

# LAKE COUNTY PLANNING AND ZONING ANALYSIS PETITION TO REZONE PROPERTY

Planning and Zoning Board  
November 4, 2015



Board of County Commissioners  
December 1, 2015

<b>RZ-15-21-4</b> Iglesia Adventista de Sorrento	<b>Case Manager:</b> Michele Janiszewski, Planner	<b>Agenda Item #2</b>
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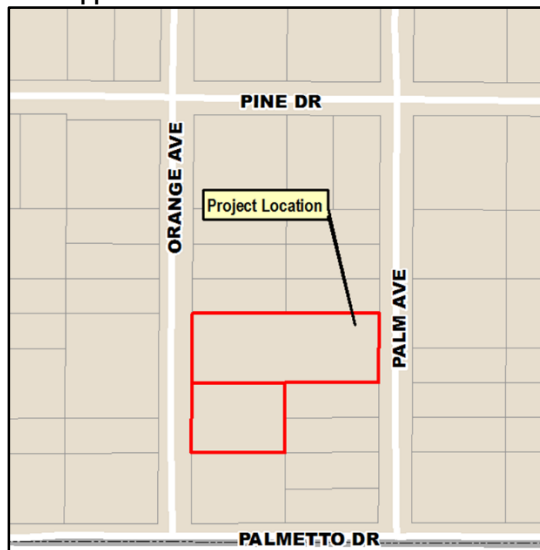
**Owner:** Florida Conference Association of Seventh Day Adventists – Andrew Elliott, Registered Agent (“Owner”)

**Applicant:** Clifford Sutherland

**Requested Action:** Revoke Conditional Use Permit #394-4 and establish a Community Facility (CFD) zoning district to allow a church, religious education, and accessory uses.

### - Site Location and Information -

Approximate site location shown in red



**Site Visit:** October 22, 2015  
**Sign Posted:** October 22, 2015

<b>Size</b>	1.0 acres +/- (Two parcels)	
<b>Location</b>	West of County Road 437 in the Plymouth Terrace Subdivision	
<b>Alternate Key</b>	1491193 and 1491258	
<b>Future Land Use (FLU)</b>	Mt. Plymouth-Sorrento Neighborhood	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	Mixed Home Residential (RM) and CUP #394-4	Community Facility District (CFD)
<b>Impervious Surface Ratio (ISR)</b>	0.30 (Comp Plan)	0.30 (Comp Plan)
<b>Floor Area Ratio (FAR)</b>	0.30 (Comp Plan)	0.30 (Comp Plan)
<b>Open Space</b>	30% (Comp Plan)	30% (Comp Plan)
<b>Joint Planning Area</b>	None	
<b>ISBA</b>	None	
<b>Overlay Districts</b>	Mt. Plymouth Sorrento Special Community and Wekiva Study Area	
<b>Utility Area</b>	Mount Dora (Utilities not available)	
<b>Site Utilities</b>	Well and Septic	
<b>Road Type</b>	Local	
<b>Flood Zone / FIRM Panel</b>	X; 12069C0390E and 12069C0395E	
<b>Commissioner's District</b>	Campione - 4	

### -Land Use Table-

Direction	Future Land Use	Zoning	Existing Use
North	Mt. Plymouth-Sorrento Neighborhood	Mixed Home Residential (RM)	Single Family Residence
South	Mt. Plymouth-Sorrento Neighborhood	Mixed Home Residential (RM)	Single Family Residence
East	Mt. Plymouth-Sorrento Neighborhood	Mixed Home Residential (RM)	Single Family Residence
West	Mt. Plymouth-Sorrento Neighborhood	Mixed Home Residential (RM)	Single Family Residence

**STAFF RECOMMENDATION:** Based on the findings of fact, staff recommends **Approval** to revoke Conditional Use Permit #394-4 and establish a Community Facility (CFD) zoning district to allow a church, Sunday school, and accessory uses.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

Alternate Key 1491193 (0.67 +/- acres) is currently zoned Mixed Home Residential (RM) and obtained Conditional Use Permit (CUP) #394-4 in 1973 to construct, maintain, and operate church facilities. In 1975 the property was developed with a 3,000 square foot church.

The applicant is seeking to expand the current building in order to provide bible study classes on Saturday mornings. According to Land Development Regulations (LDR), Section 1.08.03.A.2, the continuation of a nonconforming use is permitted unless "there is an expansion, change, enlargement or alteration of a use." Religious organizations are no longer a conditional use within the RM zoning district so the owner has applied to rezone to Community Facility District (CFD) to make the property conforming to current Land Development Regulations to facilitate the expansion.

The applicant is also requesting to include Alternate Key 1491258 (0.33 +/- acres) in the rezoning to accommodate the church's expansion. This property is currently developed with a single wide mobile home which is nonconforming. This property is shown on the concept plan as a paved and grassed parking lot to accommodate their off-street parking requirements. Once the rezoning is completed, the applicant will be required to submit a site plan prior to further developing the property.

**- Standards of Review and Analysis -**

**A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

The application is consistent with Land Development Regulations (LDR) Section 3.01.03 which describes the permitted uses allowed within the CFD zoning district. LDR 3.01.02.E. classifies a church as a building used for nonprofit purposes and for the purpose of worship by legally established sects. The proposed uses are also consistent with the purpose and intent of LDR Section 3.00.02.Y, which defines community facility district as an area that provides community interest uses and activities to promote the general welfare of the community

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

The subject property is part of the Mt. Plymouth-Sorrento Neighborhood Future Land Use Category which allows religious organizations as a permitted use; therefore, the rezoning request is consistent with the Comprehensive Plan.

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

The applicant wishes to expand the existing church and in order to do so he must eliminate the non-conforming zoning. Rezoning the property CFD will make the property conforming to the Land Development Regulations and will facilitate the expansion of the current church.

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

The applicant wishes to expand the existing church and will be unable to do so unless the property's non-conforming zoning is resolved.

**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- 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.

Water and Sewage – Existing well and septic system will be reassessed during site plan review.

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 Rescue is located 3.2 miles away from the property and will provide emergency fire services.

**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 and any future development would need to conform to the Comprehensive Plan and Land Development Regulations.

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

The application does not contain information regarding the effect on adjacent property values.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The rezoning amendment does not create any inconsistent land use patterns in the area. The property is developed as a church and is located within a residential neighborhood. Expanding the church to allow expansion of the Sunday school classes would not negatively impact the neighborhood.

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

The proposed rezoning would not be in conflict with the public interest and would be in harmony with the purpose and intent of these Regulations.

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

Not at this time.

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

1. The rezoning application is consistent with Comprehensive Plan Policy I-3.2.5 Mount Plymouth-Sorrento Neighborhood Future Land Use Category, which allows religious organizations.
2. The rezoning application is consistent with LDR Section 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.
3. The proposed rezoning is consistent with LDR Section 3.00.02.Y. ("Purpose and Intent of Districts"), which defines the community facility district as an area that provides community interest uses and activities to promote the general welfare of the community.

Based on the findings of fact, staff recommends **Approval** to revoke Conditional Use Permit #394-4 and establish a Community Facility (CFD) zoning district to allow a church, Sunday school, and accessory uses.

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Concern: -0-**

**Opposition: -0-**





*Orange County*





### CURRENT ZONING

1 inch = 342.08 feet



### CURRENT 2030 FUTURE LAND USE

1 inch = 388 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
Cagans Crossing
Conservation
Green Swamp Core Conservation
Green Swamp Ridge
Green Swamp Rural
Green Swamp Rural Conservation

**FLU Legend**

Heavy Industrial
Mt Plymouth - Sorrento Main Street District
Mt Plymouth - Sorrento Proper
Mt Plymouth - Sorrento Receiving Area
Office
Public Service Facility and Infrastructure
Receiving Area A-1-20

**FLU Legend**

Recreation
Regional Commercial
Rural
Rural Transition
Sending Area A-1-20
Sending Area A-1-40
Urban High Density

**FLU Legend**

Urban Low Density
Urban Medium Density

**IGLESIA ADVENTISTA DE SORRENTO REZONING**

CASE NO.	CASE LOCATION:	REQUESTING:
RZ - 15 - 21 - 4	12 - 22 - 25	Mixed Home Residential TO Community Facility District

**LAKE COUNTY FLORIDA**

Planning & Zoning Division  
Economic Growth Department

FOCUS AREA



**ORDINANCE #2015-XX**  
**La Iglesia Adventista de Sorrento CFD Rezoning**  
**RZ-15-21-4**

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

**WHEREAS**, Clifford Sutherland (the "Applicant") submitted an application on behalf of the Florida Conference Association of Seventh Day Adventists (the "Owner") to revoke Conditional Use Permit #394-4 and establish a Community Facility (CFD) Zoning District; and

**WHEREAS**, the subject properties consist of approximately 1.0 +/- acres located west of County Road 437, in the Plymouth Terrace Subdivision, in Section 36, Township 19 South, Range 27 East, consisting of Alternate Key Numbers 1491193 and 1491258, more particularly described as:

Lots 6, 7, 14, 15, 16, and 17 located in Block F of the Plymouth Terrace Subdivision, as recorded in Plat Book 13, Page 46 of Lake County Public Records.

**WHEREAS**, the subject properties are currently zoned Mixed Residential (RM); and

**WHEREAS**, the property subject to the request is located within the Mt. Plymouth-Sorrento Neighborhood Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, on February 20, 1973 the Board of County Commissioners approved Conditional Use Permit #394-4 to construct, maintain, and operate church facilities on property identified by Alternate Key 1491193; and

**WHEREAS**, this Ordinance shall revoke Conditional Use Permit #394-4 on Alternate Key 1491193 and establish a Community Facility (CFD) Zoning District on both the subject properties identified by Alternate Keys 1491193 and 1491258; and

**WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-15-21-4 on the 4<sup>th</sup> day of November, 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 1<sup>st</sup> day of December, 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

**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:

1 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map in  
2 accordance with this Ordinance.

3  
4 **A. Land Use:**

5 Religious Sanctuary and House of Worship;  
6 Religious Classrooms (not to be used for a daily school or daycare);  
7

8 Accessory uses directly associated with the above uses may be approved by the County Manager  
9 or designee. Any other use of the site not specified above shall require approval of an amendment  
10 to this Ordinance by the Board of County Commissioners.

11  
12 **B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height** shall be in  
13 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as  
14 amended.  
15

16 **C. Setbacks:** Any new buildings or structures shall require building setbacks in accordance with the  
17 LDR, as amended.  
18

19 **D. Landscaping, Buffering, and Screening:** Any future expansions shall be consistent with the  
20 landscape requirements of the LDR, as amended.  
21

22 **E. Lighting:** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the  
23 LDR, as amended.  
24

25 **F. Noise:** Any future redevelopment of the property shall require submittal of a noise assessment in  
26 accordance with the LDR, as amended.  
27

28 **G. Signage:** Signs shall be in accordance with the LDR, as amended.  
29

30 **H. Stormwater Management:** Future redevelopment shall be in accordance with SJRWMD  
31 Stormwater requirements and LDR, as amended.  
32

33 **I. Concurrency Management Requirements:** Any development shall comply with the Lake County  
34 Concurrency Management System, as amended.  
35

36 **J. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be  
37 required to submit a site plan application for any development for review and approval in  
38 accordance with the Comprehensive Plan and LDR, as amended.  
39

40 **K. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in this  
41 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,  
42 and Lake County Land Development Regulations shall include any future amendments to the  
43 Statutes, Code, Plans, and/or Regulations.  
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- 1 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:  
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3 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only be  
4 used for the purposes named in this Ordinance. Any other proposed use must be specifically  
5 authorized by the Board of County Commissioners.
- 6 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,  
7 convert, or demolish any building structure, add other uses, or alter the land in any manner within  
8 the boundaries of the above described land without first obtaining the necessary approvals in  
9 accordance with the Lake County Code, as amended, and obtaining the permits required from the  
10 other appropriate governmental agencies.
- 11 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land  
12 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and  
13 any successor, and shall be subject to each and every condition herein set out.
- 14 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of this  
15 and other governmental permitting agencies.
- 16 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall be  
17 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good  
18 and aware of the conditions established by this Ordinance and agrees to be bound by these  
19 conditions. The purchaser or lessee may request a change from the existing plans and conditions  
20 by following procedures contained in the Land Development Regulations, as 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 in  
23 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  
26 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
27 no way affect the validity of the remaining portions of this Ordinance.

28 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
29 send a copy of this Ordinance to the Secretary of State for the State of Florida in  
30 accordance with Section 125.66, Florida Statutes.

31 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.  
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1 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

2  
3 FILED with the Secretary of State \_\_\_\_\_, 2015.

4  
5 EFFECTIVE \_\_\_\_\_, 2015.

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8 BOARD OF COUNTY COMMISSIONERS  
9 LAKE COUNTY, FLORIDA

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14 JIMMY CONNER, CHAIRMAN

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16 ATTEST:

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19 NEIL KELLY, CLERK OF THE  
20 BOARD OF COUNTY COMMISSIONERS  
21 LAKE COUNTY, FLORIDA

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24 APPROVED AS TO FORM AND LEGALITY

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27 \_\_\_\_\_  
28 MELANIE MARSH, COUNTY ATTORNEY

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Attachment A.

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