

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
July 11, 2012



BOARD OF COUNTY COMMISSIONERS
July 24, 2012

PH #25-12-5 Northside Christian Church	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 3
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Owner: Northside Christian Church of Fruitland Park (the "Owner")

Applicant: Alan Wayne Bradley (the "Applicant")

Requested Action: Amend the Community Facility District (CFD) Ordinance #60-87 to add a parsonage and to include additional land currently zoned Agriculture (A).

- Site Location & Information -

Approximate site location outlined in **RED**



Size	11.6 +/- acres	
Location	Fruitland Park area, east of US 27	
Alternate Key #	2889454, 2989394	
Future Land Use	Urban Medium	
	Existing	Proposed
Zoning District	CFD and A	CFD
Joint Planning Area	N/A	
Utility Area:	Fruitland Park	
Site Utilities	Central water, septic tank	
Road Classification	Eagle Nest Road- Local Road	
Flood Zone/ FIRM Panel	Flood Zone X	
Commissioner District	5-Cadwell	

Site Visit June 15, 2012

Sign Posted June 15, 2012 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium	Agriculture	Vacant	
South	Urban Medium	RM, RMRP/City of Fruitland Park	Residential	
East	Urban Medium	Agriculture	Vacant	
West	Urban Medium	Agriculture	Vacant	Owned by the Applicant

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the proposed rezoning request, as set forth in the attached Ordinance and for the Board to acknowledge that the remaining two acre parcel not acquired by the Church is non-conforming due to the Church acquiring only a portion of the property.

PLANNING & ZONING BOARD RECOMMENDATION: The P&Z Board unanimously recommended **APPROVAL with conditions** of the proposed rezoning request.

- Summary of Analysis -

The Applicant is requesting to amend the Community Facility District (CFD) Ordinance #60-87 to add the use of a parsonage as well as to add approximately 3.9 acres of land area. Ordinance #60-87 will be superseded and replaced by the proposed ordinance. The existing church is currently situated on approximately 7.7 acres. The rezoning will comprise 11.6 +/- acres (total) and is located in the Fruitland Park area, east of US Highway 27, North of Eagle Nest Road.

The proposed amendment is consistent with the Comprehensive Plan and the Land Development Regulations (LDR), which permit church (religious organizations) uses in the Urban Medium Future Land Use Category (FLUC) and in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

The 3.9 acres of land the Applicant is seeking to add to the CFD Ordinance was purchased from Ms. Jacqueline Caborn, the adjacent neighbor to the west of the original 7.7 acres, by means of a metes and bounds survey. Ms. Caborn sold an approximate total of 8.75 acres of land to the Applicant, leaving her own property with an existing single-family residence on approximately 1.75 acres, all of which is zoned Agriculture. If the amendment to the CFD Ordinance is approved, it will create a non-conformity on Ms. Caborn's 1.75-acre property, which will remain in the Agriculture Zoning District. If this rezoning is approved and the Applicant submits and receives approval of a site plan for the proposed development on the CFD zoned parcel, the 1.75-acre parcel owned by Ms. Caborn would be created by default; the owner would not be able to obtain permits for additional structures, due to the nonconformity created when the site plan for the church is approved.

The Urban Medium Future Land Use Category would permit the 1.75-acre property to be rezoned to Rural Residential (R-1), allowing Ms. Caborn's parcel to be in compliance with the Future Land Use Category and Zoning District. If this zoning is approved, it is recommended that the Board initiate a rezoning of the Caborn parcel from Agriculture to Rural Residential (R-1) to bring it into conformity.

Land Development Regulations 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 is consistent with the approved ordinance (Ordinance #60-87) and no changes have occurred to the applicable Codes since the original approved ordinance. The proposal is also consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits, church and related uses in the CFD Zoning District.

However, the amendment to the rezoning, which incorporates the 3.9 acres purchased from the contiguous parcel owner into the CFD Zoning District, will cause the remainder of the 1.75 acre contiguous parcel (Coburn Parcel) to become non-conforming to the existing Agricultural Zoning District and therefore, in conflict with Section 3.02.06 of the Land Development Regulations, which allows a maximum density of one dwelling unit per five acres in the Agriculture Zoning District. If the rezoning is approved and the Applicant submits and receives approval of a site plan for the proposed development on the CFD zoned parcel, the 1.75-acre parcel will be

created by default. The owner of the 1.75-acre parcel will not be able to obtain permits for additional structures or addition to the existing structures, due to the nonconformity of the lot.

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

The proposed rezoning request is consistent with the Comprehensive Plan Policy I-1.3.3 *Urban Medium Future Land Use Category*, which allows religious organizations (churches) in the Urban Medium Future Land Use Category (FLUC).

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

The proposed rezoning is generally consistent with the land use patterns in the area. Adjacent zoning consists of Agriculture to the north & west and Agriculture, Mobile Home Residential (RM) and Mobile Home Rental Park (RMRP) to the south and Mixed Residential (R-7) to the east.

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

The Applicant wishes to add a parsonage to the list of uses previously approved in Ordinance #60-87.

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 addition of a parsonage to the list of uses allowed on the 11.6 acre property will have little effect on public facilities.

Central water and sewage is not available. The proposed parsonage will be served by a private well and septic system.

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

The property is currently developed with an existing church.

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

The application does not contain any evidence that the proposed rezoning would adversely affect 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 be adverse to the orderly and logical development pattern of the area that currently exists.

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 would be in harmony with the general intent of the Comprehensive Plan and LDR.

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 request is consistent with the Comprehensive Plan as seen in Policy I-1.3.3 *Urban Medium Future Land Use Category* as church uses (religious organizations) are allowable and it conforms to the general land use criteria and activities of the Urban Medium Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows church uses in the CFD Zoning District.
3. The amendment to the rezoning, which incorporates the 3.9 acres purchased from the contiguous parcel owner into the CFD Zoning District, will cause the remainder of the contiguous parcel having Alternate Key number 1282471 (1.75 acres) to become non-conforming to the existing Agricultural Zoning District.
4. If the rezoning is approved and the Applicant submits and receives approval of a site plan for the proposed development on the CFD zoned parcel, the 1.75-acre parcel will be created by default. The owner of the 1.75-acre parcel will not be able to obtain permits for additional structures, due to the nonconformity of the lot.

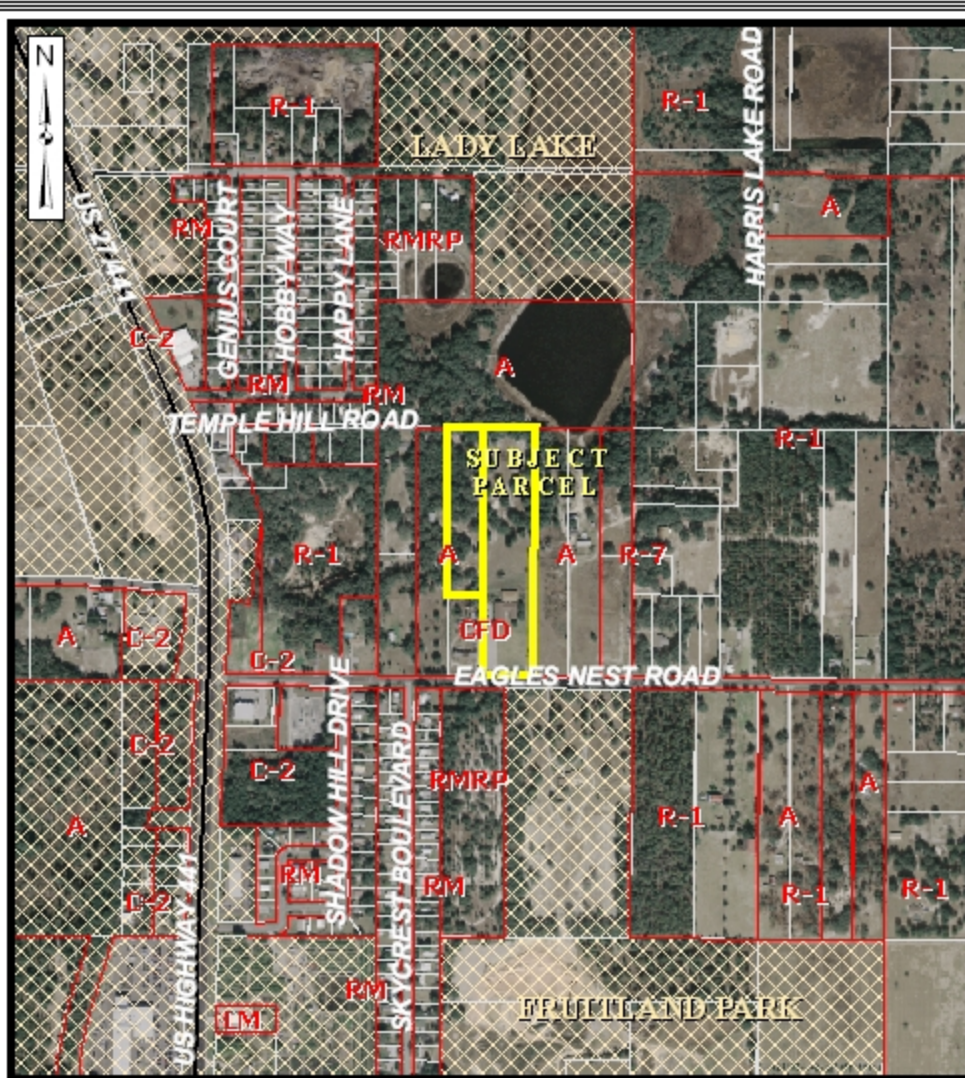
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

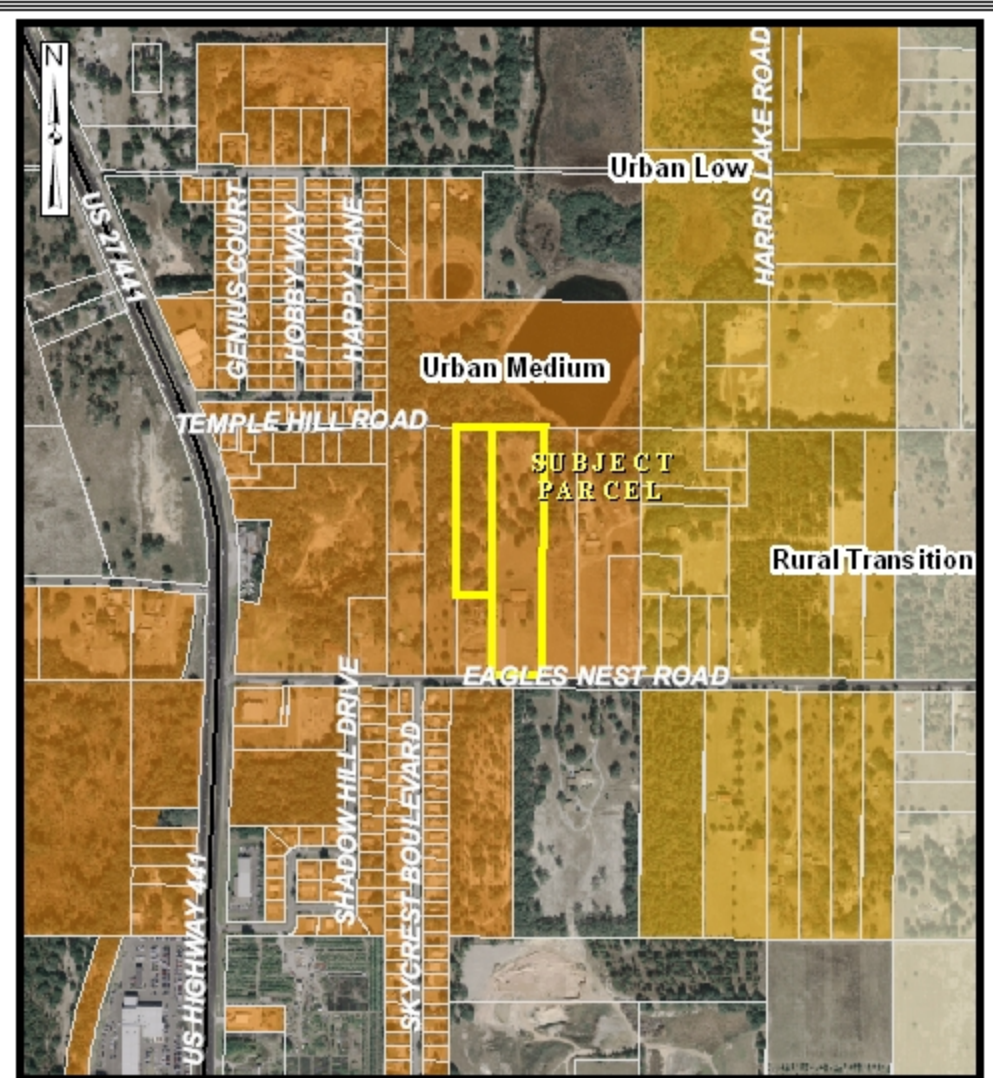
Concern: -0-

Opposition: -0-



CURRENT ZONING

COMMUNITY FACILITY DISTRICT (CFD) & AGRICULTURE (A)



2030 FUTURE LAND USE

URBAN MEDIUM



NORTHSIDE CHRISTIAN CHURCH

CASE NO.

PH# 25-12-5

CASE LOCATION:

27-18-24

REQUESTING:

Amend existing CFD Ordinance to add land area and parsonage use

ZONING

LAND USE

SUBJECT PARCEL

DISCLAIMER:

Lake County GIS Department, December, 2006 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community, Design.

The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. It is prepared, drawn and presented as to accuracy, content, property boundaries, or placement or location of any map feature. Neither the Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by the user of this map.

MAP COMPOSITION:
JANUARY, 2008



- 1 A. Land Uses:
- 2 1. House of Worship.
- 3 2. Single Family Dwelling (Parsonage).
- 4 Accessory uses directly associated with the above uses may be approved by the County
- 5 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
- 6 as approved by the Board of County Commissioners.

- 7 B. Development Standards:
- 8 1. A site plan application must be submitted for review and approval for any future
- 9 development.
- 10 2. Parking: Parking surfaces may be grass or other pervious material, except as required for
- 11 handicapped accessibility.
- 12 3. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height
- 13 shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 14 4. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.
- 15 5. Transportation Improvements/Access Management: Access management shall be in
- 16 accordance with the LDR, as amended. A Driveway Permit will be required if additional
- 17 access is required for the parsonage.
- 18 6. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and
- 19 consistent with Dark-Sky Principles.
- 20 7. Signage: Signs shall be in accordance with the LDR, as amended.

21 C. Concurrency Management Requirements: Any development shall comply with the Lake County

22 Concurrency Management System, as amended.

23 D. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be

24 required to submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN

25 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.

26 E. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in

27 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County

28 Comprehensive Plan, and Lake County Land Development Regulations shall include any

29 future amendments to the Statutes, Code, Plans, and/or Regulations.

30 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

31 A. After establishment of the facilities as provided herein, the aforementioned property shall only

32 be used for the purposes named in this Ordinance. Any other proposed use must be

33 specifically authorized by the Board of County Commissioners.

34 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,

35 move, convert, or demolish any building structure, add other uses, or alter the land in any

36 manner within the boundaries of the above described land without first obtaining the necessary

37 approvals in accordance with the Lake County Code, as amended, and obtaining the permits

38 required from the other appropriate governmental agencies.

- 1 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
- 2 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
- 3 Owner and any successor, and shall be subject to each and every condition herein set out.
- 4 D. Construction and operation of the proposed use shall at all times comply with the regulations of
- 5 this and other governmental permitting agencies.
- 6 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
- 7 shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is
- 8 made good and aware of the conditions established by this Ordinance and agrees to be bound
- 9 by these conditions. The purchaser or lessee may request a change from the existing plans
- 10 and conditions by following procedures contained in the Land Development Regulations, as
- 11 amended.
- 12 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 13 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 14 in this ordinance and to recommend that the ordinance be revoked.

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

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

19
 20 ENACTED this _____ day of _____, 2012.
 21 FILED with the Secretary of State _____, 2012.
 22 EFFECTIVE _____, 2012.

23 BOARD OF COUNTY COMMISSIONERS
 24 LAKE COUNTY, FLORIDA

25 _____
 26 LESLIE CAMPIONE, Chairman

27 ATTEST:
 28

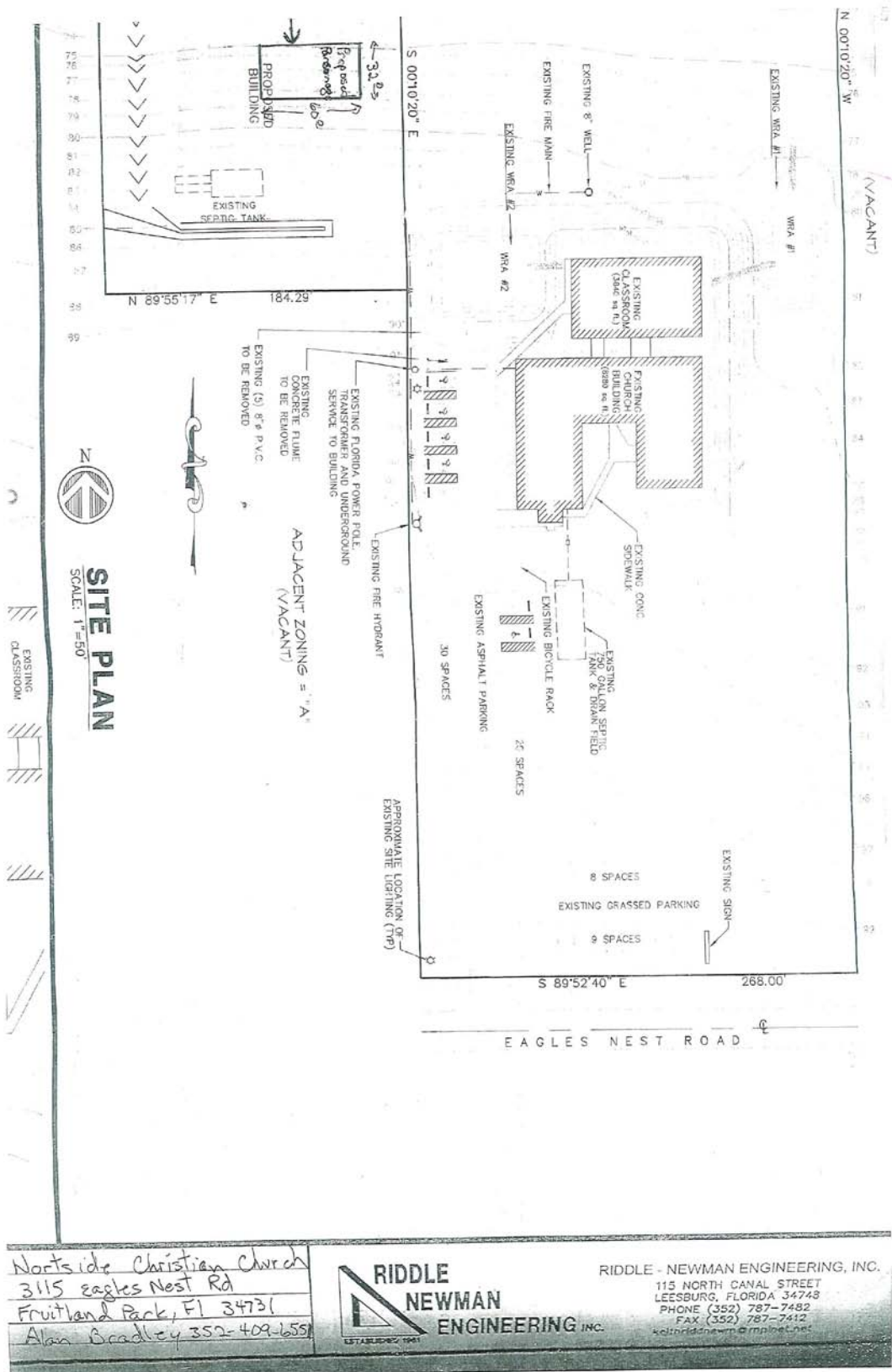
29 _____
 30 NEIL KELLY, Clerk of the
 31 Board of County Commissioners
 32 Lake County, Florida
 33

34
 35 APPROVED AS TO FORM AND LEGALITY

36 _____
 37 SANFORD A. MINKOFF, County Attorney
 38

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EXHIBIT "A" - CONCEPTUAL PLAN



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TABLE OF CONTENTS

TAB NO: CASE NO: OWNER/APPLICANT/AGENT/PROJECT

Agenda Updates

Consideration of Minutes June 6, 2012

CONSENT AGENDA

Tab 1 **PH# 20-12-3** BLR-Windmill Rd. Commercial, LLC/
J. Hall, AICP
BLR-Windmill PUD Rezoning

Tab 2 **PH# 21-12-3** Floribra-Windmill 27 I & II, LLC/
J. Hall, AICP
Floribra-Windmill PUD Rezoning

REGULAR AGENDA

Tab 3 **PH# 25-12-5** Northside Christian Church of Fruitland
Park/Alan Wayne Bradley/
Northside Christian Church

Tab 4 **PH# 16-12-4** Timothy J. Bailey/T. Green, AICP, ASLA
Tim Bailey PUD Rezoning

Tab 5 **PH# 24-12-5** Central Florida Council of the BSA/
M. Harding, P.E./
L&M Williams Family Scout Reservation-
BSA

Other Business

Adjournment

REGULAR AGENDA

CASE NO: PH# 25-12-5 TAB NO. 3

OWNER: Northside Christian Church of Fruitland Park
APPLICANT: Alan Wayne Bradley
PROJECT NAME: Northside Christian Church

Jennifer Cotch, Environmental Specialist, presented the case explaining that Mr. Alan Wayne Bradley has applied on behalf of the Northside Christian Church of Fruitland Park to amend the existing Community Facility District (CFD) Ordinance #60-87 to add a parsonage as well as approximately 3.9 acres of land that the church has acquired. She noted that the church is located on approximately 7.7 acres along Eagles Nest Road, east of US Highway 27 in the Fruitland Park area in the Urban Medium Future Land Use Category and that the rezoning will comprise approximately 11.6 acres. She stated that the 3.9 acres of land was purchased from Ms. Jacqueline Caborn, the

adjacent neighbor, and that Ms. Caborn sold approximately 8.75 acres of land to the church leaving her agriculturally zoned property with approximately 1.75 acres. She pointed out that approval of the amendment to the CFD Ordinance will create a non-conformity for Ms. Caborn’s property since it will remain in the Agricultural Zoning District and if she submits a building plan to the County, it will be rejected because of the non-conformance with the zoning. She added that the Urban Medium Future Land Use Category would permit Ms. Caborn’s 1.75 acre property to be rezoned to Rural Residential (R-1), which would allow her to be in compliance with the Future Land Use Category and the Zoning District, and mentioned that if the rezoning is approved, staff is recommending that the Board initiate the rezoning of the Caborn property from Agricultural to Rural Residential to bring it into compliance. She explained that the request is consistent with the Comprehensive Plan that allows religious organizations within the Urban Medium Future Land Use Category and it is also consistent with the Land Development Regulations (LDRs) that allow church uses within the CFD Zoning District; therefore, staff is recommending approval of the request.

Mr. Bryan commented that it should not be the Board’s responsibility to pursue rezoning Ms. Caborn’s remaining 1.75 acres even though it will be considered a non-conforming use. He added that she chose to sell the land so it should be her responsibility to rezone the property. Ms. Cotch mentioned that the area would eventually be rezoned by the County anyway because of the new Comprehensive Plan.

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE PH# 25-12-5, Northside Christian Church.

FOR: Kesselring, Gonzalez, DeWitt, Ameri, Bryan, Miller

AGAINST: None

MOTION CARRIED: 6-0

