



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): November 1, 2023
Board of County Commissioners (BCC): December 5, 2023

Case No. and Project Name: RZ-23-19-4, Willow Estates

Applicant/Owner: Ms. Wilhelmine Johanne Etienne

Requested Action: Rezone approximately 1.16 +/- acres from Community Commercial (C-2) District to Community Facility (CFD) District to allow for an 11-bed Assisted Living Facility for the elderly.

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

Case Manager: Bernice Gonzalez, Senior Planner
Janie Barron, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 1.16 +/- Acres

Location: 40903 State Road 19, in the Umatilla area of unincorporated Lake County.

Alternate Key No.: 3555040

Existing Zoning District: Community Commercial District (C-2) (Attachment "A")

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

Future Land Use Category: Urban Low Density (Attachment "C")

Flood Zone: "X"

Joint Planning Area / ISBA: City of Umatilla Utility Service Area

Overlay Districts: Minor Commercial Corridor.

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	City of Umatilla and Urban Low Density	City of Umatilla and Medium Residential District (R-3)	Residential	Commercial and Single-Family Dwellings.
South	City of Umatilla and Urban Low Density	City of Umatilla and Medium Residential District (R-3)	Transportation & Residential	State Road 19, Single-Family Dwellings & Lake Pearl
East	City of Umatilla and Urban Low Density	City of Umatilla and Medium Residential District (R-3)	Transportation & Residential	State Road 19, Single-Family Dwellings & Lake Pearl
West	City of Umatilla	City of Umatilla	City of Umatilla	City of Umatilla

Staff Analysis

The application seeks to rezone approximately 1.16 +/- acres from Community Commercial District (C-2) to Community Facility District (CFD) to allow for an 11-bed assisted living facility for the elderly as shown in the concept plan. (Attachment “E”)

Table 1. Existing and Proposed Development Standards

	Zoning District	Maximum Density LDR	Maximum Floor Area Ratio Comp Plan	Maximum ISR LDR	Maximum ISR Comp Plan	Minimum Open Space Comp Plan	Maximum Building Height LDR/Comp Plan
Existing	Community Commercial District (C-2)	0.70 (FAR)	0.25 0.35 for Civic Uses	0.70	0.60	25%	50 Feet
Proposed	Community Facility District (CFD)	1.0 (FAR)	0.25 0.35 for Civic Uses	0.80	0.60	25%	50 Feet

The property is serviced with central water by the City of Umatilla and serviced by septic. The proposed development is within the City of Umatilla Utility Service Area. The application has been circulated to the city for comments. No comments have been received.

The rezoning request is consistent with all applicable provisions of the Code and elements of the Comprehensive Plan.

Standards for Review (LDR Section 14.03.03) (Attachment “D”)

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

The rezoning request and current use are consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which allows for Assisted Living Facility uses within the Community Facility (CFD) District. Assisted Living Facilities are defined under Section 429.02, Florida Statutes, as any building, private home, boarding home, home for the aged, or other residential facilities, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Alternatively, if the Applicant cannot receive the required state licenses for an Assisted Living Facility, to allow for a Family Residential Home, which is currently a permitted use under C-2. A Family Residential Home is defined by LDR Section 3.01.02.E.9 as a dwelling unit which provides a living environment for up to six (6) unrelated residents, who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

The property is currently developed with a single-family residential dwelling unit, one utility building/shed and is approximately 1.16 +/- acres. The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for Assisted Living Facility uses within the Community Facility (CFD) District, or Family Residential Home uses under C-2.

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

The proposed rezoning is consistent with Comprehensive Plan (Comp Plan) Policy I-1.3.2 *Urban Low Density Future Land Use Category*, which allows for nursing and personal care facilities as a typical use.

There is no request to change the FLUC being made by the Applicant.

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

The proposed rezoning is consistent with existing and proposed nearby land uses, which similarly include single-family dwelling units and commercial uses, as stated above in Table 1. Existing and Proposed Development Standards. This rezoning request would allow the proposed use to be consistent with the zoning district.

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

The applicant seeks to develop an 11-bed Assisted Living Facility for the elderly or for a Family Residential Home. Assisted Living Facility is not allowed under the current C-2 zoning district pursuant to LDR Section Subsection 3.01.02.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited

to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

The subject property is currently serviced with central water by the City of Umatilla and has a septic tank. No adverse impacts are anticipated by the proposed rezoning. In the event of a fire emergency at this facility, Lake County Fire Rescue Station #14 is located less than two (2) miles from the subject property at 18840 CR 42 Altoona and can provide advanced life support should an emergency on the property demand this service.

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

The subject property is currently developed with a single-family residence. Any new development will be required to meet all environmental protection provisions specified by the LDR and Comprehensive Plan.

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

No information was included within the application that specifies impacts on property values.

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

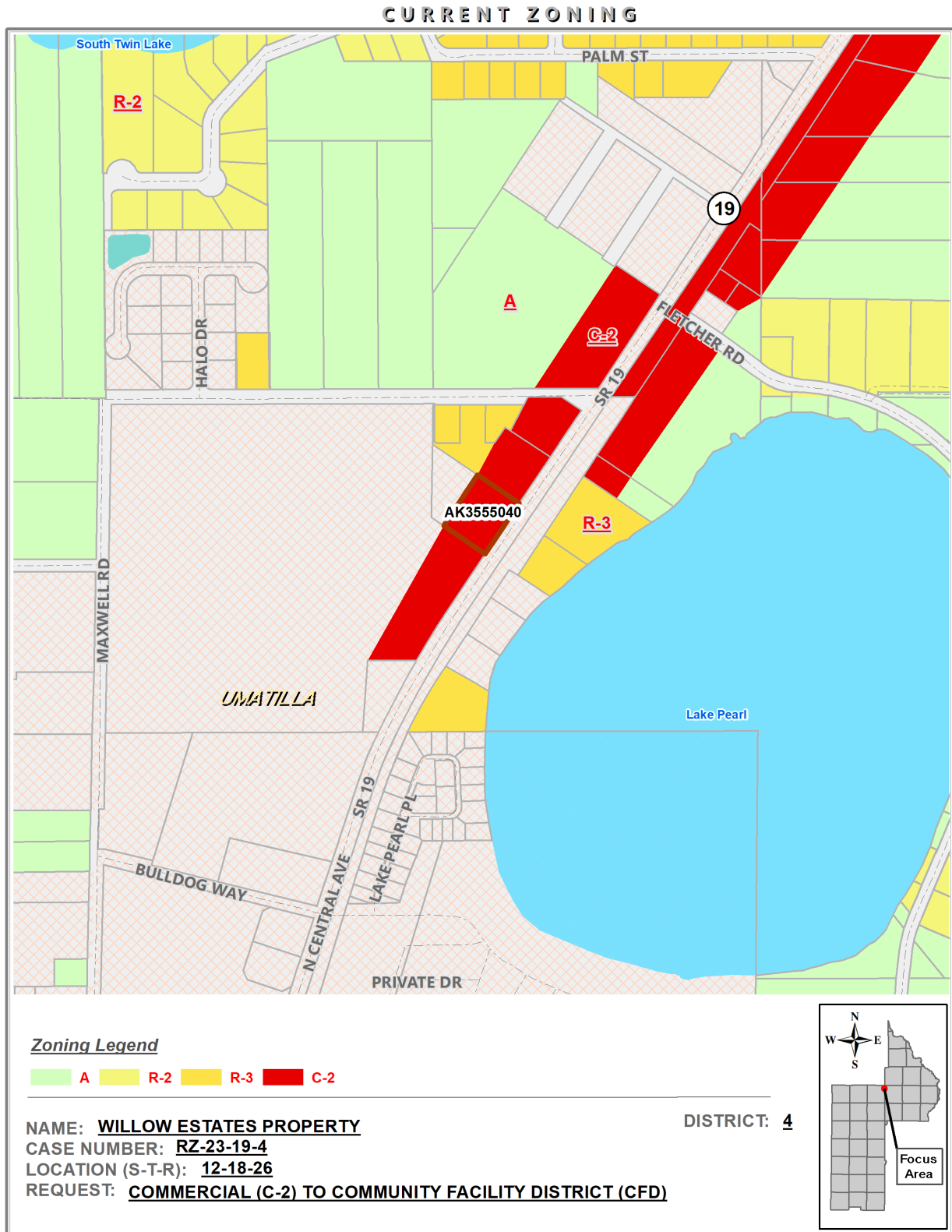
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

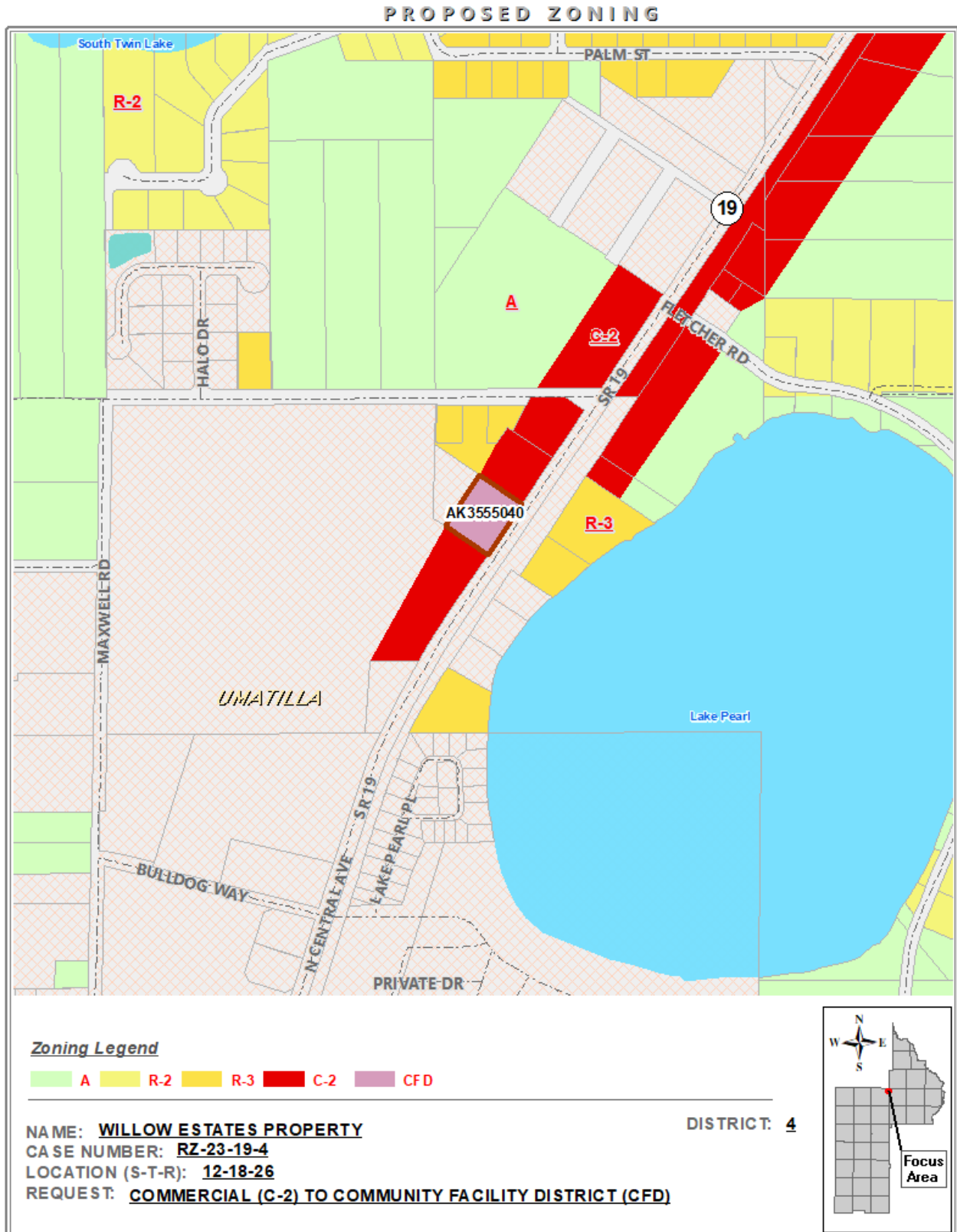
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

Attachment A – Current Zoning

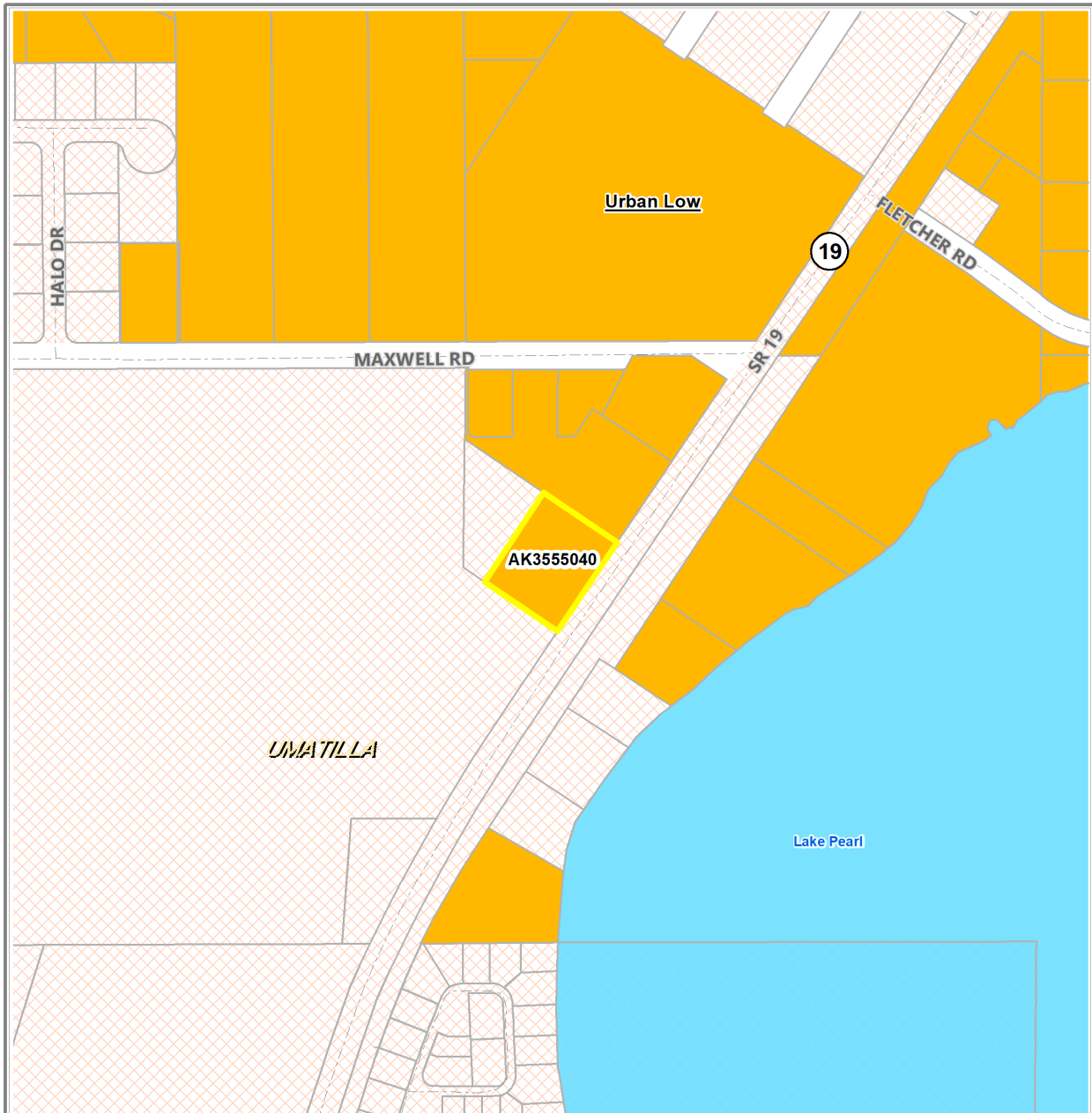


Attachment B – Proposed Zoning




Attachment C – Current Future Land Use

CURRENT FUTURE LAND USE



Future Land Use

 Urban Low

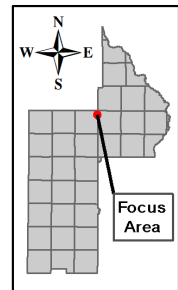
NAME: **WILLOW ESTATES PROPERTY**

CASE NUMBER: **RZ-23-19-4**

LOCATION (S-T-R): **12-18-26**

REQUEST: **COMMERCIAL (C-2) TO COMMUNITY FACILITY DISTRICT (CFD)**

DISTRICT: **4**



Attachment D – Justification Statement

William Johann Etienne

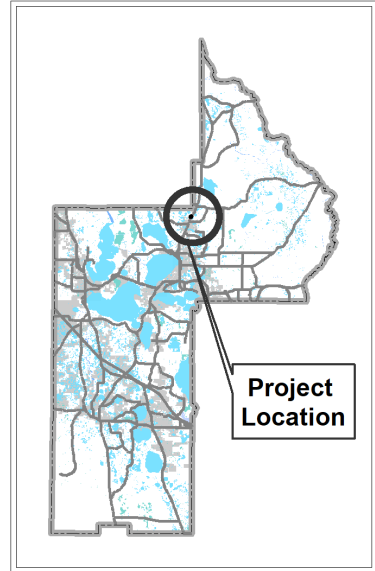
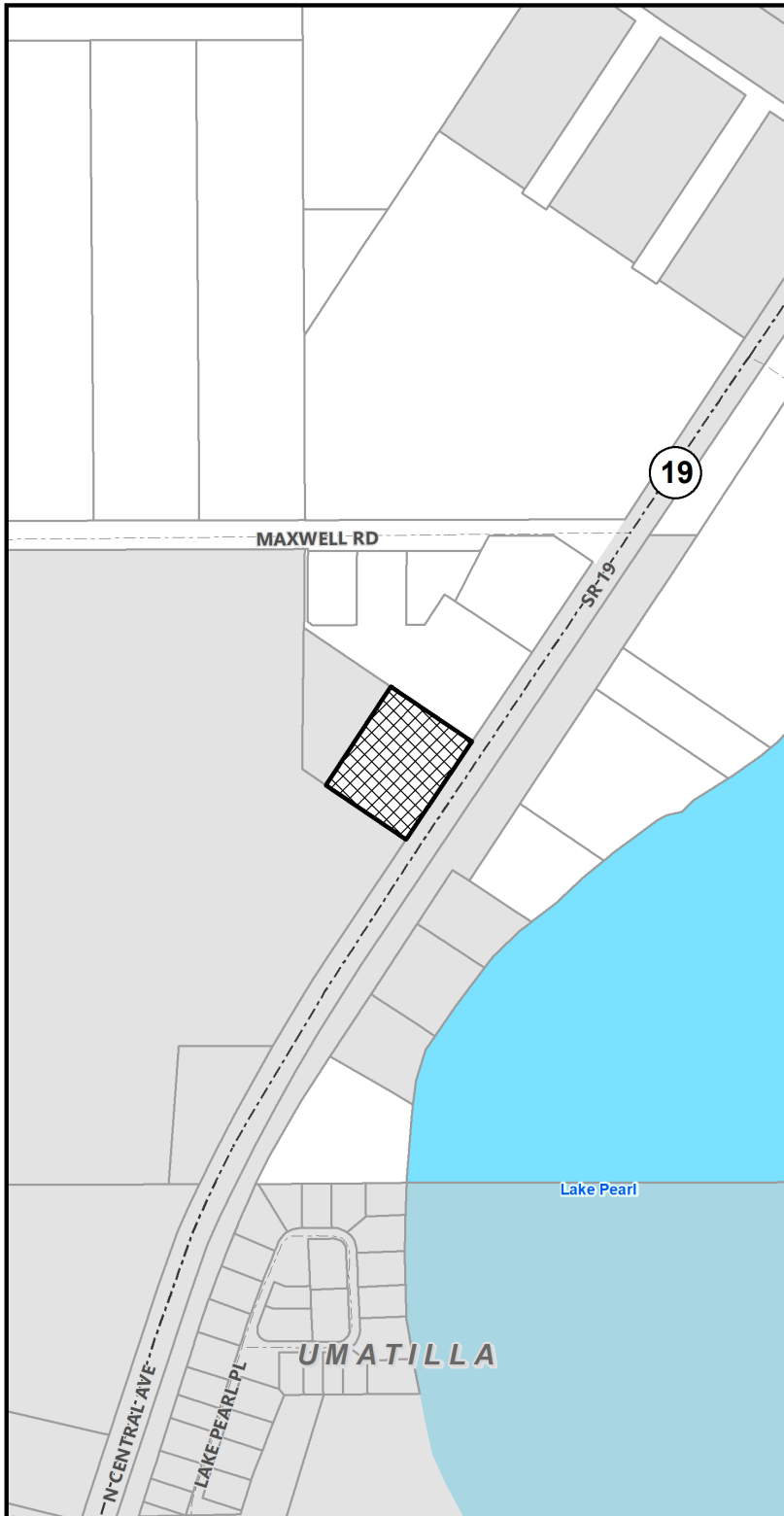
40903 State Rd. 19

I would like to open an 11 Bed assisted Facility for the elderly. I don't want to change the Building except to enclose the garage for an office space + put a

front deck. There should be ~~not~~ no noise issue because elderly need quiet

- a. there is no conflict to Land Development Code. ^{zone commercial} the property was
- b. I'm going from commercial to commercial.
- c. It's not inconsistent because the property is still zone for commercial.
- d. I would like to create a home for elderly.
- e. They are elderly they just need care + love.
- f. Natural environment will not be impacted, I don't plan on changing the landscape.
- g. property should remain the same; it's a home for elderly.
- h. ~~there will be an orderly pattern because we will comply with ATTAC.~~
- i. there is no conflict with public interest; this is a home for the elderly that need help with activities of daily living
- h. there will be an orderly pattern because we will comply with ATTAC which regulates group homes.

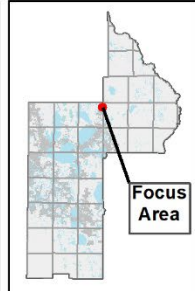
Map of Subject Property



Aerial



RZ-23-19-4
Willow Estates Property



Commercial (C-2)
To
Community Facility
District (CFD)

Legend

 Corridor

State Road 19 Baker Rd
To W CR 44

1 **ORDINANCE #2023-XX**

2 **Willow Estates**

3 **RZ-23-19-4**

4
5 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
6 **LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 1.16 +/- ACRES FROM COMMUNITY**
7 **COMMERCIAL (C-2) DISTRICT TO COMMUNITY FACILITY (CFD) DISTRICT FOR PROPERTY**
8 **LOCATED AT 40903 STATE ROAD 19, IN THE UMATILLA AREA OF UNINCORPORATED LAKE**
9 **COUNTY, IDENTIFIED AS ALTERNATE KEY NUMBER 3555040, AND LEGALLY DESCRIBED IN**
10 **EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE.**

11 **WHEREAS**, Wilhelmine Johanne Etienne (the "Applicant" and the "Owner") submitted a rezoning
12 application to rezone approximately 1.16 +/- acres from Community Commercial (C-2) District to Community
13 Facility (CFD) District; and

14 **WHEREAS**, the subject property consists of approximately 1.16 +/- acres, is located at 40903 State
15 Road 19, Umatilla, is in Section 12, Township 18, Range 26, consisting of Alternate Key Number 3555040,
16 and more particularly described as:

17 **LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]**

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

21 **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-23-19-4 on the
22 1st day of November 2023, after giving notice of the hearing on the petition for change in zoning to from
23 Community Commercial (C-2) District to Community Facility (CFD) District to allow for an 11-bed assisted
24 living facility for the elderly, including notice that the petition would be presented to Board of County
25 Commissioners of Lake County, Florida, on the 5th day of December 2023; and

26 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations
27 of the Lake County Planning and Zoning Board, the staff report and any comments, favorable or
28 unfavorable from the public and surrounding property owners at a public hearing duly advertised; and

29 **WHEREAS**, upon review, certain terms pertaining to the development of the above-described
30 property have been duly approved.

31 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
32 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as
33 they pertain to the property described herein, subject to the following terms:

34 **Section 1. Terms.** The County Manager or designee shall amend the Official Zoning Map to rezone the
35 subject property to Community Facility (CFD) District in accordance with this Ordinance. The
36 uses of the property will be limited to those uses specified in this Ordinance under Section
37 1. A. Land Uses and consistent with the Urban Low Density Future Land Use Category
38 (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM),
39 as amended. The following uses are permitted:

1 A. Land Uses:

- 2 1. An 11-bed Assisted Living Facility for the elderly licensed under Part I, Chapter 429,
3 Florida Statutes.
- 4 2. Family Residential Home licensed by the Agency for Health Care Administration not
5 to exceed six (6) unrelated residents.
- 6 3. Single Family Residential Dwelling Unit (if not licensed as an Assisted Living Facility
7 or Family Residential Home).
- 8 4. Accessory uses directly associated with the above use may be approved by the
9 County Manager or designee.
- 10 5. Any other use of the site not specified above will require approval of an amendment
11 to this Ordinance by the Board of County Commissioners.

12 B. Development Standards:

- 13 1. Open Space, Impervious Surface Ratio and Building Height: Open space,
14 impervious surface ratio, and building height shall be in accordance with the
15 Comprehensive Plan and LDR, as amended.
- 16 2. Setbacks: Setback shall be in accordance with the applicable provisions of the LDR,
17 as amended.
- 18 3. Landscaping, Buffering and Screening: Landscaping, buffering, and screening shall
19 be in accordance with the Comprehensive Plan and LDR, as amended.
- 20 4. Parking: Parking surfaces may be grass or other pervious material, except as
21 required for handicapped accessibility, or as required by the Agency for Health Care
22 Administration.
- 23 5. Transportation/Access Management: All access management shall be in
24 accordance with the Comprehensive Plan and Land Development Regulations
25 (LDR), as amended.
- 26 6. Lighting: Exterior lighting, if provided, must be in accordance with the LDR, as
27 amended.
- 28 7. Change of Use. Owner shall apply for a Change of Use Permit and shall obtain any
29 other required building permits or development approvals prior to commencing the
30 new uses identified herein,

- 31 C. Fire: Compliance with Florida Fire Prevention Code and LDR's regarding adequate water
32 supply and emergency access is required. The Florida Fire Prevention Code mandates
33 specific fire protection features based on occupancy; these items will be addressed during
34 the building permitting phase. (i.e., automatic sprinkler system and fire alarm).

- 35 D. Utilities: The property is within the City of Umatilla Utility Service area and central water and
36 septic are available to the property.

- 37 E. Signage: All signage must be in accordance with the LDR, as amended.

- 38 F. Noise: Compliance shall be in accordance with the LDR, as amended.

- 1 G. Concurrency Management Requirements: All development must comply with the Lake
2 County Concurrency Management System, as amended.
- 3 H. Development Review and Approval: Prior to the issuance of any permits, the Owner shall be
4 required to submit a site plan application generally consistent with **Exhibit B (Conceptual**
5 **Plan)**, attached, for review and approval in accordance with the Comprehensive Plan and
6 LDR, as amended.
- 7 I. Future Amendments to Statutes, Codes, Plan, and/or Regulations: The specific references
8 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
9 Comprehensive Plan, and Land Development Regulations (LDR) shall include any future
10 amendments to the Statutes, Code, Plans, and/or Regulations.

11 **Section 2. Conditions.**

- 12 A. After establishment of the facilities as provided in this Ordinance, the property identified in
13 this Ordinance may only be used for the purposes identified in this Ordinance. Any other
14 proposed use must be specifically authorized by the Board of County Commissioners.
- 15 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
16 move, convert, or demolish any building structure, add other uses, or alter the land in any
17 manner within the boundaries of the above-described land without first obtaining the
18 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
19 the permits required from the other appropriate governmental agencies.
- 20 C. This Ordinance will inure to the benefit of and will constitute a covenant running with the land
21 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the
22 present Owner and any successor and will be subject to each condition in this Ordinance.
- 23 D. The transfer of ownership or lease of any or all the property described in this Ordinance must
24 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
25 good and aware of the conditions established by this Ordinance and agrees to be bound by
26 these conditions. The purchaser or lessee may request a change from the existing plans and
27 conditions by following procedures contained in the LDR, as amended.
- 28 E. The Lake County Code Enforcement Special Master will have authority to enforce the terms
29 and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

30 **Section 3. Severability**: If any section, sentence, clause, or phrase of this Ordinance is held to be
31 invalid or unconstitutional by any court of competent jurisdiction, the holding will in no
32 way affect the validity of the remaining portions of this Ordinance.

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

36 **Section 5. Effective Date**. This Ordinance shall become effective upon recordation in the public
37 records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

38 **ENACTED this _____ day of _____, 2023.**

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FILED with the Secretary of State _____, 2023.
EFFECTIVE _____, 2023.

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

KIRBY SMITH, CHAIRMAN

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY:

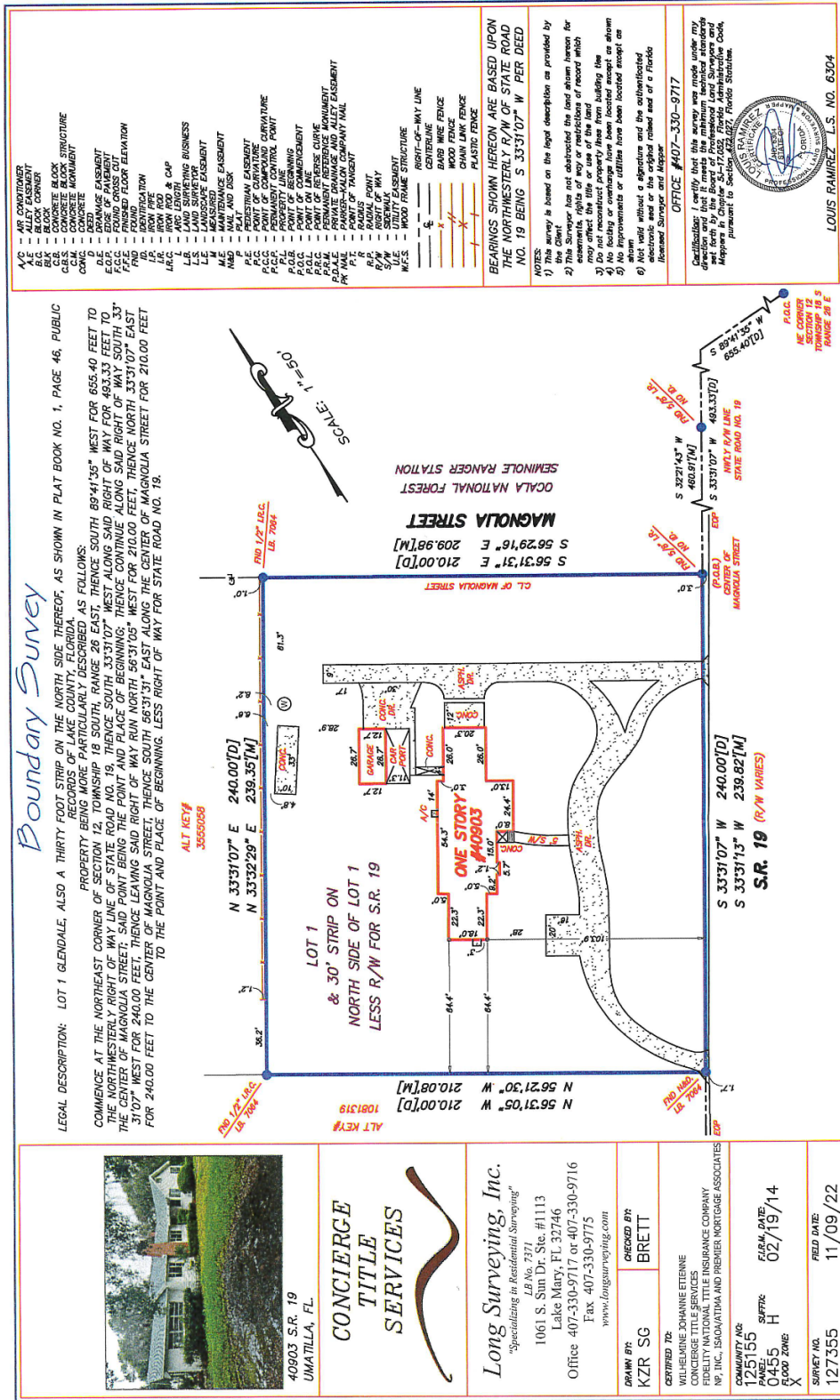
MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A" – Legal Description

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*LEGAL DESCRIPTION: LOT 1 GLENDALE, ALSO A THIRTY FOOT STRIP ON THE NORTH SIDE THEREOF, AS SHOWN IN PLAT BOOK NO. 1, PAGE 46, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 18 SOUTH, RANGE 26 EAST, THENCE SOUTH 89°41'35" WEST FOR 655.40 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 19, THENCE SOUTH 33°31'07" WEST ALONG SAID RIGHT OF WAY FOR 493.33 FEET TO THE CENTER OF MAGNOLIA STREET; SAID POINT BEING THE POINT AND PLACE OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY SOUTH 33°31'07" WEST FOR 240.00 FEET, THENCE LEAVING SAID RIGHT OF WAY RUN NORTH 56°31'05" WEST FOR 210.00 FEET, THENCE NORTH 33°31'07" EAST FOR 240.00 FEET TO THE CENTER OF MAGNOLIA STREET, THENCE SOUTH 56°31'31" EAST ALONG THE CENTER OF MAGNOLIA STREET FOR 210.00 FEET TO THE POINT AND PLACE OF BEGINNING. LESS RIGHT OF WAY FOR STATE ROAD NO. 19.*

Exhibit "B" - Concept Plan



40903 S.R. 19
UMATILLA, FL



Long Surveying, Inc.
"Specializing in Residential Surveying"
1061 S. Sun Dr. Ste. #1113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
www.longsurveying.com

CREATED BY: KZR SG
CHECKED BY: BRETT
CERTIFIED TO: WILHELMINE JOHANNE ETIENNE
CONCIERGE TITLE SERVICES
FIDELITY NATIONAL TITLE INSURANCE COMPANY
#1, INC., ISAONATHA AND PREMIER MORTGAGE ASSOCIATES

COMMUNITY NO: 125155
PANEL: 0455
SUFFIX: H
ELEVATION: 02/19/14
GRID ZONE: X
SURVEY NO: 127355
FIELD DATE: 11/09/22