



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): August 7, 2019
Board of County Commissioners (BCC): August 27, 2019

Case No. and Project Name: RZ-19-15-3, Beauclair Ranch Club PUD

Applicant: Anita Geraci-Carver, Esq.

Owner: Beauclaire Ranch Club Homeowners' Association, Inc.

Requested Action: Amend Planned Unit Development (PUD) Ordinance #2003-41 to incorporate non-intensive agriculture uses limited to horses, ponies, and non-dairy cows as allowed land uses within the Beauclair Ranch Club subdivision.

Staff Determination: Staff recommends approval of the rezoning application, subject to the conditions contained in the draft ordinance.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

Subject Property Information

Size: 437.62 +/- acres

Location: South of County Road 448 in the Tavares area of unincorporated Lake County, and north of County Road 48 in the Astatula area of unincorporated Lake County.

Alternate Key No.: 3838600, 3838601, 3838602, 3838603, 3838604, 3838605, 3838606, 3838607, 3838608, 3838609, 3838610, 3838611, 3838612, 3838613, 3838614, 3838615, 3838616, 3838617, 3838618, 3838619, 3838620, 3838621, 3838622, 3838623, 3838624, 3838625, 3838626, 3838627, 3838628, 3838629, 3838630, 3838631, 3838632, 3838633, 3838634, 3838646, 3838647, 3838648, 3838649, 3838650, 3838651, 3838653, 3838654, 3838663, 3838664, 3838665, 3838666, 3838667, 3838668, 3838669, 3838670, 3838671, 3838672, 3838673, 3838674, 3838676, 3838678, 3838680, 3838682, 3838684, 3838686, 3838688, 3838689, 3838690, 3838691, 3838693, 3838695, 3838697, 3838699, 3838701, 3838703, 3838705, 3838707, 3838709, 3838711, 3838713, 3838715, 3838717, 3838719, 3838721, 3839073, 3839074, 3839075, 3839076, 3839077, 3839078, 3839079, 3839080, 3839081, 3839082, 3839083, 3839085, 3839088, 3859789, 3906267, 3906268, 3906269, 3906270, 3906271, and 3906272

Future Land Use: Rural

Current Zoning District: Planned Unit Development (PUD) – Ordinance #2003-41

Flood Zone: "A" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Yalaha-Lake Apopka RPA

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential and Agricultural	Across CR 448
South	Rural/Conservation	Agriculture (A)	Residential and Agricultural	Conservation across CR 48
East	Rural	Agriculture (A)	Residential, Agricultural, Mining	Active sand mine: MSP #04/7/1-3
West	Rural	Agriculture (A)	Residential, Agricultural, Mining	Active peat mine: MSP #05/1/1-3

Staff Analysis

The Beauclair Ranch Club (f/k/a Misty Meadows) subdivision encompasses approximately 437.62 +/- acres and is generally located south of County Road 448 in the Tavares area of unincorporated Lake County, and north of County Road 48 in the Astatula area of unincorporated Lake County. The property is currently zoned Planned Unit Development (PUD) in accordance with Ordinance #2003-41 and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan.

The Applicant has requested to replace a portion of Ordinance #2003-41 with an amended ordinance that includes horses, ponies, and non-dairy cows as allowed uses. Ordinance #2003-41 does not currently allow for any General Agriculture or Non-intensive Agriculture uses. Pursuant to a vote held at the Home Owners Association (HOA) meeting on Tuesday, April 23, 2019, for which the Applicant provided notarized minutes (Attachment A), it has been demonstrated that the majority of property owners within the subdivision are in favor of the proposed amendment.

In a response to the staff comment letter dated June 24, 2019, the Applicant indicated that there is no intention to allow any additional General Agriculture or Non-Intensive Agriculture uses; the amendment is solely to allow horses, ponies, and non-dairy cows. The Applicant indicated that the proposed animals will be housed on individual residential lots, and not allowed on common area tracts. The animals shall only be allowed as an accessory use to a single-family dwelling unit, and will not be permitted on vacant parcels. Additionally, the applicant has provided the following definition of a non-dairy cow, as related to this application: a cow, other than one producing milk for commercial purposes.

The proposed request is consistent with the Comprehensive Plan as agriculture uses and equestrian related uses are both permitted within the Rural FLUC.

Standards for Review (LDR Section 14.03.03)

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

The proposed request is consistent with Comprehensive Plan Policy I-1.4.4 regarding agriculture uses and equestrian related uses permitted within the Rural FLUC.

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

There are no provisions contained in the Land Development Regulations (LDR) which expressly permit or forbid agriculture or equestrian uses in the Planned Unit Development (PUD) district. LDR Section 4.03.02.D states that "Any other private, public, or semi-public use complimentary to, and compatible with planned residential, commercial, or industrial Development (including sewer and water utility plants)" are permitted uses in residential PUD districts.

Pursuant to LDR Section 3.01.04.1.a, structures for the housing of animals shall maintain a setback of two-hundred (200) feet from property lines. In the event that a structure cannot be constructed because of said setback, then the structure must be as closely centered on the property as possible, and shall maintain a setback of fifty (50) feet from the property lines. The Applicant has indicated that the twelve (12) lots anticipated to not be able to meet the setbacks mandated by the LDR will not be allowed to have horses, ponies, or a non-dairy cow unless a separate, individual variance is obtained.

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

The proposed request to allow horses, ponies, and non-dairy cows is consistent and compatible with the surrounding residential and agricultural uses. The surrounding parcels are zoned Agriculture (A) and designated as Rural FLUC. General and Non-intensive Agriculture uses, which both allow for livestock, are permitted within the Agriculture (A) zoning district, and the Rural FLUC permits agricultural and equestrian-related uses.

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

During the HOA meeting on Tuesday, April 23, 2019, residents of the Beauclair Ranch Club subdivision voted to allow the proposed uses within their HOA deed restrictions. In order for the uses to be allowed, the PUD ordinance must be made consistent.

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

Lots within the PUD are serviced by individual wells and septic tanks.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts are anticipated to current Solid Waste capacity levels.

Transportation Concurrency

No adverse impacts are anticipated to road service levels.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #78) is located 0.6 miles from the site, at 16345 County Road 448, Mount Dora, FL 32757. The second-responder station (LCFR Station #77) is 3.3 miles from the site.

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

Additional environmental impacts are not anticipated.

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

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.

The proposed amendment will not disrupt the existing orderly, logical development pattern in the area.

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.

Attachment A. Notarized Minutes from HOA Meeting on April 23, 2019

BEAUCLAIRE RANCH CLUB HOA. INC
SPECIAL MEETING OF MEMBERS
2801 S. Bay Street, Suite 106, Eustis, FL 32726
Phone (352) 624-0500
Email: lwilson@lelandmanagement.com (Lee Wilson, LCAM)

SPECIAL MEETING OF MEMBERS - MINUTES

Tuesday, April 23, 2019 / 6:30 PM

Call the meeting to Order – Meeting was called to order at 3:01 PM by Joe Raucchi, President.

Certification of the Notice of Meeting – Meeting notice mailing by the Law Office of Anita Geraci-Carver, PA was dated March 28, 2019 and noticed was posted at the North and South Gates on April 20, 2019.

Certification of Proxies and Quorum – Forty-five (45) owners were present by Proxy or in person. Quorum was met.

Old Business – None

New Business

- a. Recognize Vote – Amend Subdivision's Zoning Ordinance – Attorney Anita Geraci-Carver introduced herself and reviewed background and letter mailed to the Owners that lead-up to this Members Meeting.
- b. Call for any Uncast Ballots – Joe Raucchi called for Ballots.
- c. Tabulation of Ballot – Association Manager collected and tallied the Ballots. Anita Geraci-Carver witnessed. Forty-two (42) votes Supports the Boards plan to apply with Lake County to amend the PUD Ordinance 2003-41. Three (3) votes did not Support the plan.

Other discussion items (If any)

Attorney will take the next steps with Lake County.

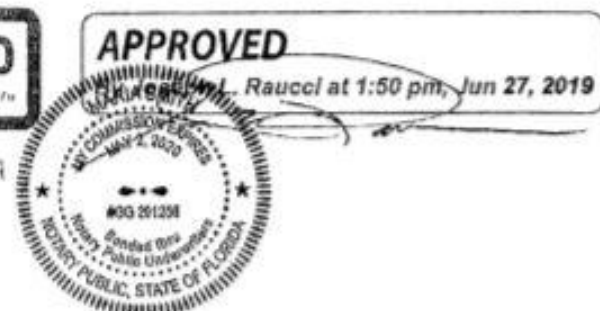
Adjournment - A motion was made by Joe Raucchi and seconded by Frank Remsen Joe Raucchi to adjourn the Meeting at 6:57 PM. The motion passed unanimously.

Respectfully Submitted,

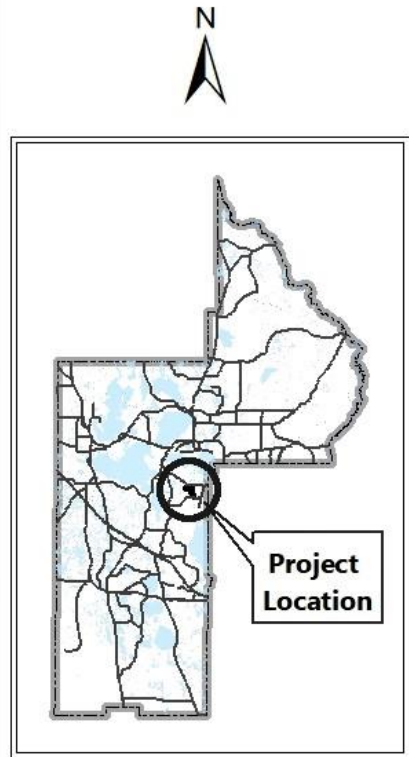
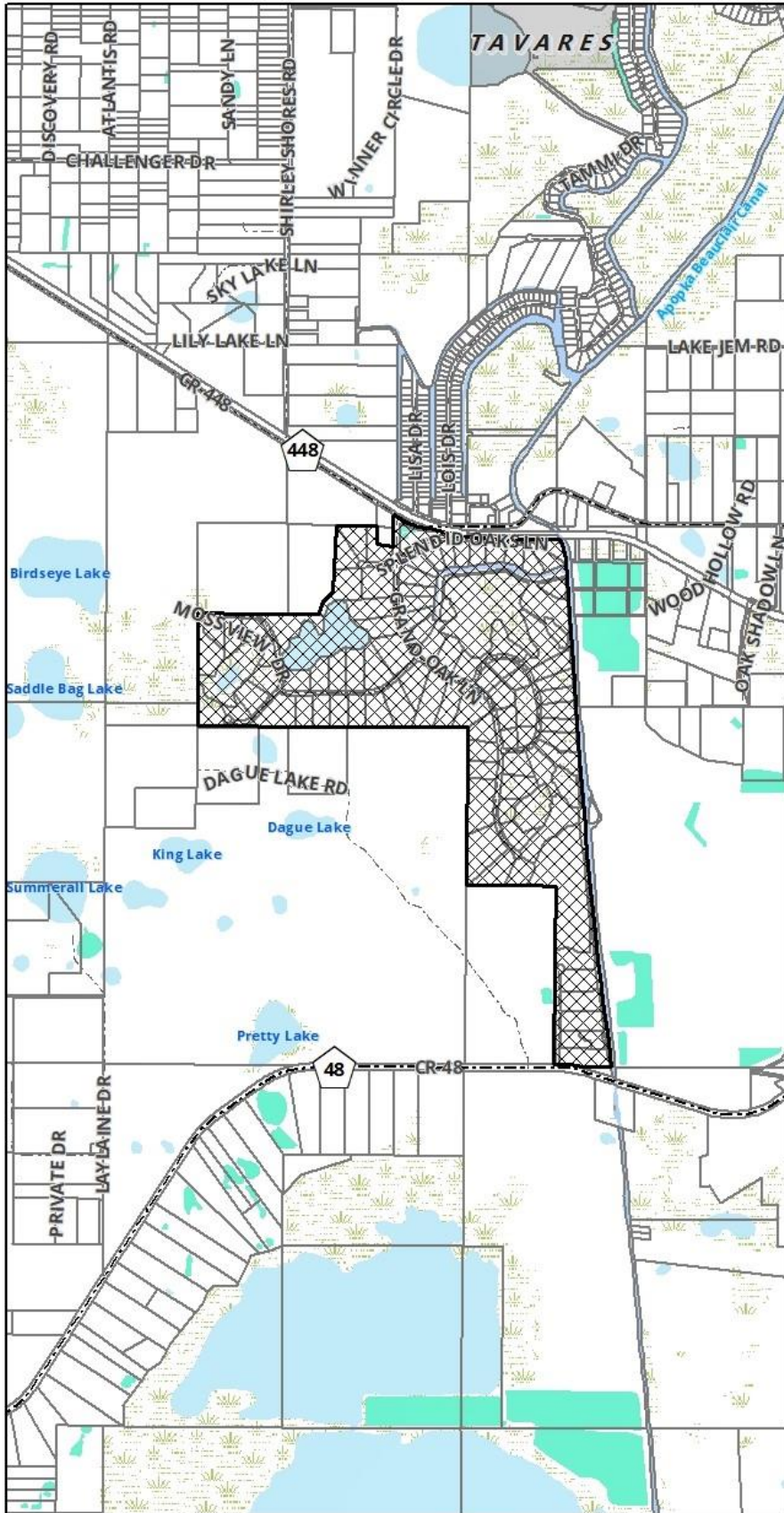
Lee Wilson, LCAM



Lee Wilson
5/24/19
Maria Smith



Subject Property.



ORDINANCE #2019-XX
Beauclair Ranch Club PUD
f/k/a Misty Meadows
RZ-19-15-3

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

WHEREAS, Anita Geraci-Carver, Esq. (the "Applicant") made a request on behalf of Beauclaire Ranch Club Homeowners' Association, Inc. (the "Owner") to amend Planned Unit Development (PUD) Ordinance #2003-41 ordinance to incorporate non-intensive agriculture uses limited to horses, ponies, and non-dairy cows as allowed land uses within the Beauclair Ranch Club subdivision; and

WHEREAS, the subject Planned Unit Development consists of 437.62 +/- acres and is generally located south of County Road 448 in the Tavares area, and north of County Road 48 in the Astatula area of unincorporated Lake County, situated in Sections 14, 15, 22, and 23, Township 20 South, Range 26 East, and having Alternate Key Numbers 3838600, 3838601, 3838602, 3838603, 3838604, 3838605, 3838606, 3838607, 3838608, 3838609, 3838610, 3838611, 3838612, 3838613, 3838614, 3838615, 3838616, 3838617, 3838618, 3838619, 3838620, 3838621, 3838622, 3838623, 3838624, 3838625, 3838626, 3838627, 3838628, 3838629, 3838630, 3838631, 3838632, 3838633, 3838634, 3838646, 3838647, 3838648, 3838649, 3838650, 3838651, 3838653, 3838654, 3838663, 3838664, 3838665, 3838666, 3838667, 3838668, 3838669, 3838670, 3838671, 3838672, 3838673, 3838674, 3838676, 3838678, 3838680, 3838682, 3838684, 3838686, 3838688, 3838689, 3838690, 3838691, 3838693, 3838695, 3838697, 3838699, 3838701, 3838703, 3838705, 3838707, 3838709, 3838711, 3838713, 3838715, 3838717, 3838719, 3838721, 3839073, 3839074, 3839075, 3839076, 3839077, 3839078, 3839079, 3839080, 3839081, 3839082, 3839083, 3839085, 3839088, 3859789, 3906267, 3906268, 3906269, 3906270, 3906271, and 3906272, and more particularly described in Exhibit "A"; and

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

WHEREAS, on the April 2, 2003, the Board of County Commissioners approved the Misty Meadows PUD Ordinance #2003-41 on 437.62 +/- acres consisting of no more than eighty-eight (88) single-family residential dwelling units, recreational and conservation uses; and

WHEREAS, on April 19, 2005, the Board of County Commissioners approved the plat of the Beauclair Ranch Club subdivision, recorded in Plat Book 55, Pages 3 through 8, and consisting of eighty-seven (87) residential lots, fourteen (14) wetland conservation tracts, one (1) common area tract, one (1) canal access tract, one (1) canal tract, and one (1) recreation tract; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-19-15-3 on the 7th day of August, 2019, after giving Notice on petition for a change in use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 27th day of August, 2019; 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

1 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
2 Florida, that:

3 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to reflect this
4 ordinance. Section 1.1 of Ordinance 2003-41 is hereby amended to read as specified below. All
5 remaining sections of Ordinance 2003-41 remain in full force and effect.

6 **I. Land Uses:**

7 **A. Residential**

8 1. Number and Type of Residential Units

9 The applicant shall be allowed to develop up to a total of no more than 88 single-family
10 residential dwelling units, the number of which may be subject to revision pending
11 determination of qualifying site features.

12 2. Building Height

13 The maximum building height shall not exceed 40 feet.

14 3. Lot Size

15 Lot sizes shall be developed as shown on the plat of Beauclair Ranch Club, as
16 approved by the Board of County Commissioners on April 19, 2005.

17 **B. Recreational and Conservation uses**

18 1. Use Limitations

19 Designated recreational and conservation areas shall be utilized for passive uses only
20 and shall not be used for any other purpose, use or expansion, or contraction unless
21 first amended by the ordinance approved by the Lake County Board of County
22 Commissioners

23 **C. Non-Intensive Agriculture to be an accessory to a single-family residence and limited to:**

24 1. Horses and Ponies

25 a. At a maximum density of one (1) per acre.

26 2. Non-dairy Cows

27 a. The definition for which, pertaining to this ordinance, is as follows: a cow, other
28 than one producing milk for commercial purposes.

29 b. No more than one (1) non-dairy cow shall be permitted on a single residential lot.

30 3. Accessory structures for the housing of such animals listed above

31 a. Setbacks for structures housing animals must be in accordance with the Land
32 Development Regulations (LDR), as amended.

33 **Section 2. Conditions.**

34 **A.** After establishment of the facilities as provided in this Ordinance, the property identified in this
35 Ordinance may only be used for the purposes identified in this Ordinance. Any other proposed
36 use must be specifically authorized by the Board of County Commissioners.

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

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

21
22 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
23 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
24 Florida Statutes.

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

ENACTED this _____ day of _____, 2019.

FILED with the Secretary of State _____, 2019.

EFFECTIVE _____, 2019.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A" – Legal Description

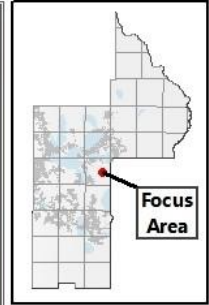
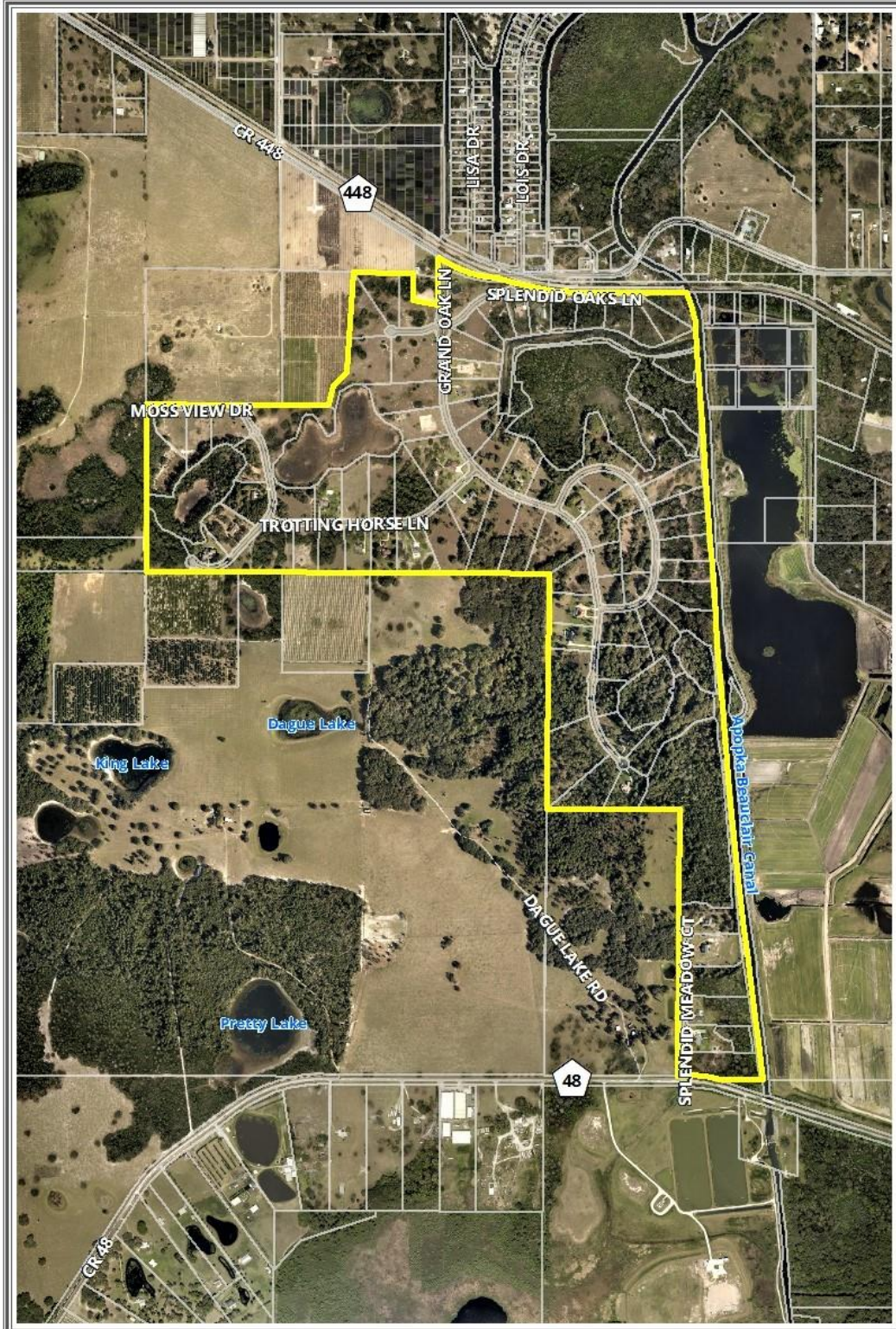
1 N 1/4 of E 3/4 of the N 1/4 – LESS Road (22-20-26); NW 1/4 W of canal, E 1/2 of SW 1/4, W of canal – LESS
2 roads (23-20-26); NW 1/4 of SW 1/4 lying W'ly of Apopka Canal & S'ly of centerline of SCL RR r/w, also
3 described as: Lot 1A, Lots 2 to 21 inclusive, Lot 1B W'ly of Apopka Canal and adjoining streets now closed
4 lying within Beauclair Subdivision now vacated, and S'ly 50 ft of SCL RR r/w, now vacated (14-20-26); S 1/2
5 of SW 1/4 W of canal (14-20-26); Begin 729.95 ft E of NW cor of SE 1/4, run S 3 deg 35" W 988.72 ft, S 46
6 deg 2" W 193.4 ft, S 14 deg 19" W 198.5 ft, W to NW corner of SE 1/4 of SW 1/4 of NE 1/4, S 80 deg 25' E
7 390.45 ft, N 126.2 ft to Hwy, SE'ly along Hwy to N line of SE 1/4, E to intersect first line – LESS Hwy and RR
8 (15-20-26).
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**RZ-19-15-3
Beauclair Ranch Club Property**



**Amend Planned Unit
Development (PUD)**

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