

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
December 7, 2011



BOARD OF COUNTY COMMISSIONERS
December 20, 2011

PH #22-11-3 Christian Methodist Episcopal Church/Lake County Planning	Case Manager: Rick Hartenstein, AICP Senior Planner	Agenda Item # 1
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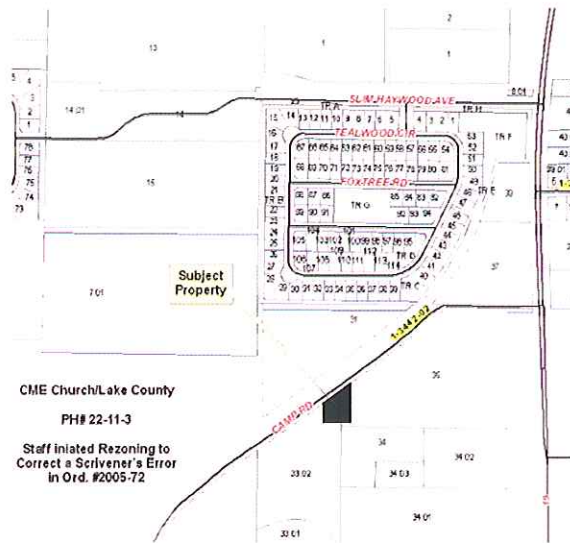
Owner: Christian Methodist Episcopal Church (the "Owner")

Applicant: Lake County Planning & Community Design (the "Applicant")

Requested Action: Amend Community Facility District (CFD) Ordinance #2005-72 to correct a scrivener's error in the Ordinance addressing parking and landscaping.

- Site Location and Information -

Approximate site location shown in red



Size	0.54 +/- Acres
Location	Sections 6/ Township 20S/ Range 26E, Tavares area – south on SR 19 to right on Camp Road to 29608 Camp Rd
Alternate Key Number(s)	1650607
Future Land Use (FLU)	Urban Low Density
Existing Zoning District	Community Facility District (CFD)
Proposed Zoning District	Community Facility District (CFD)
Maximum Floor Area Ratio (FAR)	Max. 0.35 – 2030 Comprehensive Plan Policy I-1.3.2
Maximum Impervious Surface Ratio (ISR)	0.60 ISR – 2030 Comprehensive Plan Policy I-1.3.2
Joint Planning Area	Tavares
Utility Area	Tavares
Site Utilities	Central Water and Septic Tank
Road District	Camp Road (#3-3442) - Local
Flood Zone / FIRM Panel	Zone X /0345D Effective July 3, 2002
Commissioner's District	3 - Conner

Site Visit(s): November 3, 2011

Sign(s) Posted: November 3, 2011 (2)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low Density	A	FDOT Storage Area	None
South	Urban Low Density	A	Vacant Land	None
East	Urban Low Density	A	Vacant Land & Citrus Grove	None
West	Urban Low Density	A	Citrus Grove	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff finds that the proposed rezoning request is consistent with the Comprehensive Plan and Land Development Regulation based on the Findings of Fact. Therefore, staff recommends **APPROVAL** of this application, with conditions specified in the proposed ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

During the Site Plan review and approval process it was discovered that the parking and landscaping conditions for the property under Ordinance #2005-72 had not been properly addressed. The Board authorized staff to initiate an amendment to correct the scrivener's error at its meeting on November 1, 2011. The attached Ordinance will rescind and replace Ordinance #2005-72.

There are no changes to the permitted uses (church and educational facility) approved under Ordinance #2005-72. The amendment will not increase the type or intensity of use and will have no adverse impacts upon the surrounding area development pattern. The proposed parking and landscape requirements in the attached Ordinance are intended to replace Ordinance #2005-72 clarifying the property's development standards for the Owner as they proceed with additional development on the site.

The proposed parking and landscape requirements are consistent with the Comprehensive Plan and Land Development Regulations.

- Analysis –

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

The amendment is not in conflict with any applicable provisions of the Land Development Regulations.

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

The amendment is consistent with all elements of the Comprehensive Plan.

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

There are no changes to the permitted uses (church and educational facility) or intensity under Ordinance #2005-72. The amendments will be consistent with the surrounding area's existing and proposed land uses. The proposed parking and landscaping requirements will clarify the development standards for the property.

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

During the Site Plan review and approval process it was discovered that the parking and landscaping conditions for the property under Ordinance #2005-72 had not been properly addressed. The Board authorized staff to initiate an amendment to correct the scrivener's error at its meeting on November 1, 2011.

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;

The proposed amendments will have no adverse impacts on the public facilities serving the area.

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

The amendments will have no adverse impacts on the natural environment.

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

No evidence has been provided to show the amendments will adversely affect the property values in the area.

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 amendments will present an orderly and logical development pattern for 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;

The proposed amendment will not be in conflict with the public interest and is in harmony with the purpose and intent of the landscaping requirements.

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 this rezoning request and found:

1. The application is consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CFD zoning district which permits churches and educational facilities.

2. The application is consistent with *Policy I-1.3.2, Comprehensive Plan*, which permits Religious Organizations and Schools in the Urban Low Density Future Land Use Category.
3. The landscape standards in the attached Ordinance are consistent with the purpose and intent of Section 9.01.00, Land Development Regulations,
4. The parking standards in the attached Ordinance are consistent with purpose and intent of Section 9.03.00, Land Development Regulations, Off-Street Parking.

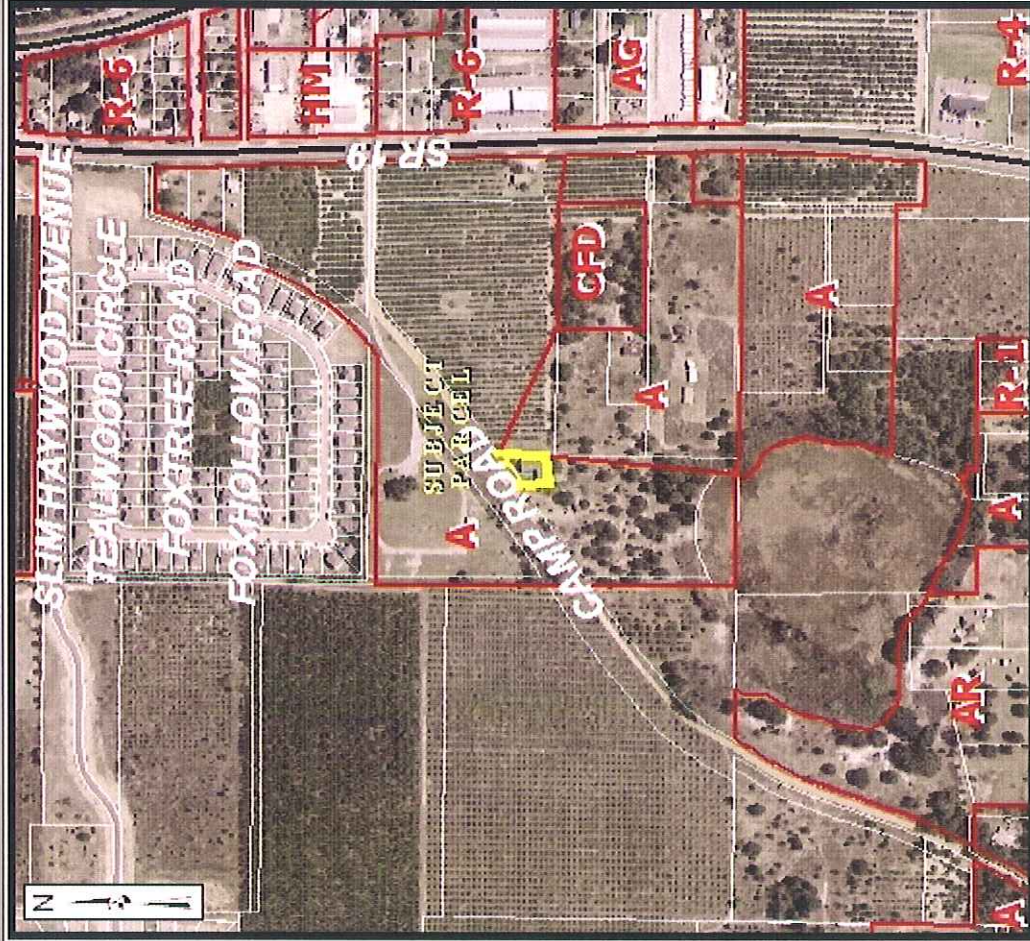
Based on these findings of fact, staff recommends **Approval** for this request subject to the conditions contained in the attached Ordinance.

WRITTEN COMMENTS FILED:

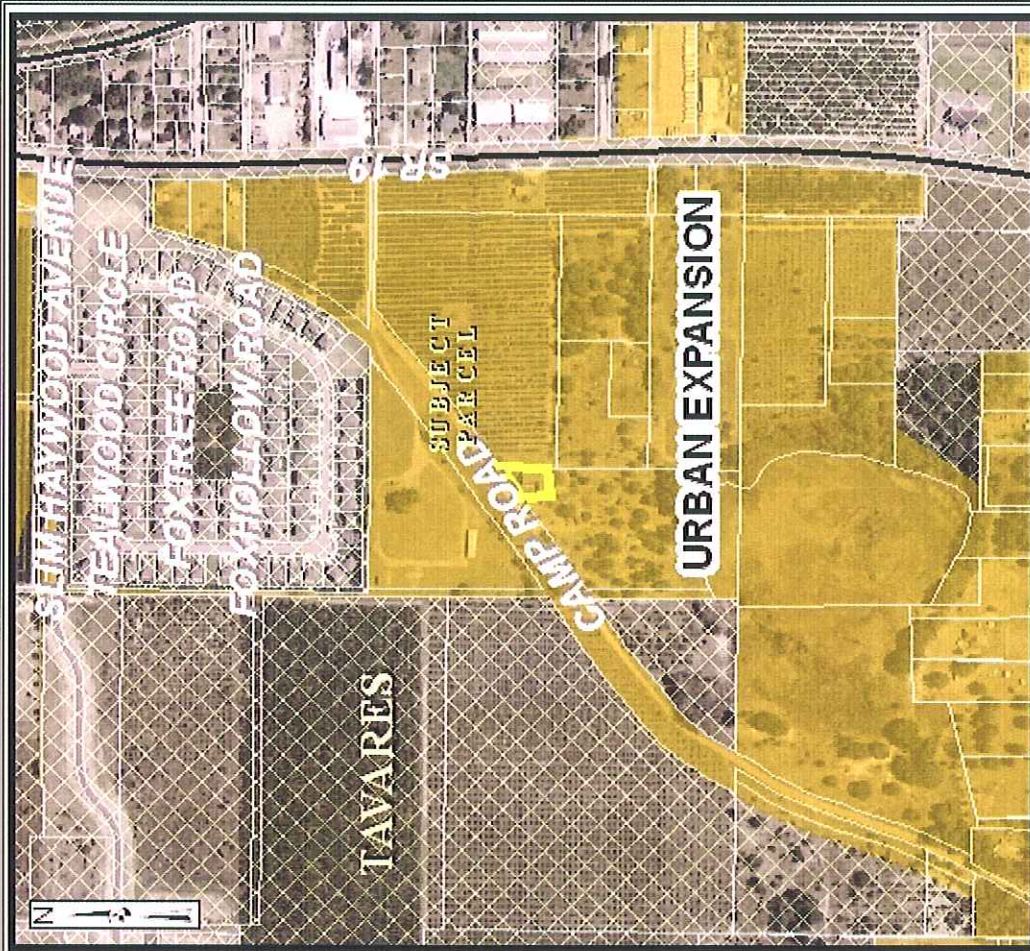
Support: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
COMMUNITY FACILITY DISTRICT



ADOPTED FUTURE LAND USE
URBAN LOW DENSITY

CASE NO.
 PH# 22-11-3

CASE LOCATION:
 6-20S-26E

RE QUESTING:
 Correct scrivener's error in
 CFD Ord. #2005-72

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

MAP COMPOSITION
 NOVEMBER 2011

FOCUS AREA

LAKE COUNTY
 PLANNING

**CHRISTIAN METHODIST
 EPISCOPAL CHURCH**

ORDINANCE #2011-
Christian Methodist Episcopal Church/
Lake County Planning & Community Design
PH# 22-11-3

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

WHEREAS, Lake County (the "Applicant") initiated a request on behalf of the Christian Methodist Episcopal Church (the "Owner") to amend conditions of Ordinance #2005-72, granting Community Facility District Zoning (CFD), and replace it with a new ordinance;

WHEREAS, the subject property consists of 0.5 +/- acres and is generally in the Tavares area, on Camp Road (Section 6 / Township 20S / Range 26E), currently having Alternate Key Number 1650607, and more particularly described as:

LEGAL DESCRIPTION:

That portion of Lot 33 according to the plat of land of Lane and Jackson as recorded in Plat Book 7, Page 52, Public Records of Lake County, Florida, and being in Section 6, Township 20 South, Range 26 East, described as follows: From a 4" X 4" concrete monument with no identification number marking the Northwest corner of the Southeast ¼ of said Section 6, run S 87°00'00" W, 865.81 feet to a point on the Southerly extension of the East line of Lot 33 of the above said Plat of Lane and Jackson; Thence run N 03°00'00" W, along the Southerly extension and the East line of Lot 33 a distance of 629.25 feet to a 4" X 4" concrete monument with a pyramid shaped top, no identification number and the Point of Beginning; Thence departing said East line run S 84°06'07" W, 95.92 feet; Thence run N 06°00'00" W a distance of 176.20 feet to a point on the southerly right-of-way line of Camp Road (County District No. 3-3442; Thence run N 51°30'00" E along said right-of-way line 129.00 feet to a 4" X 4" concrete monument with a pyramid top, no identification number on the said East line of Lot 33; Thence run S 03°00'00" E along said East line a distance of 246.00 feet to the Point of Beginning.

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

WHEREAS, this petition will rescind and replace Ordinance #2005-72; and

WHEREAS, the Lake County Zoning Board did, on the 7^h day of December, 2011 review Petition PH #22-11-3;

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 20th day of December, 2011; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County 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
2 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
3 property have been duly approved; and
4

5 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
6 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
7 pertain to the above property, subject to the following terms:
8

9 **Section 1. Terms:** This Ordinance shall rescind and replace Ordinance #2005-72, in its entirety. The
10 County Manager or designee shall amend the Lake County Zoning Map to Community Facility
11 District Zoning in accordance with this Ordinance.
12

13 The uses of the property shall be limited to those uses specified within this Ordinance and
14 generally consistent with the Conceptual Plan attached hereto as EXHIBIT "A". To the extent
15 that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall
16 take precedence.
17

18 A. Land Uses:

- 19 1. Churches and other religious organizations.
20 2. Accessory uses including an educational facility, directly associated with the
21 above uses, may be approved by the County Manager or designee. Any other
22 use of the site shall require an amendment to this Ordinance as approved by
23 the Board of County Commissioners.

24 B. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building
25 Height shall be in accordance with the Comprehensive Plan and Land Development
26 Regulations (LDR), as amended.

27 C. Landscaping and Screening. The minimum Landscaping and screening shall be
28 provided as follows:

- 29 1. North Property Line: One (1) canopy tree
30 2. East Property Line: Three (3) canopy or ornamental trees
31 3. South Property Line: Three (3) canopy trees
32 4. West Property Line: Three (3) canopy or ornamental trees
33 5. Existing non-invasive trees on, or within 20 feet of the property line, may be
34 credited to these requirements.
35 6. Trees installed for each buffer may count towards the adjoining tree
36 requirement if planted within 20 feet of each property corner.
37 7. All trees shall be installed in accordance with the Comprehensive Plan and
38 Land Development Regulations (LDR), as amended.

39 D. Parking:

- 40 1. A minimum of four (4) spaces shall be provided on site.

- 1 2. Required parking may be provided on an adjoining property with a shared
2 parking agreement.
- 3 E. Development Review and Approval: Prior to the issuance of any building permits,
4 the Applicant shall be required to submit a site plan generally consistent with Exhibit
5 "A" – Conceptual Site Plan, for review and approval in accordance with the
6 Comprehensive Plan, LDR, and this Ordinance, as amended.
- 7 F. Future Development Orders: Any requested development order must comply with
8 the Comprehensive Plan and LDR, as amended.
- 9 G. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific
10 references in this Ordinance to the Florida Statutes, Florida Administrative Code,
11 Lake County Comprehensive Plan, and Lake County Land Development
12 Regulations shall include any future amendments to the Statutes, Code, Plans,
13 and/or Regulations.

14
15 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 16 A. After establishment of the facilities as provided herein, the aforementioned property shall
17 only be used for the purposes named in this Ordinance. Any other proposed use must be
18 specifically authorized by the Board of County Commissioners.
- 19 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,
20 improve, move, convert, or demolish any building structure, add other uses, or alter the
21 land in any manner within the boundaries of the above described land without first
22 obtaining the necessary approvals in accordance with the Lake County Code, as
23 amended, and obtaining the permits required from the other appropriate governmental
24 agencies.
- 25 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with
26 the land, and the terms, conditions, and provisions here of shall be binding upon the
27 present Owner and any successor or lessee.
- 28 D. Construction and operation of the proposed use shall at all times comply with the
29 regulations of Lake County and other governmental permitting agencies.
- 30 E. The transfer of ownership or lease of any or all of the property described in this
31 Ordinance shall include in the transfer or lease agreement, a provision that the
32 purchaser or lessee is aware of the conditions established by this Ordinance and agrees
33 to be bound by these conditions. The purchaser or lessee may request a change from
34 the existing plans and conditions by following procedures contained in the Land
35 Development Regulations, as amended.
- 36 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
37 Enforcement Special Master shall have authority to enforce the terms and conditions set
38 forth in this ordinance and to recommend that the ordinance be revoked.

39
40 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
41 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
42 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 _____, 2011.

FILED with the Secretary of State _____, 2011.

EFFECTIVE _____, 2011.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

JENNIFER HILL, Chairman

ATTEST:

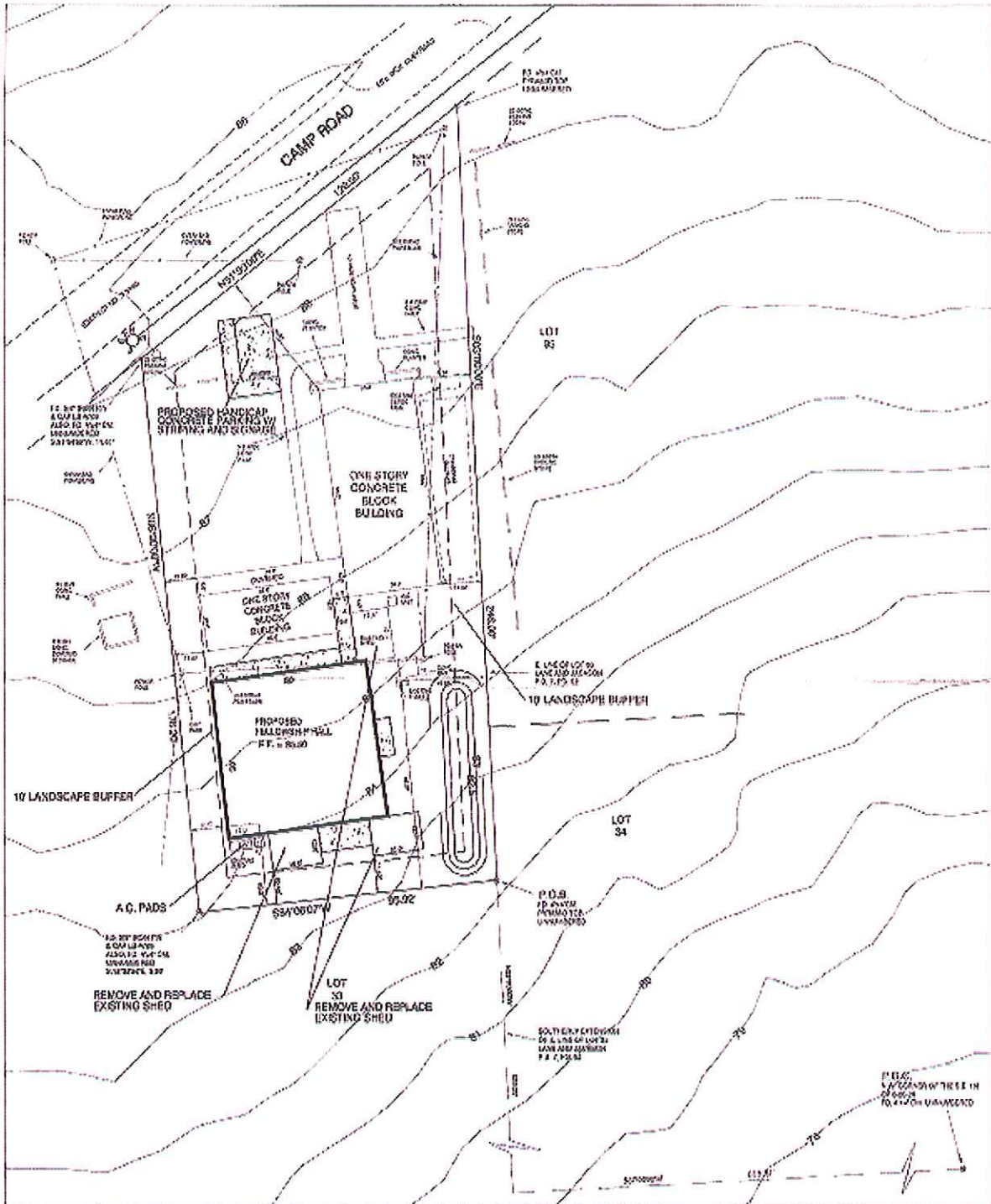
NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

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EXHIBIT A
(Conceptual Plan)



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