



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearings: Planning & Zoning Board (PZB): January 5, 2022
Board of County Commissioners (BCC): February 1, 2022

Case No. and Project Name: RZ-21-37-4, Northlake Church of Christ

Applicant: Halff Associates, Inc.

Owner: Northlake Church of Christ, Inc.

Requested Action: Amend Community Facility District (CFD) Ordinance #68-90 to remove 5 +/- acres from the CFD ordinance and establish a new ordinance to rezone the subject 5 +/- acres of property from CFD to Agriculture (A) zoning district to facilitate a minor lot split.

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

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 5.00 +/- Acres (Overall Development 6.48 +/- Acres)

Location: 36331 Emeraldalva Avenue, Leesburg

Alternate Key No.: 1387469

Future Land Use Category: Rural Transition (Attachment "A")

Existing Zoning District: Community Facility District (CFD) (Attachment "B")

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

Joint Planning Area/ISBA: N/A

Overlay Districts: N/A

Corridor: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Residential	Primrose Lane R-O-W, Single-family dwelling unit
South	Rural Transition	Agriculture (A)	Residential	Single-family dwelling unit
East	Rural Transition	Agriculture (A)	Residential	Emeraldalva Ave R-O-W, developed with single-family dwelling unit.
West	Rural Transition	Agriculture (A)	Residential	Single-family dwelling unit

– Summary of Analysis –

The application seeks to amend Ordinance #68-90 to rezone and remove five (5) acres from the CFD ordinance and establish a new ordinance to rezone the subject 5 +/- acre from Community Facility District (CFD) to Agriculture (A) to facilitate a minor lot split. The subject property is developed with a 1,456-square foot (sf) single-family dwelling unit (parsonage), a 3,673-sf one-story structure, a 768-sf one-story structure, and a 440-sf structure. Should the rezoning be approved, the Applicant seeks to split the 6.85 +/- acres through a minor lot split to create the subject 5 +/- acre parcel as a separate parcel; the subject 5 +/- acres will include the existing single-family dwelling unit, and the remaining 1.85 +/- acres will include the existing place of worship. The Applicant provided a concept plan depicting the proposed lot split (Attachment "C").

The parent parcel contains approximately 6.85 +/- acres and is identified by Alternate Key Number 1387469. The parent parcel is zoned Community Facility District (CFD) in accordance with Ordinance #68-90 (Attachment "D") and designated as Rural Transition Future Land Use Category (FLUC).

– Analysis –

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code.

LDR Section 3.02.06 allows a maximum density of one dwelling unit per five net acres; the Applicant's request to rezone the subject 5-acre parcel to the Agriculture (A) Zoning District is consistent with the maximum density specified by LDR Section 3.02.06. The request is consistent with LDR Section 3.01.03, which states that single-family dwelling units are permitted within the A zoning district and a church is permitted within the CFD zoning district.

The proposed use is consistent with the purpose and intent of the Agriculture (A) zoning district in accordance with LDR Section 3.00.02(C).

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

The request is consistent with Comp Plan Policy I-1.4.5, Rural Transition FLUC, which allows residential uses at a maximum density of one (1) dwelling unit per five (5) net buildable acres.

The request is consistent with Comp Plan Policy I-1.2.8, which states that agricultural uses shall be recognized as a suitable use of property within all FLUCs.

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

The request is consistent with the surrounding uses. The parcels adjoining the subject property are developed with existing residential uses. The parcel across Emeralda Avenue is developed with a single-family dwelling unit on large tracts of land.

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

The surrounding area is indicative of low-density residential and agriculture uses. As previously stated, the request and proposed use are consistent with the surrounding uses, as the parcels immediately across Emeralda Avenue are developed with single-family dwelling units, which are not used in conjunction with a business and facilitate mostly residential 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 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

The subject parcels will be served by private well and septic tank.

Office of Parks and Recreation

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

Office of Public Safety

Lake County Fire Rescue Station #72 is located less than three (3) miles from the subject property at 12340 County Road 44, Leesburg, and will provide advanced life support should an emergency on the property demand this service.

Schools

The request is not anticipated to adversely impact school capacities.

Solid Waste

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

Transportation Concurrency

The request is not anticipated to adversely impact the roadways standard Level of Service (LOS).

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

The proposed request will not disrupt the existing orderly, logical development pattern in the area as the surrounding parcels are developed with single-family dwelling units (residential uses).

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

The application does not contain any information regarding proposed development impact on property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern.

The proposed residential and church use are consistent with the purpose and intent of the A and CFD zoning districts. The proposed lot split is consistent with the purpose and intent of the Rural Future Land Use Series.

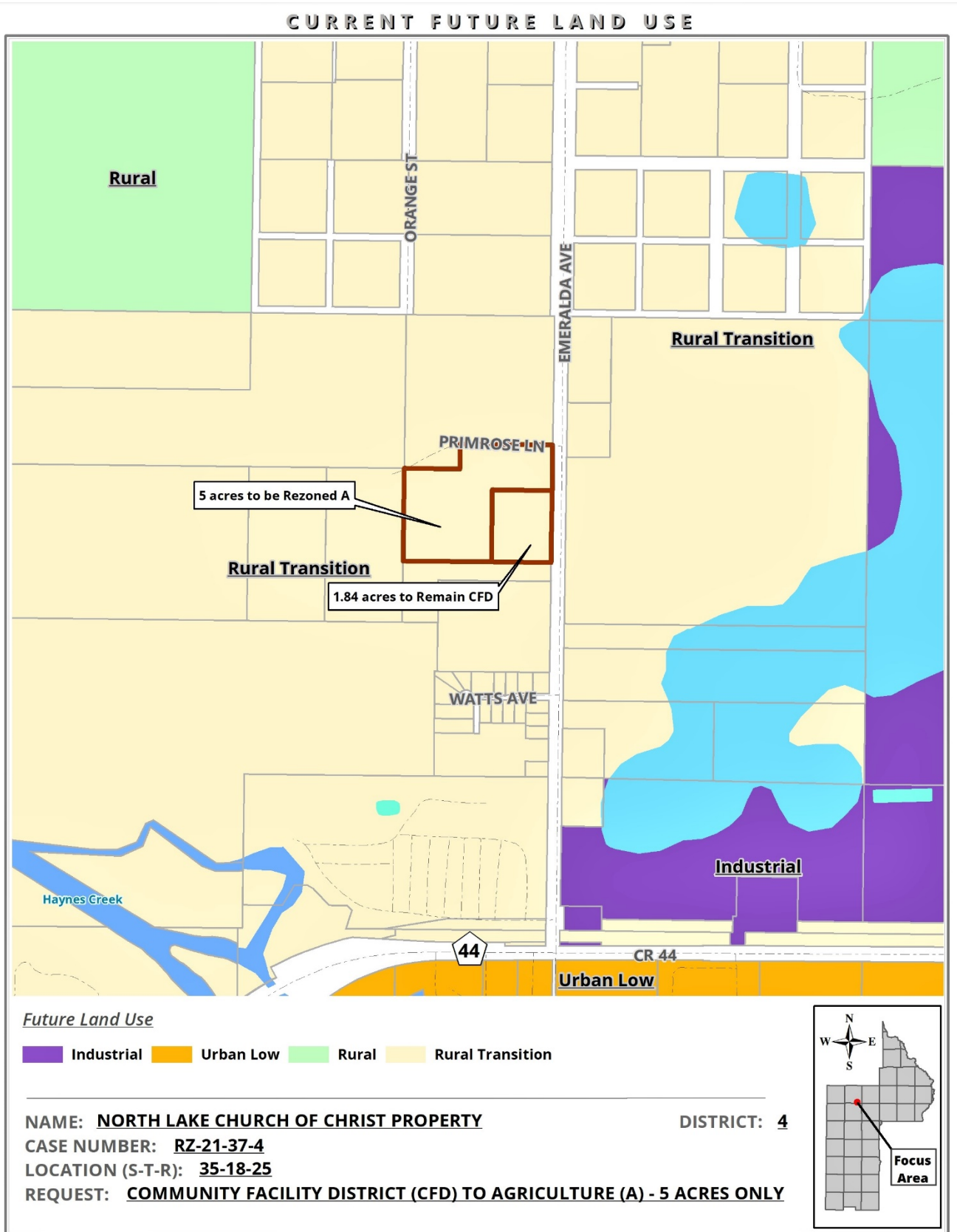
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

The request is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

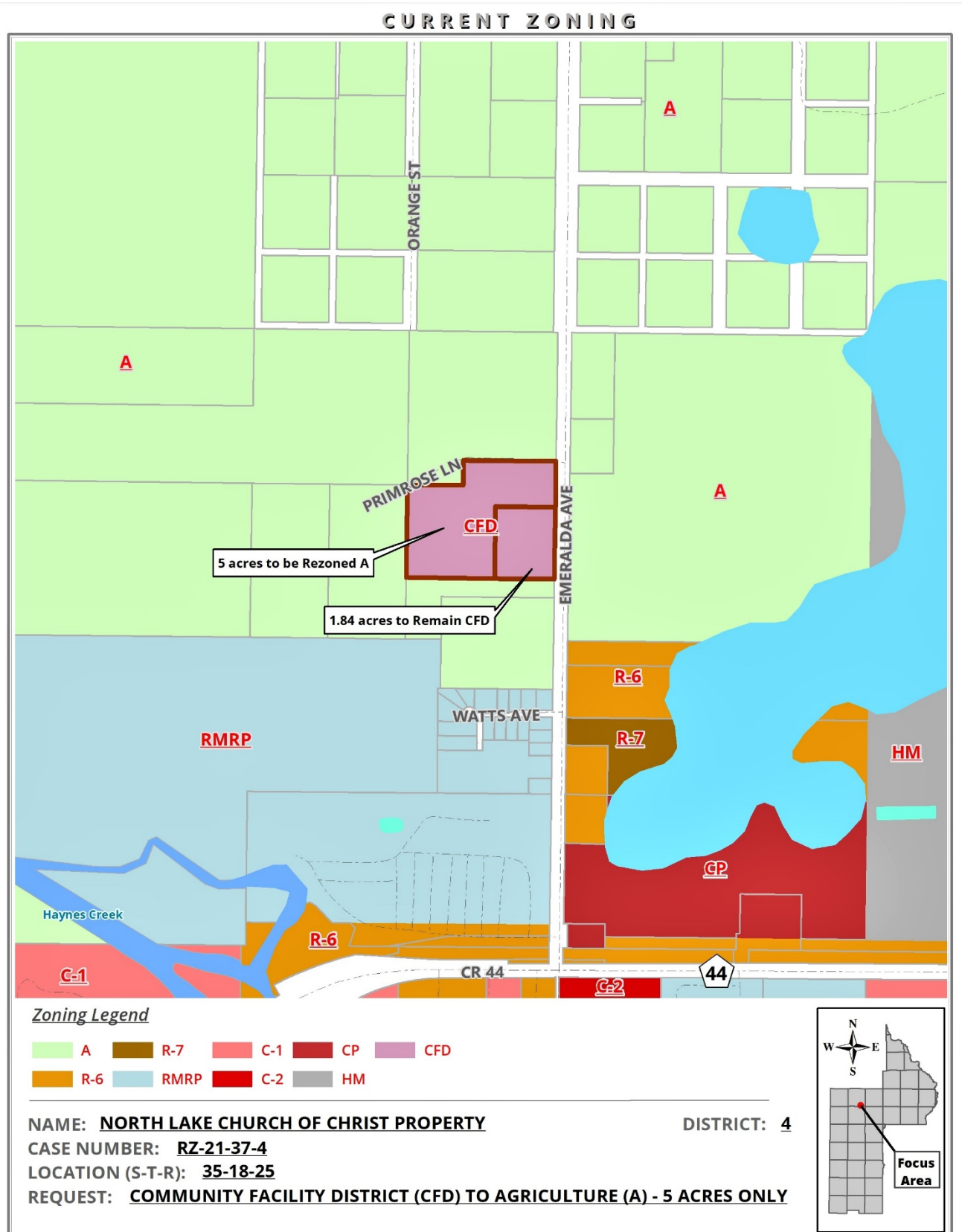
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A

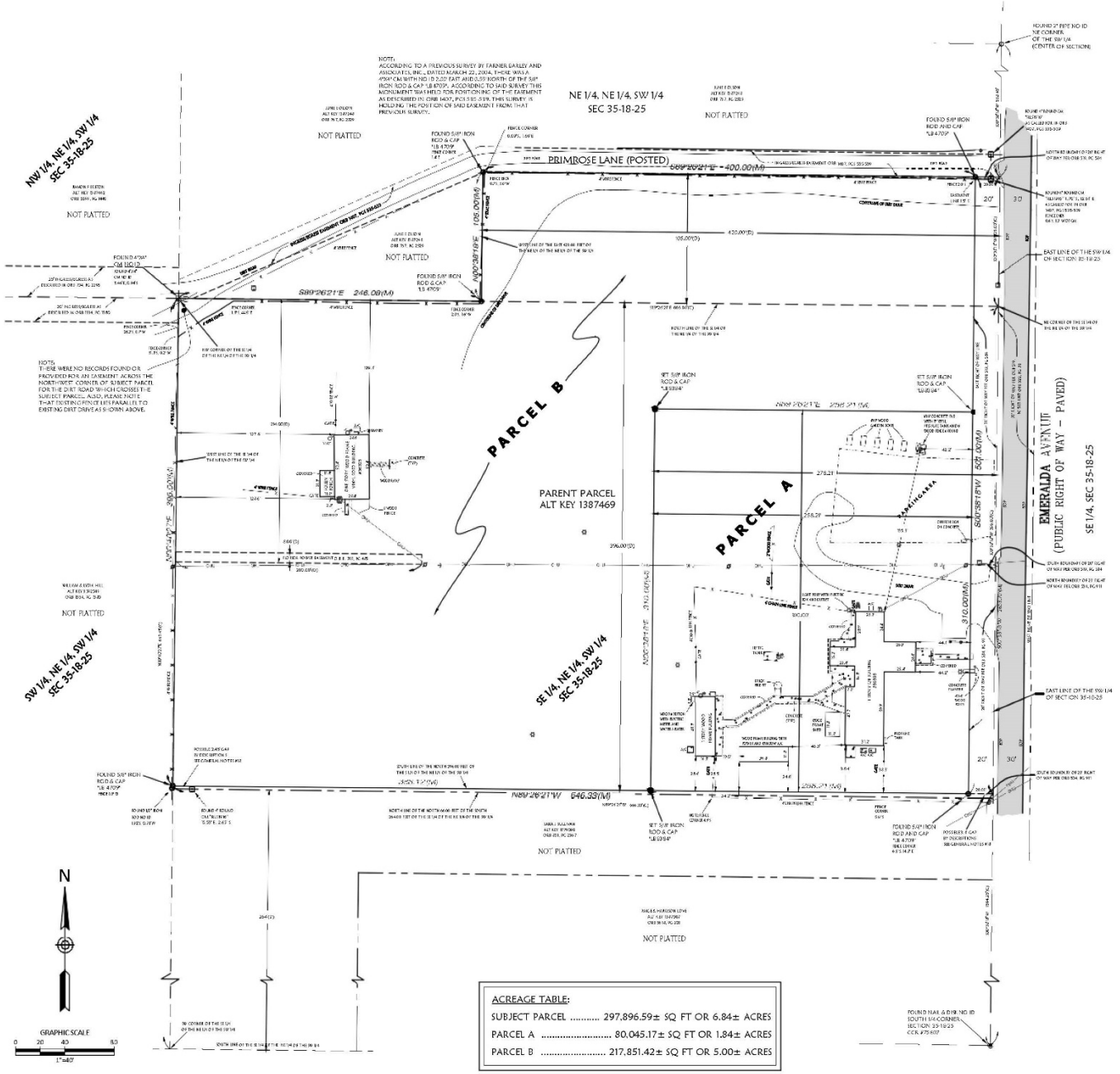
Attachment "A" – Future Land Use Category



Attachment "B" – Zoning District



Attachment "C" – Concept Plan



Attachment "D" – Ordinance #68-90 (Page 1 of 5)

FILED

~~REVISED~~ ORDINANCE #68-90

MAY 8 11 11 AM '91

BOARD OF COUNTY COMMISSIONERS
JAMES C. WAINMAN, CLERK

WHEREAS, the Lake County Planning and Zoning Commission did, on the 28th day of November, 1990, review petition #179-90-5, to approve a request for rezoning from A (Agricultural) to PFD (Public Facilities District) zoning district on property generally located in the Lisbon area - From the intersection of SR 44 & Emeraldalda Ave. (DR5-6335); N on Emeraldalda Ave. approx. 3/10 mi. to property lying W of road and is legally described as follows:

LEGAL DESCRIPTION: N 201 ft. of E 210 ft. of SE 1/4 of NE 1/4 of SW 1/4, S 105 ft. of E 420 ft. of NE 1/4 of NE 1/4 of SW 1/4 of Sec. 35, Twp. 18S, Rge. 25E; and Begin at NW cor of SE 1/4 of NE 1/4 of SW 1/4, run S 396 ft., E 660 ft., N 186 ft., W 210 ft., N 201 ft., W to P.O.B., Sec. 35, Twp. 18S, Rge. 25E.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 28th day of December, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

- I. Terms: This PFD (Public Facilities District) shall be subject to a church and related accessory uses as indicated:
 - A. Land Uses: Use of the site shall be limited to that of a church building, day care facility, church school, recreational hall, gym, six (6) recreational vehicle spaces for overnite guest with no dump station, parking spaces, a storage building and parsonages. Normal accessory uses incidental thereto may be approved by the Director of Current Planning. Any other use of the site will require approval of an amendment by the Board of County Commissioners.
 - B. Setbacks: All structures and uses shall maintain a minimum of twenty-five (25) ft. from side and rear property lines, and fifty (50') ft. from the front property line adjacent Emeraldalva Ave.
 - C. Transportation Improvements: The applicant shall dedicate additional right-of-way along Emeraldalva Ave. to provide 40 ft. from the centerline in accordance with the requirements of the Lake County Public Works Department.
 - D. Permitting: Prior to the issuance of permits, the applicant shall submit final site plans as approved by the Lake County Technical Review Committee. The site plan shall meet all submittal requirements and conform with all County codes and ordinances and shall meet all requirements of the Lake County Pollution Control Board Rules.
 - E. Wetlands, Tree and Landscaping Requirements:
 1. If trees are to be removed from the project site, such removal shall be done in accordance with the provisions contained in Section 17-119, Tree Protection Ordinance, Lake County Code. The tree removal application and review fee of \$150.00 shall be submitted along with the site plan, if approved trees are to be removed. No site

alterations shall be made until such application is approved by the Pollution Control Division.

2. Any single commercial, industrial, multi-family or other structure requiring site plan approval shall have at least three (3) approved trees per acre with a six (6) inch DBH or greater, or an equivalent number of replacement trees as defined in Section 17-118, Lake County Code, prior to application for a Certificate of Occupancy.
 3. Posts shall be used as protective barriers to the roots and trunk of all trees designated for preservation on the parcel being developed. Construction machinery, soil deposits, materials or solvents shall not be placed within the drip-line of any tree designated for preservation; and to do so will constitute a violation of the tree protection ordinance, pursuant to Section 17-123 (a), (b), (c). In lieu of constructing barriers as required above, the developer may physically designate large areas containing protected trees where no land alteration or other development activities of any kind may occur. This area may be designated by placing stakes at a distance of twenty-five (25) ft. apart. These protective measures must be established on site prior to initiation of construction activities.
 4. If County jurisdictional wetlands occur on site, the developer shall submit a wetland alteration application and fee to the Pollution Control Division, with site plan submittal, pursuant to Lake County Wetlands Code, 70.37. No site alterations shall be initiated until such application is approved by the Lake County Pollution Control Division.
 5. Landscaping plans are required for any development that requires site plan approval, pursuant to Lake County Landscaping Code, Section 17-130.7. These plans must be submitted to the Division of Planning and Development with the site plan.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

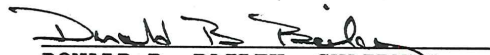
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County and obtaining approval from the Director of Current Planning upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in Ordinance #68-90 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the PFD (Public Facilities District) zoning established by Ordinance #68-90, 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 Section 691, Paragraph 691.12, Lake County Zoning Regulations, as amended.

DONE AND RESOLVED by the Lake County Board of County
Commissioners on the 18th day of December, 1990, A.D.

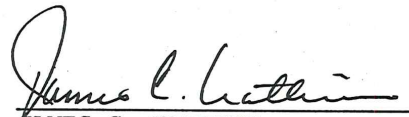
STATE OF FLORIDA)

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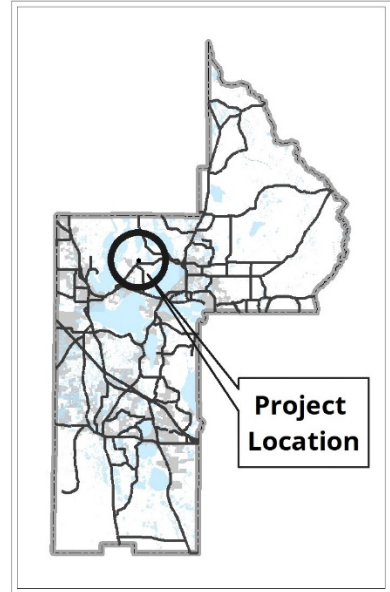
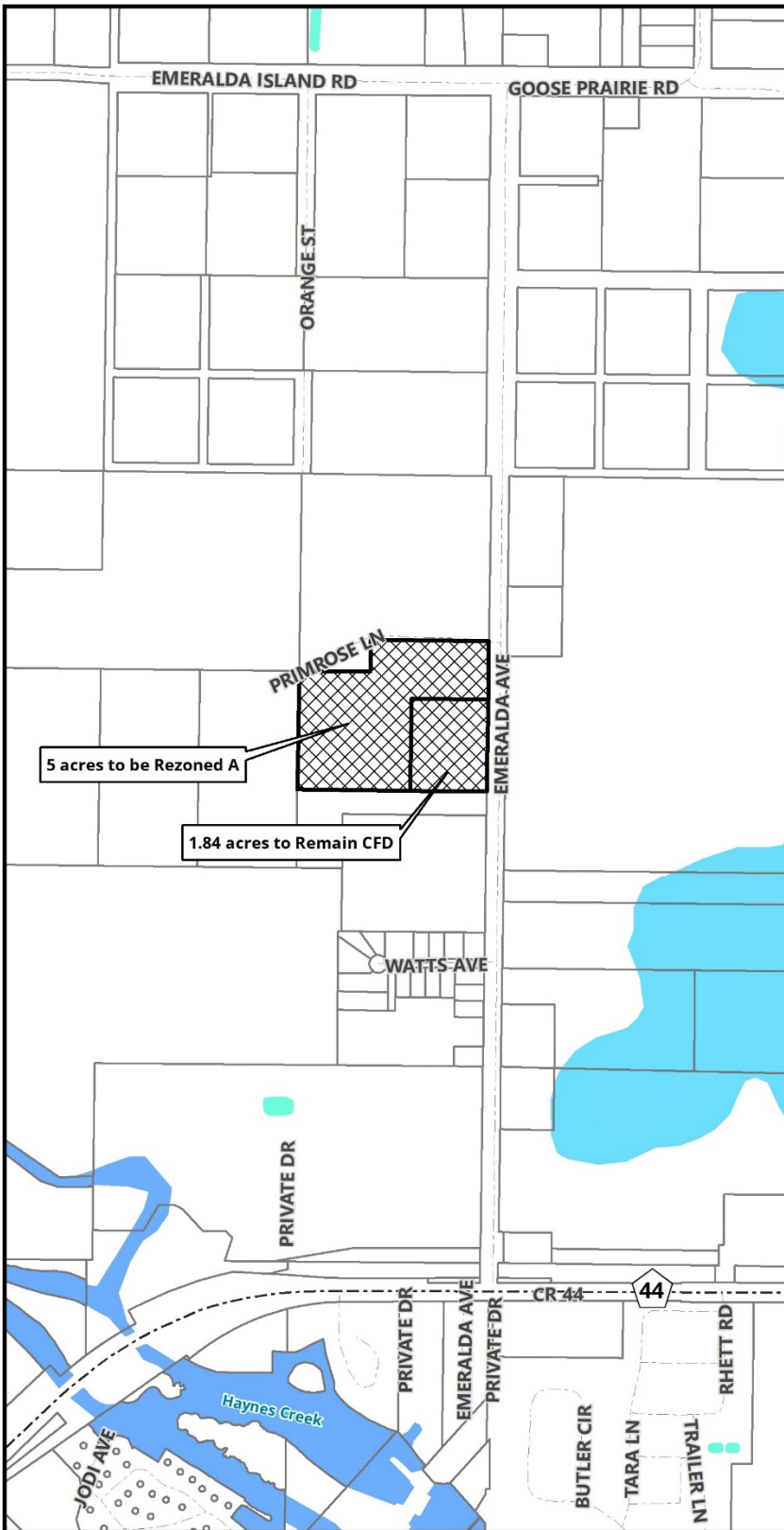
COUNTY OF LAKE)


DONALD B. BAILEY, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of
an Ordinance adopted by the Board of County Commissioners in
regular session on December 19, 1991 as the same appears on
record of County Commissioners Minute Book 40 Page 33.

BY: 
JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners
Lake County, Florida

Map of Subject Parcel



ORDINANCE #2022-XX
Northlake Church of Christ Property
RZ-21-37-4

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

WHEREAS, Halff Associates, Inc. (the “Applicant”) submitted a rezoning application on behalf of the Northlake Church of Christ (the Owner) to amend CFD Ordinance #1990-68 to remove 5 +/- acres from the CFD ordinance, and establish a new ordinance to rezone the subject 5 +/- acres from CFD to Agriculture (A) Zoning District; and

WHEREAS, the subject property consists of approximately 5.00 +/- acres, located at 36331 Emerald Avenue, in the Leesburg area of unincorporated Lake County, in Section 35, Township 18 South, Range 25 East, consisting of Alternate Key Number 1387469 and more particularly described as Parcel “A” in Exhibit “A” – Legal Description: and

WHEREAS, all remaining conditions of Ordinance #1990-68 shall remain in full force and effect; and

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

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-21-37-4 on the 5th day of January 2022 after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 1st day of February 2022; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning and Zoning Board 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

WHEREAS, the approval of this ordinance shall not supersede and replace the previous Ordinance #68-90.

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 rezone 5 +/- acres described as Parcel “B” in Exhibit “A” – Legal Description from Community Facility District (CFD) to Agriculture (A) Zoning District.

Section 2. Development Review and Approval. Prior to the issuance of any permits, the Owner shall submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations, as amended. The applications for final development orders must meet all submittal requirements and comply with all County codes and ordinances, as amended.

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.

1 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
2 Ordinance to the Secretary of State for the State of Florida in accordance with Section
3 125.66, Florida Statutes.

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

5 **ENACTED** this _____ day of _____, 2022.

6 **FILED** with the Secretary of State _____, 2022.

7 **EFFECTIVE** _____, 2022.

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**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

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SEAN PARKS, CHAIRMAN

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15 **ATTEST:**

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

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23 **APPROVED AS TO FORM AND LEGALITY:**

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MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A" – LEGAL DESCRIPTION

PARENT PARCEL DESCRIPTION: **ALTERNATE KEY 1387469**
- ORB 2210, PGS 2233-2234

THE NORTH 396 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; AND THE SOUTH 105 FEET OF THE EAST 420 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY.

PARCEL A DESCRIPTION: (WRITTEN BY THIS COMPANY)

THE SOUTH 310.00 FEET OF THE EAST 278.21 FEET OF THE NORTH 396 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

LESS ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 519, PAGE 584 AND OFFICIAL RECORDS BOOK 534, PAGE 911, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL B DESCRIPTION: (WRITTEN BY THIS COMPANY)

THE NORTH 396 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; AND THE SOUTH 105 FEET OF THE EAST 420 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

LESS THE SOUTH 310.00 FEET OF THE EAST 278.21 FEET OF THE NORTH 396 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

ALSO LESS ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 519, PAGE 584 AND OFFICIAL RECORDS BOOK 534, PAGE 911, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.