

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
 November 28, 2012



BOARD OF COUNTY COMMISSIONERS
 December 18, 2012

PH #36-12-4 Sorrento Solar Farm Expansion	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item # 2
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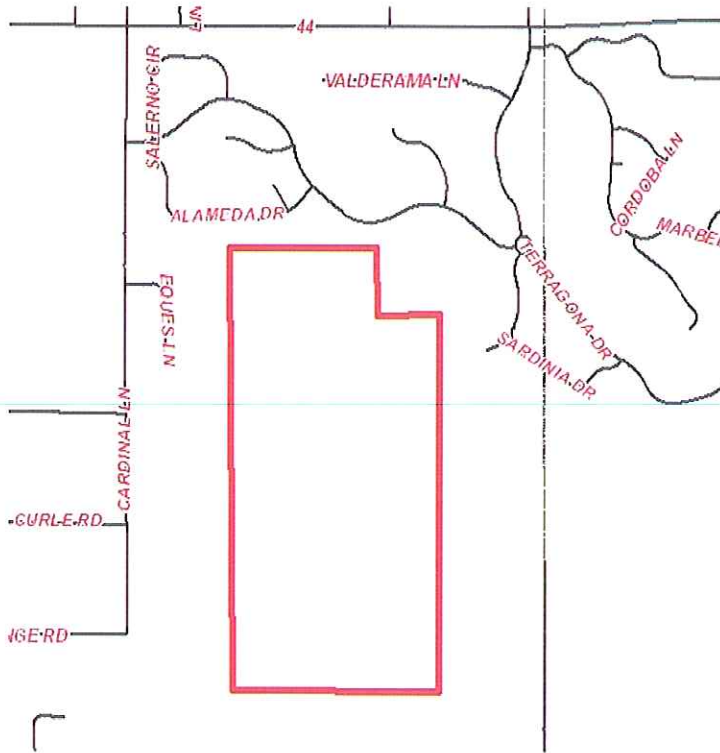
Owner: City of Eustis – Paul Berg, City Manager (the “Owner”)

Applicant: Sorrento Solar Farm LLC – Carlos Gonzales (the “Applicant”)

Requested Action: The Applicant seeks to amend Community Facility District (CFD) Ordinance #2001-78 for 305 +/- acres to add a Solar Energy Facility use, combine existing uses allowed by Ordinance, and rescind/replace Ordinance #2001-78.

- Site Location & Information -

Approximate site location outlined in Red



Size	305 +/- acres	
Location	North Sorrento area, west side of Cardinal Lane approximately a 1/2 mile south of State Road 44 (33840 Cardinal Lane)	
Alternate Key #	2609524	
Future Land Use	Public Service Facilities & Infrastructure	
	Existing	Proposed
Zoning District	CFD	CFD
Density	N/A	N/A
Floor Area Ratio	1.0 max	1.0 max
Impervious Surface Ratio	0.80 max	0.80 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Well and Septic	
Road Classification	SR 437 – Rural Arterial Cardinal Lane - Local	
Flood Zone/ FIRM Panel	(X & A) / (0380D & 0385D)	
Commissioner District	4 - Campione	

Site Visit: November 13, 2012

Sign Posted: November 13, 2012 (9 signs posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transitional	PUD	Residential	Sorrento Hills PUD
South	Rural Transitional	A	Residential & Pasture	None
East	Rural Transitional	PUD, A, & CFD	Residential, Pasture, & Solar Farm	Sorrento Solar Farm (Site Plan Review)
West	Rural Transitional	A	Residential & Pasture	None

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request to rescind and replace CFD Ord #2001-78 for 305 +/- acres to continue the existing Waste Water Treatment Facility and spray field uses and to add a Solar Energy Facility in accordance with the conditions in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The Applicant seeks to add a Solar Energy Facility (Utilities) use on 197 acres of the 305 +/- acres currently subject to Ordinance #2001-78, combine all existing uses under Ordinance #2001-78, and rescind/replace Ordinance #2001-78 with a new Ordinance. The property is located in the North Sorrento area, on the west side of Cardinal Lane approximately a 1/2 mile south of State Road 44 (33840 Cardinal Lane). The site is currently developed as the City of Eustis Waste Water Treatment Facility and Effluent Spray Field (Utilities). The property is located within the Public Service Facilities and Infrastructure Future Land Use Category (FLUC) which recognizes and allows Utilities as a permitted use.

In May, 2011, the Applicant had an adjacent 200 acres rezoned to CFD for the development of a 40-megawatt solar energy facility (PH#9-11-4). Since that time, the applicant has approached the City of Eustis to acquire 197 of the 305 +/- acres of the waste water treatment facility and spray field site to expand the adjacent solar energy facility operation area.

– 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 which permits Utilities in the CFD Zoning District. These proposed uses for the property are consistent with the CFD purpose specified by Section 3.00.02.Y, LDR, as the uses promote general welfare and secure economic and coordinated land use.

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

Policy I-1.5.3, Comprehensive Plan, entitled "Public Service Facilities and Infrastructure Future Land Use Category", recognizes utilities (existing wastewater treatment plant) and energy plants (proposed solar energy facility) as permitted uses within the Public Service Facilities and Infrastructure FLUC. The wastewater treatment plant provides services for the utility customers of the City of Eustis and the proposed solar energy facility will be providing the electricity produced to Progress Energy, a regional power provider in Florida.

Policy I-3.4.1, Comprehensive Plan, entitled "Surveys and Studies", requires certain surveys and studies to be submitted with applications for rezonings within the Wekiva Study Area of forty (40) acres or more. Policy I-3.4.1 requires the submittal of a soils analysis to determine the location of the most effective recharge area, a site specific hydrogeologic and geotechnical report to determine the hydrogeologic character of the site, and an environmental assessment identifying flora and fauna, state and federal listed species, and vegetative habitat for the site. The results of these reports are discussed in detail within Section F of this report.

The proposed use is consistent with Comprehensive Plan Objective III-4.2 and its related policies requiring the County to promote the use of renewable energy sources and energy conservation practices since the proposed project would reduce the consumption of non-renewable energies and is taking advantage of a clean energy resource.

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

The property is surrounded by low density residential and equestrian uses and pasture to the west, south and east together with approximately 200 acres to the east previously rezoned to CFD for a solar energy facility, and a golf course community (Sorrento Hills PUD) to the north. The proposed Solar Energy Facility is compatible with the surrounding area land uses with appropriate conditions. Any impacts to the surrounding area will be mitigated through the use of buffers and setbacks as addressed in the associated Ordinance.

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

The Applicant wishes to develop the property as a solar energy facility in keeping with the current trends by energy suppliers and the US government to seek alternative energy sources for the purpose of energy conservation, thus reducing the dependence on foreign oil.

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 proposed main entrance to the project fronts on County Road 437 which is classified as a Rural Major Collector which requires a total right-of-way width of one hundred (100) feet. The current right-of-way width is sixty-six (66) feet which is insufficient and will require the dedication of additional right-of-way, to the extent allowed by law. The dedication of additional right-of-way will be addressed during the site plan review process for Sorrento Solar Farm Phase 1.

Cardinal Lane is classified as a Local Road and is the primary access for the City of Eustis utility facilities. The Solar Farm Facility secondary access will be from Cardinal Lane and will be used for maintenance/emergency access only for the Solar Farm Facility. Conditions have been placed in the associated Ordinance addressing access.

OTHER FACILITIES

The proposed solar energy project will have very limited if any impacts on the other public facilities such as fire, police, sewage, water supply, solid waste, parks, and schools.

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

SOIL ANALYSIS

The only soil map unit relevant to the project site is Map Unit 8 – Candler sand, 0 to 5 percent slopes. The Candler soils are excessively drained, sloping sandy marine deposits on ridges. Typical profile is sand to a depth of more than 80 inches. The depth to the water table is more than 80 inches and permeability is very rapid.

HYDROGEOLOGY

Based on a soil boring, it is believed the upper portion of the Hawthorne Formation was encountered at a depth of 72 feet. The formation material is comprised of competent, relatively impermeable clay and clayey sands and is believed to be approximately 70 feet thick at this site, providing a barrier between the surficial and Floridan aquifers. As such, the recharge rate to the Floridan aquifer is probably low to moderately low, and the potential for contamination of the Floridan Aquifer due to such recharge is probably relatively low.

The project site does lie in an area of Karst Topography, and apparent Karst features (closed depressions) are present on the project site. The general geology and groundwater conditions do suggest that some potential for future sinkhole development may exist in the project site vicinity. It is the opinion of the hydrogeologic study that

conditions consistent with sinkhole activity are present beneath the site, but it was also noted in the study that the presence of sinkhole activity is not uncommon in the region, and does not imply that sinkhole development is eminent. The proposed use as a solar facility with solar panels mounted on posts which have a minimal impervious surface and do not typically doesn't require structures of excessive weight or activities which may encourage sinkhole formation.

ENVIRONMENTAL ASSESSMENT

The project site consists of three (3) vegetation and land use classifications as classified in accordance with the Florida Land Use, Cover, and Forms Classification System (FLUCFCS). These are unimproved pasture and Natural Upland Communities identified as hardwood-conifer mixed, and xeric oak classifications in accordance with FLUCFCS.

Upland Natural Communities

The xeric oak habitat is ranked by the Florida Natural Area Inventory (FNAI) as S2 and is required by Section 6.04.04, LDR, to be preserved through site plan design to the maximum extent possible. The hardwood-conifer mixed habitat is listed as other than S2 or S3 community and will be required to retain 10% of this community as open space in accordance with Section 6.04.04, LDR.

The project site is required to provide 20% of the land area as open space in accordance with Policy I-3.4.2 of the Comprehensive Plan for the Wekiva Study Area (WSA) and the Public Service Facilities and Infrastructure FLUC. By retaining the treed areas along the western, southern, and eastern borders of the project area as demonstrated on Exhibit "C" (Vegetation and Land Use Map) as undisturbed buffer, thus fulfilling a portion of the open space requirements, provides a vegetative buffer between land uses, and preserves the upland natural communities to the maximum extent possible. Conditions have been placed in the attached Ordinance addressing this.

Threatened/Endangered Species

The Gopher tortoise is listed as "Threatened" by the Florida Fish and Wildlife Conservation Commission (FFWCC). Gopher tortoise burrows were observed on the project site during an on-site field investigation. Gopher tortoise burrows are evidence of a gopher tortoise population. An updated environmental assessment including a Gopher Tortoise Survey will be required with the site plan submittal. Relocation permitting will be addressed during the site plan review process. There were no other threatened/endangered species observed on the site.

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 for the solar energy facility would adversely affect property values in the area as it will be buffered and screened from adjacent properties and roadways.

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

The proposed rezoning will result in an orderly and logical development pattern by preserving the rural character of the area and incorporating the natural features of the property (pasture land and native vegetation), maintaining existing grades, and limiting tree removal into the proposed development.

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 consistent with the public interest as demonstrated by the use of a renewable resource and promoting alternate energy generation. The proposed amendment is in harmony with the general intent of the Comprehensive Plan and LDR as demonstrated in the analysis 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 Eustis expressed the City's support of the solar energy facility project.

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

1. The request is consistent with Comprehensive Plan Policy I-1.5.3, *Public Service Facilities and Infrastructure Future Land Use Category (FLUC)*, which permits Energy Plants and Utilities within this FLUC.
2. The request is consistent with Comprehensive Plan Objective I-3.4, *Wekiva Study Area*, together with the study area policies.
3. The request is consistent with Comprehensive Plan Policy I-3.4.1, *Surveys and Studies*, which required a soils analysis, a site specific hydrogeologic and geotechnical report, and an environmental assessment with this rezoning application.
4. The proposed rezoning is consistent with Comprehensive Plan Objective III-4.2 and its related policies requiring the County to promote the use of renewable energy sources and energy conservation practices.
5. The proposed rezoning is consistent with the LDR as seen in Table 3.01.03, Schedule of Permitted and Conditional Uses which permits Utilities in the CFD Zoning District.
6. The proposed uses for the property are consistent with the CFD purpose specified by Section 3.00.02.Y, LDR, as the uses promote general welfare and provide secure economic and coordinated land use.

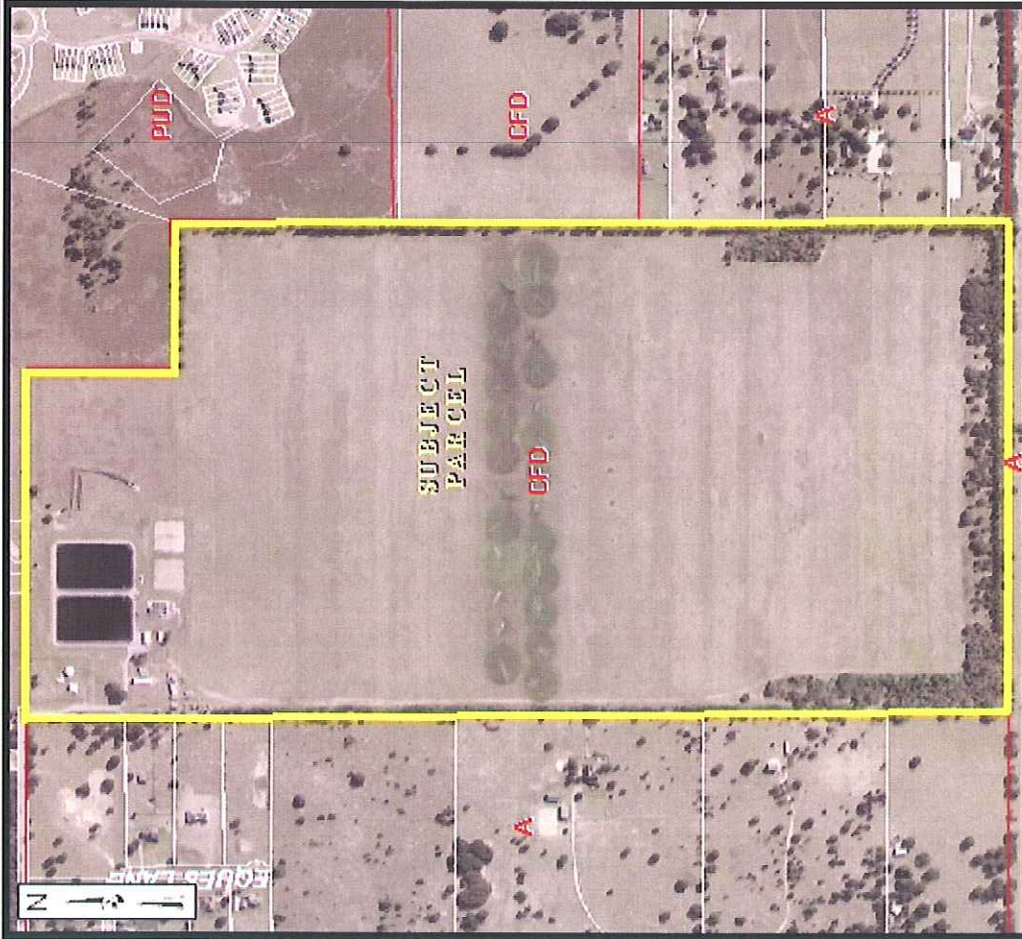
Therefore, based on these findings of fact, staff recommends **APPROVAL** of the request to amend the CFD zoning for the 305 +/- acres to permit the continuation of the existing uses on the site and the development and operation of a solar energy facility in accordance with the conditions established in the associated Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING

COMMUNITY FACILITY DISTRICT (CFD)

CASE NO.
PH# 36-12-4

CASE LOCATION:
12/13-19S-27E

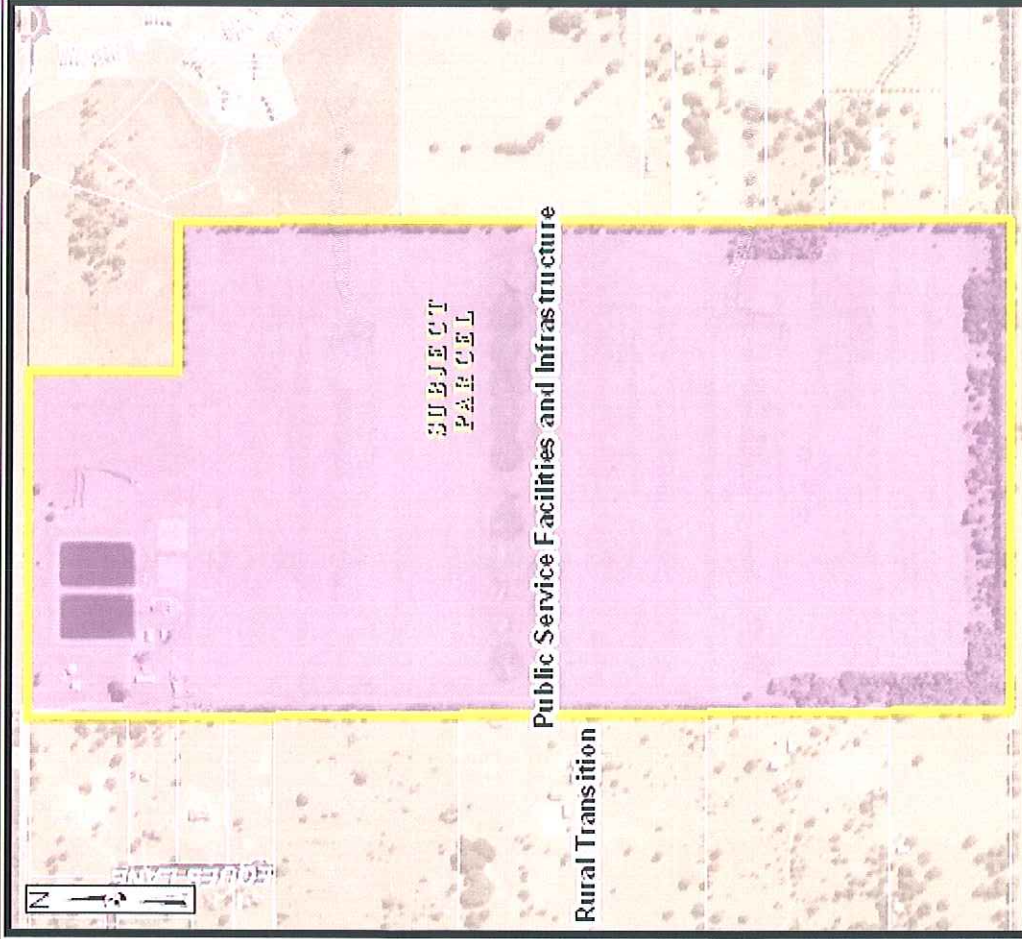
REQUESTING:
Amend CFD Zoning to
add the use of Solar Energy Facility

ZONING 

LAND USE 

SUBJECT PARCEL 

**CITY OF EUSTIS/
SORRENTO SOLAR FARM**



2030 FUTURE LAND USE

PUBLIC SERVICE FACILITIES & INFRASTRUCTURE

MAP COORDINATES
NOVEMBER 2012

FILED AREA 

LAKE COUNTY 

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ORDINANCE #2012-XX
City of Eustis/ Sorrento Solar Farm LLC
PH #36-12-4

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AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sorrento Solar Farm LLC - Carlos Gonzales with Blue Chip Energy (the "Applicant") has made a request on behalf of the City of Eustis (the "Owner") to rescind and replace Community Facility District (CFD) Ordinance #2001-78 with a new ordinance to allow a Solar Energy Facility and to continue the existing uses allowed by Ordinance #2001-78 including a wastewater treatment facility and effluent spray field; and

WHEREAS, the subject property consists of 305 +/- acres and is generally located in the North Sorrento area, on the west side of Cardinal Lane approximately a 1/2 mile south of State Road 44 (33840 Cardinal Lane), in Section 12 & 13, Township 19 South, Range 27 East, currently having Alternate Key Number 2609524, and more particularly described as:

LEGAL DESCRIPTION:

(Exhibit "A" Attached)

WHEREAS, the subject property is located within the Public Service Facilities and Infrastructure Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, this petition will rescind and replace Ordinance #2001-78; and

WHEREAS, the Lake County Planning and Zoning Board did, on the 28th day of November, 2012 review Petition PH #36-12-4 and after giving Notice of Hearing on petition for a change in the use of land, including notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 18th day of December, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

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

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

Section 1. Terms: This Ordinance shall rescind and replace Ordinance #2001-78, in its entirety. The County Manager or designee shall amend the Lake County Zoning Map to Community Facility District (CFD). The uses of the property shall be limited to those uses specified within this Ordinance and generally consistent with the Conceptual Plan attached hereto as EXHIBIT "B". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

1 A. Land Uses: Use of the site shall include the following:

- 2 1. Wastewater Treatment Facility
- 3 2. Solar Energy Facility.
- 4 3. Water Treatment Plant
- 5 4. Percolation Ponds
- 6 5. Effluent/Re-use Disposal Operation (Spray Field)
- 7 6. Warehouse
- 8 7. Barn
- 9 8. Mobile Home

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11 Accessory uses directly associated with the above uses may be approved by the County
12 Manager or designee. Any other use of the site shall require an amendment to this
13 Ordinance as approved by the Board of County Commissioners.

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15 B. Specific Conditions

- 16 1. Individual solar panels shall be fixed structures with no moving parts.

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18 C. Setbacks, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
19 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
20 amended.

21 D. Open Space:

- 22 1. Twenty (20) percent of the land area shall be set aside as open space.
- 23 2. A minimum of 27.98 acres of the areas shown as FLUCFCS Code #421 Xeric Oak and
24 Code #434 Hardwood-Conifer Mixed shown on the Vegetative and Land Use Map (Exhibit
25 "C") shall be included within the required open space for the project.
- 26 3. A conservation easement, or similar instrument, shall be recorded preserving the open
27 space area.

28 E. Landscaping, Buffering, and Screening shall comply with the Comprehensive Plan and Land
29 Development Regulations, as amended.

- 30 1. No protected trees over 6 inches in diameter at breast height shall be removed from the
31 property for development purposes.

32 F. Transportation Improvements/Access Management:

- 33 1. Access management shall be in accordance with the Land Development Regulations, as
34 amended.
- 35 2. Access from Cardinal Lane for the Solar Farm Facility shall be for maintenance/emergency
36 access only. Primary access for the Solar Farm Facility shall be from CR 436.

37 G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
38 with Dark-Sky Principles.

39 H. Noise: A noise study meeting the requirements of the LDR shall be submitted with any site
40 plan or site plan amendment submittal. The recommendations of the Noise Study shall be
41 implemented through the Site Plan process.

42 I. Signage: Signs shall be in accordance with the LDR, as amended.

- 1 J. Concurrency Management Requirements: Any development shall comply with the Lake County
2 Concurrency Management System.
- 3 K. Development Review and Approval: Prior to the issuance of any building permits, the Applicant
4 shall be required to submit a site plan generally consistent with Exhibit "B" – Conceptual Site
5 Plan, for review and approval in accordance with the Comprehensive Plan, LDR, and this
6 Ordinance, as amended.
- 7 L. Future Development Orders: Any requested development order must comply with the
8 Comprehensive Plan and LDR, as amended.
- 9 M. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
10 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
11 Comprehensive Plan, and Lake County Land Development Regulations shall include any
12 future amendments to the Statutes, Code, Plans, and/or Regulations.

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

- 14 A. After establishment of the facilities as provided herein, the aforementioned property shall only
15 be used for the purposes named in this Ordinance. Any other proposed use must be
16 specifically authorized by the Board of County Commissioners.
- 17 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
18 move, convert, or demolish any building structure, add other uses, or alter the land in any
19 manner within the boundaries of the above described land without first obtaining the necessary
20 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
21 required from the other appropriate governmental agencies.
- 22 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
23 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
24 Owner and any successor, and shall be subject to each and every condition herein set out.
- 25 D. Construction and operation of the proposed use shall at all times comply with the regulations of
26 this and other governmental permitting agencies.
- 27 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
28 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
29 made good and aware of the conditions established by this Ordinance and agrees to be bound
30 by these conditions. The purchaser or lessee may request a change from the existing plans
31 and conditions by following procedures contained in the Land Development Regulations, as
32 amended.
- 33 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
34 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
35 in this ordinance and to recommend that the ordinance be revoked.

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

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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**

, 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

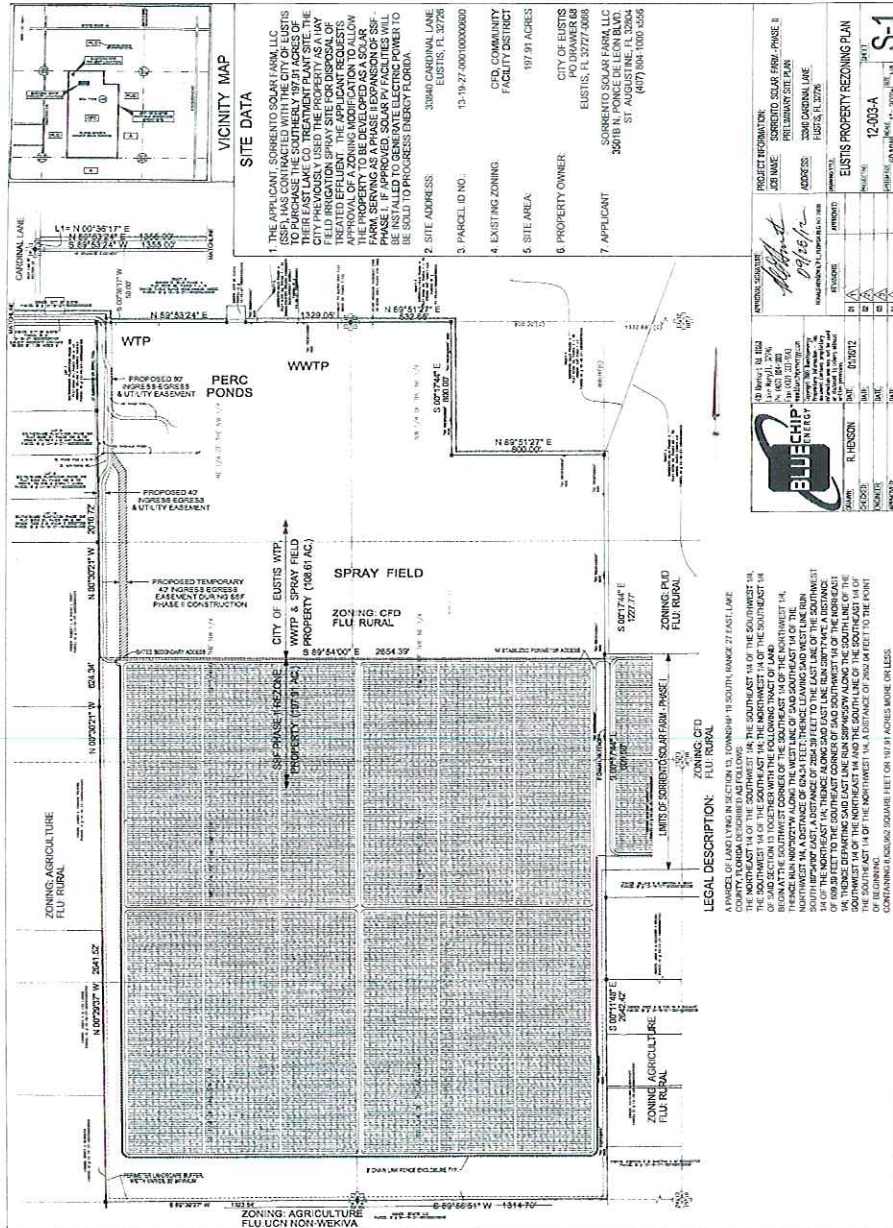
EXHIBIT "A" – LEGAL DESCRIPTION

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South 50 feet of the West 1,380 feet of the Southwest $\frac{1}{4}$ - Less the West 25 feet, Section 12, Township 19 South, Range 27 East and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$, the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, and the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ - Less the North 800 feet of the East 800 feet, Section 13, Township 19 South, Range 27 East, Lake County, Florida.

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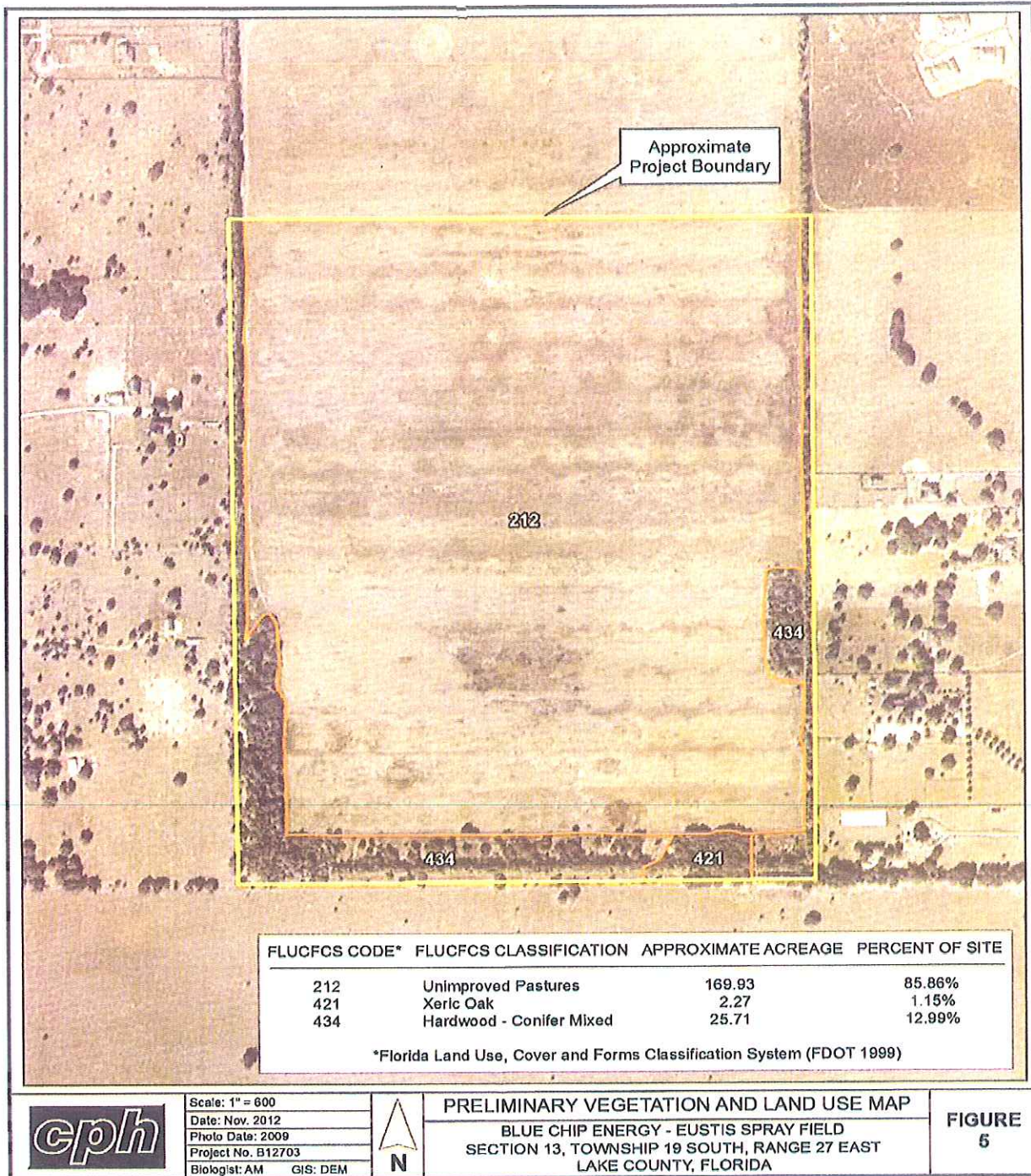
EXHIBIT "B" – CONCEPTUAL SITE PLAN



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EXHIBIT "C" – VEGETATION AND LAND USE MAP



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