

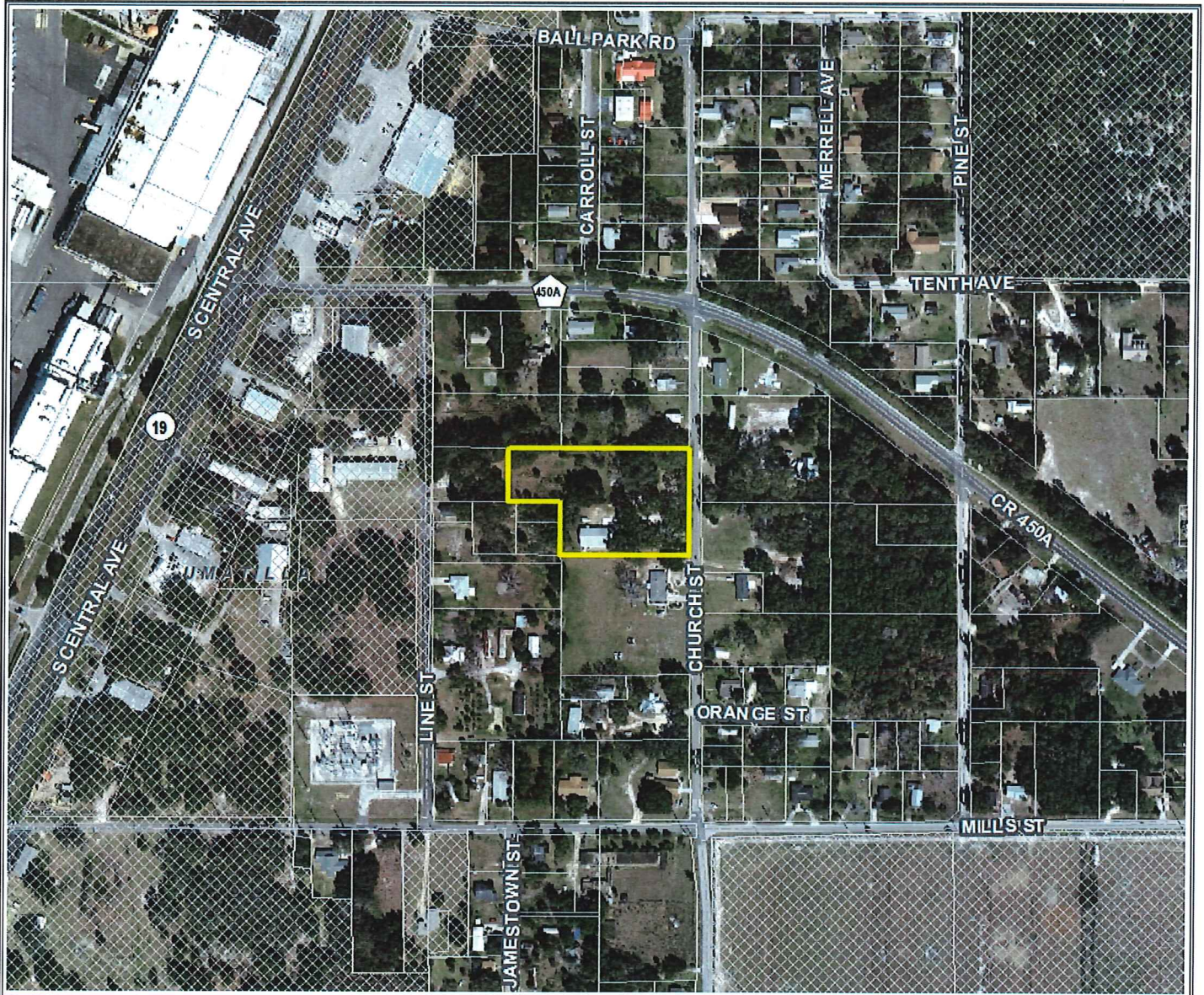
LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING AND ZONING BOARD
January 4, 2017



BOARD OF COUNTY COMMISSIONERS
January 24, 2017

<p>RZ-16-31-5 Bethel AME Church CFD Rezoning Amendment</p>	<p>Commission District 5 Blake</p>	<p>Agenda Item # 2</p>
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Requested Action: Amend Community Facility District (CFD) Ordinance 2001-27 by adding approximately .50-acre of land currently zoned as Mixed Residential (R-7), with a new CFD ordinance.

Owner: Bethel AME Church (the "Owner")

Applicant: Anthony Garrett (the "Applicant")

- Site Location & Information -

Size	2.5 +/- acres
Location	38623 Church Street, Umatilla area
Alternate Key #	3792791
Future Land Use	Urban Medium (up to 7 dwellings/net acre)
Existing Zoning District	Mixed Residential (R-7) & Community Facility District (CFD)
Proposed Zoning District	CFD
Joint Planning Area	Umatilla

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Mixed Residential District (R-7)	Vacant	Undeveloped
South	Urban Medium	R-7	Residential	Single family dwelling
East	Urban Medium	R-7	Residential	Vacant land with timber
West	Urban Medium	R-7	Vacant	Undeveloped

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning application to expand the CFD zoning district by adding .50 acres, with the rezoning of Mixed Residential acreage and establishing a new CFD ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant seeks to expand the Community Facility District (CFD) zoning of the Bethel AME church property located at 38623 Church Street, in the Umatilla area, to include approximately .50 acres of land area situated along the northeastern property line of the church property. The additional land area is vacant/undeveloped and zoned for Mixed Residential (R-7) use. The church owns this land area and seeks to increase the size of the zoning district for possible future expansion of Bethel AME church operations.

- Analysis -

LDR Section 14.03.03 (Standards for Review)

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

The proposed rezoning of Mixed Residential (R-7) land to Community Facility District (CFD) for the purpose of expanding the CFD use does not conflict with LDR provisions. The proposed rezoning is consistent with Land Development Regulation (LDR), Table 3.00.03, Land Use-Zoning District Matrix. LDR, Section 3.01.03, Schedule of Permitted and Conditional Uses, recognizes churches as a Community Facility use.

- B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;**
 The CFD zoning request is consistent with the Comprehensive Plan Policy I-1.3.3, Urban Medium Density Future Land Use Category (FLUC), which permit religious organization uses.
- C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;**
 Rezoning the undeveloped .50-acre property to CFD would be consistent with the existing church use. Additionally, the Urban Medium future land use category allows religious organization uses.
- D. Whether there have been changed conditions that justify a rezoning;**
 The Applicant wishes to expand the church use to adjacent land area owned by the church.
- 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;**
Transportation – No adverse impacts are anticipated from the small acreage expansion. Transportation impacts will be assessed and addressed upon review of any future development application for expanded church operations.
Water and Sewage – No adverse impacts are anticipated from the small acreage expansion. However, water and sewage impacts will be assessed and addressed upon review of any future development application for expanded church operations.
Solid Waste – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.
- F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;**
 The proposed rezoning is situated within an area that has been disturbed with urban development. Adverse impacts on natural resources are not anticipated. However, any future redevelopment for church expansion will require the submittal of an Environmental Assessment to evaluate the environmental impacts during the site plan review process for any proposed expansion of the (church) facility.
- G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;**
 The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.
- H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**
 The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. The CFD rezoning is compatible with existing land uses and will result in an orderly and logical development pattern as the parcel to the west is already developed for a church use.
- 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 rezoning application 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.**
 None

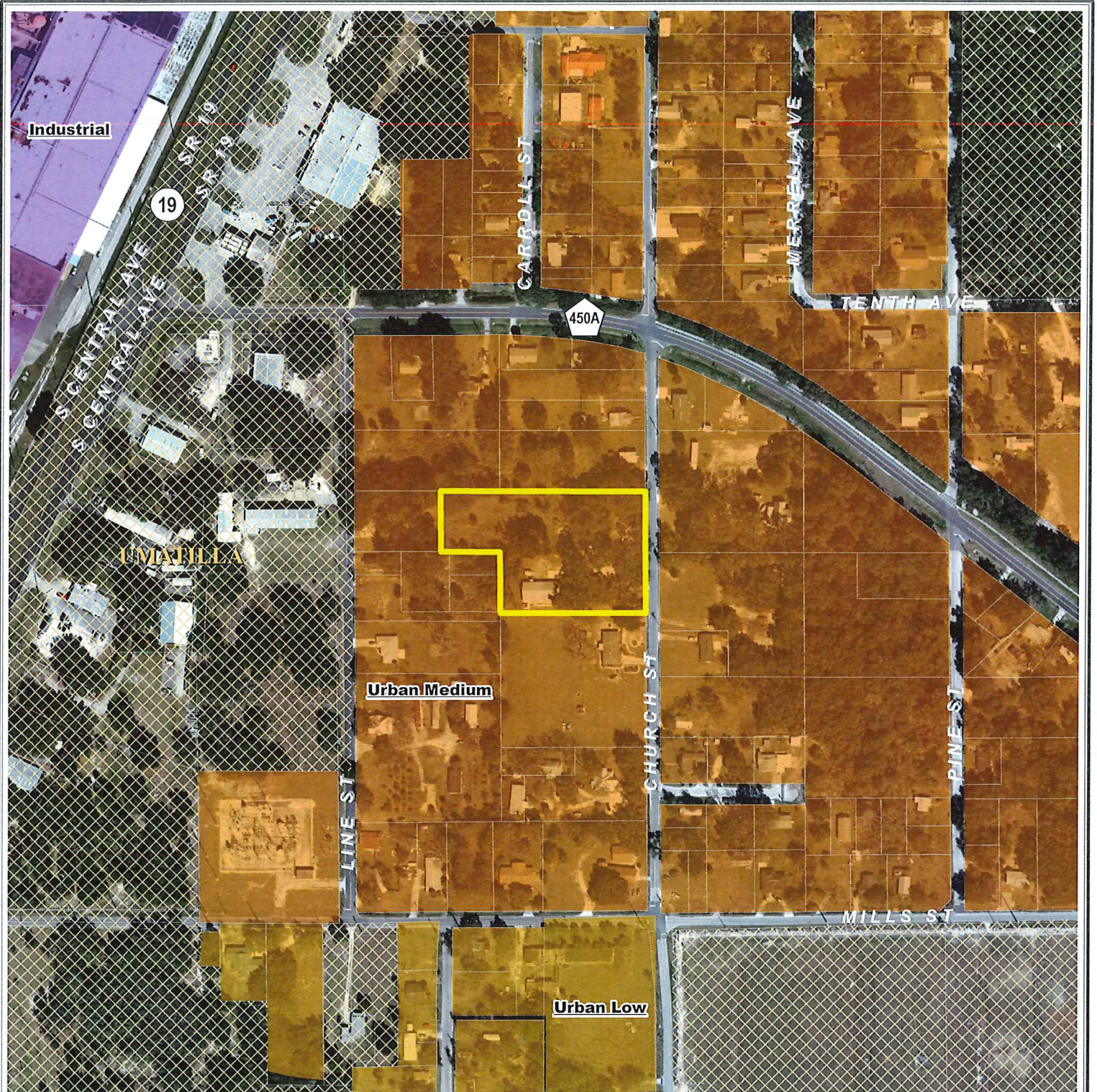
FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The rezoning application is consistent with Comprehensive Plan Policy I-1.3.3, "Urban Medium Density Future Land Use Category", which permit religious organization uses.
2. The rezoning application is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits church uses in the CFD Zoning District.

Based on these findings of fact, staff recommends **Approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

Case Manager: Steve K. Greene, AICP, Chief Planner

WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: - 0 -



FUTURE LAND USE LEGEND

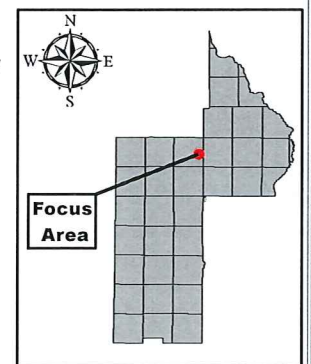
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|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| 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 | Urban High Density | |

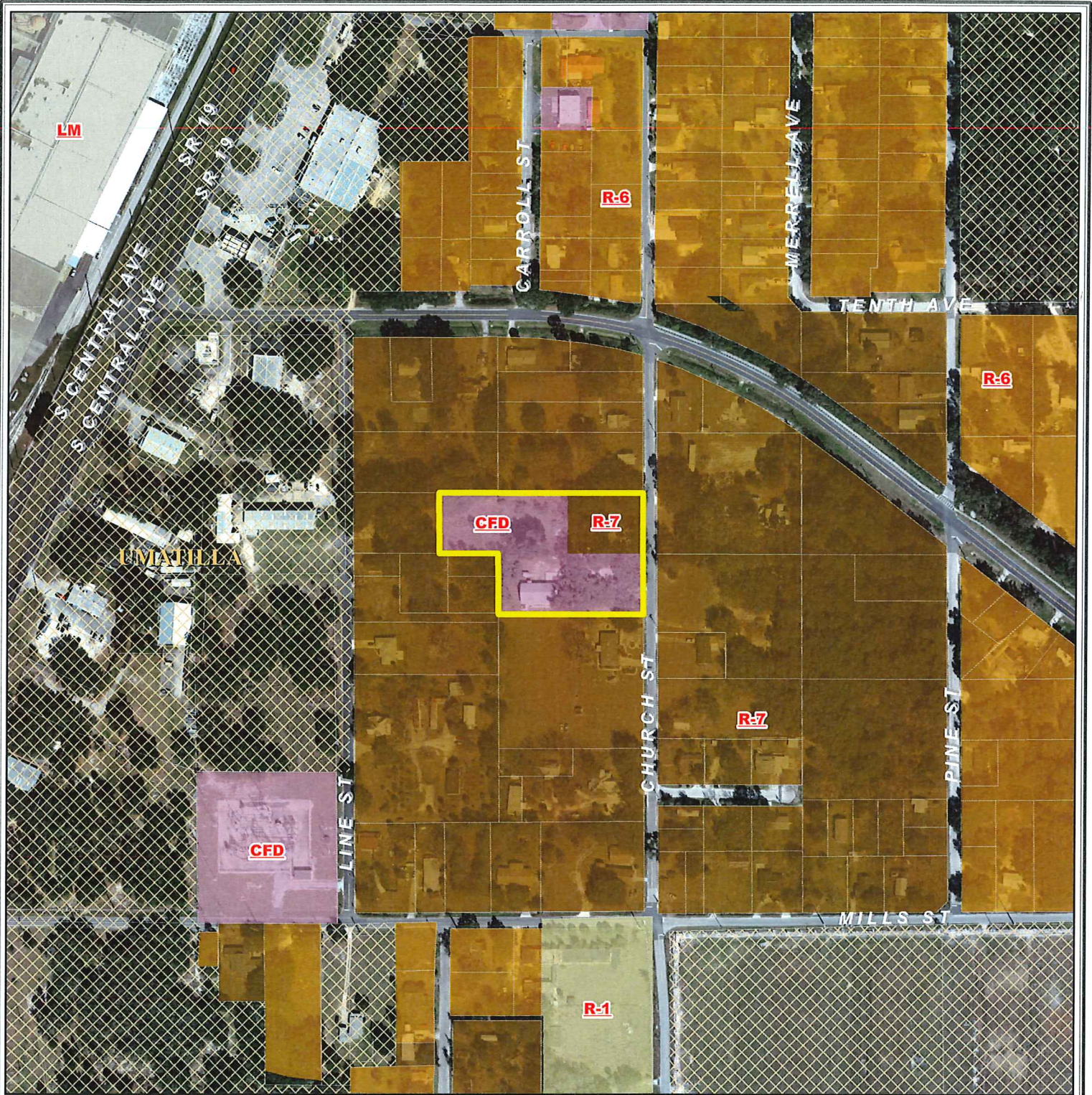
NAME: BETHEL AME CHURCH

CASE NUMBER: RZ-16-31-5

LOCATION (S-T-R): 24-18-26

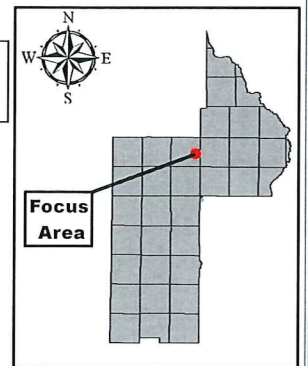
REQUEST: AMEND MIXED RESIDENTIAL PORTION TO
COMMUNITY FACILITY DISTRICT





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: **BETHELAME CHURCH**

CASE NUMBER: **RZ-16-31-5**

LOCATION (S-T-R): **24-18-26**

REQUEST: **AMEND MIXED RESIDENTIAL PORTION TO
COMMUNITY FACILITY DISTRICT**

**ORDINANCE #2017-
RZ-16-31-5
Bethel AME Church CFD Rezoning**

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

WHEREAS, Anthony Garrett (the “Applicant”) submitted an application on behalf of Bethel AME Church (the “Property Owner”) to rezone approximately 2.5 acres total from Community Facility District (CFD) zoning and Mixed Residential (R-7) zoning to Community Facility District (CFD) zoning by establishing a new CFD zoning district; and

WHEREAS, the subject property for this Ordinance consists of approximately 2.5 +/- acres located on Church Street, in the Umatilla area, in Section 24, Township 18 South, Range 28 East, identified by Alternate Key Number 3792791, and more particularly described as:

**LEGAL DESCRIPTION
(EXHIBIT “A” – ATTACHED)**

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

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-16-31-5 on the 4th day of January, 2017, after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 24th day of January, 2017; 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, the approval of this Ordinance shall superseded and replace existing CFD Ordinance 2001-27; and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

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 above tract of land, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Lake County Zoning Map to rezone the property described in Exhibit “A” to Community Facility District (CFD) zoning. This Ordinance shall supersede and replace all previously approved zoning ordinances. All land uses shall be generally consistent with the Concept Plan as shown in Exhibit “B”, of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

- 1 **A. Land Uses**
- 2 1. House of Worship (Church)
- 3 2. Gymnasium
- 4 3. Fellow-ship Hall
- 5 4. Day Care and after-school care and community based programs.
- 6 5. Accessory Use directly associated with the above uses may be approved by the County
- 7 Manager or designee. Any other use of the site not specified above shall require approval of an
- 8 amendment to this Ordinance by the Board of County Commissioners
- 9 **B. Open Space, and Parking:** Open Space and Parking shall be in accordance with the
- 10 Comprehensive Plan and LDR, as amended.
- 11 **C. Building Setbacks:**
- 12 Front – 50 feet from all roads/rights of way
- 13 Side – 10 feet from the property line.
- 14 Rear – 10 feet from the property line.
- 15 **D. Floor Area Ratio/Intensity, Impervious Surface (ISR), Structure Height:** Floor Area
- 16 Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance with the
- 17 Comprehensive Plan and LDR, as amended.
- 18 **D. Landscaping, Buffering, and Screening:** Landscaping, Buffering, and Screening shall be in
- 19 accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- 20 **E. Transportation Improvements/Access Management:**
- 21 1. **Access Management:** All access management shall be in accordance with the
- 22 Comprehensive Plan and Land Development Regulations, as amended.
- 23 2. **Traffic Analysis:** A Traffic Impact Analysis will be required with any future site plan
- 24 submittal. Any transportation improvements recommended as a result of the traffic impact
- 25 analysis will be addressed as part of the site plan approval.
- 26 **F. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development
- 27 Regulations, as amended.
- 28 **G. Commercial Design:** The design of future Building structures be accordance with Land
- 29 Development Regulations (LDR) and Comprehensive Plan, as amended.
- 30
- 31 **H. Lighting:** Exterior lighting shall be cut-off type and in accordance with the Land Development
- 32 Regulations, as amended, and consistent with Dark-Sky principles.
- 33 **I. Fire Protection:** Fire Protection shall be in accordance with the all applicable federal, state, and
- 34 local codes and/or regulations, as amended.
- 35 **J. Utilities:**
- 36 1. The provision of potable water, as applicable, shall be permitted in accordance with Florida
- 37 Department of Health, Florida Department of Environmental Protection, the Comprehensive
- 38 Plan, and Land Development Regulations, as amended.

- 1 2. Septic and sewage service, as applicable, shall be permitted in accordance with the Florida
2 Department of Health, Florida Department of Environmental Protection, the Comprehensive
3 Plan, and Land Development Regulations, as amended.
4 3. Development shall connect to central wastewater when available.
- 5 **J. Concurrency Management Requirements:** Any development shall comply with the Lake
6 County Concurrency Management System, as amended.
- 7 **K. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be
8 required to submit a development application for any future expansion generally consistent with
9 Exhibit "B" - Conceptual Plan, attached, for review and approval in accordance with the
10 Comprehensive Plan and LDR, as amended.
- 11 **L. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references
12 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
13 Comprehensive Plan, and Lake County Land Development Regulations shall include any future
14 amendments to the Statutes, Code, Plans, and/or Regulations.
- 15 **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall
16 mean:
- 17 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only
18 be used for the purposes named in this Ordinance. Any other proposed use must be specifically
19 authorized by the Board of County Commissioners.
- 20 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
21 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
22 within the boundaries of the above described land without first obtaining the necessary approvals
23 in accordance with the Lake County Code, as amended, and obtaining the permits required from
24 the other appropriate governmental agencies.
- 25 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land
26 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner
27 and any successor, and shall be subject to each and every condition herein set out.
- 28 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of
29 this and other governmental permitting agencies.
- 30 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall
31 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
32 and aware of the conditions established by this Ordinance and agrees to be bound by these
33 conditions. The purchaser or lessee may request a change from the existing plans and conditions
34 by following procedures contained in the Land Development Regulations, as amended.
- 35 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
36 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
37 this ordinance and to recommend that the ordinance be revoked.
- 38 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
39 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
40 the validity of the remaining portions of this Ordinance.

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Section 4. Filing with the Department of State: The clerk shall be and 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.

Section 5. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2017.

FILED with the Secretary of State _____, 2017.

EFFECTIVE _____, 2017.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

TIMOTHY I. SULLIVAN, CHAIRMAN

ATTEST:

NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

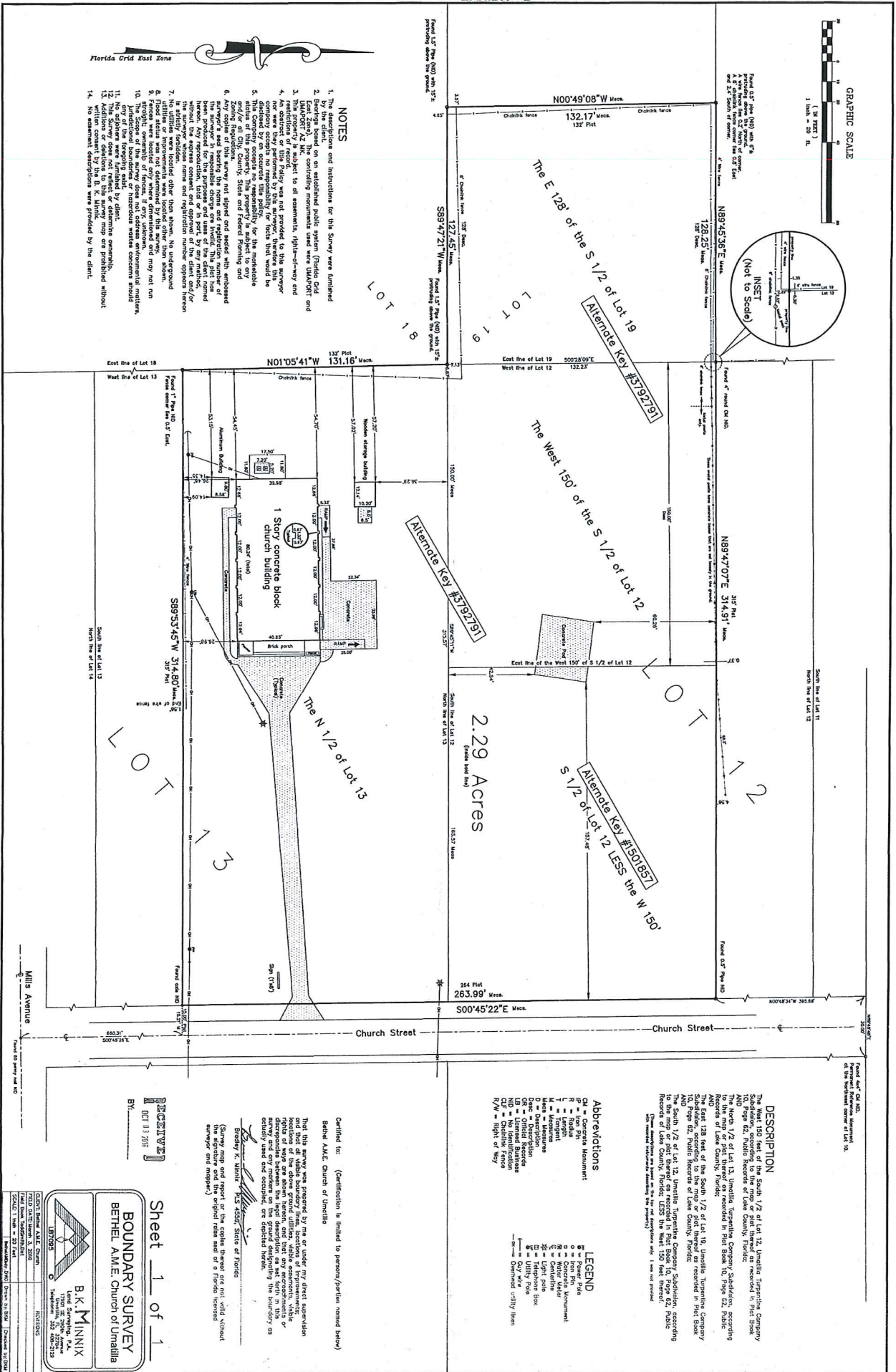
APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A"
Legal Description

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The West 150 Feet of the South ½ of Lot 12, Umatilla Turpentine Company Subdivision, according to the map or plat thereof as recorded in Plat Book 10, Page 62, Public Records of Lake County, Florida
AND
The North ½ of Lot 13, Umatilla Turpentine Company Subdivision, according to the map or plat thereof as recorded in Plat Book 10, Page 62, Public Records of Lake County, Florida
AND
The East 128 feet of the South ½ of Lot 19, Umatilla Turpentine Company Subdivision, according to the map or plat thereof as recorded in Plat Book 10, Page 62, Public Records of Lake County, Florida
AND
The South ½ of Lot 12, Umatilla Turpentine Company Subdivision, according to the map or plat thereof as recorded in Plat Book 10, Page 62, Public Records of Lake County, Florida; LESS the West 150 feet thereof.



RECEIVED
OCT 11 2016

Sheet 1 of 1

BOUNDARY SURVEY
BETHEL A.M.E. Church of Umatilla

B.K. MINNIX
Land Surveyor, P.A.
Umatilla, FL 32786
Tel: 352-227-7222
Fax: 352-227-7223

FIELD DATE: 10/11/16
FIELD SURVEYOR: B.K. MINNIX
FIELD CHECKER: B.K. MINNIX
SCALE: 1" = 20' (AS SHOWN)
DATE: 10/11/16

Abbreviations

CA = Concrete Monument
R = Road
T = Tape
F = Flag
M = Marker
D = Description
U = Utility Pole
L = Lateral Fixture
C/F = Check/Close
R/W = Right of Way

LEGEND

○ = Iron Pin Monument
● = Metal Marker
○ = Concrete Monument
□ = Telephone Box
○ = Utility Pole
— = Check/Close
— = Overhead Utility Lines

Certified to: (Certification is limited to person/parish named below)

Bethel A.M.E. Church of Umatilla

This survey was prepared by me or under my direct supervision and that all visible boundary lines, locations of improvements, and other features shown on this map are true and correct. I have personally observed and measured the points shown on this map and the actual use and occupancy, as depicted thereon.

Forcedy K. Minnix
FLS 4506, State of Florida

(Survey map and report for the copies thereof are not valid without the signature and the original red seal of a Florida licensed surveyor and mapmaker.)