

# LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board  
October 31, 2018



Board of County Commissioners  
November 20, 2018

RZ-18-07-4 Gupta and Tayal Property	Commissioner District 4 Campione	Agenda Item #7
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**Applicant Requested Action:** Amend Ordinance #2016-46 with a new ordinance to rezone the subject property from Community Facility District (CFD) to Planned Unit Development (PUD) in order to facilitate development of an Assisted Congregate Living Facility (ACLF)/Nursing Home with limited commercial uses.

**Owners:** Shobhit Gupta and Geetanjali (Gina) Tayal

**Applicants:** Shobhit Gupta and Geetanjali (Gina) Tayal

- Site Location & Information -

<b>Size</b>	2.95 +/- acres
<b>Location</b>	South of State Road 46 and north of Coronado Somerset Drive adjacent to Round Lake Road in the Sorrento area.
<b>Alternate Key Number</b>	2600128
<b>Future Land Use Category</b>	Regional Office
<b>Current Zoning District</b>	Community Facility District (CFD)
<b>Proposed Zoning District</b>	Planned Unit Development (PUD)
<b>Joint Planning Area/ ISBA</b>	Mount Dora
<b>Overlay Districts</b>	Wekiva Study Area

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Regional Office	Light Industrial (LM)	Residential and Commercial	Adjacent to unnamed road
<b>South</b>	Regional Office	Rural Residential (R-1)	Residential	None
<b>East</b>	Regional Office	Agriculture (A)	Residential	Adjacent to Round Lake Road
<b>West</b>	Regional Office	Agriculture (A)	Residential and Commercial	Sun Eagle Commerce Park and single family dwelling units

- Summary of Recommendation -

**Staff Recommendation:** Staff recommends **APPROVAL** of the application to amend Ordinance #2016-46 with a new ordinance to rezone the subject property from Community Facility District (CFD) to Planned Unit Development (PUD) to facilitate the development of an Assisted Congregate Living Facility (ACLF)/Nursing Home with limited commercial uses.

**Planning and Zoning Board Recommendation:**

**Analysis**

The subject 2.95 acre property is identified as Alternate Key Number 2600128 and located on the southside of State Road 46, north of Coronado Somerset Drive, adjacent to Round Lake Road in the Sorrento area. The subject property is developed with a single family residence and currently zoned Community Facility District (CFD) in pursuant to Ordinance #2016-46 for Adult Congregate Living Facility/Nursing Home use. The property has a Regional Office future land use designation.

The Applicants have requested to amend Ordinance #2016-46 to rezone the property from CFD to Planned Unit Development (PUD) to facilitate the development of an 100 bed ALCF/Nursing Home, with limited commercial uses as listed below.

- Banking
- Medical services
- Personal care services
- Professional office
- Retail
- Restaurant, Fast Food (excluding drive-thru)
- Restaurant, General

The Owners intend to convert the exiting single family residence into an office for the ACLF/Nursing Home (3,038 square feet) and construct a 2,682 square foot twenty (20) bed facility. Additionally, the Owners intend to construct two additional ACLF buildings (6,000 square feet each) in the future which will contain forty (40) beds each for 100 total beds. This rezoning also proposes 3,510 square feet of limited commercial uses, as seen in the Concept Plan (Attachment #1). The proposed limited commercial uses specified above will not exceed 20% of the total floor area and must support the Regional Office FLUC to be consistent with Comp. Plan Policy I-1.3.6.

### 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 rezoning application is consistent with LDR Section 4.03.00, Planned Unit Development (PUD), which states that the PUD zoning district is allowed in all land use classifications. The rezoning application is also consistent with LDR Section 4.03.01 which states that the intent of the PUD zoning district is to allow a diversification of uses, structures, and open space in a manner compatible with both the surrounding, existing and approved development of land surrounding and abutting the PUD site. Additionally, per LDR Section 4.03.02, Planned Residential Communities and Planned Commercial Communities are permitted within the PUD zoning district. Staff has determined that rezoning to allow an ACLF/nursing home and limited commercial uses is consistent with the intent and permitted uses of the Planned Unit Development zoning district.

Staff has determined that the proposed ACLF/nursing home meets the definition of a "Nursing Home" as found in the LDRs. A Nursing Home is defined in LDR 3.01.02(E)(13) as "An establishment providing bed-care and in-patient services for persons needing regular medical attention, but excluding surgical and emergency medical services or providing care for alcoholism, drug addiction, mental disease, or communicable disease."

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

The proposed ACLF/Nursing Home and limited commercial uses are consistent with Comprehensive Plan (Comp Plan) Policy I-1.3.6, Regional Office Future Land Use Category as health services are permitted within this FLUC. Staff has determined that the proposed ACLF/Nursing Home is similar to health services, therefore, the request is consistent with the Comp. Plan.

Pursuant to Comp. Plan Policy I-1.3.6, limited commercial uses are permitted within the Regional Office FLUC so long as they support the future land use category. The typical uses deemed supportive of the Regional Office future land use category are restaurants, cafes, associated retail/wholesale, daycares or shops located within an office park or office building. The limited commercial uses proposed by the application includes banking, medical services, personal care service, professional office and general retail. These uses are similar and not more adverse than the allowable commercial uses within the Regional Office Future Land Use.

The Applicants provided a traffic impact study that indicates the proposed limited commercial uses will include a drive-thru fast food restaurant. Pursuant to Comprehensive Plan Policy I-1.3.6, Regional Office Future Land Use Category, limited commercial uses are permitted within the Regional Office future land use category that are supportive of the office uses. LDR 3.01.02(C), defines Restaurant, Fast Food as an establishment where the principal business is the sale of food and non-alcoholic beverages to the consumer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the consumer in a motor vehicle.

The traffic study provided indicates that the proposed ACLF with limited commercial uses, including Restaurant, Fast Food with drive-thru use will result in di minimis impacts to the road network. However, Staff concludes that a fast food

drive-thru restaurant does not support the Regional Office Future Land Use as a drive-thru is intended for transient drive-by customers and patrons that are not utilizing the regional office uses located on the property. Therefore, Staff does not support the drive thru Restaurant use, to be included within the list of allowable limited commercial uses.

The proposed limited commercial use is consistent with Comprehensive Plan Policy I-1.3.6, Regional Office Future Land Use Category, as it will not exceed 20% total floor area and will support the future land use category. The site plan review process will ensure that no more than 20% of the floor area will be allocated for commercial uses.

Comprehensive Plan Policy I-1.2.2, Consistency between Future Land Use and Zoning, Table FLUE 2, requires a minimum of fifteen (15%) percent of the net buildable area be set aside as open space within the Regional Office FLUC. A condition has been incorporated into the proposed Ordinance requiring a minimum of 15% open space in accordance with the above policy.

The property is located within the Wekiva Study Area and will be developed consistent with all applicable Wekiva Study Area policies. Pursuant to Comp. Plan Policy I-3.4.5, the required minimum open space (15%) must be placed within a recorded conservation easement (or other legal process) and an environmental assessment that identifies protected flora and fauna must be included with the development application submission. Any development or future expansion of the proposed facility will be subject to the Regional Office FLUC and Wekiva Study Area criteria.

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

The rezoning amendment is consistent and compatible with the surrounding zoning and uses (light industrial, commercial, residential, and agricultural), the Regional Office FLUC and the applicable Wekiva Study Area policies. The proposed PUD zoning is a permitted zoning district within the Regional Office FLUC and the proposed ACLF and limited commercial uses is consistent with the Regional Office FLUC. The proposed rezoning application does not create any inconsistent land uses in the area. Additionally, this parcel is located at the intersection of two roads and is located less than one mile from the under construction State Road 453.

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

This parcel is located less than one mile from on-going State Road 453 improvements. The Applicants assert that adding limited commercial uses to the previously approved CFD uses are compatible with the Regional Office future land use designation of the parcel and surrounding parcels. However, there is no demonstrated offices uses on the nearby adjacent properties.

**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;**

Water and Sewer

Utilities will be provided utilizing an on-site public water system and on-site sewage treatment system (package plant). The project will be required to utilize an advanced performance based treatment system for wastewater disposal in accordance with Comprehensive Plan Policy VI-1.6.15, Advanced and Enhanced Onsite Wastewater Treatment. Conditions have been established in the proposed Ordinance requiring the use of an advanced performance based treatment system.

Parks

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

Solid Waste

The Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

Public Safety

Lake County Fire Station 39, located at 31431 Walton Heath, Sorrento, approximately 3.5 miles east of the property for fire-emergency services, including advanced life support.

Schools

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

Transportation Analysis

The standard Level of Service (LOS) for the impacted roadway of Round Lake Road is "D" with capacity of 675 trips. Currently the impacted segment from SR 46 to Orange County Line is operating at forty seven percent (47%) of its capacity. This project will be generating approximately ten (10) pm peak hour trips, in which six (6) trips will impact the peak hour direction. A more definitive and detailed transportation impact analysis will be required for evaluation during the site plan review process.

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

The rezoning application does not indicate the impact on the natural environment. As the property is situated within the Wekiva Study Area existing sensitive resources on the property 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 regarding protection of natural resources and impact mitigation.

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

The rezoning application did not contain any information regarding the effect of the rezoning on 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 majority of the area north and west of the proposed project is developed with light industrial uses consistent with the Regional Office FLUC. The areas south and east of the proposed project property are developed with agricultural and single-family residential uses which are inconsistent with the Regional Office FLUC. The proposed project on the approximately 2.95 acre property will provide a minimum of fifteen (15%) percent of the net buildable area as open space consistent with the Regional Office FLUC. This will result in compatibility with the development pattern for the area. Based on the assessment above, there is no indication the rezoning application would result in a disorderly or illogical 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; and**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

**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.**

Not at this time.

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

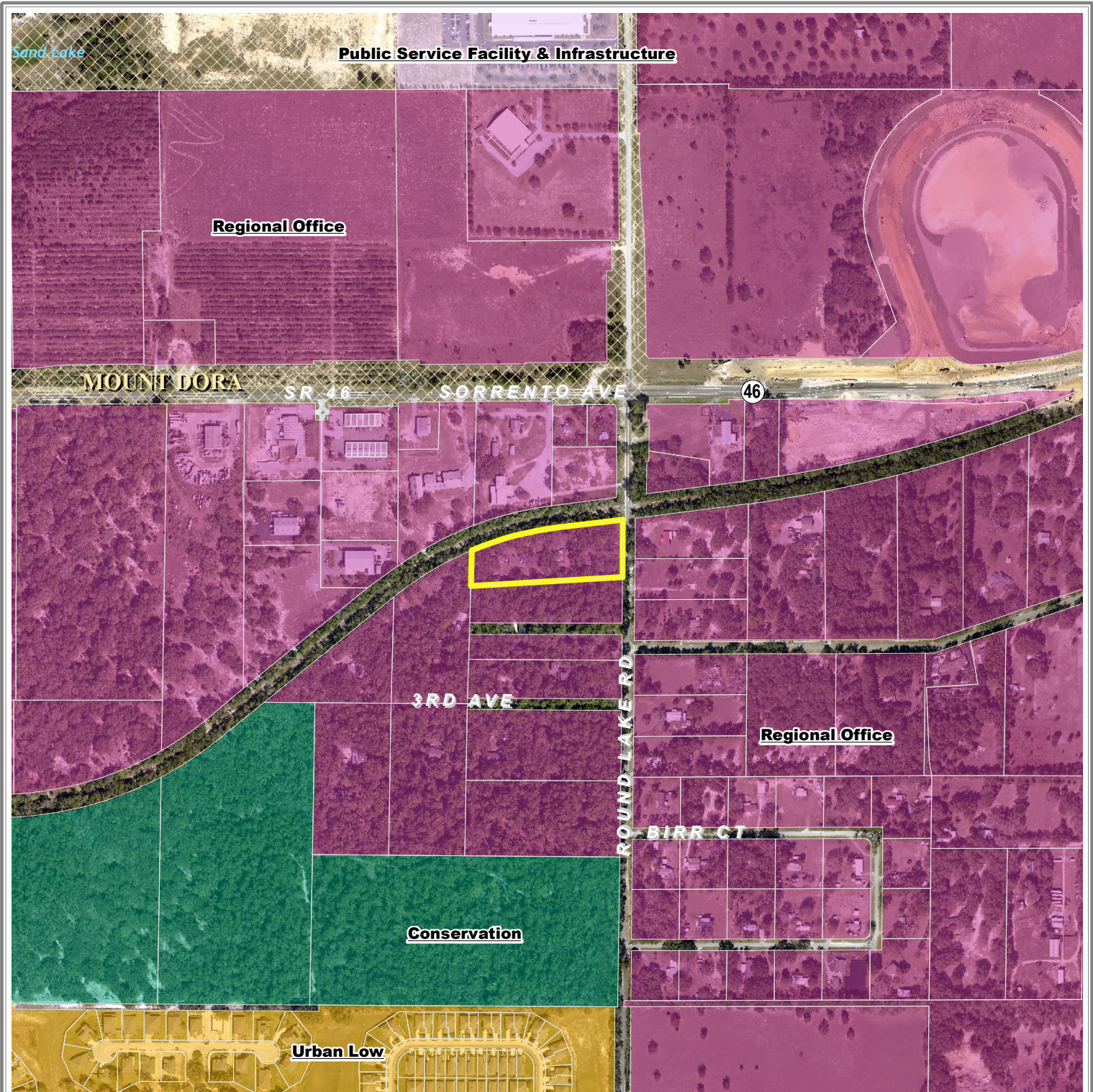
1. The rezoning application is consistent with Comp Plan Policy I-1.2.2, Consistency between Future Land Use and Zoning, Table FLUE 2, requires a minimum of fifteen (15%) percent of the net buildable area be set aside as open space.
2. The rezoning application is consistent with Comp Plan Policy I-1.3.6, Regional Office Future Land Use Category (FLUC), which allows health services within the future land use category.
3. The rezoning application is consistent with Comp Plan Policy I-1.3.6, Regional Office Future Land Use Category, as the limited commercial uses will not exceed 20% total floor area and will support the future land use category.
4. The rezoning application is consistent with LDR Section 4.03.00, Planned Unit Development (PUD), which states that PUDs are allowed in all land use classifications.
5. The rezoning application is consistent with the intent of the PUD zoning district as found in LDR Section 4.03.01. The intent of the PUD zoning district is to allow a diversification of uses, structures, and open space in a manner compatible with both the surrounding, existing and approved development of land surrounding and abutting the PUD site.

Based on these findings of fact, staff recommends **APPROVAL** of the application to amend Ordinance #2016-46 with a new ordinance to rezone the subject property from Community Facility District (CFD) to Planned Unit Development (PUD) to facilitate the development of an Assisted Congregate Living Facility (ACLF)/Nursing Home with limited commercial uses.
































**Case Manager:** Christine Rock, Planner

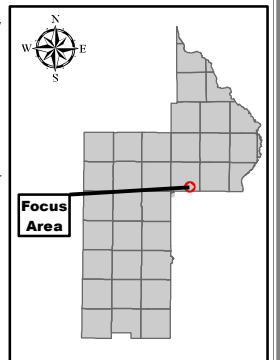
**WRITTEN COMMENTS FILED:**    **Support:** -0-            **Questions:** -0-            **Opposition:** - 0 -





**FUTURE LAND USE LEGEND**

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|--|--|--|--|
|  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               |  |  |  |



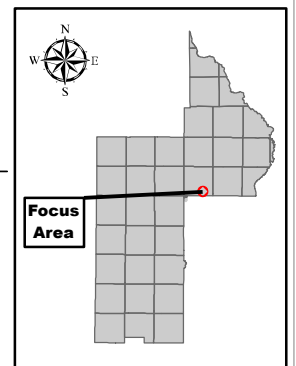
**NAME:** TAYAL & GUPTA  
**CASE NUMBER:** RZ-18-07-4  
**LOCATION (S-T-R):** 34-19-27  
**REQUEST:** COMMUNITY FACILITY DISTRICT (CFD)  
TO PLANNED COMMERCIAL DISTRICT (CP)





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	CFM	



NAME: TAYAL & GUPTA  
CASE NUMBER: RZ-18-07-4  
LOCATION (S-T-R): 34-19-27  
REQUEST: COMMUNITY FACILITY DISTRICT (CFD)  
TO PLANNED COMMERCIAL DISTRICT (CP)



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**A. Land Use:**

1. Adult Congregate Living Facility (ACLF)/Nursing Home. One hundred (100) beds (maximum) for in-patient care/treatment.
2. Commercial Uses (limited to 20% of the floor area consistent with Comp. Plan Policy I-1.3.6 Regional Office Future Land Use Category, as amended)
  - a. Banking
  - b. Medical Services
  - c. Personal Care Services
  - d. Professional Office
  - e. General Retail
  - f. Restaurant, General
  - g. Restaurant, Fast Food (drive-thru prohibited)
3. Accessory Uses – Those uses directly associated with the principal use may be approved by the County Manager or designee. Any other use of the site not identified above shall require an amendment to this Ordinance as approved by the Board of County Commissioners.

**B. Open Space, Setbacks, and Parking/Drive Aisles/Driveway Access:**

1. Open Space –15% (minimum) of the net buildable area shall be set aside as open space. The required open space shall be designated to remain undeveloped and protected in perpetuity through the use of a conservation easement or similar recorded and legally binding instrument.
2. Building Setbacks:
  - a. Front – 50-feet from the Round Lake Road right of way (ROW)
  - b. Sides:
    - i. North – Contingent upon the minimum landscape buffer requirement in accordance with the LDRs, as amended
    - ii. South – Contingent upon the minimum landscape buffer requirement in accordance with the LDRs, as amended);
  - c. Rear – Contingent upon the minimum landscape buffer requirement in accordance with the LDRs, as amended.
1. Parking/Drive Aisles/Driveway Access:
  - a. All vehicle parking area/s, drive aisles, and driveway access shall be designed and constructed in accordance with LDRs, as amended
  - b. One (1) vehicle space per four (4) beds plus one (1) vehicle space per the number of employees, pursuant to the LDR, as amended.

- 1           **C. Floor Area Ratio (FAR)/Intensity, Impervious Surface (ISR), and Height of Structures:** FAR,  
2           ISR, and Structure Height shall be in accordance with the Comprehensive Plan and LDR, as  
3           amended.
- 4           **D. Commercial Design Standards:**  
5           Commercial design standards shall be in accordance with the Comprehensive Plan and LDRs,  
6           as amended. Architectural renderings demonstrating the incorporation of the Commercial Design  
7           Standards shall be included as a part of the site plan.
- 8           **E. Landscaping, Buffering, and Screening:**  
9           1. Landscaping in accordance with the Land Development Regulations, as amended.  
10          2. Buffering/Screening:  
11           Landscape buffering and screening shall be in accordance with the LDR, as amended.
- 12          **F. Environmental:**  
13          An Environmental Assessment no older than six (6) months, shall be submitted with the site plan  
14          application addressing at a minimum, soil types, the presence and/or potential presence of  
15          threatened, endangered, and species of special concern, wildlife corridors, and natural upland  
16          wildlife communities in accordance with the Comprehensive Plan, LDRs, and applicable federal  
17          and state regulations, as amended.
- 18          **G. Transportation/Access Management:** All access management shall be in accordance with the  
19          Comprehensive Plan and Land Development Regulations, as amended.  
20          1. A Traffic Impact Analysis will be required with any development application submittal.  
21          2. Additional right-of-way (R/W) shall be required for the frontage of Round Lake Road. The  
22          amount of R/W will be determined during the site plan review process.
- 23          **H. Stormwater Management:** The stormwater management system shall be designed and  
24          constructed in accordance with all applicable Comprehensive Plan, LDR, and St. Johns River  
25          Water Management District (SJRWMD) requirements; as amended.
- 26          **I. Signage:** All signage shall be accordance with the Land Development Regulations, as amended.
- 27          **J. Lighting:** Exterior lighting shall be cut-off type and in accordance with the, Land Development  
28          Regulations, and Dark-Sky guidelines, as amended.
- 29          **K. Noise:** A noise assessment shall be provided, in accordance with the LDR, as amended, to  
30          demonstrate noise impact mitigation, as determined necessary.
- 31          **L. Fire Protection:** Fire Protection shall be in accordance with all applicable federal, state, and  
32          local codes and/or regulations, as amended.
- 33          **M. Utilities:**  
34          The utilities (potable water) shall be provided by an on-site public water system and on-site  
35          sewage treatment system (Advanced Performance Based Treatment System). The water and  
36          wastewater system shall be designed and required to connect to a regional water and  
37          wastewater system when services are available. The water and sewer system shall be subject  
38          to all applicable federal, state, regional, and local rules, comprehensive plan policies,  
39          regulations, and codes, as amended.

- 1           **M. Concurrency Management Requirements:** Any development shall comply with the Lake  
2           County Concurrency Management System, as amended, prior to site plan approval.
- 3           **N. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be  
4           required to submit a development application generally consistent with Exhibit "B" – Conceptual  
5           Plan, attached, for review and approval in accordance with the Comprehensive Plan and LDR,  
6           as amended.
- 7           1. PUD Expiration: Physical development must commence within three (3) years from the date  
8           of this Ordinance approval. Failure to commence construction within three (3) years of  
9           approval will cause the revocation of this ordinance, in accordance with the Comprehensive  
10          Plan or superseding documents amended. Prior to expiration of the three-year time frame,  
11          the Board of County Commissioners may grant, via a Public Hearing, one (1) extension of  
12          the time frame for a maximum of two (2) years upon a showing that reasonable efforts have  
13          been made towards securing the required approvals and commencement of work.
- 14          **O. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references  
15          in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
16          Comprehensive Plan, and Lake County Land Development Regulations shall include any future  
17          amendments to the Statutes, Code, Plans, and/or Regulations.
- 18   **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall  
19   mean:
- 20          **A.** After establishment of the facilities as provided herein, the aforementioned property shall only  
21          be used for the purposes named in this Ordinance. Any other proposed use must be specifically  
22          authorized by the Board of County Commissioners.
- 23          **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
24          move, convert, or demolish any building structure, add other uses, or alter the land in any manner  
25          within the boundaries of the above described land without first obtaining the necessary approvals  
26          in accordance with the Lake County Code, as amended, and obtaining the permits required from  
27          the other appropriate governmental agencies.
- 28          **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land  
29          and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner  
30          and any successor, and shall be subject to each and every condition herein set out.
- 31          **D.** Construction and operation of the proposed use shall at all times comply with the regulations of  
32          this and other governmental permitting agencies.
- 33          **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall  
34          include in the transfer or lease agreement, a provision that the purchaser or lessee is made good  
35          and aware of the conditions established by this Ordinance and agrees to be bound by these  
36          conditions. The purchaser or lessee may request a change from the existing plans and conditions  
37          by following procedures contained in the Land Development Regulations, as amended.
- 38          **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code  
39          Enforcement Special Master shall have authority to enforce the terms and conditions set forth in  
40          this ordinance and to recommend that the ordinance be revoked.



**Exhibit "A" – Legal Description**

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All of Lot 11, Block B, according to the Plat of Sunset Hills in Section 34, Township 19S, Range 27E, recorded in the Plat Book 6, Page 112, Public Records of Lake County, Florida, **LESS THE FOLLOWING**: Begin at the Southeast corner of Lot 11, Block B, Sunset Hills Subdivision, run North 200 feet along the East boundary of said Lot 11, thence Westerly to a point on the West boundary of said lot 160 feet North of the Southwest corner of said lot, thence Southerly along the West boundary of said lot to the Southwest corner of said lot, thence East along the Southern boundary of said lot to the point of beginning.

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Also that part of the east one half (1/2) of the right of way of Clermont Avenue that was vacated and abandoned on July 9, 1980, by County Commissioners of Lake County, Florida, abutting the West boundary of the above described parcel.

