

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
September 4, 2013



BOARD OF COUNTY COMMISSIONERS
September 24, 2013

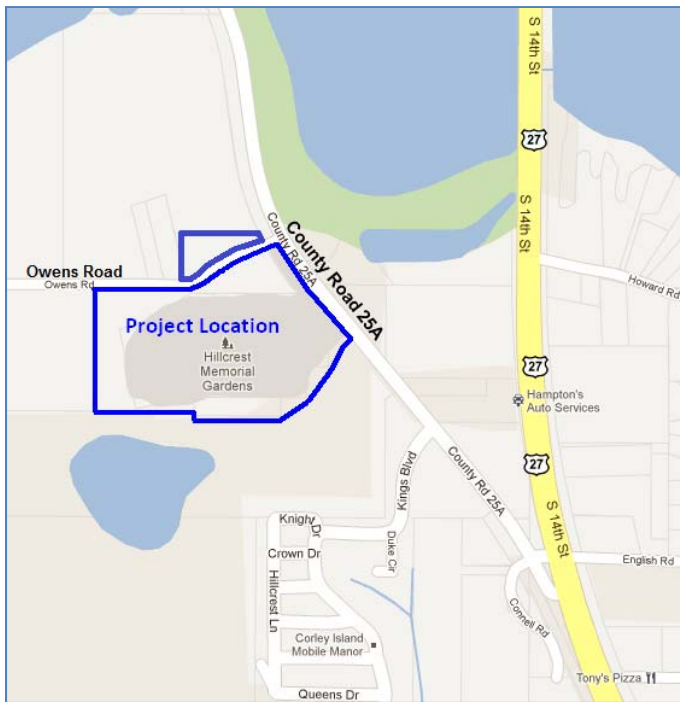
PH #20-11-1 Hillcrest Memorial Gardens	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Owner: Hillcrest Memorial Gardens (the "Owner")

Applicant: Jim Semesco (the "Applicant")

Requested Action: To add a crematory to the uses allowed by Ordinance #2008-3 Community Facility District (CFD) Zoning District and CUP #450-2.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit August 15, 2013
Sign Posted August 15, 2013 (2 posted)

Size	25.74 +/- acres	
Location	Leesburg area, Southwest of CR 25A and Owens Road intersection	
Alternate Key #	1741611, 1328233, 1328241, 1328250, 2881259 and 1111331	
Future Land Use	Urban Medium Density	
	Existing	Proposed
Zoning District	CFD	CFD
Impervious Surface Ratio (Policy I-1.3.3)	0.70 max	0.70 max
Floor Area Ratio (Policy I-1.3.3)	0.50 max	0.50 max
Density (Zoning)	N/A	N/A
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Existing well and septic system	
Road Classification	CR 25A – Urban Collector	
Flood Zone/ FIRM Panel	X(320)	
Commissioner District	1 (Sullivan)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium Density	Agriculture (A)	Residential, Vacant Lands, Wooded Area	
South	City of Leesburg	City of Leesburg	Vacant Lands, Wooded Area	Lake County Water Authority Lands
East	City of Leesburg	City of Leesburg	Residential, Vacant Lands,	Property surrounded by CR 25A at the east
West	Conservation	Medium Residential (R-3)	Vacant Lands, Wooded Area	Lake County Water Authority Lands

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, **with conditions** as set forth in the attached Ordinance, and to rescind and replace Ordinance #2008-3 and CUP #450-2 with the attached proposed ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to amend the Community Facility District (CFD) Zoning District to add the use of a crematory to the uses authorized by Ordinance #2008-3 and CUP #450-2. The existing CFD Ordinance and CUP are to be rescinded and replaced by the proposed ordinance.

The subject property consists of 25.74 +/- acres and is located in the Leesburg area, at the southwest corner of the County Road (CR) 25A /Owens Road intersection. The property contains an existing cemetery with an office building, maintenance barn, and sanctuary mausoleum complex buildings.

The proposed rezoning request to add the use of a crematory which would generally be used in conjunction with the operation of a cemetery is consistent with the Comprehensive Plan which allows cemetery uses (civic uses) in the Urban Medium Density Future Land Use Category (FLUC). Additionally, the request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows cemetery use in the CFD Zoning District.

- Analysis -

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;

A crematory would generally be used in conjunction with the operation of a cemetery, and cemetery uses are permitted in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

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

The CFD zoning request is consistent with Comprehensive Plan Policy I-1.3.3, as civic uses are allowable in the Urban Medium Density FLUC. This policy permits civic uses (community facility uses), as defined by the Comprehensive Plan. Cemeteries and their related uses are allowed under community facility uses.

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

The subject property is surrounded by residential uses and vacant lands. County Road (CR) 25A abuts the property on the east. Expanding the use of the site for the addition of a crematory to the existing cemetery facilities is consistent with the CFD Zoning District and the existing uses in the surrounding area with the conditions included in the ordinance. As indicated in the proposed ordinance, emissions generated from the crematory shall comply with Florida Administrative Code (FAC), Rule 62-296.401, as amended. In addition, Crematory Pollution control equipment shall be provided and comply with requirements of the Florida Department of Environmental Protection (FDEP). Therefore, the proposed rezoning is generally consistent with the land use patterns in the area.

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

The applicant indicates that there has been a growing need for a crematory in the area, therefore requiring amending the CFD Ordinance of the property to add the proposed use.

- 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;

Potable Water and Sewerage – The existing cemetery use is being served by 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 contains an existing cemetery and no adverse impacts on the natural environment are anticipated.

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

The application did 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;

Expanding the use of the site to add the use of a crematory is consistent with the existing CFD Zoning District uses and development pattern in the surrounding 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 would be in harmony with the general intent of the Comprehensive Plan and LDR, as civic uses such as a cemetery and related uses are permitted in the Urban Medium Density FLUC, and in the CFD zoning district pursuant to LDR Table 3.01.03.

- 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 as civic uses (community facility uses) are allowable and conforms to the general land use criteria and activities of the Urban Medium Density Land Use Category.
2. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits cemetery uses in the CFD Zoning District.

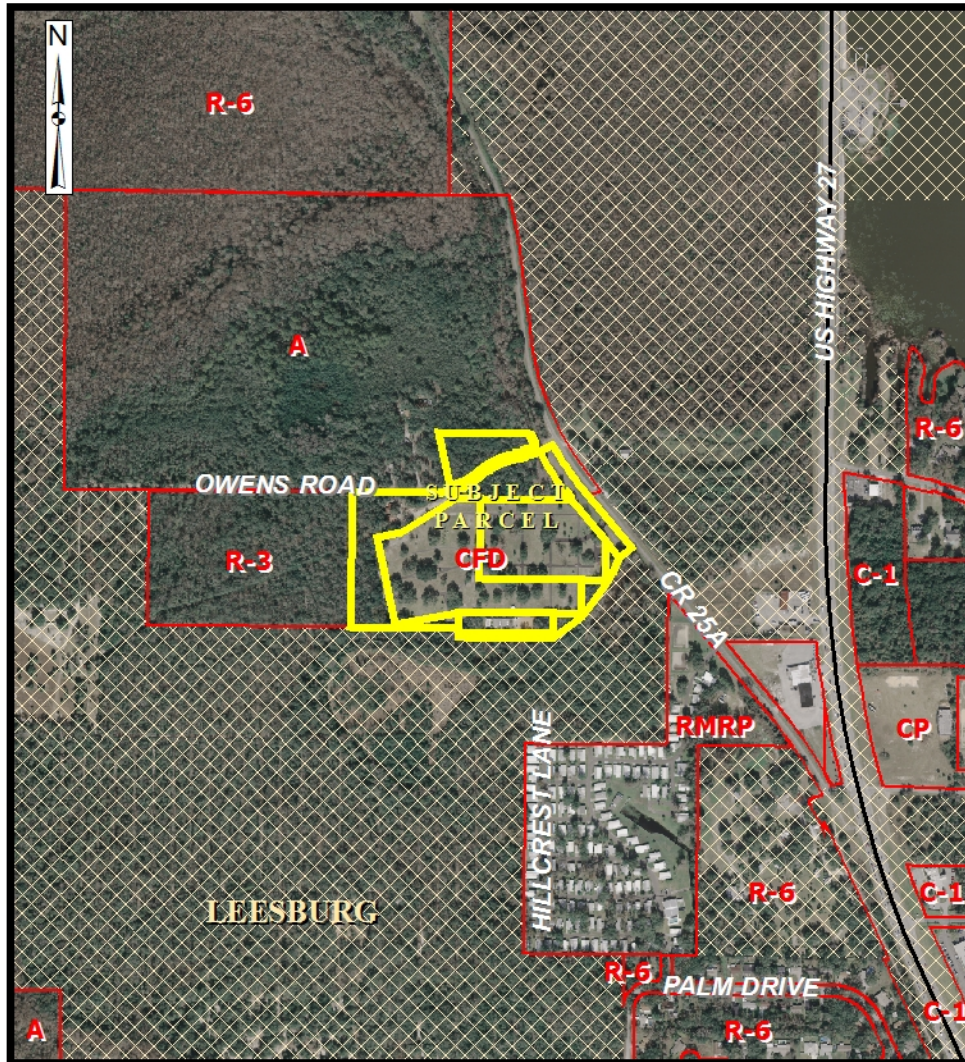
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

Supportive: -0-

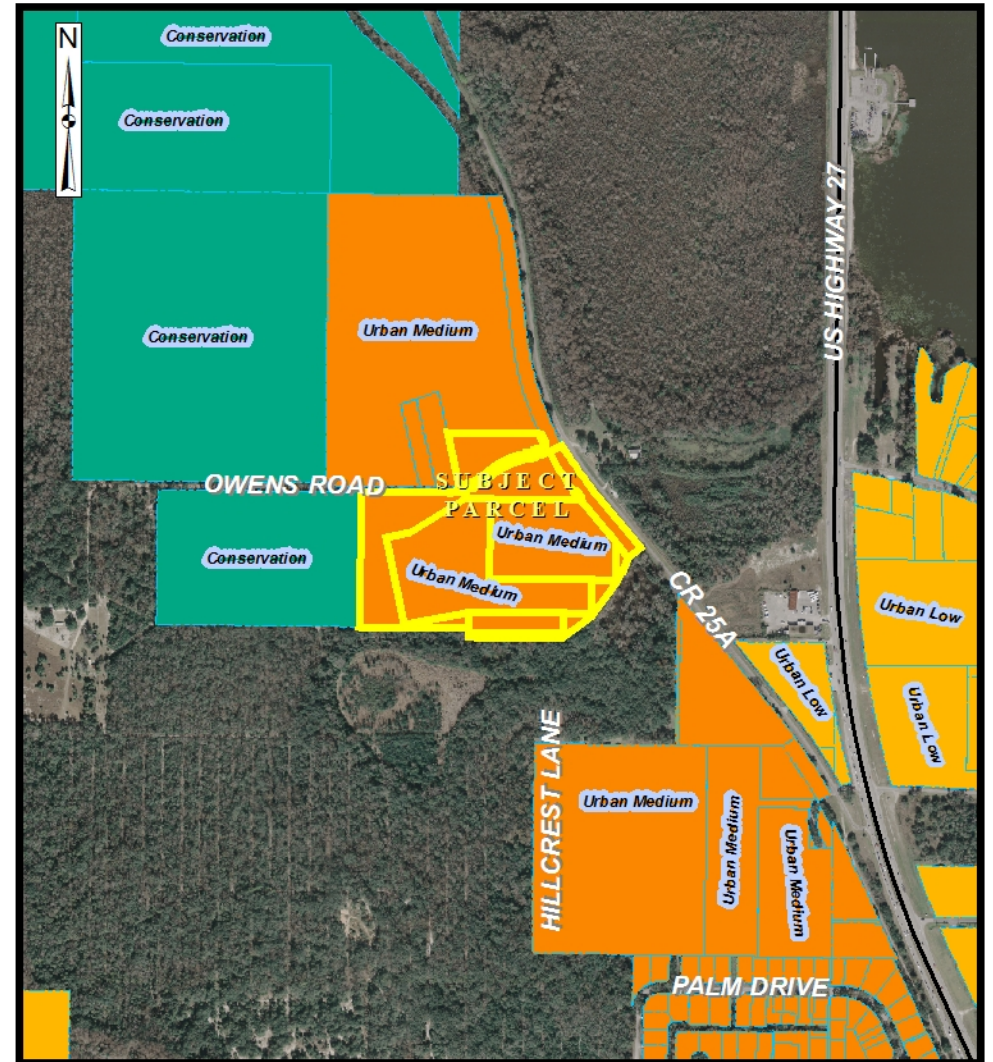
Concern: -0-

Opposition: -0-



CURRENT ZONING

COMMUNITY FACILITY DISTRICT (CFD)



ADOPTED FUTURE LAND USE

URBAN MEDIUM DENSITY

HILLCREST MEMORIAL GARDENS

CASE NO.
PH #20-11-1

CASE LOCATION:
T20S, R24E, S3

REQUESTING:

Amend the Community Facility District (CFD)
Zoning District to add the use of a crematory.

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

DATA SOURCES:

Lake County GIS Department, PlanMetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF 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 any user of this map.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA



- 1 B. Specific Conditions:
 - 2 1. Site plan approval is required for review and approval prior to initiating the crematory operations
 - 3 and for any other future development.
 - 4 2. The uses on the property shall be in conformance with all Federal, State and Local Regulations at
 - 5 all times. The Applicant shall secure all applicable required Federal, State and Local permits and
 - 6 licenses prior to commencement of development.
 - 7 3. Emissions generated from the crematory shall also comply with Florida Administrative Code (FAC),
 - 8 Rule 62-296.401, as amended. Crematory Pollution control equipment shall be provided and
 - 9 comply with requirements of the Florida Department of Environmental Protection (FDEP).
 - 10 4. Off-street Parking: 25 spaces.
- 11 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
- 12 accordance with the Comprehensive Plan and LDR, as amended.
- 13 D. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.
- 14 E. Noise: Compliance shall be in accordance with the LDR, as amended.
- 15 F. Transportation Improvements/Access Management: Access management shall be in accordance with
- 16 the LDR, as amended.
- 17 G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
- 18 Sky Principles.
- 19 H. Signage: Signs shall be in accordance with the LDR, as amended.
- 20 I. Concurrency Management Requirements: Any development shall comply with the Lake County
- 21 Concurrency Management System.
- 22 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
- 23 required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN for review
- 24 and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 25 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
- 26 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
- 27 Lake County Land Development Regulations shall include any future amendments to the Statutes,
- 28 Code, Plans, and/or Regulations.

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

- 30 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
- 31 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
- 32 the Board of County Commissioners.
- 33 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
- 34 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
- 35 boundaries of the above described land without first obtaining the necessary approvals in accordance
- 36 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
- 37 governmental agencies.

1 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
2 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
3 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 this
5 and other governmental permitting agencies.

6 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include
7 in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of
8 the conditions established by this Ordinance and agrees to be bound by these conditions. The
9 purchaser or lessee may request a change from the existing plans and conditions by following
10 procedures contained in the Land Development Regulations, as amended.

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

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

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

18 ENACTED this _____ day of _____, 2013.

19 FILED with the Secretary of State _____, 2013.

20 EFFECTIVE _____, 2013.

21 BOARD OF COUNTY COMMISSIONERS
22 LAKE COUNTY, FLORIDA

23 _____
24 LESLIE CAMPIONE, Chairman

25 ATTEST:

26 _____
27 NEIL KELLY, Clerk of the
28 Board of County Commissioners
29 Lake County, Florida

30 APPROVED AS TO FORM AND LEGALITY

31 _____
32 SANFORD A. MINKOFF, County Attorney
33

EXHIBIT "A" – LEGAL DESCRIPTION

1
2 PARCEL "A":
3 FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3,
4 TOWNSHIP 20, RANGE 24 EAST, RUN N89°45'00"W ALONG THE NORTH LINE OF THE SOUTHEAST 1/4
5 OF THE NORTHEAST 1/4 A DISTANCE OF 1316.58 FEET; THENCE S00°15'W, 66 FEET TO THE
6 WESTERLY RIGHT-OF-WAY LINE OF SCL RR FOR THE POINT OF BEGINNING; THENCE RUN
7 S39°25'30"E FOR 368.35 FEET; THENCE S26°26'09"W FOR 145.41 FEET; THENCE S35°50'57"W, 216.45
8 FEET; THENCE S54°09'05"W, 195.19 FEET; THENCE N89°45'W, 481.29 FEET; THENCE N0°15'E, 47.16
9 FEET; THENCE N89°45'W, 567.45 FEET; THENCE N0°15'E, 698.84 FEET TO THE SOUTH RIGHT-OF-WAY
10 LINE OF OWENS ROAD; THENCE S89°45'E, 540.36 FEET; THENCE S00°15'00"W, 41 FEET; THENCE
11 N89°45'E, 621.09 FEET TO THE POINT OF BEGINNING. (±20.41 AC.)

12 PARCEL "B":
13 THAT PORTION OF THE RAILROAD RIGHT-OF-WAY DESCRIBED AS FOLLOWS; COMMENCE AT THE
14 NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 20
15 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN THENCE WESTERLY WITH THE NORTH LINE
16 OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, N89°45'00"W, 1267.39 FEET TO A POINT ON THE
17 WESTERLY RIGHT-OF-WAY OF COUNTY ROAD C-25A, AND THE EASTERLY RIGHT-OF-WAY AS
18 PREVIOUSLY OCCUPIED BY THE SEABOARD COASTLINE RAILROAD, AND THE POINT OF BEGINNING
19 OF THIS PARCEL; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF COUNTY ROAD
20 C-25-A, S39°25'30"E, 387.76 FEET; THENCE S50°36'30"W, 80.00 FEET TO THE MOST EASTERLY
21 CORNER OF HILLCREST MEMORIAL GARDENS, SAID CORNER BEING ON THE WESTERLY RIGHT-OF-
22 WAY OF THE FORMER S.C.L. RAILROAD RIGHT-OF-WAY; THENCE NORTHERLY ALONG SAID
23 WESTERLY RIGHT-OF-WAY N39°25'30"W, 425.32 FEET TO A POINT OF CURVATURE OF THE SAID
24 RAILROAD RIGHT-OF-WAY, PASSING THE NORTHEAST CORNER TO HILLCREST MAMORIAL GARDENS
25 AT 368.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, DESCRIBED BY THE FOLLOWING CHORDS:
26 N37°28'46"W, 100.00 FEET, CONTINUING THENCE N33°35'18"W, 100.00 FEET, CONTINUING THENCE
27 N30°34'23"W, 55.00 FEET TO A POINT 25.00 FEET SOUTH OF THE EXISTING CENTERLINE OF OWENS
28 ROAD; THENCE NORTHEASTERY PARALLEL AND 25.00 FEET SOUTH OF THE CENTERLINE OF OWENS
29 ROAD, N29°41'44"E, 80.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF COUNTY ROAD C-
30 25-A; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY TO COUNTY ROAD C-25-A, AND THE SAID
31 EASTERLY RIGHT-OF-WAY OF FORMER S.C.L RAILROAD, AND ALONG A CURVE TO THE LEFT
32 DESCRIBED BY THE FOLLOWING CHORDS: S30°35'52"E, 29.03 FEET, CONTINUING THENCE
33 S33°15'09"E, 100.00 FEET, CONTINUING THENCE S37°22'03"E, 100.00 FEET TO THE END OF SAID
34 CURVE; THENCE CONTINUE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY TO COUNTY
35 ROAD C-25-A, S39°25'30"E, 37.56 FEET TO THE POINT OF BEGINNING. (± 1.22 AC.)

36 PARCEL "C"
37 FROM THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3,
38 TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, RUN WEST 620 FEET FOR A
39 POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 300 FEET; THENCE
40 RUN EAST TO A POINT ON THE WESTERLY LINE OF THE RIGHT-OF-WAY OF THE ATLANTIC COAST
41 LINE RAILROAD; THENCE RUN SOUTHERLY ALONG THE WESTERLY LINE OF THE SAID RIGHT-OF-
42 WAY TO A POINT THAT IS 66 FEET SOUTH OF THE SOUTH LINE OF THE NORTH 1/2 OF THE
43 NORTHEAST 1/4 OF THE SAID SECTION 3; THENCE RUN WEST AND PARALLEL WITH THE SOUTH LINE
44 OF THE SAID NORTH 1/2 OF THE NORTHEAST 1/4 TO A POINT 66 FEET SOUTH OF THE POINT OF
45 BEGINNING; THENCE NORTH 66 FEET TO THE POINT OF BEGINNING (± 4.11 AC.)

EXHIBIT "B" - CONCEPTUAL PLAN

DATE	REVISION

DRIVING & DESIGN INC.
Professional Land Surveyors
808 North Weaver Ave.
Tulsa, Oklahoma 74117
Phone: 918.424.4521
Fax: 918.424.4522
www.drivingdesign.com
Certificate of Authorization Number: 32908

HILLCREST MEMORIAL GARDENS REZONING
CONCEPT PLAN

Ordinance #2008-3
PH #06-08-1 / Hillcrest
CFN 2008022668
Bk 03586 Pgs 0614 - 6197 (6pgs)
DATE: 02/22/2008 10:26:13 AM
NEIL KELLY, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 52.50

ORDINANCE #2008-3
KEATLEY INVESTMENTS – HILLCREST, LLC
PH #06-08-1

FILED
2008 FEB - 8 AM 11:54
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

WHEREAS, the Keatley Investments-Hillcrest, LLC (the "Owner") requested a rezoning from Medium Residential (R-3) and Agriculture (A) to Community Facility District (CFD); and

WHEREAS, the subject property consists of 23.58 acres and is located in the Leesburg area north of the intersection of US27/SR25 and CR 48, at CR25A and Owens Road in Section 3 – Township 20S – Range 24E having Alternate Key Numbers 1328233, 1328241, 1328250, 1741611, 2881259 and a portion of 1111331, further described as:

LEGAL DESCRIPTION (EXHIBIT "A" – ATTACHED)

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

WHEREAS, there is a Conditional Use Permit (CUP) associated with this property for a cemetery, CUP #450-2; and

WHEREAS, the Lake County Zoning Board did, on the 3rd day of January, 2008, reviewed Petition PH #06-08-1;

AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 29th day of January, 2008; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, 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 Zoning Maps from Medium Residential (R-3) and Agricultural (A) to Community Facility District (CFD); as specified in Land Development Regulations (LDR) Section 3.00.00, as amended, in accordance with this Ordinance.

A. Land uses shall consist of a cemetery consistent with a valid Conditional Use Permit (CUP) in effect for said cemetery.

Related accessory uses may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment to this Ordinance and **MASTER SITE PLAN (EXHIBIT "B" - ATTACHED)** by the Board of County Commissioners.

B. Landscaping / Buffering / Screening: All landscaping / buffering / screening shall comply with the requirements of LDR Section 9.01.00, as amended.

C. Setbacks: Setbacks shall be in accordance with LDR Section 3.02.05.

D. Access Management: The project shall comply with all applicable access management requirements as established in LDR Section 9.05.00.

E. Environmental: An environmental assessment of the site addressing habitat and species shall be submitted to the County during the site plan review process for review and approval.

F. Development Review and Approval: Prior to the issuance of any permits, the Owner shall submit a site plan for review and approval by the County Manager or designee. The site plan shall meet all submittal requirements according to LDR Section 14.09.00 and comply with all County codes and ordinances, as amended.

G. Future Development Orders: Any requested development order must comply with the Comprehensive Plan and LDR, as amended.

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

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

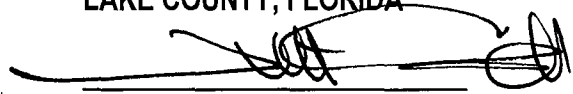
- A. The aforementioned property shall only be used as specified in this Ordinance.
- B. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- C. 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 LDR Chapter XIV, as amended.

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

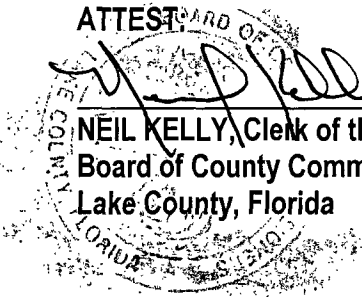
ENACTED this 29 day of January, 2008.
FILED with the Secretary of State February 8, 2008.
EFFECTIVE February 8, 2008.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



WELTON CADWELL, 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

LEGAL DESCRIPTION:

PARCEL A - FROM THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, RUN WEST ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ A DISTANCE OF 1316.58 FEET; THENCE S00°15'00"W, 66 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SCL RR FOR THE POINT OF BEGINNING; THENCE RUN S39°25'30"E FOR 368.35 FEET; THENCE S26°26'09"W FOR 145.41 FEET; THENCE S35°50'57"W, 216.45 FEET; THENCE S54°09'05"W, 195.19 FEET; THENCE N89°45'00"W, 481.29 FEET; THENCE N00°15'00"E, 47.16 FEET; THENCE N89°45'00"W, 567.45 FEET; THENCE N00°15'00"E, 698.84 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OWENS ROAD; THENCE EAST, 540.36 FEET; THENCE SOUTH 41 FEET; THENCE EAST TO THE POINT OF BEGINNING.

PARCEL B - THAT PORTION OF THE RAILROAD RIGHT-OF-WAY DESCRIBED AS FOLLOWS; COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN THENCE WESTERLY WITH THE NORTH LINE OF SAID SOUTHEAST ¼ OF THE NORTHEAST ¼, N89°45'00"W, 1267.39 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CR25A, AND THE EASTERLY RIGHT-OF-WAY AS PREVIOUSLY OCCUPIED BY THE SCL RR, AND THE POINT OF BEGINNING OF THIS PARCEL; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY OF CR25A, S39°25'30"E, 387.76 FEET; THENCE S50°36'30"W, 80.00 FEET TO THE MOST EASTERLY CORNER OF HILLCREST MEMORIAL GARDENS, SAID CORNER BEING ON THE WESTERLY RIGHT-OF-WAY OF THE FORMER SCL RR RIGHT-OF-WAY; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY N39°25'30"W, 425.32 FEET TO A POINT OF CURVATURE OF THE SAID RAILROAD RIGHT-OF-WAY, PASSING THE NORTHEAST CORNER TO HILLCREST MEMORIAL GARDENS AT 368.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, DESCRIBED BY THE FOLLOWING CHORDS: N37°28'46"W, 100.00 FEET, CONTINUING THENCE N33°35'18"W, 100.00 FEET, CONTINUING THENCE N30°34'23"W, 55.00 FEET TO A POINT 25.00 FEET SOUTH OF THE EXISTING CENTERLINE OF OWENS ROAD; THENCE NORTHEASTERLY PARALLEL AND 25.00 FEET SOUTH OF THE CENTERLINE OF OWENS ROAD, N29°41'44"E, 80.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF CR25A; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY TO CR25A; AND THE SAID EASTERLY RIGHT-OF-WAY OF FORMER SCL RR, AND ALONG A CURVE TO THE LEFT DESCRIBED BY THE FOLLOWING CHORDS: S30°35'52"E, 29.03 FEET, CONTINUING THENCE S33°15'09"E, 100 FEET; CONTINUING THENCE S37°22'03"E, 100 FEET TO THE END OF SAID CURVE; THENCE CONTINUE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY TO CR25A, S39°25'30"E, 37.56 FEET TO THE POINT OF BEGINNING.

PARCEL C - FROM THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, RUN WEST 620 FEET, FOR A POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 300 FEET; THENCE RUN EAST TO A POINT ON THE WESTERLY LINE OF THE RIGHT-OF-WAY OF THE ACL RR; THENCE RUN SOUTHERLY ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY TO A POINT THAT IS 66 FEET SOUTH OF THE SOUTH LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF SAID SECTION 3; THENCE RUN WEST AND PARALLEL WITH THE SOUTH LINE OF THE SAID

NORTH 1/2 OF THE NORTHEAST 1/4 TO A POINT 66 FEET SOUTH OF THE POINT OF BEGINNING;
THENCE NORTH 66 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.58 ACRES MORE OR LESS.

EXHIBIT "B"
MASTER SITE PLAN - OVERALL

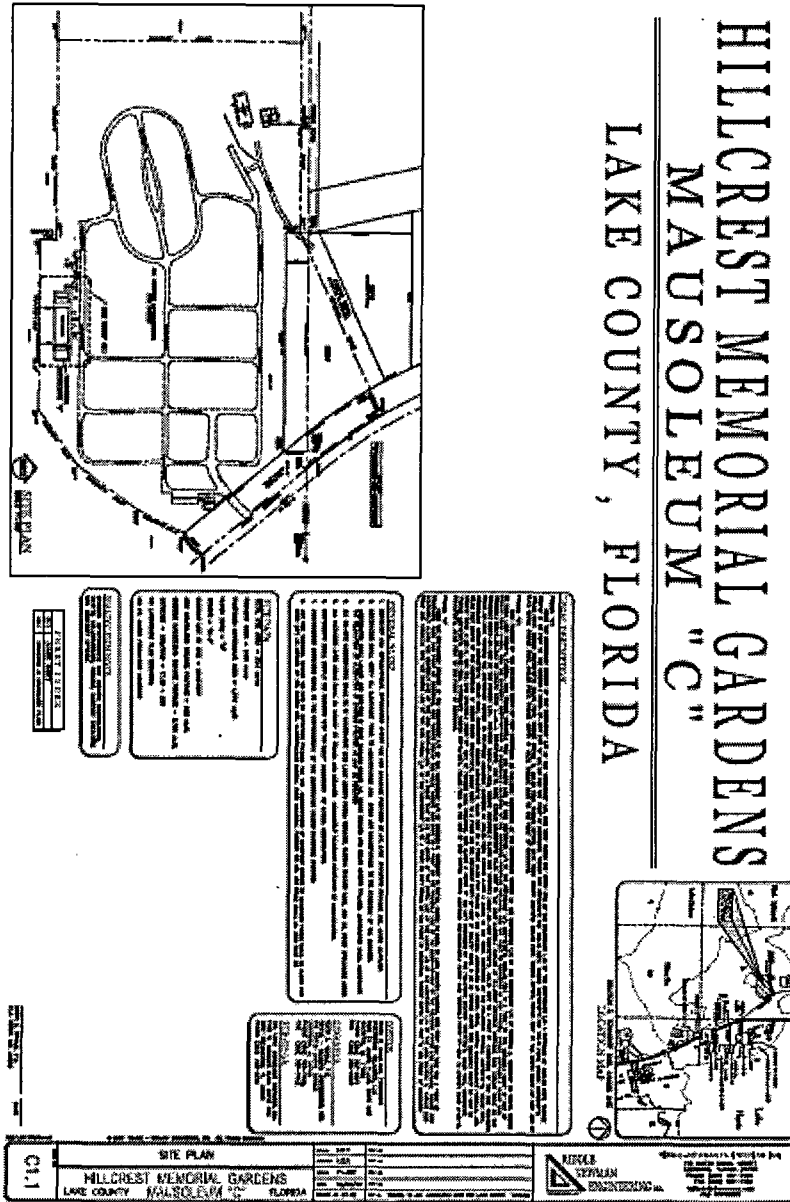
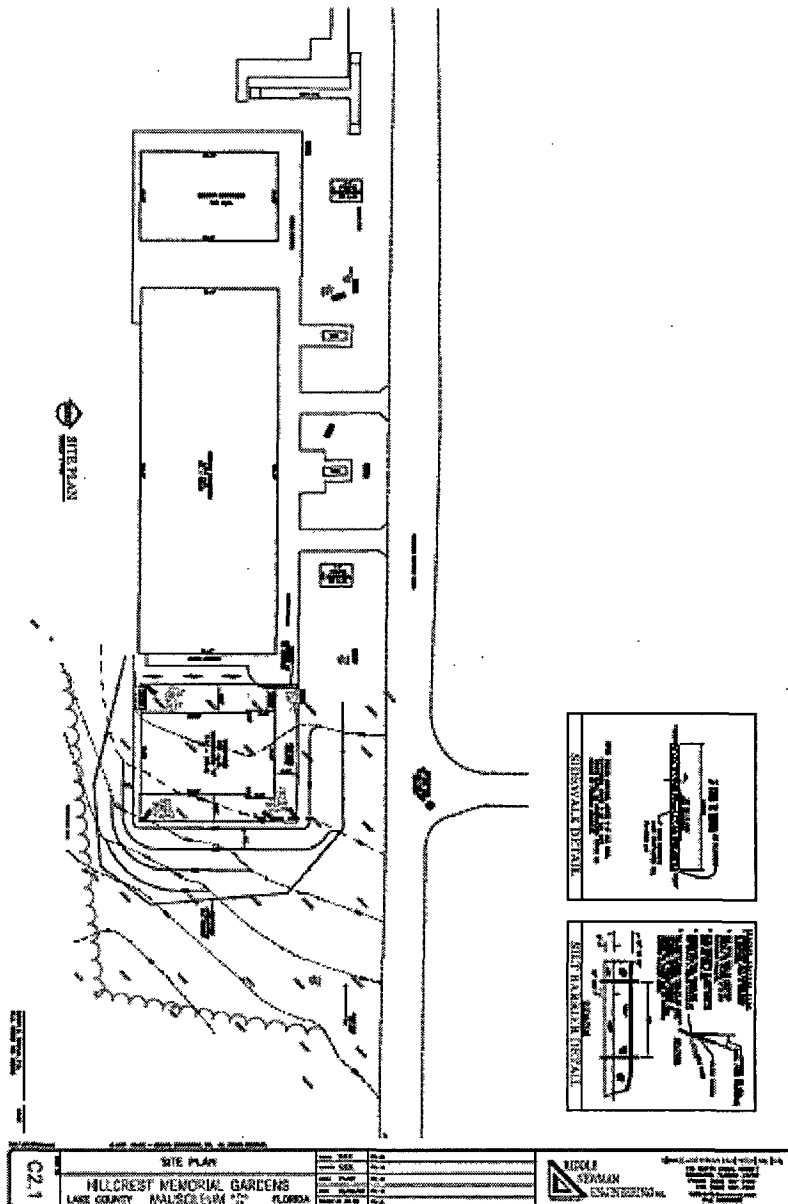


EXHIBIT "B"
MASTER SITE PLAN - MAUSOLEUM



CONDITIONAL USE PERMIT -- CASE NO. 450-2

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, State of Florida to LEESBURG HILL-CREST PROPERTIES, INC., for the purposes, and the terms, and the conditions as set out herein pursuant to authority contained in Section XIII of the Lake County Zoning Regulations and related parts thereof and Resolution No. CUP 450-2 of the County Commissioners of Lake County.

1. Permission is hereby granted to Leesburg Hill-Crest Properties, Inc., "Permittee", for expansion of an existing cemetery facility in the Leesburg area on US 27 and 500 feet West on DR 3409 (37.56 acres) and more particularly described as follows:

See Exhibit "A" attached hereto

2. The expansion of the existing cemetery facility shall mean and include the total of the following uses:

- a. Proposed grave sites as submitted and approved by the Lake County Planner.
- b. Any structures incidental to operation of the cemetery, as approved by the Lake County Planner.
- c. Offstreet parking.

3. Prior to the issuance of any building permits, complete building plans shall be submitted to the County Planner for approval.

4. Prior to the issuance of any building permits, a complete landscaping plan for the project shall be submitted to the County Planner for approval. Approved planting shall be installed prior to the issuance of any occupancy permit on any building. Such plans shall not be modified or altered unless or until this permit shall have been amended to permit modification or alteration.

5. No less than 25 offstreet parking spaces shall be provided and maintained on the subject property.

6. All outdoor lighting shall be shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

7. Construction and operation of the proposed use shall comply at all times with the regulations of this and other governmental agencies.

8. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any reason unless and until the following events shall have then occurred:

- a. Permittee shall have agreed to each and every condition hereof by having this Conditional Use Permit signed.
- b. This Conditional Use Permit executed as indicated shall have been recorded in the Office of the Clerk of the Circuit Court.
- c. Unless this Conditional Use Permit, properly executed, has been returned to the Department of Planning, within THREE MONTHS (3) from the date of approval by the Board of County Commissioners as indicated herein, it shall become null and void and the Permittee must apply to the Planning and Zoning Commission and the Board of County Commissioners for re-hearing of the request.

FILED
JUL 11 9 53 AM '77
BOARD OF COUNTY COMMISSIONERS
JAMES C. WATKINS, CLERK
LAKE COUNTY, FLORIDA

9. This permit shall be reviewed at the end of three years by the County Planner, and may be recommended for a public hearing before the Planning & Zoning Commission and the Board of County Commissioners should this review reveal that this expansion of existing cemetery facilities has become a detriment to the development of the area.

10. After the establishment of the cemetery facilities as provided herein, the subject property shall not be used for any purposes unless specifically authorized by the Planning & Zoning Commission unless the proposed use meets every requirement of the zone existing for the subject property at the time of the conversion.

11. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee, or its successors in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the County or Permittee. The County Planner shall set this matter for the public hearing before the Planning & Zoning Commission giving the same notice as provided in Section XIII.

12. This Conditional Use Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions thereof shall be binding upon Permittee, and any successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Board of County Commissioners of Lake County on JULY 16 , 1974

AUTHENTICATED BY:



Michael C. Willett
Lake County Planner



James C. Watkins
Clerk of the Circuit Court


STATE OF FLORIDA)
 :
COUNTY OF LAKE)

On July 24, 1974 , before me, Deborah J. Potter
A Notary Public in and for said County and State, personally appeared

 Michael C. Willett and James C. Watkins
known to me to be the persons whose names are subscribed to the within instrument and acknowledge that they executed the same.

WITNESS my hand and official seal.
Notary Stamp)

NOTARY PUBLIC, State of Florida at Large.
Commission Expires April 21, 1978
Covered by AUTO OWNERS INSURANCE.


Notary Public in and for said
Lake County, State of Florida

CUP -- CASE NO. 450-2

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Permittee hereunder.

LEESBURG HILL-CREST PROPERTIES, INC.,
Permittee

By: *Gordon R. Ewig*
President

STATE OF ^{TEXAS} FLORIDA)
 HARRIS :
COUNTY OF ~~LAKE~~)

On August 13, 1974, before me Judy Kay Blankenship,
a Notary Public in and for said County and State, personally appeared

Gordon R. Ewig
known to me to be the person whose name is subscribed to the within
instrument and acknowledge that he executed the same.

WITNESS my hand and official seal.
(Notary Stamp)

Judy Kay Blankenship
Notary Public in and for said
Lake County, State of Florida
HARRIS TEXAS

450-2

PARCEL "A"

HILLCREST MEMORIAL GARDENS, according to the plat thereof as recorded in Plat Book 13, Page 8; HILLCREST MEMORIAL GARDENS, First Addition, according to the plat thereof as recorded in Plat Book 14, pages 32 and 32-A; HILLCREST MEMORIAL GARDENS, Second Addition, according to the plat thereof as recorded in Plat Book 17, page 19, ALL recorded in the Public Records of Lake County, Florida, and a part of Sec. 3, Twp. 20 S., Rge. 24 E., Lake County, Fla., described as follows:

From the N. E. corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 3, Twp. 20 S. Rge. 24 E., Lake County, Florida, run N. 89° 45' 00" W. along the North line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ for 1316.58 ft., thence S. 0° 15' 00" W. 66.0 ft. to the P.O.B. of this description, [said P.O.B. being located on the Westerly r/w of S.C.L. Railroad] from said P.O.B. run S. 39° 25' 30" E 368.35 ft., thence S. 26° 26' 09" W. 145.41 ft., thence S. 35° 50' 57" W. 216.45 ft., thence S. 54° 09' 05" W. 195.19 ft., thence N. 89° 45' 00" W. 481.29 ft., thence N. 0° 15' 00" E. 47.16 ft., thence S. 89° 45' 00" W. 332.63 ft., thence N. 11° 30' 00" W. 464.0 ft., thence N. 81° 12' 30" E. 66.80 ft., thence N. 09° 03' 45" W. 237.21 ft., to a point that is 25.0 ft. South of the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 3, thence S. 89° 45' 00" W. parallel to the North line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 372.16 ft., thence S. 0° 15' 00" W. 41.0 ft., thence S. 89° 45' 00" W. 621.43 ft., to the P.O.B. Containing 17.256 acres.
LESS Lots sold.

PARCEL "B"

From the most Northeasterly corner of HILLCREST MEMORIAL GARDENS, according to the plat thereof as recorded in Plat Book 13, page 8 of the Public Records of Lake County, Florida run N. 89° 45' 00" W. along the North line of said HILLCREST MEMORIAL GARDENS 621.43 ft., thence N. 0° 15' 00" E. 41.0 ft. to a point that is 25.00 ft. South of the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 3, Twp. 20 S., Rge. 24 E., Lake County, Fla., run thence N. 89° 45' 00" W. parallel to the said North line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ 372.16 ft. to the P.O.B. of this description. From said P.O.B. continue N. 89° 45' 00" W. 1227.56 ft., thence S. 0° 15' 00" W. 698.84 ft., thence S. 89° 45' 00" E. 1294.46 ft. to the S.W. corner of said HILLCREST MEMORIAL GARDENS, thence N. 11° 30' 00" W. along the Westerly line of said HILLCREST MEMORIAL GARDENS 464.0 ft., thence N. 81° 12' 30" E. 66.80 ft., thence N. 09° 03' 45" W. 237.21 ft. to the P.O.B. Containing 20.00 acres,

Exhibit: A