

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT

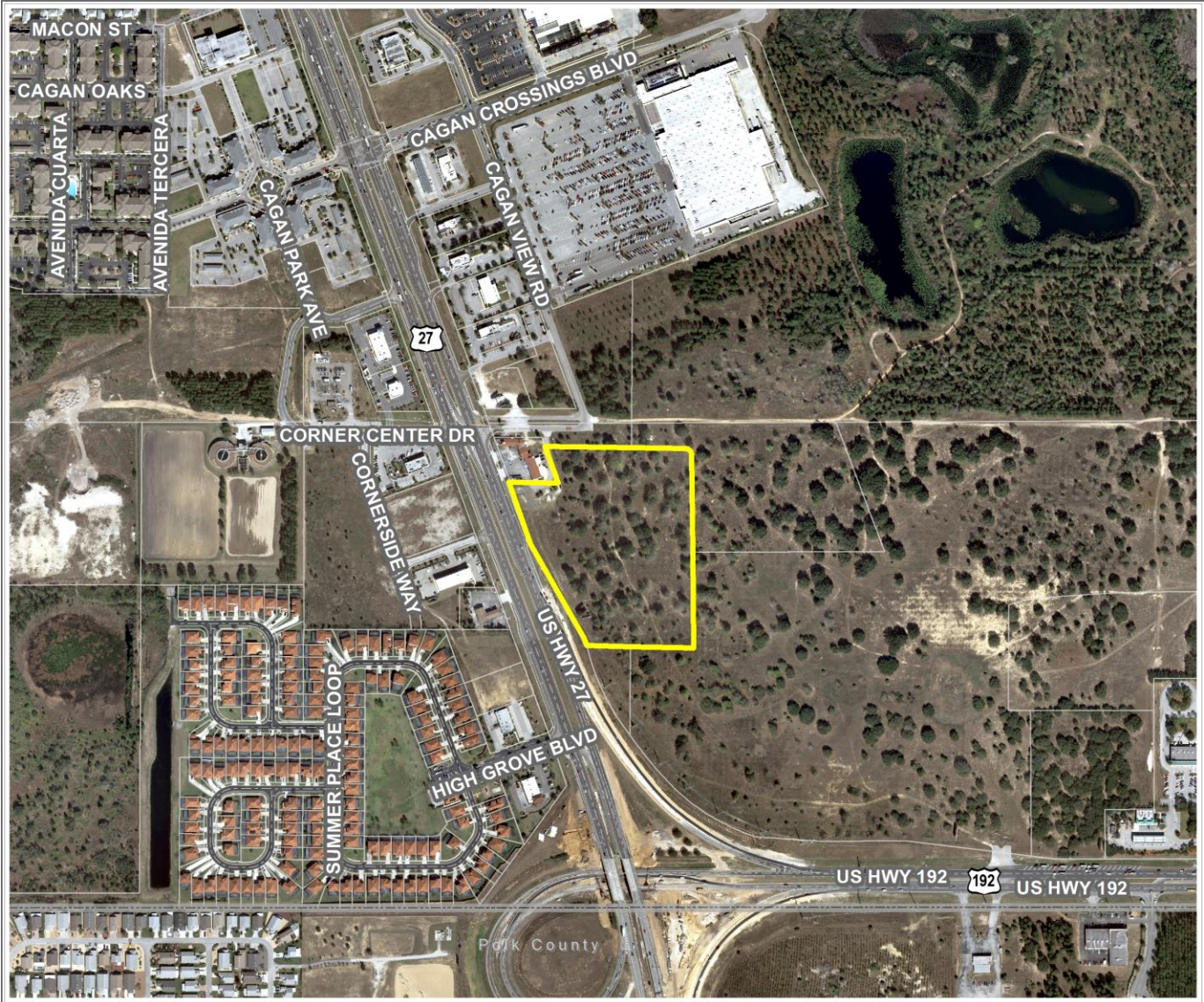


Board of Adjustment

July 13, 2017

LAKE COUNTY  
FLORIDA

VAR-17-27-1 South Lake Hospital	Commission District 1	Agenda Item #4
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**Requested Action:** A variance to Land Development Regulation Section 9.10.02.A.5.c, to allow ground-mounted mechanical equipment to be located eighty (80) feet from the principle structure (the proposed South Lake Hospital) in lieu of twenty (20) feet.

**Owner:** South Lake Hospital, Inc., John A. Moore as the registered agent (“Owner”)

**Applicant:** Chris Germana, Germana Engineering and Associates (“Applicant”)

**- Site Location & Information -**

<b>Size</b>	11.05 +/- acres
<b>Location</b>	East of U.S. Highway 27 in South Clermont
<b>Alternate Key No.</b>	1595312
<b>Future Land Use</b>	Summer Bay
<b>Zoning District</b>	Planned Unit Development (PUD) by Ordinance 2016-58
<b>Overlay Districts</b>	Summer Bay Development of Regional Impact (DRI) U.S. Highway 27 Major Commercial Corridor
<b>Joint Planning Area/ISBA Area</b>	N/A

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Cagans Crossings	Planned Unit Development (PUD)	Commercial, Vacant Commercial	Cagan Crossings Florida Quality Development- Mixed Use Development
<b>South</b>	Summer Bay	Planned Unit Development (PUD)	Vacant Commercial	Summer Bay Development of Regional Impact – Mixed Use Development
<b>East</b>	Summer Bay	Planned Unit Development (PUD)	Vacant Commercial	Summer Bay Development of Regional Impact – Mixed Use Development
<b>West</b>	N/A		State Road	U.S. Highway 27

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 9.10.02.A.5.c, to allow ground-mounted mechanical equipment to be located eighty (80) feet from the principle structure (the proposed South Lake Hospital) in lieu of twenty (20) feet.

**-Staff Analysis-**

The subject property is comprised of 11.05 +/- acres and is located east of U.S. Highway 27 in the Clermont area. The property is zoned Planned Unit Development (PUD) by Ordinance 2016-58 and is part of the Summer Bay Future Land Use Category. The subject property recently received a mass grading plan approval from Planning & Zoning on April 11, 2017.

The Applicant has submitted a major site plan application (Project Number 2017030005, Application Request 3132) for the development of a hospital on the subject property. Due to the site configuration and multiple accessory uses proposed in the site plan application, the applicant proposed placing the ground-mounted equipment area eighty (80) feet from the principle building (Attachment A). Per Land Development Regulation (LDR) Section 9.10.02.A.5.c, “ground-mounted mechanical equipment shall be located within 20 feet of the principal structure on the site and shall be shielded on all sides with acoustically lined walls that are at least two feet higher than the top of the equipment and treated to match the exterior of the building.” The applicant is requesting a variance to this provision in order to allow the mechanical equipment to remain in its proposed location which is eighty (80) feet away from the principle structure.

The **intent of the Code**, [LDR Section 9.10.01.] is to promote architectural and site design treatments that enhance the visual appearance of the built environment; to create and maintain an image of commercial quality; and to provide visual interest and a sense of place, while allowing design flexibility.

The applicant has submitted the following reasons as proof of **meeting the intent of the Code**:

*“The location of mechanical yard is approximately 75 feet from the principal structure. The site is 11 acres and the building is generally located in the middle of the site. Therefore due to the size of the site and central location of the mechanic yard we believe the intent of the code is achieved”*

The applicant has submitted the following reasons as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*“The proposed hospital building has drop off entrances on three sides of the building which would make it difficult to place a mechanical yard within 20 feet of the building. The building side facing US 27 is enhanced with landscape and curved glass along the entire building elevation. Placing a mechanical yard in this location would be in view of US 27 and may not be considered aesthetically pleasing. Refer to building elevation.”*

The Lake County Land Development Regulations, Section 14.15.02 states that variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The applicant is claiming that the Land Development Regulations impose due to the proposed use of the property. The eleven (11) acre property is proposing to be developed as a two-story medical building/emergency department as an extension of the South Lake Hospital. The building is developed to accommodate emergency assistance and was approved with an ambulance entrance on the rear of the building and two (2) emergency drop-offs on the side of the building. In addition, the site plan has a mobile MRI parking space proposed at the southeast corner of the building and a helipad is proposed to the east of the building. Requiring the mechanical yard to be twenty (20) feet from the principle structure would hinder the efficiency of an emergency department by obstructing, or requiring the removal of, the drop-off areas and constitutes a substantial hardship for the applicant.

The intent of LDR Section 9.10.02.A.5.c, is to ensure that commercial development is generally located central to the site in order to enhance the visual appearance of the built environment and to promote architectural and site design treatments that enhance the visual appearance of the built environment. Although the mechanical yard is seeking to be significantly further from the principle building than allowed by code, the hospital and mechanical yard will still be centrally located on the property since the subject property is comprised of 11 acres.

In addition, the property abuts U.S. Highway 27 along its western boundary and the proposed building will be oriented towards U.S Highway 27 (the approved architectural renderings are provided as Attachment B). In order to satisfy LDR requirement 9.10.02.A.5.c and keep the drop-off areas in their current location, the mechanical yard would need to be placed between the proposed building and U.S. Highway 27. Placing the mechanical yard between the principle structure and U.S. Highway 27 would be inconsistent with LDR Section 9.10.01 which states that the intent of the commercial design standards are “to promote architectural and site design treatments that enhance the visual appearance of the built environment; to create and maintain an image of commercial quality; and to provide visual interest and a sense of place.” Requiring the mechanical yard to be placed between the proposed hospital and a principal arterial road (U.S. Highway 27) would not create an image of commercial quality, would not provide visual interest, and would be inconsistent with the intent of the commercial design standards.

**FINDINGS OF FACT:** Staff has reviewed the application for this variance request and found:

1. The request is consistent with the LDR Section 14.15.02 which requires the applicant to demonstrate application of the Land Development Regulation would create a substantial hardship; and
2. The request is consistent with LDR Section 14.15.02 which requires the applicant to demonstrate that the purpose or intent of the Land Development Regulation will be or has been achieved by other means.

VAR-17-27-1, South Lake Hospital

The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 9.10.02.A.5.c, to allow ground-mounted mechanical equipment to be located eighty (80) feet from the principle structure (the proposed South Lake Hospital) in lieu of twenty (20) feet.

**WRITTEN COMMENTS FILED:**

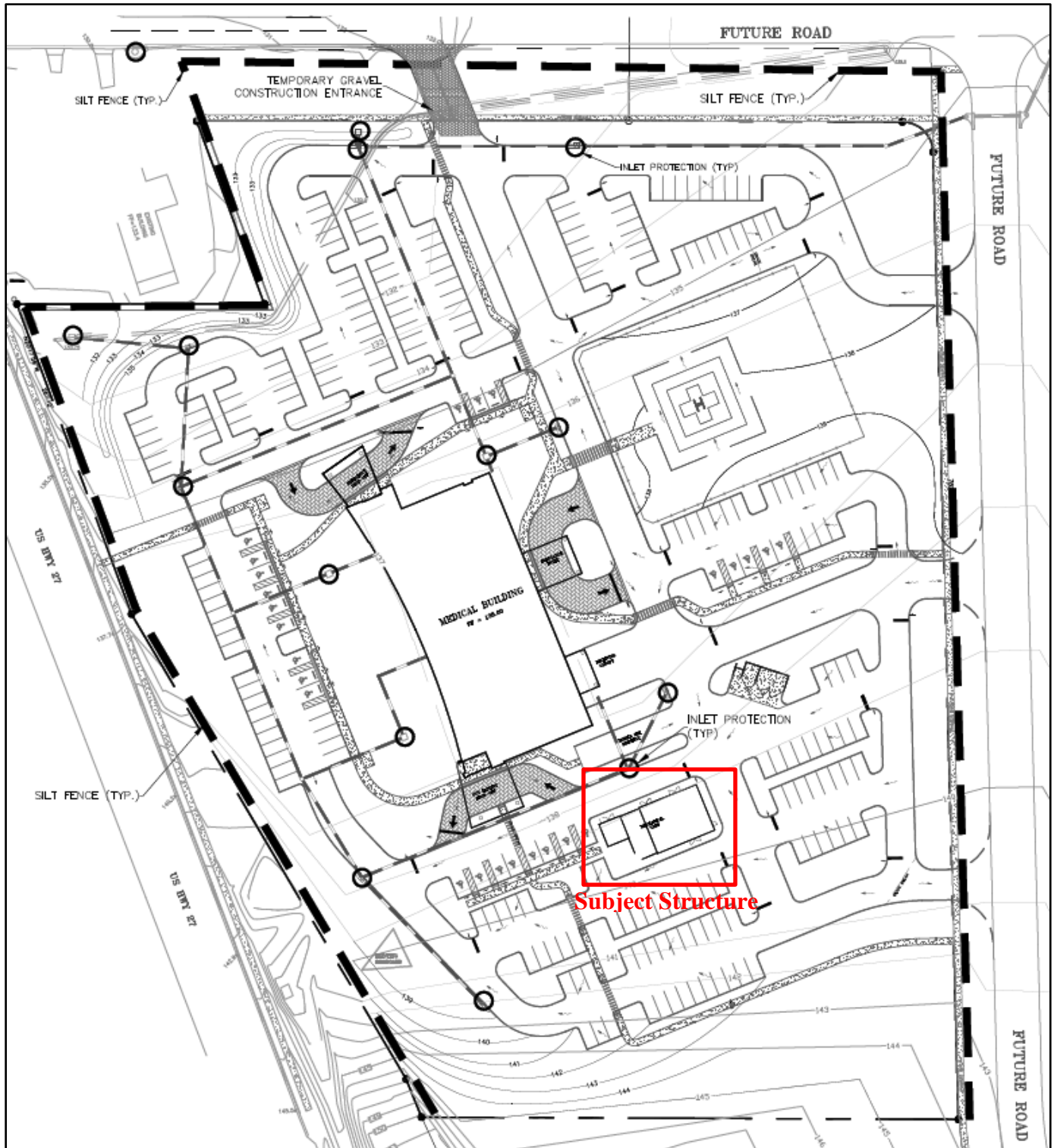
**Support: -0-**

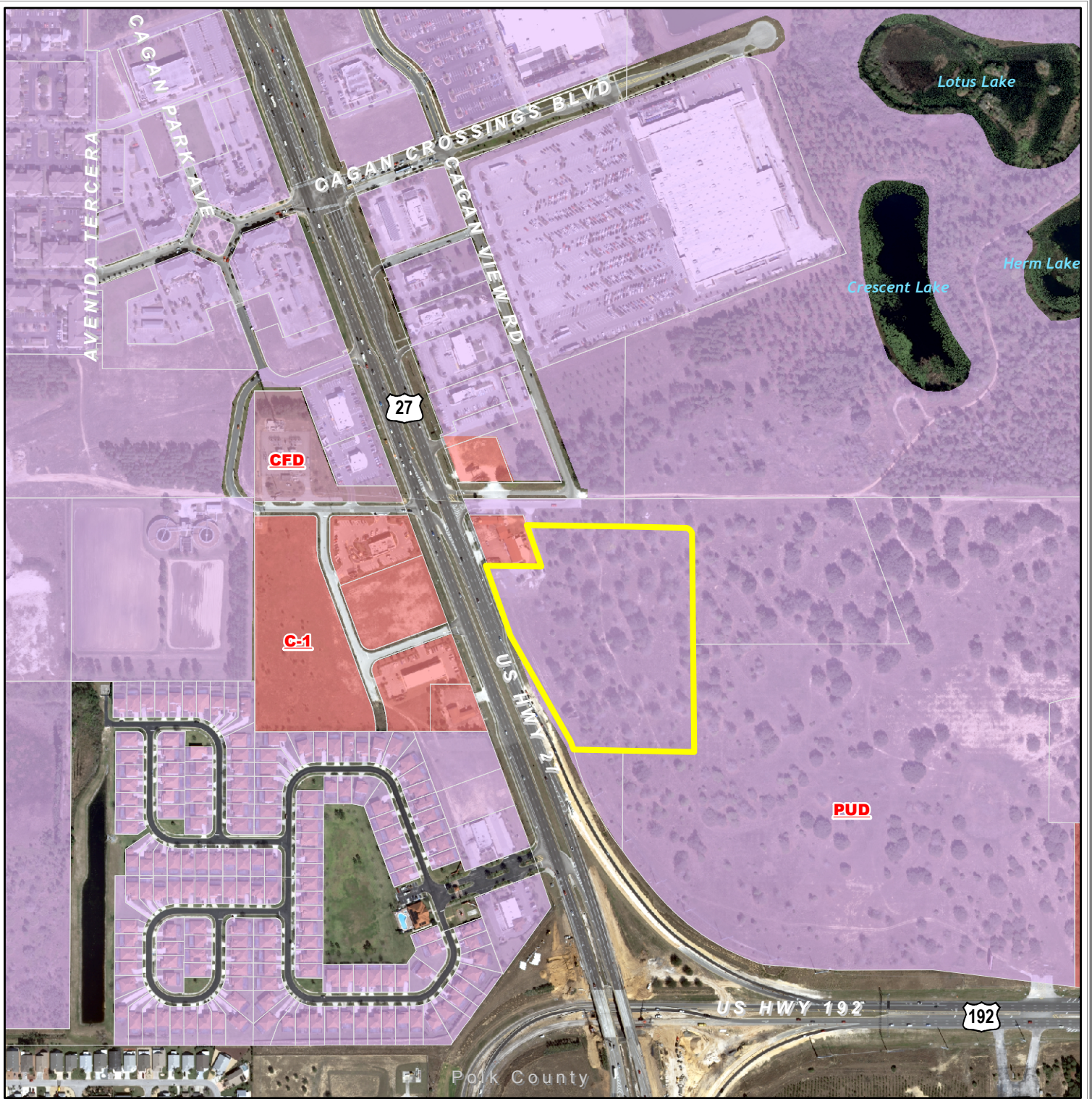
**Questions: -0-**

**Opposition: -0-**

**Case Manager:** Michele Janiszewski, Chief Planner

Attachment A. Site Plan

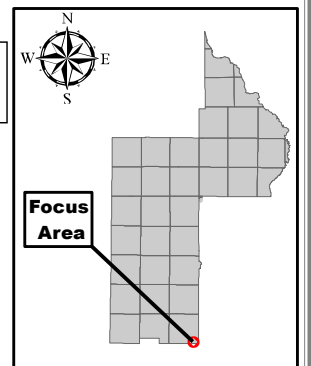




**ZONING LEGEND**

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

**NAME: SOUTH LAKE HOSPITAL**  
**CASE NUMBER: VAR-17-27-1**  
**LOCATION (S-T-R): 35 & 36-24-26**  
**REQUEST: MECHANICAL EQUIPMENT LOCATION ADJUSTMENT**





**FUTURE LAND USE LEGEND**

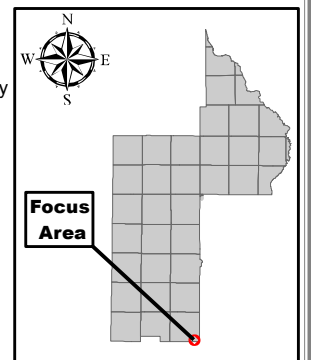
- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation               | Summer Bay           |
| Cagan Crossings                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20      |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40      |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | South Lake Regional Park |                      |

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**Final Development Order**  
**South Lake Hospital**  
**VAR-17-27-1**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chris Germana, Germana Engineering and Associates (“Applicant”), on behalf of South Lake Hospital, Inc., John A. Moore as the registered agent (“Owner”), requested a variance to Land Development Regulation (LDR) Section 9.10.02.A.5.c, to allow ground-mounted mechanical equipment to be located eighty (80) feet from the principle structure (the proposed South Lake Hospital) in lieu of twenty (20) feet; and

**WHEREAS**, the subject property consist of 11.05+/- acres and is located East of U.S. Highway 27 in South Clermont, Alternate Key Number 1595312 and is more particularly described in Exhibit A, attached hereto and incorporated herein (hereinafter referred to as the “Property”); and

**WHEREAS**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on July 13, 2017; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on July 13, 2017; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on July 13, 2017, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Recitals:** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-27-1 from Land Development Regulations Section 9.10.02.A.5.c, to allow ground-mounted mechanical equipment to be located eighty (80) feet from the principle structure (the proposed South Lake Hospital) in lieu of twenty (20) feet.



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

**Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED** this 13<sup>th</sup> day of July, 2017.

**EFFECTIVE** July 13, 2017.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Catherine Hanson, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has

produced \_\_\_\_\_, as identification and who did \_\_\_\_\_ or did not \_\_\_\_\_

take an oath.

(SEAL)

\_\_\_\_\_  
**Signature of Acknowledger**

**Exhibit A. Legal Description (1 Page)**

A portion of Section 36, Township 24 South, Range 26 East and a portion of Section 35, Township 24 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 36, Township 24 South, Range 26 East, Lake County, Florida; thence run South  $89^{\circ}41'53''$  West, 1326.27 feet; thence run South  $00^{\circ}08'47''$  West, 660.97 feet; thence run South  $89^{\circ}45'29''$  West, a distance of 3977.11 feet to the Northwest corner of the South 3/4 of the Southwest 1/4 of said Section 36; thence run South  $00^{\circ}18'53''$  West, a distance of 100.00 feet to the Point of Beginning; thence run South  $89^{\circ}45'49''$  East, a distance of 221.30 feet to a point of curvature of a curve concave Southwesterly having a radius of 25.00 feet, an included angle of  $88^{\circ}16'21''$  and a chord bearing of South  $45^{\circ}37'39''$  East, run 38.52 feet along the arc of said curve to the point of tangency thereof; thence run South  $01^{\circ}29'28''$  East, a distance of 782.29 feet; thence run North  $89^{\circ}45'49''$  West, a distance of 434.13 feet to a point on the East right-of-way line of U.S. Highway 27; said point also being a point on a non-tangent curve concave Easterly having a radius of 1799.68 feet, an included angle of  $01^{\circ}03'10''$  and a chord bearing of North  $21^{\circ}58'38''$  West, run 33.07 feet along the arc of said curve and said East right-of-way line to a point; thence run North  $30^{\circ}34'24''$  West along said East right-of-way line a distance of 436.78 feet; thence run North  $20^{\circ}17'59''$  West, along said East right-of-way line, a distance of 267.12 feet; thence departing said East right-of-way line run North  $89^{\circ}54'56''$  East, a distance of 200.00 feet; thence run North  $20^{\circ}17'59''$  West, a distance of 157.41 feet; thence run North  $89^{\circ}56'50''$  East, a distance of 349.40 feet to the Point of Beginning.

Together with an easement over the following described tract of land: From the Southeast corner of Section 35, Township 24 South, Range 26 East, run thence North  $00^{\circ}30'41''$  East along the East line of said Section 35, a distance of 1906.50 feet; thence North  $89^{\circ}53'12''$  West 362.76 feet to a Point of Beginning; run thence North  $89^{\circ}53'12''$  West 200 feet to the East right of way line of U.S. Highway No. 27; thence North  $20^{\circ}05'$  West 2.58 feet; thence North  $69^{\circ}55'$  East 7 feet; thence North  $20^{\circ}05'$  West 54.84 feet; thence South  $89^{\circ}53'12''$  East 245.81 feet; thence South  $20^{\circ}05'$  East 255 feet; thence North  $89^{\circ}53'12''$  West 53.27 feet; thence North  $20^{\circ}05'$  West 195 feet to the Point of Beginning.