



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): July 7, 2021
Board of County Commissioners (BCC): August 3, 2021

Case No. and Project Name: RZ-21-14-5, Arching Oaks Arts & Culture Center

Applicant: Chelsey Velilla

Owner: Chelsey Velilla & Alfredo Velilla

Requested Action: Rezone approximately 19 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for the operation of a non-profit cultural institution consisting of wellness and therapeutic programs.

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

Case Manager: Emily W. Johnson, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 19 +/- Acres

Location: 37114 North Thrill Hill Road, in the unincorporated Eustis area.

Alternate Key No.: 1223652

Future Land Use Category: Rural

Existing Zoning District: Rural Residential (R-1)

Proposed Zoning District: Community Facility District (CFD)

Joint Planning Area/ISBA: N/A

Overlay Districts: Wekiva – Ocala RPA, Wekiva Study Area.

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Agricultural	Large undeveloped agriculture tract
South	Rural	Rural Residential (R-1)	Residential	Single-Family Residence
East	Rural	Rural Residential (R-1)	Residential	Single-Family Residences
West	Rural	Agriculture (A) and Rural Residential (R-1)	Residential	Single-Family Residences

– Summary of Analysis –

The application seeks to rezone approximately 19 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for the operation of a cultural institution consisting of wellness and therapeutic programs. The subject property, identified by Alternate Key Number 1223652, is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is currently developed with an existing residence and outbuilding. The Concept Plan (Attachment “A”) does not indicate any additional proposed structures.

On April 7, 2021, the Office of Code Enforcement opened an action order (Action Order No. 2021040046) on the subject property for an active karate training dojo (school). To facilitate approval of the use and close out the violation, the Applicant submitted the subject application, and provided a justification statement (Attachment “B”) and the following statement to clarify the use: *“Our organization, Arching Oaks Arts and Culture Center, is a small non-profit that seeks to provide wellness programs rooted in Japanese traditions. These programs will be offered to small groups of 3-10 persons for one to two hours per day for a maximum of 5 days per week.”*

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 Cultural Institutions as a public or private nonprofit facility providing cultural services to the public. Typical uses under this classification include museums, libraries, and observatories.

The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows cultural institution 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 promotes the conservation and preservation of Lake County’s natural and cultural resources.

The request is consistent with Objective I-1.4, *Rural Future Land Use Series*, which preserves and enhances rural character and agricultural potential, provides a reduced level of investment for public facilities, and protects environmental qualities through limited density and intensity.

The request is consistent with Policy I-1.4.4, *Rural Future Land Use Category*, which permits civic uses in association with an appropriate land use regulatory instrument; the utilization of a CFD ordinance satisfies this requirement. A civic use is defined as a County, Municipal, State or Federal Use, or Service, and community facility uses.

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

Cultural institutions operate primarily for the benefit and service of the community in which they are located, and are consistent with the FLUC, which allows for civic uses. Additionally, the request is consistent with LDR Section 3.01.03, which allows cultural institution uses within the CFD zoning district.

The subject property contains 19 +/- acres, and all programming will take place on 3 +/- acres of the subject property. The proposed use will involve minimal development of the subject property. The size and current development are consistent with the surrounding residential and agricultural uses; the Concept Plan (Attachment “A”) does not indicate any additional proposed structures.

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 Applicant provided a statement further justifying the need for rezoning (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 3.1 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;**

Should any future improvements be proposed, 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 proposed cultural institution will utilize a small portion of a large tract of land, and will provide a public service to the surrounding community.

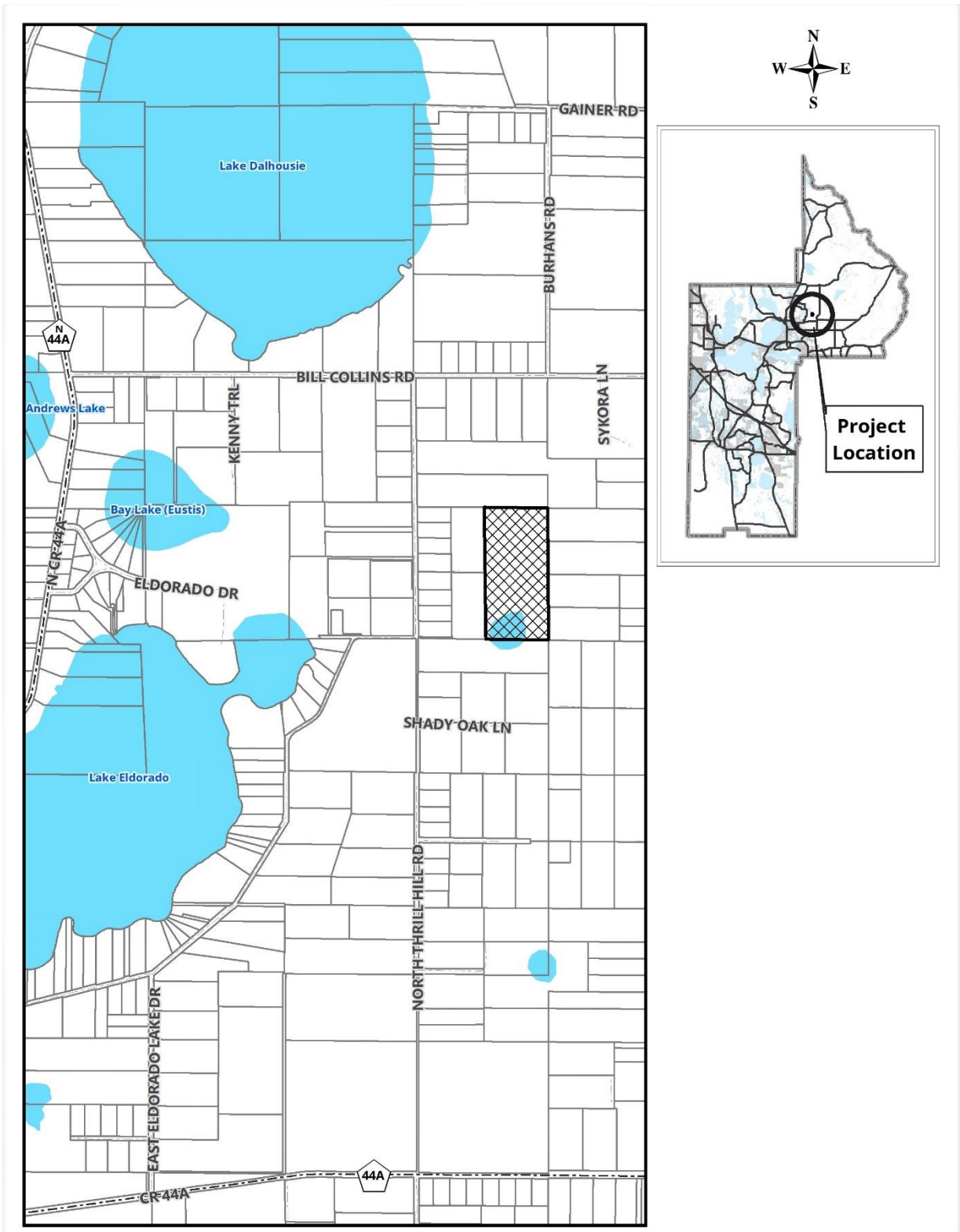
- I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

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

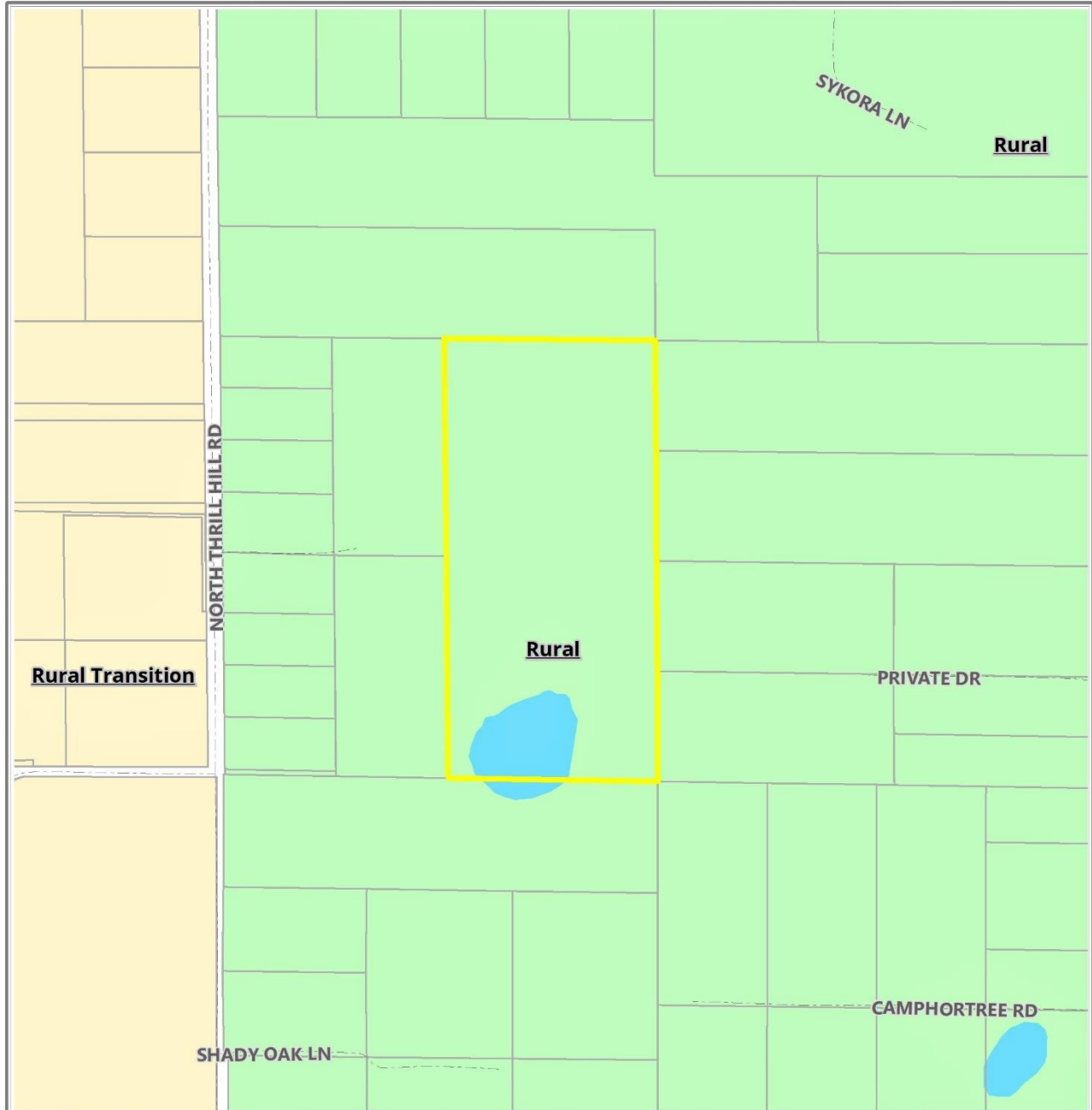
- J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

N/A.



Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Rural  Rural Transition

NAME: ARCHING OAKS ARTS & CULTURE CENTER PROPERTY

DISTRICT: 5

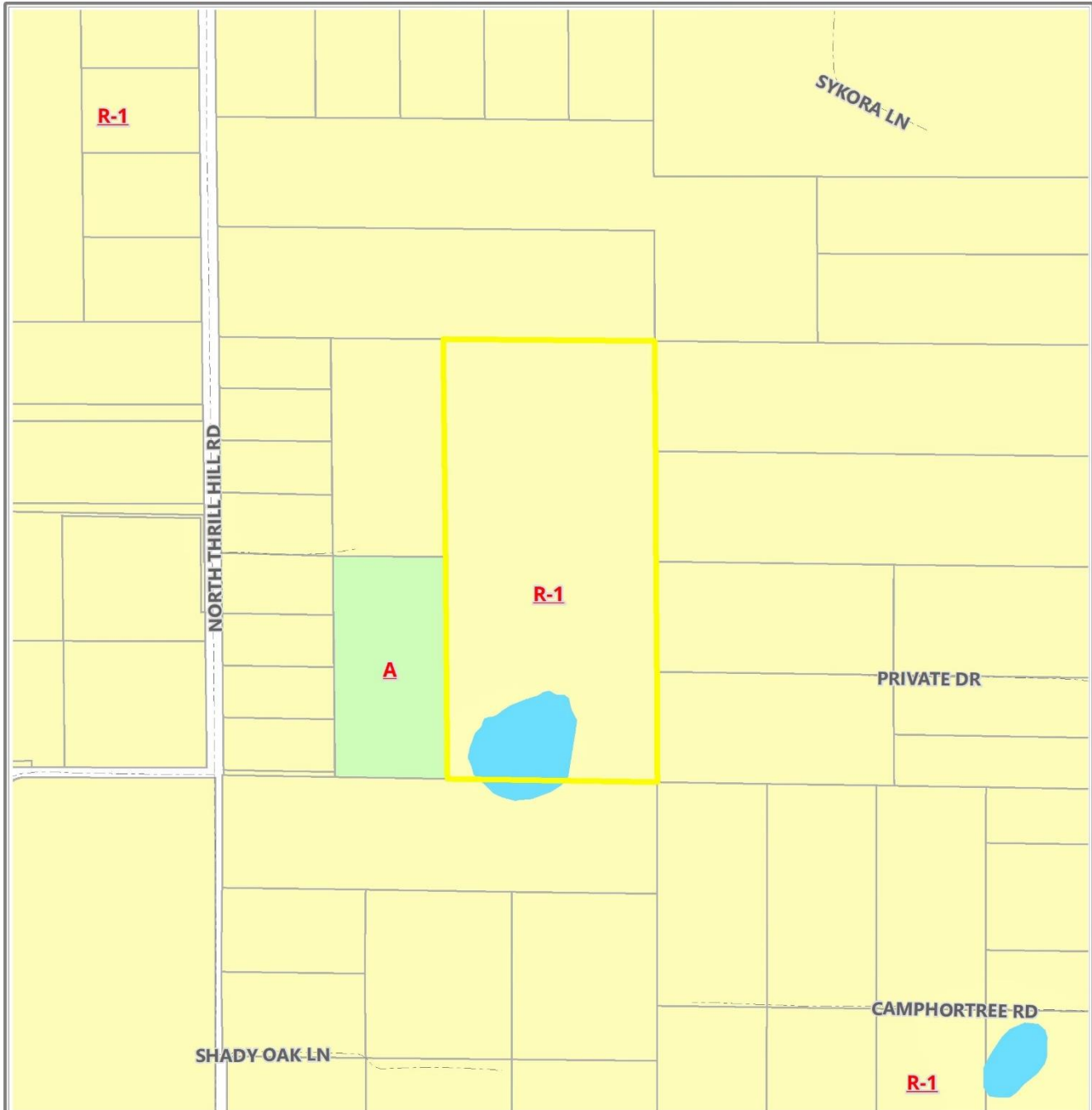
CASE NUMBER: RZ-21-14-5

LOCATION (S-T-R): 28-18-27

REQUEST: RURAL RESIDENTIAL (R-1) TO COMMUNITY FACILITY DISTRICT (CFD)



CURRENT ZONING



Zoning Legend

A R-1

NAME: ARCHING OAKS ARTS & CULTURE CENTER PROPERTY

DISTRICT: 5

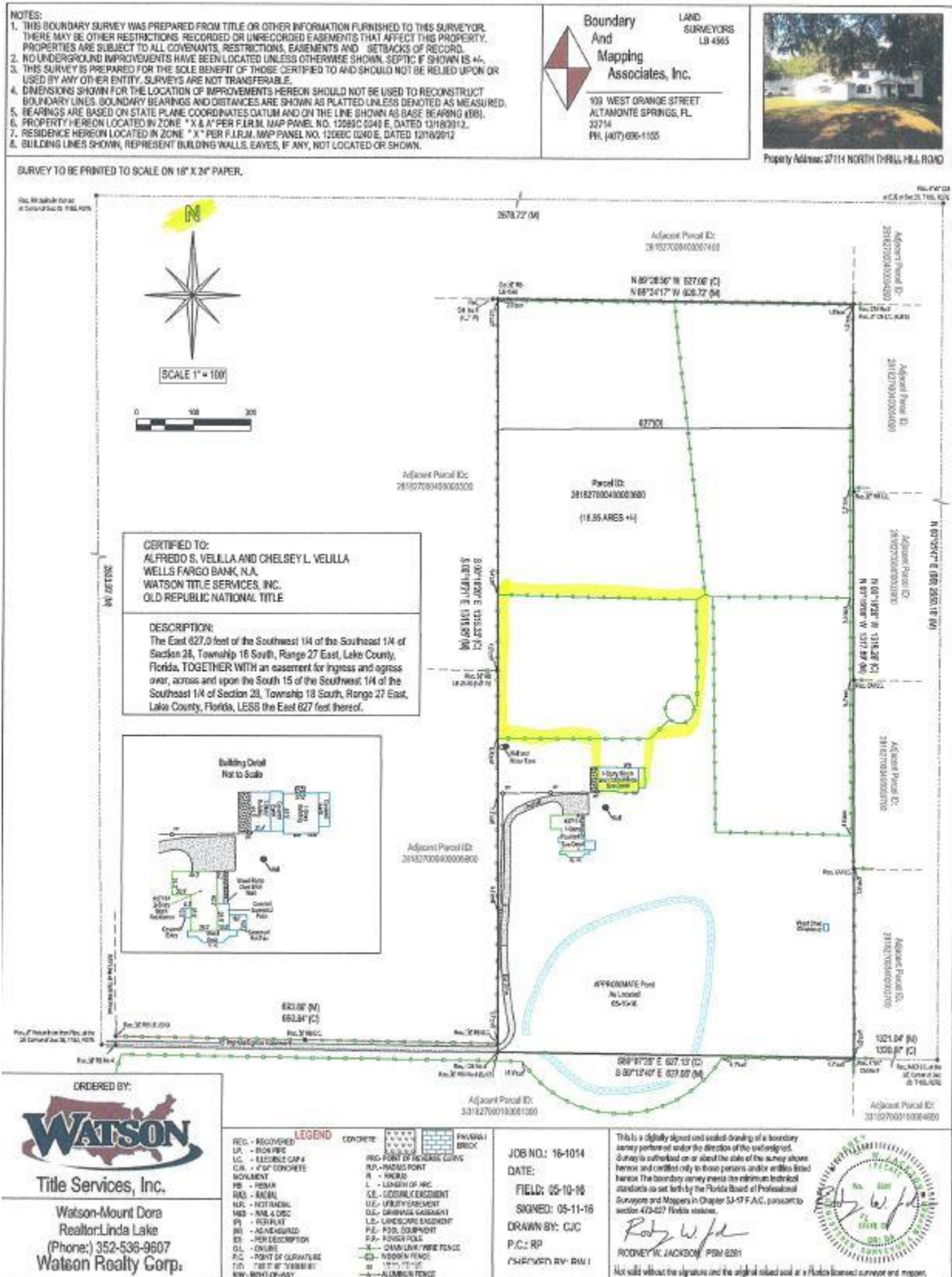
CASE NUMBER: RZ-21-14-5

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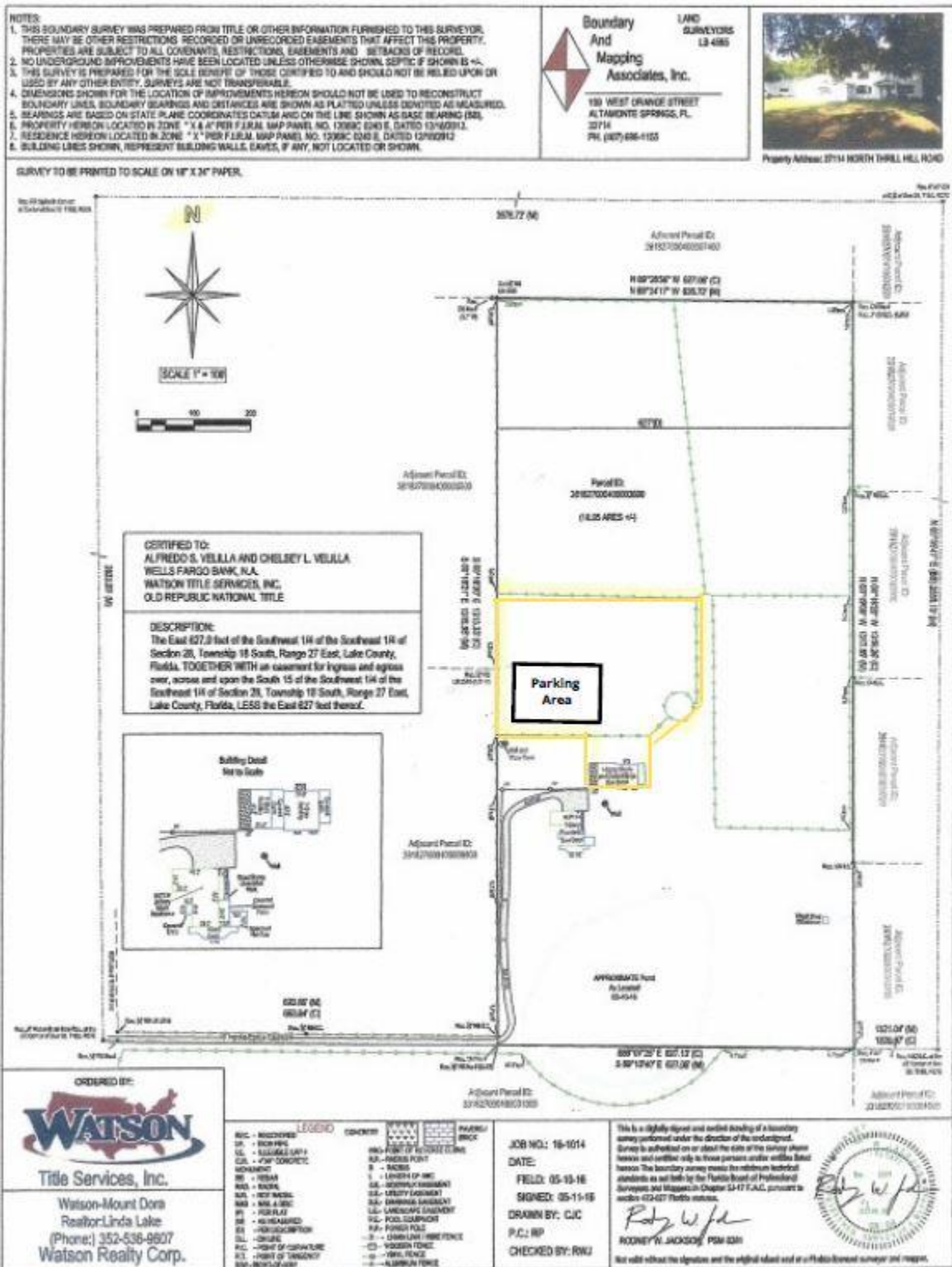
REQUEST: RURAL RESIDENTIAL (R-1) TO COMMUNITY FACILITY DISTRICT (CFD)



Attachment "A" – Concept Plan (Page 1 of 2)



Attachment "A" – Concept Plan (Page 2 of 2)



Attachment "B" – Justification Letter (Page 1 of 2)

**Arching Oaks Arts and Culture Center
Re-Zoning Application
Chelsey Velilla- Applicant**

About Arching Oaks:

Arching Oaks Arts and Culture Center is a 501(c)(3) nonprofit organization located at 37114 North Thrill Hill Road in Eustis, Florida 32736. Arching Oaks is a 100% Solar-powered facility with wooded areas, trails for Shinrin-Yoku (forest bathing) and a large fishing pond. It features a traditionally built Japanese Dojo, Tatami room for Chado (tea Ceremony) and Kodo (incense ceremony), a full sized art studio and pottery making area.

The MISSION of Arching Oaks Arts and Culture Center is to promote the wellness of body, mind and spirit through cultural, artistic and environmental experiences, education and training.

Programs offered, in development and tailored for veterans with PTSD:

- Guided forest therapy walks
- Zen meditation
- Breath-work for stress-relief and well-being
- Equine Therapy
- Journaling for self-expression and healing
- Yoga
- Pressure Point Therapy

Instructors and Facilitators:

- Konrad Ryushin Marchaj- Retired psychiatrist and Former Abbot of Zen Mountain Monastery in Mt. Tremper, New York. Facilitator of Zen and Zazen Meditation workshops.
- Ken Kushner- Retired psychiatrist and practitioner of Zen Kyudo. Facilitator of Zen Meditation workshops and Zen Kyudo instruction.
- Roberto Suarez- Certified Yoga and breath-work instructor.
- Matt Kosiba- Licensed occupational therapist and facilitator of Pressure Point Therapy workshops.
- Ron Jones- Certified Equine Therapist and facilitator of Equine Therapy programs.
- Chelsey Velilla- Certified Forest Therapy Guide and Forest Therapy program facilitator.

Additional Application Information:

10.

The overall property encompasses 19 acres, however, Arching Oaks programming takes place within just a 3-acre portion. There is an outbuilding that houses a classroom, office space and public bathroom. Adjacent to this building is a traditional Japanese training space that is used for teaching Kyudo, Iaido, Zen meditation, breath-work and yoga classes. Directly adjacent to this training space is an archery range used for practicing Japanese Zen archery. The wooded area just beyond these structures is used for Guided Forest Therapy walks and other future environmental wellness programs.

Attachment "B" – Justification Letter (Page 2 of 2)

11.

Arching Oaks Arts and Culture Center is a small, non-profit organization whose mission is to provide wellness and therapeutic programming for veterans, persons suffering from Post-Traumatic Stress Disorder, seniors citizens, and interested members of the community. Offerings include Zen Meditation workshops, guided Forest Therapy walks, breathwork classes, and training in the traditional arts of Iaido and Kyudo. All programs are designed specifically to enhance the mental, physical, and overall well-being of our community participants.

All programming is conducted on the property of the non-profit, located at 37114 North Thrill Hill Road in Eustis, Florida. Programs have a limited number of participants and, due to the nature of the programs themselves, are conducted in a manner that does not violate noise ordinances or otherwise impact surrounding residents or properties. *All programs take place on just a 3-acre portion of the overall property.* The remainder of the property is maintained as private residential area for use by the owners.

12.

The property is currently zoned as "R-1" which does not support the proposed programming that Arching Oaks Arts and Culture Center would like to offer to our community.

The proposed rezoning is consistent with the Lake County Comprehensive Plan in that the property requires no changes to the land/natural environment. On the contrary, the programming that will be offered (specifically the Guide Forest Therapy workshops) utilize the natural wooded areas and aim to promote awareness of the benefits of conserving and nurturing Florida's "wild" spaces.

- A. No major changes will be made to the existing land uses. The physical structures are already in place.
- B. The rezoning will not affect the capacities of any public facilities or services.
- C. It is a specific goal of Arching Oaks programming to *not* impact the natural environment in any way that is detrimental. As previously mentioned, our programming is designed specifically to increase awareness of environmental sustainability and proper stewardship of our natural areas.
- D. The facilities/structures necessary for carrying out our community programs are already built and in place within the 3-acre area on our property. No further development is needed at this time.

ORDINANCE #2021-XX
Arching Oaks Arts & Culture Center
RZ-21-14-5

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

WHEREAS, Chelsey Velilla (the “Applicant”) submitted a rezoning application on behalf of Chelsey Velilla and Alfredo Velilla (“the Owners”) to rezone approximately 19 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for the operation of a non-profit cultural institution consisting of wellness and therapeutic programs; and

WHEREAS, the subject property consists of 19 +/- acres, is located at 37114 North Thrill Hill Road, in the unincorporated Eustis area, in Section 28, Township 18 South, Range 27 East, having an Alternate Key Number 1223652, and more particularly described below:

The East 627.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 28, Township 18 South, Range 27 East, Lake County, Florida. TOGETHER WITH an easement for ingress and egress over, across and upon the South 15 of the Southwest 1/4 of the Southeast 1/4 of Section 28, Township 18 South, Range 27 East, Lake County, Florida, LESS the East 627 feet thereof.

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

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-21-14-5 on the 7th day of July 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 3rd day of August 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.

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 Community Facility District (CFD). The uses of the property shall be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit “A”. To the extent there are conflicts between Exhibit “A” and this Ordinance, this Ordinance shall take precedence.

A. Land Uses.

1. Uses of the site described above shall allow the following:
 - a. Cultural Institution consisting of wellness and therapeutic programs, such as:
 - (1) Archery
 - (2) Life skills enrichment education and training
 - (3) Equine activities and therapy
 - b. Single-Family Residential and Agricultural uses, as permitted by the Rural Future Land Use Category

1 Normal accessory uses related thereto may be approved by the County Manager or designee. Any
2 other use of the site may require approval of an amendment by the Board of County Commissioners.

3 **B. Specific Conditions.**

- 4 1. Classes shall be limited to a maximum of 10 persons.
5 2. Operation shall be limited to a maximum of 5 days per week (Monday – Friday), with a maximum
6 of 1 class held per day.

7 **C. Open Space, Impervious Surface Ratio, and Building Height.** Open space, impervious surface
8 ratio, and building height shall be in accordance with the Comprehensive Plan, and Land
9 Development Regulations (LDR), as amended.

10 **D. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.

11 **E. Parking Requirements.** Off-street parking must be provided in accordance with the LDR, as
12 amended.

13 **F. 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 **G. Commercial Design Standards.** Future development shall be in accordance with the LDR, as
19 amended.

20 **H. Noise.** Noise assessment shall be in accordance with the LDR, as amended.

21 **I. Stormwater and Floodplain Management.**

- 22 1. The stormwater management system shall be designed in accordance with all applicable Lake
23 County and St. Johns River Water Management District (SJRWMD) requirements, as amended.
24 2. The developer shall be responsible for any flood studies required for developing the site and
25 comply with FEMA, the Lake County Comprehensive Plan, and LDR, as amended. Any
26 development within the floodplain as identified by FEMA maps will require compensating
27 storage.

28 **J. Transportation Improvements.**

- 29 1. The driveway connection off North Thrill Hill Road will need to be improved to meet the needs
30 for two-way traffic.
31 2. Transportation improvements and access management shall be in accordance with the
32 Comprehensive Plan and LDR, as amended.

33 **K. Lighting.** Exterior lighting must be in accordance with the LDR, as amended and consistent with
34 Dark-Sky Principles.

35 **L. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be in
36 accordance with the LDR, as amended.

37 **M. Utilities.** Potable water and sanitary sewage service must be provided in accordance with the permit
38 provisions of the Florida Department of Health.

39 **N. Signage.** All signage must be in accordance with the LDR, as amended.

40 **O. Concurrency Management Requirements.** Any development must comply with the Lake County
41 Concurrency Management System, as amended.

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

4 **Section 2. Conditions.**

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

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

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

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

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

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

26 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance to
27 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 _____
11 **SEAN M. PARKS, CHAIRMAN**

12
13
14 **ATTEST:**

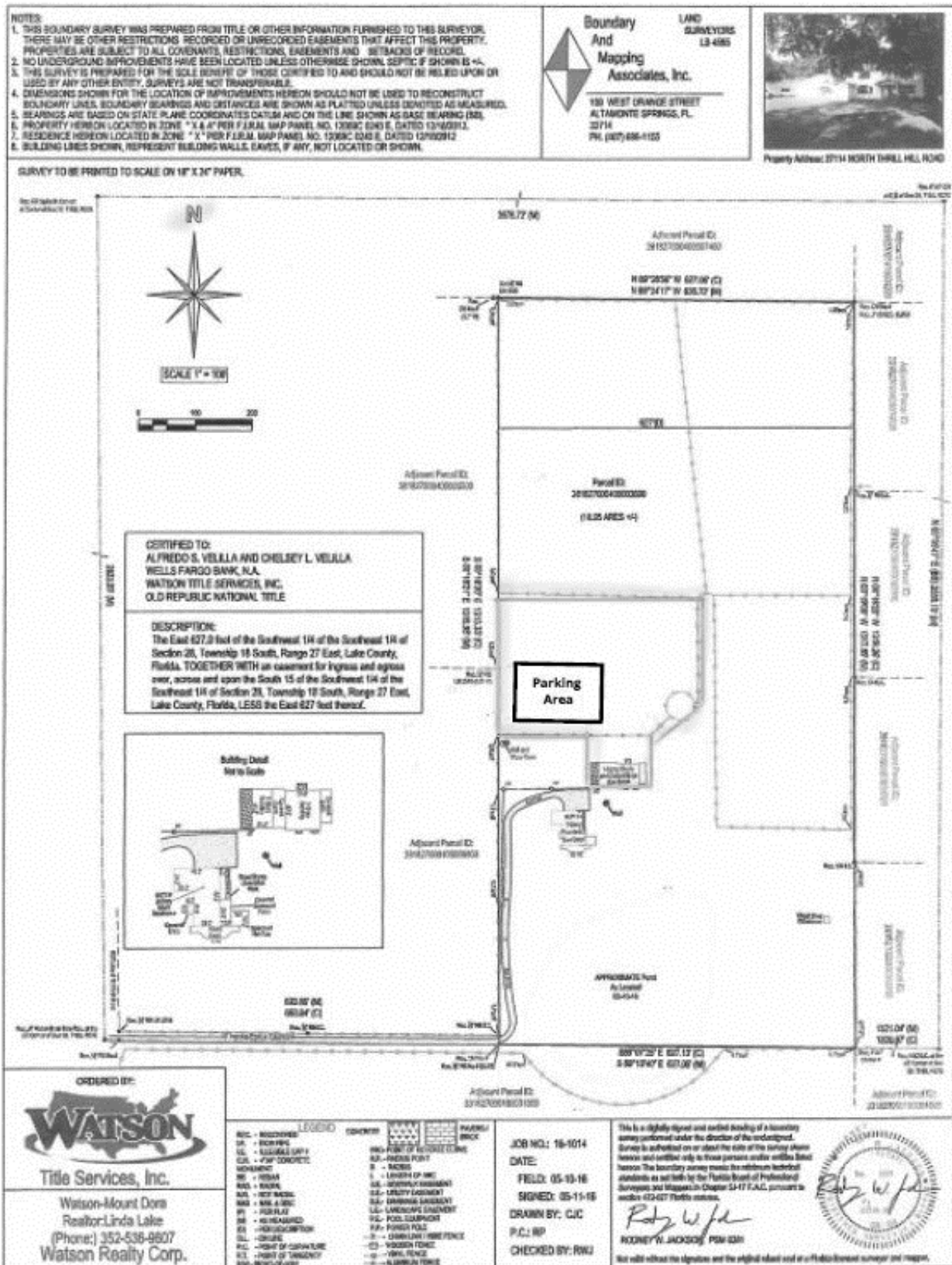
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16 _____
17 **GARY J. COONEY, CLERK OF THE**
18 **BOARD OF COUNTY COMMISSIONERS**
19 **LAKE COUNTY, FLORIDA**

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

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

1

EXHIBIT "A" - CONCEPT PLAN (PAGE 2 OF 2)



2