

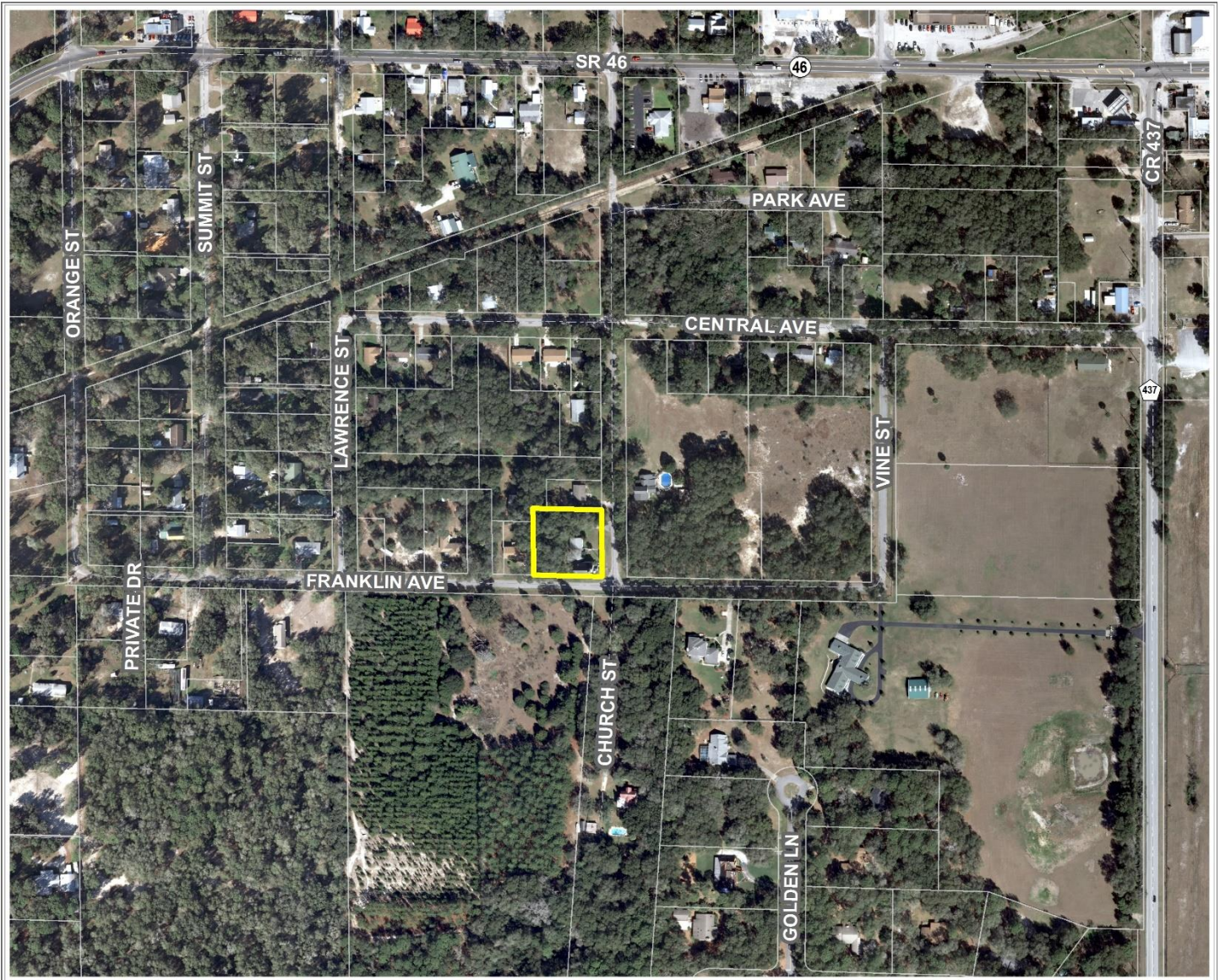
LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING AND ZONING BOARD
May 31, 2017



BOARD OF COUNTY COMMISSIONERS
June 20, 2017

<p>RZ-17-04-4 Insight Christian Center</p>	<p>Commission District 5 Campione</p>	<p>Agenda Item # 2</p>
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Requested Action: Rezone .63-acres of property from Urban Residential (R-6) to Community Facility District (CFD) zoning for use as a place of worship and educational facility. In addition to a waiver LDR Ch. 3.00 for front setback.

Owner: Insight Christian Center (the "Owner")

Applicant: Roger MacPhee (the "Applicant")

- Site Location & Information -

Size	.63 +/- acres
Location	31241 Church Street, Mt. Plymouth-Sorrento area
Alternate Key #	1127777
Future Land Use	Mt. Plymouth-Sorrento Main Street
Existing Zoning District	Urban Residential (R-6)
Proposed Zoning District	Community Facility District (CFD)
Joint Planning Area	N/A

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mt. Plymouth-Sorrento Main Street	Urban Residential (R-6)	Residential	Single-family dwelling
South	Mt. Plymouth-Sorrento Main Street	R-6	Right-of-Way	Franklin Ave., undeveloped R-6 zoning across the street
East	Mt. Plymouth-Sorrento Main Street	R-6	Right-of-Way	Church St., existing single-family dwelling
West	Mt. Plymouth-Sorrento Main Street	R-6	Residential	Single-family dwelling

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning application to rezone approximately 0.63-acres from R-6 to CFD, to include establishment of alternative building setback, with conditions.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant seeks to rezone 0.63-acres of property, located at 31241 Church Street, from Urban Residential (R-6) to Community Facility District (CFD) zoning for use as a place of worship and educational facility. The property is designated as Mt. Plymouth-Sorrento Main Street Future Land Use. This application also includes a waiver to building setbacks as the exiting 2,751 square foot structure does not meet the required front and side building setbacks of 50-feet and 10-feet, respectively. The structure, in the Mt. Plymouth-Sorrento area, is currently being used for religious services which is non-conforming in the existing R-6 zoning. Additionally, the structure does not conform to current building setbacks as it was built over 116 years ago, in 1900. As religious uses and school uses are permissible with the future land use category, this rezoning request is consistent with the Lake County 2030 Comprehensive Plan.

– 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 the property from Urban Residential (R-6) land to Community Facility District (CFD) will correct the exiting non-conforming use of having religious use within a residential zoning district. The use of the property for religious use and education should be properly zoned to Community Facility District consistent with the 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 and schools as Community Facility uses. Lastly, these proposed uses for the property are consistent with the CFD definition specified by LDR Section 3.00.02.Y, as the uses promote the general welfare of community needs for county residents.

If not for the proposed use of the property for school use, the church use of the building is considered as “existing non-conforming development” pursuant to LDR Section 1.08.02. As such, the new use demands some level of conformance to current code requirements. The Applicant was informed about the applicability of the new code requirements caused by the new school use. Hence, existing building setbacks must be recognized prior to use of the existing 2,751 square foot structure for a school. The Applicant’s justification is that they do not intend to expand the structure for the new school use and intends to have a modest school population of ten (10) students. The proposed CFD ordinance contains a development condition to require adherence to current building setbacks should the structure expand beyond ten percent (10%) of the existing building square footage.

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

The CFD rezoning application is consistent with the Comprehensive Plan Policy I-13.2.6, Mt. Plymouth-Sorrento Main Street Future Land Use Category (FLUC), which allows religious organization uses and schools.

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

The proposed religious use and school use are inconsistent with the existing R-6 zoning. The proposed CFD rezoning will rectify this inconsistency as it would allow uses that are consistent with the Mt. Plymouth-Sorrento Main Street Future Land Use Category.

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

The Applicant’s desire to undertake school uses within the current R-6 zoning district. The school use is inconsistent with the current residential zoning.

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 – The proposed school use prompts the need for the site plan to require adherence to the Comprehensive Plan and Land Development Regulations, as amended as it pertains to improvements for the proposed use. Such improvements include a commercial driveway apron to the county paved road and a management system shall be designed in accordance with Lake County and St. Johns River Water Management District (SJRWMD) requirements. These are specified conditions in the proposed CFD ordinance.

Water and Sewage – At this time, it’s unclear of the level of impact the new school use will impose on the existing septic tank and potable well. This will be examined and properly permitted during the course of site plan review prior to commencement of the school use. Conditions regarding the needed septic tanks and potable well use are specified in the proposed CFD ordinance.

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 of the property will require the submittal of an Environmental Assessment to evaluate the environmental impacts during the site plan review and approval process.

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 continuing the existing 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 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

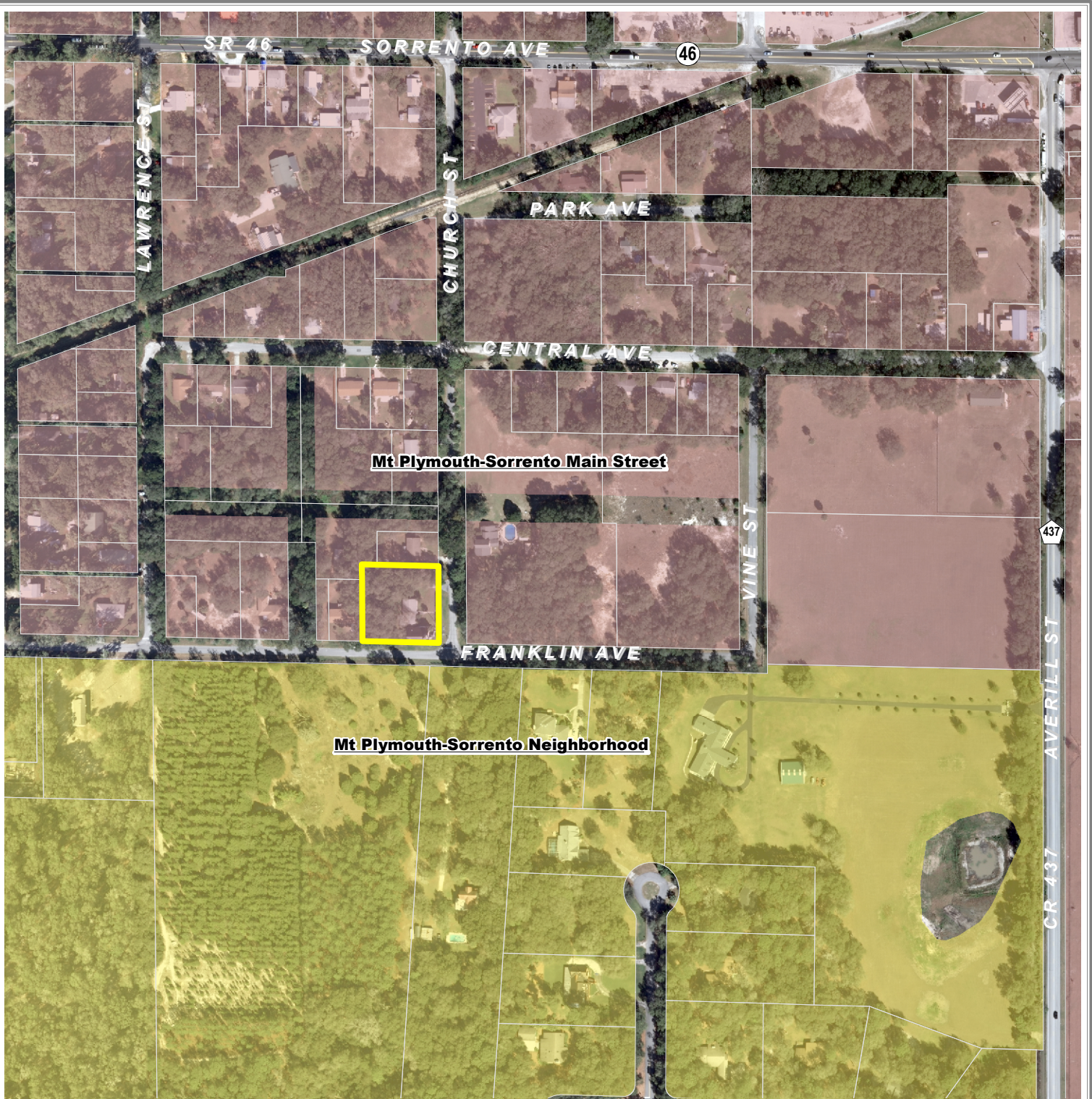
FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The rezoning application is consistent with Comprehensive Plan Policy I-3.2.6, Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC), which permit religious organizations and school uses.
2. The rezoning application is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits church and schools uses in the CFD Zoning District.
3. The rezoning application and use of the property is consistent with the CFD definition specified by LDR Section 3.00.02.Y, as the uses promote the general welfare of community needs for county residents

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

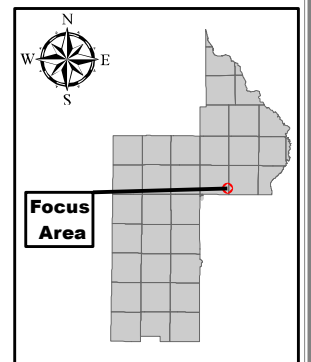
WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: - 0 -



FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| 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 | |
| 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 | Summer Bay | |

NAME: INSIGHT CHRISTIAN CENTER
CASE NUMBER: RZ-17-04-4
LOCATION (S-T-R): 25-19-27
REQUEST: URBAN RESIDENTIAL DISTRICT TO
COMMUNITY FACILITY DISTRICT

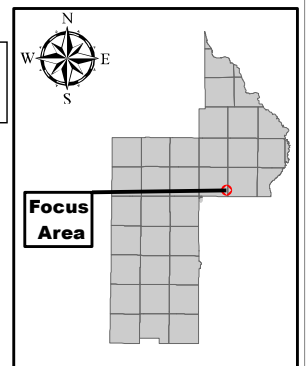




ZONING LEGEND

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: INSIGHT CHRISTIAN CENTER
CASE NUMBER: RZ-17-04-4
LOCATION (S-T-R): 25-19-27
REQUEST: URBAN RESIDENTIAL DISTRICT TO COMMUNITY FACILITY DISTRICT



1 **ORDINANCE #2017-**
2 **RZ-17-04-4**
3 **Insight Christian Center CFD Rezoning**
4

5
6 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
7 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
8

9 **WHEREAS**, Roger MacPhee (the "Applicant") submitted an application on behalf of Insight Christian
10 Center, Inc. (the "Property Owner") to rezone approximately 0.63 acres total from Urban Residential (R-6) to
11 Community Facility District (CFD) zoning for use as a place of worship and educational facility; and
12

13 **WHEREAS**, the subject property for this Ordinance consists of approximately 0.63 +/- acres located
14 on Church Street, in the Mt. Plymouth-Sorrento area, in Section 25, Township 19 South, Range 27 East,
15 identified by Alternate Key Number 1127777, and more particularly described below:
16

17 **LEGAL DESCRIPTION**

18 See Exhibit "A"

19 **WHEREAS**, the property subject to the request is located within the Mt. Plymouth-Sorrento Main
20 Street Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map
21 (FLUM); and

22 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-17-04-4 on the 31st
23 day of May, 2017, after giving Notice of Hearing for a change in the use of land, including a notice that said
24 petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 20th day of
25 June, 2017; and
26

27 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of
28 the Lake County Planning and Zoning Board, the staff report and any comments, favorable or unfavorable,
29 from the public and surrounding property owners at a public hearing duly advertised, and
30

31 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
32 property have been duly approved; and
33

34 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
35 Florida, that the Land Development Regulations of Lake County, Florida (LDR), be altered and amended as
36 they pertain to the above tract of land, subject to the following terms:

37 **Section 1. Terms:** The County Manager or designee shall amend the Official Lake County Zoning Map to
38 rezone the property described in Exhibit "A" to Community Facility District (CFD) zoning. This
39 Ordinance shall supersede and replace all previously approved zoning ordinances. All land uses
40 shall be generally consistent with the Concept Plan as shown in Exhibit "B", of this Ordinance.
41 To the extent that there are conflicts between the Concept Plan and this Ordinance, this
42 Ordinance shall take precedence.
43
44

1 **A. Land Uses**

- 2 1. House of Worship (Church)
- 3 2. Educational/School use, to include daycare and after-school care
- 4 3. Community based programs
- 5 4. Fellowship Hall
- 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 (existing and future):**

12 Front – 8-feet along Church Street (east property line), in-lieu of the required 50-feet via

13 a 42-foot setback waiver.

14 Side – 6.9 feet along Franklin Street (south property line), in-lieu of the required 10-feet

15 via a 3.1-foot setback waiver (minimum required landscape buffer).

16 Side – 10-feet (north property line),

17 Rear – 10 feet (west property line).

18 Future redevelopment, expansion, or alteration of the existing structure greater than ten-

19 percent (10%) of the existing square footage shall require building setbacks in

20 accordance with the Comprehensive Plan and LDR, as amended.

21 **D. Floor Area Ratio/Intensity, Impervious Surface (ISR), Structure Height:** Floor Area

22 Ratio/Intensity, Impervious Surface Ratio, and Structure Height shall be in accordance with the

23 Comprehensive Plan and LDR, as amended.

24 **D. Landscaping, Buffering, and Screening:** Landscaping, Buffering, and Screening shall be in

25 accordance with the Comprehensive Plan and LDR, as amended.

26 **E. Transportation Improvements-Access Management/Stormwater Management:**

- 27 1. **Access Management:** All access management shall be in accordance with the
- 28 Comprehensive Plan and Land Development Regulations, as amended.
- 29 2. A storm-water management system shall be designed in accordance with Lake County and
- 30 St. Johns River Water Management District (SJRWMD) requirements in conjunction with
- 31 site plan approval.
- 32

33 **F. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development

34 Regulations, as amended.

35 **G. Commercial Design:** Redevelopment of the existing structures greater than ten-percent (10%)

36 of the existing square footage or/and construction of new structures shall be accordance with

37 Land Development Regulations (LDR) and Comprehensive Plan, as amended.

38

39 **H. Lighting:** Exterior lighting shall be cut-off type and in accordance with the Land Development

40 Regulations, as amended, and consistent with Dark-Sky principles.

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

1 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
2 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
3 this ordinance and to recommend that the ordinance be revoked.

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

7 **Section 4. Filing with the Department of State:** The clerk shall be and is hereby directed forthwith to send
8 a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with
9 Section 125.66, Florida Statutes.

10
11 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

12
13 **ENACTED** this _____ day of _____, 2017.

14
15 **FILED** with the Secretary of State _____, 2017.

16
17 **EFFECTIVE** _____, 2017.

18
19
20 **BOARD OF COUNTY COMMISSIONERS**
21 **LAKE COUNTY, FLORIDA**

22
23
24
25 _____
26 **TIMOTHY I. SULLIVAN, CHAIRMAN**

27 **ATTEST:**

28
29
30 _____
31 **NEIL KELLY, CLERK OF THE**
32 **BOARD OF COUNTY COMMISSIONERS**
33 **LAKE COUNTY, FLORIDA**

34
35
36 **APPROVED AS TO FORM AND LEGALITY**

37
38 _____
39 **MELANIE MARSH, COUNTY ATTORNEY**
40

Exhibit "A"
Legal Description

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Parcel 1:
Lot 4 and Lot 12, Block 20 and the South 33 feet of Lot 5, Block 20, SORRENTO MAIN DIVISION,
according to the Plat thereof, recorded in Plat Book 1, Page 32 of the Public Records of Lake County,
Florida.

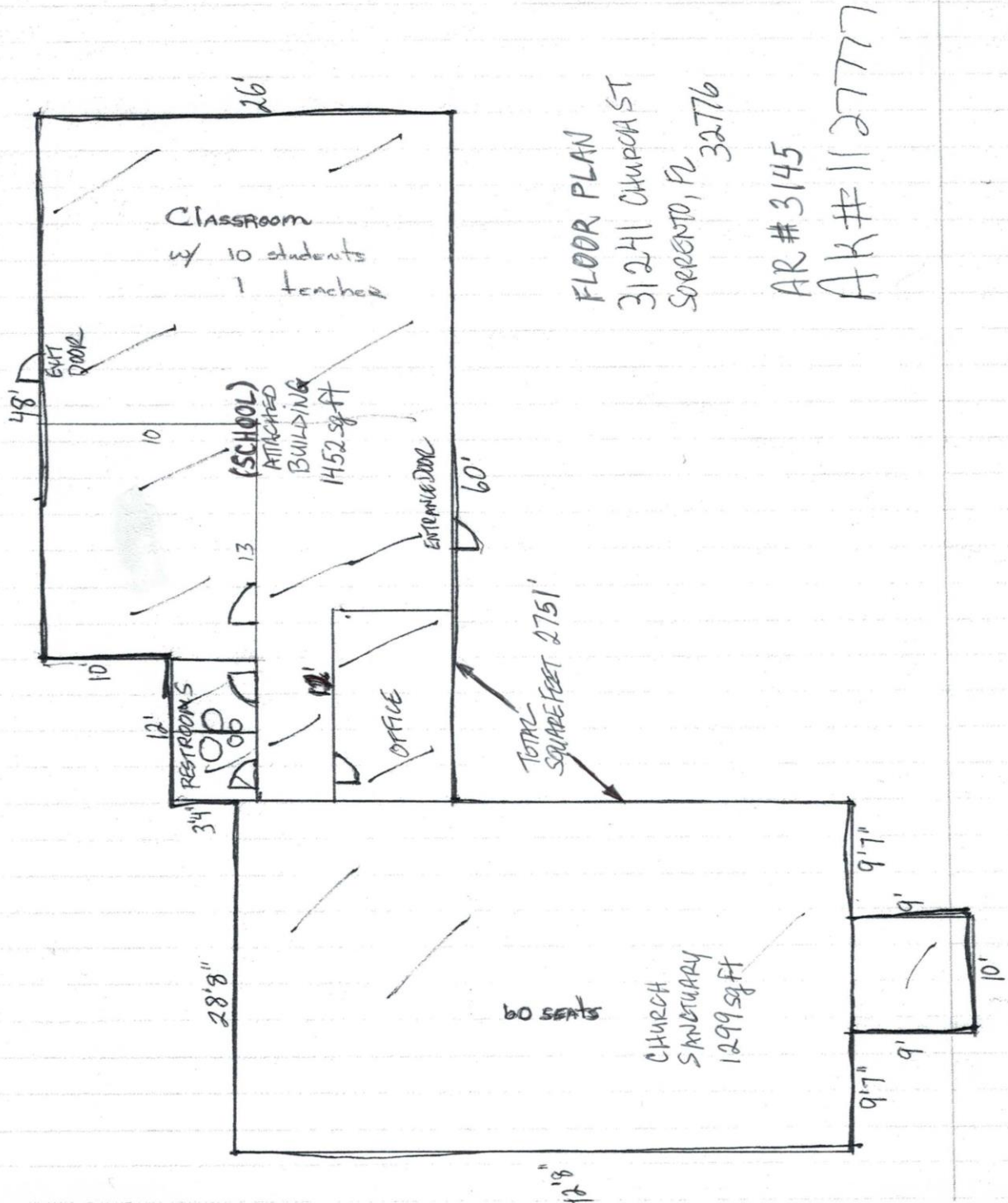
Parcel 2:
A portion of land situated in Section 26, Township 19 South, Range 27 East, Lake County, Florida, being
bounded on the North by the South line of Lot 4, Block 20, SORRENTO MAIN DIVISION, according to the
Plat thereof, recorded in Plat Book 1, Page 32 of the Public Records of Lake County, Florida; bounded on
the West by the East line of Lot 12, Block 20, of said Plat; bounded on the East by the West right-of-way
line of Church Street as recorded in said Plat Book 1, Page 32, bounded on the South by the North right-
of-way of Franklin Avenue as recorded in said Plat Book 1, Page 32

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Exhibit "B"
Concept Plan

EXHIBIT - B



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