



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): February 5, 2020
Board of County Commissioners (BCC): February 25, 2020

Case No. and Project Name: RZ-19-28-4, East Lake Community Park CFD Amendment

Applicant: Lake County Office of Parks and Trails

Owner: Lake County Board of County Commissioners

Requested Action: Amend CFD Ordinance #2008-23 to rezone and add 41.88 +/- acres of property from Agriculture (A) to the Community Facility District (CFD) zoning district to accommodate development of community facility and recreational facility uses.

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

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 90.88 +/- Total Acres, including the 41.88 +/- Acres being rezoned

Location: East of County Road 437, north of Wallick Road in the Sorrento area.

Alternate Key No.: 3875490, 1802709 and 3919273

Future Land Use Category: Wekiva River Protection Area (WRPA) A-1-20 Receiving Area and Public Service Facilities and Infrastructure

Existing Zoning District: Community Facility District (CFD) by Ordinance #2008-23 and Agriculture (A)

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: N/A

Overlay Districts: Wekiva River Protection Area, Wekiva Study Area and Mt. Plymouth-Sorrento

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area and Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Residential and Subdivision	Single-Family Dwelling Unit on Large Tracts of Land and Hilltop Sorrento Subdivision
South	Mt. Plymouth Sorrento Receiving Area	Agriculture (A)	Street and Residential	Wallick Road, Single-Family Dwellings Units on Large Tracts of Land and Long Acres Subdivision
East	WRPA A-1-20 Receiving Area	Agriculture (A)	Street and Residential	Turkey Farm Road, Adjacent to Single-Family Dwelling Units
West	N/A	N/A	County Road and Residential	County Road 437, Single-Family Dwellings Units

– Summary of Analysis –

The subject 41.88 +/- acres are currently zoned Agriculture (A), are designated as Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category (FLUC), and are heavily wooded and undeveloped. The subject property is located east of County Road 437, and north of Wallick Road in the Sorrento area; it lies within the Mt. Plymouth-Sorrento, Wekiva River Protection Area, and Wekiva Study Area Overlay Districts.

The application seeks to amend CFD Ordinance #2008-23 by rezoning an additional 41.88 +/- acres (AK #1802709) from Agriculture (A) to Community Facility District (CFD), to facilitate additional development of East Lake Community Park. The application also proposes to allow General Agriculture uses, and Community Facility District (CFD) uses, excluding Recycling Centers, and Wireless Antennas, Towers and Equipment.

CFD Ordinance #2008-23 encompasses parcels identified by Alternate Key Numbers 3875490 (Education Use), 3919273 (Proposed Fire Station), and a portion of Alternate Key Number 1802709 (Recreational Use). Parcels described within Ordinance #2008-23 are designated with a Public Service Facility and Infrastructure Future Land Use Category (FLUC). Addition of the 41.88 +/- acres to the CFD Ordinance would bring the total acreage to 90.88 +/- acres.

The rezoning application includes a request to the Board of County Commissioners (BCC) for a waiver to LDR Sections 14.09.03(A) and 9.09.00, regarding the site plan expiration date, and the adherence to the noise protection standards, respectively.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

Amending Ordinance #2008-23 is consistent with all applicable provisions of the code.

The request and use are consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which establishes lands that benefit the public and general welfare.

The request for the proposed recreational facility is consistent with LDR Section 3.01.02, *Classification of Uses*, which defines Parks and Recreation as an outdoor recreational use with a low intensity of development. Typical uses within this classification include parks, playgrounds, biking and nature trails, picnic grounds, golf courses, and ball fields.

The request for the proposed fire station is consistent with LDR Section 3.01.02, *Classification of Uses*, which defines Public Safety Service as a governmental or public agency, or an entity owned or operated by a governmental or public agency, for the of the health, safety or general welfare of the residents of Lake County, Florida. Typical uses within this classification include law enforcement, firefighting, emergency medical assistance or transport, search and rescue, and hazardous material cleanup.

The request for the proposed library is consistent with LDR Section 3.01.02, *Classification of Uses*, which defines Cultural Institution as a public or private nonprofit facility providing cultural services to the public. Typical uses within this classification include museums, libraries and observatories.

The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows community facility and recreational uses within the CFD zoning district.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

Amending Ordinance #2008-23 is consistent with all applicable elements of the Comprehensive Plan. The subject parcel is designed with a Wekiva River Protection Area A-1-20 Receiving Area FLUC and Public Service Facilities and Infrastructure FLUC. Both FLUCs allow recreational facilities/uses.

The amendment is consistent with Comprehensive Plan Policy I-3.2.3, *Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category*, which allows Public Order and Safety as a typical use, and allows recreation facilities as a conditional use.

The amendment is consistent with Comprehensive Plan Policy I-1.5, *Public Benefit Future Land Use Series*, which establishes lands that benefit the public and general welfare. The subject parcel will be developed with community facility and/or recreational uses, which will benefit the general welfare of the community.

The amendment is consistent with Comprehensive Plan Policy I-1.5.3, *Public Service Facilities and Infrastructure Future Land Use Category*, as the FLUC consists of uses needed to address public facilities and infrastructure needs. The FLUC allows recreational facilities/uses.

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

Public parks play an integral part in the quality of life within communities. Amending Ordinance #2008-23 is consistent with both FLUCs, which allow recreational facilities/uses. Additionally, the amendment is consistent with Land Development Regulations (LDR) Section 3.01.03, which allows community facility and recreational uses within the CFD zoning district.

D. Whether there have been changed conditions that justify a rezoning;

Amending Ordinance #2008-23 is consistent with all applicable elements of the Comprehensive Plan, and with Land Development Regulations (LDR) Section 3.01.03, which allows community facility and recreational uses within the CFD zoning district. The subject parcel is designed with a Wekiva River Protection Area (WRPA) A-1-20 Receiving Area FLUC and Public Service Facilities and Infrastructure FLUC. The FLUCs allow recreational facilities/uses.

The Applicant provided the following statements as justification and support of the proposed rezoning application: *“Proposed uses are permitted under A zoning, however, County would like to add/include the 41.88 acre parcel zoned A to the existing zoned CFD western parcel.”*

“Proposed rezoning is consistent with the land uses permitted within the existing Community Facility District zoning and surrounding parcels developed with residential and agricultural land uses.”

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water and Sewer

The subject property is currently serviced by the City of Eustis with central water and sewer. However, any future development application submittal must demonstrate that the City of Eustis has sufficient capacity to service the proposed development.

Office of Parks and Recreation

The request is not anticipated to adversely impact park capacity or levels of service.

Office of Public Safety

Lake County Fire Rescue Station #39 is located less than two (2) miles of the subject property at 31431 Walton Heath Avenue, Sorrento, and will provide advanced life support should an emergency situation on the property demand this service. Fire protection water supply and emergency access will be addressed during the preliminary plat review process, should the rezoning request be approved by the Board.

Schools

The request is not anticipated to adversely impact school capacities or levels of service.

Solid Waste

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

Transportation Concurrency

The request is not anticipated to adversely impact the roadways standard Level of Service (LOS).

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

Should the rezoning be approved, all sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Land Development Regulations (LDR) and Comprehensive Plan. An environmental assessment dated within 6 months of the site plan application submission date to indicate the presence of vegetation, soils, wetlands, threatened and endangered species on the site. Any required State permitting or mitigation will be required before development can commence.

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

There is no information within the application that specifies impacts on property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. The subject property has been developed with the existing park since 2009.

The Applicant provided the following statement in support of the proposed rezoning application: *“There is no indication the proposed rezoning to add acreage to the existing parks facility will disrupt the existing orderly and logical development pattern in the area.”*

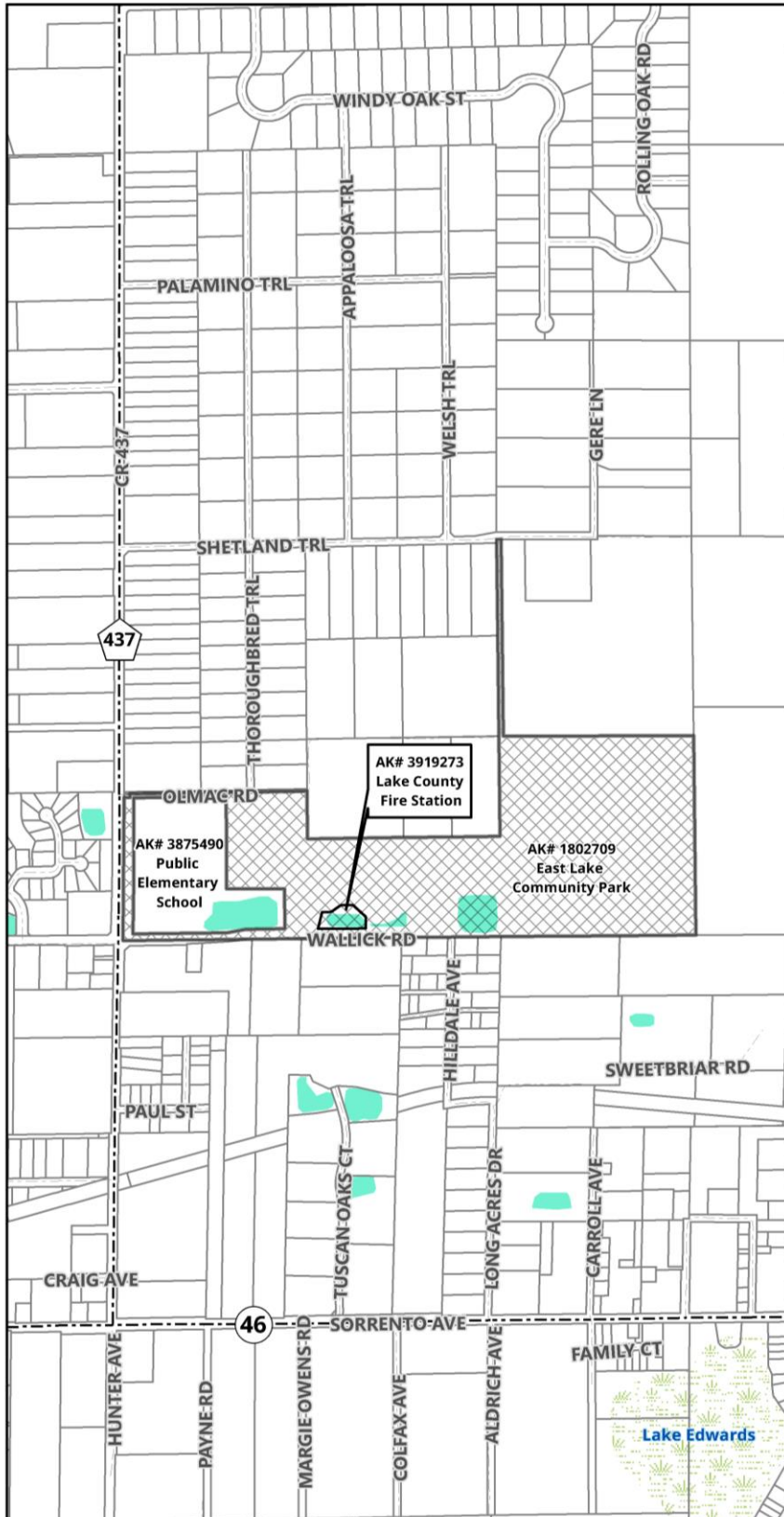
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

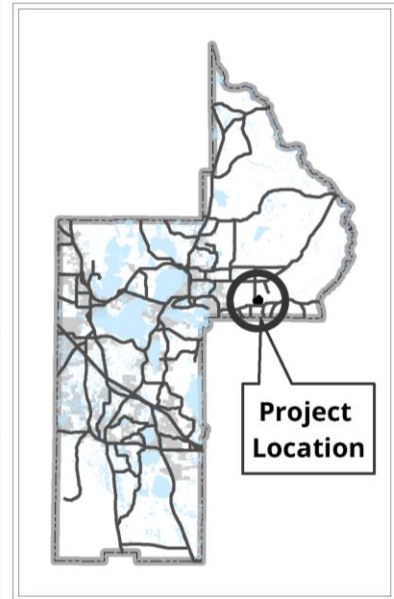
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The rezoning application includes a request to the Board of County Commissioners (BCC) to consider an exemption to the site plan expiration date contained within LDR Section 14.09.03(A) and an exemption to the noise protection standards contained in LDR Section 9.09.00.

Map of Subject Property



N
1 inch = 1,000 feet



ORDINANCE #2020-XX
East Lake Community Park CFD Amendment
Lake County Board of County Commissioners
RZ-19-28-4

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**, Lake County Office of Parks and Trails (the "Applicant") submitted an application on
4 behalf of the Lake County Board of County Commissioners ("the Owner") to amend Ordinance #2008-23 to
5 add an additional 41.88 +/- acres to the East Lake Community Park; and to rezone that acreage from
6 Agriculture (A) to Community Facility District (CFD); and

7 **WHEREAS**, the Owner acquired property adjacent to the East Lake Community Park Property
8 located on Wallick Road, Sorrento in Section 19, Township 19 South, Range 28 East ("adjacent property"),
9 which is currently referenced by Alternate Key Numbers 3919273 and 1802709; and

10 **WHEREAS**, the Applicant seeks adoption of a new ordinance which clarifies the land uses of the
11 property, which provides for the addition of the legal description for the adjacent property, and which rezones
12 the adjacent property from Agriculture (A) to Community Facility District (CFD); and

13 **WHEREAS**, on the 27th day of November 2006, the Board of County Commissioners (BCC)
14 approved Ordinance #2006-109 related to the rezoning of property located Wolf Branch Road and CR 437
15 from Agriculture (A) to Community Facility District (CFD); and

16 **WHEREAS**, on the 2nd day of May 2008, the BCC approved Ordinance #2008-23 to allow an
17 educational use on the East Lake Community Park property, which is currently referenced by Alternate Key
18 #3875490; and

19 **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-19-28-4 on the 5th
20 day of February, 2020, after giving notice of the hearing on the petition for change in zoning, including notice
21 that the petition would be presented to Board of County Commissioners of Lake County Florida, on the 25th
22 day of February, 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 any and all previous zoning
29 ordinances on the properties, including Ordinance #2006-109, and will amend Ordinance #2008-23; and

30 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
31 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
32 pertain to the property described herein, subject to the following terms:

33 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to designate
34 the property described in Exhibit "A" of this Ordinance as Community Facility District (CFD)
35 zoning in accordance with this Ordinance. This Ordinance shall amend Ordinance #2008-23.
36 This Ordinance shall revoke, rescind and replace Ordinance #2006-109.

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A. Land Uses.

- 1. Uses of the site described in Exhibit “A” attached to this Ordinance shall be allowed the following:
 - a. General Agriculture Uses; and
 - b. Community Facility District (CFD) Uses, excluding Recycling Centers and Wireless Antennas, Towers and Equipment.
- 2. Use of the site described in Exhibit “B” attached hereto shall be limited to that of a public elementary school site and associated accessory uses.

Accessory uses may be approved by the County Manager or designee. Any other use of the property will require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Setbacks. Setbacks shall be in accordance with the Land Development Regulations (LDR), as amended.

C. Transportation Improvements.

- 1. Impacts of additional development may generate right-of-way dedication, if the existing right-of-way is found deficient. Turn lane construction may be required, if warranted by the development impacts.
- 2. Sidewalks will be required per Land Development Regulations (LDR) Commercial Design Standards, as amended.
- 3. Future development may require modification to the Lake Wekiva Trail. Coordination through the Department of Public Works will be required at that time.
- 4. All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

D. Lighting. Exterior lighting must be in accordance with the Lake County Land Development Regulations (LDR), as amended and consistent with Dark-Sky Principles.

E. Landscaping, Buffering, and Screening.

- 1. The applicant shall provide as a minimum, a Type “C” or greater landscape buffer adjacent to the residential uses and the community park/public elementary school site in accordance with the Land Development Regulations (LDR), as amended.
- 2. All new development must provide landscaping in accordance with the Land Development Regulations (LDR), as amended.

F. Open Space, Impervious Surface Ratio, and Building Height. Open space, impervious surface ratio, and building height shall be in accordance with the Comprehensive Plan, and Land Development Regulations (LDR), as amended.

G. Parking Requirements. Off-street parking must be provided in accordance with the Land Development Regulations (LDR), as amended.

- 1 **H. Environmental Requirements.**
- 2 1. An environmental assessment will be required and must be dated within six (6) months
- 3 of the development application submittal date. The environmental assessment will need
- 4 to indicate the presence of vegetation, soils, threatened and endangered species that
- 5 may exist on the site. Any State permitting or mitigation will be required before
- 6 development can commence.
- 7 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
- 8 and Land Development Regulations (LDR), as amended.
- 9 3. Open space shall be provided in accordance with the Land Development Regulations
- 10 (LDR), as amended.
- 11 **I. Stormwater Management.** The stormwater management system must be designed in
- 12 accordance with all applicable Lake County and St. Johns River Water Management District
- 13 requirements.
- 14 **J. Floodplain Management.** The Developer will be responsible for any flood studies required
- 15 for developing the site and to comply with Federal Emergency Management Agency (FEMA)
- 16 regulations, the Comprehensive Plan, and the Lake County Land Development
- 17 Regulations. Any development within the floodplain as identified on the FEMA maps will
- 18 require compensating storage.
- 19 **K. Utilities.** The development shall be served with central potable water and central sewer, in
- 20 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
- 21 amended.
- 22 **L. Signage.** All signage must be in accordance with the Lake County Land Development
- 23 Regulations, as amended.
- 24 **M. Concurrency Management Requirements.** Any development must comply with the Lake
- 25 County Concurrency Management System, as amended.
- 26 **N. Development Review and Approval.** Prior to the issuance of any permits, the Applicant
- 27 shall be required to submit a site plan for review and approval in accordance with the
- 28 Comprehensive Plan and Land Development Regulations (LDR), as amended.

29 **Section 2. Conditions.**

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

1 **Section 6. Effective Dates. This Ordinance will become effective as provided by law.**

2 **ENACTED** this _____ day of _____, 2020.

3 **FILED** with the Secretary of State _____, 2020.

4 **EFFECTIVE** _____, 2020.

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

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LESLIE CAMPIONE, CHAIRMAN

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15 **ATTEST:**

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

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25 **APPROVED AS TO FORM AND LEGALITY:**

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MELANIE MARSH, COUNTY ATTORNEY

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Exhibit A, County Legal Description.

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The South 1/2 of South 1/2 of Southeast 1/4 of Section 19, Township 19 South, Range 28 East, Lake County, Florida; and South 1/4 of Southeast 1/4 of Section 19, Township 19 South, Range 28 East; and South 1/2 of North 1/2 of Southwest 1/4 of Southeast 1/4 Less the North 15 feet and Less the Right-of-way of State Road 437 all being in Section 19, Township 19 South, Range 28 East; and

The Southwest 1/4 of the Southwest 1/4 of Section 20, Township 19 South, Range 28 East, Lake County, Florida, Less and Except the West 30 feet thereof; and

The West 30 feet of the Southwest 1/4 of Section 20, Township 19 South, Range 28 East, Lake County, Florida, Less and Except the North 25 feet thereof, pursuant to that certain Quitclaim Deed Recorded in O.R. Book 2425, Page 501, Public Records of Lake County, Florida.

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Exhibit B, Public School Site Legal Description.

A portion of the South 1/2 of the South 1/2 of the Southeast 1/4 of Section 19, Township 19 South, Range 28 East, and also a portion of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 19 South, Range 28 East, Lake County, Florida, being more particularly described as follows: Commence at the South 1/4 corner of Section 19, Township 19 South, Range 28 East; thence run N 89°25'30" E, along the South line of the Southeast 1/4 of said Section 19 a distance of 116.02 feet to a point on a line 66.00 feet East of and parallel with the East Right of Way line of State Road No. 437 (per Right of Way Map of C-437 as shown on Lake County Public Works Department Engineering Division, field book No. 79), thence along said parallel line N 01°02'06" E, a distance of 44.93 feet to the Point of Beginning; thence continue along said parallel line N 01°02'06" E, a distance of 356.31 feet; thence along said parallel line N 00°03'45" E, a distance of 563.22 feet to a point on a line 40.00 feet South of and parallel with North line of South 1/2 of the North 1/2 of Southwest 1/4 of the Southeast 1/4 of Section 19, Township 19 South, Range 28 East; thence N 89°05'50" E, a distance of 626.27 feet; thence S 00°00'00" E, a distance of 626.99 feet; thence N 90°00'00" E, a distance of 393.15 feet; thence S 00°34'11" E, a distance of 270.43 feet; thence S 89°25'49" W, a distance of 268.30 feet; thence S 79°40'55" W, a distance of 126.33 feet; thence S 89°24'08" W, a distance of 636.55 feet to the Point of Beginning.

Containing 15.775 acres, more or less.

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