

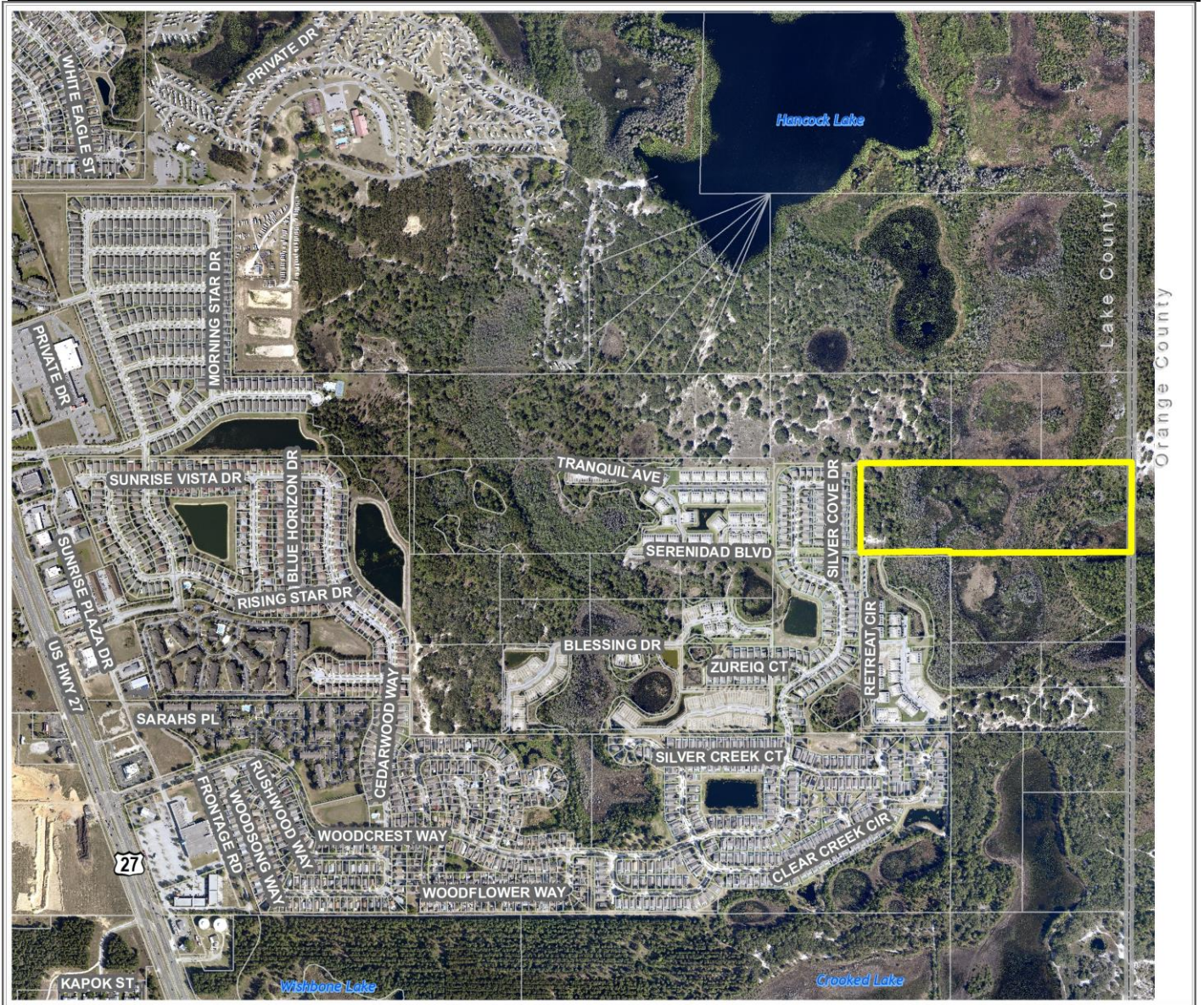
# LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board  
June 26, 2018



Board of County Commissioners  
July 24, 2018

<b>RZ-18-03-1</b> Oasis of Hope	<b>Commissioner District 1</b> Sullivan	<b>Agenda Item #4</b>
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**Requested Action:** Rezone 30 acres (Alternate Key 1744300) from Agriculture (A) to Community Facility District (CFD) to facilitate the development of a church and related uses.

**Owners:** KLS Investments, LLC and Suzanna Ferry

**Applicant:** Mervin Morgan

**- Site Location & Information -**

<b>Alternate Key</b>	1744300
<b>Size</b>	30.04 gross acres (approximately 6 acres of uplands)
<b>Location</b>	Northeast of Retreat Circle in south Lake County
<b>Future Land Use</b>	Wellness Way 3 (Max. capacity allocation of 1.35 dwelling units per net acre)
<b>Proposed Future Land Use</b>	Urban Low Density four (4) dwelling units per net acre, maximum) [Separate Application – see FLU-18-06-1]
<b>Zoning District</b>	Agriculture (A) (1 dwelling unit per five (5) acres, maximum)
<b>Proposed Zoning District</b>	Community Facility District (CFD)
<b>Joint Planning Area/ ISBA</b>	None
<b>Overlay Districts</b>	None

**- Land Use Table -**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Wellness Way 3	Agriculture (A)	Non-Agriculture acreage and Wetlands	None
<b>South</b>	Wellness Way 3 and Urban Low	Agriculture and Planned Unit Development (PUD)	Townhomes and Wetlands	Retreat at Silver Creek Subdivision
<b>East</b>	Orange County	Orange County	Wetlands	None
<b>West</b>	Urban Low	Planned Unit Development (PUD)	Single Family Residences	Silver Creek Subdivision

**- Summary of Recommendations -**

**Staff Recommendation:** Staff recommends **APPROVAL** of the application to rezone 30 acres (Alternate Key 1744300) from Agriculture (A) to Community Facility District (CFD) to facilitate the development of a church and related uses.

**Planning and Zoning Board Recommendation:**

**Analysis**

The 30-acre subject property (Alternate Key 3335708) is located northeast of Retreat Circle in south Lake County. The eastern portion of the property contains wetlands and floodzone AE.

The Applicant submitted a rezoning application to rezone the subject property from Agriculture (A) to Community Facility District (CFD) concurrent with a Comprehensive Plan Amendment application to amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) from Wellness Way 3 to Urban Low Density. The applicant is seeking to develop the property as a church with associated uses, separate from the Wellness Way Area Plan.

The rezoning application seeks to develop the western portion with a church and accessory uses and utilize the eastern portion for passive recreation and primitive camping in conjunction with the church. The applications for the rezoning and small-scale comprehensive plan amendment will be presented to the Board of County Commissioners at the same time for approval.



**Standards for Review**

*Pursuant to LDR 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 would not be in conflict with the Land Development Regulations. The property is currently zoned Agriculture (A) and the application requests to rezone the property Community Facility District (CFD). Land Development Regulation (LDR) Section 3.01.02 (E.) (3.) defines churches as 'a Building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.' LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, states that churches are a permitted use within the Community Facility District (CFD) zoning district. The draft ordinance allows a 'Place of Worship' and defines it as 'a Building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.'

The draft ordinance allows accessory uses for the place of worship including Community Center/Fellowship Hall; Daycare; Passive Recreation; Botanical/Prayer Garden; and Primitive Camping. LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, allows Passive Parks and Recreation as a permitted use within the Community Facility zoning district.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. The applicant is seeking to change the future land use category from Wellness Way 3 to Urban Low Density. The rezoning is consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category, which specifies religious organizations as a typical use in the Urban Low FLUC.

Pursuant to Comprehensive Plan Policy IX-3.1.1, Regional Wastewater Service Criteria, Policy IX-3.1.2, Mandatory Sewer Connection, and Policy IX-3.1.5, Provisions of Central Sewer Services Inside of Designated Urban Areas, development within the Urban Future Land Use Series must connect to central water and sewer when services are available. The subject property is located within Southlake Utilities, Inc. Service Area (Attachment A) and central water and sewer connections are available along Silver Cove Drive. The applicant is proposing to connect the proposed development to the available utilities.

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

The Applicant wishes to develop the subject property independent from the Wellness Way Area Plan. The Applicant is proposing to develop the property with a church and associated uses, consistent with the Urban Low FLUC.

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

The Applicant would like to develop the property with a church and related uses. The property is currently zoned Agriculture (A) which does not allow churches as a permitted or conditional use. Although there is no evidence of property rezonings in this area within the past five (5) years, the Applicant contends that this area of unincorporated Lake County lacks place of worship uses.

**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 amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.**

Schools

The applicant does not intend on developing the property with residences; therefore, school capacity will not be affected by this application.

Water and Sewer

The proposed ordinance requires development to connect to a potable water service and regional wastewater provider. Southlake Utilities has indicated that the subject property is located within their service area and utility connections are available along Silver Cove Drive (Attachment A).

Parks

The proposed rezoning is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

The proposed rezoning is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety

Lake County Fire Station #112 is located approximately 1.36 miles away from the subject property at 16240 County Road 474.

Transportation Concurrency Analysis

The standard Level of Service (LOS) for the impacted roadway of US 27 is "C" with capacity of 2940 trips. Currently the impacted segment from CR 474 to US 192 is operating at fifty one percent (51%) of its capacity. This project will be generating approximately five (5) pm peak hour trips, in which three (3) trips will impact the peak hour direction. The applicant will be required to submit a request for exemption from full transportation concurrency traffic impact study with the required development application prior to initiating the proposed CFD uses.

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

The proposed use is not anticipated to create significant impact on the natural environment. The subject property contains wetlands and all development of the site will be required to be setback a minimum of fifty (50) feet from the jurisdictional wetland line. All other sensitive resources will be addressed through the development review process. New development will be required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations.

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

There is no indication that the rezoning would have an adverse impact on 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 pattern.**

The subject property is surrounded by property zoned Planned Unit Development (PUD) and Agriculture (A). The proposed amendment will have no negative effects on the development pattern in the area and will result in an orderly and logical development pattern.

**I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The proposed rezoning will is consistent with the purpose and interest of Lake County's regulations.

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

1. The request to rezone the property to Community Facility District (CFD) is consistent with Comprehensive Plan (CP) Policy I-1.3.2, *Urban Low Density Future Land Use Category*, which allows religious organizations as a typical use; and
2. The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows churches and passive parks/recreation as a permitted use within the Community Facility (CFD) zoning district;
3. The request is consistent with Policy IX-3.1.1, *Regional Wastewater Service Criteria*, Policy IX-3.1.2, *Mandatory Sewer Connection*, and Policy IX-3.1.5, *Provisions of Central Sewer Services Inside of Designated Urban Areas*, which require development within the Urban Future Land Use Series to connect to central water and sewer when available.

Based on these findings of fact, staff recommends **APPROVAL** of the application to rezone 30 acres (Alternate Key 1744300) from Agriculture (A) to Community Facility District (CFD) to facilitate the development of a church and related uses.

**Case Manager:** Michele Janiszewski, Chief Planner

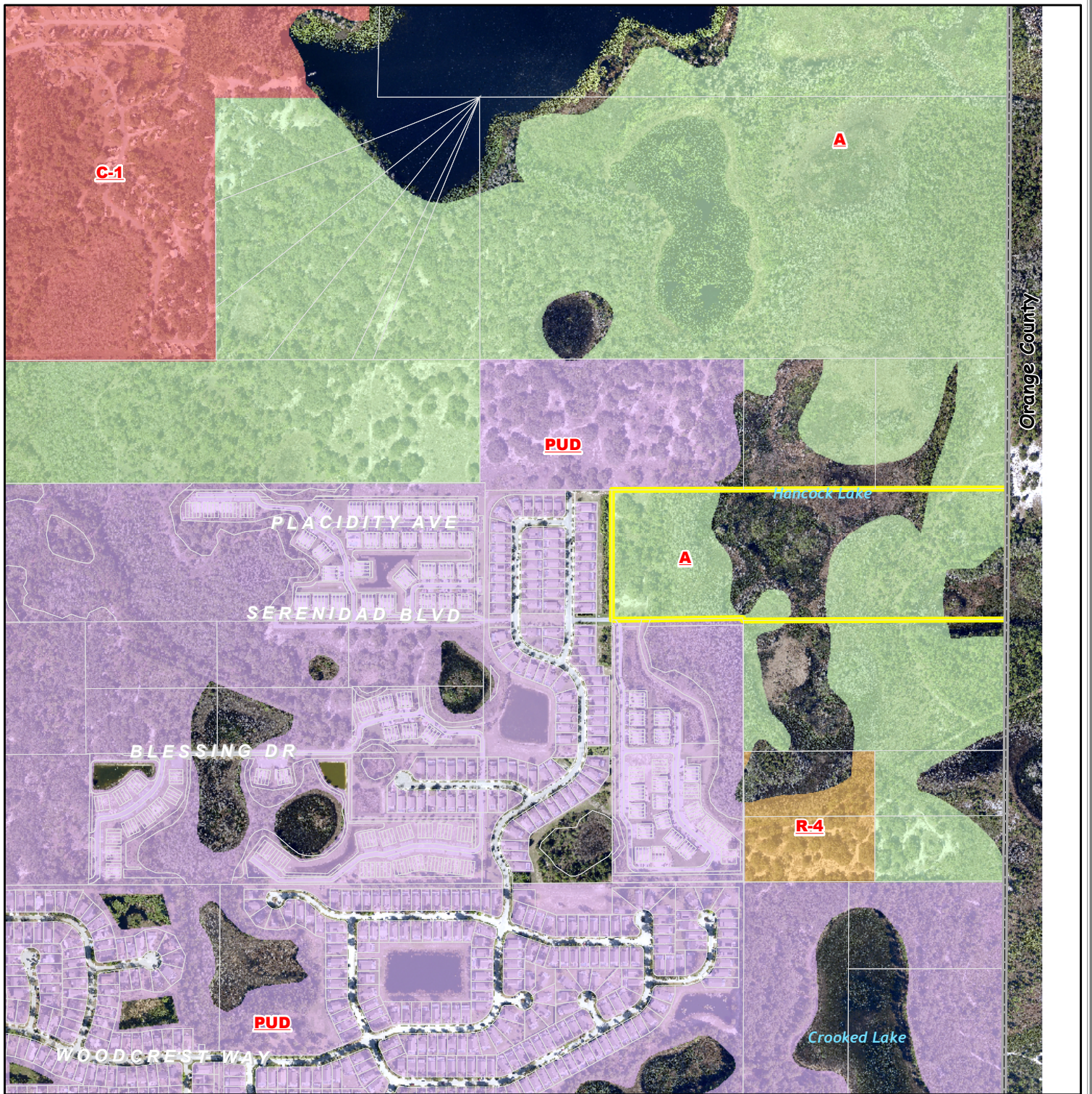
**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

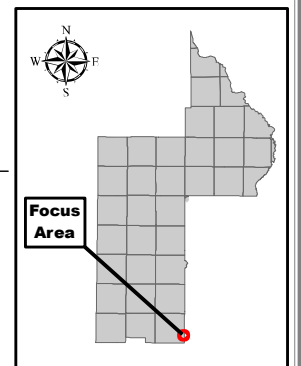




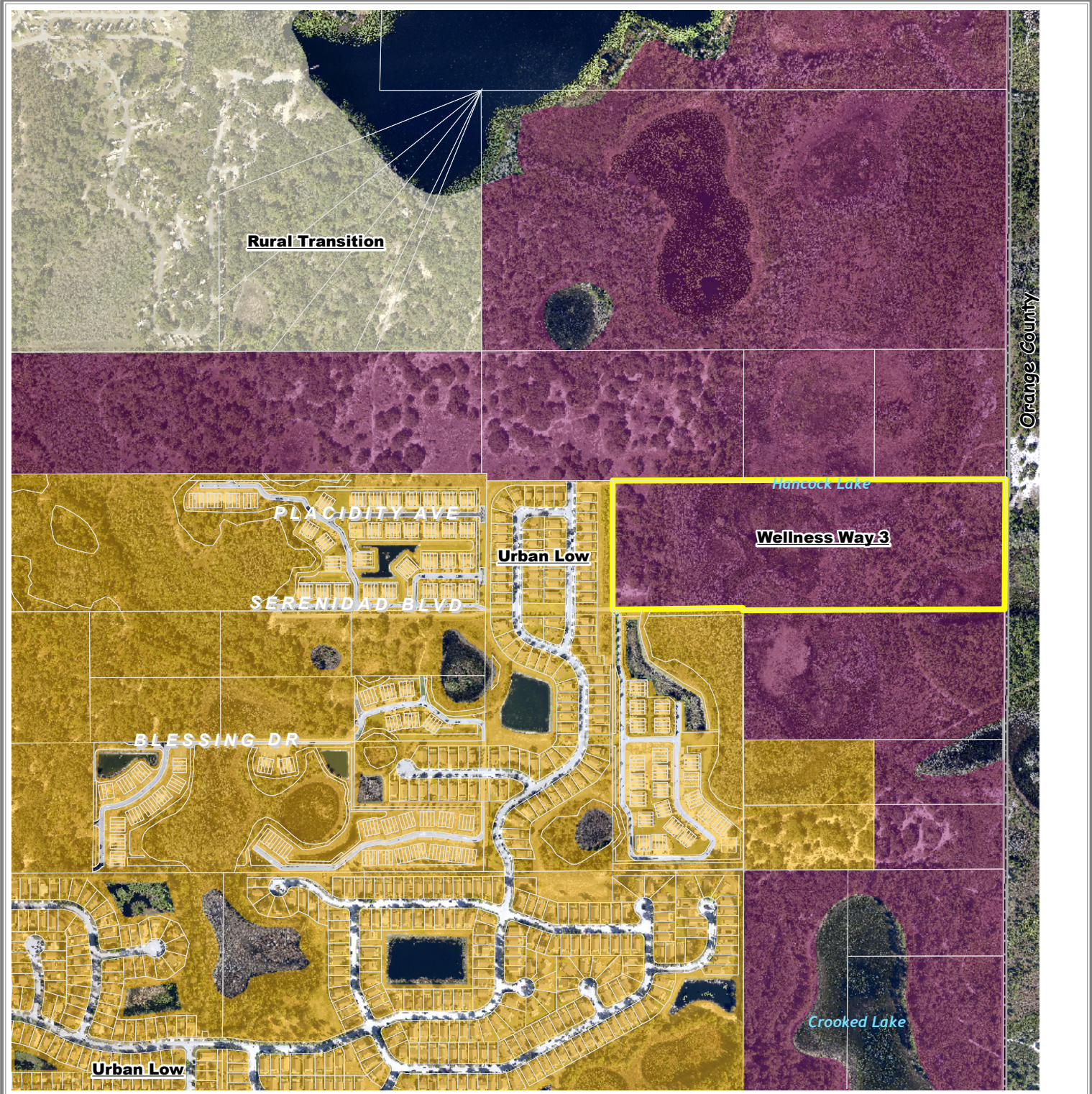
**ZONING LEGEND**

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: OASIS OF HOPE**  
**CASE NUMBER: RZ-18-03-1**  
**LOCATION (S-T-R): 25-24-26**  
**REQUEST: AGRICULTURE (A) TO COMMUNITY FACILITY DISTRICT (CFD)**



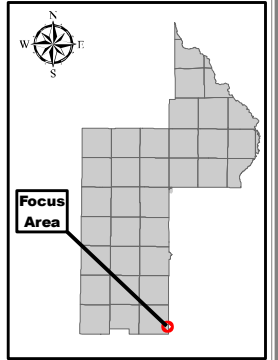




**FUTURE LAND USE LEGEND**

- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Cagan Crossings                | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| Green Swamp Core Conservation  | Regional Office                            | Sending Area A-1-20      | Wellness Way 1       |
| Green Swamp Interlachen        | Public Service Facility and Infrastructure | Sending Area A-1-40      | Wellness Way 2       |
| Green Swamp Ridge              | Receiving Area A-1-20                      | South Lake Regional Park | Wellness Way 3       |
| Green Swamp Rural              | Recreation                                 | Summer Bay               | Wellness Way 4       |
| Green Swamp Rural Conservation |  |                          | Towncenter           |
| Heavy Industrial               |  |                          |                      |

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**REQUEST: AGRICULTURE (A) TO COMMUNITY FACILITY DISTRICT (CFD)**





**Ordinance 2018-\_\_**  
**Oasis of Hope Rezoning**  
**RZ-18-03-1**

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

**WHEREAS**, Mervin Morgan (the “Applicant”), on behalf of KLS Investments, LLC and Suanne Ferry (the “Owners”) has made a request to rezone property from Agriculture (A) to Community Facility District (CFD) zoning district; and

**WHEREAS**, the subject property consists of 30.04 +/- acres and is located northeast of Retreat Circle in south Lake County, within Section 25, Township 24 South, Range 26 East, and is more particularly described below:

The East  $\frac{3}{4}$  of the South  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 25, Township 24 South, Range 26 East, Lake County, Florida.

**WHEREAS**, the subject property is located within the Urban Low Future Use Category in accordance with Ordinance Number 2018-\_\_\_\_; and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-18-03-1 on the 26<sup>th</sup> day of June, 2018, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on 24<sup>th</sup> day of July, 2018; and

**WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & 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:

**Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show the Community Facility Zoning District (CFD) zoning district in accordance with this Ordinance. All uses specified must be generally consistent with the Concept Plan as shown in Exhibit “A” of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance will take precedence.

**A. Permitted Land Uses.**

1. Church / Place of Worship, defined in the LDR, as amended.
2. Daycare use in conjunction with the place of worship uses and activities, only.
3. Community Center/fellowship hall with gym, used solely by the members of the congregation.
4. Passive recreation, uses to include non-paved trails.



5. Botanical/Prayer Garden.
6. Primitive Camping for the congregation and general public for use during the summer, holidays, and infrequent weekend program. There will be no use of gas-powered vehicles, gas-powered devices, or gas-powered equipment.
7. Parshioners/caretakers residence.
8. Accessory Uses directly associated with the above principal uses may be approved by the County Manager or designee. Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.**

1. Building height - seventy-five (75) feet.
2. Impervious Surface Ratio (ISR) - 0.60 (maximum) for the overall development.
3. Floor Area Ratio (FAR) - 0.25 (maximum).
4. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

**C. Setbacks.**

1. All Bbuildings will be setback fifty (50) feet from all roads, or Right-of-Way easements bounding the project area.
2. Fifty (50) feet (minimum) from the jurisdictional wetland line, with the exception of water dependent structures.
3. Any setback not specified herein must be in accordance with the Lake County Land Development Regulations, as amended.

**D. Parking Requirements.**

1. Off-street parking must be provided in accordance with the Lake County Land Development Regulations, as amended.
2. Off-street parking may be provided utilizing unpaved surfaces with the exception of ADA compliant parking spaces.

**E. Landscaping, Buffering, and Screening.** All new development must provide landscaping in accordance with the Lake County Land Development Regulations, as amended.

**F. Environmental Requirements.**

1. Development (structures and impervious surfaces) must be setback a minimum of fifty (50) feet from the jurisdictional wetland line or mean high water line, whichever is further landward, with the exception of water dependent uses and structures such as docks, platforms, and pile-supported walkways or similar structures. The use of fertilizers, pesticides, or herbicides is strictly prohibited within upland buffer zones unless specifically authorized by the appropriate federal or state agency.
  2. Prior to any future development, a current environmental assessment must be submitted to identify potential negative impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
  3. All wetlands and wetland buffers within the property must be placed into a conservation easement that will run in favor of, and be enforceable by, a homeowners' association, a public agency acceptable to Lake County, or Lake County, at Lake County's discretion. The conservation easement must require that all wetlands and wetland buffers be maintained in their natural and unaltered state. Any such easement must allow access to water dependent structures such as docks and walkways.
- G. Noise:** Compliance must be in accordance with the Lake County Land Development Regulations, as amended.
- H. Transportation.** All access management must be in accordance with FDOT, the Comprehensive Plan and Land Development Regulations, as amended.
- I. Utilities.** The development must be served with central potable water and central sewer, in accordance with the Comprehensive Plan and LDR, as amended.
- J. Stormwater Management.** The stormwater management system must be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.
- K. Floodplain Management.** The developer will be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and Land Development Regulations, as amended. Any development within the floodplain as identified on the FEMA maps will required compensating storage.
- L. Lighting:** Exterior lighting must be in accordance with the Lake County Land Development Regulations, as amended, and consistent with Dark-Sky Principles.
- M. Signage:** All signage must be in accordance with the Lake County Land Development Regulations, as amended.
- N. Concurrency Management Requirements.** Any development must comply with the Lake County Concurrency Management System, as amended.
- O. Development Review and Approval.** Prior to the issuance of any permits, the Owners will be required to submit a development application generally consistent with EXHIBIT "A" for review and approval in accordance with the Comprehensive Plan and LDR, as amended.



**Section 2. Conditions.**

- A. After establishment of the facilities as provided in this Ordinance, the property may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Board of County Commissioners.
- B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and any successor, and will be subject to each and every condition set out in this Ordinance.
- D. The transfer of ownership or lease of any or all of the property described in this Ordinance must 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 the procedures contained in the Land Development Regulations, as amended.
- E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

**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, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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

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**Section 5. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**FILED** with the Secretary of State \_\_\_\_\_, 2018.

**EFFECTIVE** \_\_\_\_\_, 2018.

**Board of County Commissioners  
Lake County, Florida**

\_\_\_\_\_  
**Timothy I. Sullivan, chairman**

**ATTEST:**

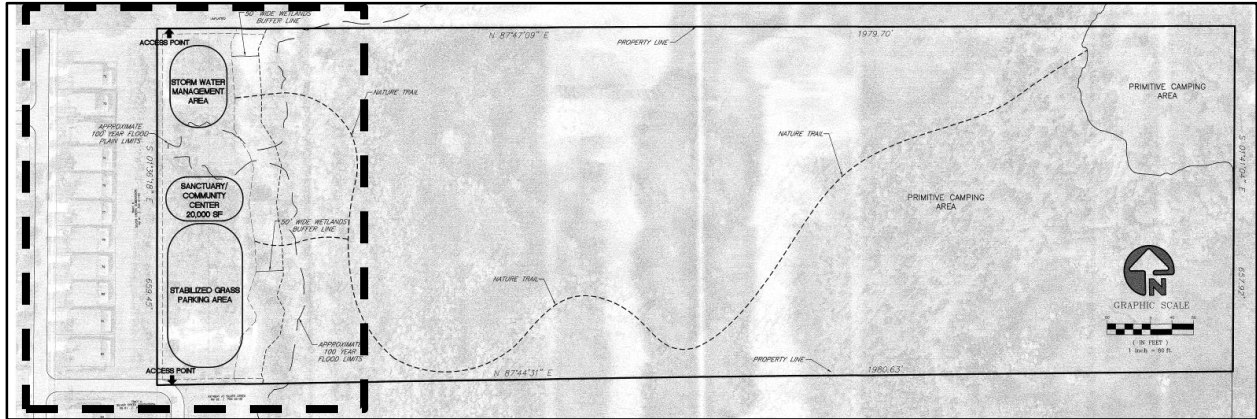
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**Gary J. Cooney, Clerk Ad Interim  
Board of County Commissioners  
of Lake County, Florida**

**Approved as to Form and legality:**

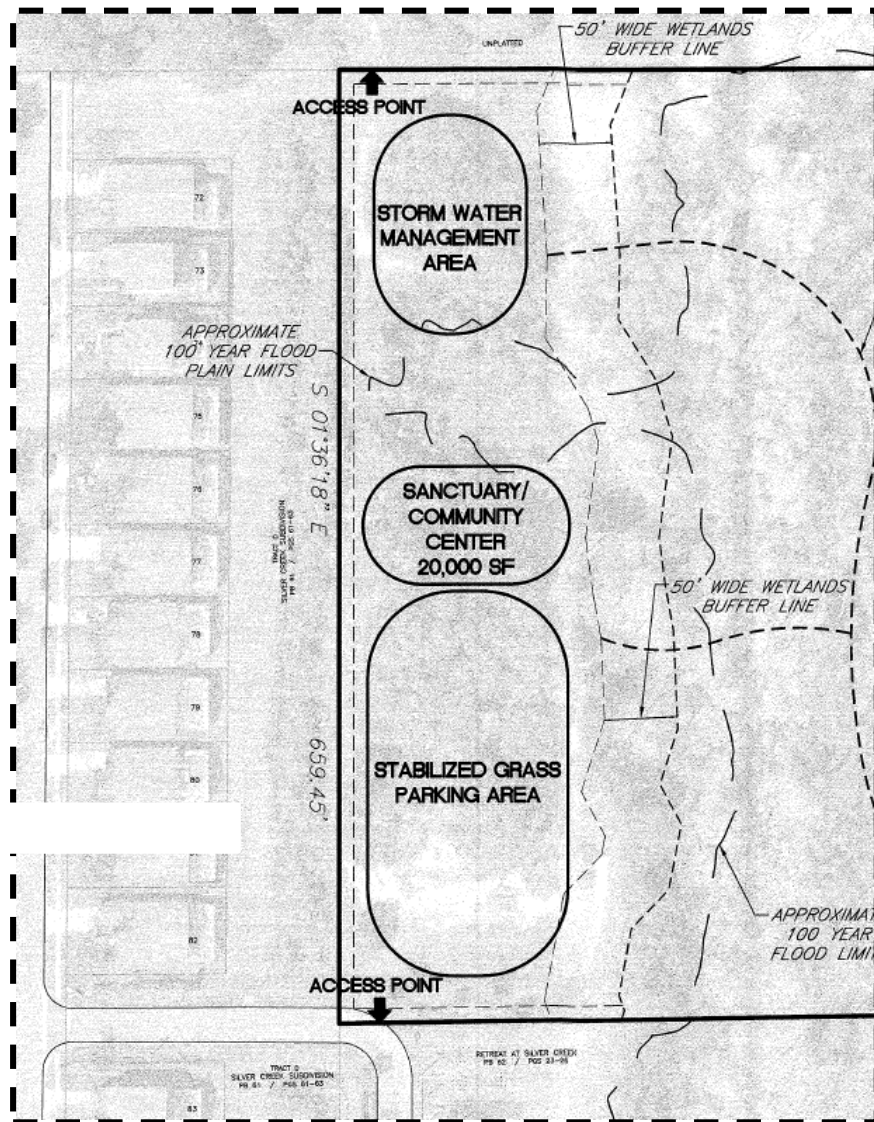
\_\_\_\_\_  
**Melanie Marsh, County Attorney**



### Exhibit A. Concept Plan.



Subject Property



Enlarged Development Area

# Attachment A. Utility Availability.



May 10, 2018

Jeff Banker, P.E.  
Highland Engineering, Inc.  
79 W. Illiana Street  
Orlando, Florida 32806-4468

E-Mail: [jbanker@heifl.com](mailto:jbanker@heifl.com)

Re: Request for Availability of Water and Wastewater  
Lake County, Florida – Alternate Key 1744300

Dear Mr. Banker:

Pursuant to your request, please be advised that the referenced is within Southlake Utilities, Inc. Service Area.

The requested parcel is east of Silver Creek SUB TRACT D as recorded in PB 47, PG 61-63, ORB 2497, PG 925, with no access to Silver Cove Drive where water and wastewater mains are installed, however should your client provide evidence of a recorded utility easement granted by the Silver Creek Subdivision HOA, then water and wastewater service could serve the requested site with main extensions.

An engineering study will be necessary to determine fire flow requirements and if a gravity collection system or pumping station and force main will be utilized.

If you need additional information, please call me at (352) 636-8072.

Sincerely,

*Randall W. Corbin*

Randall W. Corbin  
Manager

Copy: File