



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearings: Planning & Zoning Board (PZB): October 30, 2019
Board of County Commissioners (BCC): November 19, 2019

Case No. and Project Name: RZ-19-20-3, Molokai Mobile Home Park

Applicant: Jimmy D. Crawford, Esq.

Owner: Molokai Co-Op, Inc.

Requested Action: Amend Ordinance #28-79 (Public Hearing #113-79-1) with the creation of a new ordinance to rezone 3.6 +/- acres from Mixed Home Residential (RM) to Mobile Home Rental Park (RMRP).

Staff Determination: Staff finds the rezoning consistent with the Comprehensive Plan and Land Development Regulations (LDR).

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 3.6 +/- acres

Location: 33222 Paradise Lane, Leesburg FL 34788

Alternate Key No.: 1182352

Future Land Use: Urban Medium

Current Zoning District: Mixed Home Residential (RM)

Flood Zone: "AE" and "X"

Joint Planning Area/ ISBA: Leesburg ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Mixed Home Residential (RM) and Urban Residential District (R-6)	Residential	Cook Lake
South	Urban Medium	Mixed Home Residential (RM) and Mobile Home Residential Park (RMRP)	Residential	Molokai Mobile Home Park
East	Urban Medium	Mixed Home Residential (RM) and Mobile Home Residential Park (RMRP)	Undeveloped	Possible wetlands
West	Urban Medium	Urban Residential District (R-6)	Lake	Cook Lake

Staff Analysis

The subject property contains approximately 3.6 +/- acres and is generally located northwest of Molokai Mobile Home Park (MHP), in the Leesburg area of unincorporated Lake County. The parcel is identified as Alternate Key Number 1182352 and currently zoned Mixed Home Residential (RM) pursuant to Ordinance #28-79 (Public Hearing Number 113-79-1). The subject property is designated as Urban Medium Future Land Use pursuant to the 2030 Comprehensive Plan.

This rezoning is intended to reconcile a Lake County Office of Code Enforcement matter (Action Order No. 2019020123). The subject property is utilized by the residents of the Molokai MHP for solid waste collection dumpsters, motor vehicle/boat storage, and overflow parking. The attached Concept Plan (Attachment A) shows the location of the existing non-conforming uses on the subject property.

In response to the attached Settlement Agreement (SM 2019-02-0123), the Applicant has submitted the rezoning application to rezone the subject property from Mixed Home Residential (RM) to Mobile Home Rental Park District (RMRP). It is the intention of the Applicant to incorporate the subject property into the Molokai MHP via a future development application.

Standards for Review (LDR Section 14.03.03)

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

Pursuant to Comp Plan Policy I-1.3.3, residential uses are permitted within the Urban Medium future land use category. The subject property is utilized by residents of the adjacent Molokai MHP for accessory uses that entail solid waste collection dumpsters, motor vehicle/boat storage, and overflow parking. Additionally, the submission of the rezoning application carries out the actions required of the property owner by SM 2019-02-0123.

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

Pursuant to LDR Section 3.00.02.O, the purpose of the RMRP zoning district is to provide for a mobile home urban environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided however, that the real property for the entire mobile home community is under single ownership. Although the Molokai MHP is no longer owned by one entity and the parcels are owned privately, the parcels exist within the boundaries of the Molokai MHP Master Park Plan (Attachment B). The parcels function as one single mobile home park entity. As the proposed rezoning area serves as the location for accessory uses to the Molokai MHP, should the rezoning be approved, a development application will be required to incorporate the subject property into the Molokai MHP Master Park Plan.

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 RMRP zoned properties to the south. The properties to the north, west, and east are zoned for single-family residential development. The subject property is bordered on the eastern and western property line by Cook Lake and wetlands.

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

The Applicant has submitted this rezoning application in response to SM 2019-02-123. The rezoning will facilitate the future submittal of a development application to amend the Molokai Mobile Home Park master park plan for the purpose of incorporating this accessory use area into the MHP.

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

No adverse impacts are anticipated on water and sewer.

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

Lake County Fire Rescue Station 63 is located 1.5 miles from the site, at 9400 Veterans Road, Leesburg.

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

A buffer of fifty (50) feet from the jurisdictional wetland line will be required, to ensure any impacts to the natural environment are minimized. Additionally, an environmental assessment dated within six (6) months of the development application submittal date will be required.

Upon reviewing the rezoning application, the Lake County Public Works Department indicated the site is within the FEMA flood plain, which has an established base flood elevation of 69.1-feet. Public Works also advises that compensating storage and other FEMA flood requirements will be evaluated during the review of the future development application of any proposed uses or improvements to this land area.

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 of the proposed rezoning on property values in the area.

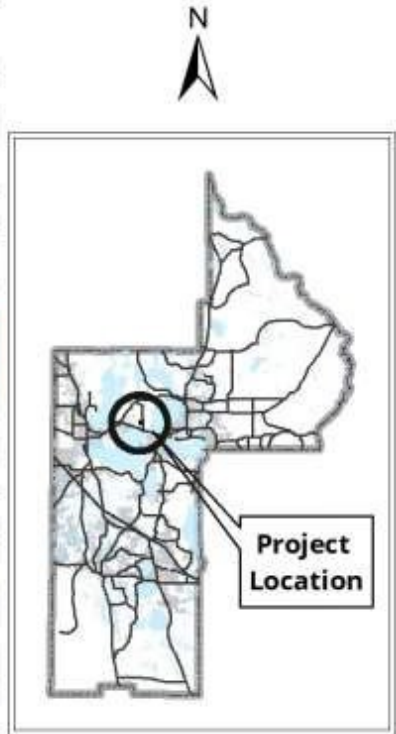
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed amendment will not disrupt the existing orderly, logical development pattern in the area. The subject property has been utilized by the residents of the Molokai Mobile Home Park for several years.

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.

Subject Property



Attachment C -Settlement Agreement

BEFORE THE SPECIAL MASTER
LAKE COUNTY, STATE OF FLORIDA

LAKE COUNTY,
Petitioner,

vs.

Case No. SM 2019-02-0123

MOLOKAI CO-OP INC.,
Respondents.

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made by and between LAKE COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter the "County". and MOLOKAI CO-OP INC., hereinafter "Owner" .

WHEREAS, the County alleges there to be violations of the Lake County Code/Land Development Regulations on the property owned by the Owner located at 33222 Paradise Lane, Leesburg, Lake County, Florida (AK #1182352), more particularly described as follows (the "Property"); and

Begin at the Northeast corner of the Northeast 1/4 of the South side, Section 14, Township 19 South, Range 25 East, ...
thence West along South boundary of Ohio Street 220 feet to West Boundary of Cook Avenue, ...
thence South 10 degrees 30' West 300 feet along West Boundary of Cook Avenue, ...
thence South 58 degrees West 700 feet for point of beginning; ...
thence back to point of beginning ...

ALSO, the right-of-way to be used as a street or medially for general traffic, ...
the following described parcel of land, to-wit: Begin at Northeast corner of the Northeast 1/4 of ...
South 1/4, Section 14, Township 19 South, Range 25 East, ...
thence South along Section line 933 feet to South boundary of Ohio Street, ...
thence South 10 degrees 30' West 300 feet along West Boundary of Cook Avenue, ...
thence South 58 degrees West 700 feet for point of beginning; ...
thence back to point of beginning ...

WHEREAS, Owner stated to the County that they intend to obtain proper Zoning approvals for the vehicles, recreational vehicles, vessels and trailers stored on the Property; and

WHEREAS, the County is willing to suspend this code enforcement action against the Owner concerning this Property while the Owner make a good faith effort to come into compliance .

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby agree as follows:

Lake County vs. Molokai Co-Op Inc.
: Settlement Agreement/SM 2019-02-0123

1. **Recitals.** The parties hereby acknowledge, represent and agree that the above recitals are true and correct and incorporated herein.

2. **Agreement.**

- A. The Owners, or Owners' authorized agent, agree to bring the Property into compliance with the Lake County Code/Land Development Regulations or remove all the vehicles, recreational vehicles, vessels and trailers stored on the Property on or before **February 14, 2020**.
- B. In the event that the Owner has not brought the Property into compliance on or before February 14, 2020, but have made diligent effort to come into compliance during such time, the Owner may make a written request prior to February 1, 2020, to the Lake County Attorney's Office by mail at P.O. Box 7800, Tavares, Florida 32778, by hand delivery at 315 West Main Street, Tavares, FL or by email (dmjohnson@lakecountyfl.gov) to appear on the next scheduled Special Master hearing.
- C. The Owners shall inform any and all subsequent purchasers, successors in interest or assignees the nature of this alleged violation and the existence of this Settlement Agreement.
- D. If the Owner fails to comply with the terms of this Agreement by the time specified and has not requested an extension of time pursuant to section 2(8) above, the County may notify the Special Master of the non-compliance and the Special Master may order Owner to pay a fine in the amount of \$100.00/day for each day the violation continues past February 14, 2020. The parties agree that a hearing shall not be needed for issuance of this Order of Fine.

3. **County's Covenants.** Upon approval of this Settlement Agreement, the County will suspend this case until February 14, 2020 to allow the Owner to come into compliance with the Lake County Code/Land Development Regulations and the terms of this Agreement.

4. Scanned or facsimile signatures on this Agreement shall be acceptable.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the respective dates under each signature.

LAKE COUNTY, FLORIDA

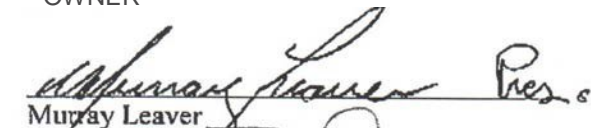



Diana Johnson
Senior Assistant County Attorney

Signed this 22nd of July

2019.

OWNER


Murray Leaver, Pres.
Jimmy Crawford, Attorney for Owner

Signed this 22nd of July, 2019.

Lake County vs. Molokai Co-Op Inc.
Settlement: Agreement/SM 2019--02-0123

Approved by:
J..AKE COUNTY SPECIAL MASTER



Charles D. Johnson, Esq., Special Master

Signed this 1 / J of .2019.

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Ordinance #2019-XX
Molokai Mobile Home Park
RZ-19-20-3

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

WHEREAS, Jimmy D. Crawford, Esq. (the "Applicant") made a request, on behalf of Molokai Co-Op, Inc. (the "Owner"), to rezone 3.6 +/- acres from Mixed Home Residential (RM) to Mobile Home Rental Park (RMRP); and

WHEREAS, the subject property consists of 3.6 +/- acres and is generally located northwest of Molokai Mobile Home Park, in the Leesburg area of unincorporated Lake County, situated in Section 14, Township 19, Range 25, identified as Alternate Key Number 1182352, and more particularly described in Exhibit "A"; and

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

WHEREAS, on November 13th, 1979, the Board of County Commissioners approved Ordinance #28-79; and

WHEREAS, the approval of this ordinance will supersede and replace Public Hearing Item #113-79-1 of Ordinance #28-79; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-19-20-3 on the 30th day of October, 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 19th day of November, 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

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 to rezone the subject property to Mobile Home Rental Park (RMRP). The approval of this ordinance will supersede and replace Public Hearing Item #113-79-1 of Ordinance #28-79.

Section 2. Development Review and Approval. Prior to the issuance of any permits, the Owners shall be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

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.

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

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

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7 ENACTED this _____ day of _____, 2019.

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9 FILED with the Secretary of State _____, 2019.

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11 EFFECTIVE _____, 2019.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, CHAIRMAN

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24 **ATTEST:**

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

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33 **APPROVED AS TO FORM AND LEGALITY**

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36 _____
MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" – Legal Description

Begin at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 14, Township 19 South, Range 25 East, run thence South along Section line 933 feet to South boundary of Ohio Street, thence West along South boundary of Ohio Street 220 feet to West Boundary of Cook Avenue, run thence South $10^{\circ}30'$ West 300 feet along West boundary of Cook Avenue, thence South 58° West 700 feet, thence North 32° West 330 feet, more or less, to North boundary of boat canal for point of beginning for an island with boat canals on North and South sides and Little Cook Lake on East side and Cook Lake on West side, otherwise described as: From said point of beginning turn Westerly and follow the meanderings of said canal to Cook Lake, thence Northerly along said Lake to boat canal, thence Easterly along boat canal to Little Cook Lake, thence Southerly along said lake to boat canal, thence Westerly along boat canal to point of beginning.

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ALSO, easement or right-of-way to be used as a street or roadway for general passage-way over the following described parcel of land, to-wit: Begin at Northeast corner of the Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 14, Township 19 South, Range 25 East, run thence South along Section line 933 feet to South boundary of Ohio Street, thence West along South boundary of Ohio Street, 220 feet to West boundary of Cook Avenue, thence South $10^{\circ}30'$ West 300 feet along West boundary of Cook Avenue, thence South 58° West 700 feet for point of beginning; run thence North 32° West 330 feet, more or less, to North boundary of boat canal and a point designated as Point "A"; thence back to point of beginning and run thence South 58° West 20 feet, thence North 32° West 330 feet, more or less, to North boundary of boat canal, thence Northeasterly along Northerly boundary of boat canal to Point "A".