



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021
Board of County Commissioners (BCC): September 7, 2021

Case No. and Project Name: RZ-21-11-1 Anderson Rezoning

Applicant: Crystal Carreno

Owner: Aaron M. Anderson

Requested Action: Rezone approximately 0.99 +/- acres from Planned Industrial (MP) to Community Facility District (CFD) to accommodate an in-home daycare, to include utility connection waiver request.

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

Case Manager: Marellys Moreno, CRA Coordinator

PZB Recommendation:

Subject Property Information

Size: 0.99 +/- Acres

Location: 1101 Pioneer Trail, Leesburg

Alternate Key No.: 1242550

Future Land Use Category: Urban High Density

Existing Zoning District: Planned Industrial (MP) via Ordinance #1988-54

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 High Density	Residential Professional (RP)	Residential	Two (2) parcels with Single-Family Dwelling Units
South	Urban High Density	Residential Professional (RP)	Street and Residential	Berdetta Street, Single-Family Dwellings Unit
East	Urban High Density	Residential Professional (RP)	Street and Vacant Residential	Pioneer Drive, undeveloped
West	City of Leesburg	City of Leesburg	City of Leesburg	City of Leesburg

Staff Analysis

The subject property comprises 0.99 +/- acres, is identified by Alternate Key Number 1242550, and is located on the intersection of Pioneer Trail and Berdetta Street in the Leesburg area. The subject parcel currently has a single-family dwelling unit, and no permits were found on record that demonstrates that industrial activities described in Ordinance #1988-54 were developed. The Applicant is requesting to rezone 0.99 +/- acres from Planned Industrial (MP) to Community Facility District (CFD) to accommodate an in-home daycare. The property is also designated as Urban High Density Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan. The Concept Plan is included as Attachment "A".

The proposed request is consistent with the Comp Plan and Land Development Regulations (LDR), as the in-home daycare uses is allowed within the FLUC and proposed zoning district.

This application includes a utility connection waiver request to the Board of County Commissioners (BCC). Since the subject parcel is designated as Urban High Density future land use, Comprehensive Plan Policy IX-3.1.2 mandates sewer connection to a municipal, regional, or sub-regional service provider for all development within the Urban future land use series, which includes Urban High Density. In this instance, the City of Leesburg is the service provider in this area of Lake County.

A Utility Notification was submitted by the applicant stating that the City of Leesburg, would be able to provide immediate hook up to this property for central water and central sewer services (Attachment "B"). The Applicant submitted Utility Connection Waiver Request Letter (Attachment "C") to justify granting a sewer connection waiver. The applicant also stated that the sewage system is one foot away from the property line, on the northeast corner.

Standards for Review (LDR Section 14.03.03)

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The rezoning application and proposed Family Day Care Home use is consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which states that the intention of the Community Facility District (CFD) zoning district is to allow for special or substantial community interest uses and activities where they are necessary and desirable to promote general welfare and to secure economic and coordinated land use.

Pursuant LDR Section 3.01.02(E)(8), *Classification of Uses*, Family Day Care Home is defined as a facility that cares for six (6) or fewer children, not related to the operator by blood, marriage, adoption, or foster care responsibility, away from the client's own home, for periods of less than twenty-four (24) hours per day.

The rezoning application is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which states that Family Day Care Home use is permitted within the Community Facility District (CFD) zoning district. Rezoning this property to CFD and replace Ordinance #1988-54 is consistent with all applicable provisions of the code.

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

The request and use are consistent with all applicable elements of the Comprehensive Plan. The subject parcel is designated with Urban High Density FLUC, which typically allows day care services uses. The application seeks to rezone the subject parcel from Planned Industrial (MP) to Community Facility District (CFD) to accommodate a family day care home.

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

This rezoning is consistent with the Urban High Density FLUC, which allows day care services. Additionally, the rezoning is consistent with Land Development Regulations (LDR) Section 3.01.03, which allows Family Day Care Home uses within the CFD zoning district.

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

The property has a new owner seeking to open a new business. The applicant provided the following information to depict changed conditions that justify this rezoning request:

Rezoning to CFD would allow homeowners to open an in-home daycare. An in-home daycare would allow homeowners to provide early childhood education to families of Leesburg and Lake County.

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 is currently serviced by the City of Leesburg for water service. A Utility Notification was submitted by the applicant stating the City of Leesburg would be able to provide immediate hook up to this property for central sewer services (Attachment "C"). However, the applicant stated they would keep the existing septic tank. DOH-Lake stated that the existing well may need to be permitted as a limited use commercial well. Additionally, an evaluation to the existing septic must be completed and pump out and tank certification is needed.

Parks

No adverse impacts are anticipated on parks.

Office of Public Safety

In the event of a fire emergency at this facility, Lake County Fire Rescue Station #59 is located at 1201 Lewis Road in Leesburg, approximately 2.5 miles from the subject property. Station #59 can provide advanced life support should an emergency on the property demand this service.

Solid Waste

The rezoning 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 the rezoning be approved, all sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Land Development Regulations (LDR) and Comprehensive Plan. This property has been disturbed by previous urban development. However, an environmental statement from the property owner will be requested with the submittal of the future residential building permit. Should evidence of any endangered, threatened, or special concern species be discovered, the developer/owner should cease construction and pursue permits from the appropriate agency. 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 CFD rezoning may be contrary to existing residential use located within the surrounding area. However, CFD zoning districts are permitted within all future land use categories.

The request is to facilitate the proposed day care use within the existing structure that was constructed in 1950. The applicant also provided the following information:

Homeowner(s) have a business plan which allows an orderly and logical development pattern. Property already has a structure for proposed use of an in-home daycare

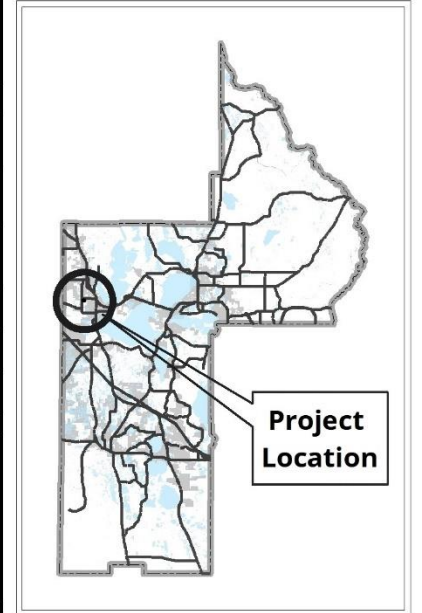
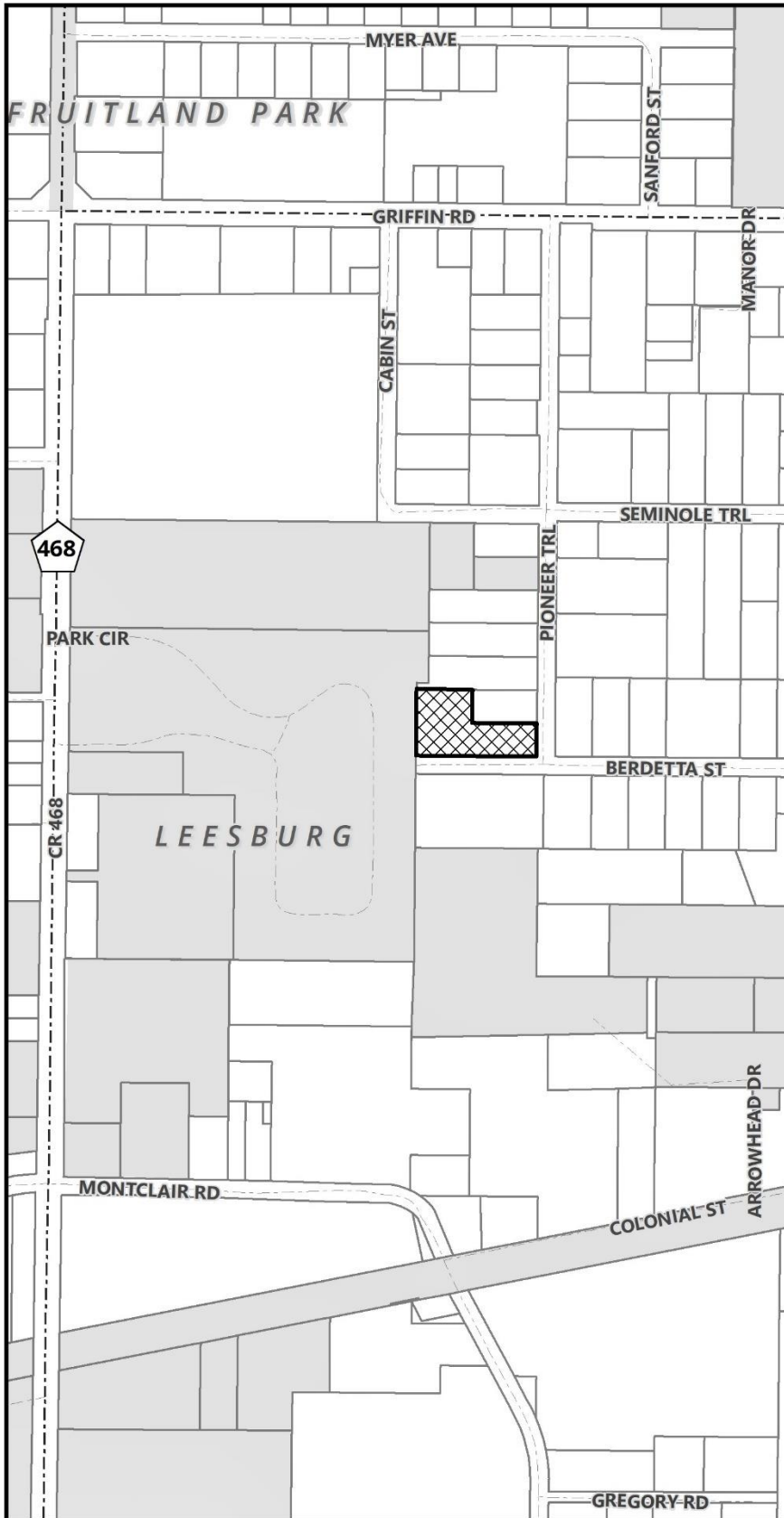
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

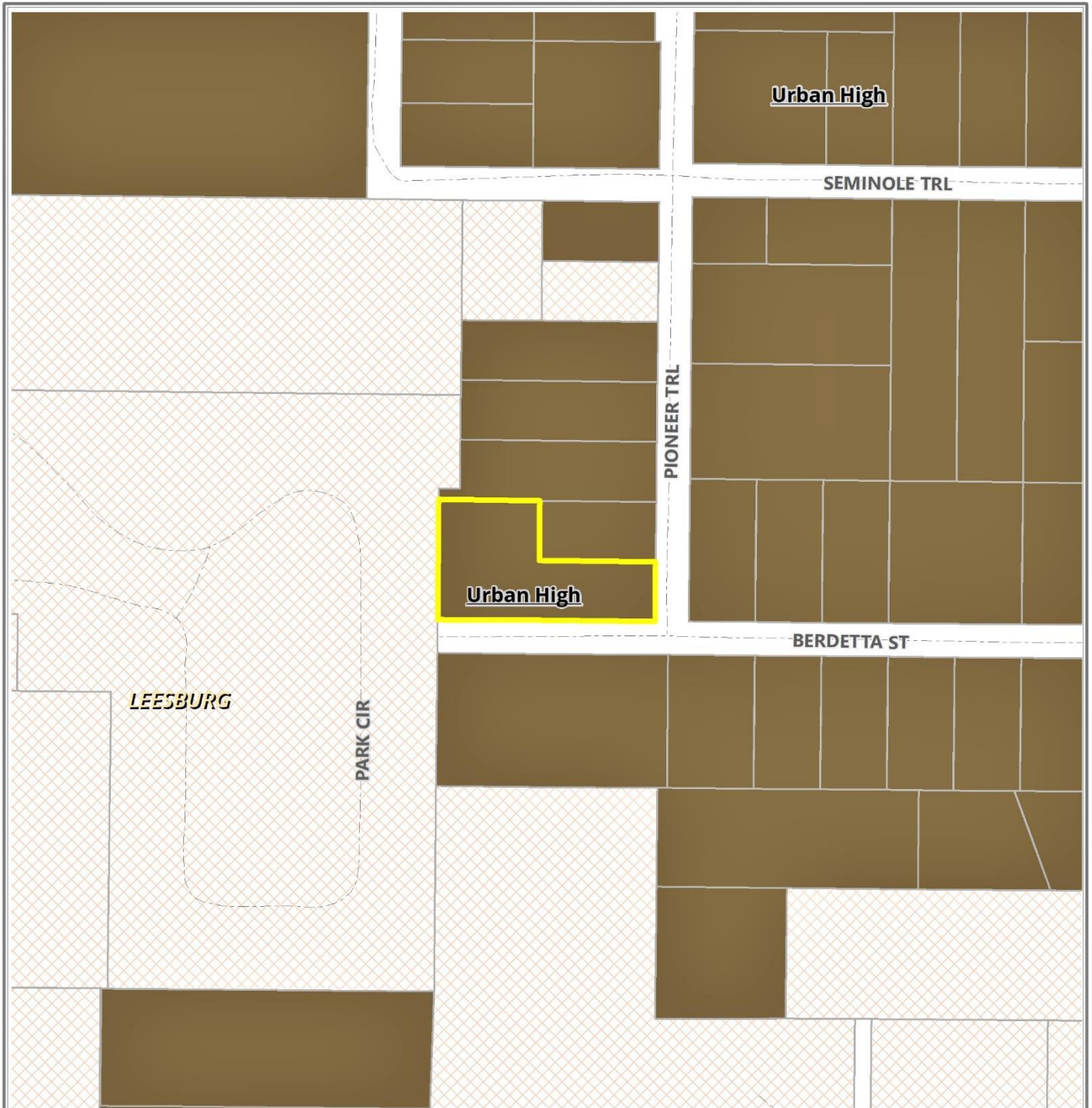
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the central sewer system connection requirements. Staff must emphasize that approval of this rezoning is contingent upon BCC approval of the waiver to connection requirements.

Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Urban High

NAME: ANDERSON PROPERTY

CASE NUMBER: RZ-21-11-1

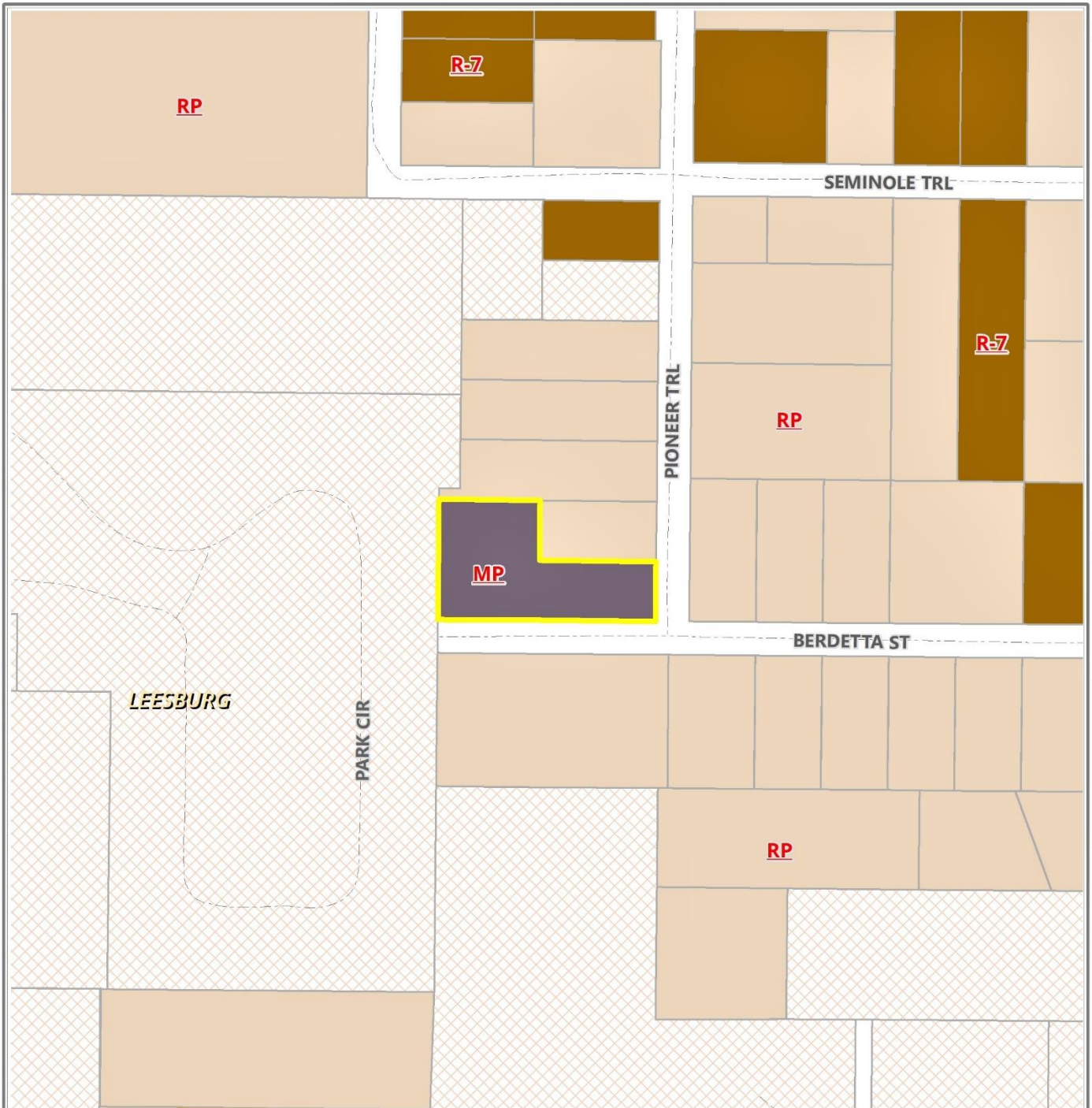
LOCATION (S-T-R): 21-19-24

REQUEST: PLANNED INDUSTRIAL (MP) TO COMMUNITY FACILITY DISTRICT (CFD)

DISTRICT: 1



CURRENT ZONING



Zoning Legend

 R-7  RP  MP

NAME: **ANDERSON PROPERTY**

CASE NUMBER: **RZ-21-11-1**

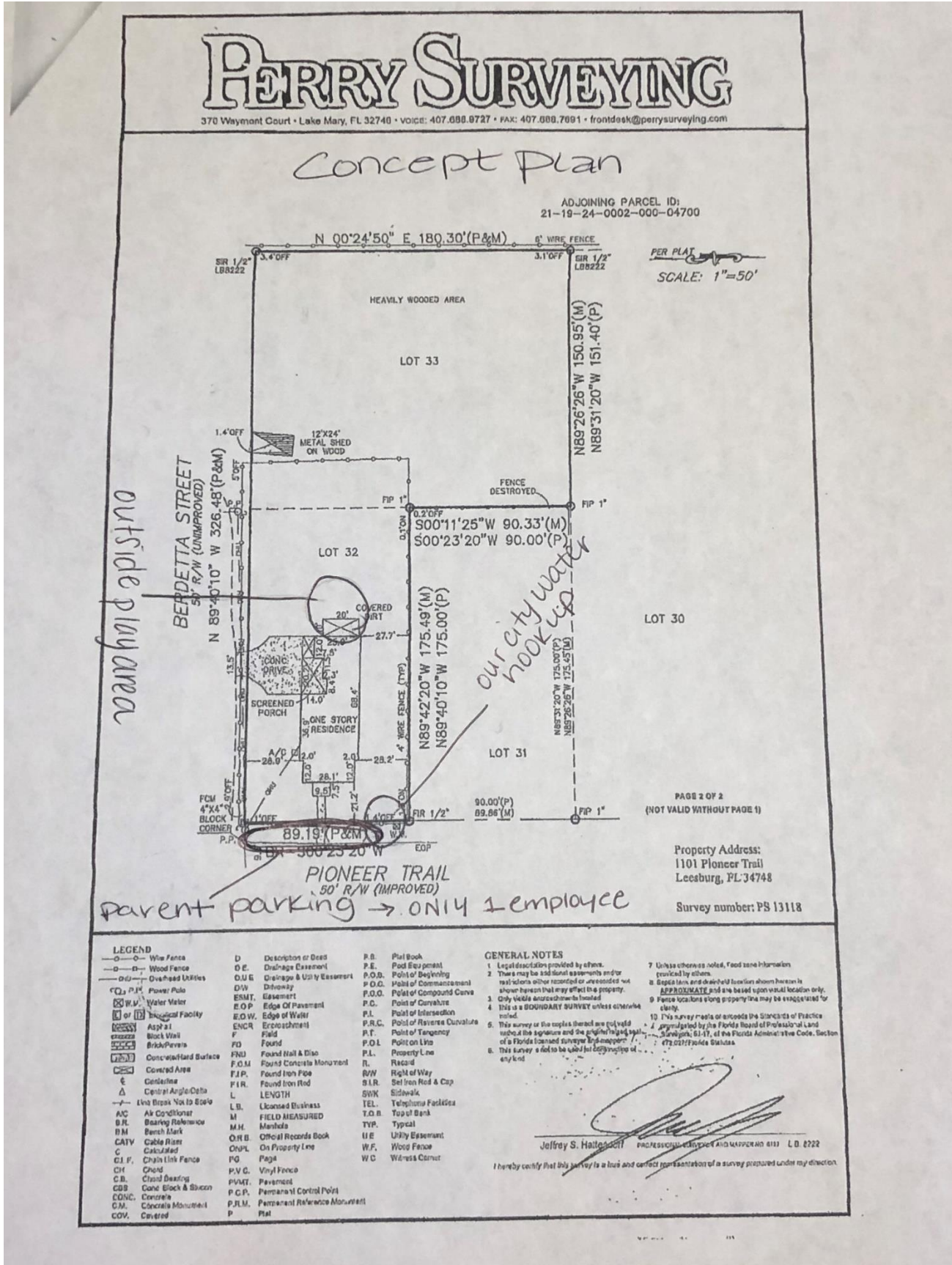
LOCATION (S-T-R): **21-19-24**

REQUEST: **PLANNED INDUSTRIAL (MP) TO COMMUNITY FACILITY DISTRICT (CFD)**

DISTRICT: **1**



Attachment "A" - Concept Plan



Attachment “B” — Central Sewer Waiver Request

Dear Lake County Planning & Zoning,

I write to you today to request a utility waiver. I would like to explain why we want to keep our septic tank instead of connecting to the City of Leesburg’s sewage system. I, as well as many others believe that septic tanks are, indeed, eco-friendly. Septic tanks are cost-efficient. Septic tanks also give the opportunity to live an eco-friendly healthy lifestyle.

Septic tanks are eco-friendly. If, and when a septic tank leaks, the damage is contained to a particular stretch of property and does not carry city-wide consequences. The property at hand is not in a flood zone, however, I feel as if a sewage pipe were to burst then it would disperse within the yard and neighboring yards causing lots of damage. The septic tank is far enough into the ground to where it will not be affected by any lawn upkeep. We have had a pipe that is connected to the City of Leesburg central water hookup burst and luckily, we were able to fix the problem in a timely manner. However, some pipes can be affected by machinery as little as a push mower. Keeping our septic tank will also avoid having to dig up new trenches in the yard for new piping thus, sparing our grass.

Septic tanks are also cost-efficient. It is recommended to have your sewage and water pipes inspected every two years versus having a septic tank inspected every three years. The septic tank currently on this property is what is keeping our clovers alive in the backyard. Instead of using more of our natural resource, water, to care for the yard the septic tanks effluent takes care of it. If maintained properly a septic tank can last a long time.

Having a septic tank can lead to living an eco-friendlier healthy lifestyle. With a septic tank you must be mindful of what you are disposing. Being mindful of what you can and cannot dispose of through wastewater helps prevent contaminated grounds. Septic tanks remind and teach us things we should do in our daily lives that will help save our planet.

Overall, not connecting to city sewage and keeping the septic tank on this property is eco-friendly, cost-efficient, and teaches us all a lesson at the end of the day. I hope that you will consider this waiver in keeping the septic tank. Before I started writing this letter, I did not think that my septic tank was all that important, however, I think having a septic tank will allow for a better science lesson for the children I will have attending my in-home daycare. Keeping the septic tank will also help with my classroom garden I have already planned.

Thank you,
Crystal Carreno

Attachment "C" — Utility Notification Letter from City of Leesburg

Aaron Anderson
Crystal Carreno

1101 Pioneer Trl Leesburg FL 34748



Office of Planning and Zoning

Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

The applicant is proposing the following:

Single-Family Dwelling Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning

Legal description: Section 21 Township 19 South Range 24 East Alt Key # 124 2550

Subdivision EDGEWOOD PARK ADDITION Lot 32/33 Block _____ Additional Legal attached _____

Hook up to Central Sewage is within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water is within 300 feet of the above described property.
(is or is not)

The City of Leesburg, will provide immediate hook up to this property for:

Central Sewage: Yes No _____ Central Water: Yes No _____

Will the connection to the central sewage system be via a _____ gravity line or a _____ force main/pump?

Wellfield Protection:

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is _____ or is not within 1,000 feet of an existing or future wellhead.

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

City Official or Private Provider Signature _____

Print Name and Title: Cliff Kelsey, Director of Public Works Date 29 APR 21

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff: Staff Name: _____

Date Received: _____ Address #: _____ Project Name: _____

ORDINANCE #2021-XX
Anderson Property
RZ-21-11-1

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

WHEREAS, Crystal Carreno (the “Applicant”) submitted a rezoning application on behalf of the Aaron M. Anderson (“the Owner”) to rezone approximately 0.99 acres from Planned Industrial (MP) to Community Facility District (CFD) to accommodate an in-home daycare, to include utility connection waiver request; and

WHEREAS, the subject property consists of 0.99 +/- acres, is located at 1101 Pioneer Trail, Leesburg in Section 21, Township 19, Range 24, consisting of Alternate Key Number 1242550, and more particularly described below:

EDGEWOOD PARK ADD NO 4 LOTS 32, 33 PB 13 PG 42

ORB 5321 PG 1258.

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

WHEREAS, the property will be rezoned to Community Facility District (CFD) in accordance with the Lake County Zoning Regulations; and

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-21-11-1 on the 4th day of August 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 7th day of September 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 Ordinance #1988-54.

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 “A” 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 Ordinance #1988-54.

A. Waivers. The utility connection requirement to central sewer service system per LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2 for development located within the Urban Future Land Use Series is hereby granted to allow a septic tank

1 consistent with the Florida Department of Health Regulations, as amended. Required
2 permits shall be obtained prior commencement of operations or future development.

3 **B. Land Uses.**

4 1. Uses of the site described above shall allow the following:

- 5 a. Family Day Care Home (In-Home Daycare).
- 6 b. Accessory uses may be approved by the County Manager or designee. Any
7 other use of the property will require approval of an amendment to this Ordinance
8 by the Board of County Commissioners.

9 **C. Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height.**

10 Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height shall be
11 in accordance with the Comprehensive Plan and LDR, as amended.

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

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

15 **F. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall
16 be in accordance with the LDR, as amended.

17 **G. Environmental Requirements.** Environmental resources shall be protected in
18 accordance with the Comprehensive Plan and LDR, as amended. Any State permitting
19 or mitigation will be required before development can commence in accordance with the
20 Comprehensive Plan and LDR, as amended.

21 **H. Noise Compliance.** Prior to commencement of the new uses, the future development
22 must demonstrate compliance with noise protection provisions of the LDR, as amended.

23 **I. Commercial Design Standards.** Any future redevelopment must be in accordance with
24 the LDR, as amended.

25 **J. Stormwater and Floodplain Management.**

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

33 **K. Transportation Improvements.**

- 34 1. All access management shall be in accordance with the Comprehensive Plan and
35 LDR, as amended.
- 36 2. Pave Berdetta Street, including existing driveway, to county standards or to an
37 otherwise an acceptable standard as determined by the Department of Public Works.

- 1 **L. Lighting.** Exterior lighting must be in accordance with the LDR, as amended and
2 consistent with Dark-Sky Principles.
- 3 **M. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall
4 be in accordance with the LDR, as amended.
- 5 **N. Signage.** All signage must be in accordance with the LDR, as amended.
- 6 **O. Utilities.** The development shall be serviced by central water. The use of a septic tank
7 system to provide service will need to be permitted by the Florida Department of Health
8 (DOH). The development shall be serviced by septic tank consistent with the Florida
9 Department of Health Regulations, as amended. However, central sewer shall be
10 required when services become available in the future.
- 11 **P. Concurrency Management Requirements.** Any development must comply with the
12 Lake County Concurrency Management System, as amended.
- 13 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant
14 shall be required to submit a development application for review and approval in
15 accordance with the Comprehensive Plan and LDR, as amended.

16 **Section 2. Conditions.**

- 17 **A.** After establishment of the facilities as provided in this Ordinance, the property may only
18 be used for the purposes identified in this Ordinance. Any other proposed use must be
19 specifically authorized by the Lake County Board of County Commissioners.
- 20 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,
21 improve, move, convert, or demolish any building structure, add other uses, or alter the
22 land in any manner within the boundaries of the above-described land without first
23 obtaining the necessary approvals, including site plan, in accordance with the Lake
24 County Code, as amended, and obtaining the permits required from the other
25 appropriate governmental agencies.
- 26 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the
27 land, and the terms, conditions, and provisions of this Ordinance will be binding upon the
28 present Owners and any successor and will be subject to each and every condition set
29 out in this Ordinance.
- 30 **D.** The transfer of ownership or lease of any or all of the property described in this
31 Ordinance must include in the transfer or lease agreement, a provision that the purchaser
32 or lessee is made good and aware of the conditions established by this Ordinance and
33 agrees to be bound by these conditions. The purchaser or lessee may request a change
34 from the existing plans and conditions by following the procedures contained in the LDR,
35 as amended.
- 36 **E.** The Lake County Code Enforcement Special Master will have authority to enforce the
37 terms and conditions set forth in this Ordinance and to recommend that the ordinance
38 be revoked.

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

1 validity of the remaining portions of this Ordinance.

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

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

6 **ENACTED** this _____ day of _____, 2021.

7 **FILED** with the Secretary of State _____, 2021.

8 **EFFECTIVE** _____, 2021.

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BOARD OF COUNTY COMMISSIONERS

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LAKE COUNTY, FLORIDA

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SEAN M. PARKS, CHAIRMAN

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19 **ATTEST:**

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**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

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28 **APPROVED AS TO FORM AND LEGALITY:**

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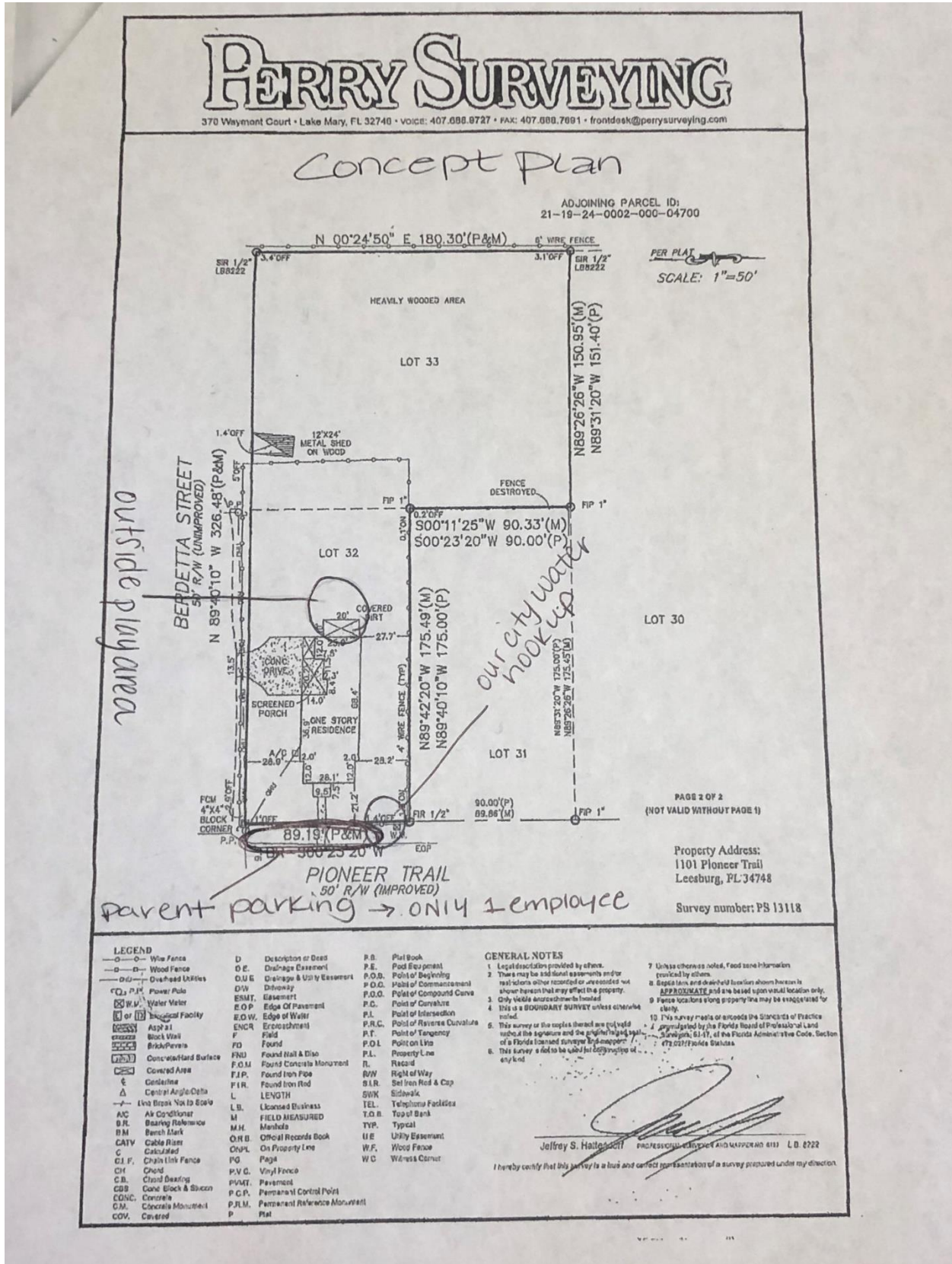
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MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" - Concept Plan



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