

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
September 5, 2012



BOARD OF COUNTY COMMISSIONERS
September 25, 2012

PH # 30-12-4 Thanh An Buddhist Center	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 2
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Owner: Thanh An Buddhist Center, Inc. (the "Owner")

Applicant: Khoi Phan (the "Applicant")

Requested Action: Rezone property from Agriculture (A) to Community Facility District (CFD) for a meditation practice center, religious worship and related uses.

- Site Location & Information -

Approximate site location outlined in **RED**



Size	4.77+/- acres	
Location	Sorrento area, North of CR 46A	
Alternate Key #'s	2507004	
Future Land Use	Wekiva A-1-20 Sending Area	
	Existing	Proposed
Zoning District	A	CFD
Impervious Surface Ratio (Policy I-3.2.3)	.30 max	.20 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Private well and septic	
Road Classification	Major	
Flood Zone/ FIRM Panel	Zone XI/ 425 7/3/02	
Commissioner District	4 (Campione)	

Site Visit July 6, 2012

Sign Posted August 15, 2012 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	A-1-40 Sending Area	Agriculture	Vacant/Timber	Ag uses Timber-Cypress
South	A-1-20 Sending Area	Agriculture	Residential	Single family residence
East	Conservation	Agriculture	Vacant	State Owned Property
West	A-1-20 Sending Area	Agriculture	Large track Residential	Single family residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the proposed rezoning request, subject to the conditions as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION: The Planning & Zoning Board unanimously recommends **APPROVAL with conditions** of the proposed rezoning request, subject to the conditions as set forth in the attached Ordinance.

- Summary of Analysis -

The Applicant is requesting to rezone property from Agriculture (A) to Community Facility District (CFD) to establish a meditation practice and religious worship center.

The subject property consists of 4.77 +/- acres and is located in the Sorrento area, north of CR 46A. The property contains an existing house, barn, utility building and shed.

The proposed rezoning request is consistent with the Comprehensive Plan Policy I-3.2.2 which permits Religious organizations in the Wekiva River Protection Area A-1-20 Sending Area 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 Church uses 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;

The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits Church uses in the CFD Zoning District.

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-3.2.2 as Religious organizations are allowable in the Wekiva River Protection Area A-1-20 Sending Area FLUC.

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

The proposed rezoning is generally consistent with the land use patterns in the area. Adjacent zoning consists of Agriculture to the north, east, west and south. The Applicant has indicated there will be Sunday service from 12:00pm to 2:00pm with a maximum of 30 seats for visitors. There is no mid-week service or events.

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

The Applicant wishes to have a worship and meditation center on the property, which requires a change in the zoning from Agriculture to Community Facility District (CFD).

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;

Currently, there is a single-family residence on the property. The change of use to allow worship and meditation is not expected to substantially impact existing public facilities capacities and levels of service (LOS). However, as the Applicant intends to conduct weekly Sunday services, public facility impacts will be fully assessed during the required site plan application review process. During site plan review, the proposed location of the parking area for the new uses will be evaluated to ensure that traffic will not back up onto County Road 46A. A condition in the attached Ordinance has been inserted to address this and to require the parking area to be moved, if necessary, to prevent any such issues with traffic flow onto the property.

Central water and sewage is not currently available. The proposed use will be served by the existing private well and septic system.

Include the PW comments regarding future traffic impacts. Public Works has informed the Applicant that a Commercial Driveway Permit will be required and will need to file a request for an exemption of a full traffic study at the time of site plan submittal.

The closest fire station is Lake County Fire Station #39 located approximately six (6) miles away from the Applicants property.

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

The property is currently developed with an existing single-family home, shed and barn. No other structures are proposed. The change in use on the property is expected to have no adverse impacts on the environment.

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

The application does not contain any evidence that the proposed rezoning would adversely affect property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

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

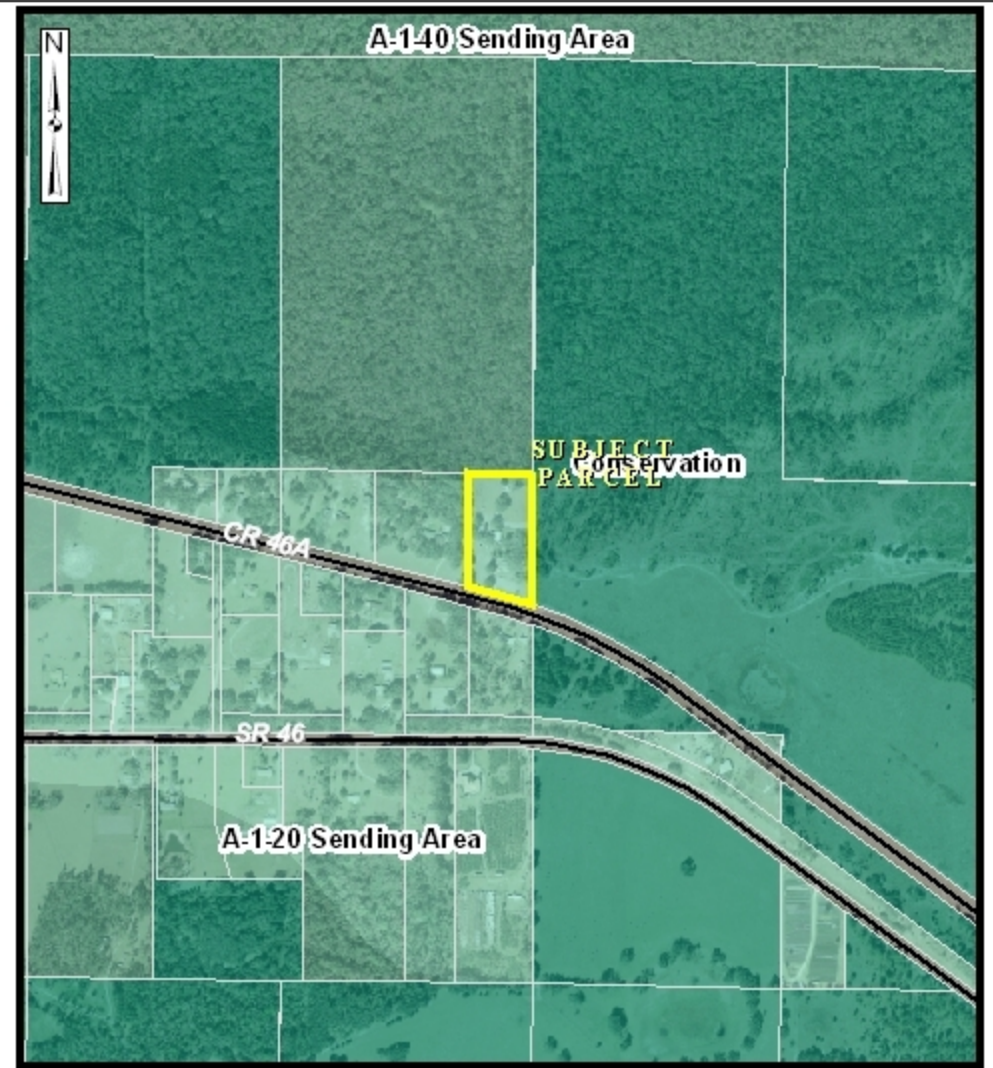
1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.2.2 as Religious organizations are allowable and conforms to the general land use criteria and activities of the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits Church 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
AGRICULTURE (A)**



**2030 FUTURE LAND USE
A-1-20 SENDING AREA**



**THANH AN BUDDIST
CENTER**

CASE NO.
PH# 30-12-4

CASE LOCATION:
23-19-28

REQUESTING:
A to CFD

ZONING

LAND USE

SUBJECT PARCEL

DISCLAIMER:
Lake County GIS Department, December, 2006 aerial image, Data Completion and Map production compliments of the Growth Management Department, Planning and Community Design.

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MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA

**LAKE COUNTY
PLANNING**

- 1 B. Develoepment Standards:
- 2 1. A site plan application must be submitted for review and approval for any future
- 3 development.
- 4 2. The use of the property shall be in conformance with all Federal, State and Local
- 5 Regulations at all times.
- 6 3. Parking:
- 7 a. Parking surfaces may be grass or other pervious material, except as required for
- 8 disabled access.
- 9 b. There shall be a minimum of ten (10) parking spaces.
- 10 c. The location of the parking area and the traffic circulation patterns on the property shall
- 11 be evaluated at the time of site plan review to ensure that traffic is not backed up onto
- 12 County Road 46A.
- 13 d. The conceptual plan attached hereto as Exhibit "A" may be amended at site plan review
- 14 to show a change in the location of the proposed parking area, if it is deemed necessary to
- 15 prevent any such issues with traffic flow onto the property.
- 16 4. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height
- 17 shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 18 5. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.
- 19 6. Transportation Improvements/Access Management: A Driveway Permit will be required if
- 20 additional access is required for the house of worship. Access management shall be in
- 21 accordance with the LDR, as amended.
- 22 7. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
- 23 with Dark-Sky Principles.
- 24 8. Signage: Signs shall be in accordance with the LDR, as amended
- 25 9. Noise: Compliance shall be in accordance with the LDR, as amended. Public Address
- 26 Systems or similar amplification devices shall not be installed or used.
- 27 10. Signage: Signs shall be in accordance with the LDR, as amended.
- 28 C. Concurrency Management Requirements: Any development shall comply with the Lake County
- 29 Concurrency Management System, as amended.
- 30 D. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
- 31 required to submit a site plan for review and approval in accordance with the Comprehensive
- 32 Plan and LDR, as amended.
- 33 E. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
- 34 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 35 Comprehensive Plan, and Lake County Land Development Regulations shall include any
- 36 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 37

- 1 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
- 2 A. After establishment of the facilities as provided herein, the aforementioned property shall only
- 3 be used for the purposes named in this Ordinance. Any other proposed use must be
- 4 specifically authorized by the Board of County Commissioners.
- 5 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
- 6 move, convert, or demolish any building structure, add other uses, or alter the land in any
- 7 manner within the boundaries of the above described land without first obtaining the necessary
- 8 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
- 9 required from the other appropriate governmental agencies.
- 10 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
- 11 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
- 12 Owner and any successor, and shall be subject to each and every condition herein set out.
- 13 D. Construction and operation of the proposed use shall at all times comply with the regulations of
- 14 this and other governmental permitting agencies.
- 15 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
- 16 shall be included in the transfer or lease agreement, a provision that the purchaser or lessee is
- 17 made good and aware of the conditions established by this Ordinance and agrees to be bound
- 18 by these conditions. The purchaser or lessee may request a change from the existing plans
- 19 and conditions by following procedures contained in the Land Development Regulations, as
- 20 amended.
- 21 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 22 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 23 in this ordinance and to recommend that the ordinance be revoked.

24

25 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid

26 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

27 affect the validity of the remaining portions of this Ordinance.

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

ENACTED this _____ day of _____, 2012.
FILED with the Secretary of State _____, 2012.
EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, Chairman

ATTEST:

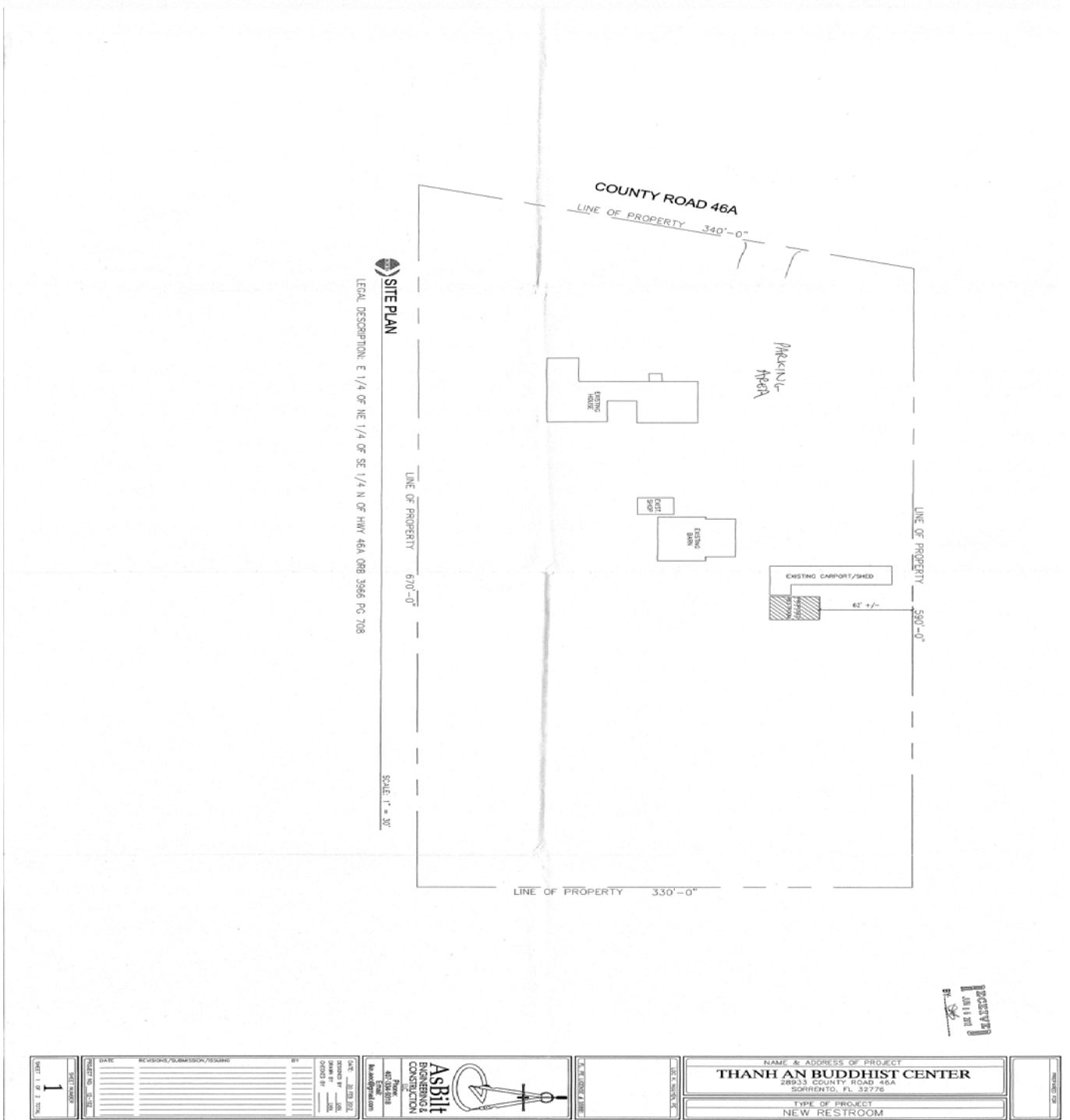
NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

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Concept Plan-"EXHIBIT A"



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