



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): July 9, 2019
Board of County Commissioners (BCC): July 30, 2019

Case No. and Project Name: RZ-19-12-5, Harmony Hills CFD Amendment

Applicant: Rick Hartenstein, AICP, CPM

Owner: Lake Dorr, LLC

Requested Action: Amend Community Facility District (CFD) Ordinance #2017-30 with a new ordinance to allow an additional 30,000 square foot building with 60 beds to increase the total number of beds to a maximum of 120 total beds at the existing Comprehensive Transitional Education Facility.

Staff Determination: Staff recommends approval of the rezoning application with the conditions contained in the draft ordinance.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 65 +/- acres

Location: West of State Road 19, north of Boys Ranch Road, and easterly of Marion County in the Altoona area.

Alternate Key No.: 1220157 and 1220360

Future Land Use: Rural

Current Zoning District: Community Facility District (CFD) by Ordinance 2017-30

Flood Zones: AE/X

Joint Planning Area/ ISBA: NA

Overlay Districts: Wekiva-Ocala Rural Protection Area

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-----------------|-----------------|------------------------------|--|
| North | Conservation | Agriculture (A) | Conservation | Ocala National Forest |
| South | Rural | Agriculture (A) | Residential and Agricultural | Single family dwelling units and adjacent to Boys Ranch Road |
| East | Rural | Agriculture (A) | Residential and Agricultural | Single family dwelling units and adjacent |
| West | Marion County | Marion County | Marion County | Marion County |

Staff Analysis

The subject 65 +/- acres are identified by Alternate Key Numbers 1220157 and 1220360. The properties are zoned Community Facility District in accordance with Ordinance #2017-30, and designated as Rural Future Land Use. Consistent with Ordinance #2017-30, the subject property is developed with a Comprehensive Transitional Education Facility that includes a maximum of 60 allowed beds for patients, associated office, classroom, recreational, and agricultural/equestrian buildings.

The Applicant seeks to amend Community Facility District Ordinance #2017-30 to allow an additional 30,000 square foot building that will include 60 beds for a new maximum total of 120 beds at the existing facility.

Standards for Review (LDR Section 14.03.03)

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed rezoning is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC), conditionally allows nursing and personal care facilities; utilizing the community facility district zoning satisfies the conditional approval requirement. The Rural FLUC allows a maximum residential density of one (1) dwelling per five (5) net acres. As the existing and proposed beds at the Comprehensive Transitional Education Facility are for temporary usage by patients of the facility rather than for permanent residential occupancy, the Rural FLUC residential density is not applicable. The existing facility is located within the Wekiva-Ocala Rural Protection Area (RPA). The proposed use is allowed within the Rural FLUC; pursuant to Comp Plan Policy I-5.2.2, the Rural FLUC is an allowable land use within the Wekiva-Ocala Rural Protection Area Wekiva-Ocala RPA.

B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.

The proposed request is consistent with the Community Facility Zoning District. Pursuant to LDR Section 3.01.02, Classification of Uses, Comprehensive Transitional Education Facilities are identified as a community facility use. A Comprehensive Transitional Education Facility is defined in LDR Chapter II 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."

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

The proposed rezoning is consistent with the land uses permitted within the existing Community Facility District zoning, existing Rural FLUC, and Wekiva-Ocala RPA. The parcels surrounding the subject property are large tracts of land (5-acre or larger) developed with residential and agricultural land uses.

D. Whether there have been changed conditions that justify an amendment.

Pursuant to Ordinance #2017-30, the Comprehensive Transitional Education Facility may have a maximum of 60 beds. The Owner would like to amend Ordinance #2017-30 to allow an additional 30,000 square foot building with 60 beds for a new maximum total of 120 beds. The additional building and beds will allow the facility to house and provide services to additional patients.

E. Whether, and the extent to which, the proposed amendment 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.

Water and Sewer

The subject property is serviced by an onsite central water and onsite wastewater treatment system (package plant).

Schools

The proposed rezoning is not anticipated to adversely impact schools.

Parks

The proposed rezoning is not anticipated to adversely impact parks.

Solid Waste

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

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #14) is located less than 5 miles from the site.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of SR 19 is "C". Currently the impacted segment from CR 445 to CR 42 is operating at thirty four percent (34%) of its capacity. This project will be generating seventeen (17) pm peak hour trips.

The Applicant has submitted and received approval of a Request for Exemption from Full Transportation Concurrency Impact Study.

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

The proposed rezoning is not expected to result in significant impacts on the natural environment. An environmental assessment will be required with the development application submittal for the proposed 30,000 square foot building.

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

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

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

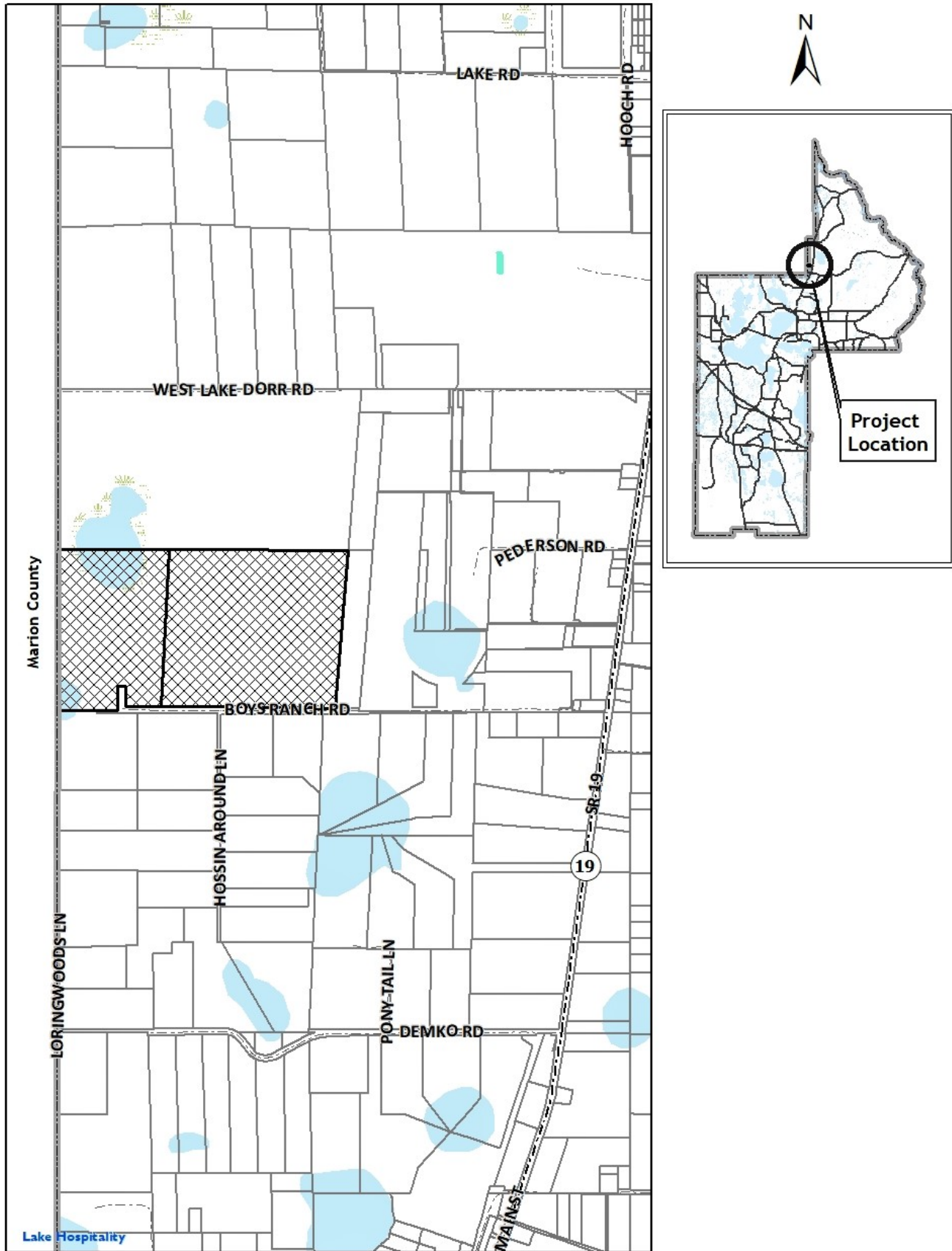
There is no indication the proposed rezoning will disrupt the existing orderly and logical development pattern of the area. The existing facility has been located within the community for many years and has had long term integration into the existing development pattern for the area. The property was originally zoned Community Facility District consistent with Ordinance #1998-76 for the purpose of a rehabilitation, training, and foster care center for at risk youth.

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

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

However, Staff has received two (2) emails of opposition (Attachment #1).

Subject Property.



**Ordinance #2019-XX
RZ-19-12-5
Harmony Hills (Chrysalis Health) CFD Amendment**

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

3 **WHEREAS**, Rick Hartenstein, AICP, CPM (the "Applicant") submitted an application on behalf of
4 Lake Dorr, LLC ("the Owner") to amend Community Facility District (CFD) Ordinance #2017-30 with a new
5 ordinance to allow an additional 30,000 square foot building with 60 beds to increase the total number to a
6 maximum of 120 total beds at the existing Comprehensive Transitional Education Facility; and

7 **WHEREAS**, the subject property consists of approximately 65.6 +/- acres located at 18307 Boys
8 Ranch Road in the North Altoona area, in Section 30 Township 17 South, Range 27 East, consisting of
9 Alternate Key Numbers 1220157 and 1220360 and more particularly described as:

10 **LEGAL DESCRIPTION – Exhibit "A"**

11 **WHEREAS**, the property subject to the request is located within the Rural Future Land Use Category
12 (FLUC) and the Wekiva-Ocala Rural Protection Area (RPA) as shown on the Lake County Comprehensive
13 Plan Future Land Use Map (FLUM); and

14 **WHEREAS**, on the 22nd day of September, 1998, the Board of County Commissioners approved
15 Community Facility District Zoning (Ordinance #1998-76) for the Lake County Boys Ranch; and

16 **WHEREAS**, on the 16th day of February 2016, the Board of County Commissioners approved
17 Community Facility District Zoning Amendment (Ordinance #2016-09) for a Comprehensive Transitional
18 Education Facility; and

19 **WHEREAS**, on the 20th day of July 2017, the Board of County Commissioners approved Community
20 Facility District Zoning Amendment (Ordinance #2017-30) for a Comprehensive Transitional Education
21 Facility; and

22 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-19-12-5 on the 9th day
23 of July, 2019, after giving Notice of Hearing for a change in the use of land, including a notice that said petition
24 will be presented to the Board of County Commissioners of Lake County, Florida, on the 30th day of July,
25 2019; and

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

29 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
30 property has been duly approved; and

31 **WHEREAS**, the approval of this ordinance shall supersede and replace all previous zoning
32 ordinances on the property described above; and

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

36 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to show the
37 Community Facility District (CFD) in accordance with Exhibit "A" of this Ordinance. This

1 Ordinance shall revoke/rescind and replace Ordinance #2017-30 in its entirety. All uses shall be
2 generally consistent with the Concept Plan as shown in Exhibit "B" and Exhibit "C", of this
3 Ordinance. To the extent where there are conflicts between the Conceptual Plan and this
4 Ordinance, this Ordinance shall take precedence.

5 **A. Land Use:**

6 1. Use of the land area shall be limited to a Comprehensive Transitional Education Facility
7 offering a comprehensive behavioral health and rehabilitation program providing in-patient
8 services only.

- 9 a. Therapeutic Counseling.
10 b. Vocational Development.
11 c. Social Skills and Life Management Training.
12 d. Nursing/Medical Care associated with the Rehabilitation Program.
13 e. The facility shall be limited to 120 beds ~~sixty (60)~~ beds for in-patient care/treatment,
14 together with the necessary staff to support the facility.

15
16 2. Existing Structures:

- 17 a. Multi-purpose Building
18 b. Classroom Buildings (3)
19 c. Portable Classroom Buildings (3)
20 d. Portable Administration Building
21 e. Swimming Pool
22 f. Living Facilities
23 g. Bunk House & Kitchen
24 h. Offices & Mess Hall
25 i. Administration Offices
26 j. Food Service & Snack Bar
27 k. Maintenance Shop
28 l. Rodeo Arena & Support Facilities
29 m. Restroom Facilities
30 n. Caretaker's Residence
31 o. Agricultural and Equestrian Buildings (7)

32 3. Proposed Structure:

- 33 a. 30,000 square foot building

34 Accessory Uses - Those uses directly associated with the principal use may be approved by the
35 County Manager or designee. Any other use of the site not identified above shall require an
36 amendment to this Ordinance as approved by the Board of County Commissioners.

37 **B. Open Space, Setbacks, and Parking:**

- 38 1. Open Space, Setbacks, and Parking shall be in accordance with the Comprehensive
39 Plan and LDR, as amended.
40 2. Agricultural and equestrian buildings shown on the overall concept plan, Exhibit "B" as
41 Buildings 1-7 are permitted to maintain current reduced setbacks specified below.
42 a. Building 1 has a setback of 3.1 feet from the western property line.

- 1 b. Building 2 has a setback of 5.7 feet from the western property line.
- 2 c. Building 3 has a setback of 6.9 feet from the western property line.
- 3 d. Building 4 has a setback of 2.2 feet from the western property line.
- 4 e. Building 5 has a setback of 10.5 feet from the western property line.
- 5 f. Building 6 has a setback of 1.0 foot from the western property line.
- 6 g. Building 7 has a setback of 7.0 feet from the western property line.
- 7
- 8 3. If the agricultural and equestrian buildings identified as Buildings 1 – 7 on Exhibit “B” are
- 9 demolished they may not be reconstructed in the same location. In that event, the
- 10 setbacks for all new structures shall be accordance with the LDRs and the
- 11 Comprehensive Plan, as amended.
- 12 **C. Floor Area Ratio/Intensity, Impervious Surface (ISR), and Height of Structures:** Floor
- 13 Area Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance
- 14 with the Comprehensive Plan and LDR, as amended.
- 15 **D. Landscaping, Buffering, and Screening:** Landscaping, Buffering, and Screening shall be
- 16 in accordance with the Comprehensive Plan and Land Development Regulations, as
- 17 amended.
- 18 **E. Transportation/Access Management:** All access management shall be in accordance with
- 19 the Comprehensive Plan and Land Development Regulations, as amended.
- 20 **F. Signage:** All signage shall be accordance with the Comprehensive Plan and Land
- 21 Development Regulations, as amended.
- 22 **G. Lighting:** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance
- 23 with the LDR, as amended.
- 24 **H. Fire Protection:** Fire Protection shall be in accordance with all applicable federal, state, and
- 25 local codes and/or regulations, as amended.
- 26 **I. Utilities:** The potable water well shall have a well head protection area of three hundred
- 27 (300') feet and shall be depicted on all development plans.
- 28 **J. Concurrency Management Requirements:** Any development shall comply with the Lake
- 29 County Concurrency Management System, as amended.
- 30 **K. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall
- 31 be required to submit a site plan application generally consistent with Exhibit “B” -
- 32 Conceptual Plan, attached, for review and approval in accordance with the Comprehensive
- 33 Plan and LDR, as amended.
- 34 **L. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific
- 35 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 36 County Comprehensive Plan, and Lake County Land Development Regulations shall include
- 37 any future amendments to the Statutes, Code, Plans, and/or Regulations.
- 38 **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall
- 39 mean:

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

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

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

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

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

- 20 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 21 Enforcement Special Master shall have authority to enforce the terms and conditions set
- 22 forth in this ordinance and 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 or
24 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
25 the validity of the remaining portions of this Ordinance.

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

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

2
3 ENACTED this _____ day of _____, 2019.

4
5 FILED with the Secretary of State _____, 2019.

6
7 EFFECTIVE _____, 2019.

8
9
10 BOARD OF COUNTY COMMISSIONERS
11 LAKE COUNTY, FLORIDA
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16 _____
17 LESLIE CAMPIONE, CHAIRMAN
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22 ATTEST:

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26 _____
27 GARY J. COONEY, CLERK OF THE
28 BOARD OF COUNTY COMMISSIONERS
29 LAKE COUNTY, FLORIDA
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31 APPROVED AS TO FORM AND LEGALITY

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35 _____
36 MELANIE MARSH, COUNTY ATTORNEY
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Exhibit "A" - Legal Description

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Begin at the Northwest corner of Government Lot 2, in Section 30, Township 17 South, Range 27 East, in Lake County, Florida, run North 89 degrees 48 minutes 20 seconds East for 916.91 feet, thence South 02 degrees 28 minutes 00 seconds West for 1,321.55 feet to the South line of said Government Lot 2; thence South 89 degrees 50 minutes 40 seconds West for 855.00 feet, to the West line of said Government Lot 2; thence North 0 degrees 13 minutes 00 seconds West along West line of said Government Lot 2, for 1,319.73 feet to the Point of Beginning.

And:

U.S. Government Lot 2 and the Southeast 1/4 of the Northwest 1/4 of Section 30, Township 17 South, Range 27 East, Lake County, Florida, LESS: Begin at the Northwest corner of Government Lot 2 in said Section 30; run thence North 89 degrees 48 minutes 20 seconds East 916.91 feet; thence South 02 degrees 28 minutes 00 seconds West 1,321.55 feet to the South line of said Government Lot 2; thence South 89 degrees 50 minutes 40 seconds West 855 feet, to the West line of said Government Lot 2; thence North 0 degrees 13 minutes 00 seconds West along the West line of said Government Lot 2, a distance of 1,319.73 feet to the Point of Beginning.

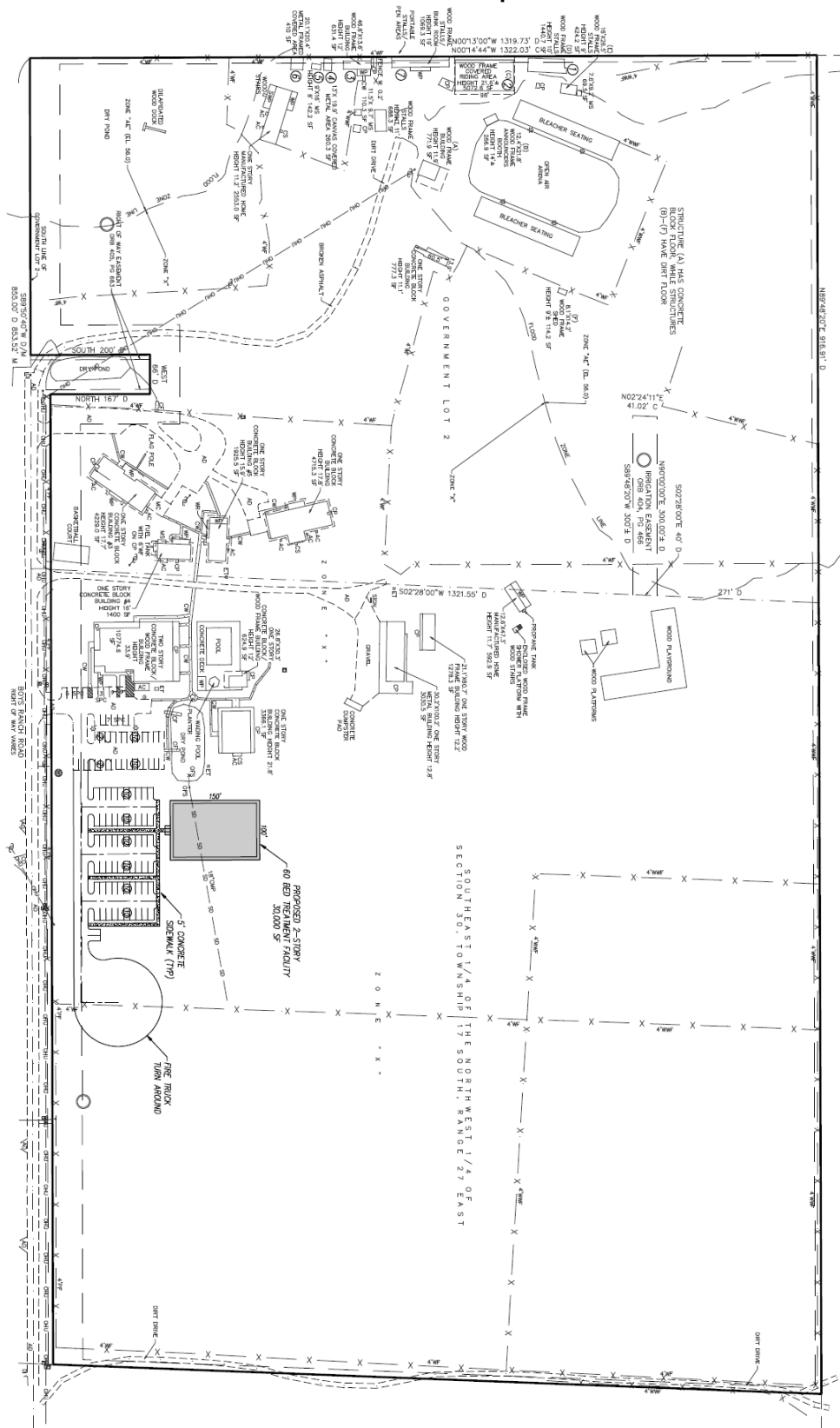
Together With an irrigation easement over the following described tract of land: From the Northwest corner of Government Lot 2 in said Section 30; run North 89 degrees 48 minutes 20 seconds East 916.91 feet; thence South 02 degrees 28 minutes 00 seconds West 271 feet, for a point of beginning; run thence South 02 degrees 28 minutes 00 seconds West 40 feet; run thence South 89 degrees 48 minutes 20 seconds West 300 feet, more or less, to the waters of the lake as located; run thence Northerly and Easterly parallel with the lake boundary to a point directly West of the Point of Beginning; thence East 300 feet, more or less, to the Point of Beginning.

Less and except from the above described parcels those certain lands conveyed to Lake County, Florida, by deed dated February 18, 1994, and recorded in Book 1287, Page 336, Public Records of Lake County, Florida.

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Exhibit "B" - Concept Plan



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Rock, Christine

From: Kennard, Andrea
Sent: Friday, June 28, 2019 9:24 AM
To: Blake, Josh
Cc: Hanson, Jodine; Planning and Zoning
Subject: HARMONY HILLS

Importance: High

Commissioner –

Debra Camp called for you, 352-630-3715, and she would like a return call as soon as possible.

She lives on Boys Ranch Road where Harmony Hills is located. Harmony Hills is currently a 30 bed boys facility. On July 9th, a request to increase the bed size from 30 beds to 120 beds is going to P&Z and then on July 30th the BCC will hear this case. Ms. Camp stated that she and her neighbors are opposed to this increase. She said you have to consider the amount of increased staff, traffic, and noise that will come along with this request. She stated that they moved to Altoona to live in a rural setting and did not want their peace and quiet further disturbed.

Harmony Hills
Boys Ranch Road
Altoona, FL

Thank you,



ANDREA KENNARD
Commissioner's Aide

BOARD OF COUNTY COMMISSIONERS

A 315 W. Main St., Room #316, Tavares, FL 32778

P 352-343-9850 | **F** 352-343-9495

E akennard@lakecountyfl.gov | **W** www.lakecountyfl.gov

*NOTE: Florida has a very broad public records law.
Your email communications may be subject to public disclosure.*

Rock, Christine

From: Hanson, Jodine
Sent: Friday, June 28, 2019 9:43 AM
To: McClendon, Tim; Janiszewski, Michele; Planning and Zoning
Cc: Blake, Josh
Subject: FW: Harmony Hills

For the zoning file please, thanks!



JODI HANSON
Commissioner's Aide

BOARD OF COUNTY COMMISSIONERS

A 315 W. Main St., Suite 316, Tavares FL 32778
P 352-343-9850 | F 352-343-9495
E jhanson@lakecountyfl.gov | W www.lakecountyfl.gov

*NOTE: Florida has a very broad public records law.
Your email communications may be subject to public disclosure.*

From: Elizabeth J Lovoy <bethlovoy22@gmail.com>
Sent: Friday, June 28, 2019 9:21 AM
To: Blake, Josh <jblake@lakecountyfl.gov>
Subject: Harmony Hills

Dear sir, I am very concerned about the proposed expansion of Harmony Hills in Altoona. I live within a mile, and there are issues that need to be analyzed before a decision is made. I intend to attend the July 9'th meeting. Elizabeth Lovoy