

LAKE COUNTY PLANNING AND ZONING DIVISION
CONDITIONAL USE PERMIT STAFF REPORT

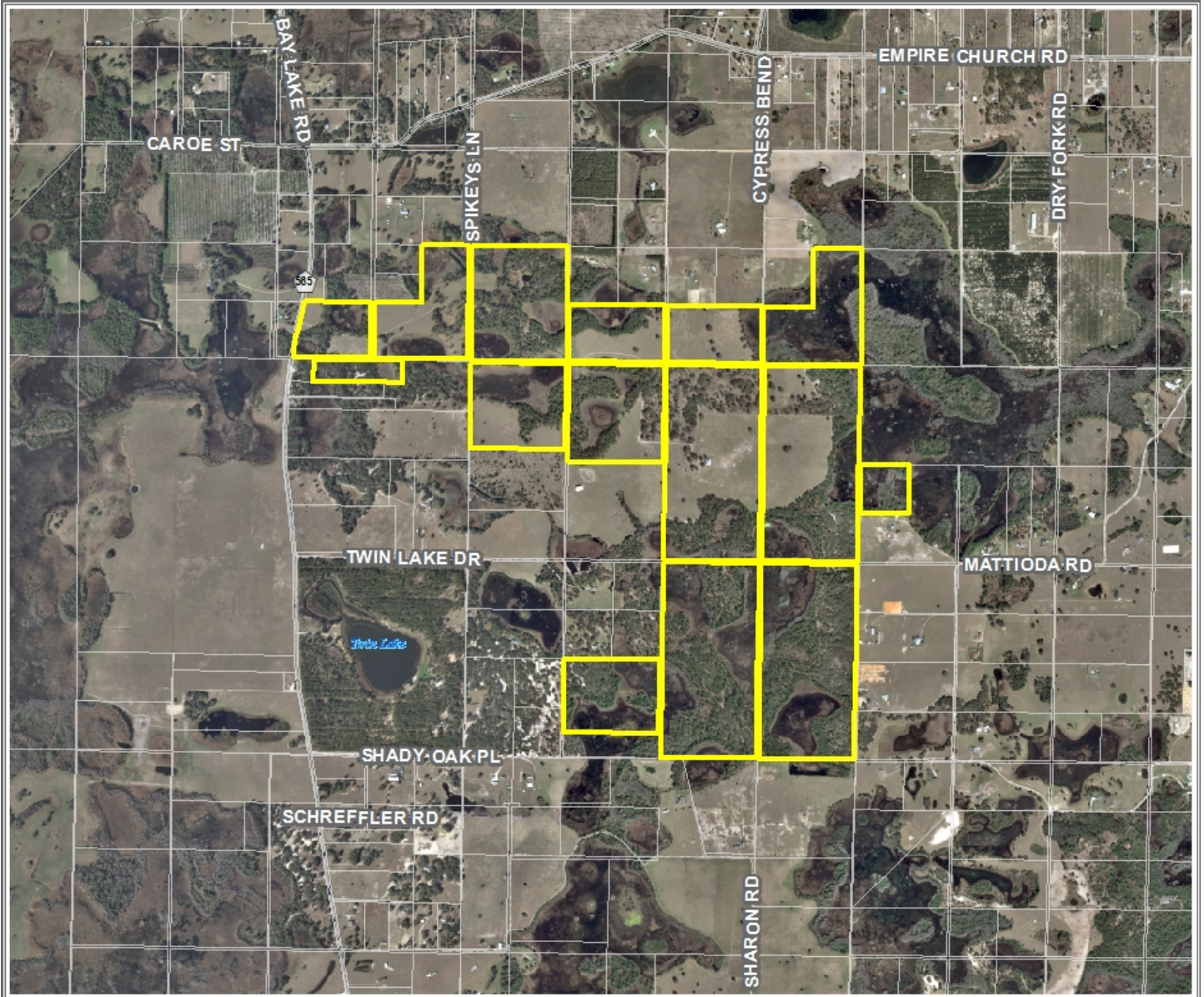


LAKE COUNTY
FLORIDA

PLANNING AND ZONING BOARD
August 3, 2016

BOARD OF COUNTY COMMISSIONERS
August 23, 2016

CUP-16-03-1 Jahreis Family Cemetery	Commissioner District 1 Sullivan	Agenda Item #3
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Requested Action: Conditional Use Permit (CUP) on property in Agriculture (A) zoning district for the creation of a 10,000 square foot (100-foot x 100-foot) family cemetery.

Owner: John C. Jahreis, Trustee and Margaret B. Jahreis, Trustee (the "Owners")

Applicant: John C. Jahreis, Trustee and Anita Geraci-Carver (the "Applicants")

- Site Location & Information -

Size	Approximately 590 acres
Location	East of County Road 565 (South Bay Lake Road) and North and South of Twin Lake Drive in the Groveland area
Alternate Key No.	1083893
Future Land Use	Green Swamp Rural Conservation, Green Swamp Rural, Green Swamp Core Conservation
Existing Zoning District	Agriculture
Proposed Zoning District	Agriculture + CUP 16-03-1
Joint Planning Area/ ISBA	None

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Rural	Agriculture (A)	Residences and undeveloped land	
South	Green Swamp Rural Conservation	Agriculture (A)	Residences and undeveloped land	
East	Green Swamp Core Conservation	Agriculture (A)	Residences and undeveloped land	
West	Green Swamp Rural Conservation	Agriculture (A)	Residences and undeveloped land	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** for CUP #16-03-1 to allow a 10,000 square foot (100-ft. x 100-ft.) family cemetery on an Agriculture zoned property.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Staff Determination -

The Applicant is requesting a Conditional Use Permit (CUP) to allow a 10,000 square feet (100-foot by 100-foot) family cemetery on an approximately 590 acre parcel with Agriculture (A) zoning. The parcel comprises three different Future Land Use Categories (FLUC); Green Swamp Rural FLUC, Green Swamp Rural Conservation FLUC, and Green Swamp Core Conservation FLUC. Per the attached concept plan (Attachment 1) the proposed family cemetery will be situated within the Green Swamp Core Conservation FLUC. The remainder of the staff report will be based on an analysis of the applicable FLUC in which the cemetery is proposed to be situated.

The proposed 10,000 square feet (100-foot by 100-foot) cemetery will be situated within the north central portion of the subject property. The subject property is located east of County Road 565 (South Bay Lake Road) and north and south of Twin Lake Drive. The property currently has a single family residence and accessory residential structures located on it. Staff finds this request consistent with the Comprehensive Plan (Comp. Plan) and Land Development Regulations (LDR) as specified in the Staff Analysis.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The application is consistent with the Lake County Land Development Regulations. Per LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, cemeteries are a permitted conditional use within the Agriculture zoning district. Cemeteries are identified as a Community Facility Use within the chart. Community Facility Uses are defined in the Comprehensive Plan (Comp Plan) as "A noncommercial and nonresidential use established primarily for the benefit and service of the population of the community in which it is located." Although this application is for a private family cemetery rather than for a cemetery which is for the benefit of the community, the private family cemetery is consistent with the definition of a Community Facility Use per LDR Section 3.01.05, *Similar Uses*. LDR Section 3.01.05 states that, "other similar uses, not specifically listed and not more obnoxious or detrimental than the uses listed in Subsection 3.01.03, may be Permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts after review and approval by the County Manager or designee." It is staff's interpretation that a private family cemetery is not expected to be more obnoxious or detrimental than a cemetery intended for the community and would therefore be consistent with the definition of a Community Facility Use per LDR Section 3.01.05, *Similar Uses*.

The CUP application is also consistent with Comprehensive Plan Policy I-1.3.8, *Green Swamp Core Conservation FLUC*. Pursuant to the policy, civic uses (which includes Community Facility Uses), may be conditionally permitted within the Green Swamp Core Conservation FLUC. Civic uses are defined in the 2030 Comp Plan as, "A County, Municipal, State or Federal Use or Service, and community facility uses, excluding K-12 schools."

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

The subject property consists of approximately 590 acres and is surrounded by agriculturally zoned lands. The property's primary use is as a single family residence. The proposed cemetery will be for family members only. The proposed cemetery is located approximately 960 feet from the closest adjacent property boundary according to the provided concept plan (Attachment 1). Due to the distance between the proposed cemetery and the adjacent property it is not expected to have an undue adverse effect upon nearby property.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The proposed family cemetery is located in an undeveloped portion of the subject property and is 960 feet away from the closet adjacent property according to the concept plan (Attachment 1). The adjacent properties are large tracts that are also zoned Agriculture. The surrounding properties also comprise three FLUCs, have been designated Green Swamp Rural Conservation FLUC, Green Swamp Rural FLUC, or Green Swamp Core Conservation FLUC.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The concept plan shows that the proposed cemetery is approximately 960 feet away from the closest adjacent property. The cemetery is required to have fencing or shrubs around the perimeter to demarcate its location.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

The proposed family cemetery will be for private use of the family and will not be for public use. The family cemetery will be located approximately 960 feet away from the closest adjacent property line provided concept plan

(Attachment 1). The surrounding area is part of the Green Swamp Rural Conservation, Green Swamp Rural, or Green Swamp Core Conservation FLUC and is predominantly developed with agriculture lands and single family residences on large lots.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate 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. Levels of service established by the Comprehensive Plan Shall be considered.

There are no additional development impacts anticipated by the CUP application.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #111, is the closest fire station to the subject property and is located at 8805 Bay Lake Road, Groveland.

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

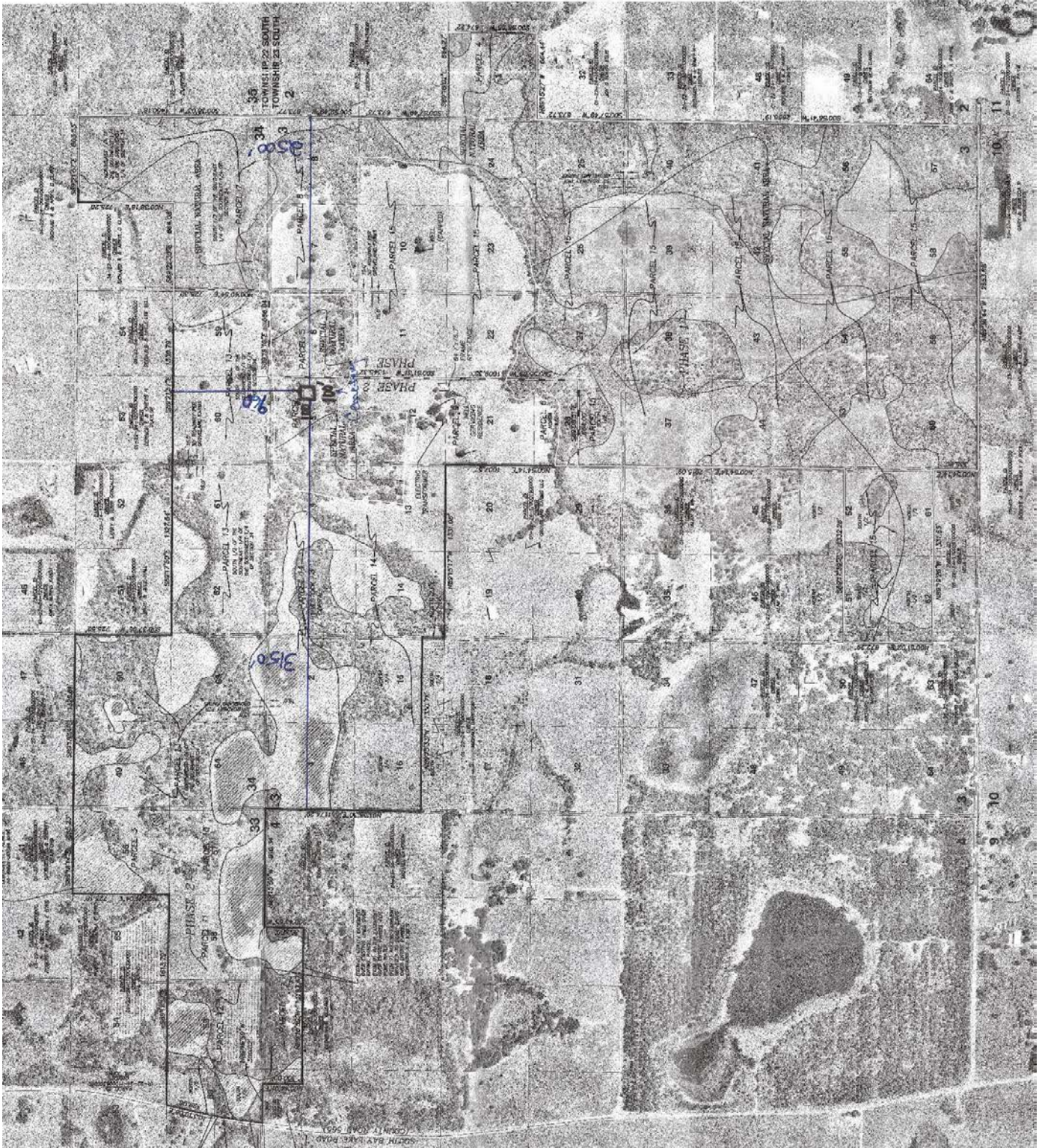
1. The proposed application is consistent with Policy I-4.2.5 *Green Swamp Core Conservation Future Land Use Category*, which allows civic uses as a conditional permitted use; and
2. The request is consistent with LDR Section 3.01.05, which allows similar uses which are no more detrimental than permitted uses; and
3. The request is consistent with LDR Section 3.01.03, which allows cemeteries as a conditional permitted use within the Agriculture zoning district;

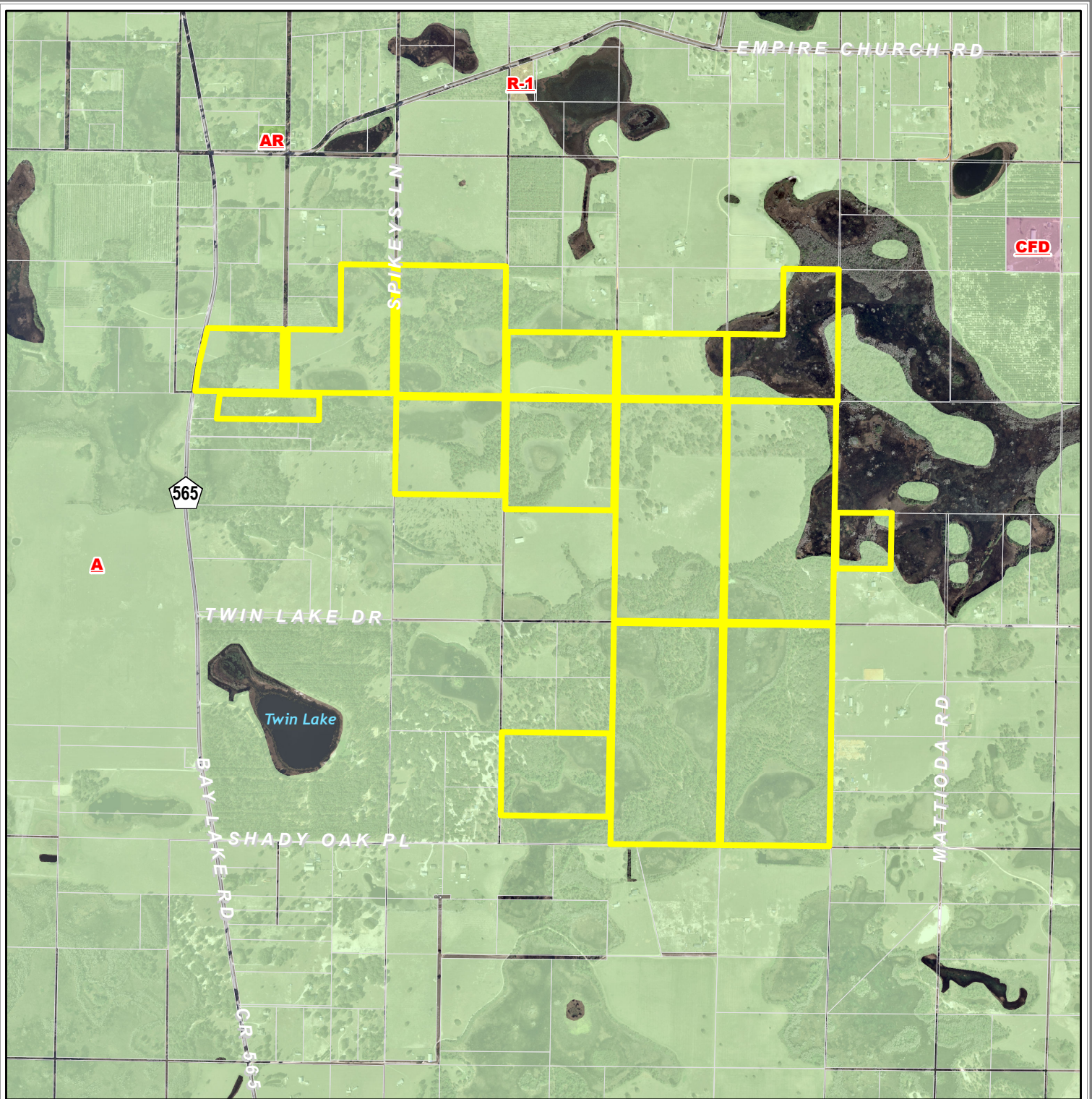
Based on these findings of fact, staff recommends **Approval** of the conditional use permit as specified in the proposed Ordinance.

Case Manager: Christine Rice, Planner

WRITTEN COMMENTS FILED: **Support:** -0- **Questions:** -0- **Opposition:** -0-

Attachment 1 – Concept Plan

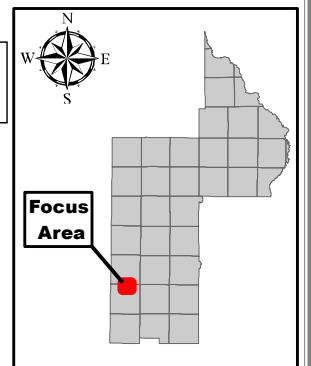


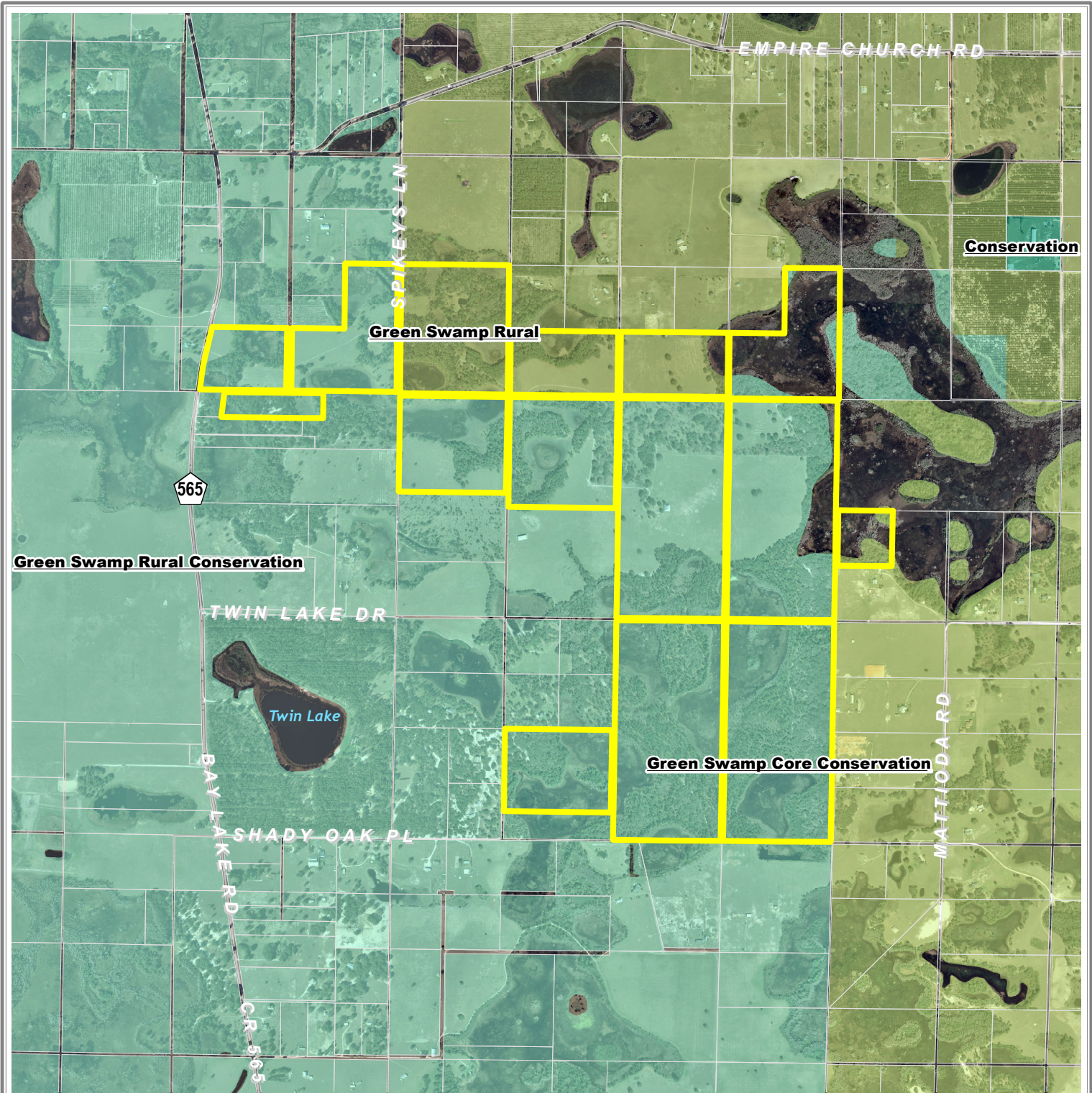


ZONING LEGEND

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

NAME: JAHREIS CEMETERY
CASE NUMBER: CUP-16-03-1
LOCATION (S-T-R): 03, 04-23-24 & 33, 34-22-24
REQUEST: ALLOW FAMILY CEMETERY

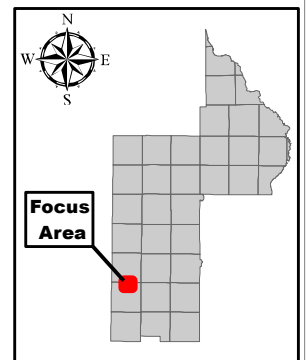




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| 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 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: JAHREIS CEMETERY
CASE NUMBER: CUP-16-03-1
LOCATION (S-T-R): 03, 04-23-24 & 33, 34-22-24
REQUEST: ALLOW FAMILY CEMETERY



Ordinance 2016-XX
CUP-16-03-1
Jahreis Family Cemetery

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

WHEREAS, John C. Jahreis, Trustee of John C. Jahreis Family Trust dated July 17, 2002 and Anita Geraci-Carver (the "Applicants"), on behalf of John C. Jahreis, Trustee of John C. Jahreis Family Trust dated July 17, 2002 and Margaret B. Jahreis, Trustee of the Margaret B. Jahreis Family Trust dated July 17, 2002 (the "Owners") has made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to allow a 100-foot by 100-foot (10,000 square foot) family cemetery; and

WHEREAS, the subject property consists of approximately 590 acres and is generally located east of County Road 565 (South Bay Lake Road) and north and south of Twin Lake Drive in the Groveland area, consisting of Alternate Key Number 1083893, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the subject property is located within three different Future Land Use Categories (FLUC), Green Swamp Rural FLUC, Green Swamp Rural Conservation FLUC, and Green Swamp Core Conservation FLUC, with the family cemetery being developed in area that is in the Green Swamp Core Conservation FLUC as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, in order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions herein after set forth; and

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on August 3, 2016 and by the Board of County Commissioners of Lake County, Florida, on August 23, 2016; 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 subject property, subject to the following terms:

Section 1. Permission is hereby granted for the creation of a family cemetery as a Conditional Use within the Agriculture Zoning District on the subject property.

Section 2. Terms: This Ordinance shall mean and include the total of the following uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Conditional Use Permit (CUP) for the property described in Exhibit "A", in accordance with this Ordinance. To the extent where there are conflicts between the Concept Plan, attached hereto as Exhibit "B", and this Ordinance, the Ordinance shall take precedence.

- 1 **A. Land Use:** The use of the site shall allow the uses specified below and be consistent with Exhibit
2 "B", the Conceptual Plan:
- 3 1. Family cemetery - limited to only members of the Jahreis family.
4 2. The cemetery shall be limited to 100-feet by 100-feet in size and be located in the
5 approximate area shown on the concept plan (Exhibit "B").
6 3. Accessory uses 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
8 of an amendment to this Ordinance by the Board of County Commissioners.
- 9 **B. License:** The Permittee shall secure all applicable and required state and local permits and
10 licenses as required by Florida statutes and/or laws. Permittee shall comply with the following:
- 11 1. All bodies shall be embalmed or cremated;
12 2. All bodies transported on site must be transported with appropriate permits;
13 3. Burial must be with at least 12-inches of cover; and
14 4. A burial record must be maintained by the Permittee which identifies the persons buried
15 within the cemetery and the location of the burial site;
- 16 **C. Environmental Consideration:** The required Environmental Assessment shall be provided to the
17 County prior to or in-conjunction with site plan approval or the first interment, whichever occurs
18 first.
- 19 **D. Landscaping, Buffering, and Screening:** The proposed cemetery area will be required to have
20 either fencing or landscaping along its boundary in order to distinguish the cemetery area from the
21 surrounding property. Lake County Planning and Zoning Division recognizes that there is existing
22 landscaping to suffice for the required five (5) foot wide landscape buffer. The landscaping or
23 fencing which will demarcate the cemetery's boundary shall be installed prior to the first interment
24 burial.
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- 26 **E. Transportation Improvements:** Adequate means of ingress and egress shall be provided to
27 accommodate vehicular movement along adjacent roads to reduce traffic congestion during funeral
28 processions entering or leaving the cemetery property.
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- 30 **F. Setbacks:** Burial plots/grave site
- 31 1. One hundred (100) feet from the nearest property line adjacent to the Right-of-Way line of
32 any public street, County Road, secondary or primary state or federal Road or highway
33 2. Five (5) feet from any property not within the approved boundaries of the cemetery.
34 3. The burial plots/graves sites shall be completely contained within the cemetery boundary
35 described on the Concept Plan (Exhibit "B") and meet the setbacks required in the LDR, as
36 amended.
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- 1 **G. Development Approval:** The Permittee shall obtain minor site plan approval and obtain a zoning
2 permit from the Planning and Zoning Division prior to the initial land disturbance / or burial
3 interment in association with the cemetery.
- 4 **H. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in
5 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
6 Plan, and Lake County Land Development Regulations shall include any future amendments to the
7 Statutes, Code, Plans, and/or Regulations.
8
- 9 **I. After establishment of the family cemetery,** as provided herein, the aforementioned property
10 shall only be used for the purposes named in this Permit. Any other proposed use must be
11 specifically authorized by the Board of County Commissioners.
12

13 **Section 3. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 14 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure of
15 the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual
16 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners;
17 comply with the codes of the governmental agencies having lawful and appropriate jurisdiction
18 thereon; or comply with any of the terms of the Conditional Use Permit; or if this CUP is found to
19 become a nuisance or safety hazard, the permit may be revoked after due Public Hearing before
20 the Planning & Zoning Board and the Board of County Commissioners.
- 21 **B.** This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running
22 with the land; and the purpose, terms, and conditions contained herein shall be binding upon the
23 Permittee or any successor and his interest hereto.
- 24 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
25 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
26 this ordinance and to recommend that the ordinance be revoked.

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

30 **Section 5. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
31 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
32 with Section 125.66, Florida Statutes.
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1 Section 6. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this _____ day of _____, 2016.

3
4 FILED with the Secretary of State _____, 2016.

5
6 EFFECTIVE _____, 2016.

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8 BOARD OF COUNTY COMMISSIONERS
9 LAKE COUNTY, FLORIDA

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11 _____
12 SEAN M. PARKS, Chairman

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15 ATTEST:

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18 _____
19 NEIL KELLY, Clerk of the
20 Board of County Commissioners
21 Lake County, Florida

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23
24 APPROVED AS TO FORM AND LEGALITY

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26 _____
27 MELANIE MARSH, County Attorney

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Exhibit "A" - Legal Description

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GROVELAND FARMS 33-22-24 TRACTS 56, 57, 58, 59, TRACT 60 | LYING E'LY OF CR 565, SEC 34-22-24 TRACTS 49, 50, 59, 60, | 61, 62, 63, 64 & S 1/2 OF SE 1/4 OF SE 1/4, NE 1/4 OF SE 1/4| OF SE 1/4, SEC 2-23-24 TRACT 17, SEC 3-23-24 TRACTS 1, 2, 3,| 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, N 3/4 OF TRACTS 15 & | 16, TRACTS 21 TO 28 INCL, TRACTS 37 TO 44 INCL, TRACTS 51 TO| 62 INCL--LESS S 1/2 OF TRACTS 61 & 62--PB 2 PG 10 11 SEC | 4-23-24 BEG AT N 1/4 COR OF SEC 4, RUN E 1752 FT, S 300 FT, | W 1752 FT, N TO POB--LESS LAND LYING WITHIN W'LY OF BAY LAKE| RD & LESS N 300 FT OF W 300 FT LYING E'LY OF BAY LAKE RD-- | ORB 1065 PG 131 ORB 1136 PG 1600 ORB 1140 PG 1909 ORB 1364 | PG 569 ORB 1804 PG 525 ORB 2154 PG 1116 1119 1120 1121 ORB | 3084 PG 1901 ORB 4168 PG 2096 |

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Exhibit "B" - Concept Plan



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