

## REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): June 3, 2020

Board of County Commissioners (BCC): June 16, 2020

Case No. and Project Name: RZ-20-08-3, LCBCC – Ike Ave CFD Rezoning

Applicant: Lake County Office of Public Safety

Owner: Lake County Board of County Commissioners

Reguested Action: Rezone 2.86 +/- acres from Urban Residential District (R-6) to Community Facility

District (CFD) to allow for development of the future Bassville Park Fire Station.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations

(LDR) and Comprehensive Plan.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

**Subject Property Information** 

Size: 2.86 +/- Acres

Location: East of Ike Avenue, and north of the intersection of County Road 473 and Northern

Avenue in the Leesburg area.

Alternate Key No.: 1811449 and 3916347
Future Land Use Category: Urban Medium Density

Existing Zoning District: Urban Residential District (R-6)
Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: Leesburg ISBA

Overlay Districts: N/A

### **Adjacent Property Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Urban Residential (R-6) and Planned Unit Development (PUD)	Residential	Single-Family Residences and Vacant Residential
South	Urban Medium Density	Urban Residential (R-6)	Vacant Residential and Utilities	Vacant Residential and Electric Substation Adjacent to County- Maintained Right-of-Way (ROW)
East	Urban Medium Density	Urban Residential (R-6), Planned Commercial (CP) and Neighborhood Commercial (C-1)	Commercial and Residential	Single-Family Residences and Commercial Uses, Adjacent to County Road 473 and Northern Avenue
West	Urban Medium Density	Urban Residential (R-6)	Residential	Single-Family Residences, Adjacent to lke Avenue

### - Summary of Analysis -

The application seeks to rezone two properties which are identified as Alternate Key Numbers 1811449 and 3916347 (the "subject properties") to Community Facility District (CFD), to facilitate development of the future Bassville Park Fire Station. The subject properties are zoned Urban Residential District (R-6), and are designated as Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject properties are currently vacant.

The request is consistent with all applicable provisions of the Code and elements of the Comprehensive Plan.

### - 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, *Purpose and Intent of Districts*, which establishes lands that benefit the public and general welfare.

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

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

The request is consistent with Goal I-1, *Purpose of the Future Land Use Element*, which provides efficient allocation of public facilities and provides protection to the health, safety and welfare of the public.

The request is consistent with Objective VI-1.6, Coordination of Level of Service Standards and Provision of Public Facilities and Services, which requires the County to provide adequate public facilities consistent with levels of service standards.

The request is consistent with Policy I-1.3.3, *Urban Medium Density Future Land Use Category*, which allows public order and safety uses. A public order and safety use is defined as "A benefit provided by a Governmental or Public Agency, or an entity owned or operated by a Governmental or Public Agency, for the protection of the health, safety, or general welfare of the residents of Lake County, Florida. This includes but is not limited to law enforcement, firefighting, emergency medical assistance or transport, search and rescue, and hazardous material cleanup."

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

Fire stations are establishments primarily for the benefit and service of the community in which it is located consistent with the FLUC, which allows public order and safety uses. Additionally, the amendment is consistent with LDR Section 3.01.03, which allows community facility uses within the CFD zoning district.

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

The request is consistent with all applicable elements of the Comprehensive Plan, and with LDR) Section 3.01.03, which allows community facility uses within the CFD zoning district. The subject parcel is designed with an Urban Medium Density FLUC, which allows for public order and safety 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

Any future development shall connect to central potable water and central sewer when such services become available, in accordance with the Comprehensive Plan and LDR, as amended.

### Office of Public Safety

Lake County Fire Rescue Station #72 is located 2.3 miles from the subject properties at 12340 County Road 44, Leesburg, 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.

#### Solid Waste

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

### <u>Transportation Concurrency</u>

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 addressed through the development review process. A development application will be required to meet all criteria specified by the LDR and Comprehensive Plan. An environmental assessment dated within six 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 proposed fire station will provide a public service to the surrounding community.

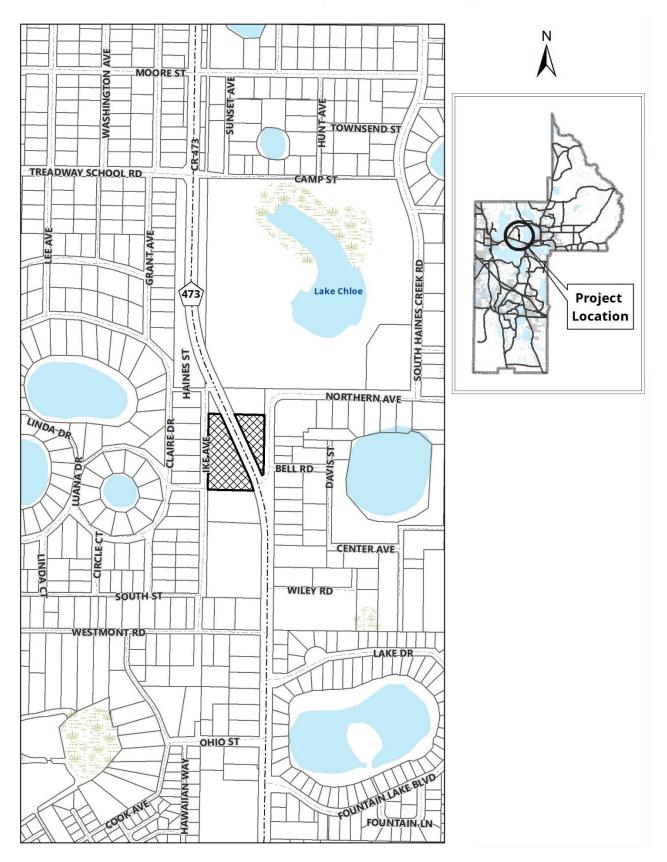
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

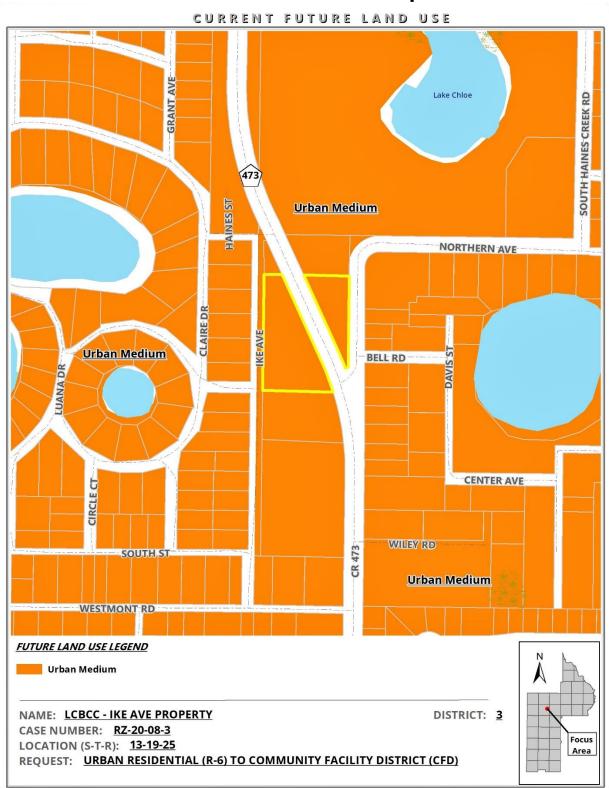
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

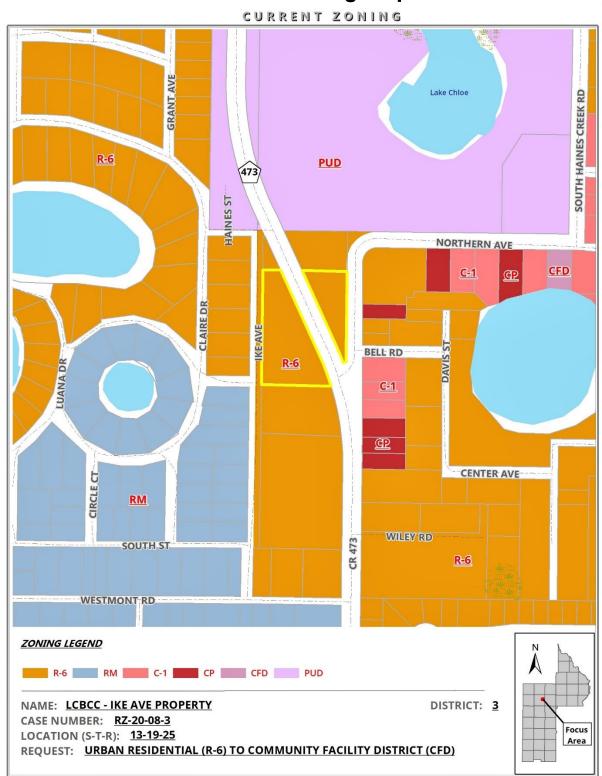
# **Map of Subject Property**



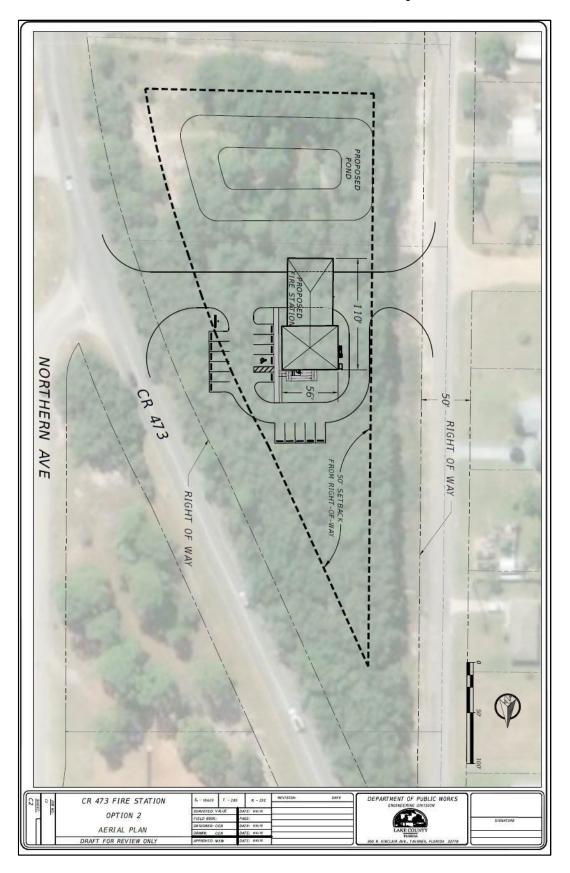
## **Future Land Use Map**



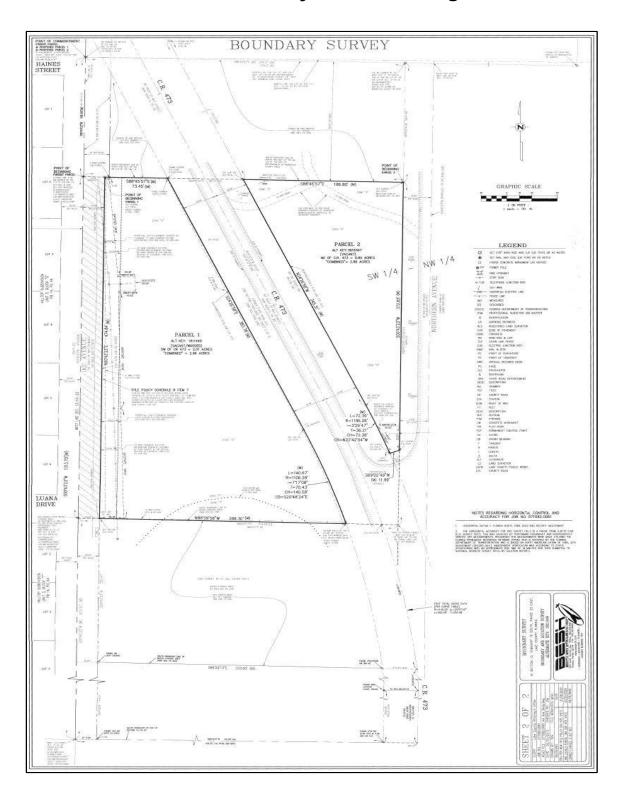
## **Current Zoning Map**



# Attachment "A" - Concept Plan



# Attachment "B" - Survey with Existing Conditions



### ORDINANCE #2020-XX LCBCC – Ike Avenue CFD Rezoning R7-20-08-3

		KZ-20-00-3			
1 2					
3 4 5 6	WHEREAS, Lake County Office of Public Safety (the "Applicant") submitted a rezoning application on be of the Lake County Board of County Commissioners ("the Owner") to rezone approximately 2.86 +/- acres from Un Residential District (R-6) to Community Facility District (CFD) to allow for development of the future Bassville Park Station; and				
7 8 9	WHEREAS, the subject property consists of 2.86 +/- acres, is generally located east of lke Avenue, and n of the intersection of County Road 473 and Northern Avenue in the Leesburg area, in Section 13, Township 19 So Range 25 East, consisting of Alternate Key Numbers 1811449 and 3916347 and more particularly described below				
10	EXHIBIT "A" – LEGAL DESCRIPTION				
11 12	WHEREAS, the property subject to the request is located within the Urban Medium Density Future La Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and				
13 14 15	June 2020,	HEREAS, the Lake County Planning and Zoning Board did review Petition RZ-20-08-3 on the 3rd day of after giving notice of the hearing on the petition for change in zoning, including notice that the petition would do Board of County Commissioners of Lake County, Florida, on the 16th day of June 2020; and			
16 17 18	County Plan	HEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake ning and Zoning Board, the staff report and any comments, favorable or unfavorable from the public and property owners at a public hearing duly advertised; and			
19 20	<b>W</b> l been duly a	HEREAS, upon review, certain terms pertaining to the development of the above described property has pproved.			
21 22 23	the Land D	<b>DW THEREFORE, BE IT ORDAINED</b> by the Board of County Commissioners of Lake County, Florida, that evelopment Regulations of Lake County, Florida, be altered and amended as they pertain to the property erein, subject to the following terms:			
24 25 26 27 28	Section 1.	<b>Terms.</b> The County Manager or designee shall amend the Lake County Zoning Map zoning in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the "Conceptual Plan" attached hereto as Exhibit "B". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.			
29		A. Land Uses.			
30		<ol> <li>Uses of the site described above shall allow the following:</li> </ol>			
31		a. Fire Station and other essential public emergency services.			
32 33 34		<ul> <li>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.</li> </ul>			
35 36 37		B. 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.			
38		C. Setbacks. Setbacks shall be in accordance with the LDR, as amended.			

39 40

amended.

D. Parking Requirements. Off-street parking must be provided in accordance with the LDR, as

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1 2 3 4 5		E.	<b>Environmental Requirements.</b> An environmental assessment dated within six (6) months of the development application submittal date must specify the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any State permitting or mitigation will be required before development can commence to ensure compliance with the Comprehensive Plan and LDR, as amended.
6		F.	Noise. Noise assessment shall be in accordance with the LDR, as amended.
7		G.	Stormwater Management.
8 9			1. The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.
10 11 12			2. Prior to development any required flood studies will comply with FEMA, Comprehensive Plan, and LDR, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.
13		H.	Transportation Improvements.
14 15			<ol> <li>Transportation improvements and access management shall be in accordance with the Comprehensive Plan and LDR, as amended.</li> </ol>
16			2. Sidewalks will be required per LDR Commercial Design Standards, as amended.
17 18		l.	<b>Lighting.</b> Exterior lighting must be in accordance with the LDR, as amended and consistent with Dark-Sky Principles.
19 20		J.	<b>Landscaping, Buffering, and Screening.</b> Landscaping, Buffering, and Screening shall be in accordance with the LDR, as amended.
21 22 23		K.	<b>Utilities.</b> The development shall connect to central potable water and central sewer, in accordance with the Comprehensive Plan and LDR, as amended. Should central utilities not be available, the BCC must waive this condition prior to commencement of fire service operations.
24		L.	Signage. All signage must be in accordance with the LDR, as amended.
25 26		M.	<b>Concurrency Management Requirements.</b> Any development must comply with the Lake County Concurrency Management System, as amended.
27 28 29		N.	<b>Development Review and Approval.</b> Prior to the issuance of any permits, the Applicant or Developer shall be required to submit a development application for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
30	Section 2.	Co	nditions.
31 32 33		A.	After establishment of the facilities as provided in this Ordinance, the property may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County Commissioners.
34 35 36 37 38		B.	No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
39 40		C.	This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and

any successor, and will be subject to each and every condition set out in this Ordinance.

1 2 3		D.	include in the transfer or l	o or lease of any or all of the property described in lease agreement, a provision that the purchaser or lead by this Ordinance and agrees to be bound by the	essee is made aware	
4 5			purchaser or lessee may procedures contained in the	request a change from the existing plans and condi he LDR, as amended.	tions by following the	
6 7		E.		Enforcement Special Master will have authority to e Ordinance and to recommend that the ordinance be		
8 9 10	Section 3.	und	<b>Severability.</b> 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.			
11 12	Section 4.		<b>Filing with the Department of State.</b> 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.			
13	Section 5.	Eff	ective Dates. This Ordinan	ce will become effective as provided by law.		
14		EN	ACTED this	day of	_, 2020.	
15		FIL	ED with the Secretary of	State	, 2020.	
16		EF	FECTIVE		<u>,</u> 2020.	
17						
18				BOARD OF COUNTY COMMISSIONERS		
19				LAKE COUNTY, FLORIDA		
20						
21				LESLIE CAMPIONE, CHAIRMAN		
22						
23						
24	ATTEST:					
25						
26						
27	GARY J. COONEY, CLERK OF THE					
28	BOARD OF	COI	UNTY COMMISSIONERS			
29	LAKE COU	NTY,	, FLORIDA			
30						
31						
32						
33						
34	MELANIE N	IARS	SH, COUNTY ATTORNEY			
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### **EXHIBIT "A" - LEGAL DESCRIPTION (Page 1 of 2)**

### LEGAL DESCRIPTION - PARCEL 1

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA LYING SOUTH OF THE SOUTH BOUNDARY OF THE NORTH 166 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 473 ACCORDING TO MAP BOOK 6, PAGES 24 THROUGH 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING NORTH OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 303, PAGE 259, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND LYING EAST OF THE EAST RIGHT OF WAY LINE OF IKE AVENUE AS RECORDED IN OFFICAL RECORDS BOOK 940, PAGE 1633, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA AND RUN ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, SOUTH 00'43'23" WEST, 166.00 FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13 TO A POINT ON THE SOUTH BOUNDARY OF THE NORTH 166.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13: THENCE SOUTH 88'45'57" EAST, 25.00 FEET ALONG THE SAID SOUTH BOUNDARY TO A POINT ON THE EAST RIGHT OF WAY LINE OF IKE AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 940, PAGE 1633, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, DEPARTING SAID EAST RIGHT OF WAY LINE, CONTINUE THENCE SOUTH 88'45'57" EAST, 73.45 FEET ALONG THE SAID SOUTH BOUNDARY TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 473 AS RECORDED IN MAP BOOK 6, PAGES 24 THROUGH 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; DEPARTING SAID SOUTH BOUNDARY, RUN THENCE SOUTH 24'26'58" EAST, 383.78 FEET ALONG THE SAID SOUTHWESTERLY RIGHT OF WAY LINE TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1106.28 FEET; THENCE CONTINUE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE AND ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07'17'08" AN ARC DISTANCE OF 140.67 FEET TO A POINT ON THE NORTH BOUNDARY OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 303, PAGE 259, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE, RUN THENCE NORTH 88"29'58" WEST, 288.30 FEET ALONG THE SAID NORTH BOUNDARY TO A POINT ON THE AFORESAID EAST RIGHT OF LINE OF IKE AVENUE; THENCE NORTH 00°43'23" EAST, 474.84 FEET ALONG THE SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 2.01 ACRES MORE OR LESS

#### **EXHIBIT "A" – LEGAL DESCRIPTION (Page 2 of 2)**

### LEGAL DESCRIPTION - PARCEL 2

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA LYING SOUTH OF THE SOUTH BOUNDARY OF THE NORTH 166 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13, LYING NORTHEASTERLY AND NORTHERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 473 ACCORDING TO MAP BOOK 6, PAGES 24 THROUGH 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF NORTHERN AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 347, PAGE 497, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA AND RUN ON A BEARING RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, SOUTH 88'45'57" EAST, 374.00 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13 TO A FOUND IRON PIPE LOCATED AT THE NE CORNER OF THE WEST 374.00 FEET OF THE NORTH 166.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13, SAID IRON PIPE ALSO BEING LOCATED ON THE WEST RIGHT OF WAY LINE OF NORTHERN AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 347, PAGE 497, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; FROM SAID NORTHEAST CORNER AND IRON PIPE. RUN SOUTH 00'43'23" WEST, 166.00 FEET ALONG SAID WEST RIGHT OF WAY LINE TO A POINT ON THE SOUTH BOUNDARY OF THE NORTH 166.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 13 AND THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING, DEPARTING SAID WEST RIGHT OF WAY LINE, RUN NORTH 88'45'57" WEST, 186.80 FEET ALONG SAID SOUTH BOUNDARY TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 473 AS RECORDED IN MAP BOOK 6, PAGES 24 THROUGH 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; FROM SAID POINT, DEPARTING SAID SOUTH BOUNDARY, RUN SOUTH 24"26'58" EAST, 345.31 FEET ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY, AND HAVING A RADIUS OF 1186.28 FEET; THENCE CONTINUE SOUTHEASTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03"29"47"AN ARC DISTANCE OF 72.39 FEET TO A POINT ON A RADIAL LINE WHICH BEARS NORTH 69"02"49" EAST, 1186.28 FEET FROM THE RADIUS POINT OF THE AFOREMENTIONED CURVE, SAID POINT DEPICTED ON SAID COUNTY ROAD NO. 473 RIGHT OF WAY MAP AS BEING STATION 84+40; FROM SAID POINT CONTINUE ALONG SAID NORTHEASTERN RIGHT OF WAY LINE, AND THE PROLONGATION OF SAID RADIAL LINE NORTH 69'02'49" EAST, 11.99 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF NORTHERN AVENUE; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE RUN NORTH 00'43'23" EAST, 372.83 FEET ALONG SAID WEST RIGHT OF WAY LINE OF NORTHERN AVENUE TO THE POINT OF BEGINNING.

CONTAINING 0.85 ACRES MORE OR LESS

### Exhibit "B" - CONCEPTUAL PLAN

