



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearings: Planning & Zoning Board (PZB): October 4, 2023
Board of County Commissioners (BCC): November 14, 2023

Case No. and Project Name: RZ-23-04-3, Hurley Environmental Park Rezoning

Applicant: Mr. Carl Salafrio

Owners: Mr. Keith Truenow and Ms. Dodi Ann Hurley

Requested Action: 1. Rezone approximately 49.36 +/- acres from Agriculture (A) District to Planned Industrial (MP) District to accommodate the development program for Hurley Environmental Park.
2. Amend Ordinance #2005-17 to remove 84.38 +/- acres from the Mining Site Plan overlay, which includes the 49.36 +/- acres of property to be rezoned to Planned Industrial (MP) District.

Staff Determination: Staff finds the rezoning application and amendment to Ordinance #2005-17 consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Bernice Gonzalez, Senior Planner
Janie Barron, Chief Planner

PZB Recommendation:

Subject Property Information

Size: Rezoning: 49.36 +/- Acres
Amendment to Ordinance #2005-17: 84.38 +/- Acres

Location: West side of CR 448A, north of Spicewood Way and south of Duda Road, in the Mount Dora area of unincorporated Lake County.

Alternate Key No.: 3794003

Existing Zoning District: Agriculture (A) (**Attachment "A"**)

Proposed Zoning District: Planned Industrial (MP) (**Attachment "B"**) for 49.36 +/- acres with the remaining acreage remaining zoned as Agriculture (A)

Future Land Use Category: Rural Future Land Use (**Attachment "C"**)
[A request to amend the Comprehensive Plan Map for 49.36 +/- Acres (**Attachment "D"**) to Industrial is being presented under a separate cover as case file FLU-23-06-3]

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture	Vacant Agriculture	Flood Area AE along the northwest boundary line.
South	Rural	Agriculture	Vacant Agriculture	Wetlands.
East	Rural and Industrial	Agriculture and Planned Industrial	Long & Scott Farms and Vacant Agriculture	Adjacent to CR 448A and Lake Lena Lane.
West	Rural	Agriculture	Hurley Peat Mine Reclamation (MSP#05/1/1-3)	Applicant states that there is no active mining occurring.

Staff Analysis

The application seeks to rezone approximately 49.36 +/- acres from Agriculture (A) District to Planned Industrial (MP) District to accommodate for the development program for Hurley Environmental Park as shown in the Survey and Concept Plan. (**Attachment “E” and Attachment “F”**). The applicant additionally seeks to remove 84.38 +/- acres from the Mining Site Plan approved under Ordinance #2005-17. (**Attachment “H”**). The remaining acreage, once removed from the Mining Conditional Use Permit will remain zoned as Agriculture (A) with a Rural Future Land Use (FLU).

The property is currently vacant. A request to amend the Comprehensive Plan Map to Industrial Future Land Use is being presented under a separate cover as case file FLU-23-06-3 for the 49.36 +/- acres.

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

Staff received correspondence in opposition to this application and is included in this report as Attachment “I.”

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 request and proposed use are consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which states that the purpose of the Planned Industrial (MP) zoning district is to provide for any industrial land use currently available in any other industrial district and to provide for any industrial land use for which no provision is made elsewhere in these regulations. The intent is to establish MP districts individually under approved site plans, submitted either at the initial rezoning stage or prior to the actual development of the property, conditions necessary to promote the general welfare and to secure economic and coordinated land use.

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

The proposed rezoning will be consistent with Comprehensive Plan (Comp Plan) Policy I-1.3.8 *Industrial Future Land Use Category (FLUC)*, which allows maximum Floor Area Ratio (FAR) of 1.0. The subject parcel to be rezoned is approximately 49.36 +/- acres. The Industrial FLUC allows for Manufacturing, Wholesale trade, Limited Commerce Uses, Rail Yards, Civic Uses, Utilities, and Public Order and Safety Uses. The remaining acreage will remain zoned as Agriculture (A) with a Rural Future Land Use.

A request to amend the Comprehensive Plan Map to Industrial is being presented under a separate cover as case file FLU-23-06-3.

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

The proposed rezoning of 49.36 +/- acres and removal of 84.38 +/- acres from the Mining Site Plan is consistent with existing and proposed nearby land uses, which similarly include industrial and agricultural, uses, as stated in the Adjacent Property and Land Use Table above. This rezoning request would rezone approximately 49.36 +/- acres from Agriculture (A) District to Planned Industrial (MP) District to accommodate for the development program for Hurley Environmental Park as shown in the Concept Plan. (**Attachment “F”**).

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

The Applicant has provided a Justification Statement (**Attachment “G”**) identifying the changed conditions that justify their request for rezoning.

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;

The subject property will be serviced by a potable water well and septic. No adverse impacts are anticipated by the proposed rezoning.

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

Any new development will be required to meet all environmental protection provisions specified by the LDR and Comprehensive Plan.

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

No information was included 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.

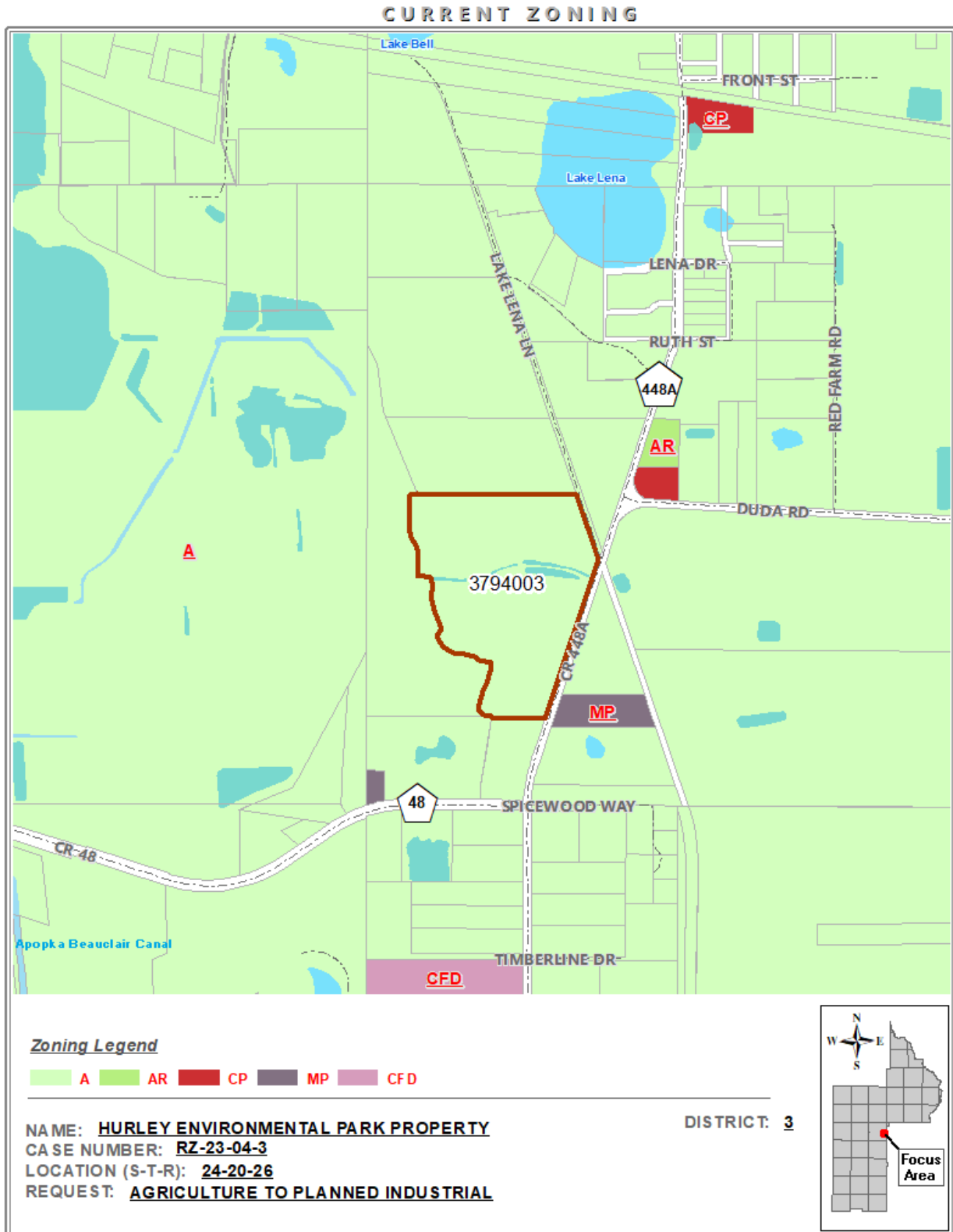
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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.

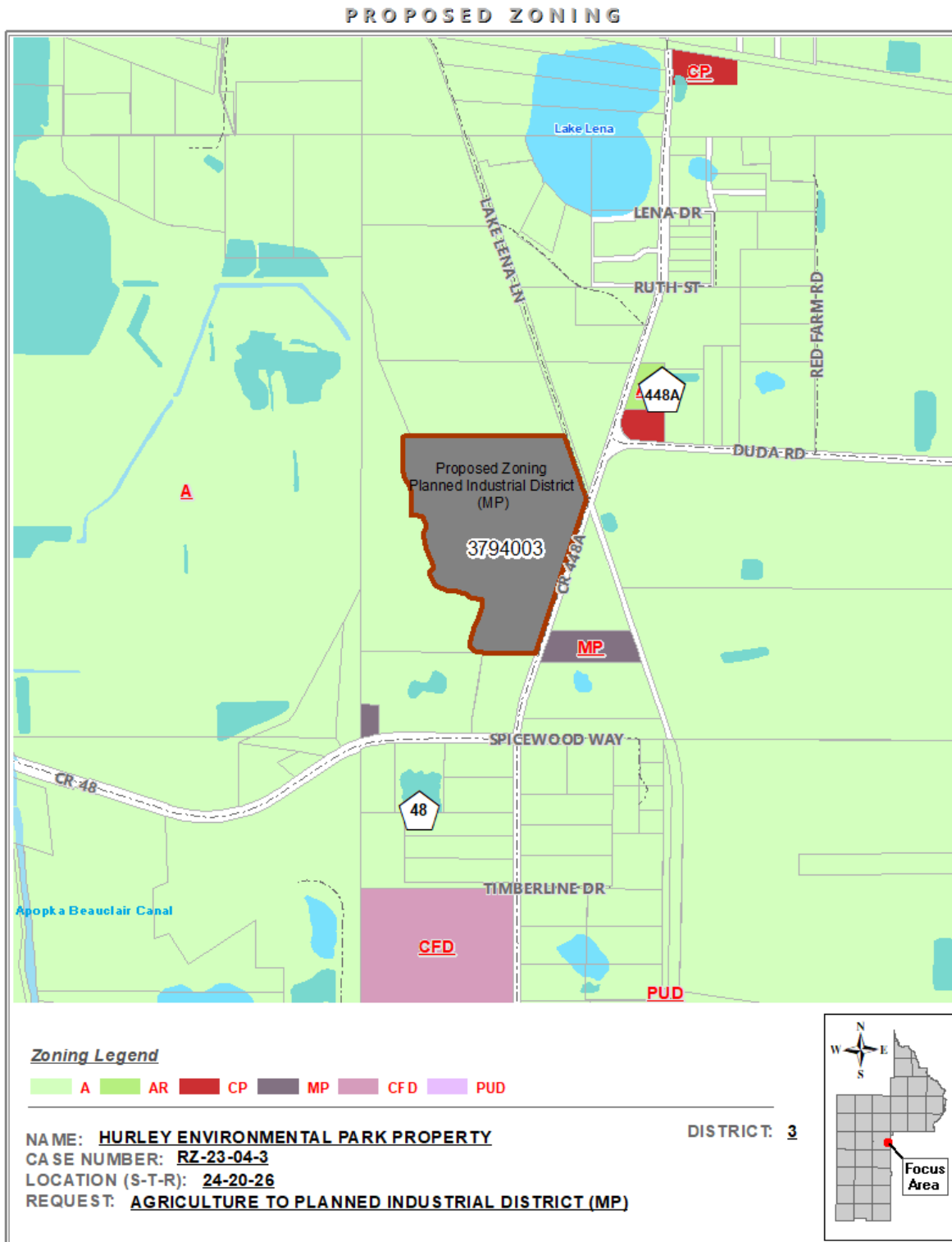
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A

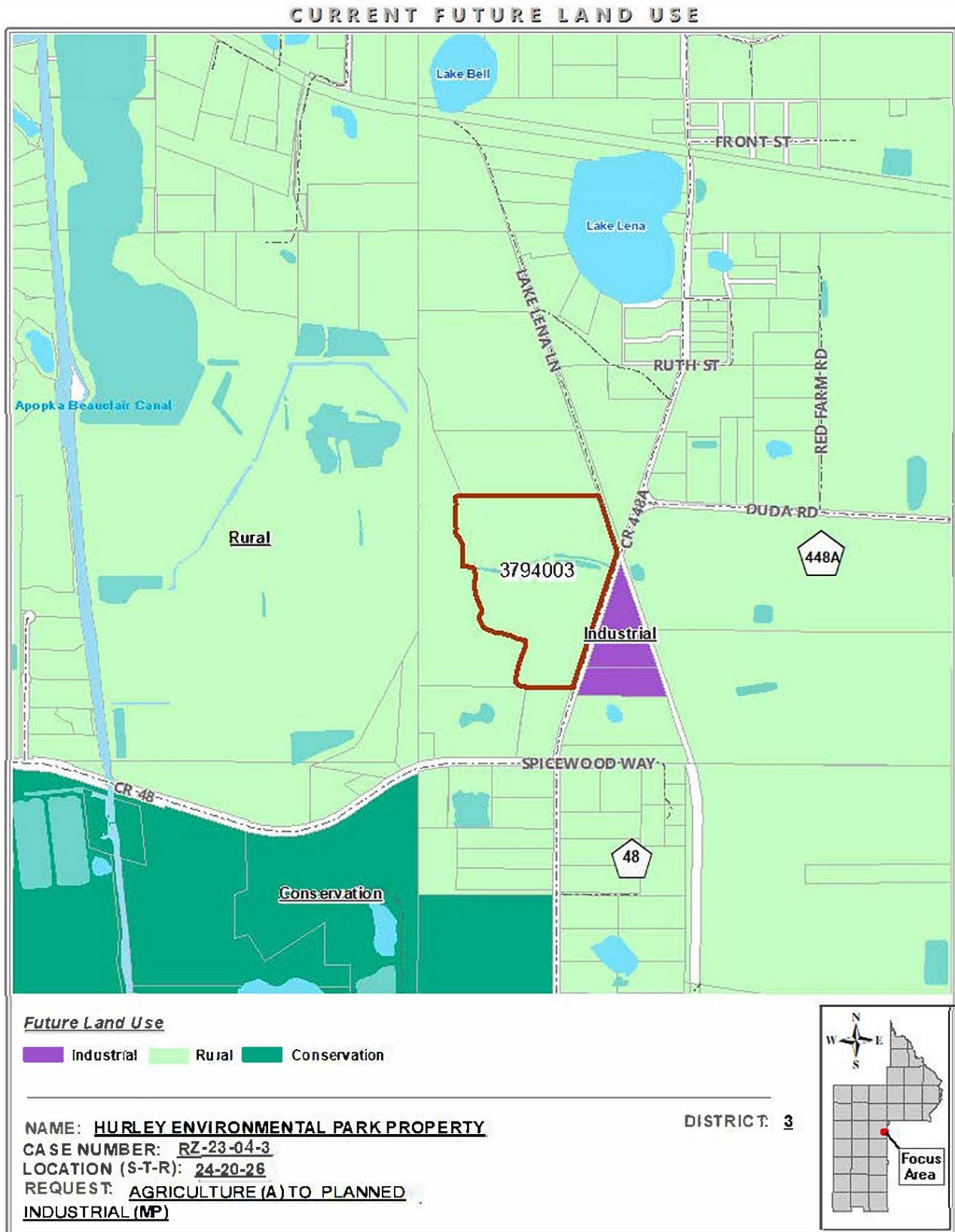
Attachment A – Current Zoning



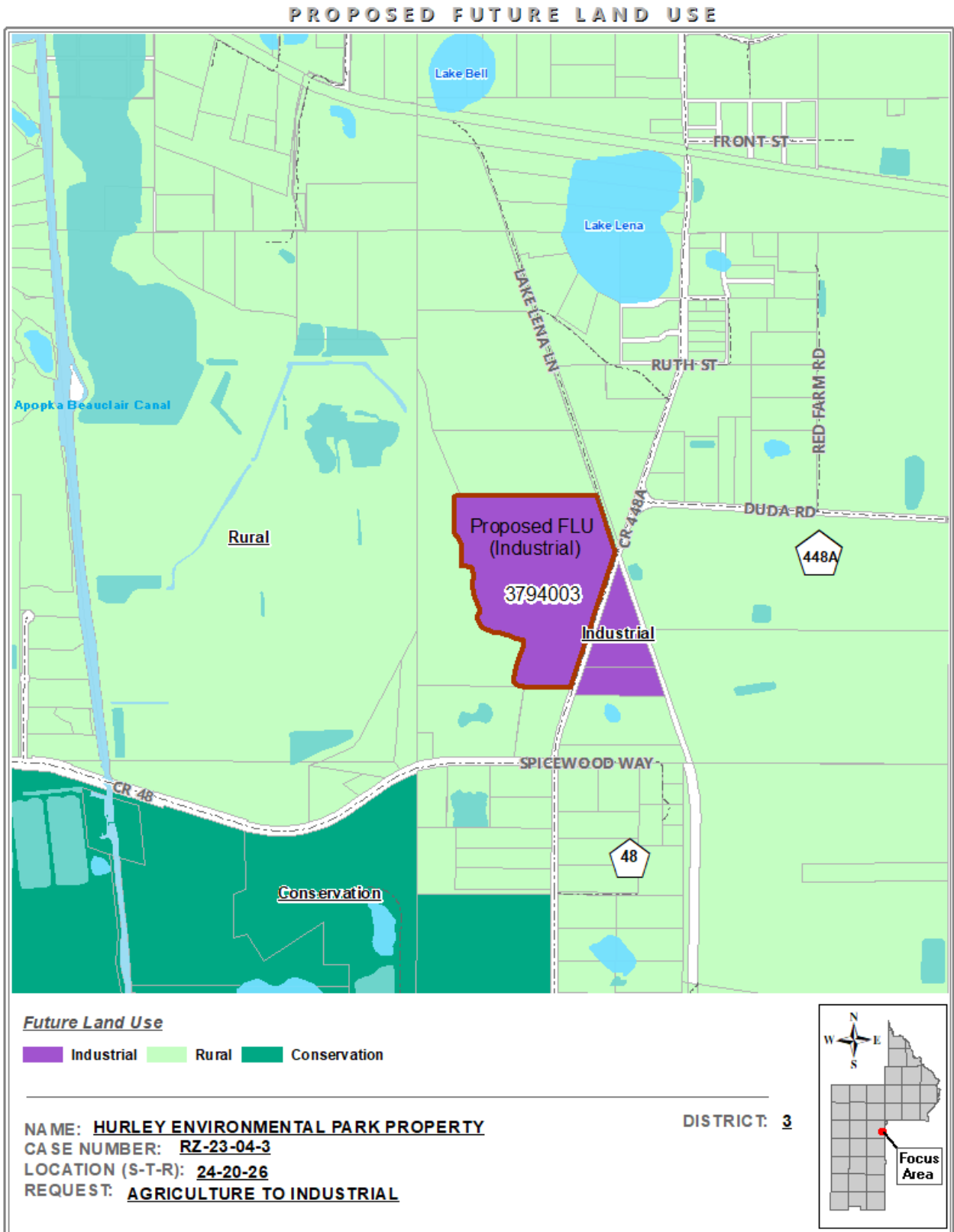
Attachment B – Proposed Zoning



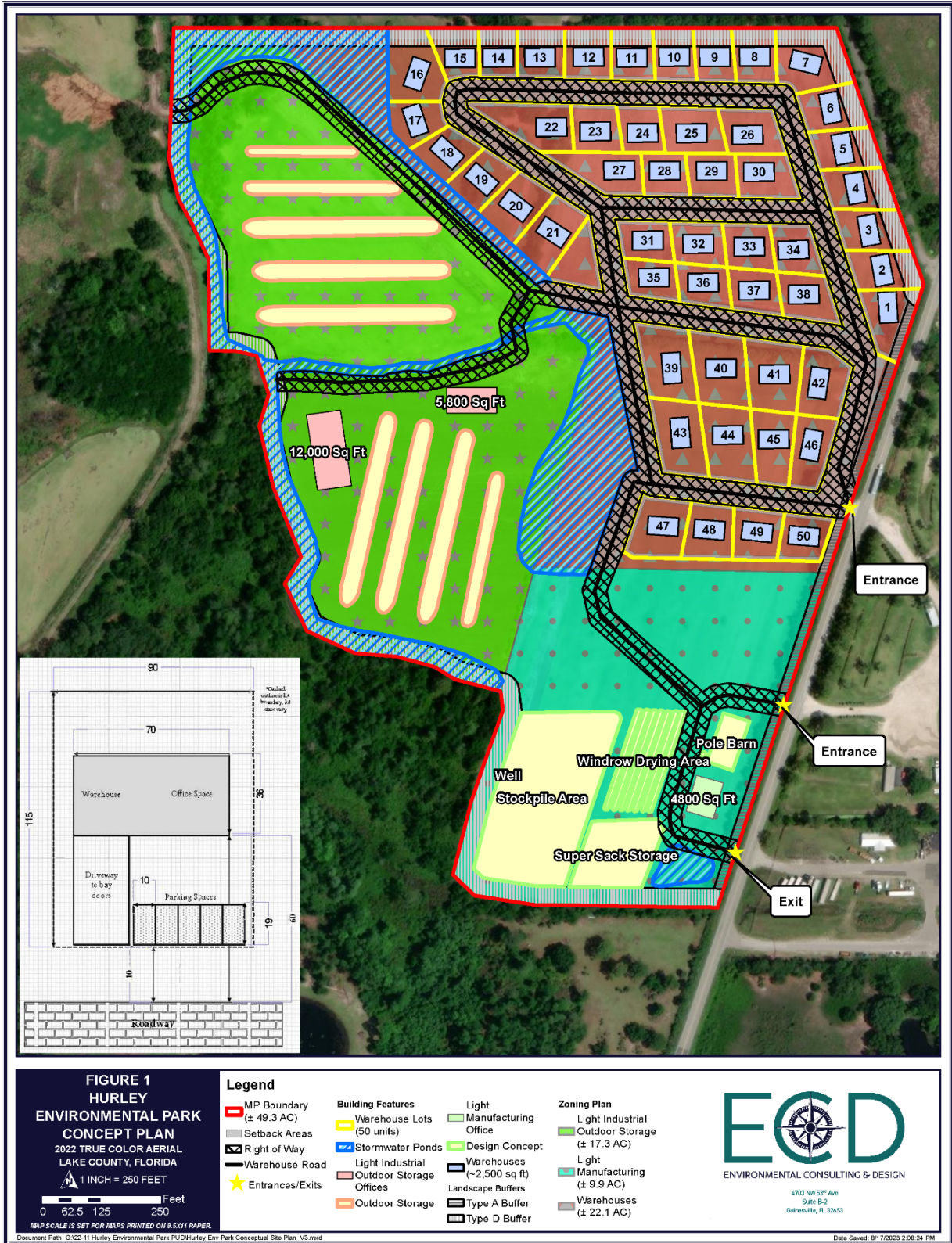
Attachment C – Current Future Land Use



Attachment D – Proposed Future Land Use



Attachment F – Concept Plan



Attachment G – Justification Statement

Appendix B: Hurley Environmental Park Project Narrative

The Hurley Environmental Park (HEP) aims to provide a facility to test innovative water quality treatment methodologies, store outdoor material for processing, and lease warehouses for various industrial uses. The intent of the project is to provide outdoor space to store raw products as well as facilities to manufacture finished goods into water treatment material, mulch, etc. Raw products may include inert tree debris, wood products and wastewater residuals. HEP is intended to serve the wastewater industry by recycling waste products into usable water treatment materials. HEP will incorporate processes that complement existing water quality treatment practices while focusing on alternative treatment methodologies that comply with state and federal water quality regulations. Most of the waste materials are anticipated to originate from within Lake County. In addition, the warehouses included in the project site plan are intended to serve small and medium sized businesses such as plumbing and electrical contractors that require office space and indoor storage.

A zoning change and accompanying map amendment from agricultural to light industrial is necessary to allow for the construction of the Hurley Environmental Park. Activities at HEP will not have significant impacts on the environment or adjacent properties through “noise, vibrations, emissions, hazards and odors” etc., and therefore will be limited to light, as opposed to heavy, industrial use (Lake County, Florida, Code of Ordinances, 3.00.00, Zoning Districts). Currently, this area is zoned for agricultural use, which restricts HEP’s plan for warehouses and manufacturing. The proposed rezoning fits well into the surrounding future land-use matrix, however, as there is an existing manufacturing facility abutting HEP to the east. This adjacent land shows that light industry is already in the area, reflecting the community need for such land use. Considering the presence of the adjacent property, the proposed rezoning aligns with the goal of orderly, compact, and logical development as outlined in the Lake County 2030 Comprehensive Plan. In addition, the proposed land use will provide opportunity for this land to be used in other ways that tie directly into the Comprehensive Plan. Onsite warehouses will provide increased employment opportunities by providing office and storage space for private businesses and contractors of Lake County- one of the main goals of the Comprehensive Plan. Further, a portion of HEP is focused on water quality treatment and recycling waste, which is also a main component of the comprehensive plan. The proposed rezoning is justified as this land use is both already established within the area and helps accomplish goals set out in the Lake County 2030 Plan—therefore posing no inconsistencies with the future land use of the area.

HEP has an existing personal well and septic system and as such shall pose no greater demands to public facilities except a slight increase in solid waste. All manufacturing will be in line with light industrial uses and therefore should not create any disproportionate fire risks that could put undue burden on emergency fire resources. This land is currently surrounded by agriculture and industrial land uses which should see no decrease in property value, as HEP is consistent with these surrounding uses. Further, as outlined above, surrounding properties will not be driven down by unpleasant or hazardous conditions created by HEP. HEP has also been developed with natural features in mind—avoiding any impacts to wetlands and developing within the safe upland line. In addition, manufacturing waste-water treatment materials is not a water-intensive process and should therefore not put heavy strain on water resources. As such, after rezoning the Hurley Environmental Park will fit well into the existing matrix and provide facilities that align with the main components of Lake County’s 2030 Comprehensive Plan, while avoiding negative impacts to public facilities, property values, and the natural environment.

Attachment H – Ordinance #2005-17 (Page 1 of 6)

10- Board Support

CFN 2005060736
Bk 02817 Pgs 1964 - 1969; (6pgs)
DATE: 04/26/2005 11:43:25 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 52.50

ORDINANCE #2005-17
MSP#05/1/1-3
Tracking No. #15-05-MSP
Doris Hurley, et al

FILED
2005 APR 21 PM 1:07
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

This Mining Site Plan is granted by the Board of County Commissioners of Lake County, Florida, this 22nd day of February, 2005 to **Doris Hurley**, "Permittee", the purpose and the terms, and the conditions as set out herein pursuant to authority contained in, as amended.

Background: The applicant is requesting a Mining Site Plan in Agriculture for peat extraction in the Lake Jem area – **Secs 13/14/24/26 Twp. 21S Rge. 24E**

1. Permission is hereby granted to **Doris Hurley** for a peat extraction facility in and on real property in Lake County. The Property is located in the Lake Jem area – Property located approximately 1/2 miles W of the CR 48 and CR 448A intersection. (581 +/-acres total, of which 372 acres will be mined)

LEGAL DESCRIPTION: EXHIBIT "A" ATTACHED

2. Terms: The mining site plan facility shall mean and include the total of the following:
 1. Use of the site shall be limited to those uses permitted in the A (Agriculture) zoning district and a peat extraction facility. Accessory uses related thereto may be approved by the County Manager or designee. Any other uses of the site may require approval of an amendment by the Board of County Commissioners.
 2. All mining activities shall be conducted in accordance with all applicable federal, state, regional and local laws, ordinances, rules and regulations.
 3. All appropriate Water Management District and Florida Department of Environmental Protection permits have been obtained and must be kept current.
 4. Only peat shall be extracted with no over-excavating into the underlying sand except in very limited areas, specifically for temporary dike construction. The final bottom contours of the created lake shall conform to the approved reclamation plan.
 5. Water withdrawals shall not adversely impact, due to lowering of potentiometric levels, the Florida aquifer beyond the boundaries of the mine.
 6. Mining activities shall not adversely impact the water levels or water quality of the Floridan aquifer, the surficial aquifer, or the wetlands beyond the boundaries of the mine.
 7. An Operation Plan shall be submitted prior to the commencement of mining operations. Mining activities shall not commence until this Plan has received approval from the County.
 8. A Ground and Surface Water Monitoring Plan that established standards for both water levels and quality shall be submitted to and approved by the County, after review and

Attachment H – Ordinance #2005-17 (Page 2 of 6)

ORDINANCE NO. #2005-17

(Tracking No. #15-05-MSP) (MSP#05/1/1-3) (Doris Hurley)

- comment by St. Johns River Water Management District staff, prior to the commencement of mining.
9. A Reclamation Plan shall be submitted and approved prior to the commencement of mining activities. The mining activities shall be conducted in compliance with standards established in the Ground and Surface Water Monitoring Plan.
 10. Pursuant to LDR 6.06.05:
 - A. Before an Operating Permit is issued, the Applicant or Operator Shall provide proof of financial responsibility and shall file with the Board of County Commissioners a compliance and Reclamation guarantee to ensure that the Mine is Developed, operated and reclaimed in conformance with the Lake County Code, the approved Mining Site Plan and the Operating Permit. Acceptable forms of the guarantee include cash, irrevocable letters of credit or surety bonds. In all cases, the form of the guarantee shall be subject to approval by the County Attorney.
 - B. The amount of the guarantee Shall be set by the Board, upon recommendation of the County Manager or designee in an amount not less than one hundred (100) percent of the estimated cost of Reclamation based upon the phase that is being Permitted.
 11. Setbacks, as required in Section 6.06.02(c) of the Land Development Regulations, shall be adhered to and be permanently marked in a manner acceptable to the County prior to the initiation of any phase of excavation and shall remain in place until mining activities are completed.
 12. The mining operation shall be completely self-contained and shall retain any waste materials or water generated by the mining process on site. The operation shall not utilize any surface water from lakes or ponds that is not entirely contained on the property, except as specifically approved in the Operation Plan.
 13. Discharges of water or liquid wastes into waters of the County or State are prohibited unless the County has granted a variance to discharge. This shall not prevent discharges into water systems that are self-contained on the mine property.
 14. If approved (native) trees occur on the site, the applicant, or any future owner(s) of said property will be required to submit a tree removal application and appropriate fee at the time a building or development is approved and prior to removing any upland or wetland trees pursuant to Section 9.01.01 Tree Protection, Lake County Land Development Regulations, as amended, unless exempted by Section 9.01.02.
 15. Any trees, shrubs or grasses growing on this site that are listed in the Lake County Land Development Regulations *Section 9.02.02 B. 1. Tree, Prohibited Species*, or are listed by other agencies as invasive non-native species, shall be destroyed prior to completion of reclamation.
 16. Hours of operation shall be 7 am to 7 pm, Monday through Saturday.
 17. Transportation: The proposed mining operation shall use the hauling route, as proposed on the map labeled "Transportation Map" prepared by Wicks Consulting Service, dated 11-01-04.

Attachment H – Ordinance #2005-17 (Page 3 of 6)

ORDINANCE NO. #2005-17

(Tracking No. #15-05-MSP) (MSP#05/1/1-3) (Doris Hurley)

18. Enforcement: Conditions of this MSP shall be enforced through Water Resource Management Division and the Code Enforcement Division.
 19. Archeological artifacts: If any archeological artifacts are encountered during the mining operation, the mining activities shall cease; and notification will be made to Lake County Planning and Development Services Division and the Florida Department of State – Division of Historical Resources.
 20. Inspections. County staff, upon notification to the applicant, shall have access to the project site to inspect and observe permitted activities in order to determine compliance with the terms of the Mining Site Plan.
 21. All existing dikes that are part of the project and lying adjacent to waters of the state must be evaluated by a qualified geotechnical engineer for stability and structural integrity prior to start of mining activities. Any reconstruction or reinforcement of the dikes must be done according to the design provided by the geotechnical engineer. Any new dikes or berms must be constructed per the Army Corps of Engineer (ACOE) Dike Design and approved as part of the Environmental Resource Permit (ERP). All dikes and berms within the active mining area must be inspected monthly by a qualified professional engineer or a person under the direct supervision of that professional engineer. The results of the inspections will be in written form and will be summarized and included in the annual report for the facility.
3. Conditions of this permit shall mean:
- A. In the event of failure of the Permittee to: Fulfill development in substantial accordance with the plans as submitted to the Lake County Zoning Board and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Mining Site Plan, the permit may be revoked after due Public Hearing before the Lake County Zoning Board and the Board of County Commissioners.
 - B. This Mining Site Plan shall insure to the benefit of, and shall constitute a covenant running with the land, and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto.
 - C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default in the part of the Permittee or his successor in interest, shall be deemed a material breach hereof and this Mining Operation may be cancelled or revoked. The County or Zoning Board may institute cancellation or revocation of this Permit. The County Manager or designee shall set this matter for Public Hearing before the Zoning Board giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.
 - D. The peat mining operation shall have begun within THREE (3) years. Otherwise, this permit shall be null and void, and the Permittee shall reapply for Public Hearing before the Zoning Board and the Board of County Commissioners. Provided the operation has begun

Attachment H – Ordinance #2005-17 (Page 4 of 6)

ORDINANCE NO. #2005-17

(Tracking No. #15-05-MSP) (MSP#05/1/1-3) (Doris Hurley)

within the period specified, this permit shall be inspected on a routine, periodic basis and as deemed appropriate by the County or as complaints arise concerning the mining activity.

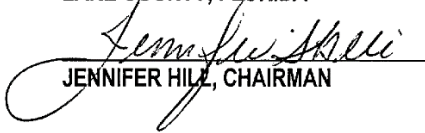
SECTION 4. EFFECTIVE DATE: This ordinance shall become effective as provided by law.

ENACTED this 22nd day of February, 2005.

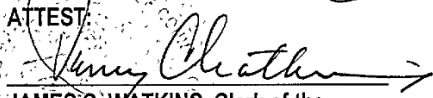
FILED with the Secretary of State April 21, 2005.

EFFECTIVE DATE April 21, 2005.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA


JENNIFER HILL, CHAIRMAN

ATTEST


JAMES C. WATKINS, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:


SANFORD A. MINKOFF, County Attorney

Attachment H – Ordinance #2005-17 (Page 5 of 6)

EXHIBIT "A" – LEGAL DESCRIPTION

ORDINANCE NO. #2005-17
Tracking No. #15-05-MSP
MSP#05/1/1-3
Doris Hurley, et al
Hurley Peat Extraction

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

LEGAL DESCRIPTION: Beauclair Lots 22 to 36 inclusive, Lot 1B E of Canal in **Sec 14 Twp. 20S Rge. 26E**; Begin at SE cor of SE 1/4 of SW 1/4, run W 16.5 ft, N 445.5 ft, W 486.75 ft, S 445.5 ft, W to canal, N'y along canal to N line of SE 1/4 of SW 1/4, E to NE cor of SE 1/4 of SW 1/4, S 1320 ft to POB **Sec 14 Twp. 20S Rge. 26E**; W 486.75 ft of E 503.25 ft of S 445.5 ft of SE 1/4 of SW 1/4; S 473 ft of E 1106 ft of SE 1/4 of SE 1/4 of **Sec 14 Twp. 20S Rge. 26E**; From SW cor of SE 1/4 run S 89 deg. 53' 49" E 1497.88 ft, N 00 deg 05' 50"E 381.56 ft for POB, run W 122.36 ft, N 05 deg. 25' 33" E 668.44 ft, N 12 deg 30' 18" E 366.99 ft to S'y r/w of RR, SE'y along said S'y r/w to E line of Sec, S along said E line to a point 473 ft N of SE cor of Sec, W 1106 ft, S 00 deg. 05' 50"W to POB, **Sec 14 Twp. 20S Rge. 26E**; E 8.55 ft and S 6 ft (LESS W'y 8 ft of S 6 ft) of following described parcel: From NW cor of SE 1/4 run E 1886.65 ft for POB, cont E 66.55 ft and Point Z, return to POB, run S 01 deg. 23' 21" W 1150.39 ft to a point on a curve concave to the NE, having a radius of 2965.52 ft and a tangent bearing of N 72 deg. 24' 25" W, thence NW'y along the arc of said curve 339.06 ft thru a central angle of 6 deg 33' 03", thence S 24 deg. 08' 38" W 66 ft to N'y r/w of RR, thence SE'y along said RR r/w to a point that is S 01 deg. 23' 21" W of Point Z, N 01 deg. 23' 21" E to Point Z – LESS SR 448 **Sec 14 Twp 20S Rge 26E**; ALL SEC E OF CANAL **SEC 23 TWP 20S RGE 26E**—LESS BEG SE COR SEC FOR POB, N ALONG E SEC LINE 1282.57 FT, S 26DEG 21MIN 20SEC W 300 FT, S 01DEG 59MIN 25SEC E TO S LINE OF SEC, E TO POB & LESS FROM NE COR OF SEC RUN W 1825.68 FT FOR POB, RUN S 753.27 FT TO CENTER OF A CANAL, N 64DEG 32MIN 18SEC W ALONG SAID CANAL 598.28 FT, N 48DEG 39MIN 43SEC W 239.53 FT TO A CURVE CONCAVE TO THE NE & HAVING A RADIUS OF 234.38 FT THRU A CENTRAL ANGLE OF 46DEG 12MIN 41SEC A DIST OF 189.04 FT, N 02DEG 27MIN 02SEC W 172.5 FT TO N LINE OF SEC, E ALONG SAID N LINE 806.74 FT TO POB & LESS THAT PART LYING IN **SEC 23-20-26** DESC AS FOLLOWS: FROM SE COR OF SEC 23 RUN S 4.11 FT TO N'LY R/W LINE OF SR 48 AND CURVE CONCAVE SE'LY HAVING A CHORD BEARING OF S 66DEG 40MIN 57SEC W AND A RADIUS OF 1196.28 FT, RUN SW'LY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7DEG 11MIN 03SEC, A DIST OF 150 FT FOR POB, RUN N 58DEG 43MIN 53SEC W 107.95 FT, N 01DEG 59MIN 25SEC E 1020.30 FT, S 26DEG 21MIN 20SEC W 905.90 FT, S 34DEG 54MIN 31SEC W 96.50 FT, S 65DEG 22MIN 18SEC W 480.31 FT, S 83DEG 01MIN 01SEC E 779.75 FT TO SAID N'LY R/W LINE AND A CURVE CONCAVE SE'LY, HAVING A CHORD BEARING OF N 58DEG 05MIN 40SEC E AND A RADIUS OF 1196.28 FT, RUN NE'LY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09DEG 59MIN 31SEC, A DIST OF 208.62 FT TO POB & LESS E 1207.78 FT OF N 1081.98 FT FT OF NE 1/4 & LESS FROM NE COR OF SEC RUN W 1207.78 FT TO POB, W 617.9 FT, S 753.27 FT TO CENTERLINE OF CANAL, SE'LY ALONG CANAL 618 FT TO PT S OF POB, N TO POB IN SEC 23 TWP. 20S RGE 26E; E 603.89 FT OF N 1081.98 FT OF NE 1/4 OF **SEC 23 TWP 20S RGE 26E**; FROM NE COR OF SEC RUN W 603.89 FT FOR POB, RUN S 03 DEG. 05' 00" E 1081.98 FT, W PARALLEL WITH N LINE 603.89 FT, N 03 DEG. 05' 00" W 1081.98 FT TO N LINE OF SEC, E 603.89 FT TO POB IN **SEC 23 TWP. 20S RGE 26E**; BEGIN 1207.78 FT W OF NE COR OF SEC, W 617.9 FT, S 753.27 FT TO CENTERLINE OF CANAL, SE'LY ALONG CANAL 618 FT TO A POINT 1207.78 FT W OF E SEC LINE, N 03 DEG 05' 00" W TO POB,

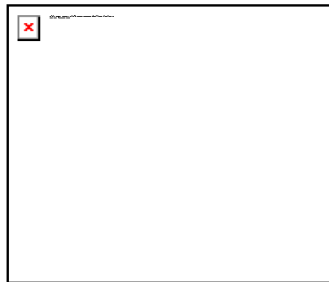
Attachment H – Ordinance #2005-17 (Page 6 of 6)

SEC 23 TWP 20S RGE 26E; BEGIN AT W 1/4 COR, RUN N 2 DEG 39' 48" W 1285.90 FT, S 28 DEG. 56' 28" E 186.63 FT, S 10 DEG. 34' 37" E 413.34 FT, S 24 DEG 59' 57" E 767.99 FT TO N LINE OF SW 1/4, S 87 DEG. 29' 58" W ALONG SAID N LINE OF SW 1/4 A DISTANCE OF 431.40 FT TO POB, SW 1/4 LYING W/L OF CR 448-A & SW'LY OF RR R/W – LESS S 758.79 FT OF **SEC 24 TWP. 20S RGE 26E;** N 1/4 LYING N OF SR 48 & E OF APOPKA CANAL – LESS BEG AT NE COR OF SEC, RUN S 4.11 FT TO N R/W OF SR 48, SW'LY ALONG R/W 1215.62 FT, N PARALLEL WITH E LINE OF SEC 560 FT, N 65 DEG 22' 18" E TO N LINE OF SEC, E TO POB OF **SEC 26 TWP 20S RGE 26E;** FROM A POINT 4.11 FT S 02 DEG 43' 42" E OF SE COR OF **SEC 23 TWP 20S RGE 26E,** SAID POINT BEING ON N'LY R/W OF SR 48 & A CURVE CONCAVE SE'LY HAVING A CHORD BEARING OF S 66 DEG 40' 57" W & A RADIUS OF 1196.28 FT, RUN THENCE SW'LY ALONG THE ARC OF SAID CURVE THROUGH A CENTER ANGLE OF 07 DEG 11' 03" A DISTANCE OF 150 FT, THENCE CONT ALONG THE N'LY R/W OF SR 48 A DISTANCE OF 208.62 FT ALONG AN ARC HAVING A CHORD BEARING OF S 58 DEG 05' 40" W, N 83 DEG 01' 01" W 227 FT FOR POB, CONT N 83 DEG 01' 01" W 552.75 FT, S PARALLEL WITH E LINE OF **SEC 26** A DISTANCE OF 560 FT TO N LINE OF SR 48, THENCE RUN NE'LY 532 FT ALONG SAID R/W TO A POINT 683.62 FT SW OF SE COR OF **SEC 23,** N 52 DEG W 196 FT TO A POINT 150 FT SW OF POB, NE 150 FT TO POB OF **SEC 26 TWP 20S RGE 26E;**

Attachment I – Barbara Welch Correspondence

Gonzalez, Bernice

From: barbara welch <noreply@lakecountyfl.gov>
Sent: Thursday, September 28, 2023 10:22 AM
To: Planning and Zoning
Subject: LakeCountyFL.gov - Contact Form



You've received a message from LakeCountyFL.gov.

Name: barbara welch

Email: bwelch11@yahoo.com

Phone: 3527356892

Address: 17750 CR 448 Mt. Dora, Florida 32757

Comments: A public hearing is scheduled for 10-4 re #RZ 23-04-3 for rezoning and land use change.

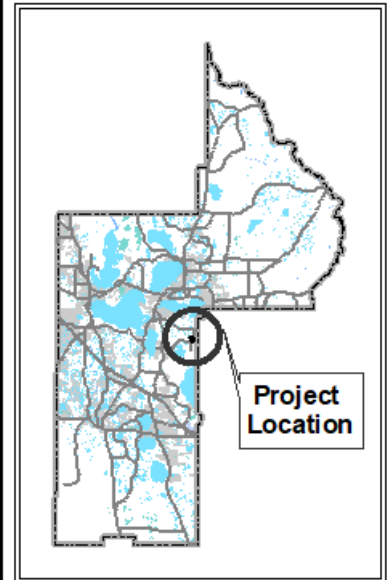
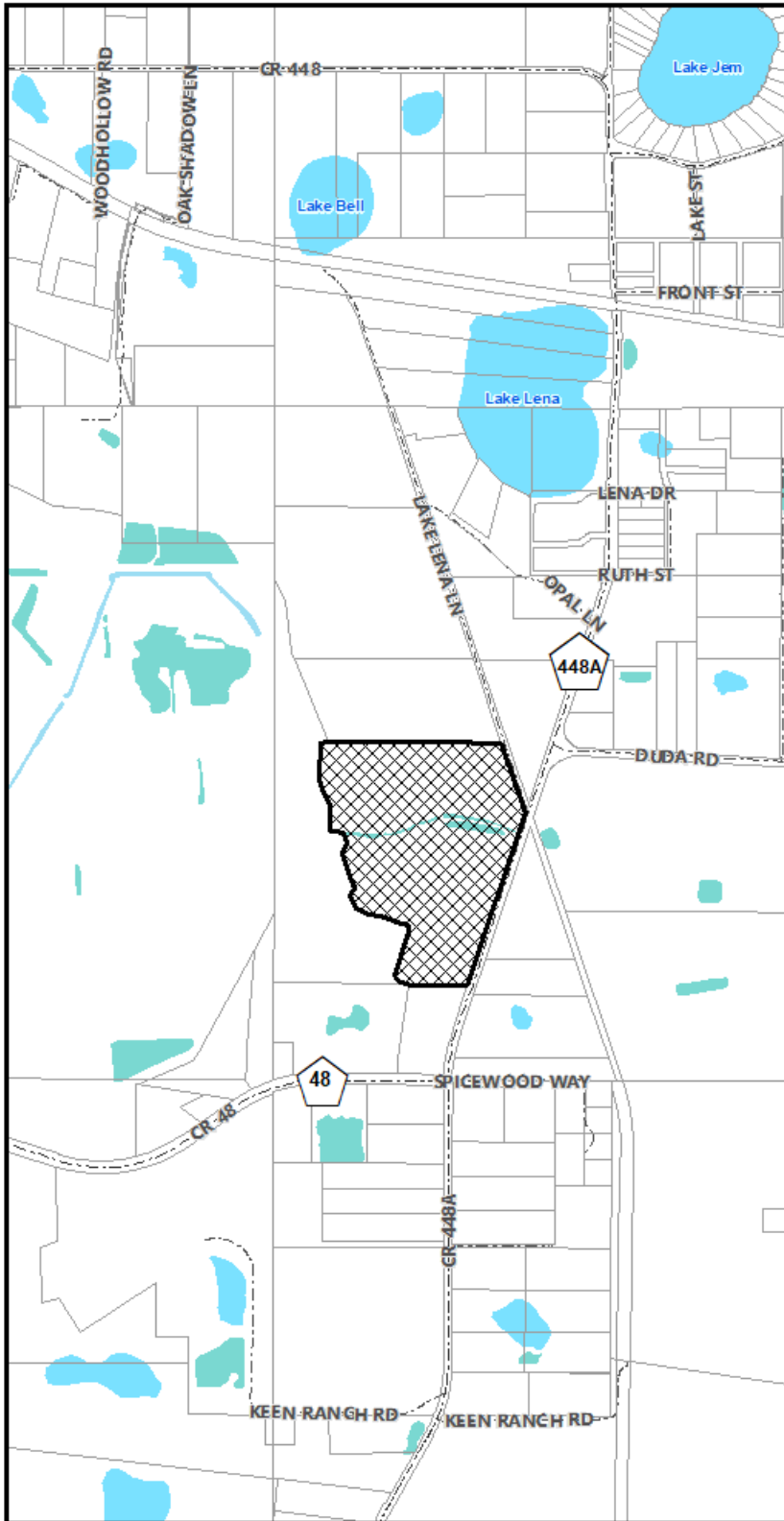
As a resident in the area affected by this request, I am asking that no change be made. Our traffic, quality of air, and safety on CR 448 are already compromised and will be further impacted. We've paid taxes for 16 years, have seen too many changes to our area that have negatively impacted us and request that consideration be made for surrounding residents when considering this change.

Thank you

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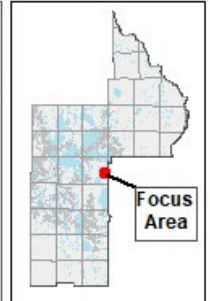
Map of Subject Property



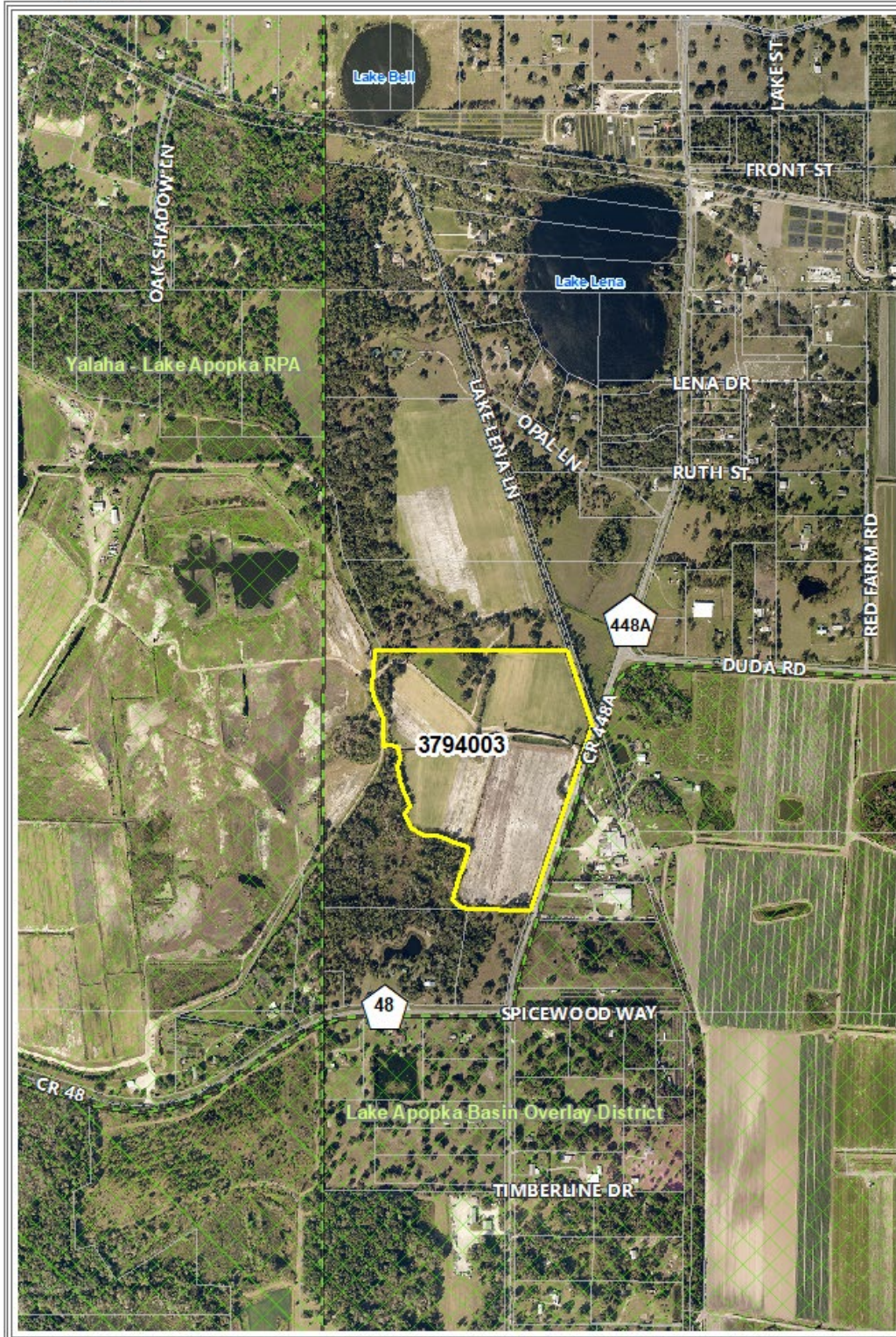
Aerial



RZ-23-04-3 Hurley Environmental Park Property



A (Agriculture) To
MP (Planned Industrial)



ORDINANCE #2023-XX
Hurley Environmental Park Rezoning
Amending Ordinance #2005-17 (MSP#05/1/1-3)
RZ-23-04-3

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; REMOVING 84.38 +/- ACRES IN THE MOUNT DORA AREA OF UNINCORPORATED LAKE COUNTY IDENTIFIED AS ALTERNATE KEY NUMBER 3794003 FROM THE BOUNDARY OF THE MINING SITE PLAN (MSP#05/1/1-3) APPROVED UNDER ORDINANCE #2005-17; REZONING 49.36 +/- ACRES LOCATED ON THE WEST SIDE OF CR 448A, NORTH OF SPICEWOOD WAY AND SOUTH OF DUDA ROAD, IN THE MOUNT DORA AREA OF UNINCORPORATED LAKE COUNTY, IDENTIFIED AS A PORTION OF ALTERNATE KEY NUMBER 3794003, AND LEGALLY DESCRIBED IN EXHIBIT "A" FROM AGRICULTURE (A) DISTRICT TO PLANNED INDUSTRIAL (MP) DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Carl Salafrio (the "Applicant") submitted a rezoning application on behalf of Keith Truenow and Dodi Ann Hurley (the "Owners") to rezone approximately 49.36 +/- acres from Agriculture (A) District to Planned Industrial (MP) District to accommodate for the development program for Hurley Environmental Park; and

WHEREAS, the subject property consists of approximately 49.36 +/- acres, is located on the west side of CR 448A, north of Spicewood Way and south of Duda Road, in the Mount Dora area of unincorporated Lake County, is in Section 24, Township 20, Range 26, consisting of a portion of Alternate Key Number 3794003, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

WHEREAS, on February 22, 2005, the Board of County Commissioners (Board) approved Ordinance #2005-17 for purposes of authorizing a Mining Site Plan for peat extraction on approximately 581 +/- acres located in the Lake Jem area. This ordinance is recorded in Official Record Book 2817, Pages 1964-1969; and

WHEREAS, the Owners recently filed a rezoning application requesting that approximately 84.38 +/- acres, identified as Alternate Key Number 3794003 be removed from the Mining Site Plan boundary, including the 49.36 +/- acres subject to the rezoning request; and

WHEREAS, the property identified in **Exhibit A** will be located within the Industrial Future Land Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM), with the remaining acreage remaining in the Rural FLUC; and

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-23-04-3 on the 4th day of October 2023, after giving notice of the hearing on the petition for change in zoning from Agriculture (A) District to Planned Industrial (MP) District to accommodate the development program for Hurley Environmental Park, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 14th day of November 2023; 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

1 **WHEREAS**, upon review, certain terms pertaining to the development of the above-described
2 property have been duly approved.

3 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
4 Florida, that:

5 **Section 1. Amendment of Ordinance #2005-17 (MSP#05/1/1-3).**

6 A. Exhibit A of Ordinance #2015-17, recorded in Official Record Book 2817, Pages 1964-
7 1969, shall be amended to remove 84.38 +/- acres, further identified as Alternate Key Number 3794003,
8 from the Mining Site Plan boundary. The portion to be removed from the Mining Site Plan boundary is
9 further defined in **Exhibit B (Legal Description)**, attached hereto and incorporated herein by reference.
10 All other provisions of Ordinance #2005-17 shall remain in full force and effect for the remaining acreage
11 included within the Mining Site Plan boundary.

12 B. Approximately 35.02 +/- acres of Alternate Key Number 3794003 shall retain its Rural
13 Future Land Use Classification and shall remain zoned Agriculture (A) District, further described as the
14 remainder of the property identified in **Exhibit B**, less the property identified in **Exhibit A**. The portion
15 not subject to Section 2 below is depicted in **Exhibit C (Sketch of Description)**, attached hereto and
16 incorporated herein by reference, located outside the area labeled as “Area for Rezoning”.

17 C. Approximately 49.36 +/- acres as identified in **Exhibit A** and depicted in **Exhibit C**
18 **(Sketch of Description)** located within the area labeled as “Area for Rezoning” will be rezoned as set
19 forth in Section 2 Terms, below.

20 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning
21 Map to show a portion of Alternate Key Number 3794003 (identified in **Exhibit A** and depicted in **Exhibit**
22 **C – Sketch of Description – Labeled as “Area for Rezoning”**) as Planned Industrial (MP) Zoning
23 District in accordance with this Ordinance. All uses shall be generally consistent with the Concept Plan
24 as shown in **Exhibit D**, attached hereto and incorporated herein by reference. The uses of this portion
25 of the property will be limited to those uses specified in this Ordinance. The following uses are permitted:

26 A. Allowable Uses:

- 27 1. Light Industrial Uses.
- 28 2. Warehouse Uses.
- 29 3. Outdoor Storage, to include storage of raw materials for processing, tree debris,
30 wood products and wastewater residuals.
- 31 4. Water Quality Treatment Facility intended to focus on alternative treatment
32 methodologies that comply with state and federal water quality regulations.
33 Waste products will be recycled into usable water treatment materials.
- 34 5. Accessory uses related thereto may be approved by the County Manager or
35 designee. Any other uses of the site may require approval of an amendment by
36 the Board of County Commissioners.

37 B. Open Space, Impervious Surface Ratio and Building Height: Open space, impervious
38 surface ratio, and building height shall be in accordance with the Comprehensive Plan
39 and LDR, as amended.

- 1 C. Setbacks: Setback shall be in accordance with the applicable provisions of the LDR, as
2 amended.
- 3 D. Environmental Requirements: An environmental assessment dated within six (6) months
4 of the date an application for Site Plan approval is submitted must specify the presence
5 of vegetation, soils, threatened and endangered species that may exist on the site. Any
6 state permitting or mitigation will be required before development can commence to
7 ensure compliance with the Comprehensive Plan and LDR.
- 8 E. Stormwater Management System: The stormwater management system must be
9 designed in accordance with all applicable Lake County and St. Johns River Water
10 Management District requirements, as amended.
- 11 F. Transportation Improvements:
- 12 1. All access management shall be in accordance with the Florida Department of
13 Transportation, Comprehensive Plan and Land Development Regulations, as
14 amended.
- 15 2. Offsite road improvements that include turn lanes will be required. Donation of
16 additional right-of-way for CR 448A will be required with the site development.
- 17 3. A maximum of two (2) entrances and one (1) point of exit shall be provided.
18 Internal roads shall be privately maintained by a Property Owners Association
19 (POA) or other equivalent entity.
- 20 G. Lighting: Exterior lighting, if provided, must be in accordance with the LDR, as amended.
- 21 H. Landscaping, Buffering and Screening:
- 22 1. Existing vegetation and trees on the portion of the property shown in **Exhibit D**
23 laying outside the “Area for Rezoning” shall remain undisturbed pending future
24 submittal of a development application.
- 25 2. Type A and Type D landscape buffers shall be provided as shown on **Exhibit D**.
- 26 3. Removal of protected trees shall require approval of a Tree Removal Permit,
27 consistent with LDR, as amended.
- 28 4. All other landscaping, buffering, and screening shall be in accordance with the
29 Comprehensive Plan and LDR, as amended.
- 30 I. Utilities: The development shall be serviced by well and septic in accordance with the
31 Comprehensive Plan and LDR, as amended. Permitting shall be in accordance with the
32 Florida Department of Health (DOH) – Lake. The development shall connect to central water
33 and central sewer services when the services become available, in accordance with the
34 Comprehensive Plan, as amended.
- 35 J. Concurrency Management Requirements: All development must comply with the Lake
36 County Concurrency Management System, as amended.
- 37 K. Development Review and Approval: Prior to the issuance of any permits, the Owner shall
38 be required to submit a site plan application generally consistent with **Exhibit D**

1 **(Conceptual Plan)**, attached, for review and approval in accordance with the
2 Comprehensive Plan and LDR, as amended.

3 L. Open Space, Impervious Surface Ratio and Building Height: Open space, impervious
4 surface ratio, and building height shall be in accordance with the Comprehensive Plan
5 and LDR, as amended.

6 M. MP Expiration: Physical development shall commence within three (3) years from the
7 date of this Ordinance approval. Failure to commence construction within three (3) years
8 of approval shall cause the revocation of this ordinance, in accordance with the
9 Comprehensive Plan or superseding documents, as amended. Prior to expiration of the
10 three-year time frame, the Board of County Commissioners may grant, via a Public
11 Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a
12 showing that reasonable efforts have been made towards securing the required
13 approvals and commencement of work. Notwithstanding the foregoing, if at any time the
14 developer is granted an extension of time pursuant to Section 252.363, Florida Statutes,
15 or Section 7-5, Lake County Code, to the site plan or construction plans, commencement
16 of physical development shall be equally extended so long as the development is
17 proceeding in good faith and does not allow the originally extended development order
18 to expire.

19 N. Future Amendments to Statutes, Codes, Plan, and/or Regulations: The specific
20 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
21 County Comprehensive Plan, and Land Development Regulations (LDR) shall include
22 any future amendments to the Statutes, Code, Plans, and/or Regulations.

23 **Section 3. Conditions.**

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

27 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
28 move, convert, or demolish any building structure, add other uses, or alter the land in any
29 manner within the boundaries of the above-described land without first obtaining the
30 necessary approvals, including site plan, in accordance with the Lake County Code, as
31 amended and obtaining the permits required from the other appropriate governmental
32 agencies.

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

36 D. Construction and operation of the proposed use shall always comply with the regulations of
37 this and other governmental permitting agencies.

38 E. The transfer of ownership or lease of any or all the property described in this Ordinance must
39 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
40 aware of the conditions established by this Ordinance and agrees to be bound by these
41 conditions. The purchaser or lessee may request a change from the existing plans and
42 conditions by following the procedures contained in the LDR, as amended.

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

Section 4. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Filing with the Department of State. The clerk is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes. 2

Section 6. Effective Date. This Ordinance shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

ENACTED this _____ day of _____, 2023.

FILED with the Secretary of State _____, 2023.

EFFECTIVE _____, 2023.

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

KIRBY SMITH, CHAIRMAN

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT A - LEGAL DESCRIPTION (49.36 +/- ACRES)

(To be Rezoned to Planned Industrial (MP))

THAT PORTION OF THE SOUTH 2660.60 FEET OF THE WEST 1/2 OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 448A ACCORDING TO OFFICIAL RECORDS BOOK 1399, PAGE 208, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE RUN NORTH 87°29'58" EAST, ALONG THE NORTH LINE OF THE SOUTH 2660.60 FEET OF SAID SECTION 24, A DISTANCE OF 378.52 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°29'58" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1416.93 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF A 50 FEET WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 2255, PAGE 1958, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 21°18'35" EAST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 578.12 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 448A (NOW COUNTY ROAD 448A) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1399, PAGE 208, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 15°49'41" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1402.68 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF A 30 FEET WIDE DRAINAGE DITCH ACCORDING TO STATE ROAD 448A (NOW COUNTY ROAD 448A) RIGHT OF WAY MAP ACCORDING TO MAP BOOK 6, PAGE 108, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 88°21'41" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF 30 FEET WIDE DITCH, A DISTANCE OF 391.78 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE RUN NORTHWESTERLY THE FOLLOWING TWENTY-FOUR (24) COURSES: (1) NORTH 83°38'15" WEST, 128.00 FEET; (2) NORTH 49°03'12" WEST, 64.78 FEET; (3) NORTH 11°27'45" EAST, 160.68 FEET; (4) NORTH 16°12'49" EAST, 69.00 FEET; (5) NORTH 16°49'46" EAST, 138.36 FEET; (6) NORTH 09°37'46" WEST, 39.94 FEET; (7) NORTH 77°30'32" WEST, 100.74 FEET; (8) NORTH 61°11'29" WEST, 50.57 FEET; (9) NORTH 77°21'20" WEST, 85.05 FEET; (10) NORTH 88°08'30" WEST, 89.04 FEET; (11) NORTH 67°16'53" WEST, 113.52 FEET; (12) NORTH 27°32'23" WEST, 110.85 FEET; (13) NORTH 26°59'20" EAST, 67.01 FEET; (14) NORTH 24°18'21" WEST, 180.05 FEET; (15) NORTH 15°30'51" WEST, 133.78 FEET; (16) NORTH 13°49'56" EAST, 70.79 FEET; (17) NORTH 19°52'23" WEST, 86.09 FEET; (18) NORTH 79°17'12" WEST, 44.32 FEET; (19) SOUTH 88°46'59" WEST, 57.24 FEET; (20) NORTH 03°12'50" WEST, 196.09 FEET; (21) NORTH 27°31'17" WEST, 81.99 FEET; (22) NORTH 31°06'54" WEST, 62.07 FEET; (23) NORTH 15°44'42" WEST, 86.51 FEET; (24) NORTH 00°31'46" WEST, 280.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,150,039 SQUARE FEET (49.36 ACRES), MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHTS OF WAYS AND OTHER MATTERS OF RECORD.

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Exhibit B – Legal Description

To be Removed from Mining Site Plan Boundary (Alternate Key #3794003)

Exhibit "A"

Book 1851 Page 2376

Lot 1

That portion of the North 380.00 feet of the South 2660.60 feet of the West ½ of Section 24, Township 20 South, Range 26 East, Lake County, Florida, lying westerly of the westerly right-of-way line of the Seaboard Air Line Railroad .
Containing 16.20 acres more or less.

Lot 2

That portion of the north 380.00 feet the south 2280.60 feet of the west ½ of Section 24, Township 20 South, Range 26 East, Lake County Florida, lying westerly of the westerly right-of-way line of the Seaboard Air Line Railroad, and lying westerly of the westerly right-of-way line of C-448-A.
Containing 16.97 acres, more or less.

Subject to a non-exclusive easement over the northeasterly 70 feet of Lots 1 and 2 for ingress, egress and utilities , for either public or private use. Subject property lying adjacent to Seaboard Air Line Railroad easement.

Lot 3

That portion of the North 380.00 feet of the South 1900.60 feet of the West ½ of Section 24, Township 20 South , Range 26 East, Lake County, Florida, lying westerly of the westerly right-of-way Line of C-448-A.
Containing 16.07 acres, more or less.

Lot 4

That portion of the North 380.00 feet of the South 1520.00 feet of the West ½ of Section 24, Township 20 South, Range 26 East, Lake County, Florida, lying westerly of the westerly right-of-way Line C-448-A.
Containing 14.97 acres more or less.

Lot 5

That portion of the South 381.81 feet of the South 1140.60 feet of the West ½ of Section 24, Township 20 South, Range 26 East, Lake County, Florida, lying westerly of the westerly right-of-way line of C-448-A, less that part thereof lying within the right-of-way of a 30.00 foot wide ditch as shown on the State of Florida Department of Transportation right-of-way map (section number 1169-150), dated November , 1957.
Containing 13.64 acres , more or less.

AND

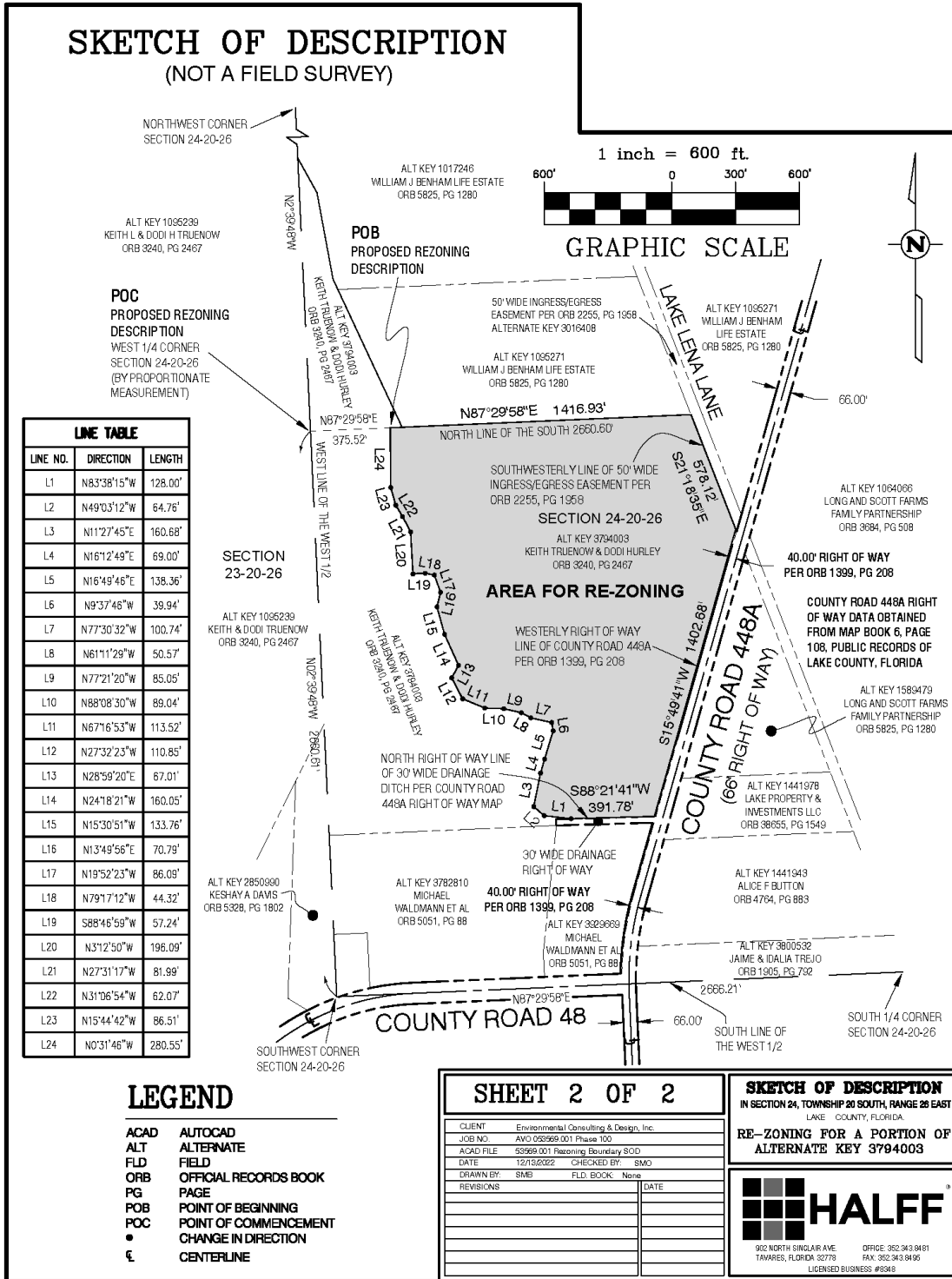
That part of the West ½ of Section 24, Township 20 South, Range 26 East, Lake County, Florida, described as follows :

Begin at the West ¼ corner of aforesaid Section 24 thence along the west line of said Northwest ¼ run N2°39'48"W 1285.90 feet; thence departing said west line run S28°56'28"E 186.63 feet ; thence S10°34'37" E 413.34 feet ; thence S24°59'57"E 767.99 feet to the north line of the South 2660.60feet of the West ½ of Section 24; thence along said north line run S87°29'58" W 431.40 feet to the point of beginning .

3

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EXHIBIT C - SKETCH OF DESCRIPTION

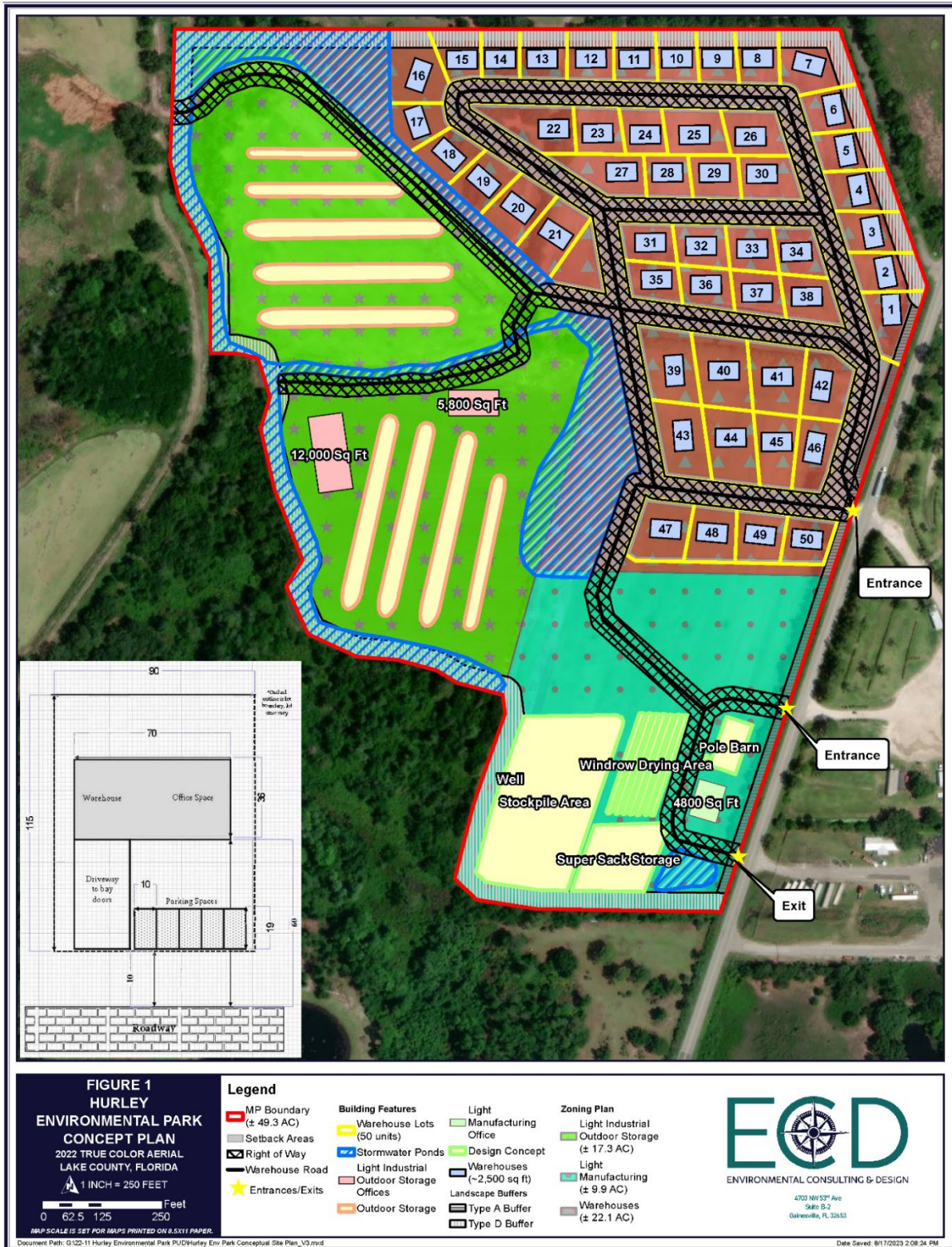


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EXHIBIT D – CONCEPT PLAN



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