

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
July 29, 2015



BOARD OF COUNTY COMMISSIONERS
August 18, 2015

RZ-15-15-3 Vietnamese-American Buddhist Association Ky Vien Tu Inc.	Case Manager: Steve K. Greene, AICP, Chief Planner	Agenda Item #1
-------------------------------------------------------------------------------	-----------------------------------------------------------------	-----------------------

Owner: Vietnamese-American Buddhist Association-Ky Vien Tu Inc. (the "Owner")
Applicant: Kimthu Vo (the "Applicant")

Requested Action: Amend Community Facility District (CFD) 2014-53 for additional uses and structures by establishing new CFD ordinance for meditation retreat center for religious worship, education, meditation training, office and related uses. In addition to clarifying that the new CFD zoning district applies to both parcels totaling 14.98 +/- acres rather than only the northern, 7.52 +/- acre parcel referenced in Ordinance 2014-53.

- Site Location & Information -

Approximate site location outlined in Red



Size	14.98 +/- acres	
Location	Leesburg area, along US 27, north of Palm Way	
Alternate Key #	1296722 & 3834621	
Future Land Use	Urban Low	
	Existing	Proposed
Zoning District	CFD	CFD
Density	N/A	N/A
Floor Area Ratio (FAR)	0.35 - max. (Comp Plan)	0.35 - max. (Comp Plan)
Impervious Surface Ratio (ISR)	0.60 -max. (Comp Plan)	0.60 -max. (Comp Plan)
Joint Planning Area	none	
Utility Area:	Leesburg	
Site Utilities	Well and septic	
Road Classification	US Highway 27, Urban arterial	
Flood Zone/ FIRM Panel	Flood Panel (12069C) AE	
Commissioner District	3 - Conner	

Site Visit: July 18, 2014 & July 17, 2015
Sign Posted: July 17, 2015 (1)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	PUD	Plantation at Leesburg	Single-family dwellings and golf-course
South	Urban Low	A	vacant	Undeveloped land area
East	Urban Low	A	Palm's Mobile Home Estates	Single-family dwellings, undeveloped land area & mobile homes
West	Urban Low	PUD	Plantation at Leesburg	Undeveloped land area

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the rezoning amendment to establish a new CFD ordinance, with conditions, for additional uses and structures for a meditation retreat center for religious worship, education, meditation training, office and related uses, in addition to clarifying that the new CFD zoning district applies to both parcels totaling 14.98 +/- acres rather than only the northern, 7.52 +/- acre parcel referenced in Ordinance 2014-53.

PLANNING AND ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

On August 26, 2014, Lake County approved Ordinance 2014-53 (Attachment 1), which stated that its intent was to rezone property consisting of 7.52 +/- acres and designated Alternate Key Number 1296722 from the Agricultural to Community Facility District (CFD) zoning district, for a meditation retreat center for religious worship, education and related uses. However, Exhibit "A" to Ordinance 2014-53 contained a metes and bounds legal description that incorporated both Alternate Key Number 1296722 and the southern property (Alternate Key 3834621), as the Owner/Applicant had an ownership interest in both parcels and intended to develop the use on both properties. Accordingly, the official Zoning Map was amended to show CFD zoning on both properties. The current rezoning request, to add additional structures and uses to those permitted in Ordinance 2014-53, will also clarify in the rezoning ordinance that the CFD zoning district applies to all 14.98 +/- acres of the Owner/Applicant's property (Alternate Key Numbers 1296722 and 3834621).

The Applicant seeks to amend the existing 14.98 acre Community Facility District (CFD) zoning district governed by Ordinance 2014-53 with a new CFD zoning ordinance for additional structures and uses, and to clarify the zoning status of the property as described above. The property is situated on the west side of US Highway 27, north of Palm Way and bordered by the Plantation at Leesburg on the west and north, undeveloped land agriculture zoning to the south. Palm's Mobile Home Estates is situated on the east. The rezoning application proposes additional uses and structures to an existing meditation retreat center for religious worship, education, meditation training, office and related uses that was approved by Community Facility District Ordinance #2014-53 (Attachment 1). In addition to the previously approved uses, this current rezoning amendment proposes new uses as specified below.

Previously Approved Uses

Meditation training and education
Religious worship
Office /Staff housing Units (1)
Instructor housing/cabins – 10

Student/Trainee Dormitories (3 buildings)
Dining hall and kitchen
Meditation Hall
Pagoda
Passive recreation
Special Events (6 per calendar year)

Proposed Uses

12,300 SF, maximum

2,500 SF, maximum
17 @ 300 SF (each); 2 @ 685 SF (each); 1 @ 450 SF;
total 6,920 SF
2 @ 3,500 SF; 1 @ 4,500SF; 12,000 SF, total

12,300 SF, maximum
2,500 SF, maximum
Non-intensive agriculture
Multi-purpose structure, 1,900 SF, maximum

– 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 seeks additional uses and structures as specified above by establishing a new CFD ordinance. The proposed uses are consistent with the existing CFD Ordinance #2014-53 and Table 3.01.03 (Schedule of Permitted and Conditional Uses), which permits places of worship pursuant to Land Development Regulations Chapter 3.01.02(E). The LDR provision classifies a church as a building used for nonprofit purposes and for the purpose of worship by legally established sects. The proposed uses are consistent with the purpose and intent of LDR Section 3.00.02(Y) that defines community facility district as an area that provides community interest uses and activities to promote the general welfare of the community. Additionally, Land Development Regulation (LDR) Section 3.01.05 allows similar uses not specifically listed that are not more detrimental than the uses listed in Table 3.01.03 (Schedule of Permitted and Conditional Uses), to be permitted as CFD zoning after review and approval by the County Manager or designee. The proposed use is similar and no more detrimental than a place of worship use that is permissible with CFD zoning in any future land use district.

The application seeks to continue the ability to conduct special events as previously approved. The new ordinance will contain conditions to direct how the special events will be undertaken consistent with LDR Section 14.13.00.

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

This rezoning amendment remains consistent with the Urban Low Future Land Use Category, Policy I-1.3.2. This policy allows religious organizations within this future land use category.

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

The rezoning amendment does not create any inconsistent land use patterns in the area. The proposed CFD zoning is consistent with the adjacent low density residential development to the north and east.

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

The proposed rezoning amendment seeks to add new uses and structures that were not previously contemplated, and to clarify the zoning status of the property as described above in the "Summary of Analysis". The application seeks to increase the number of instructor cabins from 10 to 20, increase the student/trainee dormitories by 1,500 square feet (SF), decrease the size of the Pagoda/mediation halls by 3,800 SF, and add a new multipurpose building (1,900 SF) and non-intensive agriculture uses (13,000 SF) for consumption and enjoyment by the staff administrators and students of the property.

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 affected segment of US 27 at this location currently operates at Level of Service (LOS) capacity of "C". The adjacent US 27 segment exhibits 1,740 one way trips. Currently, the north-bound trips exhibit 648 PM peak v/c 37%, LOS "C". The south-bound trips exhibit 809 v/c 46%, LOS "C". A transportation impact study based on the square footage of the proposed use will be required for review and approval at the time of site plan submittal. This is specified as a condition in the proposed ordinance.

Water and Sewage – No adverse impacts are anticipated by the new use of the property. The Application indicates the property is served by central sewer, but will have potable well for water service. This will be re-assessed during the required site plan review process prior to commencement of the CFD use.

Solid Waste – The proposed rezoning will not cause any adverse impact to the current solid waste capacity or levels of service.

Fire and Emergency Services - Lake County Fire Station 82, located at 24939 US 27, less than 600 feet north of the property, will provide fire-emergency services.

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

Other than the driveway connection, the property is currently vacant and undeveloped, with wetlands. An environmental assessment will be required prior to site development. This is specified as a condition within the proposed ordinance.

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 amendment will not disrupt the existing development pattern in the area. The proposed use is low intensity non-residential use within an area of low density residential uses and will not disrupt the existing development pattern.

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 Comp Plan Policy I-1.3.2, Urban Low Future Land Use Category, which allows religious organizations, schools, and passive parks.
2. The rezoning is consistent with Land Development Regulation (LDR) Section 3.00.02(Y) that defines community facility district as an area that provides community interest uses and activities to promote the general welfare of the community.
3. The rezoning application is consistent with Table 3.01.03 (Schedule of Permitted and Conditional Uses), which permits places of worship pursuant to LDR Section 3.01.02(E) as CFD uses.

4. The proposed use is consistent with LDR Section 3.01.05 which allows similar uses not specifically listed that are not more detrimental than the uses listed in Table 3.01.03 (Schedule of Permitted and Conditional Uses), to be permitted as CFD zoning after review and approval.

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

WRITTEN COMMENTS FILED:

Supportive: -0-

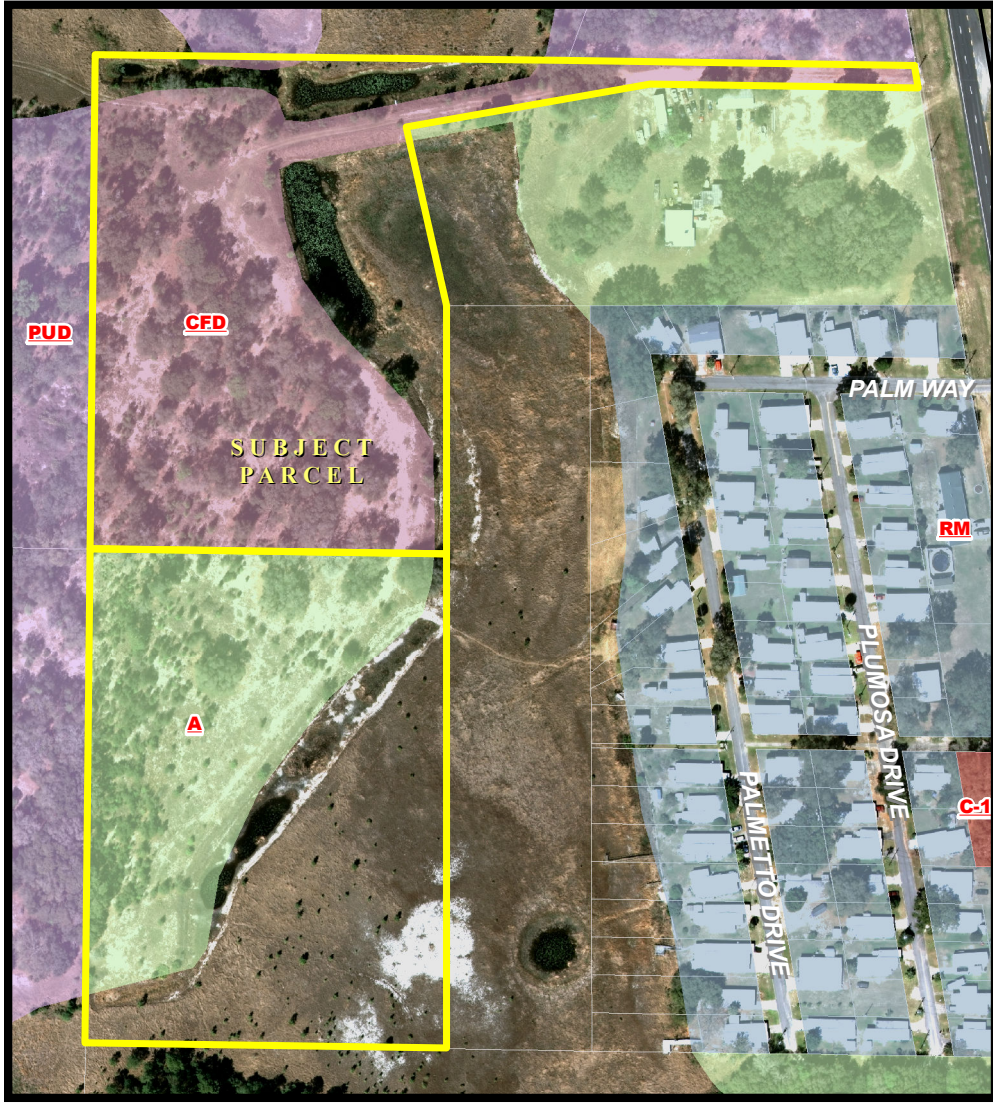
Concern: -0-

Opposition: -0-



CURRENT ZONING

1 inch = 256.48 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 256 feet



Zoning Legend

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

FLU Legend

Bella Collina	Heavy Industrial	Recreation	Urban Low Density
Cagans Crossing	Mt Plymouth - sorrento Main Street District	Regional Commercial	Urban Medium Density
Conservation	Mt Plymouth - Sorrento Proper	Rural	
Green Swamp Core Conservation	Mt Plymouth - Sorrento Receiving Area	Rural Transition	
Green Swamp Ridge	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	

**VIETNAMESE-AMERICAN
BUDDHIST ASS. KY-VIEN TU**

CASE NO.

RZ-15-15-3

CASE LOCATION:

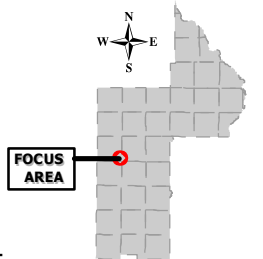
36-20-24

REQUESTING:

**COMMUNITY FACILITY DISTRICT
AMENDMENT**



**Planning & Community
Design Division**
Economic Growth Department



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ORDINANCE #2015-xx
Vietnamese American Buddhist Association CFD Rezoning
RZ-15-15-3

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

WHEREAS, Kimthu Vo (the "Applicant") submitted an application on behalf of the Vietnamese-American Buddhist Association Ky Vien Tu Inc. (the "Owner") to amend Community Facility District (CFD) Ordinance 2014-53 for mediation retreat center for religious worship, meditation education/training uses with additional and new uses; and

WHEREAS, the intention of CFD Ordinance 2014-53 stated that its intent was to rezone property consisting of 7.52 +/- acres and designated Alternate Key Number 1296722 from the Agricultural to Community Facility District (CFD) zoning district, for a meditation retreat center for religious worship, education and related uses, but Exhibit "A" to Ordinance 2014-53 contained a metes and bounds legal description that incorporated both Alternate Key Number 1296722 and the property to the south, Alternate Key 3834621, as the Owner/Applicant had an ownership interest in both parcels and intended to develop the use on both properties; and

WHEREAS, subsequent to the approval of Ordinance 2014-53, the official Zoning Map was amended to show CFD zoning on both parcels; and

WHEREAS, this Ordinance amendment is intended to permit the additional structures and uses that are the subject of the current rezoning request, and to clarify that the CFD zoning district applies to all 14.98 +/- acres of the Owner/Applicant's property (Alternate Key Numbers 1296722 and 3834621); and

WHEREAS, the subject property consists of approximately 14.98 +/- acres located west of US 27, south of the Plantation at Leesburg, in the Leesburg area, in Section 36, Township 20 South, Range 24 East, consisting of Alternate Key Number 1296722 and 3834621, more particularly described as:

LEGAL DESCRIPTION – (Exhibit "A")

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

WHEREAS, on August 26, 2014, the Board of County Commissioners approved CFD Ordinance #2014-53 for mediation retreat center for religious worship, meditation education/training uses; and

WHEREAS, the approval of this current rezoning amendment shall supersede and replace Ordinance #2104-53 with a new ordinance; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-15-15-3 on the 29th day of July, 2015, 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 18th day of August, 2015; and

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

1 **WHEREAS**, upon review, certain terms pertaining to the development of the above described property have
2 been duly approved; and
3

4 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida,
5 that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the
6 above tract of land, subject to the following terms:
7

8
9 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to show the
10 Community Facility District (CFD) zoning in accordance with Exhibit “A” of this Ordinance, which shall
11 supersede and replace Ordinance #2014-53. All uses specified shall be generally consistent with the
12 Concept Plan as shown in Exhibit “B”, of this Ordinance. To the extent where there are conflicts between
13 the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

14 **A. Land Use:** The uses listed below are specifically limited to the land area described in Exhibit “A” of
15 this Ordinance as a community service facility, with the following specific uses:

16 **1. Principal Uses –**

- 17 a. Meditation training and education; 12,300 square feet, maximum
- 18 b. Religious worship
- 19 c. Office/Staff Housing Building (1); 2,500 square feet (SF), maximum
- 20 d. Instructor housing/cabins – ~~(10)~~ (20): 17 @ 300 SF; 2 @ 685 SF; 1 @ 450 SF (6.920 SF
21 total)
- 22 e. Student/Trainee Dormitories (3):~~10,500~~ 2 @ 3,500 SF; 1 @ 4,500 SF (12,000 square feet,
23 total)
- 24 f. Pagoda Hall (1, each) – ~~48,000~~ 2,500 square feet, maximum
- 25 g. Meditation Hall (1): 12,300 SF, maximum
- 26 h. Dining Hall
- 27 i. Kitchen
- 28 j. Passive Recreation
- 29 k. Multi-Purpose Structure (1): 1,900, SF, maximum
- 30 l. Limited garden-nursery and non-intensive agriculture uses

31 **2. Special Events:** ~~Six (6)~~ Small events per calendar year shall be allowed with approval of the
32 required special event site plan application. These events shall be associated with Buddhist
33 meditation and practices on the property. Special events with attendance greater than 500
34 persons shall be prohibited.

- 35 a. Music festivals are prohibited. However, music may be used as an accompaniment to the
36 event.

37 **3. Accessory Uses -** Those uses directly associated with the principal uses may be approved by the
38 County Manager or designee. Any other use of the site not identified above shall require an
39 amendment to this Ordinance as approved by the Board of County Commissioners.

40 **B. Building Height and Setbacks:** Setbacks and Parking shall be in accordance with the
41 Comprehensive Plan and LDR, as amended.

42 **C. Parking:** The parking area shall be limited to ~~42~~ 43 spaces. The parking area shall be designed and

- 1 arranged in accordance with the Land Development Regulations, as amended.
- 2 **D. Floor Area (FAR):** 35%, maximum for the entire site.
- 3 **E. Impervious Surface (ISR):** 60%, maximum for entire site.
- 4 **F. Open Space (OSR):** 25%, minimum for entire site.
- 5 **G. Landscaping, Buffering, and Screening:** A Type-B landscape buffer is required along the northern
6 and western property line. No landscaping is required along the southern and eastern property lines.
7 Other landscaping, buffering, and screening shall be in accordance with the LDR, as amended,
- 8 **H. Environmental and Open Space Considerations:** An environmental survey and assessment no
9 older than six (6) months shall be required with the required development application. The wetland
10 areas shall be specified on a wetland survey within the development application and flagged on the
11 property for the purpose of establishing the required 50-ft wetland buffer and building setback.
12 Wetland areas within the property shall be preserved in perpetuity with the establishment of a
13 conservation easement pursuant to the Comprehensive Plan, as amended.
- 14 **I. Transportation Improvements/Access Management:**
- 15 ~~a. A driveway connection permit shall be required prior to commencement of construction.~~
- 16 b. A sidewalk along US 27 may be required, if determined to be possible during site plan review.
- 17 c. Development shall be in accordance with floodplain and stormwater provisions specified in the
18 Land Development Regulations, as amended.
- 19 d. All access management shall be in accordance with ~~required~~ traffic studies (if required),
20 Comprehensive Plan and Land Development Regulations, as amended.
- 21
- 22 **J. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development
23 Regulations, as amended.
- 24 **K. Lighting:** Exterior lighting shall be cut-off type and consistent with Dark-Sky principles. Exterior
25 lighting shall not illuminate adjacent properties or rights of way, in accordance with the Land
26 Development Regulation, as amended.
- 27 **L. Noise:** A noise study shall be required with the site plan pursuant to the Land Development
28 Regulations, as amended.
- 29 **M. Floodplain:** Future development shall be subject to the general requirements and construction
30 standards regarding the development within floodplain areas, pursuant to the Land Development
31 Regulations and Comprehensive Plan, as amended.
- 32 **N. Fire Protection:** Fire Protection shall be in accordance with the all applicable federal, state, and local
33 codes and/or regulations, as amended.
- 34 **O. Utilities:**
- 35 1. The provision of potable water, as applicable, shall be permitted in accordance with Florida
36 Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan,
37 and Land Development Regulations, as amended.
- 38 2. Septic and sewage service, as applicable, shall be permitted in accordance with the Florida
39 Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan,
40 and Land Development Regulations, as amended.
- 41 3. Any portion of an on-site septic system shall be setback 100 feet from the wetland jurisdiction line
42 in accordance with the Comprehensive Plan, as amended.
- 43 **P. Concurrency Management Requirements:** Any development shall comply with the Lake County
44 Concurrency Management System, as amended.

1 **Q. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be required
2 to submit a development application generally consistent with Exhibit "B" - Conceptual Plan, attached,
3 for review and approval in accordance with the Comprehensive Plan and LDR, as amended. The
4 development application shall include a Master Plan sheet that describes the aspects and phasing
5 program for the non-residential and residential development components.

6 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in this
7 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
8 and Lake County Land Development Regulations shall include any future amendments to the Statutes,
9 Code, Plans, and/or Regulations.

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

11 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only be used
12 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
13 the Board of County Commissioners.

14 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
15 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
16 boundaries of the above described land without first obtaining the necessary approvals in accordance
17 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
18 governmental agencies.

19 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
20 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
21 successor, and shall be subject to each and every condition herein set out.

22 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall include
23 in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of
24 the conditions established by this Ordinance and agrees to be bound by these conditions. The
25 purchaser or lessee may request a change from the existing plans and conditions by following
26 procedures contained in the Land Development Regulations, as amended.

27 **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
28 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
29 to recommend that the ordinance be revoked.

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

33
34 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a copy
35 of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
36 Florida Statutes.
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Section 5. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2015.

FILED with the Secretary of State _____, 2015.

EFFECTIVE _____, 2015.

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

JIMMY CONNER, CHAIRMAN

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, COUNTY ATTORNEY

Exhibit "A"

Legal Description A PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4;
AND
A PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS
FOLLOWS:
BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE
NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36, WITH THE WESTERLY LINE OF THE
RIGHT-OF-WAY OF U.S. HIGHWAY NO. 27; RUN THENCE SOUTHERLY, ALONG THE WESTERLY LINE
OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.57 FEET TO A POINT THAT IS 30 FEET DUE SOUTH OF
THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID
SECTION 36; THENCE SOUTH 89°55'30" WEST, AND PARALLEL WITH THE NORTH LINE OF THE
SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION, A DISTANCE OF
359.77 FEET; THENCE SOUTH 79°15'30" WEST, 331.90 FEET; THENCE SOUTH 13°39'50" EAST,
245.45 FEET; THENCE DUE SOUTH TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4
OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE WEST TO THE SOUTHWEST CORNER OF THE
NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE NORTH,
ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION, TO THE NORTHWEST CORNER
OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE
EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SAID SECTION, A DISTANCE OF 1091.70 FEET TO THE POINT OF BEGINNING.

PARCEL "1":

A PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4
AND
A PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED
AS FOLLOWS:
BEGIN AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE
NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36, TOWNSHIP 20 SOUTH,
RANGE 24 EAST, WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27, SAID
RIGHT-OF-WAY BEING 200 FEET IN WIDTH. AND RUN S.10°08'07"E., ALONG SAID WESTERLY
RIGHT-OF-WAY LINE, A DISTANCE OF 30.57 FEET TO A POINT 30 FEET SOUTH OF, WHEN
MEASURED AT RIGHT ANGLES THERETO, THE NORTH LINE OF THE SOUTH 1/2 OF THE
NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE S.89°55'30"W.,
PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE
NORTHEAST 1/4, A DISTANCE OF 359.97 FEET; THENCE S.79°15'30"W., 331.70 FEET; THENCE
S.13°39'50"E., 245.54 FEET; THENCE S.00°13'10"E., 329.06 FEET; THENCE S.89°41'37"W.,
467.96 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE
N.00°13'10"W., ALONG THE WEST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 661.11 FEET
TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4
OF SAID SECTION 36; THENCE N.89°55'30"E., ALONG THE NORTH LINE OF THE SOUTH 1/2 OF
THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 1091.70 FEET TO THE POINT OF
BEGINNING.
SUBJECT TO EASEMENT "A".

PARCEL "2":

1 A PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4;
2 AND
3 A PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36,
4 TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED
5 AS FOLLOWS:
6 COMMENCE AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE
7 NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36, TOWNSHIP 20 SOUTH,
8 RANGE 24 EAST, WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S HIGHWAY NO.27, SAID
9 RIGHT-OF-WAY BEING 200 FEET IN WIDTH, AND RUN S.10°08'07"E., ALONG SAID WESTERLY
10 RIGHT-OF-WAY LINE, 30.57 FEET TO A POINT 30 FEET SOUTH OF, WHEN MEASURE AT RIGHT
11 ANGLES THERETO, THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE
12 NORTHEAST 1/4 OF SAID SECTION 36, THENCE S.89°55'30"W., PARALLEL WITH THE NORTH
13 LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF
14 359.97 FEET; THENCE S.79°15'30"W., 331.70 FEET; THENCE S.13°39'50"E., 245.54 FEET;
15 THENCE S.00°13'10"E., 329.06 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM
16 SAID POINT OF BEGINNING, CONTINUE S.00°13'10"E., 661.11 FEET TO A POINT ON THE SOUTH
17 LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36;
18 THENCE S.89°41'37"W., ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF
19 THE NORTHEAST 1/4, A DISTANCE OF 467.96 FEET TO THE SOUTHWEST CORNER OF THE
20 NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE
21 N.00°13'10"W., ALONG THE WEST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 661.11 FEET;
22 THENCE N.89°41'37"E., 467.96 FEET TO THE POINT OF BEGINNING.
23 SUBJECT TO AND TOGETHER WITH EASEMENT "A".

24
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28 BEGIN AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE
29 NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 20 SOUTH, RANGE 24 EAST,
30 IN LAKE COUNTY, FLORIDA, WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27,
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36 NORTHEAST 1/4, A DISTANCE OF 359.97 FEET; THENCE S.79°15'30"W., 698.75 FEET TO A POINT
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38 THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE S.00°13'10"E., PARALLEL WITH THE WEST
39 LINE OF THE NORTHEAST 1/4, A DISTANCE OF 651.47 FEET; THENCE S.89°41'38"W., 50.00 FEET
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44 THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 1091.70 FEET TO THE POINT OF
45 BEGINNING.

46
47 NOTES:
48 1. BEARINGS BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36,
49 TOWNSHIP 20 SOUTH, RANGE 24 EAST, AS BEING N.00°13'10"W.,
50
51

Exhibit - B

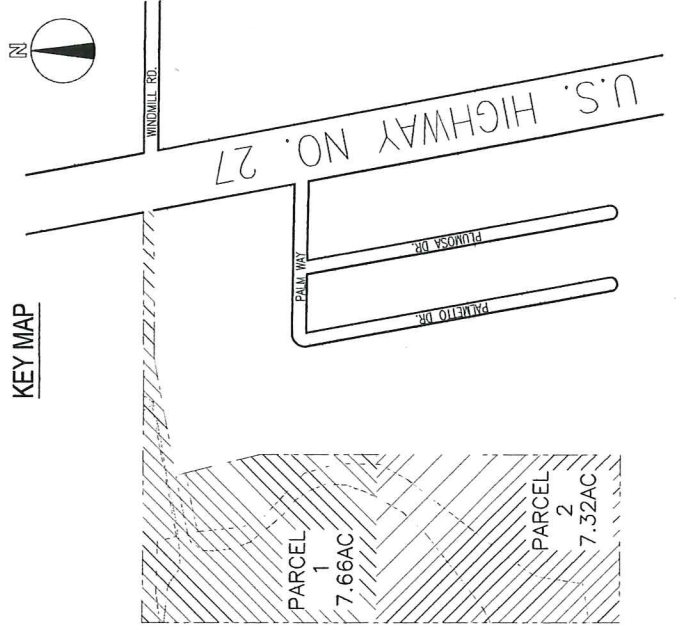
CONCEPTUAL MASTER PLAN (OVERALL PLAN)

SHEET: 1 OF 2
SCALE: NOT TO SCALE
DATE: 5-30-2015

PROJECT NAME: SATIPATTHANA MEDITATION CENTER

OWNER NAME: VIETNAMESE-AMERICAN BUDDHIST ASSOCIATION - KY VIEN TU INC.
ADDRESS: 5018 SE ABSHIER BLVD, BELLE VIEW, FL 34420
PHONE: 352-801-1671
APPLICANT NAME: KIM THU VO
ADDRESS: 5018 SE ABSHIER BLVD, BELLE VIEW, FL 34420
PHONE: 352-801-1671

KEY MAP

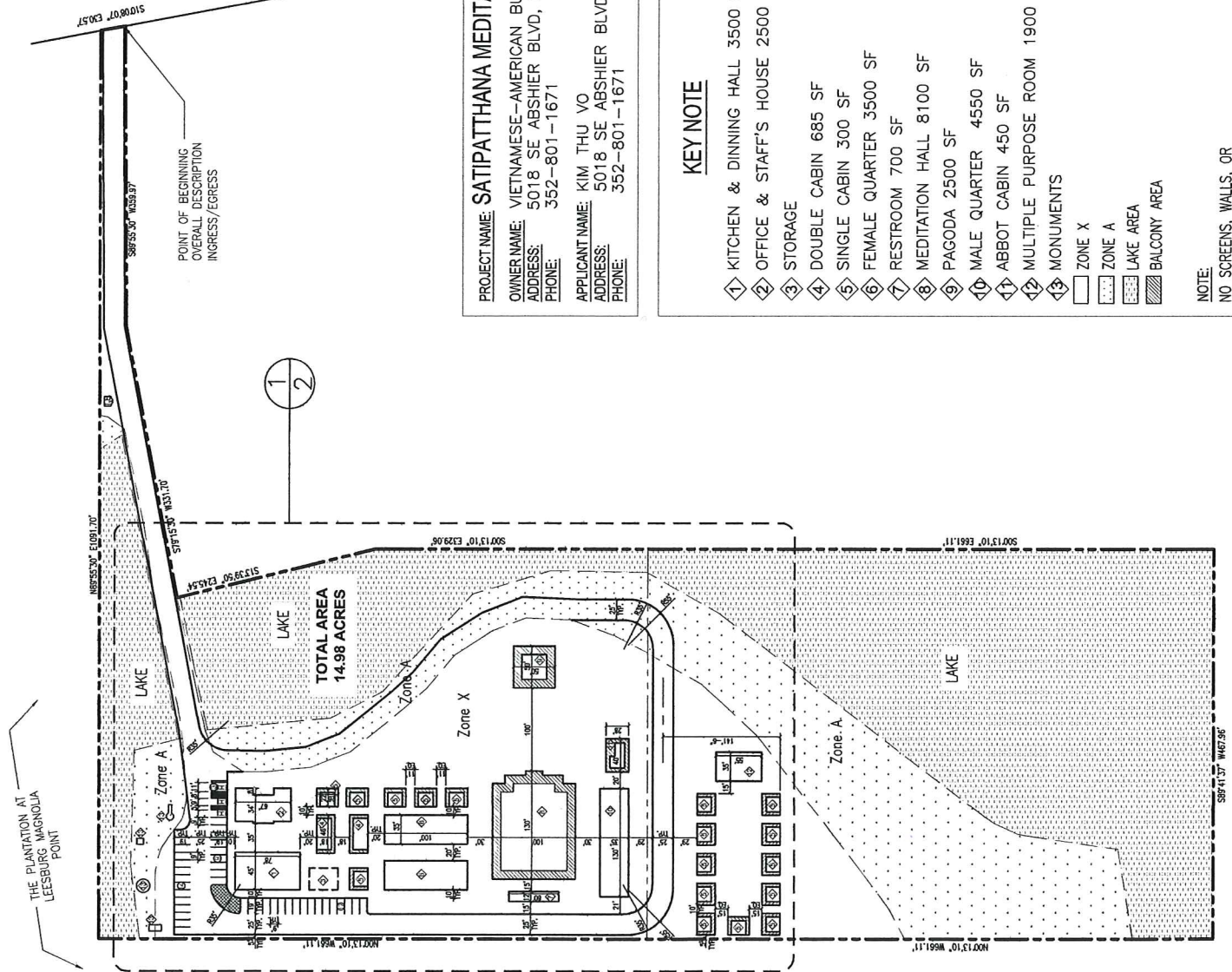


KEY NOTE

- 1 KITCHEN & DINNING HALL 3500 SF
- 2 OFFICE & STAFF'S HOUSE 2500 SF
- 3 STORAGE
- 4 DOUBLE CABIN 685 SF
- 5 SINGLE CABIN 300 SF
- 6 FEMALE QUARTER 3500 SF
- 7 RESTROOM 700 SF
- 8 MEDITATION HALL 8100 SF
- 9 PAGODA 2500 SF
- 10 MALE QUARTER 4550 SF
- 11 ABBOT CABIN 450 SF
- 12 MULTIPLE PURPOSE ROOM 1900 SF
- 13 MONUMENTS

- ZONE X
 - ZONE A
 - ▨ LAKE AREA
 - ▩ BALCONY AREA
- NOTE:
NO SCREENS, WALLS, OR
FENCES ARE BEING USED

(4 LANE PAVED DIVIDED HIGHWAY)
U.S. HIGHWAY NO. 27 &
STATE ROAD NO. 25



THE PLANTATION AT
LEESBURG MAGNOLIA
POINT

ATTACHMENT 1

ORDINANCE #2014-53
Vietnamese American Buddhist Association CFD Rezoning
PH #23-14-3

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

WHEREAS, Kim-Thu Vo L (the "Applicant") submitted an application on behalf of the Vietnamese-American Buddhist Association, Inc. (the "Owners") to rezone the property from Agriculture zoning to Community Facility District (CFD) for meditation retreat center for religious worship, meditation education/training uses and related uses; and

WHEREAS, the subject property consists of approximately 7.52 +/- acres located west of US 27, south of the Plantation at Leesburg, in the Leesburg area, in Section 36, Township 20 South, Range 24 East, consisting of Alternate Key Number 1296722 and more particularly described as:

LEGAL DESCRIPTION – (Exhibit "A")

WHEREAS, the property subject to the request is located within the Urban Low 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 PH#23-14-3 on the 6th day of August, 2014, 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 26th day of August, 2014; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised, 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 Lake County Zoning Map to show the Community Facility District (CFD) zoning in accordance with Exhibit "A" of this Ordinance. All uses shall be generally consistent with the Concept Plan as shown in Exhibit "B", of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

A. Land Use: The uses listed below are specifically limited to the land area described in Exhibit "A" of this Ordinance as a community service facility, with the following specific uses:

1. Principal Uses –

- a. Meditation training and education

INSTRUMENT #2014101243
OR BK 4527 PG 991 - 997 (7 PGS)
DATE: 9/16/2014 2:52:36 PM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$61.00

PH#23-14-3
Vietnamese-American Buddhist Association Rezoning
8/28/14



PLANNING AND COMMUNITY DESIGN
315 WEST MAIN STREET
TAVARES FL 32778

- 1 b. Religious worship
- 2 c. Staff Housing Unit (2)
- 3 d. Office Building (1)
- 4 e. Instructor housing/cabins – (10)
- 5 f. Student/Trainee Dormitories (3) – 10,500 square feet, maximum
- 6 g. Pagoda and Meditation Halls (1, each) – 18,000 square feet, maximum
- 7 h. Dining Hall
- 8 i. Kitchen
- 9 j. Passive Recreation
- 10 2. **Special Events:** Six (6) small events per calendar year shall be allowed with approval of the
11 required special event permit application. These events shall be associated with Buddhist
12 meditation and practices on the property .
 - 13 a. Music festivals are prohibited. However, music may be used as an accompaniment to the
14 event.
- 15 3. **Accessory Uses** - Those uses directly associated with the principal uses may be approved by the
16 County Manager or designee. Any other use of the site not identified above shall require an
17 amendment to this Ordinance as approved by the Board of County Commissioners.
- 18 B. **Building Height and Setbacks:** Setbacks and Parking shall be in accordance with the
19 Comprehensive Plan and LDR, as amended.
- 20 C. **Parking:** The parking area shall be limited to 42 spaces. The parking area shall be designed and
21 arranged in accordance with the Land Development Regulations, as amended.
- 22 D. **Floor Area (FAR):** 35%, maximum for the entire site.
- 23 E. **Impervious Surface (ISR):** 60%, maximum for entire site.
- 24 F. **Open Space (OSR):** 25%, minimum for entire site.
- 25 G. **Landscaping, Buffering, and Screening:** A Type-B landscape buffer is required along the northern
26 and western property line. No landscaping is required along the southern and eastern property lines.
27 Landscaping, buffering, and screening shall be in accordance with the LDR, as amended,
- 28 H. **Environmental and Open Space Considerations:** An environmental survey and assessment no
29 older than six (6) months shall be required with the required development application. The wetland
30 areas shall be specified on a wetland survey within the development application and flagged on the
31 property for the purpose of establishing the required 50-ft wetland buffer and building setback.
32 Wetland areas within the property shall be preserved in perpetuity with the establishment of a
33 conservation easement pursuant to the Comprehensive Plan, as amended.
- 34 I. **Transportation Improvements/Access Management:**
 - 35 a. A driveway connection permit shall be required prior to commencement of construction.
 - 36 b. A sidewalk along US 27 may be required, if determined to be possible during site plan review.
 - 37 c. Development shall be in accordance with floodplain and stormwater provisions specified in the
38 Land Development Regulations, as amended.
 - 39 d. All access management shall be in accordance with required traffic studies, Comprehensive
40 Plan and Land Development Regulations, as amended.
 - 41

- 1 **J. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development
2 Regulations, as amended.
- 3 **K. Lighting:** Exterior lighting shall be cut-off type and consistent with Dark-Sky principles. Exterior
4 lighting shall not illuminate adjacent properties or rights of way, in accordance with the Land
5 Development Regulation, as amended.
- 6 **L. Noise:** A noise study shall be required with the site plan pursuant to the Land Development
7 Regulations, as amended.
- 8 **M. Floodplain:** Future development shall be subject to the general requirements and construction
9 standards regarding the development within floodplain areas, pursuant to the Land Development
10 Regulations and Comprehensive Plan, as amended.
- 11 **N. Fire Protection:** Fire Protection shall be in accordance with the all applicable federal, state, and local
12 codes and/or regulations, as amended.
- 13 **O. Utilities:**
- 14 1. The provision of potable water, as applicable, shall be permitted in accordance with Florida
15 Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan,
16 and Land Development Regulations, as amended.
- 17 2. Septic and sewage service, as applicable, shall be permitted in accordance with the Florida
18 Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan,
19 and Land Development Regulations, as amended.
- 20 3. Any portion of an on-site septic system shall be setback 100 feet from the wetland jurisdiction line
21 in accordance with the Comprehensive Plan, as amended.
- 22 **P. Concurrency Management Requirements:** Any development shall comply with the Lake County
23 Concurrency Management System, as amended.
- 24 **Q. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be required
25 to submit a development application generally consistent with Exhibit "B" - Conceptual Plan, attached,
26 for review and approval in accordance with the Comprehensive Plan and LDR, as amended. The
27 development application shall include a Master Plan sheet that describes the aspects and phasing
28 program for the non-residential and residential development components.
- 29 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in this
30 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
31 and Lake County Land Development Regulations shall include any future amendments to the Statutes,
32 Code, Plans, and/or Regulations.

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

- 34 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only be used
35 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
36 the Board of County Commissioners.
- 37 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
38 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
39 boundaries of the above described land without first obtaining the necessary approvals in accordance
40 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
41 governmental agencies.
- 42 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
43 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
44 successor, and shall be subject to each and every condition herein set out.

D. 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 established by 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 the Land Development Regulations, as amended.

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

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. 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.

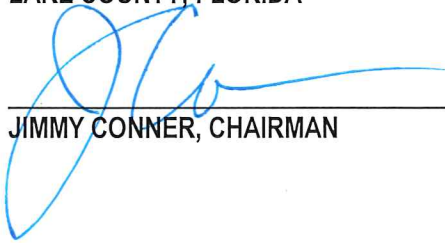
Section 5. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 26 day of AUGUST, 2014.


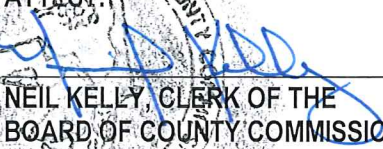
FILED with the Secretary of State Sept 9, 2014.

EFFECTIVE Sept 9, 2014.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



JIMMY CONNER, CHAIRMAN


ATTEST:


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

APPROVED AS TO FORM AND LEGALITY



SANFORD A. MINKOFF, COUNTY ATTORNEY

Exhibit "A"
Legal Description

A PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4;
AND

A PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS
FOLLOWS:

BEGIN AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE
NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36, WITH THE WESTERLY LINE OF THE
RIGHT-OF-WAY OF U.S HIGHWAY NO. 27; RUN THENCE SOUTHERLY, ALONG THE WESTERLY LINE
OF SAID RIGHT-OF-WAY, A DISTANCE OF 30.57 FEET TO A POINT THAT IS 30 FEET DUE SOUTH OF
THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID
SECTION 36; THENCE SOUTH 89°55'30" WEST, AND PARALLEL WITH THE NORTH LINE OF THE
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359.77 FEET; THENCE SOUTH 79°15'30" WEST, 331.90 FEET; THENCE SOUTH 13°39'50" EAST,
245.45 FEET; THENCE DUE SOUTH TO THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4
OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE WEST TO THE SOUTHWEST CORNER OF THE
NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE NORTH,
ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION, TO THE NORTHWEST CORNER
OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE
EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST
1/4 OF SAID SECTION, A DISTANCE OF 1091.70 FEET TO THE POINT OF BEGINNING.

PARCEL "1":

A PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4
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A PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36,
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THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 1091.70 FEET TO THE POINT OF
BEGINNING.

SUBJECT TO EASEMENT "A".

ORDINANCE #2014-53

PH#23-14-3 (Vietnamese-American Buddhist Association Rezoning)

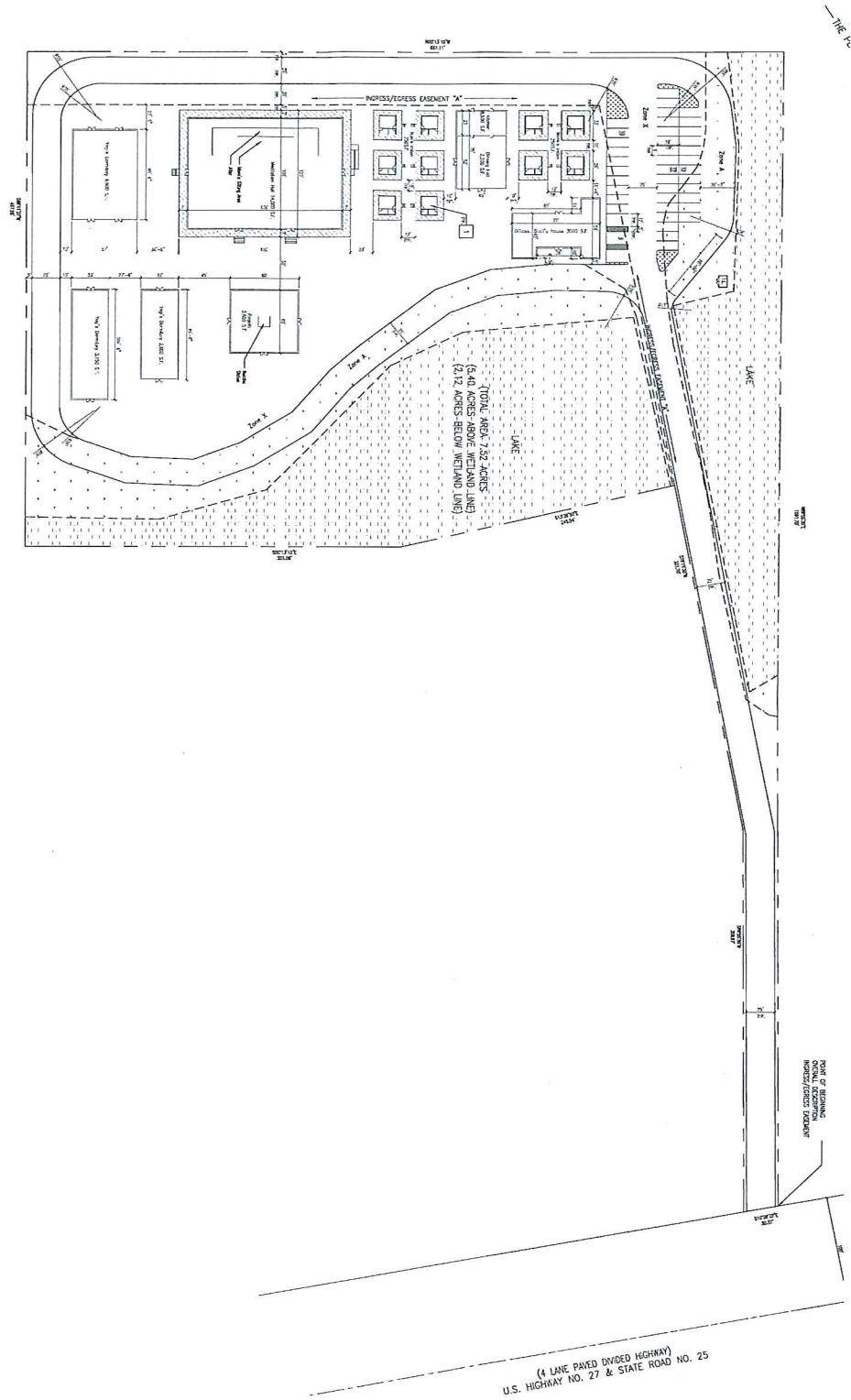
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1
2

EXHIBIT - B



3