



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): January 2, 2020  
Board of County Commissioners (BCC): January 28, 2020

Case No. and Project Name: RZ-19-22-5, G. Beliveau CFD Amendment

Applicant: Greg A. Beliveau, LPG Urban & Regional Planners, Inc.

Owner: The Haven of Lake & Sumter Counties, Inc.

Requested Action: Replace Community Facility District (CFD) Ordinance #2001-74 with a new ordinance to increase the number of temporary residents of the existing dormitory from fourteen (14) to one-hundred twenty (120); to add an animal shelter; and to request the use of an existing six (6) foot solid fence in lieu of required perimeter landscape buffer.

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

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

### Subject Property Information

Size: 10.5 +/- acres

Location: Lady Lake area.

Alternate Key No.: Exempt per F.S. Sec. 39.908

Future Land Use: Rural

Current Zoning District: Community Facility District (CFD) by Ordinance 2001-74

Flood Zones: "X"

Joint Planning Area/ ISBA: Lady Lake ISBA

Overlay Districts: Emerald Marsh RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Residential	Single-Family Residences
South	Rural	Rural Residential (R-1)	Residential and Agricultural	Single-Family Residences and Agricultural
East	Rural	Rural Residential (R-1)	Vacant	Undeveloped acreage
West	Rural	Agriculture (A)	Residential	Single-Family Residences

### **Staff Analysis**

The subject property encompasses approximately 10.5-acres and is identified by Alternate Key Number **Exempt Under F.S. Sec. 39.908**. The property is zoned Community Facility District in accordance with Ordinance #2001-74, and designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Consistent with Ordinance #2001-74, the subject property is developed with a community residential home / dormitory. Pursuant to the Ordinance, the number of temporary or permanent residents is limited to a maximum of fourteen (14), including live-in staff.

The Applicant seeks to replace Community Facility District Ordinance #2001-74 with a new ordinance to increase the number of temporary residents of the dormitory from fourteen (14) to one-hundred twenty (120). The application also requests an animal shelter for pets, belonging to the facility residents. The proposed ordinance includes an updated concept plan, which shows the placement of existing facility and proposed development to accommodate the additional residents and animal shelter. Additionally, the rezoning application requests the existing six (6) foot high solid fence be allowed to satisfy the buffering requirements, in lieu of a ten (10) foot wide vegetative buffer.

### **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), which conditionally allows nursing and personal care facilities, and animal specialty services; utilizing the community facility district zoning satisfies the conditional approval requirements for these uses. 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 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 Emeralda Marsh 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 Emeralda Marsh RPA.

The Comprehensive Plan does not contain any provisions for buffering requirements in the Rural FLUC or Emeralda Marsh 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, Dormitories and Community Residential Homes are identified as community facility uses. A Dormitory is defined in LDR Chapter II as, "A facility providing group living quarters for a student body, religious order, or other group as an associated use to a college, university, Boarding school, orphanage, convent, monastery or other similar use." In this case, the dormitory use is considered similar to the proposed non-permanent shelter/facility for domestic violence victims and their families, which is protected under provisions contained in F.S. Section 39.908.

Kennels are not a permissible use in the Community Facility Zoning District. However, the application includes the following statement regarding the proposed animal shelter; "*The definition of a kennel in Chapter II of Lake County's LDR's means any premises, operation, or business used for the boarding, breeding, and training, buying, selling, grooming, or rearing of dogs or cats, or any other activity for remuneration. A premise used as an Animal Shelter or a premise owned or leased by the county or an Animal Rescue Organization is exempt from this definition. The proposed animal shelter structure will not be used for training, buying selling, grooming, or raising dogs or cats. It will not be a boarding business, and its purpose will be for the temporary housing of animals as needed for [residents'] family pets while they are temporarily staying at the [dormitory].*" Kennel uses are allowed as a conditional use, approved by the BCC, with the provision of a minimum setback of two-hundred (200) feet from all property lines.

The parcels surrounding the subject property are zoned Agriculture (A) and Rural Residential (R-1). Pursuant to LDR Section 9.01.06.B Table 1—Landscape Buffers Between Zoning Districts, a Type "A" Landscape Buffer is required between the subject property and a property zoned Rural Residential (R-1). No Landscape Buffer is required between the subject property and a property zoned Agriculture (A). LDR Section 9.01.06.B Table 2—Land Use Buffer Area Requirements, contains several width options for a Type "A" Landscape Buffer. A six-foot solid wall is allowed as a Type

“A” landscape buffer only between two residential zoning districts. Although the Community Facility Zoning District is not a residential zoning district, a dormitory use is of a residential nature on a temporary basis; therefore, the fence requested in-lieu of the required landscape buffer may be consistent with the intention of the buffer requirement. However, as the rezoning application proposes a significant capacity increase, staff recommends screening conditions within the proposed ordinance, comprised of landscaping and fencing along the property lines.

**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 Emerald Marsh RPA. The parcels surrounding the subject property are developed with residential and agricultural land uses.

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

The justification statement (Attachment “A”) within the application references a study which indicates the increased need for shelters/facilities for victims of domestic violence, upwards of 70% when compared to existing service facilities. Additionally, a 2006-2007 study by the Florida Department to Children and Families predicates the domestic violence trends.

**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 potable well may require permitting with the Florida Department of Environmental Protection. Septic tanks will be permitted with the Department of Health in Lake County (a/k/a DOH-Lake).

Schools

No comments have been received from Lake County Schools. The proposed rezoning is not anticipated to adversely impact schools.

Parks

The application does not contain enough information to determine impact on parks, if any. Comment on the proposed impact to Lake County parks was not provided by Lake County Parks and Trails.

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 #54) is located less than 2 miles from the site.

Transportation Concurrency

The Applicant will be required to complete a Tier 1 Exemption from a full traffic study memo upon submittal of a development application.

**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.

**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 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.

**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.

## **Map of Subject Property**

Exempt under F.S. Sec. 39.908.

## Attachment A. – Statement of Need (Page 1 of 3)

### The Haven

#### Summary of Statistics

We have included the statistics showing the need for further beds at The Haven in Lake County. There has been an increased need for housing for domestic violence victims, and many victims are being turned away to homeless shelters and out of county domestic violence shelters. The data supports and shows the increase of members in our local community needing the assistance of our local domestic violence shelters. Currently, The Haven of Lake & Sumter Counties is the only domestic violence shelter for victims and their children within Lake County.

In just five months, between January 1<sup>st</sup>, 2019 and May 17<sup>th</sup>, 2019 The Haven has had to turn away 209 calls from domestic violence victims seeking temporary shelter. The trend seems to be increasing every year for the services that The Haven provides through their temporary shelter for victims of domestic violence.

Currently, only fourteen (14) beds are allowed under the existing CFD and we are requesting an increase of up to one hundred and twenty (120) beds in three (3) Phases, to meet the demand of local community members needing a temporary shelter to escape a domestic violence situation safely.

*For the purpose of this project, we have chosen to use data only from Lake and Sumter counties, since these are the counties that The Haven serves.*

#### Summary of Statistical Agency Wide Municipality Report

The Statistical Agency Wide Municipality Report contains data showing the number of clients entering shelters per year. For the purpose of this project we have selected to use data locally, from Lake and Sumter Counties. These are only the domestic violence victims who are able to be placed within local shelters, not the amount of domestic violence victims that seek shelter, which we have included those statistics below as well. This data shows that there is a steady need for more beds for domestic violence victims within the area.

**Number of Victims Entering Shelters Per Year in Lake & Sumter Counties**

Year	# of Clients Entering Shelter
2015-2016	233
2016-2017	275
2017-2018	206

The average stay of a domestic violence victim with The Haven is between 12-16 weeks. There has been a large increase in the number of calls for temporary shelter from a

## Attachment A. – Statement of Need (Page 2 of 3)

domestic violence situation. The numbers of clients entering domestic violence shelters within Lake and Sumter Counties only reflects how many victims are able to be placed in temporary shelter, and with a lack of beds that number has been declining. The calls seeking temporary housing from a domestic violence situation, however, have been increasing. The lack of beds has The Haven either referring victims out of county, or to homeless shelters.

**Percentages of Victims Entering Shelters by County of Residence**

County	2016-2017	2017-2018
Lake Residents	70%	70%
Sumter Residents	7%	9%
Out of County Residents	22%	21%

Lake County has the highest percentage of resident victims entering shelters out of Lake County, Sumter County, and out of county (which includes The Villages, Out of County not specified, Citrus County, and unknown). For two years 70% of domestic violence victims entering shelters reside within Lake County, which furthers the need for more beds at the subject property, in order to meet local community needs for temporary housing for domestic violence victims and their children.

### Summary of Calls to The Haven

The summary of calls to the Haven for assistance show how many inbound crisis calls The Haven has received each year, how many victims that The Haven has been able to place within their temporary shelter each year, how many they have had to turn away to homeless shelters and other out of county domestic violence shelters every year, going back to 2017.

Numbers have risen over the last three years in crisis calls placed to The Haven, showing an increasing need within our community.

The summary of crisis calls provided to us show an increase in calls for assistance, and supports the need to accommodate more beds so that more domestic violence victims and their children can receive the help they need in our community.

**Number of Crisis Calls to The Haven**

Year	# of Calls Placed to The Haven for Assistance
2017	30
2018	69
2019 (through May 17th 2019)	209

Shown in the statistics gathered from the client, up until May 17<sup>th</sup> 2019, The Haven has had to turn away two hundred and nine (209) victims of domestic violence.

## Attachment A. – Statement of Need (Page 3 of 3)

Placement in Shelters

Placed With	2017	2018	2019 (through May 17 <sup>th</sup> 2019)
The Haven Shelter	4	19	44
Homeless Shelters	13	20	56
Out of County Domestic Violence Shelters	8	59	159

The data above shows an increasing number of domestic violence victims having to be turned away to homeless shelters and out of county domestic violence shelters. Increasing the beds at The Haven would significantly help the number of victims The Haven is able to help locally.

An increased number of calls looking for a domestic violence shelter for victims and their children show that there is a need for more beds to accommodate the need. Many people are being turned away from assistance. An increased number of beds would have a significant impact on the amount of domestic violence victims The Haven is able to assist within their shelter program.



**Ordinance #2019-XX  
RZ-19-22-5  
G. Beliveau 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**, Greg A. Beliveau, of LPG Urban & Regional Planners, Inc (the “Applicant”) submitted  
4 an application on behalf of The Haven of Lake & Sumter Counties, Inc (“the Owner”) to replace Community  
5 Facility District (CFD) Ordinance #2001-74 with a new ordinance to increase the number of temporary residents of the  
6 existing dormitory from fourteen (14) to one-hundred twenty (120); to add an animal shelter; and to request the use of  
7 an existing six (6) foot solid fence in lieu of required perimeter landscape buffer; and

8 **WHEREAS**, the subject property **Exempt under F.S. Sec. 39.908**  
9  
10

11 **LEGAL DESCRIPTION – Exhibit “A”**

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

15 **WHEREAS**, on the 24<sup>th</sup> day of April, 2001, the Board of County Commissioners approved Community  
16 Facility District Zoning (Ordinance #2001-74) for a community residential home / dormitory; and

17 **WHEREAS**, Ordinance #2001-74, will be superseded and replaced upon adoption of this new CFD  
18 ordinance; and

19 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-19-22-5 on the 2<sup>nd</sup> day  
20 of January, 2020, after giving Notice of Hearing for a change in the use of land, including a notice that said  
21 petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 28<sup>th</sup> day of  
22 January, 2020; and

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

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

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

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

32 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to show the  
33 Community Facility District (CFD) in accordance with Exhibit “A” of this Ordinance. This  
34 Ordinance shall revoke/rescind and replace Ordinance #2001-74 in its entirety. All uses shall be  
35 generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the  
36 extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance  
37 shall take precedence.

1           **A. Land Use:**

2           ~~The zoning district of the site, as described in Exhibit "A", shall be changed from A to CFD.~~  
3           ~~The official Lake County zoning maps shall be amended in accordance with this Ordinance.~~

4           Permitted uses shall be limited to:

5           1. ~~A community residential home /~~ dormitory which functions as a facility for victims of  
6           domestic violence and their children consisting of existing structures. The number of  
7           temporary ~~or permanent~~ residents shall be limited to a maximum of 14 one-hundred  
8           twenty (120), including live-in staff. Development to accommodate the increase in  
9           occupancy shall occur in three (3) phases:

10           a. Phase I: Increase occupancy of the existing dormitory to forty (40) residents.

11           b. Phase II: Construct one (1) additional dormitory to house a maximum of forty  
12           (40) residents.

13           c. Phase III: Construct one (1) additional dormitory to house a maximum of forty  
14           (40) residents.

15           Total Dormitories: 3           Total Residents: 120

16           ~~Normal residential accessory structures may be permitted at the discretion of the~~  
17           ~~Director of the Planning and Development Services Division.~~

18           2. Structure for temporary sheltering of animals owned by domestic violence victims and  
19           their children residing in any one of these three dormitories.

20           Accessory Uses – Normal residential accessory uses, and uses directly associated with the  
21           principal use, may be approved by the County Manager or designee. Any other use of the  
22           site not identified above shall require an amendment to this Ordinance as approved by the  
23           Board of County Commissioners.

24           **B. Setbacks:**

25           1. The applicant shall maintain setbacks of no less than fifty (50) feet from all roads, right-  
26           of-ways, or easements bounding the project area, as outlined in the Lake County Land  
27           Development Regulations, as amended.

28           2. The existing structures shall maintain their existing setbacks. Any new residential  
29           accessory structures shall be no closer than twenty-five (25) feet from all property lines.

30           3. The structure for sheltering of animals shall maintain setbacks of no less than two-  
31           hundred (200) feet from all property lines.

32           **C. ~~Landscaping/~~Landscaping, Buffering, and Screening:** ~~A 10' wide vegetative~~  
33           ~~buffer shall be provided along the perimeter of the site proper. The buffer shall consist of~~  
34           ~~minimum 3 canopy trees and 2 ornamental trees per 100 linear feet and a single row of~~  
35           ~~shrubs. The existing solid fence, six (6) foot fence, shall accompany a Type "A" landscape~~  
36           buffer along the southern, eastern, and western property lines. Fencing and landscaping  
37           along the eastern property line will be required when the eastern property is developed.

38           **D. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR):** The  
39           development shall maintain the minimum open space, ISR, and FAR on the site,  
40           consistent with the Land Development Regulations (LDR) and Comprehensive Plan, as

1 amended.

- 2 **E. Parking:** Parking for the development shall be consistent with the Land Development
- 3 Regulations (LDR) and Comprehensive Plan, as amended.
- 4 **F. Lighting:** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance
- 5 with the Land Development Regulations (LDR), as amended.
- 6 **G. Noise:** A noise assessment shall be required with the development application submittal to
- 7 demonstrate mitigation for any noise impacts the proposed project may have on the
- 8 neighboring uses pursuant to the Land Development Regulations (LDR), as amended.
- 9 **H. Signage:** Signage shall be consistent with the Land Development Regulations (LDR), as
- 10 amended.
- 11 **I. Commercial Design:** Development of the property will be in accordance with commercial
- 12 design standards specified in the Land Development Regulations (LDR), as amended.
- 13 **J. Concurrency Management Requirements:** Any proposed development must comply with
- 14 all applicable Lake County Concurrency Management System requirements, as amended,
- 15 prior to site plan approval.
- 16 **K. Transportation Improvements:** A Tier One (1) Traffic study exemption shall be required
- 17 with the development application.
- 18 **L. Access Management:** All access management shall be in accordance with the
- 19 Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 20 **M. Development Review and Approval:** Prior to the issuance of any permits or licenses, the
- 21 applicant shall submit site plans to be reviewed and approved by the Development Review
- 22 Staff. Development shall be limited to the existing structures on the site. The site plans
- 23 shall meet all submittal requirements and comply with all County codes and Ordinances,
- 24 as amended.
- 25 **N. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific
- 26 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 27 County Comprehensive Plan, and Lake County Land Development Regulations shall
- 28 include any future amendments to the Statutes, Code, Plans, and/or Regulations.

29 **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall  
30 mean:

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



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

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**FILED** with the Secretary of State \_\_\_\_\_, 2020.

**EFFECTIVE** \_\_\_\_\_, 2020.

**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**

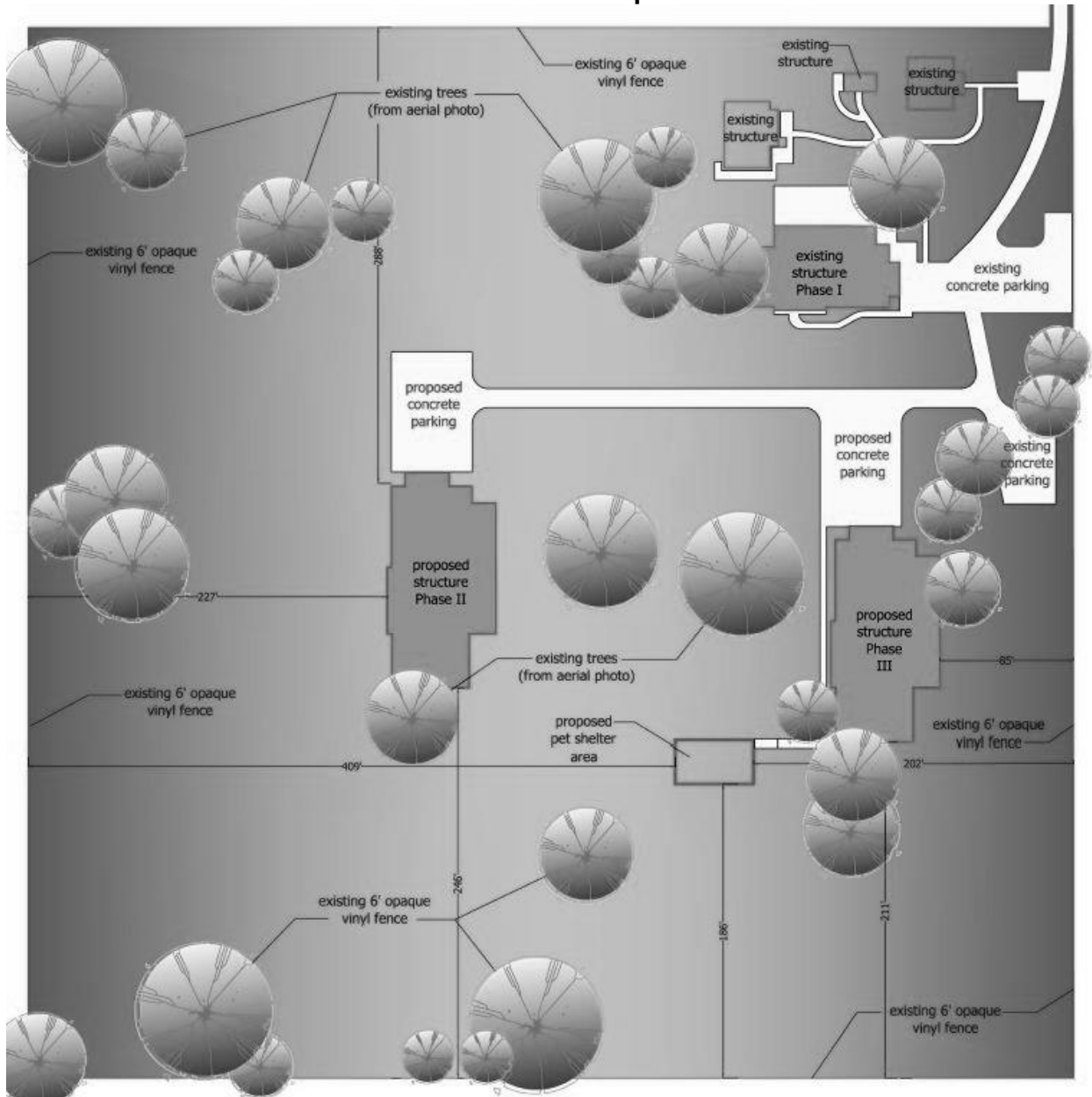
**Exhibit "A" - Legal Description**

Exempt under F.S. Sec. 39-908

- 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

1

### Exhibit "B" - Concept Plan



2