



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: November 10, 2022

Case No. and Project Name: VAR-22-40-2 Ashley Furniture Clermont

Applicant: Kevin Letch (Ashley Global Retail, LLC c/o the Sembler Company)

Owner: PKY Clermont Owners, LLC

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 15.02.09, Clermont Joint Planning Area Parking Requirements, to allow a reduction in required parking spaces from one (1) parking space per 200 square-feet of floorspace to one (1) parking space per 600 square-feet of floorspace for a proposed Ashley furniture store.

Case Manager: Ryan Winkler, Senior Planner

### Subject Property Information

Size: 28.00 +/- acres parent parcel [5.12 +/- acres development site]

Location: Southwest corner of the intersection of State Road 50 and Magnolia Point Blvd

Alternate Key No.: A portion of 2664754

Future Land Use: Urban Low Density (Attachment "A")

Current Zoning District: Planned Unit Development (PUD) (Attachment "B")

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Clermont Joint Planning Area (JPA)  
City of Clermont Interlocal Service Boundary Area (ISBA)  
City of Clermont Utility Service Area (USA)

Overlay Districts: Lake Apopka Basin Overlay District  
State Road 50 Major Commercial Corridor

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Clermont	City of Clermont	Commercial	Commercial uses within City of Clermont; adjacent to SR 50
South	Urban Low Density	Planned Unit Development (PUD)	Residential	John's Lake Landing Phase 6
East	City of Clermont	City of Clermont	Commercial	Commercial uses within City of Clermont; adjacent to Magnolia Pointe Blvd
West	Urban Low Density	Planned Unit Development (PUD)	Vacant, Residential	John's Lake Landing Phase 7

### Summary of Request.

The subject 28.00 +/- acre parcel is identified by Alternate Key Number 2664754, the development site consists of approximately 5.12 acres; the parcels are zoned Planned Unit Development (PUD) by Ordinance #2021-32; and are designated with an Urban Low Density Future Land Use Category (FLUC). The parcels are located within the Lake Apopka Basin Overlay District and the State Road 50 Major Commercial Corridor. The parcels are currently vacant but are anticipated to be developed with commercial uses for the John's Lake Landing Phase 7, which includes a proposed Ashley furniture retail store on Parcel D of the Master Site Plan (Attachment "A")

The applicant has submitted a Variance request to LDR Section 15.02.09 to allow for a reduction in required parking spaces from one (1) parking space per 200 square-feet of floorspace to one (1) parking space per 600 square-feet of floorspace for a proposed Ashley furniture store. The proposed furniture store will contain approximately 55,645 square-feet, and would be required to provide 279 parking spaces under LDR Section 15.02.09, which specifies the parking requirements for the City of Clermont Joint Planning Area (JPA). The Concept Plan (Attachment "B") proposes 186 parking spaces, based on the justification and findings of the Parking Analysis (Attachment "C") provided by the applicant. Following the Board of Adjustment (BOA) determination of the Variance request, the Applicant anticipates submitting an application for Major Site Plan review and approval to develop the subject parcels for the Ashley furniture commercial retail store.

Pursuant to Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category, the maximum impervious surface ratio shall be 60% and the maximum floor area ratio (FAR) shall be 35%. The Applicant will be required to submit a development application for site plan review demonstrating the Ashley furniture development will not exceed the 60% maximum ISR.

The subject parcel is located within the City of Clermont JPA; therefore, variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont did not provide any comments.

### Staff Analysis.

**LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.**

**1. The purpose of the Land Development Regulation will be or has been achieved by other means.**

The regulations contained within Chapter 15.02.00 specifically apply to properties which lie within the City of Clermont JPA.

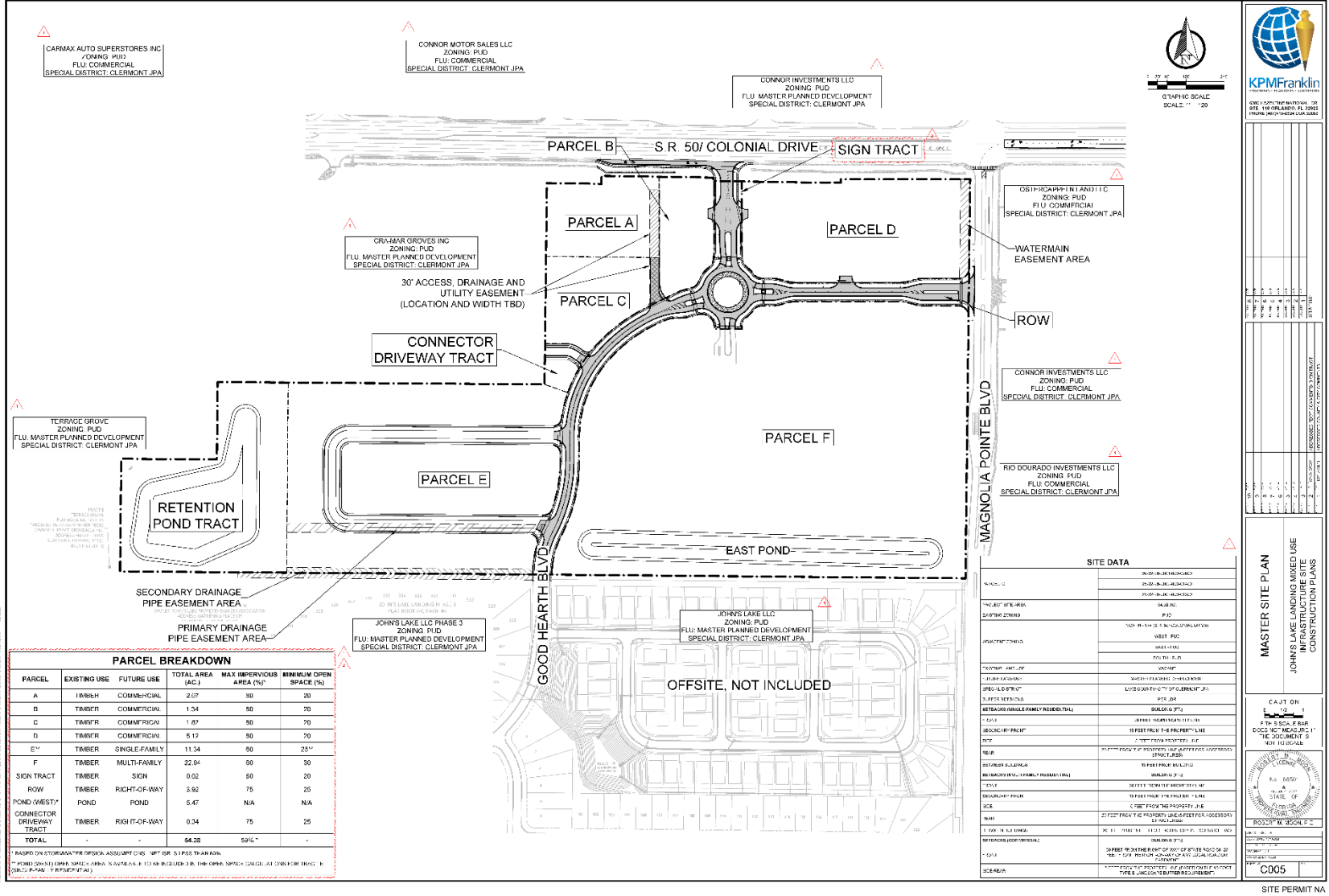
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Because we are in the JPA (Joint Planning Area) we are using the City of Clermont parking and landscape island dimensional requirements and maximizing the number parking spaces within the area available. The purposed [sic] of the applicable section of the land development regulation is to provide for appropriate and reasonable parking for a structure's particular use. Because of the nature of greatly reduced traffic for furniture stores, the requested parking space variance request is appropriate in that it exceed full and complete automobile parking for a peak furniture store customer volume day (see Parking Analysis provided with internal reference to Institute of Transportation Engineers report)."*

**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

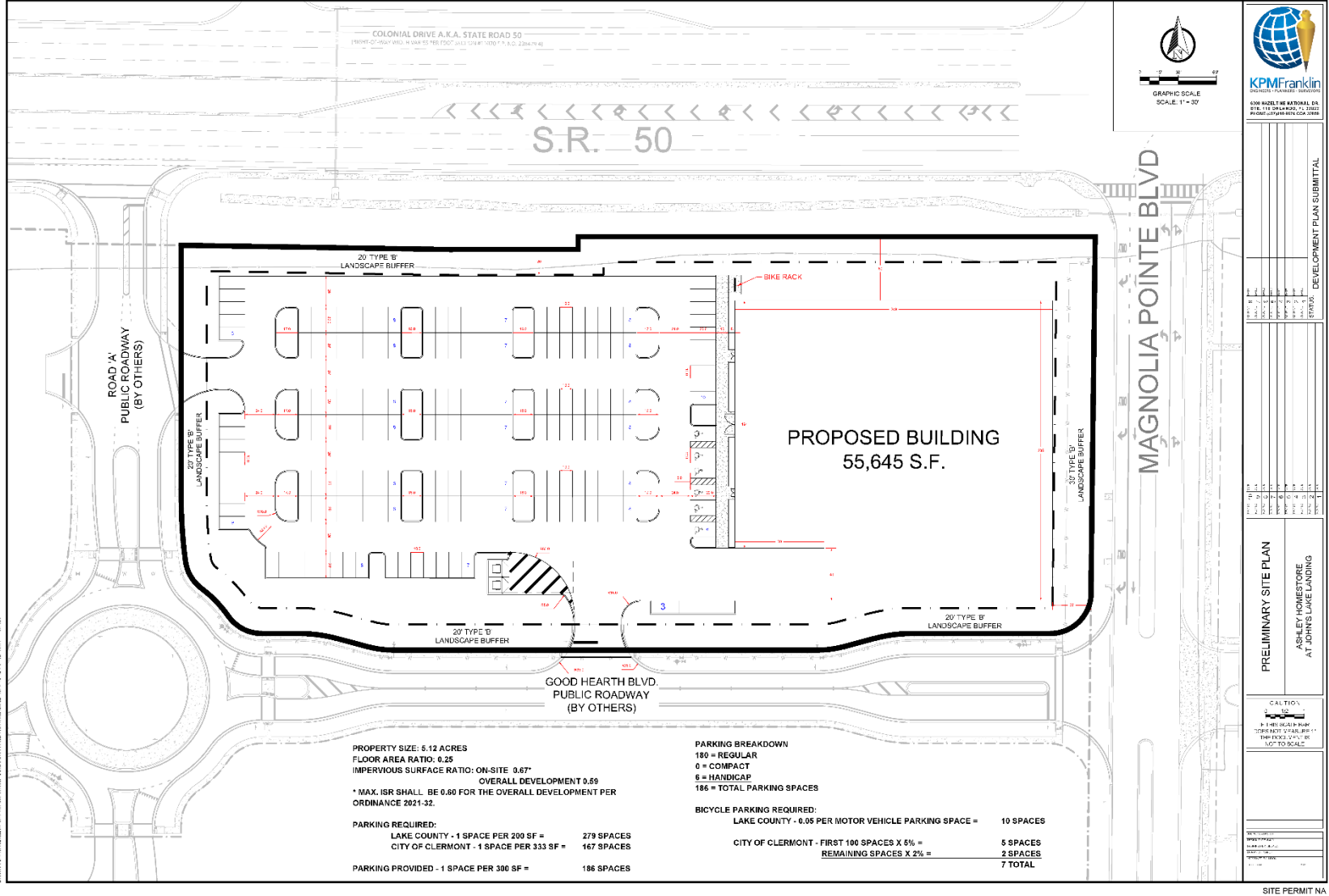
LDR Section 14.15.01 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *“This property is located within the Lake County/City of Clermont JPA (Joint Planning Area) and we are required to meet the City of Clermont parking and landscape island dimensional requirements which are larger than Lake County therefore we unable to meet the required number of parking spaces and therefore the County required parking ratio. Furthermore, because of the nature of furniture stores’ generally large size yet small customer traffic (as reported by the Institute for Transportation Engineers; see attached report), the additional parking is unnecessary and wasteful for this type of use. Reduced parking for furniture stores is a new prevailing doctrine for better development and use of land resources (Institute of Transportation Engineers). Developing the additional parking spaces would result in unnecessarily increased impervious surface area with related additional stormwater runoff as well as unnecessary additional heat island effect.”*

# Attachment "A" – Johns Lake Landing Phase 7 Master Site Plan



# Attachment "B" – Concept Plan



# Attachment "C" – Justification (Page 1 of 9)



## PARKING ANALYSIS ASHLEY HOMESTORE, LAKE COUNTY

### INTRODUCTION

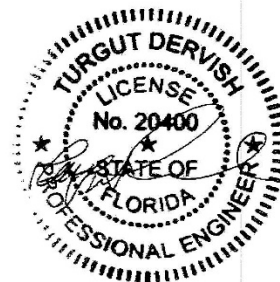
This parking analysis was conducted to review the parking generation for furniture stores in order to determine the parking requirements for a proposed Ashley Homestore in Lake County. This Ashley furniture store is located on the southwest corner of SR 50 and Magnolia Pointe Boulevard. The furniture store will consist of 55,645 square feet. **Figure 1** depicts the preliminary site plan and the proposed parking configuration.

A total of 186 parking spaces are proposed which includes 6 ADA accessible spaces. This represents 3.34 spaces per 1,000 square feet which is less than the County's requirement of 5.0 spaces per 1,000 square feet. The purpose of this analysis is to establish the parking requirement that will adequately serve the proposed project and to support a request for a parking ratio variance to reduce the required parking spaces.

### PARKING GENERATION ANALYSIS

Based on County Land Development Code (LDC) standards, the off-street parking requirements for furniture stores is five (5) spaces per 1,000 square feet. For the Ashley Homestore, this results in a requirement of 278 parking spaces. The Applicant believes that this parking requirement is excessive for his development and will request a variance to reduce the required parking spaces.

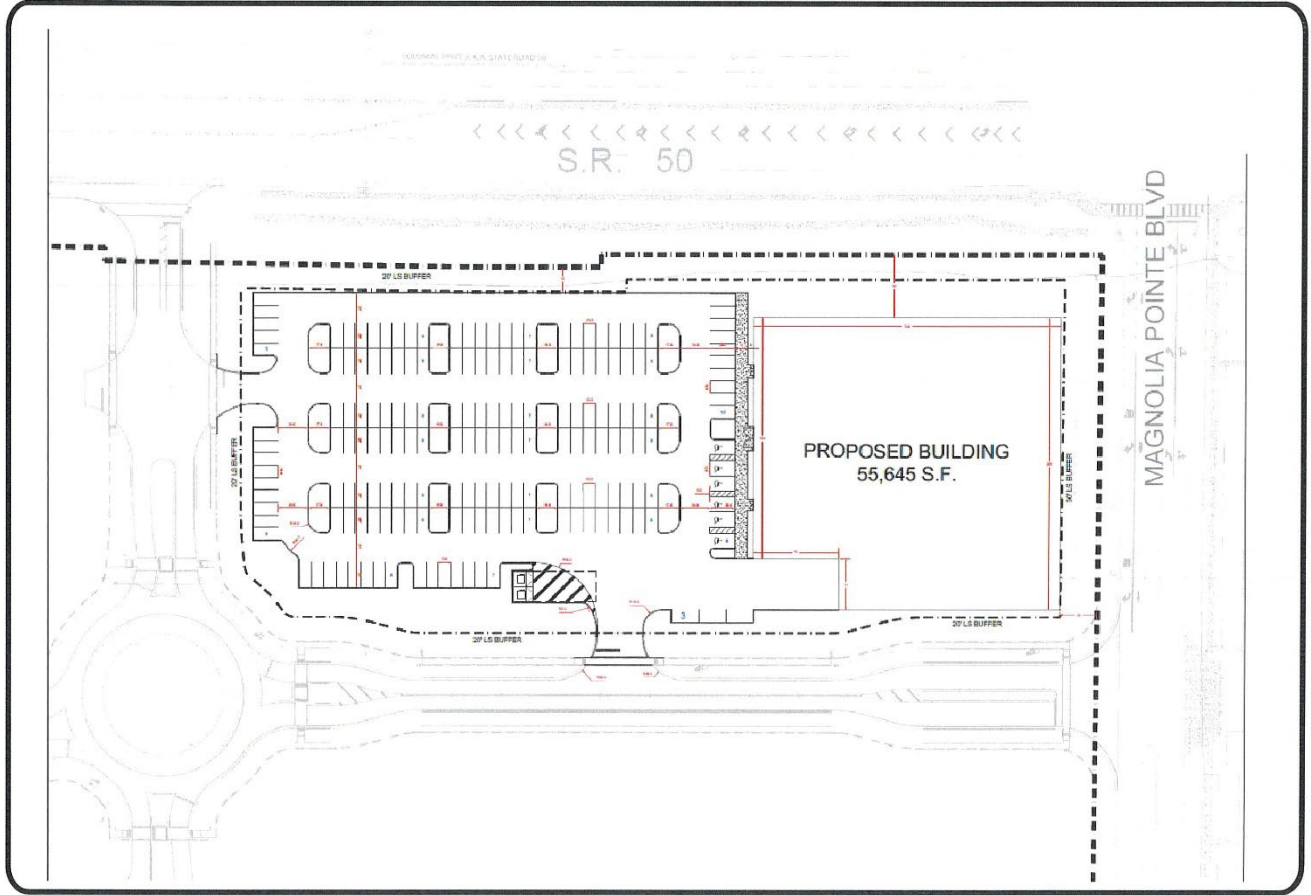
TPD # 5677  
July 20, 2022



**Traffic Planning and Design, Inc.**

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.ipdtraffic.com

# Attachment "C" – Justification (Page 2 of 9)



Ashley Homestore  
Project № 5677  
Figure 1

*Preliminary Site Plan*



## Attachment "C" – Justification (Page 3 of 9)

Ashley Homestore/Parking Analysis  
TPD No 5677  
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Page 3

### Alternative Parking Calculation

The following alternative parking calculation was made based upon parking data compiled by the Institute of Transportation Engineers (ITE). The Institute of Transportation Engineers (ITE) provides parking generation data in its 5<sup>th</sup> Edition of the Parking Generation Report. The parking generation data provided consist of average peak period and 85<sup>th</sup> percentile parking generation for furniture stores as follows:

- ITE Code 890 Furniture Store
  - On a weekday urban/suburban location
    - 0.48 spaces per 1,000 SF (average rate)
    - 0.86 spaces per 1,000 SF (85<sup>th</sup> percentile)
    - Range of Rates 0.36-0.88
  - On a Saturday urban/suburban location
    - 0.96 spaces per 1,000 SF (average rate)
    - 1.58 spaces per 1,000 SF (85<sup>th</sup> percentile)
    - Range of Rates 0.76-1.64
  - On a Sunday urban/suburban location
    - 1.43 spaces per 1,000 SF (average rate)

The ITE parking generation data were obtained from surveys at a total of six sites in a general urban/suburban setting. The average parking supply at these sites was 2.8 spaces per 1,000 square feet.

Utilizing the highest average peak or 85<sup>th</sup> percentile parking generation of 1.58 spaces per 1,000 square feet results 88 parking spaces. Using the highest observed parking generation of 1.64 spaces per 1,000 square feet results in 91 parking spaces. Pertinent ITE pages are included in **Appendix A**.



## Attachment "C" – Justification (Page 4 of 9)

Ashley Homestore/Parking Analysis  
TPD No 5677  
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### **CONCLUSIONS AND RECOMMENDATIONS**

The Lake County LDC parking standards for furniture stores require a rate of 5.0 parking spaces per 1,000 square feet of building area. This results in a requirement of 278 parking spaces for the proposed Ashley Homestore. This requirement is believed to be high, and a parking ratio variance is being requested to reduce the parking ratio from 5.0 spaces to 3.34 spaces per 1,000 square feet.

The Institute of Transportation Engineers (ITE) has specific peak parking rates ranging from 0.76 spaces to 1.64 spaces per 1,000 square feet of building area for furniture stores. Using the highest parking rate of 1.64 results in 91 spaces. The Applicant is proposing to provide 186 parking spaces.

Based upon the information provided herein for purposes of the variance, it is recommended that the Applicant's variance request be accepted by the County.

# Attachment "C" – Justification (Page 5 of 9)

**Appendix A**

# Attachment "C" – Justification (Page 6 of 9)

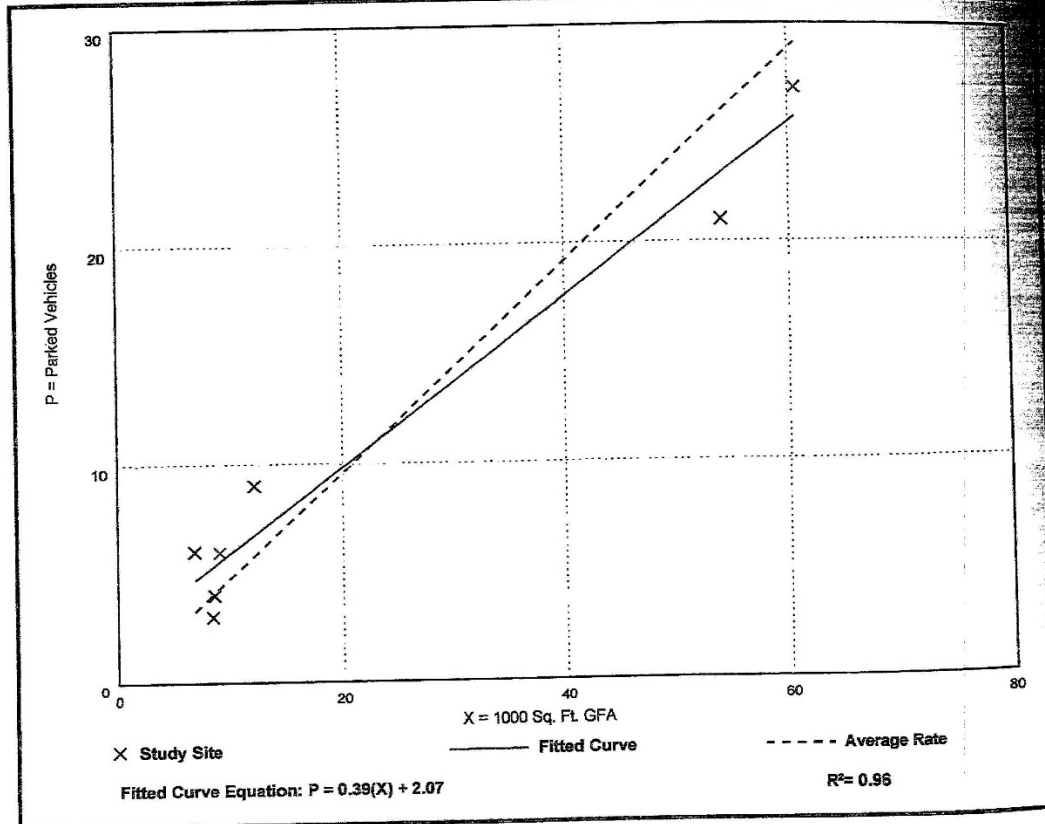
## Furniture Store (890)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**  
**On a: Weekday (Monday - Friday)**  
**Setting/Location: General Urban/Suburban**  
**Peak Period of Parking Demand: 12:00 - 5:00 p.m.**  
**Number of Studies: 7**  
**Avg. 1000 Sq. Ft. GFA: 23**

### Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.48	0.36 - 0.88	0.43 / 0.86	***	0.15 (31%)

### Data Plot and Equation



# Attachment "C" – Justification (Page 7 of 9)

## Furniture Store (890)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 2:00 - 4:00 p.m.

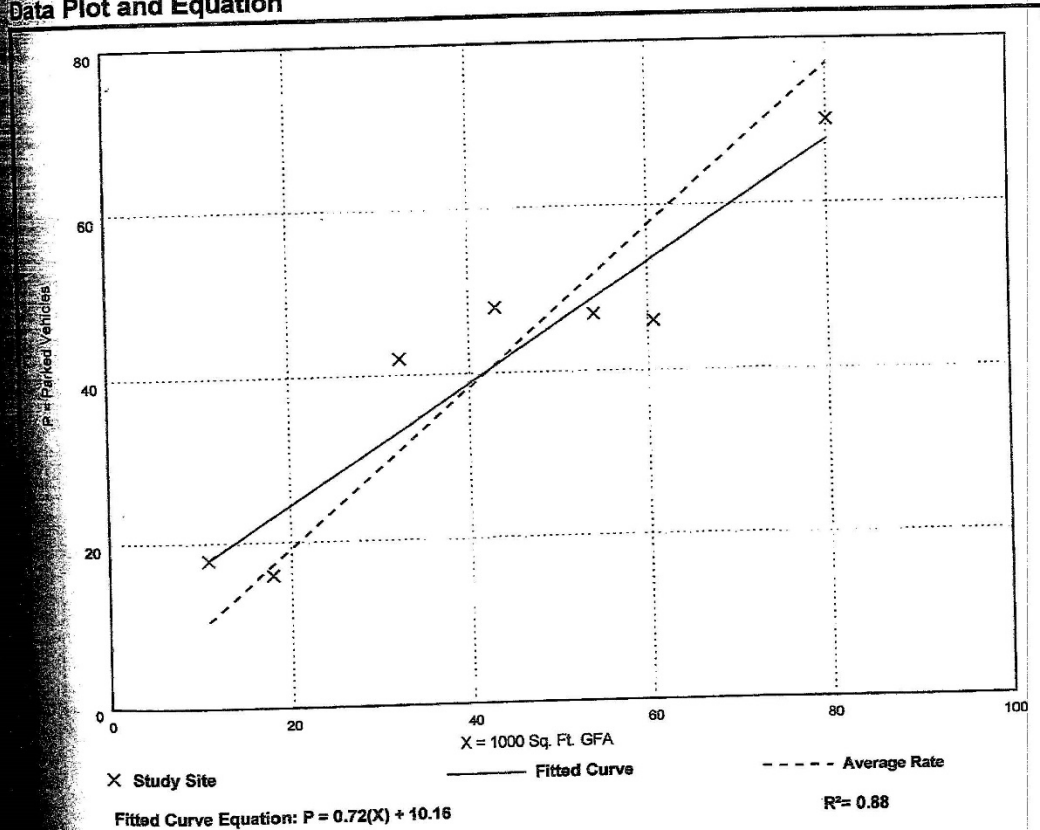
Number of Studies: 7

Avg. 1000 Sq. Ft. GFA: 43

### Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.96	0.76 - 1.64	0.87 / 1.58	***	0.23 ( 24% )

### Data Plot and Equation



# Attachment "C" – Justification (Page 8 of 9)

## Furniture Store (890)

**Peak Period Parking Demand vs: 1000 Sq. Ft. GFA**

On a: **Sunday**

**Setting/Location: General Urban/Suburban**

Peak Period of Parking Demand: 12:00 - 2:00 p.m.

Number of Studies: 1

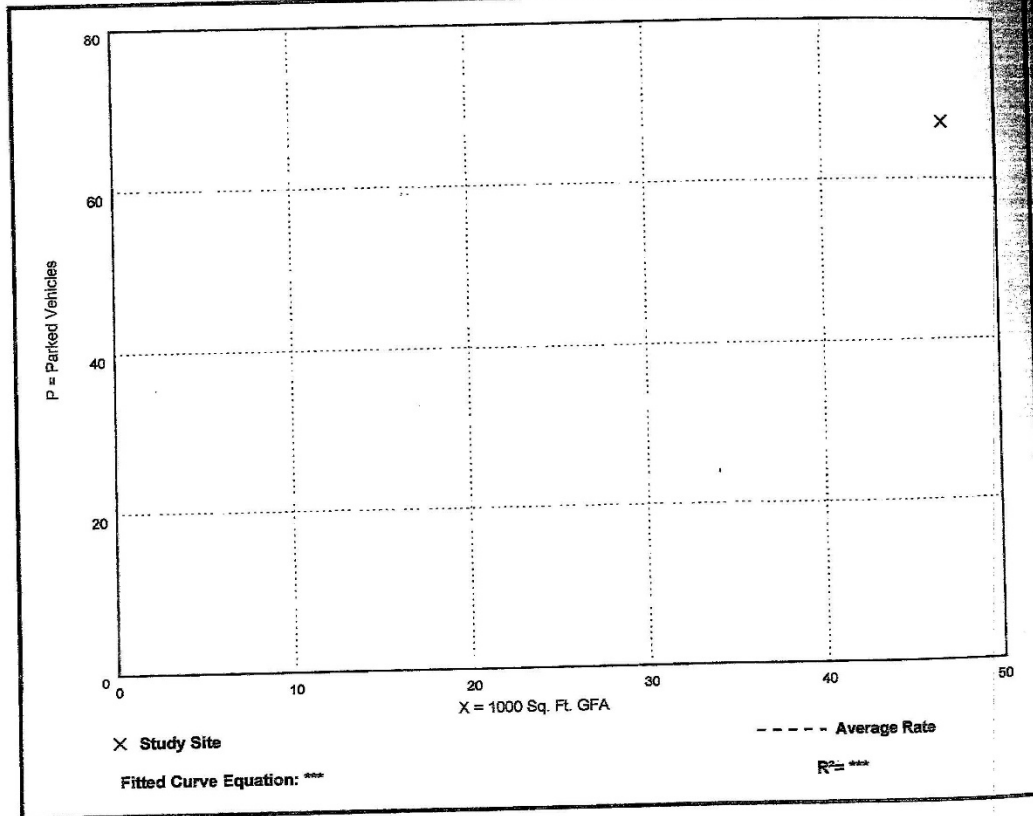
Avg. 1000 Sq. Ft. GFA: 47

### Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.43	1.43 - 1.43	*** / ***	***	*** (***)

### Data Plot and Equation

*Caution – Small Sample Size*



## Attachment "C" – Justification (Page 9 of 9)

### **Additional Data**

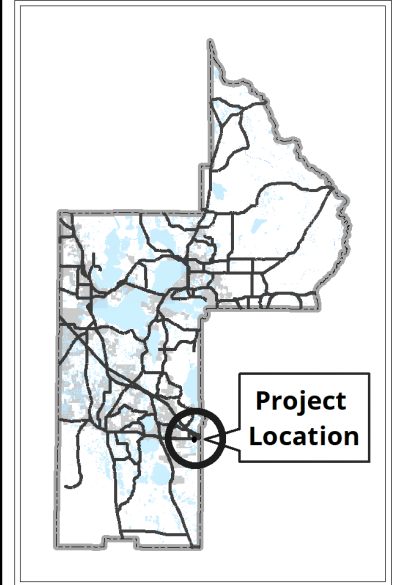
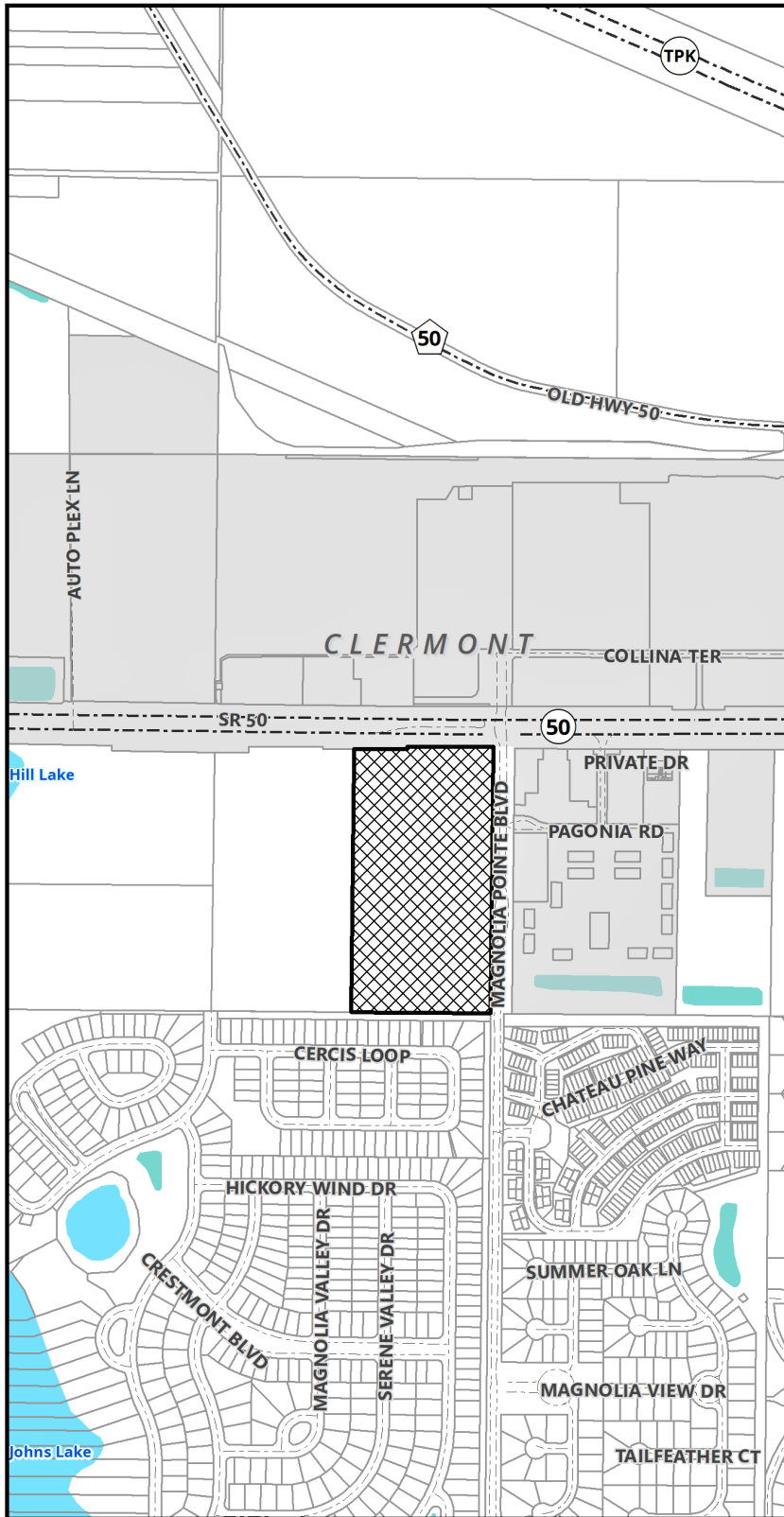
The average parking supply ratio for the six study sites in a general urban/suburban setting with parking supply information is 2.8 spaces per 1,000 square feet GFA. One site in a dense multi-use urban setting has a parking supply ratio of 0.5 spaces per 1,000 square feet GFA.

The sites were surveyed in the 1990s, the 2000s, and the 2010s in Massachusetts, Oregon, and Texas.

### **Source Numbers**

206, 274, 278, 436, 566, 567

# Map of Subject Property

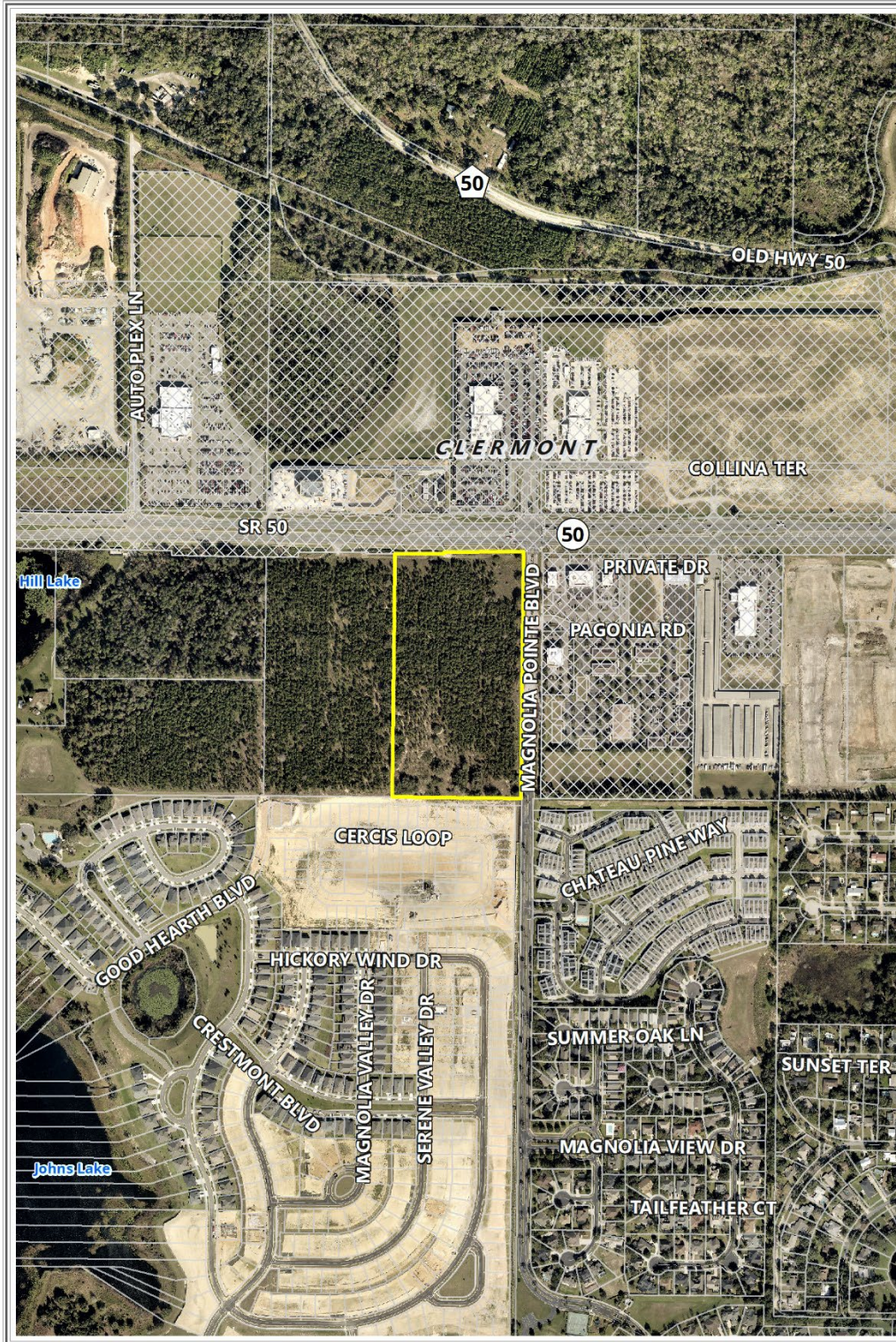
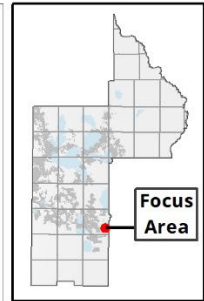




# AERIAL MAP OF PROPERTY



VAR-22-40-2  
Ashley Furniture Property



Parking Requirements  
Adjustment



**Final Development Order  
VAR-22-40-2  
Ashley Furniture Clermont**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Kevin Letch, an agent of Ashley Global Retail c/o the Sembler Company (the “Applicant”) on behalf of PKY Clermont Owners, LLC (“the Owners”), requested a Variance to Lake County Land Development Regulations (LDR) Section 15.02.09, *Clermont Joint Planning Area Parking Requirements*, to allow a reduction in required parking spaces from one (1) parking space per 200 square-feet of floorspace to one (1) parking space per 600 square-feet of floorspace, for a proposed Ashley Furniture store; and

**WHEREAS**, the subject property consists of 28.00 +/- acres and is generally located at the southwest corner of the intersection of State Road 50 and Magnolia Point Boulevard, in the unincorporated Clermont area of Lake County, Florida, in Section 26, Township 22 South, Range 26 East, having Alternate Key Number 2664754, and more particularly described in Exhibit “A” – Legal Description; and

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on November 10, 2022; and

**WHEREAS**, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on November 10, 2022, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-22-40-2 to allow a reduction in required parking spaces from one (1) parking space per 200 square-feet of floorspace to one (1) parking space per 600 square-feet of floorspace, for a proposed Ashley Furniture store.

**Section 2. 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 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 10th day of November 2022.**

**EFFECTIVE November 10, 2022.**

**BOARD OF ADJUSTMENT**

**LAKE COUNTY, FLORIDA**

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**James Argento, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 10th day of November 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature**

**(SEAL)**

### **Exhibit "A" – Legal Description**

The West 1/2 of the SW 1/4 of the NW 1/4 of Section 25, Township 22 South, Range 26 East, less right-of-way for State Road 50, A/K/A Lots 24 and 25, Map of Section 25, Township 22 South, Range 26 East, Lake Highlands Company, according to the Plat thereof as recorded in Plat Book 3, Page 50, Public Records of Lake County, Florida, less right-of-way for State Road 50.

TOGETHER WITH access, ingress, egress and utilities rights set forth in that certain Easement Agreement for Ingress, Egress, Utilities and Signage recorded March 16, 2006 in Book 3111, Page 1287, Public Records of Lake County, Florida.

TOGETHER WITH ingress, egress, access and utilities rights set forth in that certain Underground Utility Easement Agreement recorded April 19, 2013 in Book 4311, Page 1674, Public Records of Lake County, Florida.