

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
January 7, 2014



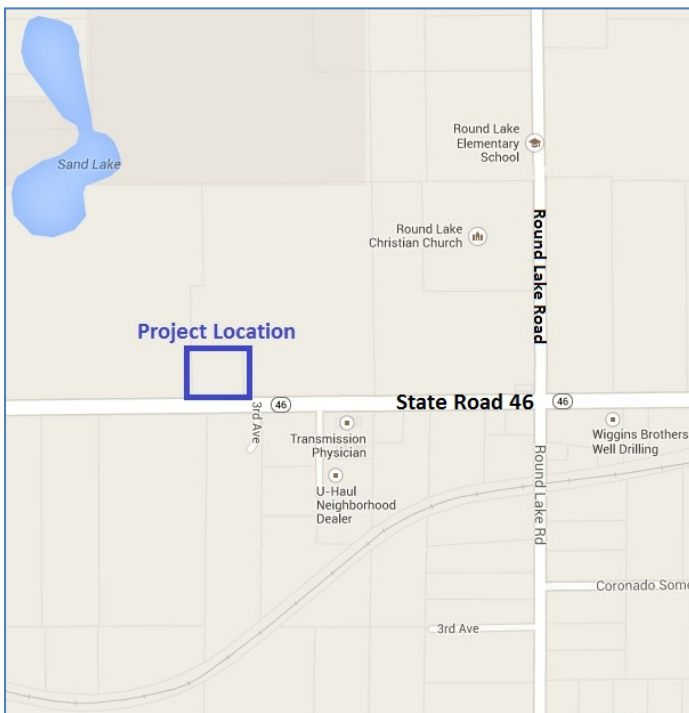
BOARD OF COUNTY COMMISSIONERS
January 28, 2014

PH #1-14-4 Loomis Property	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Owner/Applicant: James Loomis (the "Owner/Applicant")

Requested Action: Rezone property from Agriculture (A) to Planned Commercial (CP) for Professional Office uses, to include a Funeral Home.

- Site Location & Information -



Size	2.11 +/- acres	
Location	Mount Dora area, North of SR 46, west of Round Lake Road	
Alternate Key #	1708940	
Future Land Use	Regional Office, (Wekiva Study Area)	
	Existing	Proposed
Zoning District	A	CP
Impervious Surface Ratio	0.10 max	0.70 max
Floor Area Ratio	0.10 max	2.0 max
Joint Planning Area	Mount Dora	
Utility Area:	N/A	
Site Utilities	Existing well and septic system	
Road Classification	SR 46 - Rural Principal Arterial Round Lake Road - Rural Minor Collector	
Flood Zone/ FIRM Panel	X/390	
Commissioner District	4 (Campione)	

Approximate site location outlined in Blue

Site Visit December 19, 2013
Sign Posted December 19, 2013 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Office	Agriculture (A)	Orange Grove	
South	Regional Office	Light Industrial	Truck Service Shop, Vacant Parcel	
East	Regional Office	Agriculture (A)	Orange Grove	
West	Regional Office	Agriculture (A)	Orange Grove	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone a 2.11 acre property from Agriculture (A) to Planned Commercial (CP) for Professional Office uses to include a Funeral Home.

The subject property is located in the Mount Dora area, North of SR 46, West of Round Lake Road. The property currently has an existing residence which will be used for the proposed Funeral Home and Professional Office uses. The Applicant has indicated that no expansions/additions will be performed to the existing building, and that only interior improvements will be made, unless the Applicant is required to make any changes to the exterior pursuant to laws and regulations.

The proposed rezoning request is consistent with the Comprehensive Plan and the Land Development Regulations (LDR), which permit general office uses in the Regional Office Future Land Use Category (FLUC) and professional office uses in the CP Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*. The property is located within the Wekiva Study Area.

- 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;

The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits professional office uses in the CP Zoning District. The requested use of a funeral home is permitted by LDR Section 3.01.02 *Classification of Uses* (subsection C.12) under professional office.

Adjacent orange grove along the western and eastern property line encroach into the subject property. In recognition of this situation, an ordinance condition is proposed to allow the use of the existing vegetation where possible, within these landscape buffer areas. A condition has been included in the proposed ordinance indicating that existing trees/vegetation (orange grove) shall be preserved and maintained, and that if the orange grove is removed, then landscaping shall be provided consistent with the LDR, as amended. The north portion of the property contains existing trees that will serve to screen the property if necessary; therefore no landscape buffer is being required.

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

The CP zoning request is consistent with Comprehensive Plan Policy I-1.3.6, "*Regional Office Future Land Use Category*", as general office uses are allowable in the Regional Office FLUC.

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

The property, which is located within the Regional Office FLUC, is surrounded at the north, west and south by orange groves, and by State Road 46 to the south. Across State Road 46 to the south, there is a truck maintenance facility and a vacant property. As shown in the map below, the immediate properties to the south of State Road 46 are characterized by industrial, office and commercial uses. There are no single family residences in a 1,000 feet radius from the subject property. Based on this assessment, the proposed ordinance includes a waiver to the LDR requirements for a noise study for the Professional Office uses. Changing the use of the site to CP is consistent with the Regional Office future land use and the existing uses on the south side of SR 46.



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

The 2030 Comprehensive Plan designated this area as Regional Office. The Applicant seeks to establish professional office uses on the property and to use the existing residence as a funeral home that will provide services to the community.

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/Sewage - The property is being served by an existing well and septic system. As indicated by the City of Mount Dora there is no central water and sewer available to this property.

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of SR 46 is "C", with a capacity of 710. This segment of roadway Vista View to Round Lake Road is currently operating at one hundred percent (100%) of its capacity during the peak hour in the peak direction. This project will be generating six (6) peak hour trips; with five (5) directional pm peak hour trips with no increase to the volume to capacity (v/c) ratio. Currently there are no State funded improvements scheduled for this roadway segment. Applicant will be required to complete an exemption of full traffic study prior to site plan approval. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use.

Fire and Emergency Services - The subject parcel is approximately 4 miles from Lake County Fire Station 39 (closest fire station), located at 31431 Walton Heath, Sorrento.

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

The parcel is currently developed and no adverse impacts on the natural environment are anticipated.

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

The application does not include any information regarding effect of the proposed rezoning on area 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 proposed rezoning will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

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.

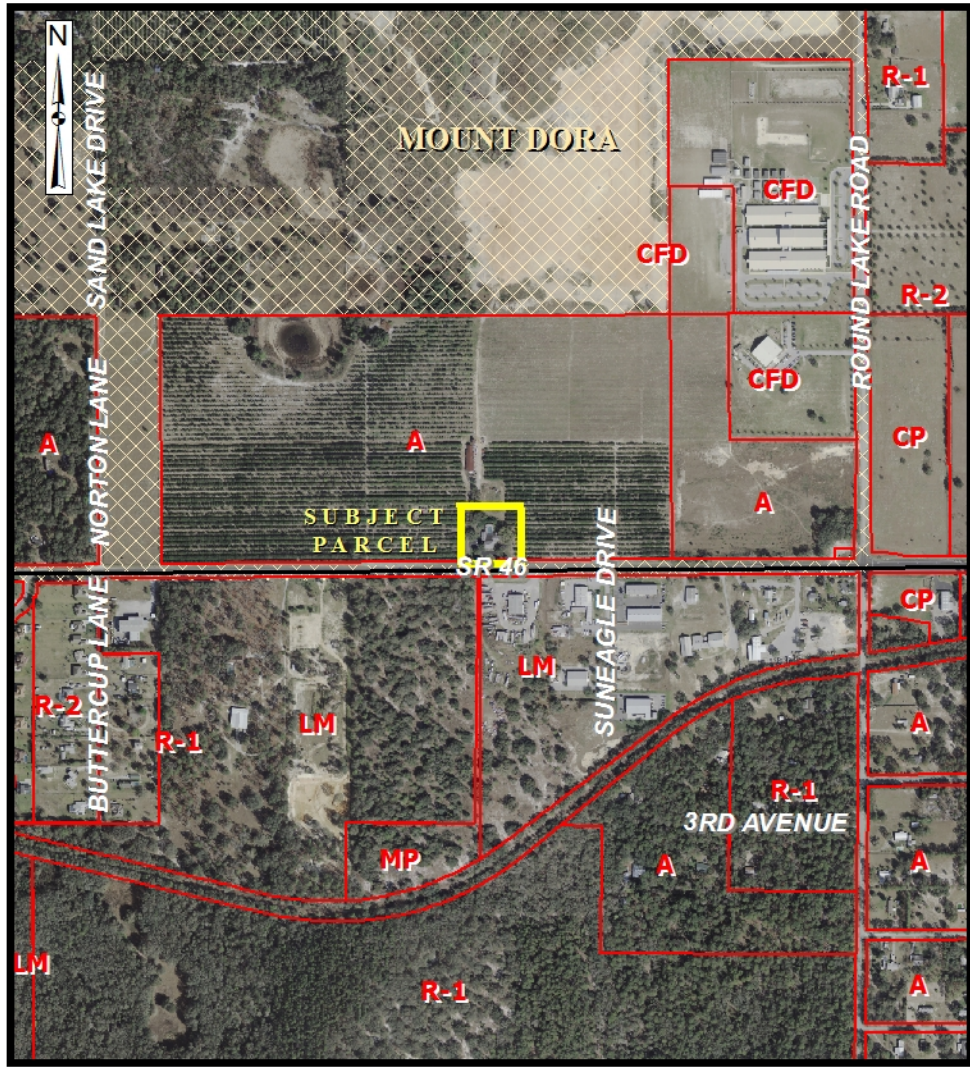
N/A.

FINDINGS OF FACT: Staff has reviewed the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.3.6 as general office uses are allowable and conforms to the general land use criteria and activities of the Regional Office Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits professional office uses in the CP Zoning District. The requested use of a funeral home is permitted by LDR Section 3.01.02 *Classification of Uses* (subsection C.12) under professional office.

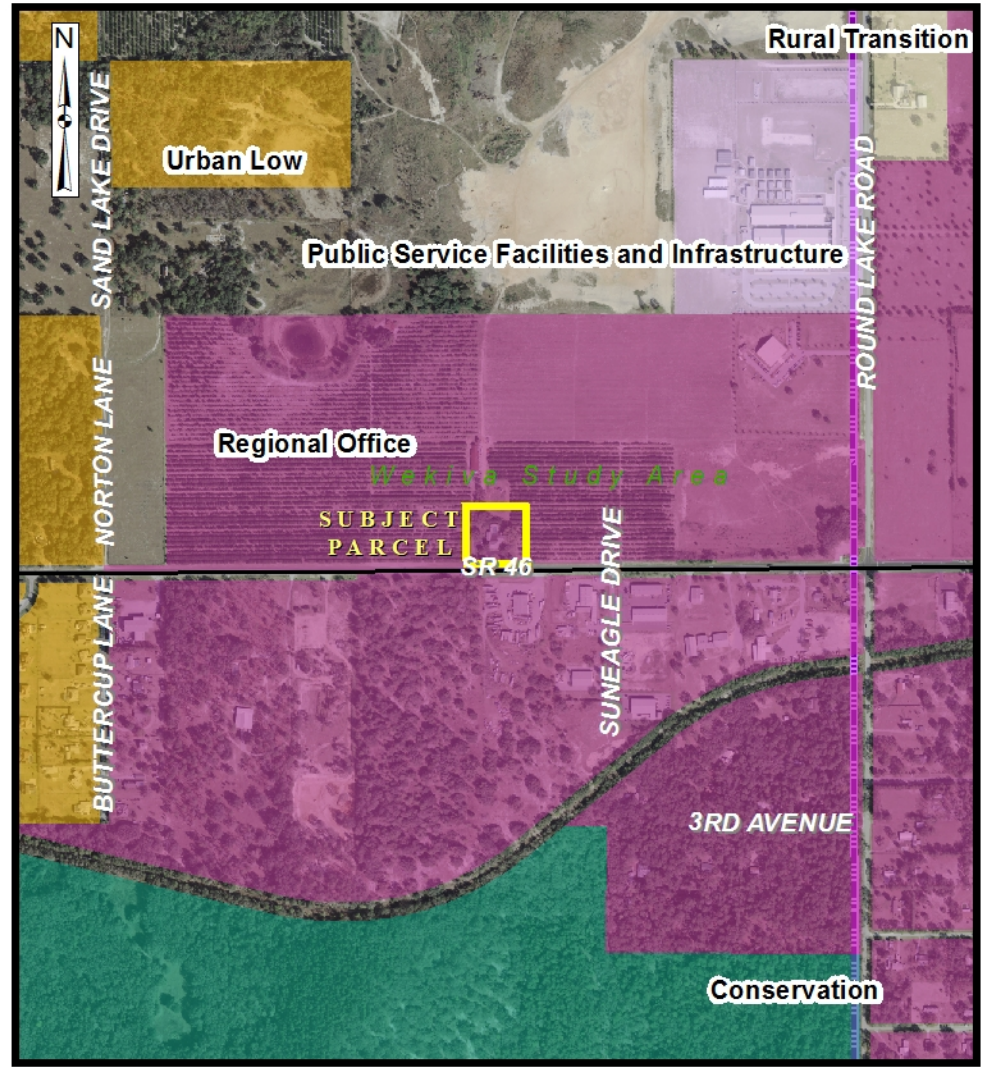
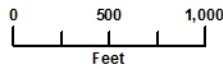
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**



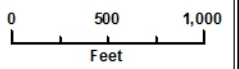
CURRENT ZONING

AGRICULTURE (A)



ADOPTED FUTURE LAND USE

REGIONAL OFFICE



LOOMIS CP REZONING

CASE NO.
PH #1-14-4

CASE LOCATION:
T19S, R27E, S27

REQUESTING:

Rezone property from A to Planned Commercial (CP) for Professional Office uses including a Funeral Home.

 **ZONING**

 **LAND USE**

 **SUBJECT PARCEL**

DATA SOURCES:

Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA



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**ORDINANCE #2014-XX
Loomis Property
PH #1-14-4**

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

WHEREAS, James Loomis (the "Applicant/Owner") made a request to rezone property from Agriculture (A) to Planned Commercial (CP) for Professional Office uses; and

WHEREAS, the subject property consists of 2.11 +/- acres and is generally located in the Mount Dora area, North of SR 46, West of Round Lake Road, in Section 27, Township 19 South, Range 27 East, having Alternate Key Number 1708940, and more particularly described below:

LEGAL DESCRIPTION:

THE EAST 100 FEET OF THE SOUTH 330 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE WEST 210 FEET OF THE SOUTH 330 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; ALL OF THE ABOVE LYING AND BEING IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT OF WAY.

WHEREAS, the subject property is located within the Regional Office Future Land Use Category, and within the Wekiva Study Area as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #1-14-4 on January 7, 2014, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on January 28, 2014; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & 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; and

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 Official Zoning Map to reflect Planned Commercial (CP) Zoning in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the "Conceptual Plan" (Survey) attached hereto as Exhibit "A". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

- A. Land Uses:
 - 1. Funeral Home and other Professional Office uses.

- 1 Accessory uses directly associated with the above uses may be approved by the County Manager
2 or designee. Any other use of the site not specified above shall require approval of an amendment
3 to this Ordinance by the Board of County Commissioners.
- 4 B. Specific Conditions:
- 5 1. A site plan application is required for review and approval prior to initiating any Professional Office
6 use and for any other future development.
- 7 2. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
8 access.
- 9 3. Noise: A noise study will not be required for the development of Professional Office uses. Public
10 Address Systems or similar amplification devices shall not be installed or used.
- 11 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
12 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 13 D. Landscaping, Buffering, and Screening:
- 14 1. West and East Landscape Buffers: Existing trees/vegetation (orange grove) shall be preserved and
15 maintained. At site plan application, a plan showing existing trees/vegetation shall be provided. If
16 the orange grove is removed at any point after the approval of this Ordinance, a landscape plan
17 shall be provided consistent with the LDR, as amended.
- 18 2. Northern Landscape Buffer: No buffer required.
- 19 3. All other landscape buffer requirements shall be in accordance with the LDR, as amended. Existing
20 trees and shrubs may be used to meet the landscape buffer requirements in accordance with the
21 LDR, as amended.
- 22 E. Transportation Improvements/Access Management: Access management shall be in accordance with
23 the LDR, as amended.
- 24 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
25 Sky Principles.
- 26 G. Signage: Signs shall be in accordance with the LDR, as amended.
- 27 H. Concurrency Management Requirements: Any development shall comply with the Lake County
28 Concurrency Management System, as amended.
- 29 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
30 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
31 LDR, as amended.
- 32 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
33 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
34 Lake County Land Development Regulations shall include any future amendments to the Statutes,
35 Code, Plans, and/or Regulations.

1 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

2 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
3 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
4 the Board of County Commissioners.

5 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
6 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
7 boundaries of the above described land without first obtaining the necessary approvals in accordance
8 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
9 governmental agencies.

10 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
11 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
12 successor, and shall be subject to each and every condition herein set out.

13 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
14 and other governmental permitting agencies.

15 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
16 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
17 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
18 purchaser or lessee may request a change from the existing plans and conditions by following
19 procedures contained in the Land Development Regulations, as amended.

20 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
21 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
22 to recommend that the ordinance be revoked.

23 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
24 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
25 affect the validity of the remaining portions of this Ordinance.

26 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
27 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
28 with Section 125.66, Florida Statutes.

1 Section 5. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this _____ day of _____, 2014.

3 FILED with the Secretary of State _____, 2014.

4 EFFECTIVE _____, 2014.

5 BOARD OF COUNTY COMMISSIONERS
6 LAKE COUNTY, FLORIDA

7 _____
8 JIMMY CONNER, Chairman

9 ATTEST:

10 _____
11 NEIL KELLY, Clerk of the
12 Board of County Commissioners
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

15 _____
16 SANFORD A. MINKOFF, County Attorney
17

