



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

3/6/2008

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS
ATTN: DAVID HANSEN, PUBLIC LANDS MANAGER
P.O. BOX 7800
TAVARES, FL 32778-

Re: Project No. 2008010009, Application No. 1087

Description: LAKE COUNTY BCC / DAVID HANSEN REZONING PROJ./LAKE ERIE ROAD PROPERTY
Rezone from A to CFD

Dear MR. HANSEN:

Your rezoning application has been reviewed by the Development Review Staff. Review comments are attached. All comments must be satisfied by the applicant prior to receiving a staff approval or being placed on a Public Hearing agenda.

Please respond to comments in the following manner:

1. **Submit fifteen (15) legible, signed and sealed sets of plans. (19 sets if within Clermont JPA)**
 - Revised sheets shall have revision dates in the title block.
 - Plan revisions must be either circled or their location indicated in the written response letter.
2. Provide a written response to all comments.
3. All plans shall provide a space five (5) inches by six (6) inches on the front page of each set of submittals to be used for the County approval stamp.
4. Plan revisions submitted thirty (30) days after the DRS meeting will result in a \$100 Plan Revision fee.
5. When all requested information has been received, it will be circulated to the DRS staff for review.

The Development Review Staff will then review revised plans and responses to comments for compliance with the appropriate Land Development Regulations and Comprehensive Plan. This review will be completed within fifteen (15) days of receipt of all required information and you will be notified of the results of the review.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Rick Hartenstein, Senior Planner/Case Manager
Division of Planning and Community Design

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9816
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

DEBBIE STIVENDER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

(352) 343-9739 x5400
Project No. 2008010009, Application Request No. 1087

PLANNING & COMMUNITY DESIGN DIVISION
Rejection Comments

Item:
Remarks:

Informational Comments

Item:
Remarks:

Review Status: COMPLETE

PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041
Rejection Comments

Item:
Remarks:

Informational Comments

Item: RIGHT-OF-WAY
Remarks: Site fronts Lake Erie Rd. (# 0613) w/ no record of recorded right of way in our records.

R/W dedication to the County will be required at the site plan stage. Please contact Lake County Public Works Department Right of Way Section to proceed with right-of-way dedication.

Review Status: COMPLETE

FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788
Rejection Comments

Item:
Remarks:

Informational Comments

Item:
Remarks:

Review Status: COMPLETE

HEALTH DEPT. - MARCELO BLANCO (352) 253-6130

Rejection Comments

Item:
Remarks:

Informational Comments

Item: REZONING ONLY

Remarks: 03/05/08 - No objection to rezoning, however, future submittals will require the abandonment of existing wells and septic systems or existing system permits/evaluations and may require operating permits for the utilities depending on the proposed uses. These items will need to be shown on scaled site plans.

-MJB-

Review Status: COMPLETE

ENVIRONMENTAL REVIEW- JENNIFER COTCH (352)343-9739

Rejection Comments

Item:
Remarks:

Informational Comments

Item:
Remarks:

Review Status: COMPLETE

CONCURRENCY - DEVELOPMENT REVIEW

Rejection Comments

Item:
Remarks:

Informational Comments

Item:

Remarks:

Review Status: HOLD

Cc: File (Proj #2008010009 AR#1087)
Quinnette Durkin, Property Manager
Ricardo Soto-Lopez, Chief Planner

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
April 2, 2008



BOARD OF COUNTY COMMISSIONERS
April 22, 2008

Case Number: PH #10-08-2	Case Manager: Rick Hartenstein, Senior Planner	Agenda Number: #
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- Application Request -

Owners: Lake County Board of County Commissioners (the "Owner")
 Applicant: David Hansen, Lake County Public Lands Manager (the "Applicant")
 Future Land Use: Green Swamp Area of Critical State Concern – Core Conservation
 Zoning District: "A" Agriculture
 Land Use Density: Maximum 1 dwelling unit/ 20 acres
 Existing Density: 1dwelling unit/ 5 acres

Requested Action: To rezone 832 +/-acres from Agriculture (A) to Community Facility District (CFD) to allow conservation/passive recreational uses

Proposed Density: No proposed additional density to the site

- Site Information -

Size of Parcel: 832 +/- Acre
 Map Location: Section 11/13/14 Township 23S/ Range 24E
 Location: South Groveland area – property is located on the north and south side of Lake Erie Road-Dist.# 2-0613 between SR 33 and CR 565 (Bay Lake Road-Dist.# 2-0604).
 Joint Planning Area: None
 Utility Area: None
 Site Utilities: Individual Well and Septic (Existing SFR)
 Road Classification: Minor Collector (Lake Erie Road)
 Site Visit: February 20, 2008 Signs Posted: March 5, 2008 (8)
 Commissioner's District: 2 (Renick)

Surrounding Land Use		Surrounding Zoning	
NORTH	Forest and Wetlands	NORTH	A (Agriculture)
SOUTH	Single-Family Residential, Pasture, Forest, & Wetlands	SOUTH	A (Agriculture) & AR (Agriculture Residential)
EAST	Single-Family Residential, Forest, & Wetlands	EAST	A (Agriculture) & AR (Agriculture Residential)
WEST	Single-Family Residential, Pasture, Forest, & Wetlands	WEST	A (Agriculture)

- Summary of Staff Determination -

Staff recommends **APPROVAL** of the Applicant's request to rezone the property from A (Agriculture) to CFD (Community Facility District) to permit conservation/passive recreational uses and use the existing single-family residential unit as a caretaker's residence or a conservation training facility subject to all conditions set forth in the attached ordinance.

ZONING BOARD RECOMMENDATION:

-Summary of Analysis-

The property consists of 832 +/- acres located in the South Groveland area on the north and south side of Lake Erie Road (Dist.# 2-0613). The Applicant is requesting to rezone this property from A (Agriculture) to CFD (Community Facility District) to provide conservation/passive recreational uses, such as but not limited to hiking and equestrian trails, picnic areas, a gopher tortoise re-location area, etc., and as an accessory use, to utilize the existing single-family residence as a caretaker's residence or a conservation training facility as determined by the County Manager or designee. This rezoning request is consistent with the policies of the Comprehensive Plan as seen in *Policy 1-12.1, Consideration of Community Facilities and Policy 1-17.1, Uses of Land Determined to be of Ecological or Environmental Value* and the Land Development Regulations (LDR) as seen in Section 3.00.03 LDR, which permits CFD zoning in the Core Conservation future land use category. In addition, the requested use is consistent with Table 3.01.03 LDR, Schedule of Permitted and Conditional Uses that allow conservation and passive recreational uses in the CFD zoning district.

- Analysis -

(Per Section 14.03.03 of the Land Development Regulations)

- A. **Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

This application is consistent with the LDRs as seen in Section 3.00.03 LDR, which permits CFD zoning in the Core Conservation future land use category. In addition, the requested use is consistent with

Table 3.01.03 LDR, Schedule of Permitted and Conditional Uses which allow conservation and passive recreational uses in the CFD zoning district.

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

The proposed amendment is consistent with the Comprehensive Plan as seen in *Policy 1-12.1, Consideration of Community Facilities* and *Policy 1-17.1, Uses of Land Determined to be of Ecological or Environmental Value*. Policy 1-12.1 permits necessary community facilities within any Future Land Use Designation, provided such activity satisfies established criteria of the Comprehensive Plan and Land Development Regulations and Policy 1-17.1 which directs the setting aside of land for conservation that is of ecological or environmental value. As such, the Green Swamp Area of Critical State Concern has been determined to be of environmental value, thus this request is consistent with these policies.

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

The proposed amendment is consistent with the land use patterns in the area. The subject site currently is fallow pasture, wetlands, and forested areas with an existing single-family residence. Expanding the use of the site for passive recreational uses, such as hiking/equestrian trails, picnic areas, conservation areas, and a gopher tortoise re-location area is consistent with the CFD zoning district and the existing uses in the surrounding area.

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

The County purchased this property through the Public Lands Acquisition program and wishes to rezone to the proper zoning district for government/public uses.

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 roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

The proposed amendment would not result in additional demands on public facilities. This will account for the extremely limited traffic to and from the subject parcel. The proposed passive recreational uses will have a limited impact on police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and emergency medical facilities and would be providing additional recreational area for the citizens of Lake County as well as continuing to further the Goals and Objectives of the Comprehensive plan as seen in Goal 8 of the Recreation and Open Space Element.

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

There is no indication that the proposed rezoning would result in significant adverse impacts on the natural environment. The property includes fallow pasture, wetlands, and forested areas, with one single-family residential unit located on it; however, there are jurisdictional wetlands on site, and the

property has the potential to provide habitat for threatened and endangered species. The Applicant has submitted documentation indicating the environmental issues will be addressed through conservation of these areas. If this rezoning request were approved, any environmental issues that arise during the development phase would be addressed during the development review process.

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

No information has been submitted to indicate that the proposed rezoning would adversely affect the property values in the area.

H. Whether and the extent to which the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The proposed rezoning would not result in a change in the existing development pattern in the area surrounding the subject parcel. The subject site is located in an area with a fairly rural development pattern, as seen by the surrounding pasture, wetlands, forested areas, and adjacent large parcels. Changing the use of the site to conservation/passive recreational uses is consistent with the CFD zoning district and existing uses in the surrounding 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 proposed amendment would be in harmony with the general intent of the Lake County Comprehensive Plan and the Lake County Land Development Regulations and will be providing passive recreational area for the citizens of Lake County, thus serving the public interest.

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

FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The Application is consistent with Section 3.00.03 LDRs that permits CFD Zoning in the Core Conservation Future Land Use Categories; and
2. The Application is consistent with Comprehensive Plan Goal 1 as it demonstrates that the character and location of land uses promote: conservation of natural and cultural resources; provision of public facilities and services concurrent with the impacts from development; compliance with adopted minimum levels of service standards; the minimization of detrimental impacts to health, safety, and welfare caused by environmental degradation, nuisances, and incompatible land uses; and
3. The Application is consistent with Policy 1-12.1 as seen in the provision of community facilities designed to blend in with the existing land use at a scale and density and intensity of the immediate surrounding area; and
4. The Application is consistent with Policy 1-17.1 which directs the setting aside of land for conservation that is of ecological or environmental value; and

5. The Application is consistent with Comprehensive Plan Goal 8 as demonstrated by the provision of conservation and passive recreational uses.

Therefore, based on these Findings of Fact, staff recommends **APPROVAL**.

WRITTEN COMMENTS FILED:

Supportive: -0-

Opposition: -0-

FINAL ACTION B.C.C:

DRAFT

Department of Growth Management
Planning & Community Design



STAFF EXHIBIT

PH #10-08-2

Lake Co. Board of Co. Commissioners/David Hansen/Lake Erie Property

Picture taken from Lake Erie Road looking south at property showing posting (3/05/2008).

Department of Growth Management
Planning & Community Design

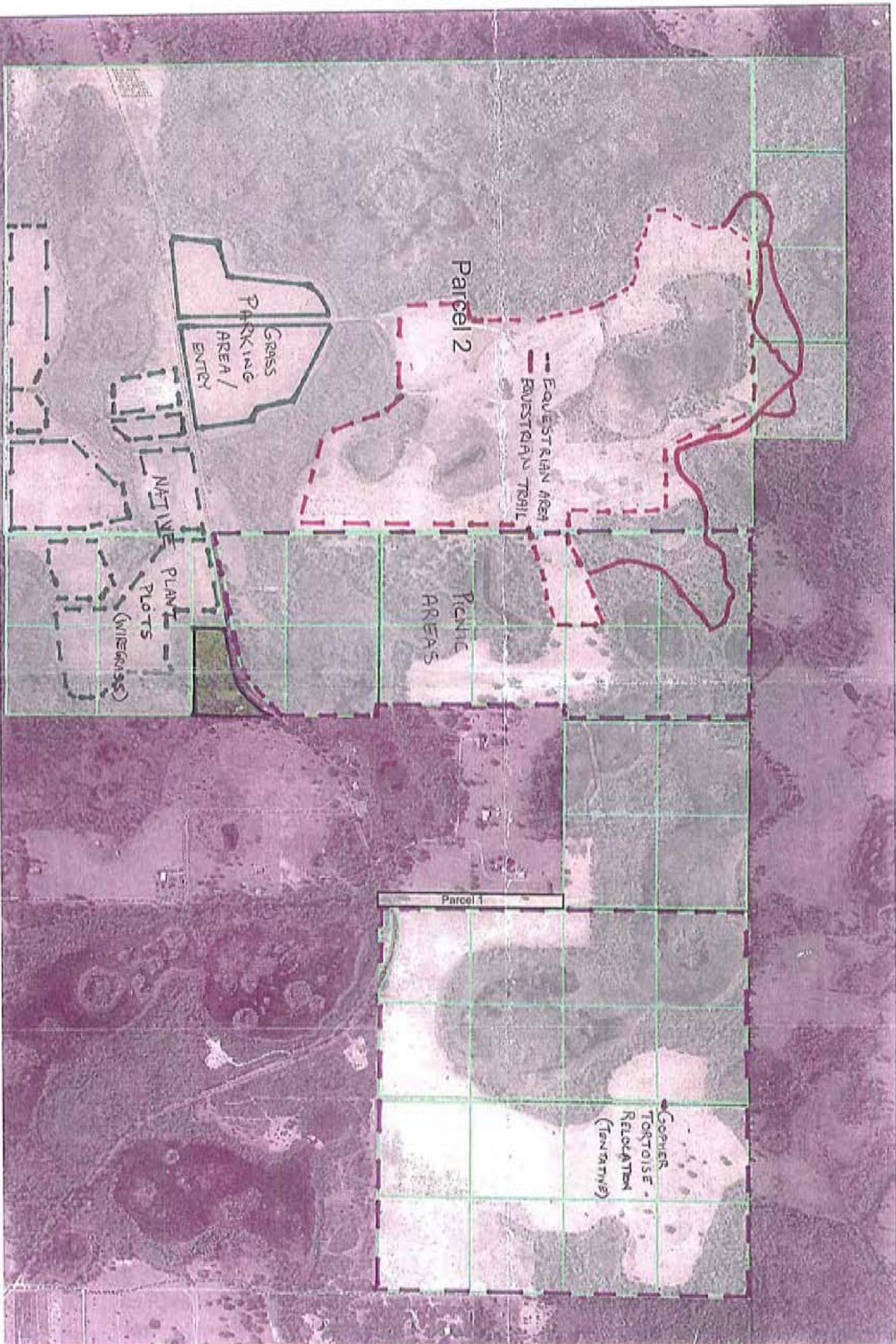


STAFF EXHIBIT

PH #10-08-2

Lake Co. Board of Co. Commissioners/David Hansen/Lake Erie Property

Picture taken from Dr. Baker Road looking west at property showing posting (3/05/2008).



Parcel 2

RESTRICTION AREA
RESTRICTION TRAIL

Picnic
AREAS

Grass
Parking
Area /
Entry

NATIVE
PLANT
PLOTS
(INTERCENS)

Parcel 1

Gopher
Tortoise
Relocation
(Terrarium)

1 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
2 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
3 pertain to the above tract of land subject to the following terms:

4 **Section 1.** Terms: The terms and conditions of this Ordinance shall mean and include the following
5 land uses. The County Manager or designee shall amend the Zoning Map in accordance with this
6 Ordinance.

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8 A. Land Uses:

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10 1. The utilization of the site shall be limited to:

11 a. Conservation/passive recreation uses.

12 b. An existing home to be utilized as an accessory use: including caretaker's residence
13 or a conservation training facility.

14 c. Related accessory uses as approved by the County Manager or designee.
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18 Any other use of the site shall require approval of an amendment to this Ordinance by the Lake
19 County Board of County Commissioners.
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22 B. Setbacks:

23 Setbacks and separation distances shall be in accordance with the Lake County Land Development
24 Regulations, as amended.
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27 C. Landscaping:

28 All landscaping shall be in accordance with the Lake County Land Development Regulations, as
29 amended.
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32 D. Signage:

33 All signage shall comply with the applicable sign requirements in accordance with the Lake County
34 Land Development Regulations, as amended.
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37 E. Future Amendments to Statutes, Code, Plans and/or Regulations:

38 The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
39 County Comprehensive Plan, and Lake County Land Development Regulations shall include any
40 future amendments to the Statutes, Code, Plan, and/or Regulations.
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Section 2. Conditions as altered and amended which pertain to the above tract of land shall be as follows:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. The Zoning Board and the Board of County Commissioners must specifically authorize any other proposed use or uses.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner (except for normal maintenance activities – i.e. painting, screening, etc.) within the boundaries of the above described land without first submitting the necessary plans in accordance with Chapter XIV of the Lake County Land Development Regulations, and obtaining approval from the County Manager or designee upon obtaining the permits required from other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Chapter XIV of the Lake County Land Development Regulations, as amended.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2008.

FILED with the Secretary of State _____, 2008.

EFFECTIVE _____, 2008.

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

WELTON G. CADWELL, Chairman

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ATTEST:

NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, COUNTY ATTORNEY

DRAFT

EXHIBIT "A"

1
2
3 Parcel 1:

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5 The East 100 feet of the Southeast 1/4 of the Northwest 1/4 of Section 13, Township 23 South,
6 Range 24 East, Lake County, Florida.

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8 Parcel 2:

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10 Tract 58, 59, 60 and 61, Map of Groveland Farms of Section 11, Township 23 South, Range 24
11 East, according to the map or plat thereof as recorded in Plat Book 2, Pages 10 and 11, Public
12 Records of Lake County, Florida. Tracts 1 to 17, Tract 18 less the East 100 feet, Tracts 21 to
13 28, Tract 31 less the East 100 feet, Tracts 32, 33, 34, 47, 48, 49, 50, 63 and 64, Map of
14 Groveland Farms of Section 13, Township 23 South, Range 24 East, according to the map or
15 plat thereof recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.
16 AND, all of the East 1/2, East 1/4 of the West 1/2 of Section 14, Township 23 South, Range 24
17 East, Lake County, Florida.