

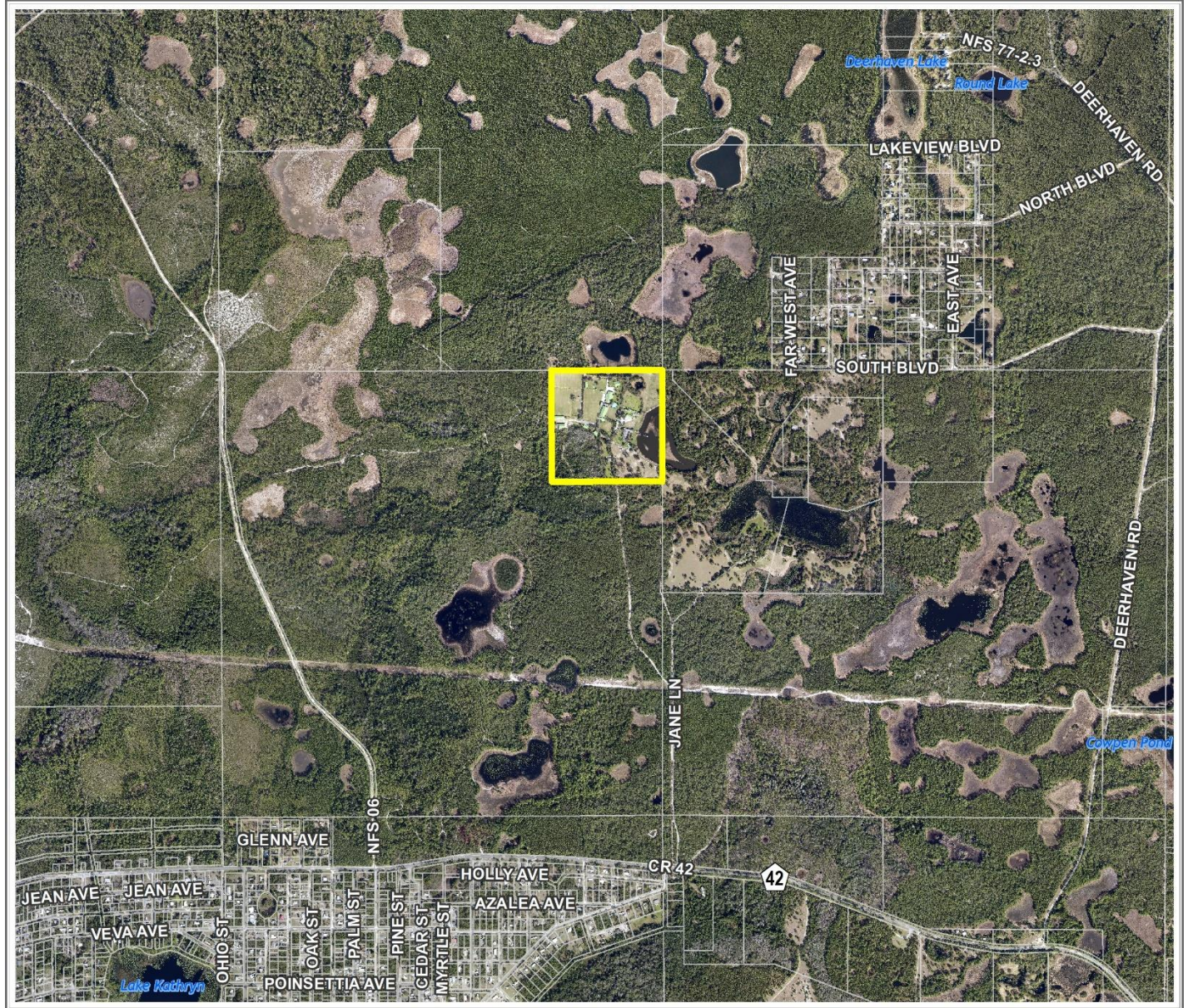
# LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board  
October 31, 2018



Board of County Commissioners  
November 20, 2018

<b>RZ-18-13-5</b> Rite of Passage	<b>Commissioner District 5</b> <b>Blake</b>	<b>Agenda Item # 1</b>
--------------------------------------	--	------------------------



**Requested Action:** Amend Community Facilities District (CFD) Ordinance No. 2009-54 to allow for educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths on approximately 39.86 acres located on Jane Lane in the Paisley area.

**Owners:** 5J International, Inc.

**Applicant:** Michael Cantrell

**- Site Location & Information -**

<b>Alternate Key</b>	1709482
<b>Size</b>	Approximately 39.86 acres
<b>Location</b>	Jane Lane in the Paisley Area
<b>Future Land Use</b>	Rural
<b>Zoning District</b>	Community Facilities District (CFD)
<b>Proposed Zoning District</b>	Community Facilities District (CFD)
<b>Joint Planning Area/ ISBA</b>	None
<b>Overlay Districts</b>	Wekiva – Ocala Rural Protection Area (RPA)

**- Land Use Table -**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Conservation	Agriculture (A)	Vacant	Wooded Forrest
<b>South</b>	Conservation	Agriculture (A)	Vacant	Wooded Forrest
<b>East</b>	Rural	Agriculture (A)	AG Residential	AG Exempt
<b>West</b>	Conservation	Agriculture (A)	Vacant	Wooded Forrest

**- Summary of Recommendations -**

**Staff Recommendation:** Staff recommends **APPROVAL** of the application to amend Community Facilities District (CFD) Ordinance No. 2009-54 to allow for educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths.

**Planning and Zoning Board Recommendation:**

**Analysis**

On September 22, 2009 the Board of County Commissioners approved Ordinance 2009-54 which established a Community Facilities District (CFD) on the subject property. The CFD ordinance allowed the following land uses: A sports camp/training facility (private club) for physical training and athletic conditioning, including athletic fields; Agricultural uses; Dormitory facility for temporary use; Training facility; Staff housing not to exceed seven (7) single-family dwelling units; and Special Events.

The Applicant submitted a rezoning application to Amend Community Facilities District (CFD) Ordinance No. 2009-54 to allow for educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths on approximately 39.86 acres located on Jane Lane in the Paisley area. The Applicant has stated the proposed uses are in addition to the uses allowed under the current CFD Ordinance.

**Standards for Review**

*Pursuant to LDR 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 would not be in conflict with the Land Development Regulations. The property is currently zoned Community Facility District (CFD). Land Development Regulation (LDR) Section 3.00.02 (Y) *Purpose and Intent of Districts* describes CFD zoning as “to allow for the Creation of "CFD" community facility districts in those areas where special or substantial community interest uses and activities are necessary and desirable. It is further

the intent, to establish CFD districts individually under site plans and conditions necessary to promote general welfare and to secure economic and coordinated Land Use". LDR Section 3.00.03 Consistency of Zoning Districts with Land Use Classifications allows for CFD zoning in all Land Use Categories. Comprehensive Transitional Education Facilities defined in LDR Section 3.01.02 (E)(11) as "a group of jointly operating centers or units which provide educational care, training, treatment, habilitation, and rehabilitation services to persons who have developmental disabilities" is a permitted use in the CFD zoning district. Additionally, LDR Section 3.01.03 Schedule of Permitted and Conditional Uses, allows Passive Parks and Recreation as a permitted use within the Community Facility zoning district.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan (Comp Plan). The rezoning is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which specifies recreation facilities, nursing and personal care facilities and outdoor sports and recreation clubs as typical uses requiring a Conditional Use Permit. As previously stated, CFD zoning is allowed in all Land Use Categories and is established under site plans and conditions necessary to promote general welfare and to secure economic and coordinated Land Use.

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

The Applicant wishes to amend the current CFD Ordinance to allow additional uses to include educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths consistent with the intent of the Rural Future Land Use Category.

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

The Applicant would like to develop the property with additional uses to those allowed under the current CFD Ordinance in order to provide services to youths identified as developmentally delayed.

**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 amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.**

Schools

The applicant does not intend on developing the property with residences; therefore, school capacity will not be affected by this application.

Water and Sewer

The proposed rezoning is not anticipated to adversely impact water and sewer capacity or levels of service as the property is served by private well and septic.

Parks

The proposed rezoning is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

The proposed rezoning is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety

Lake County Fire Station #13 is located approximately 4.26 miles from the subject property at 25250 County Road 42.

Transportation Concurrency Analysis

The standard Level of Service (LOS) for the impacted roadway of CR 42 is "C" with capacity of 430 trips. Currently the impacted segment from Palmetto St to Lake Mack Rd is operating at thirty five percent (35%). This project will be generating approximately nineteen (19) pm peak hour trips, in which eleven (11) trips will impact the peak hour direction. The applicant will be required to submit a request for exemption from full transportation concurrency traffic impact study with the required development application prior to initiating the proposed CFD uses.

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

The proposed use is not anticipated to create significant impact on the natural environment. The subject property is currently developed and no new structures are proposed. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations.

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

There is no indication that the rezoning would have an adverse impact on property values.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The subject property is surrounded by property zoned Agriculture (A). The proposed amendment will have no negative effects on the development pattern in the area and will result in an orderly and logical development pattern.

**I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The proposed rezoning amendment is consistent with the purpose and interest of Lake County's regulations.

**FINDINGS OF FACT:** Staff has reviewed the application for this rezoning request and found:

1. Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which specifies recreation facilities, nursing and personal care facilities and outdoor sports and recreation clubs as typical uses requiring a Conditional Use Permit within the Rural FLUC;
2. The request is consistent with LDR Section 3.00.03 Consistency of Zoning Districts with Land Use Classifications that allows for CFD zoning in all Land Use Categories;
3. LDR Section 3.00.02 (Y) Purpose and Intent of Districts describes CFD zoning that allows for the Creation of "CFD" community facility districts in those areas where special or substantial community interest uses and activities are necessary and desirable. It is further the intent, to establish CFD districts individually under site plans and conditions necessary to promote general welfare and to secure economic and coordinated Land Use; and
4. LDR Section 3.01.03 Schedule of Permitted and Conditional Uses that allows Comprehensive Transitional Education Facilities and Passive Parks and Recreation as a permitted use within the Community Facility zoning district.

Based on these findings of fact, staff recommends **APPROVAL** of the application to amend Community Facilities District (CFD) Ordinance No. 2009-54 to allow for educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths.

**Case Manager:** Ken Johnson, Senior Planner

**WRITTEN COMMENTS FILED:**

**Support: -0-**

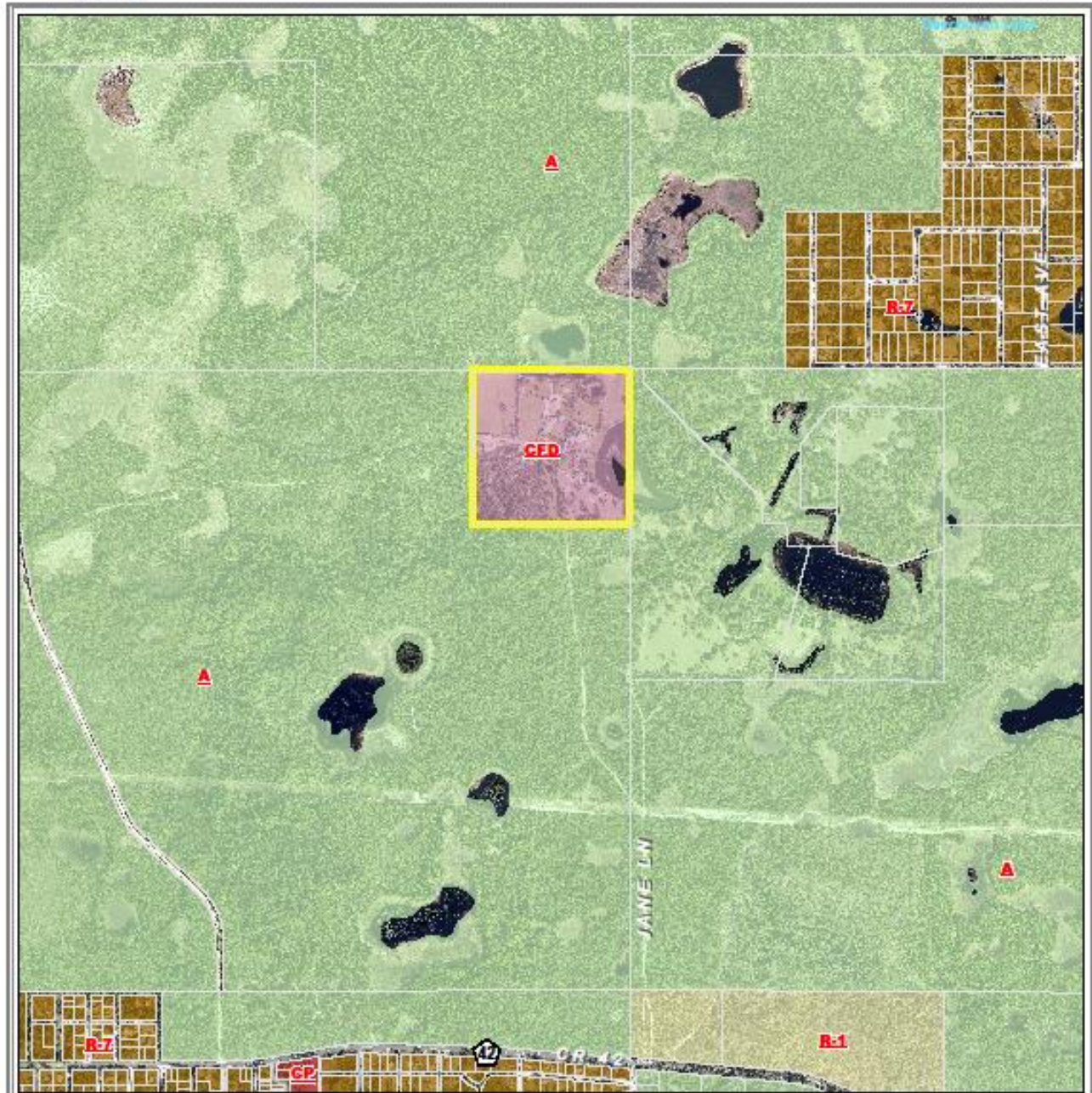
**Questions: -0-**

**Opposition: -1-**

*{Remainder of Page Intentionally Left Blank}*

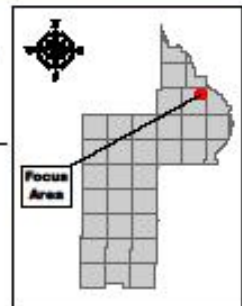


**CURRENT ZONING**



**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: RITE OF PASSAGE**  
**CASE NUMBER: RZ-18-13-5**  
**LOCATION (S-T-R): 11-17-28**  
**REQUEST: COMMUNITY FACILITY DISTRICT (CFD) AMENDMENT**

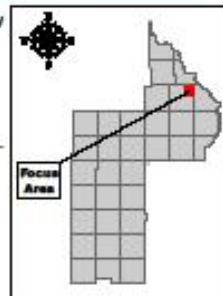


**CURRENT FUTURE LAND USE**



**FUTURE LAND USE LEGEND**

Bella Collina	Mt Plymouth-Sorrento Main Street District	Regional Commercial	Urban Low Density
Cagan Crossings	Mt Plymouth-Sorrento Neighborhood	Rural	Urban Medium Density
Conservation	Mt Plymouth-Sorrento Receiving Area	Rural Transition	Urban High Density
Green Swamp Core Conservation	Regional Office	Sending Area A-1-20	Wellness Way 1
Green Swamp Interlachen	Public Service Facility and Infrastructure	Sending Area A-1-40	Wellness Way 2
Green Swamp Ridge	Receiving Area A-1-20	South Lake Regional Park	Wellness Way 3
Green Swamp Rural	Recreation	Summer Bay	Wellness Way 4
Green Swamp Rural Conservation			Towncenter
Heavy Industrial			



**NAME: RITE OF PASSAGE**  
**CASE NUMBER: RZ-18-13-5**  
**LOCATION (S-T-R): 11-17-28**  
**REQUEST: COMMUNITY FACILITY DISTRICT (CFD) AMENDMENT**

**Ordinance 2018 - XX  
Rite of Passage Rezoning  
RZ-18-13-5**

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

**WHEREAS**, Michael Cantrell (the “Applicant”) has submitted a rezoning application on behalf of 5J International, Inc. (the “Owner”) to amend existing Community Facilities District (CFD) Ordinance No. 2009-54 to allow additional uses consisting of educational services, vocational training, life skills development, recreational opportunities and family services to developmentally delayed youths; and

**WHEREAS**, the subject property consists of 39.86 +/- acres and is located approximately three (3) miles east of Paisley and one (1) mile north of County Road 42 in north Lake County, within Section 11, Township 17 South, Range 28 East, and is more particularly described below:

The Northeast ¼ of the Northeast ¼ of Section 11, Township 17 South, Range 28 East, Lake County, Florida.

**WHEREAS**, the subject property is located within the Rural Low Future Use Category; and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-18-13-5 on the 3<sup>rd</sup> day of October, 2018, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on 23<sup>rd</sup> day of October, 2018; and

**WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & 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:

**Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the “Conceptual Plan” attached hereto as Exhibit “A”. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence. The adoption of this Ordinance shall rescind and replace CFD Ordinance No. 2009-54.

**A. Permitted Land Uses:**

1. Educational services, vocational training, life skills development and counseling services to students within the Department of Juvenile Justice system, and their and families.
2. Student dormitories.
3. Staff housing (one unit).



4. Physical training and athletic conditioning.
5. Special Events:
  - a. Special Events may be permitted with an open air gathering permit.
  - b. Security and sanitary facilities shall be demonstrated at the time of permit submittal.
6. Equestrian program.
7. Recreational activities.
8. Food preparation and dining.
9. Agricultural uses.
10. Accessory Uses directly associated with the above principal uses may be approved by the County Manager or designee. Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.**

1. Open Space – Eighty (80) percent of the project shall be maintained as open space.
2. Impervious Surface Ratio (ISR) – shall not exceed twenty (20) percent for the overall development.
3. Floor Area Ratio (FAR) – shall not exceed (1.0).
4. Building height - shall not exceed fifty (50) feet.
5. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

**C. Development Review and Approval.** Prior to the issuance of any permits, the Owners will be required to submit a development application generally consistent with EXHIBIT "A" for review and approval in accordance with the Comprehensive Plan and LDR, as amended.

**D. Setbacks.**

1. All buildings shall be setback fifty (50) feet from all roads, or Right-of-Way easements bounding the project area.
2. Fifty (50) feet (minimum) from the jurisdictional wetland line, with the exception of water dependent structures.
3. Any setback not specified herein must be in accordance with the Lake County Land Development Regulations, as amended.

**E. Parking Requirements.**

1. Off-street parking must be provided in accordance with the Lake County Land Development Regulations, as amended.

2. Off-street parking may be provided utilizing unpaved surfaces with the exception of ADA compliant parking spaces.

**F. Landscaping, Buffering, and Screening.** All new development must provide landscaping in accordance with the Lake County Land Development Regulations, as amended.

**G. Outdoor Activities.**

1. Outdoor group activities shall not cause excessive noise, as defined in the Lake County Land Development Regulations, as amended. The use of any device for the amplification or augmentation of sound, such as but not limited to, loud speakers shall only be used for special events. A noise impact study shall be required with the development application addressing mitigation for any noise impacts to neighboring uses.
2. Activities shall be limited to the hours of 7:00 AM to 9:00 PM, unless permitted through a Special Event permit issued by Lake County.

**H. Environmental Requirements.**

1. Development (structures and impervious surfaces) must be setback a minimum of fifty (50) feet from the jurisdictional wetland line or mean high water line, whichever is further landward, with the exception of water dependent uses and structures such as docks, platforms, and pile-supported walkways or similar structures. The use of fertilizers, pesticides, or herbicides is strictly prohibited within upland buffer zones unless specifically authorized by the appropriate federal or state agency.
2. Prior to any future development, a current environmental assessment must be submitted to identify potential negative impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
3. All wetlands and wetland buffers within the property must be placed into a conservation easement that will run in favor of, and be enforceable by, a homeowners' association, a public agency acceptable to Lake County, or Lake County, at Lake County's discretion. The conservation easement must require that all wetlands and wetland buffers be maintained in their natural and unaltered state. Any such easement must allow access to water dependent structures such as docks and walkways.

**I. Noise:** Compliance must be in accordance with the Lake County LDR, as amended.

**J. Transportation.** All access management must be in accordance with FDOT, the Comprehensive Plan and Land Development Regulations, as amended.

**K. Utilities.** The development must be served with central potable water and central sewer, in accordance with the Comprehensive Plan and LDR, as amended.

**L. Stormwater Management.** The stormwater management system must be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.

**M. Floodplain Management.** The developer will be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and Land Development Regulations, as amended. Any development within the floodplain as identified on the FEMA maps will required compensating storage.

**N. Lighting:** Exterior lighting must be in accordance with the Lake County Land Development Regulations, as amended, and consistent with Dark-Sky Principles.

- O. Signage:** All signage must be in accordance with the Lake County Land Development Regulations, as amended.
- P. Concurrency Management Requirements.** Any development must comply with the Lake County Concurrency Management System, as amended.

**Section 2. Conditions.**

- A.** After establishment of the facilities as provided in this Ordinance, the property may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County Commissioners.
- B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and any successor, and will be subject to each and every condition set out in this Ordinance.
- D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.
- E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

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

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

*{Remainder of Page Intentionally Left Blank}*

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

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**FILED** with the Secretary of State \_\_\_\_\_, 2018.

**EFFECTIVE** \_\_\_\_\_, 2018.

**Board of County Commissioners  
Lake County, Florida**

\_\_\_\_\_  
**Timothy I. Sullivan, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Gary J. Cooney, Clerk  
Board of County Commissioners  
of Lake County, Florida**

**Approved as to Form and legality:**

\_\_\_\_\_  
**Melanie Marsh, County Attorney**

