



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearings: Planning & Zoning Board (PZB): October 30, 2019  
Board of County Commissioners (BCC): November 19, 2019

Case No. and Project Name: RZ-19-14-2, Islamic Center of Clermont CFD Amendment

Applicant: Rick Hartenstein, AICP, CPM

Owner: Islamic Center of Clermont, Inc.

Requested Action: Replace Community Facility District (CFD) Ordinance #2007-20 with a new CFD ordinance to allow for the additional uses of Learning Center, 75-bed Assisted Congregate Living Facility, Community Service Center, and caretaker's residence, and to rezone 3.69 acres from Agriculture (A) to Community Facility District (CFD).

Staff Determination: Staff finds the rezoning consistent with the Comprehensive Plan and Land Development Regulations (LDR).

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 8.28 +/- acres

Location: Southeast of the Johns Lake Road and Hancock Road intersection in the Clermont area.

Alternate Key No.: 1029708 and 1734002

Future Land Use: Rural

Current Zoning District: Community Facility District (CFD) and Agriculture (A)

Flood Zone: "X"

Joint Planning Area / ISBA: Clermont Joint Planning Area (JPA)

Overlay Districts: Lake Apopka Basin

### Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Residential and Agricultural	Adjacent to Johns Lake Road
South	Rural	Agriculture (A)	Agricultural	Undeveloped
East	Rural	Agriculture (A)	Residential and Agricultural	Single-Family Residence
West	Urban Low	Agriculture (A)	Residential and Agricultural	Adjacent to Hancock Road

### Staff Analysis

The subject properties, identified by Alternate Key Numbers 1029708 and 1678749, are comprised of approximately 8.28 acres, and are generally located southeast of the Johns Lake Road and Hancock Road intersection in the Clermont area. Alternate Key #1029708 is zoned Community Facility District (CFD) in accordance with Ordinance #2007-20, which allows religious worship and religious worship related uses. Alternate Key #1678749 is zoned Agriculture (A) and is located adjacent to the western property line of AK #1029708. Both properties are designated as Rural future land use.

The rezoning application includes a request to rezone AK #1678749 (approximately 3.69 acres) from Agriculture (A) to Community Facility District (CFD) in order to facilitate expansion of the CFD uses. Additionally, the application includes a request to replace Ordinance #2007-20 with a new CFD ordinance that will allow the below community services in association with the primary church use. The following listed community uses will be open to the general public on an as-needed basis:

1. Learning Center/Lecture Hall/Classroom to include prayer hall, cafeteria, multimedia room, and rooftop garden
2. Community Service Center to include community health clinic (i.e. physicals, vaccinations, minor sickness), community food bank, and family counseling
3. 75-bed Assisted Living Facility (ALF)
4. Caretaker's residence

The Concept Plan, which is included in the proposed ordinance as Exhibit "B," shows the location of existing and proposed structures. Should the rezoning be approved, a development application for site plan approval will be required.

### Standards for Review (LDR Section 14.03.03)

#### **A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

Pursuant to Comp Plan Policy I-1.4.4, Rural Future Land Use Category, religious organizations are permitted within the category. The proposed additional uses are ancillary to the primary religious organization use. Additionally, pursuant to the aforementioned policy, nursing and personal care facilities are conditionally permitted within the category. Utilizing the CFD zoning district satisfies the conditionally allowed requirement. The proposed ALF would be considered a nursing and personal care facility.

#### **B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.**

Pursuant to LDR Table 3.01.00, religious organizations and nursing homes are permitted within CFD zoning district. The subject properties are located within the Clermont JPA; the proposed ordinance contains a condition requiring conformance with LDR Section 15.02.00, Clermont Joint Planning Area (JPA) Land Development Regulations.

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

The subject property is located within an area which consists of primarily residential and agricultural uses. As depicted on the map of the subject property, Johns Lake Road separates the subject properties from the properties to the north, and Hancock Road separates the subject properties from the properties to the west. The map also shows that one residential property is situated partially between the subject properties, and as a result is bordered by the subject properties on three sides.

To mitigate potential negative impacts resulting from the close proximity of the proposed uses to the eastern adjacent properties, the ordinance contains a condition requiring the installation of a 15-wide landscape buffer with a six (6) foot tall fence/wall along the eastern property line. The proposed landscape buffer and fence/wall are shown in the Concept Plan.

#### **D. Whether there have been changed conditions that justify an amendment.**

The rezoning has been requested as the Owner desires to increase the number of uses allowed in association with the primary church use and to include additional land within the CFD to accommodate expansion of the uses.

#### **E. Whether, and the extent to which, the proposed amendment 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.**

#### Water and Sewer

The subject property is serviced by central water and sewer. The Applicant has indicated that they are coordinating with the City of Clermont regarding a Utility Service Agreement for water and sewer.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current solid waste capacity levels.

Public Safety

Lake County Fire Station #90 is located less than two (2) miles away at 16311 State Road 50, Clermont.

Transportation Concurrency

Upon reviewing the rezoning application, the Public Works Department advised that a Tier 2 Traffic Study will be required prior to site plan approval. Additionally, the Public Works Department has indicated that pedestrian accommodations meeting the latest acceptable form of trail or wide-walk (8-foot wide sidewalk), as depicted in the latest Trail Master Plan, shall be required along Johns Lake Road.

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

Future development will require the submittal of an environmental assessment (EA) or environmental statement that is dated no more than six (6) months prior to the application submission date. The EA or environmental statement must describe the existence of any protected flora or fauna on the property, and must include the presence of wetlands and water bodies pursuant to the LDR, as amended.

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

The application does not contain any information regarding the effect of the proposed rezoning on property values in the area.

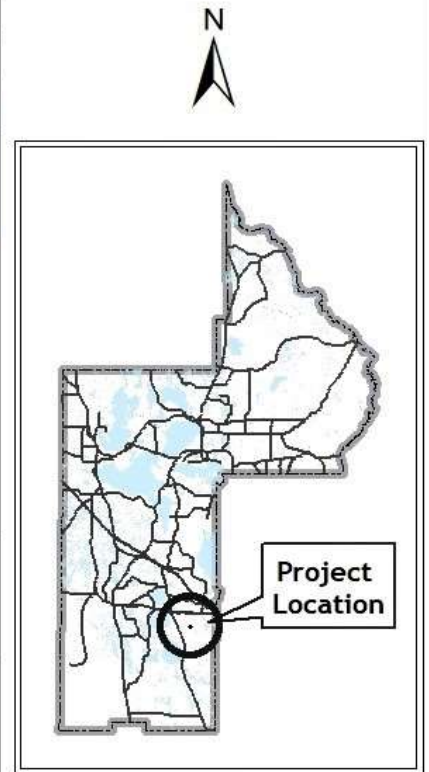
**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

Alternate Key #1029708 has been zoned CFD for religious worship and religious worship related uses since 2007; the proposed rezoning will continue the existing CFD on Alternate Key #1029708, and expand it to the eastern adjacent property, identified as Alternate Key #1678749. The area surrounding the subject properties is predominately residential and agricultural in nature.

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

The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

### Subject Property



Ordinance #2019-XX  
Islamic Center of Clermont CFD Amendment  
RZ-19-14-2

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

**WHEREAS**, Rick Hartenstein, AICP (the "Applicant") made a request, on behalf of Islamic Center of Clermont, Inc. (the "Owner"), to replace Community Facility District (CFD) Ordinance #2007-20 with a new CFD ordinance to allow for the additional uses and rezone 3.69 +/- acres from Agriculture (A) to Community Facility District (CFD); and

**WHEREAS**, the subject property consists of 8.28 +/- acres, is generally located southeast of the Johns Lake Road and Hancock Road intersection in the Clermont area of unincorporated Lake County, in Section 24, Township 23 South, Range 25 East, described as Alternate Key Numbers 1029708 and 1734002, and more particularly described in Exhibit "A"; and

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

**WHEREAS**, on the 24<sup>th</sup> day of April, 2007, the Lake County Board of County Commissioners approved Ordinance #2007-20; and

**WHEREAS**, the approval of this ordinance will supersede and replace Ordinance #2007-20; and

**WHEREAS**, the Lake County Planning and Zoning Board reviewed Petition RZ-19-14-2 on the 30<sup>th</sup> day of October, 2019, after giving Notice on petition for a change in use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 19<sup>th</sup> day of November, 2019; 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.

**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 subject property, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to Community Facility District (CFD) for the property described in Exhibit "A". The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Concept Plan attached hereto as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence. This ordinance shall supersede and replace any and all previous ordinances for this property, specifically Ordinance #2007-20.

A. Permitted Land Uses:

1. Primary Use:

a. Religious worship center

- 1                                   2. Secondary Uses:
- 2                                   a. Learning Center/Lecture Hall/Classroom to include:
- 3                                   (a) prayer hall
- 4                                   (b) cafeteria
- 5                                   (c) multimedia room
- 6                                   (d) rooftop garden
- 7                                   b. Community Service Center to include:
- 8                                   (a) community health clinic
- 9                                   (b) community food bank
- 10                                  (c) family counseling
- 11                                  c. 75-bed Assisted Living Facility
- 12                                  d. Caretaker's residence
- 13                                  3. Accessory uses directly associated with the above uses may be approved by
- 14                                  the County Manager or designee. Any other use of the site not specified above
- 15                                  shall require approval of an amendment to this Ordinance by the Board of
- 16                                  County Commissioners.
- 17                                  B. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR): The
- 18                                  development shall maintain the minimum open space, ISR, and FAR on the site,
- 19                                  consistent with the Land Development Regulations (LDR) and Comprehensive Plan, as
- 20                                  amended.
- 21                                  C. Parking: Parking for the development shall be consistent with the Land Development
- 22                                  Regulations (LDR) and Comprehensive Plan, as amended.
- 23                                  D. Commercial Screening: Commercial screening shall be in accordance with the Land
- 24                                  Development Regulations (LDR) and Comprehensive Plan, as amended.
- 25                                  E. Buffers and Landscaping:
- 26                                  1. A 15-foot wide landscape buffer 6-foot tall fence/wall is to be installed on the eastern
- 27                                  property line.
- 28                                  2. All landscape buffers shall be installed and maintained in accordance with the Land
- 29                                  Development Regulations (LDR) and Comprehensive Plan, as amended.
- 30                                  F. Setbacks: All new structures must meet the setbacks established in the Land
- 31                                  Development Regulations (LDR), as amended.
- 32                                  G. Transportation:
- 33                                  1. All access management shall be in accordance with the Comprehensive Plan and
- 34                                  Land Development Regulations (LDR), as amended.
- 35                                  2. Pedestrian accommodations meeting the latest acceptable form of trail or wide-walk
- 36                                  (8-foot wide sidewalk), as depicted in the latest Trail Master Plan, shall be required
- 37                                  along Johns Lake Road.

- 1 H. Stormwater Management: The stormwater management system shall be designed in  
2 accordance with all applicable Lake County and St. Johns River Water Management  
3 District (SJRWMD) requirements, as amended.
- 4 I. Clermont Joint Planning Area (JPA): Development shall be consistent with Land  
5 Development Regulations (LDR) Section 15.02.00, as amended
- 6 J. Lighting: Exterior lighting shall be consistent with Dark-Sky Principles and in accordance  
7 with the Land Development Regulations (LDR), as amended.
- 8 K. Noise: A noise assessment shall be required with the development application submittal  
9 to demonstrate mitigation for any noise impacts the proposed project may have on the  
10 neighboring uses pursuant to the Land Development Regulations (LDR), as amended.
- 11 L. Signage: Signage shall be consistent with the Land Development Regulations (LDR),  
12 as amended.
- 13 M. Commercial Design: Development of the property will be in accordance with commercial  
14 design standards specified in the Land Development Regulations (LDR), as amended.
- 15 N. Concurrency Management Requirements: Any proposed development must comply with  
16 all applicable Lake County Concurrency Management System requirements, as  
17 amended, prior to site plan approval.
- 18 O. Development Review and Approval: Prior to the issuance of any permits or site  
19 development, the Applicants must submit a site plan and development application  
20 generally consistent with Exhibit "B" – Conceptual Plan, attached, for review and  
21 approval in accordance with the Comprehensive Plan and LDR, as amended.
- 22 P. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific  
23 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake  
24 County Comprehensive Plan, and Lake County Land Development Regulations will  
25 include any future amendments to the Statutes, Code, Plan, and Regulations.

26 **Section 2. Conditions.**

- 27 A. After establishment of the facilities as provided in this Ordinance, the property identified  
28 in this Ordinance may only be used for the purposes identified in this Ordinance. Any  
29 other proposed use must be specifically authorized by the Board of County  
30 Commissioners.
- 31 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,  
32 improve, move, convert, or demolish any building structure, add other uses, or alter the  
33 land in any manner within the boundaries of the above described land without first  
34 obtaining the necessary approvals in accordance with the Lake County Code, as  
35 amended, and obtaining the permits required from the other appropriate governmental  
36 agencies.
- 37 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with  
38 the land and the terms, conditions, and provisions of this Ordinance, and will be binding  
39 upon the present Owner and any successor, and will be subject to each and every  
40 condition in this Ordinance.

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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 procedures contained in the Land Development Regulations, as amended.

E. 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.

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

FILED with the Secretary of State \_\_\_\_\_, 2019.

EFFECTIVE \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

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MELANIE MARSH, COUNTY ATTORNEY



**Exhibit "A" – Legal Description**

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Property Appraiser's Parcel ID Number: 24-23-25-0900-056-00002

The West ½ of Tract 56 in Section 34, Township 22 South, Range 26 East, Postal Colony Company, according to the map or plat thereof, as recorded in Plat Book 9, Page 65, of the Public Records of Lake County, Florida.

Less a portion of Tract 56, Postal Colony Company, according to the plat thereof, as recorded in Plat Book 9, Page 65, of the Public Records of Lake County, Florida, being more particularly described as follows: As also described in Statutory Warranty Deed recorded in Official Records Book 3327 Page 453.

Begin at the East right of way line of Hancock Road and the South right of way line of Johns Lake Road; thence South 00° 05' 17" West 616.60 feet along said East right of way line of Hancock Road; thence South 89° 54' 36" East 40.00 feet to a line lying 40.00 feet East of, and parallel with, said East right of way line of Hancock Road; thence North 00° 05' 17" East 591.32 feet along said line lying 40.00 feet East of, and parallel with, said East right of way line of Hancock Road; thence North 45° 17' 36" East 35.23 to said South right of way line of Johns Lake Road; thence North 89° 30' 10" West 65.00 feet along said South right of way line of Johns Lake Road to the Point of Beginning. ORB 4337 Page 2302, Public Record of Lake County, Florida.

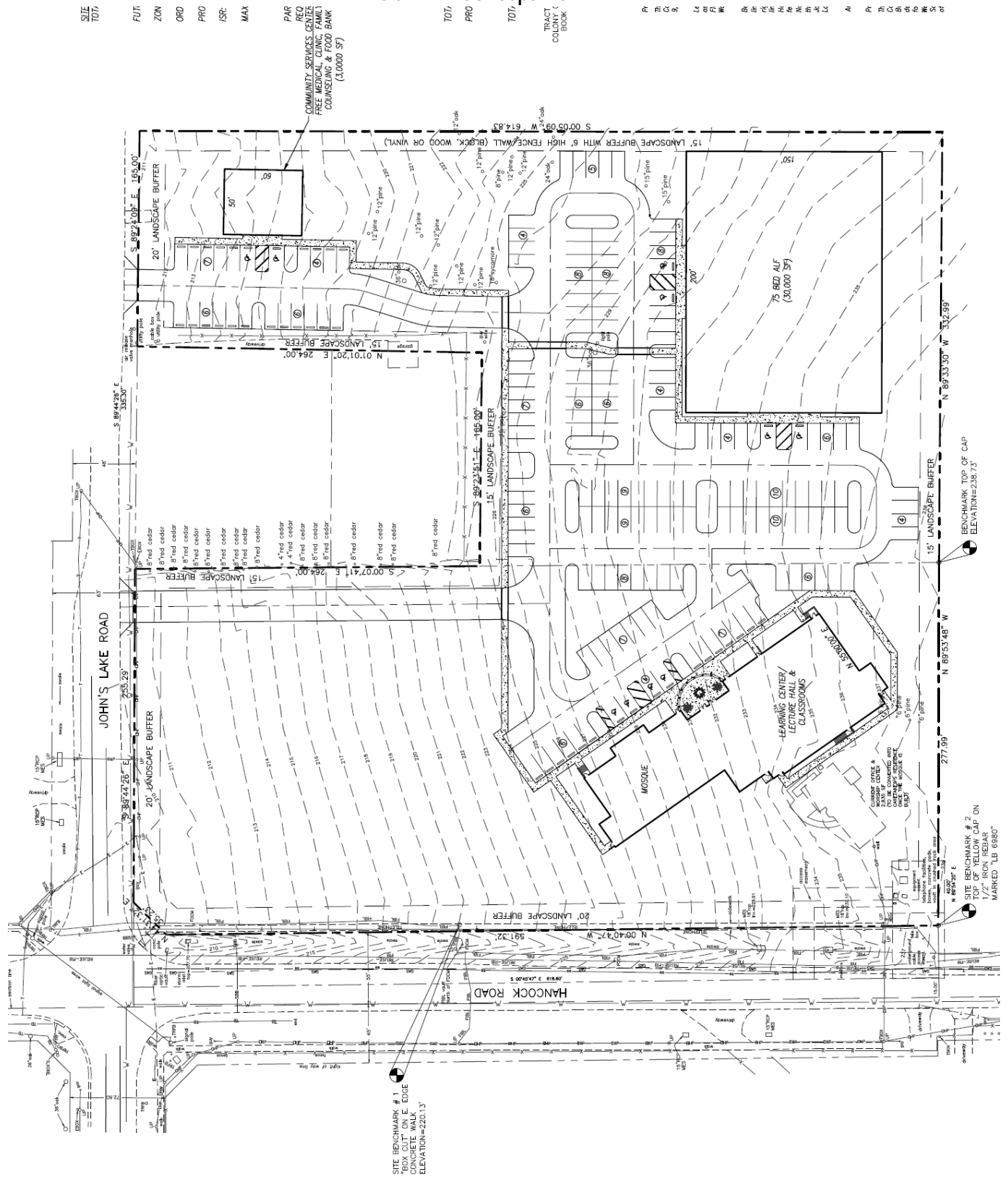
And

Property Appraiser's Parcel ID Number: 24-23-25-0900-056-00000

The East ½ of Tract 56 in Section 34, Township 22 South, Range 26 East, in Lake County, Florida, according to the plat of Postal Colony Company recorded in Plat Book 9, Page 65, Public Records of Lake County, Florida, less the following described tract: From the Northeast corner of the said Tract 56, run West 165 feet for a point of beginning of this excepted tract. From said point of beginning, run West to the Northwest corner of the East ½ of the said Tract 56; thence run South 264 feet; thence run east 165 feet; thence run North 264 feet to the point of beginning. ORB 4697 Page 600, Public Records of Lake County, Florida.

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Exhibit "B" - Concept Plan



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