



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): November 26, 2019  
Board of County Commissioners (BCC): December 17, 2019

Case No. and Project Name: RZ-19-05-4 Rhodes Property CP Rezoning

Applicant: Greg Beliveau, AICP, LPG Urban and Regional Planners, Inc.

Owner: William M. and Anna Rhodes

Requested Action: Rezone property from R-6 (Urban Residential) to Planned Commercial (CP) and request exemption to central sewer connection requirement.

Staff Determination: Staff finds the rezoning application and central sewer connection exemption request to be consistent with the LDR and Comprehensive Plan.

Case Manager: Steve K. Greene, AICP, Chief Planner

PZB Recommendation:

### Subject Property Information

Size: 6.0 +/- acres

Location: Southwest corner of the CR 44/Chain O' Lakes Road intersection

Alternate Key No.: 1213398

Future Land Use: Urban Low Density

Current Zoning District: Urban Residential District (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: Not Applicable

Overlay Districts: None

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low (UL)	Agriculture (A)	Agriculture uses	Across CR 44
South	UL	Urban Residential District (R-6)	Residential	Grand Island Oaks Subdivision
East	UL	R-6	Residential	Single-Family Dwelling Lot
West	UL	R-6	Residential	Single-Family Dwelling Lot

### Staff Analysis

The subject vacant and undeveloped 6.0-acre lies at the southwest corner of the CR 44/Chain O' Lakes Road intersection, and is identified as Alternate Key Number 1213398. The application seeks to rezone the property from Urban Residential (R-6) to Planned Commercial (CP) to accommodate non-residential development of commercial uses, in addition to an exemption to the central sewer system connection requirement. The concept plan provided with the application desires three (3) commercial buildings, totaling approximately fifteen-thousand (15,000) square feet. The property is currently designated as Urban Low future land use, which allows commercial uses when determined to be proximate to the intersection of collector roads pursuant to commercial location criteria.

#### Standards for Review (LDR Section 14.03.03)

##### **A. Whether the proposed amendment conflicts with any applicable provisions of the Code.**

The rezoning application proposes Planned Commercial (CP) zoning to accommodate Neighborhood Commercial (C-1) uses, and is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*. The schedule of uses allows C-1 uses within the CP zoning district. Some uses proposed are retail convenience store (with gasoline sales), retail general, bakery, and church use. However, a place of worship use would imply rezoning to Community Facility District (CFD) zoning rather than commercial zoning.

LDR Section 6.12.01(B) requires development to have a Central Sewage System unless exempted by the Board of County Commissioners via a public hearing, whereby all private treatment systems are required to be connected and utilize a regional/sub-regional wastewater system when service is available within one-thousand (1,000) feet of the private treatment system or any central lines of the private treatment system, as measured from the curb line distance within a Right-of-Way or the centerline distance within an existing easement. The City of Eustis is the utility service provider in this area and provides water service, reference Attachment "A". However, central sewer services are beyond the minimum distance connection requirement. As such, the Applicant has submitted a request for exemption to the central sewer connection requirement.

##### **B. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

The proposed rezoning application indicates consistency with Comprehensive Plan Policy I-1.3.10.5 regarding commerce uses within the urban future land use series provided the property meet commercial location criteria related to location, size, and function. The property is designated as Urban Low Future Land Use and situated at the intersection of County Road (CR) 44 and Chain O'Lakes Road, in the Eustis area. The policy allows for development of a neighborhood commercial center at the intersection of two arterial roads or at the intersection of an arterial and collector road. This level of commercial use allows individual commercial buildings floor area allocation up to fifteen-thousand (15,000) square feet, within a distance of three-hundred thirty (330) feet measured perpendicular to the road from the edge of the right of way extending a distance of three-hundred thirty (330) feet along the right of way from the nearest corner of the intersection.

The functional classification of County Road 44 is major collector. Although Chain O' Lakes Road functions as an urban minor collector, it has yet to be classified as a collector via coordination between Lake Sumter MPO and Lake County Transportation. Nevertheless, the application indicates this location would serve existing residential developments and provide for an orderly and logical development pattern. The application also indicates that given the size of the property and proximity of the property to CR 44, it is not conducive for residential uses.

As the subject parcel is designated as Urban Low future land use, Comprehensive Plan Policy IX-3.1.2 requires Mandatory Sewer Connection for development within the Urban Land Use Series, when a public sanitary system is available. Where a public sanitary sewer system is not available, new development exceeding a density of one unit per net acre shall provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners. The City of Eustis is the utility service provider in this area and provides water service, reference Attachment "A". However, central sewer services are beyond the minimum distance connection requirement. As such,

the Applicant has submitted a request for exemption to the central sewer connection requirement.

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

The proposed CP zoning for commercial use at this location is partially consistent with the commercial location criteria for community commercial uses. However, the proposed commercial use may be inconsistent with the southern and western residential uses. To decrease the incompatibility between the uses at these locations, the proposed CP zoning will contain conditions for screening and landscape buffers to mitigate impacts to the adjacent residential uses.

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

Although there have not been any rezoning applications within this area over the past 5-years, the probability of residential development of this parcel is not desired due to its proximity to CR 44. The area is predominantly residential, which demands nearby commercial use. The closest existing commercial use is a Handy-Way store approximately one-half mile to the east.

**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 City of Eustis indicates its ability to provide central water (Attachment "A"), however, central sewer is not available. A review of an on-site septic system will be addressed during the site development review and approval process, should the rezoning be approved.

Transportation

Public Works Transportation indicates that a transportation study will be required prior to site plan approval.

Fire and Emergency Services

The closest Lake County Fire Rescue Station (LCFR Station #72) is located less than five (5) miles west of the parcel at 12340 County Road 44, Leesburg. This facility provides full Advance Life Support services.

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

The subject property displays maintenance of the existing vegetation and appears to have been disturbed with urban development.

**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.

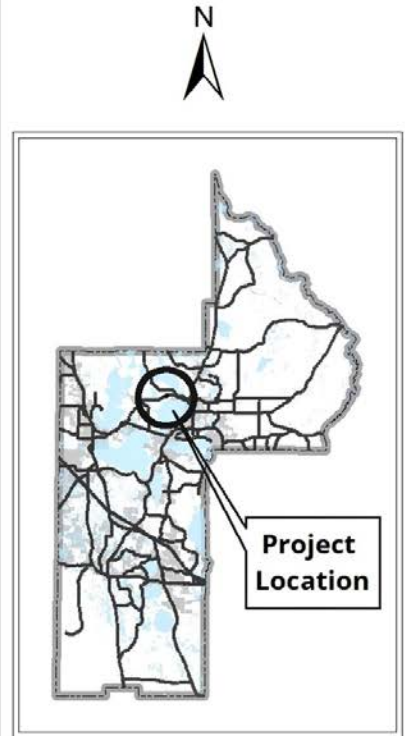
**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The concept plan of the proposed rezoning area does not demonstrate negative effects, nor a disorderly, illogical development pattern within 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 rezoning for commercial uses in this area of Lake County is consistent with the public interest and Lake County's regulations.

### Subject Property.



# ATTACHMENT - A

## Office of Planning and Zoning



### Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

**The applicant is proposing the following:**

Single-Family Dwelling  Multi-Family Units  Duplex  Commercial

Administrative Lot Split  Commercial Project  Rezoning

**Legal description:** Section 32 Township 18 Range 26 Alt Key # 1213398

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Additional Legal attached \_\_\_\_\_

Hook up to Central Sewage is Not within 1,000 feet of the above described property.  
(is or is not)

Hook up to Central Water is within 300 feet of the above described property.  
(is or is not)

The City of Eustis, will provide immediate hook up to this property for:

Central Sewage: Yes  No  Central Water: <sup>\*</sup> Yes  No   
Will the connection to the central sewage system be via a  gravity line or a  force main/pump?

**Wellfield Protection:**

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is  or is not  within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature [Signature]

Print Name and Title: Michael Brisson, Proj. Manager Date 1/23/19

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to [zoning@lakecountyfl.gov](mailto:zoning@lakecountyfl.gov).

To be completed by County staff: Staff Name: _____
Date Received: _____ Address #: _____ Project Name: _____

*\* upon City Commission Approval*



# MEMORANDUM

Lake County Board of County Commissioners • Office of Planning & Zoning  
315 W. Main St., Suite 510, Tavares, FL 32778 • www.lakecountyfl.gov

To: Lake County Board of County Commissioners  
Through: Jeff Cole, County Manager  
From: Tim McClendon, AICP, Director, Office of Planning and Zoning  
Steve K. Greene, AICP Chief Planner, Office of Planning and Zoning  
Date: December 17, 2019  
Subject: Exemption for Central Sewer Connection Requirement  
Rhodes Property Rezoning (RZ-19-05-4)

---

## Summary of Request

On March 28, 2019, Greg Beliveau of LPG Urban & Regional Planners, Inc. (the Applicant) requested an exemption to the central sewer connection requirements of LDR Section 6.12.01(B) Central Sewage System and Comprehensive Plan Public Facilities Element (Sanitary Sewer), Policy IX-3.1.2 (Mandatory Sewer Connection) for a parcel (Alternate Key#1213398) located at the southwest corner of CR 44 and Chain O' Lakes Road, in the Eustis area. The City of Eustis provides central water and sewer service in this area of the County.

## Background

On March 22, 2019, the Applicant submitted a rezoning application to change the zoning of the property from R-6 (Urban Residential) to Planned Commercial (CP) zoning. The property is designated Urban Low future land use, as such the 2030 Comprehensive Plan specifies that any future development within the Urban future land use series is required to connect to central services. Attachment "A" indicates central water availability to the property by the City of Eustis. However, Eustis does not have central sewer available to the property.

## Policy Analysis.

### LDR Section 6.12.01(B) Central Sewage System

Unless exempted by the Board of County Commissioners via a public hearing, all private treatment systems, are required to be connected and utilize a regional/sub-regional wastewater system when service is available within one thousand (1,000) feet of the private treatment system or any central lines of the private treatment system, as measured from the curb line distance within a Right-of-Way or the centerline distance within an existing easement.



# MEMORANDUM

---

## Comprehensive Plan Policy IX-3.1.2 Mandatory Sewer Connection

As the subject parcel is designated as Urban Low future land use, of the Urban Future Land Use Series, the development of this parcel is required to connect to a public sanitary sewer system, when available. Where a public sanitary sewer system is not available, new development exceeding a density of one unit per net acre shall provide a regional/sub-regional sanitary sewer system, unless exempted by the Board of County Commissioners.

### **Staff Analysis/Comments**

Based on the Utility Notification Form, Attachment "A", completed by the City of Eustis, central sewer service is not within the mandated connection distance of 1,000 feet. However, central water is within 300-feet and available with Eustis City Commission approval. Based on the information provided by Eustis, the subject property does not meet the 1,000-foot distance criterion to require connection to a central sewer service.

### **Conclusion and Recommendation**

Based on information contained in Attachment "A", Planning and Zoning recommends approval of the Applicant's request for exemption from the central sewer connection requirements of LDR Section 6.12.01(B) Central Sewage System and Comprehensive Plan Policy IX-3.1.2 Mandatory Sewer Connection.

SKG/tm

Ordinance #2019-xx  
Rhodes Property CP Rezoning  
RZ-19-05-4

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

WHEREAS, Greg Beliveau, AICP, of LPG Urban Planners, Inc., (the "Applicant") submitted a rezoning application on behalf of William M. Rhodes Jr. and Anna C. Rhodes (the "Owners"), to rezone property from Urban Residential (R-6) to Planned Commercial (CP) zoning district; and

WHEREAS, the subject property consists of 6.0 +/- acres, is located at the southwest corner of the CR 44/Chain O' Lakes Road intersection in the Eustis area of unincorporated Lake County, in Section 32, Township 18 South, Range 26 East, described as Alternate Key Number 1213398, and is more particularly described in Exhibit "A"; and

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

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-19-05-4 on the 26<sup>th</sup> day of November, 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 17<sup>th</sup> day of December, 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.

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 subject property, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to Planned Commercial (CP) for the property described in Exhibit "A". The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Concept Plan attached hereto as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence.

**A. Land Uses:**

1. Neighborhood Commercial (C-1) uses, to include: Boat and Recreational Vehicle (RV) storage.
2. Accessory uses directly associated with the above primary uses may be approved by the County Manager or designee. Any other use of the site not specified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Open Space, Impervious Surface Ratio (ISR), Floor Area Ratio (FAR) and Building Height:** The development shall maintain the minimum open space, ISR, FAR and



- 1 Building Height on the site in accordance with the Land Development Regulations (LDR)  
2 and Comprehensive Plan, as amended.
- 3 **C. Parking:** Parking for the development shall be consistent with the Land Development  
4 Regulations (LDR) and Comprehensive Plan, as amended.
- 5 **D. Commercial Screening:** Commercial screening shall be in accordance with the Land  
6 Development Regulations (LDR) and Comprehensive Plan, as amended.
- 7 **E. Buffers and Landscaping:** All landscape buffers shall be installed and maintained in  
8 accordance with the Land Development Regulations (LDR) and Comprehensive Plan,  
9 as amended.
- 10 **F. Setbacks:**
- 11 1. Front (CR 44) – 50-feet from right-of-way  
12 2. Side – 10-foot wide landscape buffer  
13 3. Secondary Front (Chain O’ Lakes Road) – 15-feet from right-of-way  
14 4. Setbacks not specified above shall be in accordance with the Land Development  
15 Regulations (LDR) and Comprehensive Plan, as amended.
- 16 **G. Transportation:**
- 17 1. All access management shall be in accordance with the Land Development  
18 Regulations (LDR) and Comprehensive Plan, as amended. A traffic impact analysis  
19 will be required with development application submittal. The analysis shall  
20 include impact mitigation, to be accomplished by the Applicant, to ensure  
21 maintenance of the adopted Level of Service of the transportation network prior to  
22 commencement of the commercial uses.
- 23 2. Additional right-of-way for Chain O’ Lakes Road will be required.  
24 3. A right turn lane on CR 44 at the intersection of Chain O’ Lakes Road will be  
25 required.  
26 4. Sidewalks will be required in accordance with the Land Development  
27 Regulations (LDR) and Commercial Design Standards, as amended.  
28 5. All access management shall be in accordance with the Land Development  
29 Regulations (LDR) and Comprehensive Plan, as amended.
- 30 **H. Stormwater Utilities:** The stormwater management system shall be designed in  
31 accordance with all applicable Lake County and St. Johns River Water Management  
32 District (SJRWMD) requirements, as amended.
- 33 **I. Lighting:** Exterior lighting shall be consistent with Dark-Sky Principles and in  
34 accordance with the Land Development Regulations (LDR), as amended.
- 35 **J. Noise:** A noise assessment shall be required with the development application submittal  
36 to demonstrate mitigation for any noise impacts the proposed project may have on the  
37 neighboring uses pursuant to the Land Development Regulations (LDR), as amended.
- 38 **K. Signage:** Signage shall be consistent with the Land Development Regulations (LDR),  
as amended.

- 1                   **L. Commercial Design:** Development of the property will be in accordance with  
2                   commercial design standards specified in the Land Development Regulations (LDR), as  
3                   amended.
- 4                   **M. Fire Protection:** Fire Protection must be in accordance with all applicable federal,  
5                   state, and local codes and regulations, as amended.
- 6                   **N. Utilities:**
- 7                   1. Central potable water service: Connection to City of Eustis central potable water  
8                   service facility.
- 9                   2. Central sewer services: Connection to central sewer services is exempted until such  
10                  time as central sewer services become available and proximate to the parcel as  
11                  specified by the Comprehensive Plan, as amended. Until such time, septic/sewage  
12                  service must be permitted in accordance with Florida Department of Health, the  
13                  Comprehensive Plan, and Land Development Regulations, as amended.
- 14                  **O. Concurrency Management Requirements:** Any development must comply with the  
15                  Lake County Concurrency Management System, as amended.
- 16                  **P. Development Review and Approval:** Prior to the issuance of permits, the Applicant  
17                  will be required to submit a development application for any future construction for  
18                  review and approval in accordance with the Comprehensive Plan and LDR, as  
19                  amended.
- 20                  **Q. Future Amendments to Statutes, Code, Plans, or Regulations:** The specific  
21                  references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake  
22                  County Comprehensive Plan, and Lake County Land Development Regulations will  
23                  include any future amendments to the Statutes, Code, Plans, or Regulations.

24 **Section 2. Conditions.**

- 25                  **A.** After establishment of the facilities as provided in this Ordinance, the property identified  
26                  in this Ordinance may only be used for the purposes identified in this Ordinance. Any  
27                  other proposed use must be specifically authorized by the Board of County  
28                  Commissioners.
- 29                  **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,  
30                  improve, move, convert, or demolish any building structure, add other uses, or alter the  
31                  land in any manner within the boundaries of the above described land without first  
32                  obtaining the necessary approvals in accordance with the Lake County Code, as  
33                  amended, and obtaining the permits required from the other appropriate governmental  
34                  agencies.
- 35                  **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with  
36                  the land and the terms, conditions, and provisions of this Ordinance, and will be binding  
37                  upon the present Owner and any successor, and will be subject to each and every  
38                  condition in this Ordinance.
- 39                  **D.** Construction and operation of the proposed use must comply with the regulations of  
40                  this and other governmental permitting agencies.
- 41                  **E.** The transfer of ownership or lease of any or all of the property described in this

1 Ordinance must include in the transfer or lease agreement, a provision that the  
2 purchaser or lessee is made good and aware of the conditions established by this  
3 Ordinance and agrees to be bound by these conditions. The purchaser or lessee may  
4 request a change from the existing plans and conditions by following procedures  
5 contained in the Land Development Regulations, as amended.

6 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
7 Enforcement Special Master will have authority to enforce the terms and conditions set  
8 forth in this ordinance and to recommend that the ordinance be revoked.

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

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

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

16  
17 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

18  
19 FILED with the Secretary of State \_\_\_\_\_, 2019.

20  
21 EFFECTIVE \_\_\_\_\_, 2019.

22  
23

24 BOARD OF COUNTY COMMISSIONERS  
25 LAKE COUNTY, FLORIDA

26  
27  
28  
29 \_\_\_\_\_  
30 LESLIE CAMPIONE, CHAIRMAN

31  
32 ATTEST:  
33  
34  
35 \_\_\_\_\_  
36 GARY J. COONEY, CLERK OF THE  
37 BOARD OF COUNTY COMMISSIONERS  
38 LAKE COUNTY, FLORIDA

39  
40  
41 APPROVED AS TO FORM AND LEGALITY

42  
43  
44 \_\_\_\_\_  
45 MELANIE MARSH, COUNTY ATTORNEY

**Exhibit "A" - Legal Description**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47

E 655 FT OF SW 1/4 OF NW 1/4 S OF HWY  
ORB 668 PG 1314, ORB 900 PG 629, ORB 921 PG 183

Exhibit "B" - Concept Plan

EXHIBIT - B

