



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): July 1, 2020  
Board of County Commissioners (BCC): July 21, 2020

Case No. and Project Name: RZ-20-14-1, FFWCC Property Rezoning

Applicant: Doug Forni, Chastain Skillman, Inc.

Owner: Florida Fish and Wildlife Conservation Commission (FFWCC) / Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF/Fish and Wildlife)

Requested Action: Rezone property from Planned Unit Development (PUD) Ordinance #1992-15 to Community Facility District (CFD) to reflect the current use of the property.

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

Case Manager: Heather N. Croney, Planner

PZB Recommendation:

### Subject Property Information

Size: 1,307.47 +/- gross acres

Location: 12850 County Road 474, in the Clermont Area

Alternate Key No.: 1783381, 1065356, 3506189, 1065364, 1595282, 3537653, 3537726, and 3506197

Future Land Use Category: Conservation

Existing Zoning District: Planned Unit Development (PUD) Ordinance #1992-15

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Conservation	Agriculture (A)	Pasture, undeveloped	CR 474 immediately north then A-zoned land
South	N/A	N/A	N/A	Polk County jurisdiction
East	Green Swamp Rural Conservation	Agriculture (A)	Pasture, Wetlands	undeveloped
West	Green Swamp Core Conservation	Agriculture (A)	Pasture, Mining, Wetlands	undeveloped

**- Summary of Analysis -**

The subject 1,307.47 +/- acre property is currently zoned Planned Unit Development (PUD), in accordance with Ordinance #1992-15, for residential development. The property is designated as Conservation Future Land Use Category (FLUC), and lies within the Green Swamp Area of Critical State Concern. The subject property contains six structures, including a Wildlife Management Area (WMA) manager's residence, management office, two (2) maintenance/storage pole barns, a barn, and a shed. The subject property is adjacent to and south of County Road (CR) 474, and approximately two (2) to four (4) miles west of the intersection of CR 474 and US 27, in the Clermont area. The application seeks to rezone the property from Planned Unit Development (PUD) to Community Facility District (CFD) to reflect the current use of the property.

The current development on the property is nonconforming with the current zoning district, as the PUD (Ord. #1992-15) allows for primarily residential land use and accessory uses associated with residential uses. Residential development of the PUD zoning was never constructed and the property was transferred to the Florida Fish and Wildlife Conservation Commission (FFWCC) for its current use. The WMA is used for hunting, fishing, hiking, bird watching, and other outdoor recreation. The use of the property will remain the same, but the property will be in compliance with the current Lake County LDR and FLUC with approval of the rezoning request.

The rezoning application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy review of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO retains the ability to appeal any development permit, pursuant to Section 380.05, Florida Statutes.

**- 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 proposed rezoning and the current 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 Community Facility District (CFD) zoning is designed for special or substantial community interests and activities which are necessary and desirable. The current and future use of the property as a Wildlife Management Area is consistent with LDR Section 3.01.02, *Classification of Uses*. This provision of the LDR defines Parks and Recreation as an outdoor recreational use with a low intensity of development, such as parks, playgrounds, biking and nature trails, picnic grounds, golf courses, and ball fields. This LDR Section also defines a Hunting and Fishing Resort as an establishment, operated in association with a hunting or fishing reserve or resource, which offers accommodations and accessory sale and rental of hunting and fishing equipment. This use classification does not include hotels or motels.

The request is consistent with LDR Table 3.01.00, and LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows parks and passive recreation as well as hunting and fishing resorts.

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

The proposed rezoning to CFD is consistent with all applicable elements of the Comprehensive Plan.

The FWCC WMA use is consistent with Comprehensive Plan Policy I-1.5.1, *Conservation Future Land Use Category*, which is intended to consist of property managed for the permanent protection of natural resources, including but not limited to open water bodies, wildlife habitat, wetlands, and aquifer recharge. Lands within the Conservation FLUC shall be, to the furthest extent, maintained in a natural state. This development conserves and preserves natural resources and open space. The purpose of this property is for conservation of the natural environment and public use of the land for some recreational uses. The property will remain undeveloped except for the minimal development already existing for management and maintenance of the property.

Typical uses within this Future Land Use Category (FLUC) include preservation and management of natural resources as well as public facilities that support the protection of natural resources, passive recreation, and private land protected in perpetuity by conservation easement held by a public agency or not-for-profit private conservation entity. It must be noted that this property is owned by the Florida Fish and Wildlife Conservation Commission, which manages and regulates

the state's fish and wildlife resources, and enforces related laws. This property is a Wildlife Management Area (WMA), and WMAs conserve many acres of Florida's natural habitat as well as protecting fish and wildlife resources while providing recreational opportunities such as hunting and wildlife-viewing.

This property is located within the Green Swamp Area of Critical State Concern. This property and the requested rezoning are in compliance with Goal I-4, *Green Swamp*, which states that Lake County shall maintain the long-term viability of these natural resources through a comprehensive and holistic approach to land use, water resource protection, and wildlife and habitat needs within the Green Swamp. Per their website, the Florida FWCC WMAs manages fish and wildlife resources for their long-term well-being and the benefit of people.

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

The proposed rezoning is consistent with the existing and proposed land uses on the property. Surrounding existing land uses are pastures, wetlands, and mining, so the proposed rezoning is consistent with surrounding land uses. This property's existing land use is, and will continue to be, for the wildlife protection and management, in addition to some public recreation uses.

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

There have not been any recent changed conditions to justify a rezoning. However, when the FWCC took ownership of the property in 1997, it was developed without any rezoning process to bring the property into compliance with the LDR. The PUD project was never constructed, and this rezoning would bring the property into compliance with the LDR. The County is requiring the property to be rezoned to reflect the current use and to facilitate approval of a development application of a site plan currently under review. The site plan proposes development of a maintenance facility for the WMA. The site plan includes addition of a pole barn (for equipment storage) and a modular building (to be an office) with a septic tank/field and extension of water from an existing well, as well as one (1) concrete parking space.

**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 shall be served with on-site well and septic treatment system in accordance with the Florida Department of Health (DOH) permit requirements, and in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

Parks and Recreation

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

Fire Services

The rezoning is not anticipated to adversely impact public safety levels of service.

The nearest fire stations to this property are less than 3.75 miles, and the county-wide response time is approximately six (6) minutes.

Solid Waste

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

Transportation

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

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

The proposed rezoning would not result in significant adverse impacts on the natural environment. The goal of the FWCC WMA is to conserve the natural environment for use by the general public. Any new development will be required to submit an environmental assessment (EA) to demonstrate the existence of threatened, endangered or species of special concern. The EA must also specify protection and mitigation measures to be undertaken in accordance with the Comprehensive Plan and LDR, as amended, prior to commencement of construction.

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

The rezoning application did not contain information regarding the impact on property values in the area.

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

The proposed rezoning will result in the continuance of the existing orderly and logical development pattern. The rezoning will correct a historical oversight that allowed development and the use to occur that is not conforming to the allowances by the PUD Ordinance on the property. The rezoning will bring the property zoning district to match the use, and both to be in compliance with allowances of the Conservation FLUC. The non-residential use is surrounded by agriculture zoned properties. The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

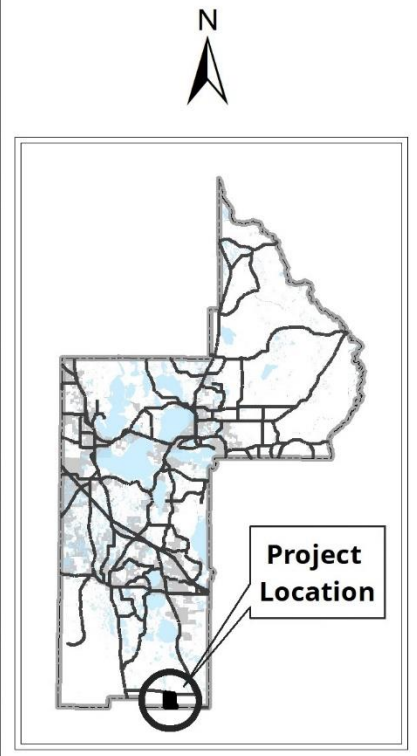
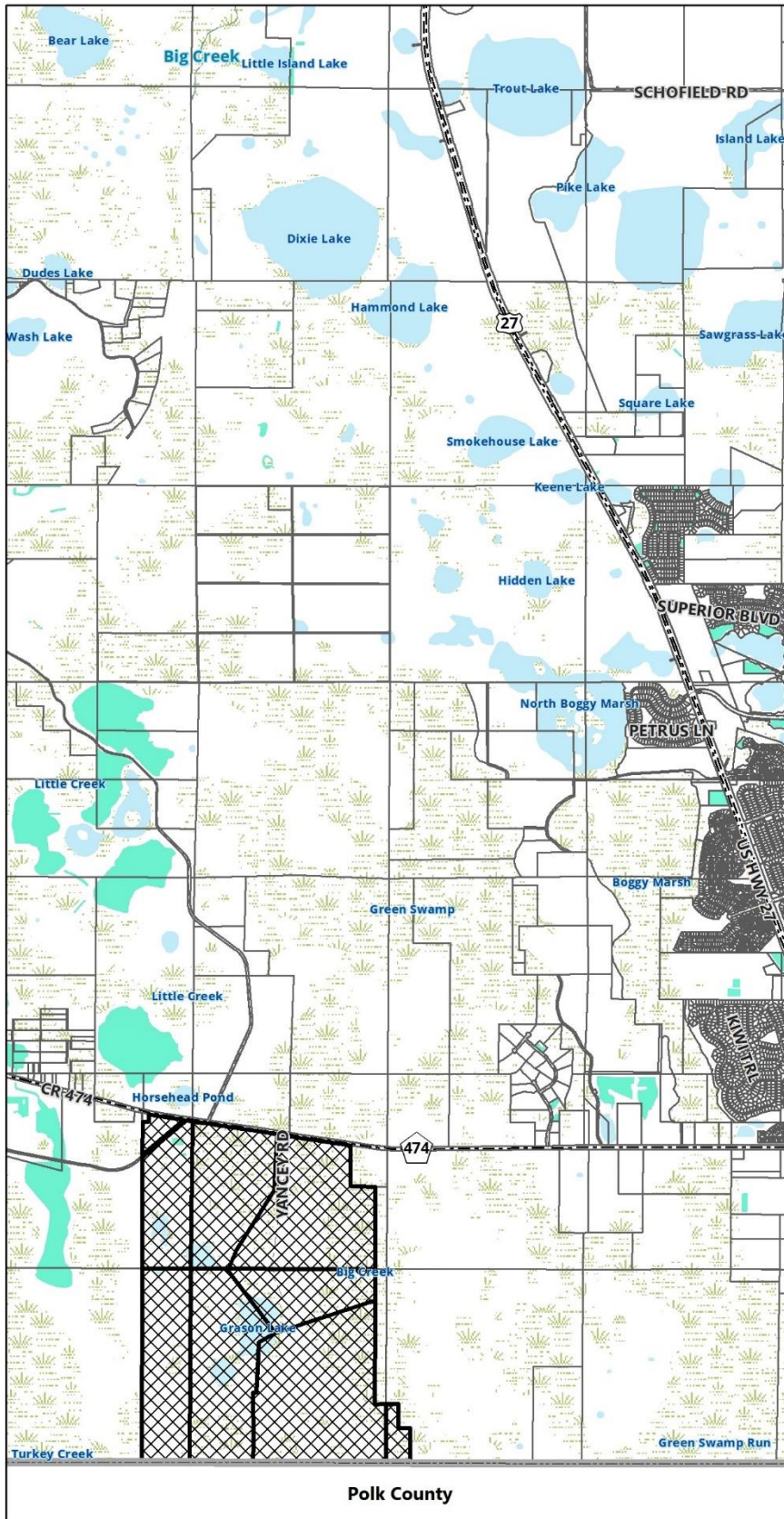
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

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.

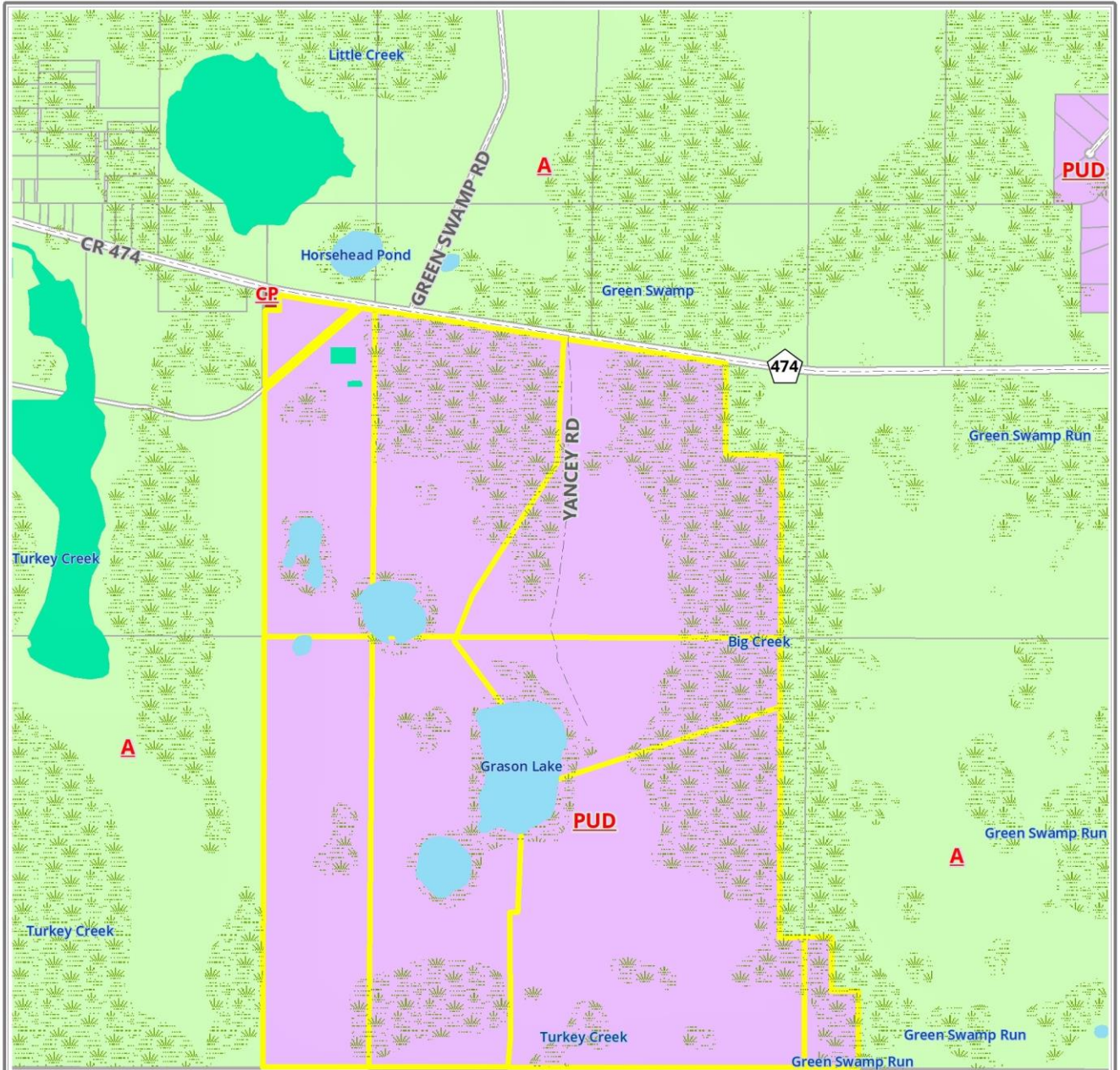
**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

None.

# Map of Subject Property



### CURRENT ZONING



Polk County

**ZONING LEGEND**

A CP PUD

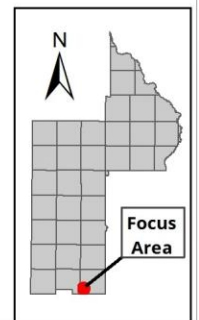
**NAME: HILOCHEE WILDLIFE MANAGEMENT AREA PROPERTY**

**CASE NUMBER: RZ-20-14-1**

**LOCATION (S-T-R): 29, 30, 31, 32, 33-24-26**

**REQUEST: PLANNED UNIT DEVELOPMENT (PUD) TO  
COMMUNITY FACILITY DISTRICT (CFD)**

**DISTRICT: 1**



**CURRENT FUTURE LAND USE**



**FUTURE LAND USE LEGEND**

- Conservation
- Green Swamp Core Conservation
- Green Swamp Rural Conservation

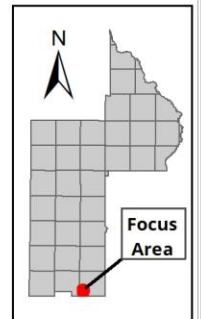
**NAME: HILOCHEE WILDLIFE MANAGEMENT AREA PROPERTY**

**DISTRICT: 1**

**CASE NUMBER: RZ-20-14-1**

**LOCATION (S-T-R): 29, 30, 31, 32, 33-24-26**

**REQUEST: PLANNED UNIT DEVELOPMENT (PUD) TO  
COMMUNITY FACILITY DISTRICT (CFD)**



**ORDINANCE #2020-xx**  
**FFWCC Property**  
**RZ-20-14-1**

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

**WHEREAS**, Doug Forni, of Chastain Skillman, Inc. (the “Applicant”) submitted an application on behalf of the Florida Fish and Wildlife Conservation Commission (FFWCC) / Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF/Fish and Wildlife) (“the Owner”) to rezone property from Planned Unit Development (PUD) zoning to Community Facility District (CFD) zoning; and

**WHEREAS**, the subject property comprises approximately 1307.47 +/- acres, and is generally located south of County Road 474, just north of the Lake and Polk County Line, in the Clermont area of unincorporated Lake County, Florida, in Sections 29 to 33, Township 24, Range 26, identified by Alternate Key Numbers 1783381, 1065356, 3506189, 1065364, 1595282, 3537653, 3537726, and 3506197, and more particularly described in Exhibit “A”.

**WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-20-14-1 on the 1<sup>st</sup> day of July 2020, after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to Board of County Commissioners of Lake County Florida, on the 21<sup>st</sup> day of July 2020; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, the 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.

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

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

**A. Land Uses.**

1. Land use of the property is limited to the following:
  - a. Conservation uses consistent with the future land use, as amended
  - b. Property manager’s residential quarters
  - c. Management office
  - d. Maintenance/storage pole barns, shed, and barn area

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.



- 1                   **C. Transportation Improvements.** All access management shall be in accordance with the  
2                   Comprehensive Plan and LDR, as amended.
- 3                   **D. Lighting.** Exterior lighting must be in accordance with the LDR, as amended and consistent  
4                   with Dark-Sky Principles.
- 5                   **E. Landscaping, Buffering, and Screening.** All new development must provide landscaping  
6                   in accordance with the LDR, as amended.
- 7                   **F. Open Space, Impervious Surface Ratio, and Building Height.** Open space, impervious  
8                   surface ratio, and building height shall be in accordance with the Comprehensive Plan, and  
9                   LDR, as amended.
- 10                  **G. Parking Requirements.** Off-street parking must be provided in accordance with the LDR,  
11                  as amended.
- 12                  **H. Environmental Requirements.**
- 13                    1. An environmental assessment will be required and must be dated within six (6) months  
14                    of the development application submittal date to indicate the presence of vegetation,  
15                    soils, threatened and endangered species that may exist on the site. Any State  
16                    permitting or mitigation will be required before development can commence.
- 17                    2. Environmental resources shall be protected in accordance with the Comprehensive Plan  
18                    and LDR, as amended.
- 19                  **I. Stormwater Management.**
- 20                    1. All access management shall be in accordance with the Comprehensive Plan and LDR,  
21                    as amended.
- 22                    2. The stormwater management system must be designed in accordance with all  
23                    applicable Lake County and St. Johns River Water Management District (SJRWMD)  
24                    requirements.
- 25                  **J. Floodplain Management.** The Developer shall be responsible for any flood studies required  
26                  for developing the site and to comply with Federal Emergency Management Agency (FEMA)  
27                  regulations, the Comprehensive Plan, and the LDR. Any development within the floodplain  
28                  as identified on the FEMA maps will require compensating storage.
- 29                  **K. Utilities.** The development shall be served with on-site well and septic treatment system  
30                  consistent with Florida Department of Health (DOH) permit requirements, and in accordance  
31                  with the Comprehensive Plan and LDR, as amended.
- 32                  **L. Signage.** All signage must be in accordance with the LDR, as amended.
- 33                  **M. Concurrency Management Requirements.** Any development must comply with the Lake  
34                  County Concurrency Management System, as amended.
- 35   **Section 2. Conditions.**
- 36                  **A.** After establishment of the facilities as provided in this Ordinance, the property may only be  
37                  used for the purposes identified in this Ordinance. Any other proposed use must be  
38                  specifically authorized by the Lake County Board of County Commissioners.

- 1           **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,  
2           move, convert, or demolish any building structure, add other uses, or alter the land in any  
3           manner within the boundaries of the above described land without first obtaining the  
4           necessary approvals in accordance with the Lake County Code, as amended, and obtaining  
5           the permits required from the other appropriate governmental agencies.
- 6           **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the  
7           land, and the terms, conditions, and provisions of this Ordinance will be binding upon the  
8           present Owners and any successor, and will be subject to each and every condition set out  
9           in this Ordinance.
- 10          **D.** Construction and operation of the proposed use must comply with the regulations of this  
11          and other governmental permitting agencies.
- 12          **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance  
13          must include in the transfer or lease agreement, a provision that the purchaser or lessee is  
14          made good and aware of the conditions established by this Ordinance and agrees to be  
15          bound by these conditions. The purchaser or lessee may request a change from the existing  
16          plans and conditions by following the procedures contained in the LDR, as amended.
- 17          **F.** The Lake County Code Enforcement Special Master will have authority to enforce the terms  
18          and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

19   **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
20   unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
21   of the remaining portions of this Ordinance.

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

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[Signature Page to Follow]

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

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

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

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

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

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\_\_\_\_\_  
**LESLIE CAMPIONE, CHAIRMAN**

11 **ATTEST:**

12 \_\_\_\_\_  
13 **GARY J. COONEY, CLERK OF THE**  
14 **BOARD OF COUNTY COMMISSIONERS**  
15 **LAKE COUNTY, FLORIDA**

16 **APPROVED AS TO FORM AND LEGALITY**

17 \_\_\_\_\_  
18 **MELANIE MARSH, COUNTY ATTORNEY**  
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## EXHIBIT "A" – Legal Description

That portion of Section 29, Township 24 South, Range 26 East, Lake County, Florida lying South of County Road No. 474;

Less the following described parcel:

Begin at the intersection of the East Section line of Section 29 with the Southerly right of way of County Road No. 474, run South along said Section line 990 feet, West 990 feet, North to the South line of County Road No. 474; thence Southeasterly along the right of way to the Point of Beginning;

Also less the following described parcel:

That part of Section 29, Township 24 South, Range 26 East, Lake County, Florida, described as follows: Begin at the intersection of the East line of said Section 29 with the Southerly right of way line of County Road No. 474; thence S 00°01'12" W, along the said East line of Section 29, a distance of 3212.22 feet to the Southeast corner of said Section 29; thence S 89°50'37" W along the South line of said Section 29, a distance of 309.57 feet; thence N 00°03'33" E, 2223.17 feet; thence N 89°58'48" W, 681.94 feet; thence N 00°01'12" E, 1115.27 feet to the Southerly right of way line of aforesaid County Road No. 474; thence S 81°40'00" E along the said Southerly right of way line 528.20 feet to a point of curve of a curve concave Northerly and having a radius of 5779.65 feet; thence Easterly along the arc of said curve, through a central angle of 4°39'35", an arc distance of 470.03 feet to the Point of Beginning; Less and Except any portion hereof conveyed by deed dated December 17, 1986 and recorded December 18, 1986 in Official Records Book 901, Page 1227, Public Records of Lake County, Florida.

AND

That portion of Section 30, Township 24 South, Range 26 East, Lake County, Florida lying South of County Road No. 474, Less the West 4,250 feet thereof;

Also Less the following described parcel:

From the Northwest corner of Section 30, Township 24 South, Range 26 East, Lake County, Florida; run Easterly along the North line of Section 30, a distance of 4250.0 feet; thence South parallel with the West line of said Section 30 to a concrete monument located on the Southerly right of way of Highway No. C-474 and the Point of Beginning of this description; from said Point of Beginning continue South parallel with the West line of said Section 30, a distance of 237.70 feet; thence East 203.07 feet; thence North 192.74 feet, more or less, to the Southerly right of way of Highway No. C-474; thence Northwesterly along said Southerly right of way 208.0 feet, more or less, to the Point of Beginning.

2

All of Section 31, Township 24 South, Range 26 East, Lake County, Florida, Less the West 4,250 feet thereof.

AND

All of Section 32, Township 24 South, Range 26 East, Lake County, Florida, Less the following described parcel:

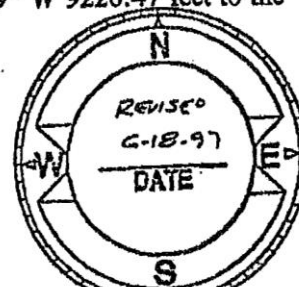
Commence at the Southeast corner of Section 32, Township 24 South, Range 26 East; thence N 00°04'56" E along the East line of said Section 32, a distance of 1597.20 feet to the Point of Beginning; thence continue N 00°04'56" E along said East line, 3661.68 feet, more or less, to the Northeast corner of said Section 32; thence S 89°50'37" W along the North line of said Section 32, a distance of 309.57 feet; thence S 00°03'33" W, 3662.18 feet; thence N 89°44'54" E, 308.09 feet to the Point of Beginning.

AND

The West 330 feet of the North 660 feet of the South 1597.2 feet and the West 660 feet of the South 937.2 feet of Section 33, Township 24 South, Range 26 East, Lake County, Florida.

Less and Except

Commence at the SE corner of Section 31, Township 24 South, Range 26 East, Lake County, Florida, thence N 89°29'23" W along the South line of said Section 31 a distance of 1293.79 feet to the Point of Beginning, said point being on the East line of the West 4250.00 feet of said Section 31, thence N 00°03'37" E along the East line of said West 4250.00 feet and along the East line of the West 4250.00 feet of Section 30, Township 24 South, Range 26 East, a distance of 8253.83 feet, thence N 00°38'13" E along the East line of the West 4250.00 feet of said Section 30 a distance of 1212.23 feet to a point on the Southerly right of way line of County Road No. 474 (100 foot right of way) said point being on the arc of a non-tangent curve, concave Northeasterly, having a central angle of 12°05'00" and a radius of 5780.70 feet, thence southeasterly along the arc of said curve 8.65 feet to the Northwest corner of those lands described in Official Record Book 802, Page 1736 of the Public Records of Lake County, Florida (chord bearing and distance between said points being S 76°15'17" E and 8.65 feet), thence S 00°15'17" W along the Westerly boundary of said described lands 237.51 feet to the southwest corner of said described lands, thence S 00°10'59" W 9226.47 feet to the Point of Beginning.



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