



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): March 4, 2020  
Board of County Commissioners (BCC): March 24, 2020

Case No. and Project Name: RZ-19-29-5, Create Conservatory

Applicant: Create Conservatory, Inc.

Owner: Edward A. Sawyer and Anna L. Sawyer

Requested Action: Rezone 3.197 +/- acres from Rural Residential District (R-1) to Community Facility District (CFD) to accommodate development of an educational facility, to include a building setback waiver.

Staff Determination: Staff finds the rezoning application inconsistent with the Land Development Regulations (LDR) and Comprehensive Plan regarding land use compatibility with the existing rural residential development pattern.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 3.197 +/- Total Acres (no wetlands)

Location: East of Crown Place, and north of Bertsville Road, in the Lady Lake area.

Alternate Key No.: 2863013

Future Land Use Category: Rural

Existing Zoning District: Rural Residential District (R-1)

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: N/A

Overlay Districts: Emeralda Marsh Rural Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
South	Rural	Rural Residential (R-1)	Residential	Single-Family Dwellings Units
East	Rural	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
West	Rural	Rural Residential (R-1)	Street and Residential	Crown Place, Adjoined by Single-Family Dwelling Units

**- Summary of Analysis -**

The subject 3.197 +/- acres are currently zoned Rural Residential District (R-1), are designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and lie within the Emerald Marsh Rural Protection Area. The subject parcel is developed with an existing single-family dwelling unit and detached garage. The subject property is located east of Crown Place, and north of Bertsville Road, in the Lady Lake area.

The application seeks to rezone the subject parcel from Rural Residential District (R-1) to Community Facility District (CFD) to accommodate the development of an education facility (private, not-for-profit K-5 school, specializing in STEM education through arts integration), with a maximum capacity of eighty (80) students, and seven (7) staff members. The Applicant proposes to convert the existing single-family dwelling unit into a school, and the existing detached garage into a studio and storage area.

This application includes a request to the Board of County Commissioners (BCC) to consider a building setback waiver to the minimum front setback requirement pursuant to Land Development Regulations (LDR) Table 3.02.05 Note 4. LDR Table 3.02.05 Note 4 requires all buildings to be setback no less than fifty (50) feet from all roads, or right-of-way easements bounding the project area for CFD zoned parcels. Approval of the front building setback will allow the existing residence, which is setback 45.60 feet from Crown Place, to be used as the private school for the proposed educational facility use.

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

The request for the proposed educational facility use is consistent with LDR Section 3.01.02, *Classification of Uses*, which defines Primary or Secondary School as an organization formed and chartered for instructional purposes at a primary or secondary level, approved under the regulations of the State of Florida.

The request is consistent with LDR Table 3.01.00, and LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows primary or secondary schools within the Community Facility District (CFD) zoning district.

The concept plan illustrates that a Type "A" landscape buffer will be installed along the right-of-way, and between the proposed CFD zoning district, and Rural Residential District (R-1) zoning district consistent with LDR Section 9.01.06(B), and LDR Section 9.01.06 Table 1, *Landscape Buffers between Zoning Districts*.

The use of the existing residential structure as an educational facility is inconsistent with building setbacks pursuant to LDR Table 3.02.05 Note 4. The setback table within this section requires a 50-foot building setback from all roads. The Applicant requests a waiver to this requirement, as the existing building setback is approximately 45.60-feet from the road.

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

The proposed educational facility use is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which allows K-12 schools. However, the proposed request is inconsistent with Comprehensive Plan Policy I-1.2, *Future Land Use*, which discourages incompatibility with adjacent land uses, eliminates and reduces uses inconsistent with the community's character, and proposed future land uses.

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

The application seeks to rezone the subject parcel to facilitate an education facility use, specializing in STEM education through arts integration. STEM education is a curriculum based on the idea of educating students in four specific disciplines, such as, science, technology, engineering, and mathematics, in an interdisciplinary and applied approach.

The request for the proposed educational facility use is consistent with LDR Section 3.01.02, *Classification of Uses*, which defines Primary or Secondary School as an organization formed and chartered for instructional purposes at a primary or secondary level, approved under the regulations of the State of Florida. Various Lake County Schools offer the STEM education.

The proposed educational facility use is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which allows K-12 schools.

The Applicant provided information (Attachment "B"), and the following statement in support of the proposed rezoning: "*CFD is consistent with the future land use.*"

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

The County zoning map does not indicate the approval of any rezonings within proximity of the subject property over the past five (5) years. However, CFD zoning districts are permitted within all future 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 Town of Lady Lake has indicated that central sewage, and central water are not available to the subject parcel (Attachment "C"). Therefore, the proposed use will need to be permitted through the Department of Health – Lake County, and Florida Department of Environmental Protection depending on the number of students/individuals consuming water. A well and septic tank will need to be permitted, and shall be consistent with the Florida Department of Health Regulations, as amended. The school will need to be permitted for a food sanitation permit if food services are provided. These will be proposed conditions in the ordinance.

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 #54 is located less than six (6) miles of the subject property at 6200 Lake Griffin Road, Lady Lake, 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 standard Level of Service (LOS) for the impacted roadway of Griffin View Drive is "D" with capacity of 612 trips. Currently, the impacted segment Grays Airport Road to Sulen Road is operating at eighteen (18) percent. This project will be generating approximately seventy-two (72) pm peak hour trips, in which thirty-eight (38) trips will impact the peak hour direction.

Applicant will be required to complete a Tier 1 traffic study prior to site plan approval.

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

The subject property is currently developed with an existing single-family dwelling, and an existing detached garage. The subject parcel adjoins an existing rural residential development pattern. 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, with submittal of an environmental assessment.

**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 education facility use will disrupt the orderly and logical rural residential development pattern within the area. The educational facility use will most likely demand enlargement of the existing potable water well and the septic tank to address increased service demands of the new non-residential use. The proposed educational facility use, and any associated outdoor activities, will most likely produce noise impacts greater than the noise currently experienced by the rural residential community. A noise study will be required at the time of development application to ensure adherence to the noise protection provisions specified by LDR Section 9.09.00

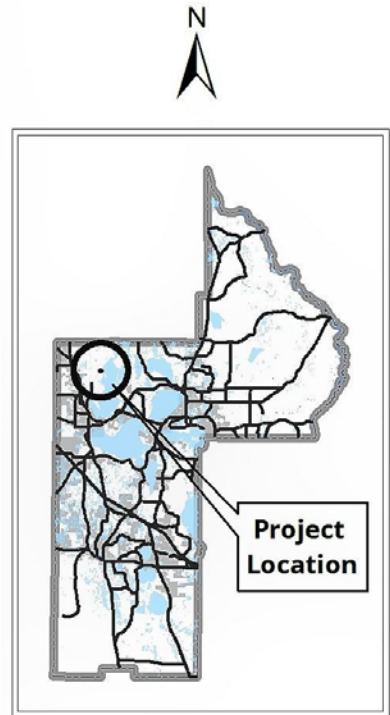
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

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.**

N/A.

# Map of Subject Property





## Attachment B, Rezoning Justification Information from Applicant.

38328 Crown Place is located in a low-density residential area and is surrounded by agricultural land. The extensive positive impacts of the school on the community justify the rezoning process. Not only does CREATE Conservatory not adversely impact surrounding areas, it will do much to enrich, support, and strengthen the community. Parents in this area have virtually no options for quality elementary education- especially if their child is a gifted, talented, or creative learner. The gifted school option in North Lake County is Beverly Shores Elementary. Gifted students below third grade are bused there one day a week for services. Beverly Shores received the school grade of an F in 2019. The gifted school option in our area is an F.

The 5 closest Lake County schools to our location have the following grades: F, D, C, C, A. The A school (The Villages Elementary of Lady Lake), is over capacity and does not take students who live outside of Lady Lake proper. The vast majority of private schools in the area are either parochial or Montessori models, and these are not necessarily the right fits for all students, nor are they trained in, or focused on, gifted education. There is also a critical lack of arts education in this area. We cannot allow this to continue.

Parents are seeking better alternatives to public education, as is our legislature. We see this reflected in Florida's current political environment as Governor DeSantis seeks to expand voucher programs for private schools. As we look toward UF coming into town, physicians and employees will want better options for their children. Rezoning the Crown Place property will allow us to meet the needs of gifted, talented, and creative children in our area--those who currently reside here and those who will be relocating to the area. Right now, these children are woefully underserved. They, their families, and our community deserve the opportunities CREATE can provide them.

CREATE will employ evidence-based best practices to ensure that gifted, talented, and creative children in our area are challenged and given the opportunities to reach their fullest potential. Research supports arts integration strategies, particularly with our most vulnerable populations. Gifted children have unique needs and challenges that are not addressed by a typical public school curriculum. Despite their best efforts, public and private schools in our area struggle to meet the needs of these gifted children. CREATE will remedy this, and it will do so through the use of arts integration.

Access to the arts and their use in the academic curriculum positively affects the cognitive abilities that are assessed with standardized test scores. Using the arts within the classroom to teach academic subjects has led to significant increases in achievement for diverse populations. This approach has been shown to increase student achievement across subjects, and it will allow our students to be challenged academically while developing the higher-order thinking and deeper learning necessary to help them reach their full potential. The rezoning of the Crown Place property will allow us to build a state of the art educational facility in the part of our county that needs it the most.

While it is true that CREATE will increase traffic on Crown Place, it will do so in a pattern that is orderly and logical with the surrounding areas. There are fewer than 20 residential homes within a thousand-foot radius of the property. The majority of these properties are accessed from different streets. We will work closely with all homeowners in the area to ensure they are given the opportunity to provide feedback on the proposed daily operations at the facility, and this feedback will be incorporated into our plans moving forward as often as possible. The Crown Place property is not located near a major road, and the location is removed from main thoroughfares. Additionally, the fact that it is located at the end of a cul de sac will allow us to conduct pickup and drop off without creating a bottleneck. We will also take measures to ensure that the traffic flow is optimized through the use of efficient car line practices, tuition discounts for families who carpool, and staggered start times.



# Attachment C, Town of Lady Lake Utility Notification.



## 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 X

**Legal description:** Section 24 Township 18 Range 24 Alt Key # 2863013

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 not within 300 feet of the above described property.  
(is or is not)

The City of Town of Lady Lake, will not 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. NA

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

City Official or Private Provider Signature Thomas Butch Goodman

Print Name and Title: Thomas Butch Goodman Date 2-6-2020  
Utility Supervisor

**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: <u>Janie Barron</u>
Date Received: _____	Address #: _____
Project Name: <u>RZ-19-29-5, Create Conservatory</u>	



**ORDINANCE #2020-XX  
CREATE CONSERVATORY  
RZ-19-29-5**

**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**, Nicole Slocum Duslak with Create Conservatory, Inc. (the "Applicant") submitted an  
4 application on behalf of Edward A. Sawyer, and Anna L. Sawyer ("the Owner") to rezone property from Rural  
5 Residential District (R-1) to Community Facility District (CFD) to accommodate development of an education  
6 facility; and

7       **WHEREAS**, the subject property consists of approximately 3.197 +/- acres, and is located at 38328  
8 Crown Place, in the unincorporated Lady Lake area of Lake County, Florida, in Section 24, Township 18  
9 South, Range 24 East, having Alternate Key Number 2863013, and more particularly described in Exhibit  
10 "A"; and

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

14       **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-19-29-5 on the 4th  
15 day of March, 2020, after giving notice of the hearing on the petition for change in zoning, including notice  
16 that the petition would be presented to Board of County Commissioners of Lake County Florida, on the 24th  
17 day of March, 2020; and

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

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

23       **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
24 Florida, that the Land Development Regulations (LDR) of Lake County, Florida, be altered and amended as  
25 they pertain to the property described herein, subject to the following terms:

26 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to designate  
27 the property described in Exhibit "A" of this Ordinance as Community Facility District (CFD)  
28 zoning in accordance with this Ordinance.

**29       A. Waivers.**

30               1. Front setback minimum requirement pursuant to LDR Table 3.02.05 Note4.

**31       B. Land Uses.**

32               1. Educational Facility (K-5 School), not to exceed eighty (80) students.

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

36       **C. Setbacks.** All other setbacks not addressed in Section 1.A shall be in accordance with the  
37 Land Development Regulations (LDR), as amended.

- 1           **D. Commercial Design Standards.** Development shall adhere to commercial design  
2           standards in accordance with the Comprehensive Plan and Land Development Regulations  
3           (LDR), as amended.
- 4           **E. Transportation Improvements.**
- 5           1. Tier 1 traffic study is required prior to site plan approval.
- 6           2. All access management shall be in accordance with the Comprehensive Plan and Land  
7           Development Regulations (LDR), as amended.
- 8           **F. Stormwater Management.** The stormwater management system must be designed in  
9           accordance with all applicable Lake County and St. Johns River Water Management District  
10          requirements.
- 11          **G. Floodplain Management.** The Developer will be responsible for any flood studies required  
12          for developing the site and to comply with Federal Emergency Management Agency (FEMA)  
13          regulations, the Comprehensive Plan, and the Lake County Land Development Regulations.  
14          Any development within the floodplain as identified on the FEMA maps will require  
15          compensating storage.
- 16          **H. Lighting.** Exterior lighting must be in accordance with the Land Development Regulations  
17          (LDR), as amended and consistent with Dark-Sky Principles.
- 18          **I. Landscaping, Buffering, and Screening.** All new development must provide landscaping  
19          in accordance with the Land Development Regulations (LDR), as amended.
- 20          **J. Open Space, Impervious Surface Ratio, and Building Height.** Open space, impervious  
21          surface ratio, and building height shall be in accordance with the Comprehensive Plan, and  
22          Land Development Regulations (LDR), as amended.
- 23          **K. Parking Requirements.** Off-street parking must be provided in accordance with the Land  
24          Development Regulations (LDR), as amended.
- 25          **L. Environmental Requirements.**
- 26           1. An environmental assessment will be required dated within six (6) months of the  
27           development application submittal date. Any State permitting or mitigation will be  
28           required before development can commence.
- 29           2. Environmental resources shall be protected in accordance with the Comprehensive Plan  
30           and Land Development Regulations (LDR), as amended.
- 31           3. Open space shall be provided in accordance with the Land Development Regulations  
32           (LDR), as amended.
- 33          **M. Noise.** Compliance must be in accordance with the Land Development Regulations (LDR),  
34          as amended.
- 35          **N. Utilities.** Well, and septic tanks shall be consistent with the Florida Department of Health  
36          Regulations, as amended. Food sanitation permits will be required by the Florida  
37          Department of Health.
- 38          **O. Signage.** All signage must be in accordance with the Land Development Regulations (LDR),  
39          as amended.

1           **P. Concurrency Management Requirements.** Any development must comply with the Lake  
2           County Concurrency Management System, as amended.

3           **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant  
4           shall be required to submit a site plan for review and approval in accordance with the  
5           Comprehensive Plan and Land Development Regulations (LDR), as amended.

6   **Section 2. Conditions.**

7           **A.** After establishment of the facilities as provided in this Ordinance, the property may only be  
8           used for the purposes identified in this Ordinance. Any other proposed use must be  
9           specifically authorized by the Lake County Board of County Commissioners.

10          **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,  
11          move, convert, or demolish any building structure, add other uses, or alter the land in any  
12          manner within the boundaries of the above described land without first obtaining the  
13          necessary approvals in accordance with the Lake County Code, as amended, and obtaining  
14          the permits required from the other appropriate governmental agencies.

15          **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the  
16          land, and the terms, conditions, and provisions of this Ordinance will be binding upon the  
17          present Owners and any successor, and will be subject to each and every condition set out  
18          in this Ordinance.

19          **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance  
20          must include in the transfer or lease agreement, a provision that the purchaser or lessee is  
21          made good and aware of the conditions established by this Ordinance and agrees to be  
22          bound by these conditions. The purchaser or lessee may request a change from the existing  
23          plans and conditions by following the procedures contained in the Land Development  
24          Regulations (LDR), as amended.

25          **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code  
26          Enforcement Special Master will have authority to enforce the terms and conditions set forth  
27          in this Ordinance and to recommend that the ordinance be revoked.

28   **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
29   unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
30   of the remaining portions of this Ordinance.

31   **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this  
32   Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,  
33   Florida Statutes.

34

35

36

37

[Rest of Page Intentionally Blank]

38

39

40

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.

5

6

7

8

BOARD OF COUNTY COMMISSIONERS

9

LAKE COUNTY, FLORIDA

10

\_\_\_\_\_

11

LESLIE CAMPIONE, CHAIRMAN

12

13

14

15 ATTEST:

16

17

18

\_\_\_\_\_

19 GARY J. COONEY, CLERK OF THE

20 BOARD OF COUNTY COMMISSIONERS

21 LAKE COUNTY, FLORIDA

22

23

24

25 APPROVED AS TO FORM AND LEGALITY:

26

27

28

\_\_\_\_\_

29 MELANIE MARSH, COUNTY ATTORNEY

30

## 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

Begin at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 24, Township 18 South, Range 24 East, Lake County, Florida; run thence North 89°52'20" West along the North line of Said Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 a distance of 662.12 feet to the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4, thence South 00°01'19" West along the West line of said Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 a distance of 71.78 feet; thence South 89°58'41" East, 50.00 feet; thence South 00°01'19" West, 150.09 feet, thence South 89°52'33" East, 611.86 feet to the East line of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4; thence North 00°05'20" East along said East line, 221.74 feet to the Point of Beginning.

[Rest of Page Intentionally Blank]



