



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

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

Case No. and Project Name: RZ-19-25-1, Hannah Grace Gardens

Applicant: Brian K. Broadway

Owner: Living Message Church, Inc.

Requested Action: Rezone 2 +/- acres from Residential Professional District (RP) to Planned Unit Development (PUD) to accommodate a multi-family development, to include waiver requests to the PUD acreage requirement, and connection requirements to central water and sewer systems.

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

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 2 +/- Acres

Location: West of Pruitt Street, north of Veech Road in the Leesburg area.

Alternate Key No.: 2516470

Future Land Use Category: Urban Medium Density

Existing Zoning District: Residential Professional District (RP)

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area/ISBA: City of Leesburg ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Mixed Residential District (R-7) and Residential Professional District (RP)	Residential	Single-Family Dwellings and Vacant Undeveloped Parcels
South	Urban Medium Density	Residential Professional District (RP)	Residential	Single-Family Dwellings and Vacant Undeveloped Parcels
East	N/A	N/A	Street and Residential	Pruitt Street, Single-Family Dwellings and Vacant Undeveloped Parcels
West	Urban Medium Density	Agriculture (A)	Residential	Single-Family Dwellings Units

– Summary of Analysis –

The subject 2 +/- acre parcel is zoned Residential Professional District (RP), and designated as Urban Medium Density Future Land Use Category (FLUC). The property is located west of Pruitt Street and north of Veech Road, in the Leesburg area of unincorporated Lake County. The property is located within the Leesburg Interlocal Service Boundary Agreement (ISBA). The application seeks to rezone the subject parcel from Residential Professional District (RP) to Planned Unit Development (PUD) to accommodate a multi-family development (Attachment A). The rezoning application to Planned Unit Development (PUD) zoning to accommodate a multi-family development is consistent with the Urban Medium Density FLUC.

This application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the minimum 10-acre PUD requirement per Land Development Regulations (LDR) Section 4.03.03. In addition, the application also includes a waiver to the central water and central sewer system connection requirements per LDR Section 6.12.01(A), LDR Section 6.12.01(B), Comprehensive Plan Policy IX-2.2.2 and Comprehensive Plan Policy IX-3.1.2 (Attachment B). Approval of the waiver will allow the use of individual well and septic tank systems on the property for a proposed a multi-family development.

- 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.

The application seeks to rezone the subject parcel from Residential Professional District (RP) to Planned Unit Development (PUD) to accommodate a multi-family development.

The request is consistent with the purpose and intent PUD zoning district allowed by Land Development Regulations (LDR) Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications. The concept plan illustrates consistency with this LDR provision. PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses.

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

The application seeks to rezone the subject parcel from Residential Professional District (RP) to Planned Unit Development (PUD) to accommodate a multi-family development.

The request is consistent with Comprehensive Plan Policy I-1.3.3, Urban Medium Density FLUC, which allows a maximum density of seven (7) dwelling units per net buildable acre and requires a minimum of twenty (20) percent common open space. The concept plan illustrates twelve (12) proposed units and proposes fifty-four (54) percent open space, consistent with the Urban Medium Density FLUC.

The request is consistent with Comprehensive Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which states that density shall not exceed the underlying Future Land Use Category and that a PUD shall be accompanied by a conceptual plan depicting important features such as open space, structure and major roads.

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

The proposed rezoning to Planned Unit Development (PUD) to accommodate a multi-family complex development consistent within the Urban Medium Density FLUC. Although the surrounding properties are developed with single-family dwelling units and duplexes, the Urban Medium FLUC of the surrounding properties could also accommodate a multi-family development.

The request is consistent with the purpose and intent PUD zoning district allowed by Land Development Regulations (LDR) Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications. The concept plan illustrates consistency with this LDR provision. PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses.

The application contains the following supporting statement of the proposed rezoning, *“There is a mix of single-family residential and duplex development in the area and the single story multi-family units will be a good fit and compatible with the area uses”*

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

The request is consistent with the purpose and intent PUD zoning district allowed by Land Development Regulations (LDR) Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications. The concept plan illustrates consistency with this LDR provision. PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses.

The application also included the following supporting statement: *“The Applicant is trying to develop the property to its highest and best use and provide affordable rental units to help address the homeless situation in Lake County.”*

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 City of Leesburg has indicated that central sewage and central water are not available to the subject parcel (reference Attachment D). Therefore, well and septic tanks will be used and shall be consistent with the Florida Department of Health regulations, as amended.

Staff must emphasize that the multi-family development shall connect to central potable water and central sewer when available, in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

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 #59 is located less than three (3) miles of the subject property at 1201 Lewis Road, Leesburg, and will provide basic 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.

Lake County Fire Rescue Station #53 is located less than five (5) miles of the subject property at 2505 Spring Lake Road, Fruitland Park, 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 Applicant must address school concurrency prior to site plan approval pursuant to Land Development Regulations (LDR) Chapter 5.

Solid Waste

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

Transportation Concurrency

The Applicant provided a Tier 1 Traffic Analysis and the proposed use will not have an impact on the proposed road network.

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

As depicted by GIS aerials, the subject parcel is not located within a flood-prone area and does not contain wetlands. The application indicates that the PUD will have minimal impact on the natural environment.

All sensitive resources will be addressed through the development review process. An environmental assessment dated no older than 6 months from the application submission date will be required at the time of site plan submittal. New development will be required to meet all criteria contained within the Land Development Regulations (LDR) and Comprehensive Plan.

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

The application does not contain any information regarding proposed development impact on property values.

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

The request is consistent with the purpose and intent PUD zoning district allowed by Land Development Regulations (LDR) Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications. The concept plan illustrates consistency with this LDR provision. PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses.

The Applicant provided the following statement in support of the proposed rezoning application, *“The rezoning to PUD will result in an orderly and logical development pattern as it follows the residential development pattern for the area.”*

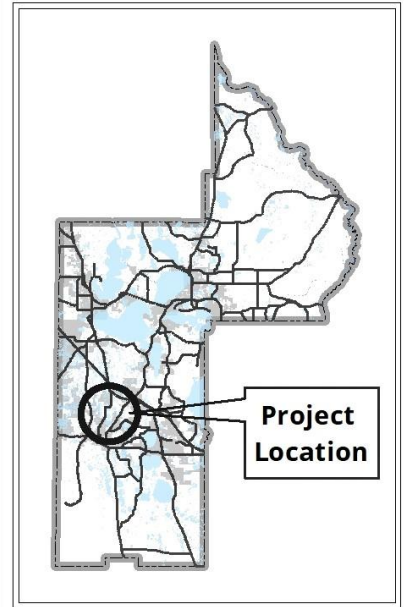
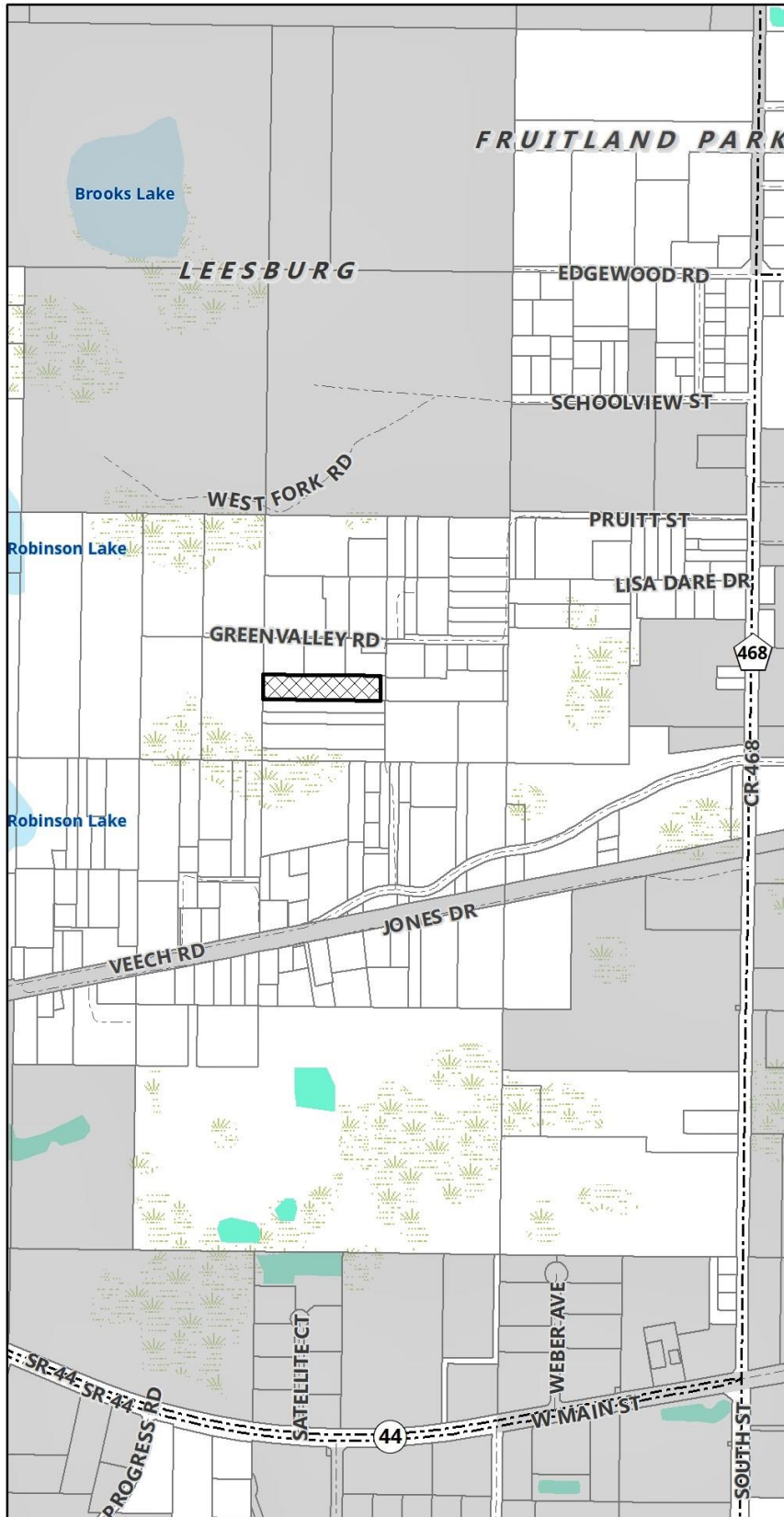
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

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.

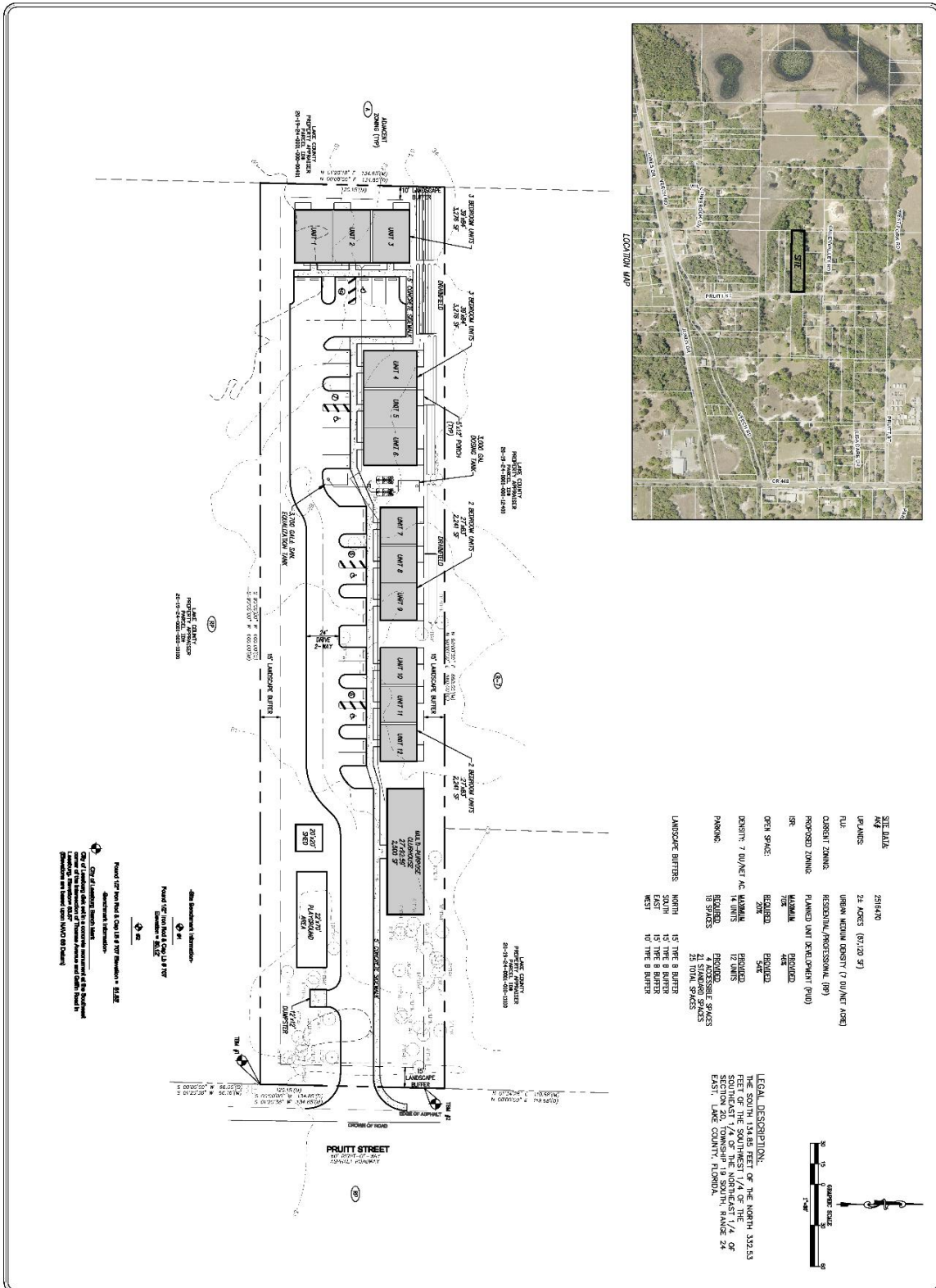
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

This application includes a request to the Board of County Commissioners (BCC) to consider waivers to the minimum 10-acre PUD requirement and central water and central sewer system connection requirements. Staff must emphasize that approval of this rezoning is contingent upon BCC approval of both waivers.

Map of Subject Property



Attachment A, Concept Plan.



Drawn: AS	REVISION:	DATE:
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Date: 10-21-19		
Scale: AS SHOWN		
File No: 2019-0470		
File No: 19124		

Sheet: 1 of 1

HANNAH GRACE GARDENS
 CONCEPT PLAN
 LEESBURG, FLORIDA 34748

LEONE MESSAGE CHURCH, INC.
 830 W. MONROE STREET
 CLEARWATER, FLORIDA 34717
 (813) 941-1961
 leone@leonechurch.com

Wicks Engineering Services, Inc.
 225 West Main Street, Tarpon Springs, Florida 34778
 (813) 942-5522
 www.wickseng.com

Attachment B, Minimum Acreage Requirement Waiver.

Hannah Grace Gardens PUD Rezoning Waiver Request

Project Number 2019080007
Application Request 3861
Alt Key Number 2516470

Code *LDR Section 4.03.03.B – a Planned Unit Development (PUD) shall consist of at least ten (10) acres in area.*

A determination was made by the Planning Staff that a PUD would be the best zoning district for the development of this project. The use of this zoning district requires a waiver request to the 10 acre land area requirement. We concur and as such are respectfully requesting a waiver to the 10 acre land area requirement.

Attachment C, Central Water and Central Sewer Waiver Request.

Waiver Request for Water & Sewer

August 29, 2019

Lake Co. Planning & Zoning
315 W. Main St.
Tavares, FL 32778

RE: Request for a Waiver to Central Water & Sewer (Hannah Grace Gardens PUD Rezoning)

To Whom It May Concern:

The Owner is requesting a waiver to central water and sewer hook-up because central services are not available per the attached Utility Availability Notice.

Rick Hartenstein, AICP, CPM
Wicks Engineering Services, Inc.
225 W. Main St.
Tavares, FL 32778

352-343-8667

rhartenstein@wicksengineering.com

Attachment D, City of Leesburg Utility Notification Request.



Department of Economic Growth

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 20 Township 19 Range 24 Alt Key # 2516470

Subdivision Metes & Bounds Lot N/A Block N/A 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 NOT within 300 feet of the above described property.
(is or is not)

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

Central Sewage: Yes _____ No Central Water: 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 Amy Fleck

Print Name and Title: Amy Fleck, Deputy Director Date 8/14/19

Please return this completed form to the Lake County Planning & Community Design via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

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

ORDINANCE #2020-XX
Hannah Grace Gardens
RZ-19-25-1

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

WHEREAS, Brian K. Broadway (the “Applicant”) submitted a rezoning application on behalf of Living Message Church, Inc. (the “Owners”), to establish a Planned Unit Development (PUD) zoning district for the purpose of accommodating a multi-family development; and

WHEREAS, the subject property consists of 2 +/- acres and is located west of Pruitt Street and north of Veech Road in the Leesburg area within Section 20, Township 19 South, Range 24 East, having Alternate Key Number 2516470, and is more particularly described as below; and

The South 134.85 feet of the North 332.53 feet of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 19 South, Range 24 East, Lake County, Florida. Less and except a strip of land of equal width 25 feet wide off of the entire East side thereof.

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-19-25-1 on 5th day of February, 2020, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on 25th day of February, 2020; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & 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 show the Planned Unit Development (PUD) in accordance with this Ordinance. All uses specified must be generally consistent with the Concept Plan as shown in Exhibit “A” of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance will take precedence.

A. Waivers.

1. Planned Unit Development minimum acreage requirement pursuant to LDR Section 4.03.03(B).
2. Central Water Service System Requirements pursuant to LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2.
3. Central Sewer Service System Requirements pursuant to LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2.

B. Land Uses.

1. Four (4) multi-family buildings, three (3) dwelling units per building (maximum), not to exceed a combined total of fourteen (14) dwelling units.
2. One (1) multi-purpose building for Rental Office/Clubhouse

1 3. One (1) playground area.

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

5 Any other use of the property will require approval of an amendment to this Ordinance by
6 the Board of County Commissioners.

7 **C. Open Space, Impervious Surface Ratio, and Building Height.**

8 1. Impervious Surface Ratio (ISR): 0.70 (maximum, overall development).

9 2. Open Space: 20% (minimum)

10 3. Building height 50-feet maximum.

11 **D. Development Standards/Design Criteria.** Development shall adhere to commercial design
12 standards in accordance with the Comprehensive Plan and Land Development Regulations
13 (LDR), as amended.

14 **E. Setbacks.** Setbacks shall be in accordance with the Land Development Regulations (LDR),
15 as amended.

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

18 **G. Landscaping, Buffering, and Screening.** All new development must provide landscaping
19 in accordance with the Land Development Regulations (LDR), as amended.

20 **H. Environmental Requirements.**

21 1. An environmental assessment dated within six (6) months of the development
22 application submittal will be required. The environmental assessment must specify the
23 presence of vegetation, soils, and any threatened or endangered species that may exist
24 on the site. Any State permitting or mitigation will be required before development can
25 commence.

26 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
27 and Land Development Regulations (LDR), as amended.

28 3. Open space shall be provided in accordance with the Land Development Regulations
29 (LDR), as amended.

30 **I. Noise Compliance.** Development shall comply with noise protection provisions of the Land
31 Development Regulations, as amended.

32 **J. Transportation Improvements.** All access management shall be in accordance with the
33 Comprehensive Plan and Land Development Regulations (LDR), as amended.

34 **K. Utilities.** The development shall be serviced well and septic tanks consistent with the Florida
35 Department of Health Regulations, as amended. However, the multi-family development
36 complex shall connect to central potable water and central sewer when services become
37 available, in accordance with the Comprehensive Plan and Land Development Regulations
38 (LDR), as amended.

- 1 **L. Stormwater Management.** The stormwater management system must be designed in
2 accordance with all applicable Lake County and St. Johns River Water Management District
3 requirements.
- 4 **M. Floodplain Management.** The Owners will be responsible for any flood studies required for
5 developing the site and to comply with Federal Emergency Management Agency (FEMA)
6 regulations, the Comprehensive Plan, and the Land Development Regulations. Any
7 development within the floodplain as identified on the FEMA maps will require compensating
8 storage.
- 9 **N. Lighting.** Exterior lighting must be in accordance with the Land Development Regulations,
10 as amended, and consistent with Dark-Sky Principles.
- 11 **O. Signage.** All signage must be in accordance with the Land Development Regulations, as
12 amended.
- 13 **P. Concurrency Management Requirements.** Any development must comply with the Lake
14 County Concurrency Management System, as amended.
- 15 **Q. Development Review and Approval.**
 - 16 1. Prior to the issuance of any permits, the Applicant shall be required to submit a
17 preliminary plat, construction plans, and final plat generally consistent with EXHIBIT "A"
18 - Conceptual Plan for review and approval in accordance with the Comprehensive Plan
19 and LDR, as amended.
 - 20 2. PUD Expiration: Physical development shall commence within three (3) years from the
21 date of this Ordinance approval. Failure to commence construction within three (3) years
22 of approval shall cause the revocation of this ordinance, in accordance with the
23 Comprehensive Plan or superseding documents amended. Prior to expiration of the
24 three-year time frame, the Board of County Commissioners may grant, via a Public
25 Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a
26 showing that reasonable efforts have been made towards securing the required
27 approvals and commencement of work.

28 **Section 2. Conditions.**

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

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- D. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.
- E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

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.

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

[Rest of page left blank intentionally]

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

2 **ENACTED** this _____ day of _____, 2019.

3 **FILED** with the Secretary of State _____, 2019.

4 **EFFECTIVE** _____, 2019.

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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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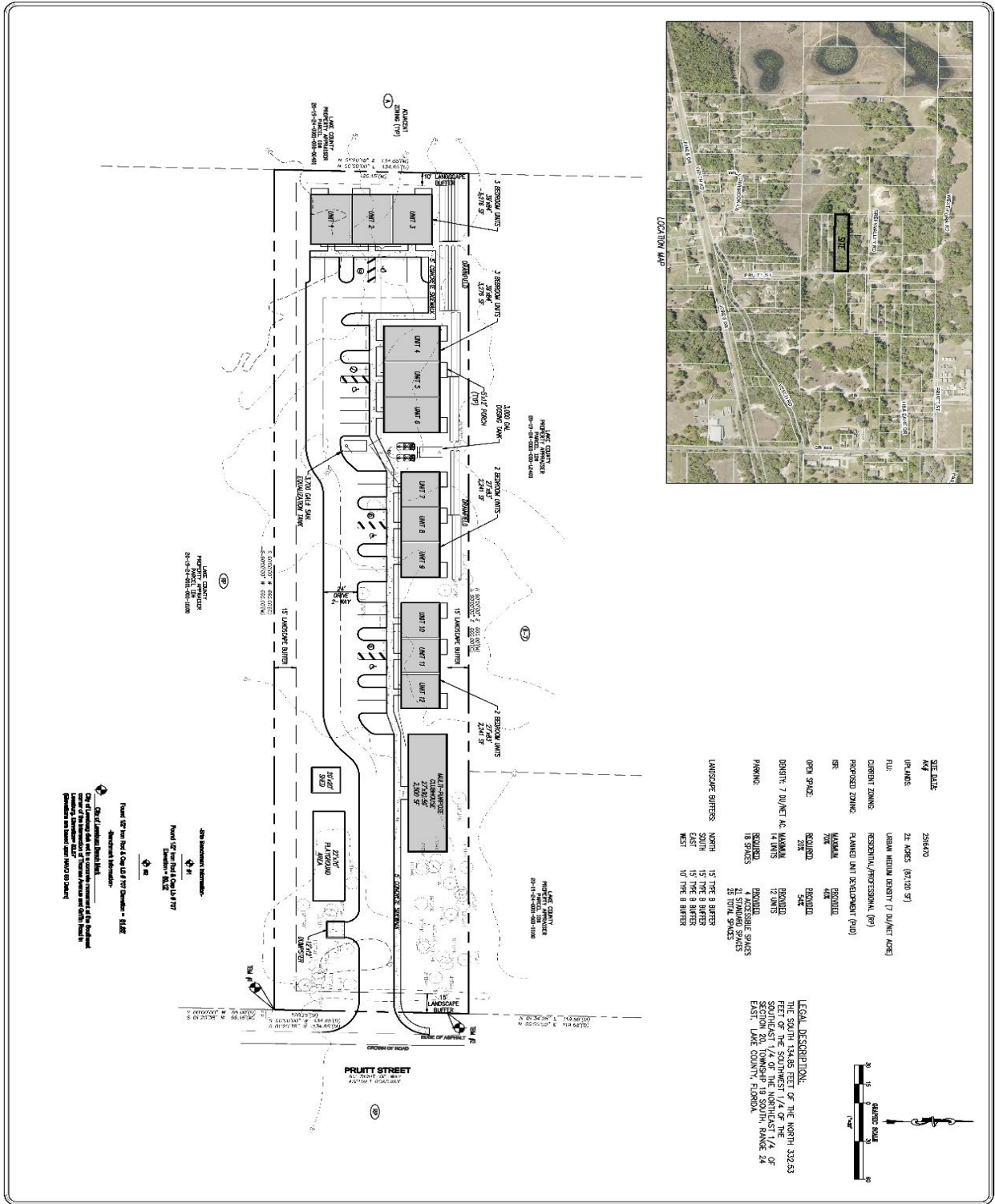
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MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT A, Concept Plan.



Drawn: KRM Checked: KRW Date: 10-21-19 Scale: AS SHOWN Plot: May 2019/10/19 Rev: 01/11/24	HANNAH GRACE GARDENS CONCEPT PLAN LEESBURG, FLORIDA 34748	LIVING MESSAGE CHURCH, INC. 830 W. NEWPORT BLVD. GLENVIEW, FLORIDA 34711 (888) 444-1381 info@livingmessage.com	 Wicks Engineering Services, Inc. 325 West Main Street, Leesburg, Florida 34778 www.wickseng.com (352) 343-8667 C.A. #00062
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