S-452-A; RUN NORTH 88°07' EAST ALONG RIGHT-OF-WAY OF STATE ROAD NO. S-452-A, A DISTANCE OF 1111.15 FEET TO THE WEST RIGHT-OF-WAY OF STATE ROAD NO. 19; THENCE NORTH 1°54' EAST ALONG THE WEST RIGHT-OF-WAY OF STATE ROAD NO. 19 A DISTANCE OF 501.4 FEET TO NORTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); THENCE RUN SOUTH 88°13'05" WEST TO THE EAST RIGHT-OF-WAY LINE OF OLD STATE ROAD NO. 19; THENCE SOUTHWESTERLY AND SOUTH ALONG THE EAST RIGHT-OF-WAY OF OLD STATE ROAD NO. 19 TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44; (FORMERLY STATE ROAD 452-A) WITH THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 19 IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE RUN NORTH 01°54'00" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 19 AS MONUMENTED A DISTANCE OF 501.40 FEET TO THE INTERSECTION OF HASELTON ROAD AS SHOWN ON THE PLAT OF HASELTON HEIGHTS, AS RECORDED IN PLAT BOOK 13, PAGE 38, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 88°13'05" WEST ALONG THE SOUTH LINE OF SAID HASELTON HEIGHTS AND A WESTERLY EXTENSION THEREOF A DISTANCE OF 325.00 FEET; THENCE SOUTH 01°53'33" WEST 502.48 FEET TO THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44; THENCE RUN NORTH 88°01'50" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE AS MONUMENTED A DISTANCE OF 325.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44 (FORMERLY STATE ROAD 452-A) WITH THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 19 IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 88°01'50" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44 A DISTANCE OF 325.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°01'50" WEST ALONG SAID RIGHT-OF-WAY LINE 170.00 FEET; THENCE NORTH 03°58'10" WEST 70.04 FEET; THENCE NORTH 88°01'50" EAST 177.17 FEET; THENCE SOUTH 01°53'33" WEST 70.16 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT RIGHT FOR INGRESS AND EGRESS AS SET FORTH IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1606, PAGE 1997, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

CONTAINS 385,265 SQUARE FEET OR 8.845 ACRES MORE OR LESS.

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EXHIBIT "A" – LEGAL DESCRIPTION (continuation)

DESCRIPTION: (PARCEL 'B')

A PORTION OF LOT 71, HASELTON HEIGHTS, AS RECORDED IN PLAT BOOK 13, PAGE 38, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 35 TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN N00°05'00"W A DISTANCE OF 767.67 FEET; THENCE N88°07'00" EAST A DISTANCE OF 23 FEET TO THE INTERSECTION OF EAST RIGHT-OF-WAY OF OLD STATE HIGHWAY NO. 19 WITH THE NORTH RIGHT-OF-WAY OF STATE ROAD NO. S-452-A; RUN N88°07'00"E ALONG RIGHT-OF-WAY OF STATE ROAD NO. S-452-A, A DISTANCE OF 615.54 FEET; THENCE N03°58'10"W A DISTANCE OF 69.30 FEET; THENCE N88°01'50"E A DISTANCE OF 177.17 FEET; THENCE N01°53'33"E A DISTANCE OF 432.30 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE S88°13'05"W ALONG SAID NORTH LINE A DISTANCE OF 265.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88°13'05"W A DISTANCE OF 561.20 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF OLD STATE HIGHWAY NO. 19, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 71, HASELTON HEIGHTS, AS RECORDED IN PLAT BOOK 13, PAGE 38, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 444.46 FEET, A CHORD BEARING OF N21°24'56"E, A CHORD DISTANCE OF 62.40 FEET, RUN THENCE NORTHEASTERLY ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°03'04", A DISTANCE OF 62.45 FEET; THENCE N25°26'28"E ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 47.95 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE N88°13'05"E A DISTANCE OF 471.80 FEET; THENCE S00°34'07"E A DISTANCE OF 100.02 FEET TO THE POINT OF BEGINNING.

CONTAINS 49,552 SQUARE FEET OR 1.138 ACRES MORE OR LESS.

PARCEL 'A' & PARCEL 'B'

TOTAL CONTAINS 434,816 SQUARE FEET OR 9.982 ACRES MORE OR LESS.

