

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
 October 31, 2012



BOARD OF COUNTY COMMISSIONERS
 November 20, 2012

PH #32-12-5 Lake County Fire Station #14 – Communication Tower	Case Manager: Steve K. Greene, AICP, Chief Planner	Agenda Item #1
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Owner: Lake County Board of County Commissioners (the "Owner")

Applicant: John Jolliff, Lake County Public Safety Director (the "Applicant")

Requested Action: Rezone property from Agriculture (A) to Community Facility District (CFD) zoning district on approximately 8.81 acres to facilitate a fire station and communications tower facility.

- Site Location & Information -

Approximate site location outlined in Aqua



Size	8.81 +/- acres	
Location	Northeast corner of Hinson Road and Lake King Road	
Alternate Key #	3272862 1786312	
Future Land Use	Rural Transition	
	Existing	Proposed
Zoning District	Agriculture	CFD
Density	1 du/5 net ac.	N/A
Floor Area Ratio (FAR)	1.0 (max.) LDR	1.0 (max.) LDR
Impervious Surface Ratio (ISR)	0.50 (max.) (Comp Plan)	0.50 (max.) (Comp Plan)
Joint Planning Area	N/A	
Utility Area:	Umatilla	
Site Utilities	None (well & septic – proposed)	
Road Classification	neighborhood roads	
Flood Zone/ FIRM Panel	(X & D) / (0210D) outside 500-year flood	
Commissioner District	5 - Cadwell	

Site Visit: October 5, 2012

Sign Posted: October 3, 2012 (3 signs posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural Transitional	Agriculture (A)	Remnant grove	
South	Rural Transitional	R-3 & A	Single-family dwellings	
East	Rural Transitional	A	Retention pond	Wetlands associated w/Lake King
West	Rural Transitional	A	Office and residential dwelling	

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **approval** of the application to change the zoning from Agriculture (A) to Community Facility District (CFD) zoning, with conditions.

ZONING BOARD RECOMMENDATION: Approved the rezoning request on a 5-0 vote, and to include a condition, that the telecommunications tower adhere to the Comp Plan, FAA, & FCC policies, rules, and regulations.

– Summary of Analysis –

The rezoning application proposes to rezone an approximately 8.81 acre property from Agriculture (A) to Community Facility District (CFD) to accommodate the development of a Lake County fire station and communications tower, 300-foot (maximum). The property is situated at the northeast corner of the Lake King Road/ Hinson Road intersection. The property is currently vacant and was most recently used for staging equipment and supplies for the US Highway 42 realignment project.

– Analysis –

LDR Section 14.03.03 (Standards for Review)

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

The Applicant seeks to conduct public fire/emergency service and communication tower uses on the property. These uses are permissible within the CFD zoning district. Land Development Regulation (LDR) Section 3.00.03 permits the CFD zoning in rural land use areas similar to the newly adopted Rural Transitional Future Land Use Category, which applies to the property. The proposed use of the property is consistent with the CFD definition specified by LDR Section 3.00.02.Y as the uses promote the general welfare of community needs for county residents. The proposed public fire/emergency service and communication tower use on the property is consistent with the Classification of Uses specified by LDR Sections 3.01.02.E.

The proposed tower height is inconsistent with the setback requirement of 1,320 feet to adjacent residential zoning and with the centering provision pursuant to LDR 3.13.07. However, the Board of Adjustment granted a variance to the setback requirement and centering provisions on September 13, 2012 (reference Attachment-1). Due to the unique configuration of the property and the need to center the fire station on the property, the BOA waived the centering provision and reduced the minimum 1,320 feet setback to 70- feet. These setback conditions are proposed to be incorporated into the CFD ordinance.

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

This CFD zoning request is consistent with the land use provisions of the Rural Future Land Use Series specified by Comprehensive Plan (Comp Plan) Policy I-1.4.3., as the proposed uses are not adverse to the rural character of the area. Comp Plan Policy I-1.4.5 limits the impervious area of Rural Transition future land use to 50-percent. As such, the balance of the land area must satisfy the 35-percent minimum open space requirement. The proposed uses will provide limited community needs to residents of this area consistent with this policy. Additionally, the proposed uses are consistent with Comp Plan Policy I-1.4.5 which governs the uses within the Rural Transitional

future land use category. The policy specifies the application of conditional use permit or other land use regulatory instrument for civic, public order, and safety uses.

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

The CFD rezoning application is appropriate for the proposed use of the property for public safety uses. The proposed use is consistent with the existing uses in the area. The area can be described as a mixture of commercial, office, and community facility type uses.

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

The most recent re-zonings in the area were approved in 1993.

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 – No adverse transportation impacts are anticipated by the proposed use. Transportation impacts will be fully assessed during the site plan review process that will entail a possible traffic study and access management review.

Water and Sewage – The application proposes the use of on-site well and septic tank to handle water and sewage demands by the proposed use. The City of Umatilla commented that since the property is situated within the Interlocal Service Boundary Agreement (ISBA) and the proposed Joint Planning Area (JPA) boundary, the County should consider annexation of the property into the City (reference Attachment-2).

Solid Waste – The proposed rezoning will not cause any adverse impact to the current solid waste capacity or levels of service.

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

Since the majority of the property is vacant and most recently used as equipment staging for CR 42 realignment efforts, no environmental impacts are anticipated by the proposed CFD use. However, an Environmental Assessment pursuant to LDR site development requirements will be required at the time of site plan review.

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

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area; as such no evaluation was made in this regard.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning will not disrupt the existing development pattern in the area, which is a mix of residential, commercial, and community facility type uses. However, the proposed tower use is within the US Navy Pinecastle Range Military Operations Area. ~~Although,~~ Comment was received from the Pinecastle Range Complex Director specifying the tower use will not interfere with the operations of the Pinecastle Training Complex pursuant to Comp Plan FLUE Policy I-6.4.3 and Policy I-6.4.5. Additionally, tower lighting must be consistent with lighting standards specified in Comp Plan FLUE Policy I-6.4.6. The policy calls for the lighting to be fully shielded with positive optical control so that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below a horizontal plane extending from the bottom of the light fixture.

Additionally, the location of the tower within this area comprised of residential uses shall require impact mitigation pursuant to Comp Plan FLUE Policy I-7.2.6. Mitigation conditions for setbacks, landscaping, or tower design shall be incorporated into the CFD ordinance. Pursuant to the LDR, a noise study will be required during the site plan review process to assess potential noise impacts and the application of necessary mitigation measures for the proposed CFD use.

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 application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

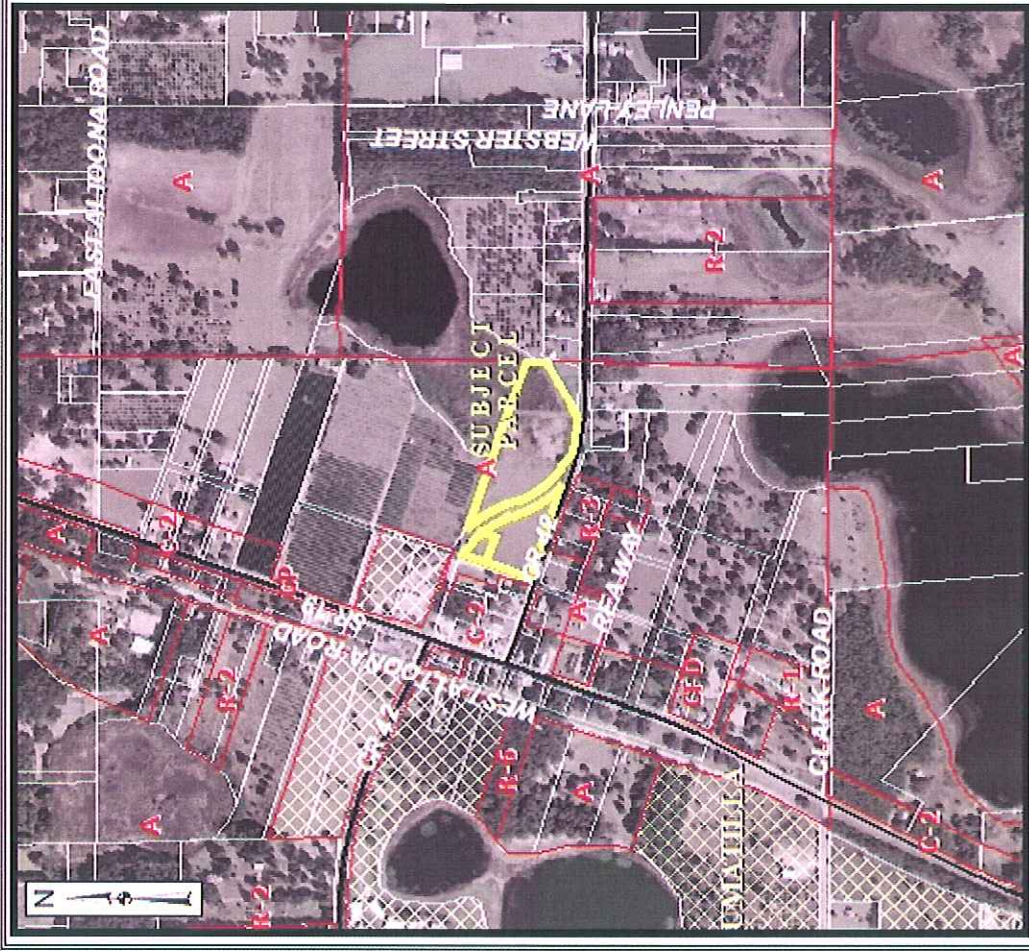
The City of Umatilla has provided comment regarding the property being situated within the ISBA and JPA boundary and possible annexation of the property into the City (reference Attachment 1).

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

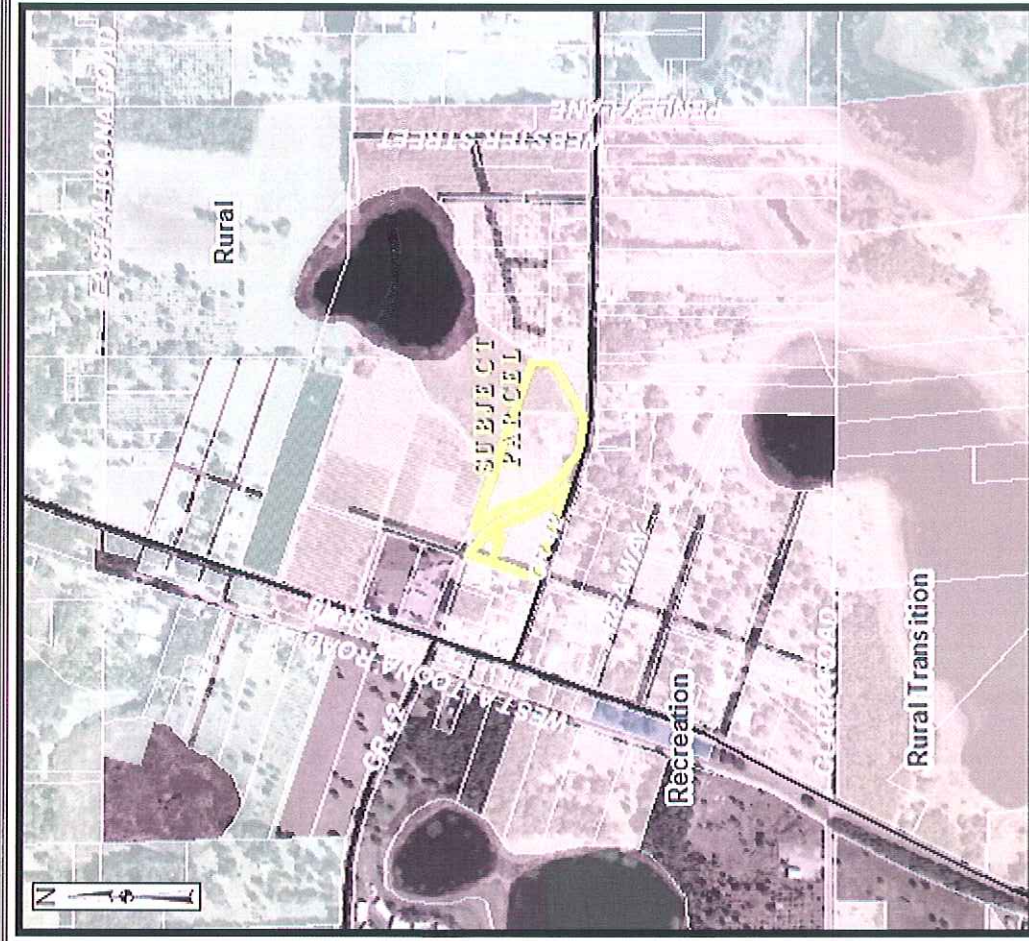
1. The proposed CFD rezoning and the proposed use is consistent with the intent and purpose of Comp Plan Policy I-1.4.3 as it specifies maintaining the rural character of land within Rural Future Land Use Series.
2. The proposed rezoning application and the proposed uses are consistent with Comp Plan Policy I-1.4.5 regarding permissible uses within the Rural Transitional Future Land Use Category.
3. The proposed rezoning application is consistent with Comp Plan Policy I-6.4.3 and Policy 1-6-4.5 that specifies the tower will not interfere with naval aircraft operations.
4. The proposed rezoning application is consistent with Comp Plan Policy I-6.4.6 regarding lighting standards within the Pinecastle Military Operations Area. ~~Furthermore, documentation from the Pinecastle Range Director deems the proposed tower use will not interfere with naval aircraft operations.~~
5. As the Applicant obtained a variance to setback and centering through the Lake County Board of Adjustment on September 13, 2012. The proposed tower use is consistent with the setback provisions of LDR Section 3.13.07 and becomes consistent with Comp Plan Policy I-7.2.6 regarding impact mitigation to residential uses.
6. The zoning request is consistent with the allowable uses within rural land uses pursuant to LDR Section 3.00.03.
7. The proposed rezoning request is consistent with CFD definition of LDR Section 3.00.002.Y.
8. The uses proposed by the rezoning request are consistent with LDR Section 3.01.02.E.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

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



CURRENT ZONING



2030 FUTURE LAND USE

**FIRE STATION #14 -
COMMUNICATIONS TOWER**

CASE NO.
PH-32-12-5

CASE LOCATION:
31-12-27

REQUESTING:
AGRICULTURE TO
COMMUNITY FACILITY DISTRICT

ZONING

LAND USE

**SUBJECT
PARCEL**

MAP COMPOSITION:
JANUARY 2015

**FOCUS
AREA**

LAKE COUNTY

1 A. Land Use: The permitted uses listed below are specifically limited to the land area
2 described in Exhibit "A" of this Ordinance.

- 3
4 1. Municipal fire station
5 2. Communications Tower (not to exceed three hundred (300) feet in height).
6

7 Accessory uses directly associated with the above uses may be approved by the
8 County Manager or designee. Any other use of the site not identified above shall
9 require an amendment to this Ordinance as approved by the Board of County
10 Commissioners.
11

12 B. Open Space, Impervious Surface, Floor Area, Height of Structure, Building Height, and
13 Parking shall be in accordance with the Comprehensive Plan and LDR, as amended.

14 1. Setbacks –

15 1.a. Tower: Pursuant to Board of Adjustment Order #25-12-5. Seventy (70) feet
16 from western property line, minimum; centering not required; situated closer
17 than 1,320 feet to existing dwellings and surrounding residential zoning
18 districts.

19 1.b. Building: Setbacks shall be in accordance with the LDR, as amended.
20

21 C. Landscaping, Buffering, and Screening

22 1. A Type A, 10-foot wide, landscape buffer shall be required along the northern,
23 western and southern property lines with the following vegetation per lineal 100-
24 feet:

25 Two (2) canopy trees

26 One (1) ornamental tree

27 One single shrub row (not to exceed 3-feet in height)

28 2. Roadway line of sight shall be maintained, such that no trees shall be installed
29 within 100-feet of either side of the access driveway. Shrubs shall be installed that
30 do not exceed three feet in height.

31 3. Should the communication tower use commence prior to the fire station use,
32 landscaping of the property shall be deferred until site development of the fire
33 station.

34 4. Existing vegetation and canopy trees may be credited in meeting some of the
35 landscape requirements.
36

37 D. Transportation Improvements/Access Management:

38 1. All access management shall be in accordance with the LDR, as amended.
39

40 E. Signage: Signs shall be accordance with the LDR, as amended.
41
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1 F. Communication Tower, equipment, and apparatus: The telecommunications tower
2 shall adhere to the Comprehensive Plan, Federal Aviation Authority (FAA), and
3 Federal Communication Commission (FCC) policies, rules and regulations, as
4 amended.

5 G. Lighting:

6 1. All exterior lighting shall be in accordance with the LDR, as amended, and
7 consistent with Dark-Sky principles.

8 2. Any tower lamps or lighting shall be in fully shielded with positive optical control so
9 that all light emitted by the fixture, either directly from the lamp or indirectly from
10 the fixture, is projected below a horizontal plane extending from the bottom of the
11 light fixture and in accordance with the Comprehensive Plan, as amended.

12 H. Utilities:

13 1. Potable water – will be provided by well use until such time as mandatory
14 connection is required pursuant to the Comprehensive Plan, as amended. The
15 provision of potable water shall be permitted in accordance with Florida
16 Department of Health, Florida Department of Environmental Protection, the
17 Comprehensive Plan, and LDR, as amended.

18 2. Sewerage - will be provided by on-site septic treatment system until such time as
19 mandatory connection is required pursuant to the Comprehensive Plan, as
20 amended. Sewage treatment shall be permitted in accordance with the
21 regulations of the Florida Department of Health, as amended.

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

24 J. Development Review and Approval: Prior to the issuance of permits, the Applicant
25 shall be required to submit a site plan generally consistent with EXHIBIT "B" –
26 CONCEPTUAL PLAN for review and approval in accordance with the Comprehensive
27 Plan and LDR, as amended.

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

32 **Section 2. General Conditions:**

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

- 1 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
2 move, convert, or demolish any building structure, add other uses, or alter the land in any
3 manner within the boundaries of the above described land without first obtaining the necessary
4 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
5 required from the other appropriate governmental agencies.
- 6 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
7 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
8 Owner and any successor, and shall be subject to each and every condition herein set out.
- 9 D. Construction and operation of the proposed use shall at all times comply with the regulations of
10 this and other governmental permitting agencies.
- 11 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
12 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
13 made good and aware of the conditions established by this Ordinance and agrees to be bound
14 by these conditions. The purchaser or lessee may request a change from the existing plans
15 and conditions by following procedures contained in the Land Development Regulations, as
16 amended.
- 17 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
18 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
19 in this ordinance and to recommend that the ordinance be revoked.

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

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EXHIBIT "A"

LEGAL DESCRIPTION

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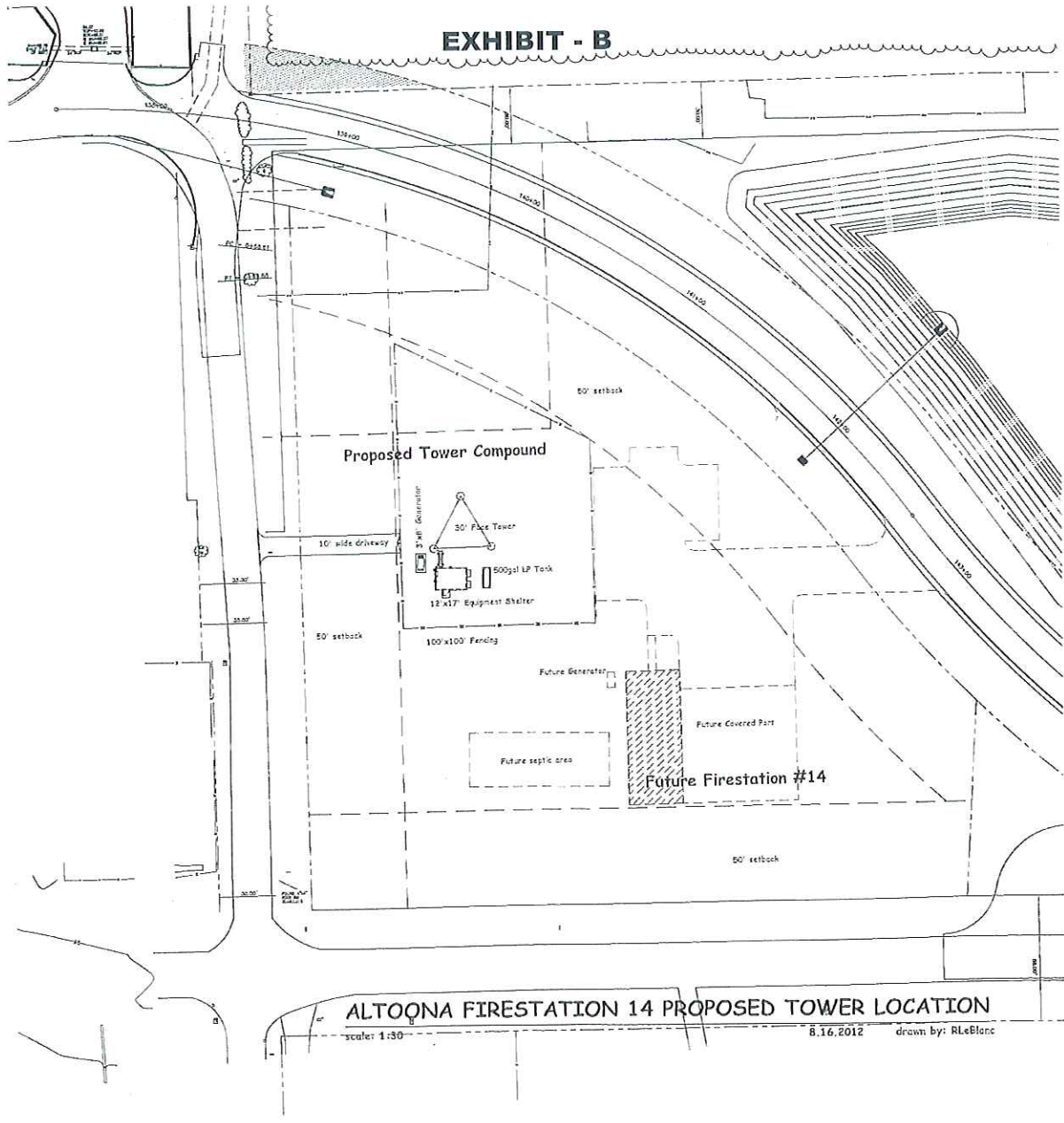
Alternate Key #3272862

F J HINSON'S PLAN OF THE TOWN OF ALTOONA LOT 38, LOT 39--LESS W'LY 150 FT OF N'LY 150 FT--PB 1 PGS 28-29; ORB 2937 PG 934

Alternate Key #1786312

F J HINSON'S PLAN OF THE TOWN OF ALTOONA BEG AT MOST N'LY COR OF LOT 39, RUN SE'LY ALONG LOT LINE 150 FT, SW'LY PARALLEL WITH NW'LY LINE OF LOT 39 A DIST OF 150 FT, NW'LY PARALLEL WITH NE'LY LINE OF LOT 39 A DIST OF 150 FT, NE'LY ALONG LOT LINE 150 FT TO POB PB 1 PGS 28-29; ORB 2937 PG 934

EXHIBIT - B



ALTOONA FIRESTATION 14 PROPOSED TOWER LOCATION

scale: 1/32"

8.16.2012 drawn by: RLeBlanc

ATTACHMENT - 1

PLANNING AND COMMUNITY DESIGN
315 WEST MAIN STREET
TAVARES FL 32778



Final Development Order
Lake County Board of County Commissioners
BOA # 25-12-5

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake County Board of County Commissioners (the "Owner") made a request to allow a telecommunications tower to be located closer than 100 feet from property lines, not centered on the parent parcel and closer than 1,320 feet from existing dwelling units and from lands zoned Rural Residential (R-1), Estate Residential (R-2), Medium Residential District (R-3) and Urban Residential District (R-6) in an area that was formerly designated as Rural Village future land use; and

WHEREAS, the subject property consists of 2 acres +/- and is generally located east of Altoona in Section 31, Township 17 South, Range 27 East, being composed of Alternate Key Number 3272862 & 1786312 and is more particularly described as:

F J HINSON'S PLAN OF THE TOWN OF ALTOONA BEG AT MOST N'LY
COR OF LOT 39, RUN SE'LY ALONG LOT LINE 150 FT, SW'LY
PARALLEL WITH NW'LY LINE OF LOT 39 A DIST OF 150 FT, NW'LY
PARALLEL WITH NE'LY LINE OF LOT 39 A DIST OF 150 FT, NE'LY
ALONG LOT LINE 150 FT TO POB PB 1 PGS 28-29

AND, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on September 13, 2012; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on September 13, 2012, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 25-12-5 to allow a telecommunications tower to be located 70 feet from the western property line, not centered on the parent parcel and closer than 1,320 feet from existing dwelling units and from lands zoned Rural Residential (R-1), Estate Residential (R-2), Medium Residential District (R-3) and Urban Residential District (R-6) in an area that was formerly designated as Rural Village future land use;

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

Section 3. **Effective Date.** This Ordinance shall become effective as provided by law.

ENACTED this 13th day of September, 2012.

EFFECTIVE September 13, 2012.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA



Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this September 13, 2012 by DONALD SCHREINER, who is personally known to me.

(SEAL)



Signature of Acknowledger

Serial Number: EE 048746

My Commission Expires: 12/14/2014



ATTACHMENT - 2



October 10, 2012

Steve Greene, AICP Chief Planner
Lake County Department of Growth Management
315 W. Main Street
Tavares, FL 32778

Re: Lake County Fire Station 14 – Rezoning Application

Dear Mr. Greene:

We are in receipt of the County's proposed rezoning application forwarded to the City of Umatilla on October 8, 2012. LPG Urban & Regional Planners, Inc. is the planning consultants for the City and Mr. Glenn Irby, City Manager has requested that we respond on behalf of the City.

The subject site is located within the ISBA and JPA boundary pursuant to the Interlocal Service Boundary Agreement between the City of Umatilla and Lake County (please see attached map). Pursuant to that agreement, the City strongly suggests that the County consider annexation into the City of Umatilla of the subject 8.81 ± acre site. All annexation requests are subject to approval by the City Council.

We have completed the Utility Notification form. The City of Umatilla currently has both water and sewer dry lines at the intersection of SR 19 and CR 42. We anticipate that the water lines will be active by December 2012.

On behalf of the City, we appreciate the opportunity to comment on the subject rezoning. Should you have any questions, please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Greg A. Beliveau', is written over a light blue horizontal line.

Greg A. Beliveau, AICP

cc: Glenn Irby, City Manager

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CONSENT AGENDA

Tab 1	PH# 32-12-5	Lake County BCC/J. Jolliff, Fire Chief Fire Station #14 – Tower rezoning
Tab 2	PH# 34-12-1	M. Anderson Family Partnership/Ladd Dev Anderson Property rezoning

MOTION by John Ameri, SECONDED by Rick Gonzalez to APPROVE the Consent Agenda, consisting of agenda items 1 and 2, with an amendment to Tab 1 of an additional condition stating that the telecommunications tower shall adhere to the Comprehensive Plan, Federal Aviation Authority, and Federal Communication Commission policies, rules, and regulations, as amended.

FOR: Morris, Ameri, Gonzalez, Bryan, Miller

AGAINST: None

MOTION CARRIED: 5-0