



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): April 7, 2021
Board of County Commissioners (BCC): April 27, 2021

Case No. and Project Name: RZ-21-04-4 SECO Riordan Road CFD Amendment

Applicant/Owner: Sumter Electric Cooperative, Inc.

Requested Action: Amend Community Facility District (CFD) Ordinance #2006-76 to increase the maximum allowable height of the communications tower from 199-feet to 300-feet. Includes a waiver request to Land Development Regulations (LDR) Section 3.13.09.B(1) to allow the tower to not be centered within the boundaries of the property.

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

Case Manager: Emily W. Johnson, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 18.76 +/- Acres

Location: 34420 Riordan Road, in the Eustis area.

Alternate Key No.: 1039703

Future Land Use Category: Rural Transition

Existing Zoning District: Community Facility District (CFD) – Ordinance #2006-76

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: N/A

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agricultural Residential (AR)	Vacant	Vacant Residential Parcels Adjacent to State Road 44
South	Rural Transition	Agricultural Residential (AR)	Vacant	Vacant Residential Parcel
East	Rural Transition	Agriculture (A), Agricultural Residential (AR)	Residential	Single-Family Residence
West	Rural Transition	Agriculture (A)	Residential	Single-Family Residences Adjacent to Riordan Road

– Summary of Analysis –

The application seeks to amend CFD Ordinance #2006-76 to increase the maximum allowable height of the communications tower from 199-feet to 300-feet. The subject property, identified by Alternate Key Number 1039703, is designated as Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is currently developed with an existing communications shelter and 199-foot monopole communications tower pursuant to CFD Ordinance #2006-76.

It is the intention of the Applicant to replace the existing communications tower with a new 300-foot communications tower near the existing communications shelter. Once the replacement tower is constructed, the existing tower will be dismantled and removed from the site.

- 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;

LDR Section 3.13.09.B(1) requires that towers be centered within the boundaries of the property recognized as the parent parcel on the official zoning map. Because the existing tower and shelter were not centered on the subject property at construction, the Applicant has submitted a waiver request (Attachment “A”) to LDR Section 3.13.09.B(1) to bring the existing CFD Ordinance and site conditions into compliance with the current code.

The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows wireless antennas, towers and equipment 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 Comprehensive Plan Policy I-1.4.5, Rural Transition Future Land Use Category, which allows civic uses and utilities in conjunction with an appropriate land use regulatory instrument. The rezoning application to amend CFD Ordinance #2006-76 satisfies this requirement.

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

The amendment to the existing CFD zoning district is consistent with LDR Section 3.01.03, which allows wireless antennas, towers, and equipment within the CFD zoning district.

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

The Applicant has provided the following statement as justification for the rezoning amendment: *“The current 199’ tower is not of sufficient height to meet the requirements of SECO’s planned communication system upgrades.”* An additional justification statement has been included as Attachment “B”.

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

No adverse impacts to the existing systems are anticipated.

Office of Public Safety

Lake County Fire Rescue Station #27 is located 2.0 miles from the subject property at 19212 County Road 44B in Eustis 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 development review process, at such time that any future improvements are proposed

Solid Waste

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

Transportation Concurrency

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

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

All sensitive resources will be addressed through the development review process at such time.

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

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

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area; the subject parcel is already developed with an existing communications tower and shelter.

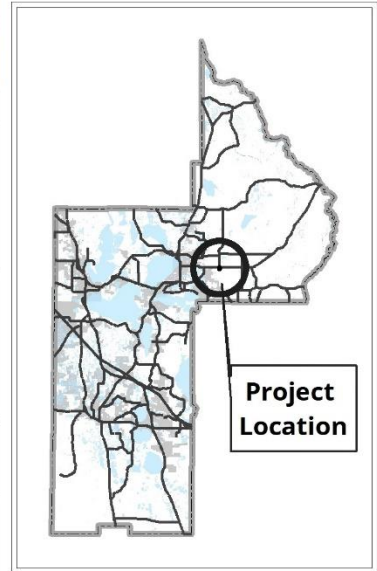
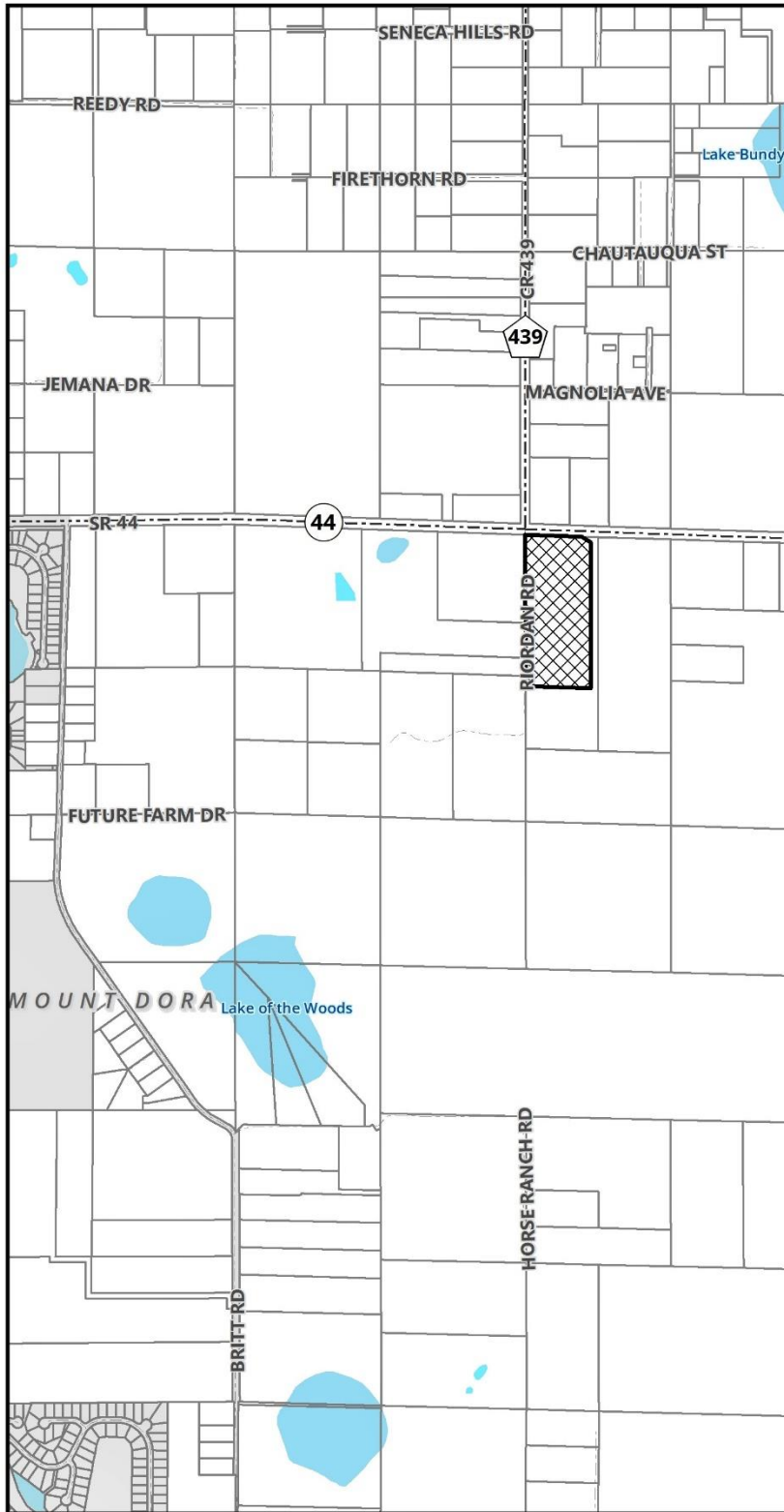
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

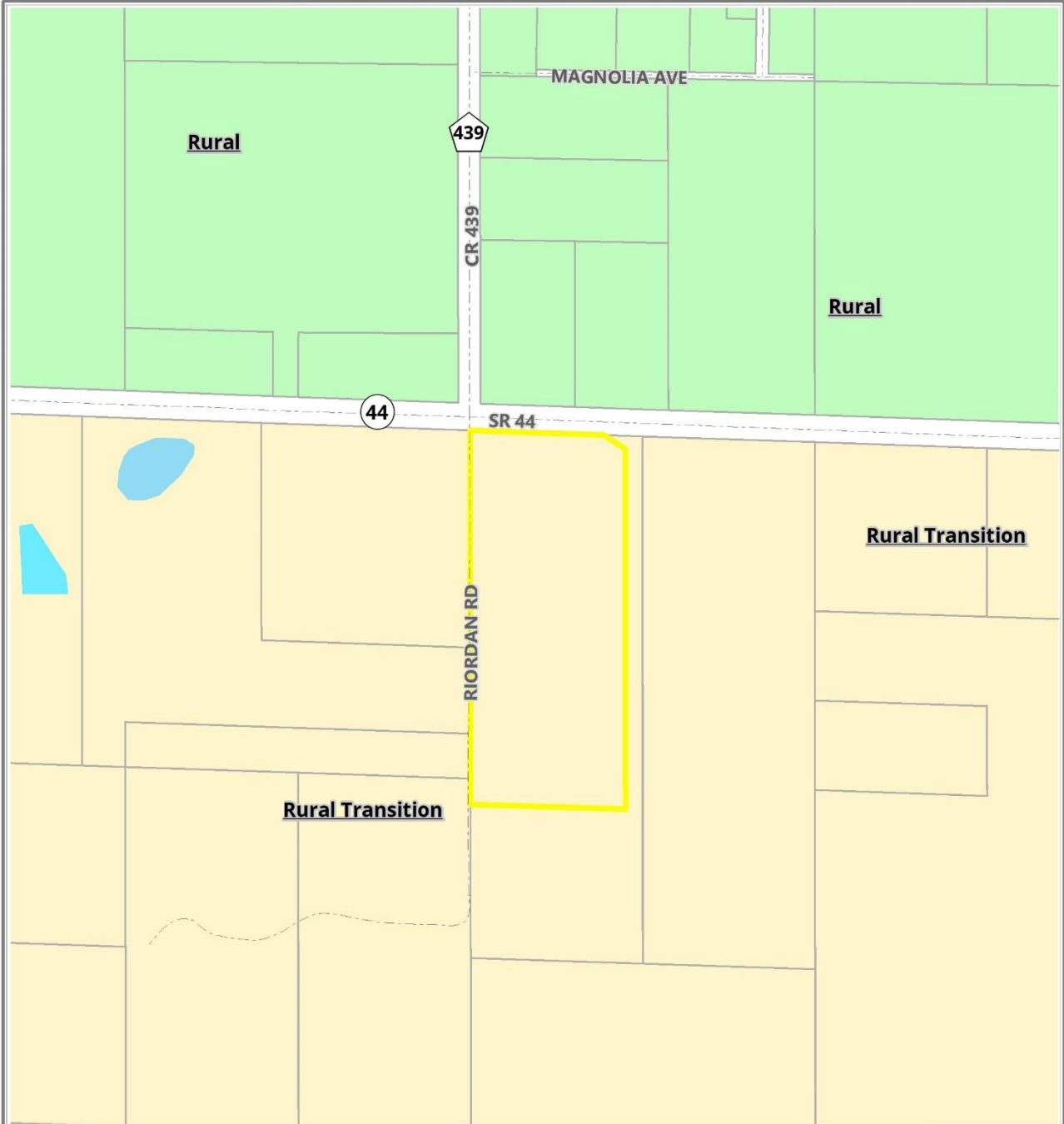
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

This application includes a request to the Board of County Commissioners (BCC) to waive the requirement under LDR Section 3.13.09.B(1), which mandates that towers shall be centered within the boundaries of the property recognized as the parent parcel on the official zoning map.

Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Rural  Rural Transition

NAME: SECO RIORDAN ROAD PROPERTY

DISTRICT: 4

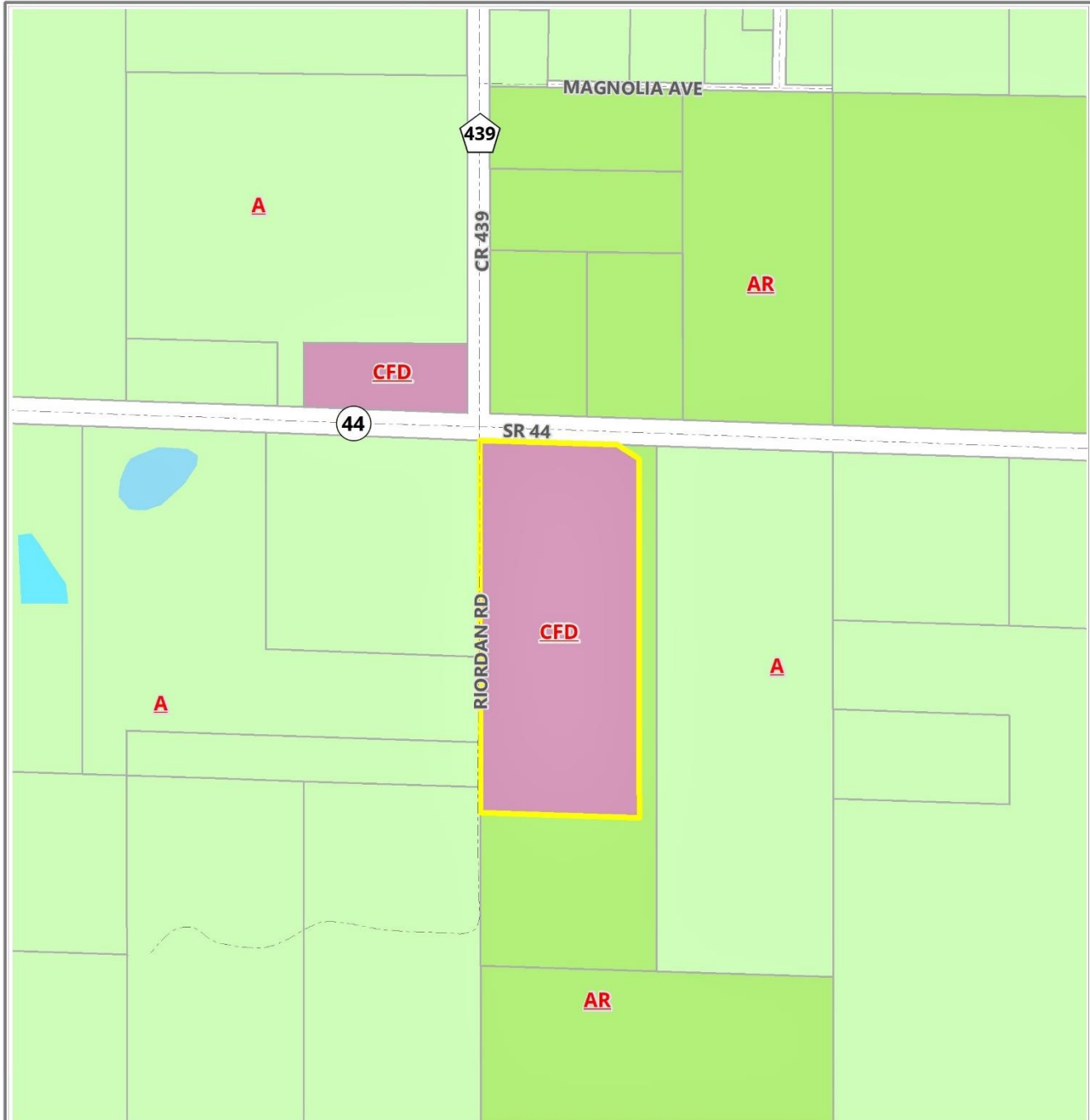
CASE NUMBER: RZ-21-04-4

LOCATION (S-T-R): 10-19-27

REQUEST: AMEND COMMUNITY FACILITY DISTRICT (CFD) TO INCREASE EXISTING TOWER HEIGHT



CURRENT ZONING



Zoning Legend

Light Green A Medium Green AR Pink CFD

NAME: SECO RIORDAN ROAD PROPERTY

DISTRICT: 4

CASE NUMBER: RZ-21-04-4

LOCATION (S-T-R): 10-19-27

REQUEST: AMEND COMMUNITY FACILITY DISTRICT (CFD) TO INCREASE EXISTING TOWER HEIGHT



Attachment "A" – Waiver Request

PO Box 301 | Sumterville, Florida 33585-0301 | 352.793.3801



Lake County
Office of Planning & Zoning
315 W. Main Street - Suite 510
Tavares, Florida 32778

FEB 22 2021

Re: Sumter Electric Cooperative, Inc. – Application for Rezoning – CFD Amendment R-21-04-4
Project No. 2021010017, Application Request No. 4298 for Alternate Key No. 1039703

Sumter Electric Cooperative, Inc. (SECO) respectfully request a waiver of Lake County's Land Development Regulations (LDR) Section 3.13.9.B(1) listed below:

3.13.9 Setbacks.

B. Towers Shall be:

1. Centered within the boundaries of the Property recognized as the parent parcel on the official zoning map.

SECO's proposed tower location is in the approximate center of the parcel from east to west but moved closer to the north property line. SECO has proposed to place the new tower on the parcel in as close as proximity to the existing tower and communication shelter as possible. This will allow SECO to continue to use the existing communications shelter once the exiting tower is dismantled and removed from the site. This will also keep SECO's future planned development of this parcel unchanged as approved by Ordinance #2006-76.

Therefore, SECO requests that this waiver request be included in the draft CFD ordinance, with the intention of updating the existing ordinance to reflect the current guidelines for communication tower placement and setbacks.

Sincerely,

Sumter Electric Cooperative, Inc. d/b/a SECO Energy


Roxanne Mastrantonio
Land Rights Agent/Applicant

SECOEnergy.com

Our purpose is to provide exceptional service to our customers, co-workers and communities.

Attachment “B” – Justification Statement

PROJECT DESCRIPTION AND JUSTIFICATION OF NEED

SECO’s current communication systems, in general, are in good working condition. However, there are many areas that need attention and fail to meet the current and future needs of SECO. Some of these issues were made evident during the last hurricane event when communication systems failed to perform as needed and presented challenges in our restoration management efforts. To address these issues, SECO has developed a multi-year communication infrastructure modernization plan to meet its current and foreseeable future needs. SECO’s largest issue is a shortage of communication towers. To effectively cover SECO’s large service area, allow for a loop protected licensed microwave backhaul network, wide area LMR voice and data networks SECO will have to build four (4) new major towers, two (2) of which are planned to be in Lake County.

The current lowband VHF voice radio system is functioning as designed but falls short of providing the required coverage due to lack of tower sites. The current lowband VHF system also is “segmented” and does not provide wide area connectivity. The fact that wide area connectivity is not available on the current lowband VHF system, SECO is not able to maximize the use of the resources that are available.

The current licensed microwave network is operational as designed. However, the existing microwave radios are nearing end of life so support and spare parts for these radios will become more and more scarce. The current licensed microwave network is also a hub and spoke design which does not provide the same level of redundancy that a loop protected network will provide. Finally, the available throughput of the network falls far short of what is required for optimal backhaul for SECO’s requirements.

SECO is in the process of upgrading/replacing all the systems previously mentioned. To successfully implement these new systems will require the construction of four new communication towers located in two different counties across north Florida. Specifically the communications tower at the Mt. Dora Site will support the implementation of the new licensed and unlicensed microwave radio networks and the 800 MHz wide area voice radio network. SECO currently has a 190’ monopole tower at the Mt. Dora Site that will be completely dismantled and removed from the site once the new tower is constructed. The existing tower does not provide the required height to meet the needs of the new proposed communications systems.

SECO is not constructing towers as a profit venture but for its own needs to ensure communication to its critical assets for the benefit of the public it serves. It is SECO’s hope that in the best interest of the public it serves, some of whom are tax payers, residents, and constituents of Lake county, and whom heavily depend on safe, reliable, resilient, and affordable electric power service, that this rezoning application be approved.

ORDINANCE #2021 - XX
SECO Riordan Road CFD Amendment
RZ-21-04-4

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

WHEREAS, Sumter Electric Cooperative, Inc. (the “Owner and the “Applicant”) submitted a rezoning application to amend Community Facility District (CFD) Ordinance #2006-76 to increase the maximum allowable height of the communications tower from 199-feet to 300-feet; and

WHEREAS, the subject property consists of 18.76 +/- acres, is located at 34420 Riordan Road, in the Eustis area, in Section 10, Township 19 South, Range 27 East, having an Alternate Key Number 1039703, and more particularly described below:

EXHIBIT “A” – LEGAL DESCRIPTION

WHEREAS, the property subject to the request is located within the Rural Transition Future Land Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, on the 25th day of July 2006, the Lake County Board of County Commissioners approved CFD Ordinance #2006-76 to rezone the subject property from Agricultural Residential (AR) to Community Facility District (CFD) for the construction of Sumter Electric Cooperative, Inc’s Mount Dora Operations Center; and

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-21-04-4 on the 7th day of April 2021, 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 27th day of April 2021; 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.

WHEREAS, the approval of this ordinance shall replace and supersede CFD Ordinance #2006-76; and

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 Official Zoning Map to show the Community Facility District (CFD) in accordance with Exhibit “B” of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence. The adoption of this Ordinance shall revoke and replace CFD Ordinance #2006-76.

A. Waivers.

1. The application of Land Development Regulations (LDR) Section 3.10.09.B(1), which requires that towers shall be centered within the boundaries of the property recognized as the parent parcel on the official zoning map, shall be waived.

B. Land Uses.

1. Utilization of the 18.76-acre site shall be limited to:
 - a. An operations center featuring a 10,000-square foot office building, a 10,000-square foot warehouse, a 4,500-square foot equipment storage building, an external material storage

- 1 area, an equipment storage area, a fuel island, and a 300-foot communication tower.
- 2 b. The communication tower shall meet all applicable provisions of Section 3.13.00, Wireless
3 Antennas, Towers, and Equipment Facilities of the Lake County LDR. If variances to these
4 provisions are necessary, they must be obtained from the Lake County Board of Adjustment
5 prior to the commencement of the site plan review process.
- 6 c. Other related accessory uses must be approved by the County Manager or designee. Any
7 other use of the site shall require approval of an amendment to this Ordinance by the Lake
8 County Board of County Commissioners.
- 9 **C. Open Space, Impervious Surface Ratio, and Building Height.** Open space, impervious surface
10 ratio, and building height shall be in accordance with the Comprehensive Plan, and Land
11 Development Regulations (LDR), as amended.
- 12 **D. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.
- 13 **E. Environmental Requirements.** An environmental assessment dated within six (6) months of the
14 development application submittal date must specify the presence of vegetation, soils, threatened
15 and endangered species that may exist on the site. Any State permitting or mitigation will be required
16 before development can commence to ensure compliance with the Comprehensive Plan and LDR,
17 as amended.
- 18 **F. Commercial Design Standards.** Future development shall be in accordance with the LDR, as
19 amended.
- 20 **G. Stormwater Management.**
- 21 1. A groundwater monitoring system shall be installed to monitor wells in the area. All stormwater
22 must stay on site. The Chromated Copper Arsenate (CCA) treated poles shall be covered at all
23 times.
- 24 2. The stormwater management system shall be designed in accordance with all applicable Lake
25 County and St. Johns River Water Management District (SJRWMD) requirements, as amended.
- 26 **H. Transportation.**
- 27 1. All access management shall be in accordance with the Comprehensive Plan and Land
28 Development Regulations, as amended.
- 29 2. The site shall dedicate a minimum of 120-foot (60 feet from centerline) right-of-way will be
30 required for the future four-lane road with additional at the SR 44 intersection to accommodate
31 the future northbound right turn lane as identified in the Round Lake Rd (CR 439 Extension)
32 Project Development and Environmental study. The applicant shall coordinate right-of-way
33 issues with the Department of Public Works.
- 34 3. The project access off State Road 44 to the site's entrance shall be aligned with the existing
35 County Road 439 to the north.
- 36 4. Turn lanes on State Road 44 at the proposed entrance shall also be necessary.
- 37 **I. Lighting.** Exterior lighting must be in accordance with the LDR, as amended and consistent with
38 Dark-Sky Principles.
- 39 **J. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be in
40 accordance with the LDR, as amended.
- 41 1. The applicant shall install a 50-foot buffer on the east and south sides of the property; and
42 canopy trees shall be installed on the east and south sides of the property.

1 2. Landscaping around the base of the communication tower and any ancillary structures shall not
2 be required.

3 **K. Signage.** All signage must be in accordance with the LDR, as amended.

4 **L. Concurrency Management Requirements.** Any development must comply with the Lake County
5 Concurrency Management System, as amended.

6 **M. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or
7 Developer shall be required to submit a development application for review and approval in
8 accordance with the Comprehensive Plan and LDR, as amended.

9 **Section 2. Conditions.**

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

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

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

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

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

28 **Section 3. 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 of the
30 remaining portions of this Ordinance.

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

1 **Section 5. Effective Dates.** This Ordinance will become effective as provided by law.
2 **ENACTED** this _____ day of _____, 2021.
3 **FILED** with the **Secretary of State** _____, 2021.
4 **EFFECTIVE** _____, 2021.

5
6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **LAKE COUNTY, FLORIDA**

9 _____
10 **SEAN M. PARKS, CHAIRMAN**

11
12
13 **ATTEST:**

14 _____
15
16 **GARY J. COONEY, CLERK OF THE**
17 **BOARD OF COUNTY COMMISSIONERS**
18 **LAKE COUNTY, FLORIDA**

19
20
21 **APPROVED AS TO FORM AND LEGALITY:**

22 _____
23
24 **MELANIE MARSH, COUNTY ATTORNEY**

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EXHIBIT "A" – LEGAL DESCRIPTION

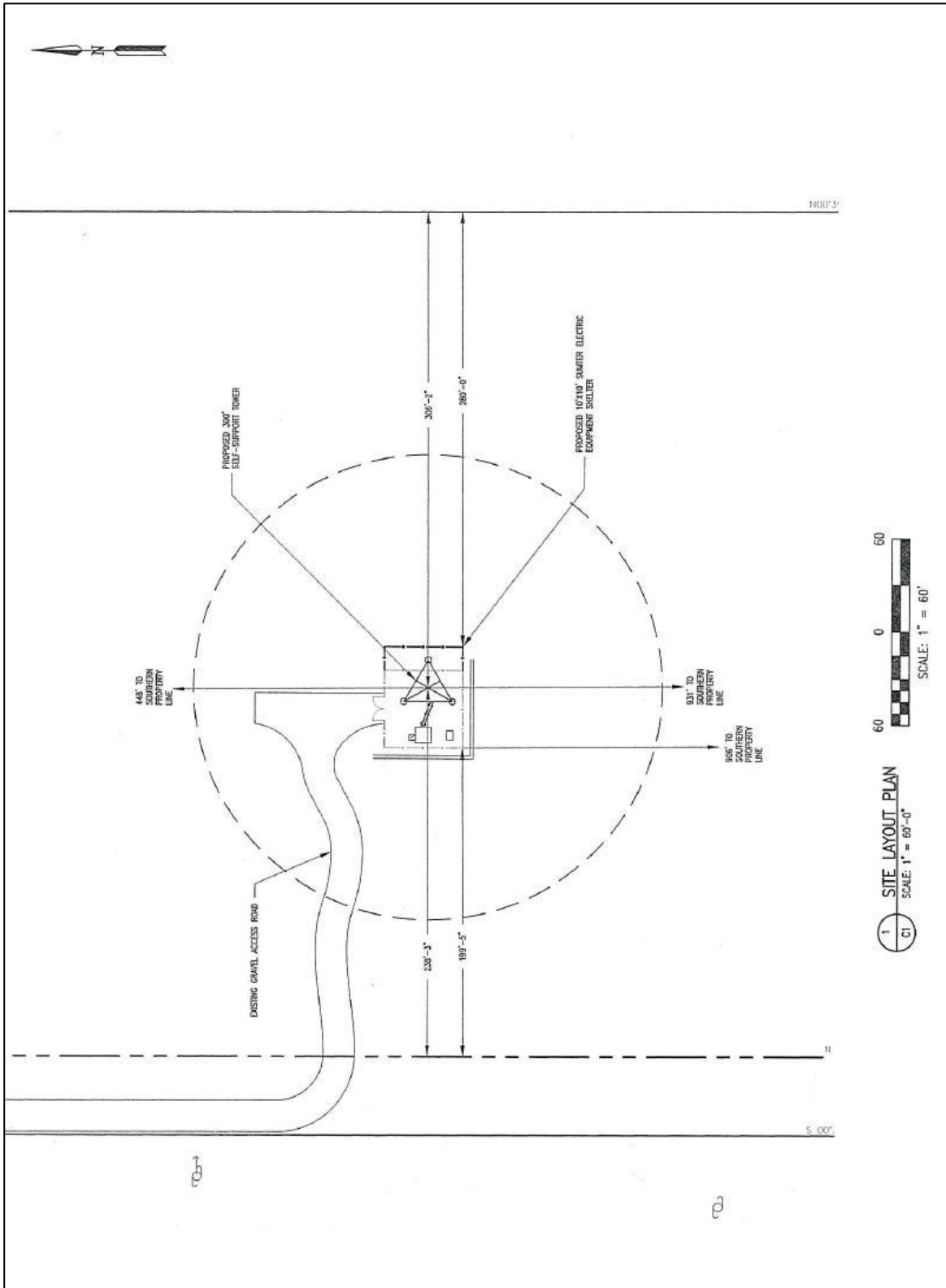
From SW cor of N 3/4 of W 1/2 of SE 1/4 run N 00 deg 16' 30" W 565 ft for POB,
run S 88 deg 26'46" E 594.45 ft, N 00 deg 14' 42" W 1326.46 ft, N 57 deg 53' 51" W 99.31 ft to S r/w line of
SR 44, N 88 deg 06' 21" W along said S r/w line 511.34 ft to W line of W 1/2 of N 3/4 of SE 1/4, S 00 deg
16' 30" E 1380.02 ft to POB of Sec 10 Twp. 19S Rge. 27E.

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Exhibit "B" – Concept Plan



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