

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

Planning and Zoning Board
January 7, 2015



Board of County Commissioners
January 27, 2015

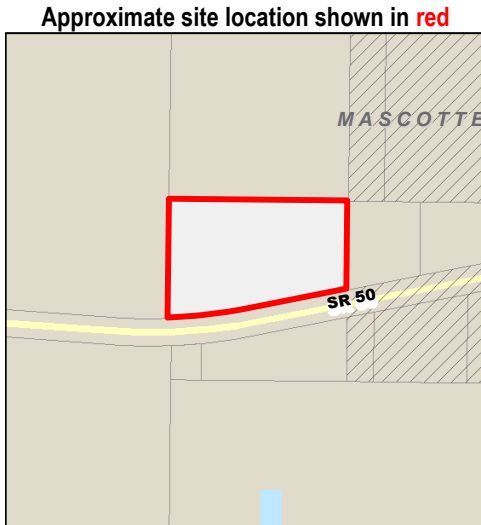
PH #29-14-1 Parramore and Marra Property Rezoning	Case Manager: Michele Janiszewski, Planner	Agenda Item #1
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Owners: William Parramore and Joseph Marra, Sr. (the “owners”)

Applicant: William Parramore (the “applicant”)

Requested Action: Revoke Planned Commercial (CP) Zoning Ordinance #2001-84 and establish a Planned Industrial (MP) zoning district to allow light manufacturing uses and limited commercial and retail services on property located north of State Road 50 in the Mascotte area.

- Site Location and Information –



Size	5.89 +/- Acres	
Location	North of State Road 50 in the Mascotte area	
Alternate Key	1299217	
Future Land Use (FLU)	Urban Low (4 dwelling units/ acre)	
	Existing	Proposed
Zoning District	Planned Commercial (CP)	Planned Manufacturing (MP)
Impervious Surface Ratio (ISR)	70% Max. (LDR)	60% Max. (Comp Plan)
Floor Area Ratio (FAR)	2.0 Max. (LDR)	0.25 Max. (Comp Plan)
Open Space	25% Min. (1991 Comp Plan)	25% Min. (Comp Plan)
Joint Planning Area	N/A	
Utility Area	Mascotte	
Site Utilities	Well and Septic	
Road Type	Principal Arterial (SR 50)	
Flood Zone / FIRM Panel	X / 12069C0535E	
Commissioner's District	1-Sullivan	

Site Visit: December 22, 2014

Sign Posted: December 22, 2014

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Agriculture (A)	Pastures	
South	Rural Transition	Agriculture (A)	Pasture and Single Family Residence	
East	Urban Low and City of Mascotte	Agriculture (A) and City of Mascotte	Pastures and Single Family Residences	
West	Urban Low	Agriculture (A)	Pastures	

STAFF RECOMMENDATION: Based on the findings of fact, staff recommends **Approval** of the revocation of Planned Commercial Zoning Ordinance #2001-84 and establishment of a Planned Industrial (MP) zoning district to allow limited light manufacturing uses with conditions.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject property is currently zoned Planned Commercial (CP) by Ordinance #2001-84 (Attachment #1). The ordinance permitted the property to be used for commercial retail, warehouse, and a storage facility. Code Enforcement recently discovered that the current tenants of the property were not operating in compliance with the CP zoning ordinance. The current tenants have been operating a metal recycling facility and automotive repair business on the property for several years in addition to continuing the commercial retail use and use of the single family residence on the property.

The subject property is designated as the Urban Low Future Land Use Category which allows light industrial uses such as manufacturing, wholesale trade, transportation, communications, electric, gas and sanitary services with a conditional use permit. Policy I-1.3.2 *Urban Low Density Future Land Use Category* states that these operations cannot create any off-site impacts and must take place primarily within an enclosed building. To make the existing businesses compliant with the property's zoning and future land use category, and implement these conditions, staff is recommending revoking CP Ordinance #2001-84 and establishing a Planned Industrial (MP) zoning district on the subject property to allow commercial service retail and limited light industrial uses, as well as the continuance of the existing single family home as a caretaker's residence on the property.

- Standards of Review and Analysis -

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

The application is consistent with LDR Section 3.01.03 which describes the permitted uses allowed within the MP zoning district. The uses specified in the application, automotive repair and indoor metal recycling facility are consistent with the uses permitted within the MP zoning district. Single family dwelling units are permitted in the MP zoning district as well.

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

The subject property is part of the Urban Low Future Land Use Category which allows light manufacturing uses that primarily take place within an enclosed building with a land use regulatory provision. The proposed uses stated on the application, an automotive repair and a metal recycling facility, are considered light manufacturing.

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

The current uses of automotive repair and metal recycling facility are non-conforming uses due to their inconsistency with the property's CP zoning ordinance and the Urban Low Future Land Use Category (FLUC). The Urban Low FLUC category does not allow commercial uses unless the commercial location criteria outlined in Policy I-1.3.10 ("Commercial Activities within the Urban Future Land Use Series") are met, and this property does not meet those criteria. This makes the property's current automotive repair use a non-conforming use. According to Comprehensive Plan Policy I-7.1.1 ("Nonconforming Uses and Antiquated Plats"), non-conforming uses are allowed to continue their operations as long the use is not abandoned or discontinued for a period of 18 months. According to the application, the automotive repair business has been in operation for a few years. Therefore, the purpose of the proposed MP zoning ordinance is to allow continuation of the commercial service retail permitted by former Ordinance #2001-84, in addition to the automotive repair use, the metal recycling facility (addressed below), and the existing single family home as a caretaker's residence on the property.

The Urban Low FLUC also allows light industrial uses that primarily take place within an enclosed building and have no off-site impacts, with additional land use regulations. The metal recycling facility is considered a light manufacturing use; therefore, the Applicant proposes the MP zoning ordinance to enable development conditions to require the recycling use to take place within an enclosed building, in order to limit off-site impacts and ensure that the use is consistent with the Urban Low FLUC.

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

The property's existing CP zoning ordinance allowed the property to be used for commercial retail, wholesale storage, and a warehouse/storage facility. Recently through a code enforcement investigation it was discovered that two businesses that have been in operation on the property for several years were not operating in compliance with the CP zoning ordinance. This rezoning is to bring the existing auto repair and metal recycling business into conformance with the future land use category and zoning district.

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;

Transportation.

Public Works has indicated that the property's driveway connection from State Road 50 shall be paved and the applicant will need to apply for a driveway permit through the Florida Department of Transportation. This is a condition proposed in the new ordinance.

Utilities.

The property is currently served by a well and septic system and the Florida Department of Health has indicated that the applicant will need to apply for a commercial operating permit for their wastewater system. This is a condition in the proposed in the new Ordinance.

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

The property has been developed with a single family residence and commercial building. Any additional development will have to come into compliance with the Comprehensive Plan and Land Development Regulations.

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

The application does not contain information of the effect on adjacent property values.

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

The property is surrounded by pastures and a few single family residences. To the east of the property, within the city limits of Mascotte, are auto sales and repair shops, service shops, and light manufacturing uses. These uses are consistent with the subject property which has been zoned for commercial operations since 2001. The property has had numerous businesses since that time. Although the property is adjacent to pastures to the North, South, East and West, the businesses to the east, along State Road 50 and within the city's limits, indicate that the area is developing with commercial and light industrial uses.

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 proposed rezoning would not be in conflict with the public interest and would be in harmony with the purpose and intent of these Regulations.

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

Not at this time.

FINDINGS OF FACT: Staff has reviewed the application for this rezoning request and found:

1. The proposed uses are consistent with Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category, which states that light industrial use conditional use activities are limited to those without off-site impacts and that take place primarily within an enclosed building.
2. The proposed uses, auto repair and metal recycling facility, and the continuation of the permitted and existing retail and single-family caretaker's residence uses, are consistent with LDR Section 3.01.03 for permitted uses within the Planned Industrial (MP) zoning district.
3. The proposed rezoning is consistent with LDR Section 3.00.02 (X) ("Purpose and Intent of Districts"), which describes the intent of the MP zoning district.

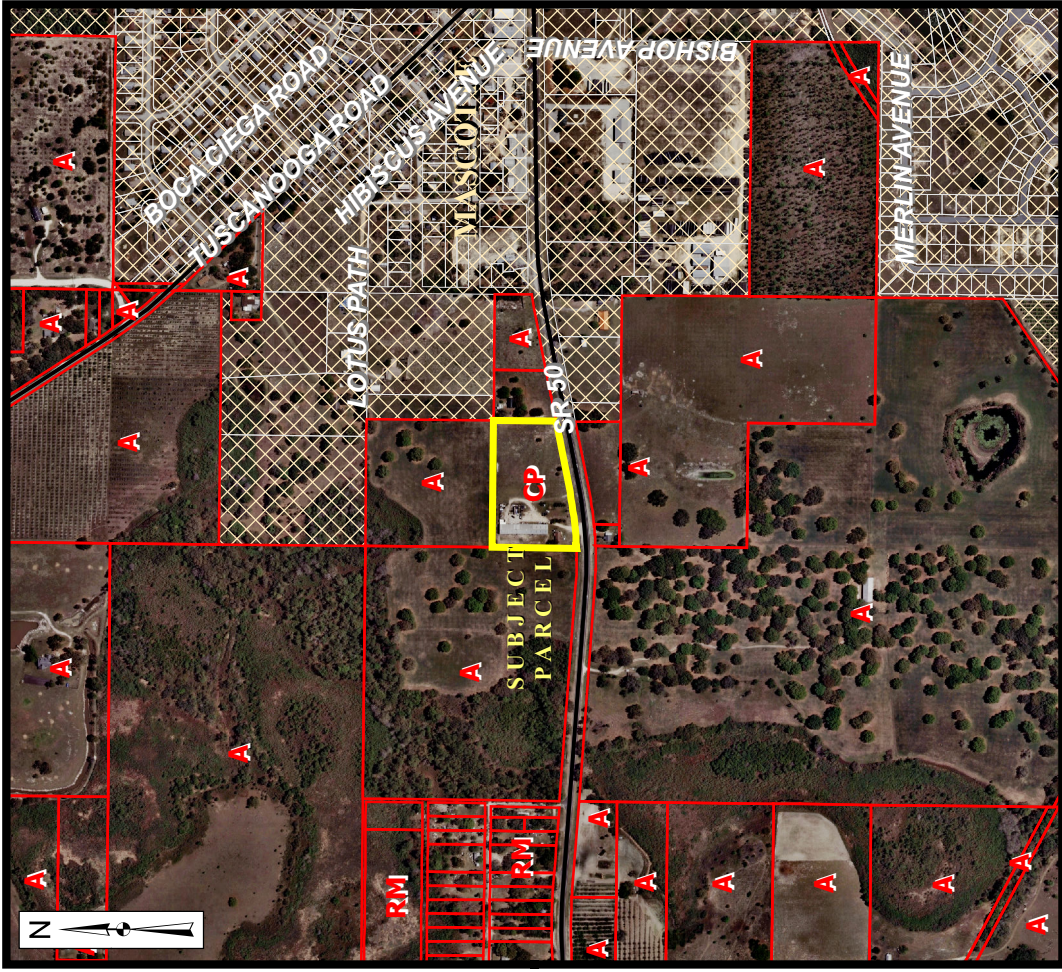
Based on the findings of fact, staff recommends **Approval** of the Planned Industrial (MP) zoning district to allow limited light manufacturing uses, with conditions, and revocation of Planned Commercial Zoning Ordinance #2001-84.

WRITTEN COMMENTS FILED:

Support: -0-

Concern: -0-

Opposition: -0-



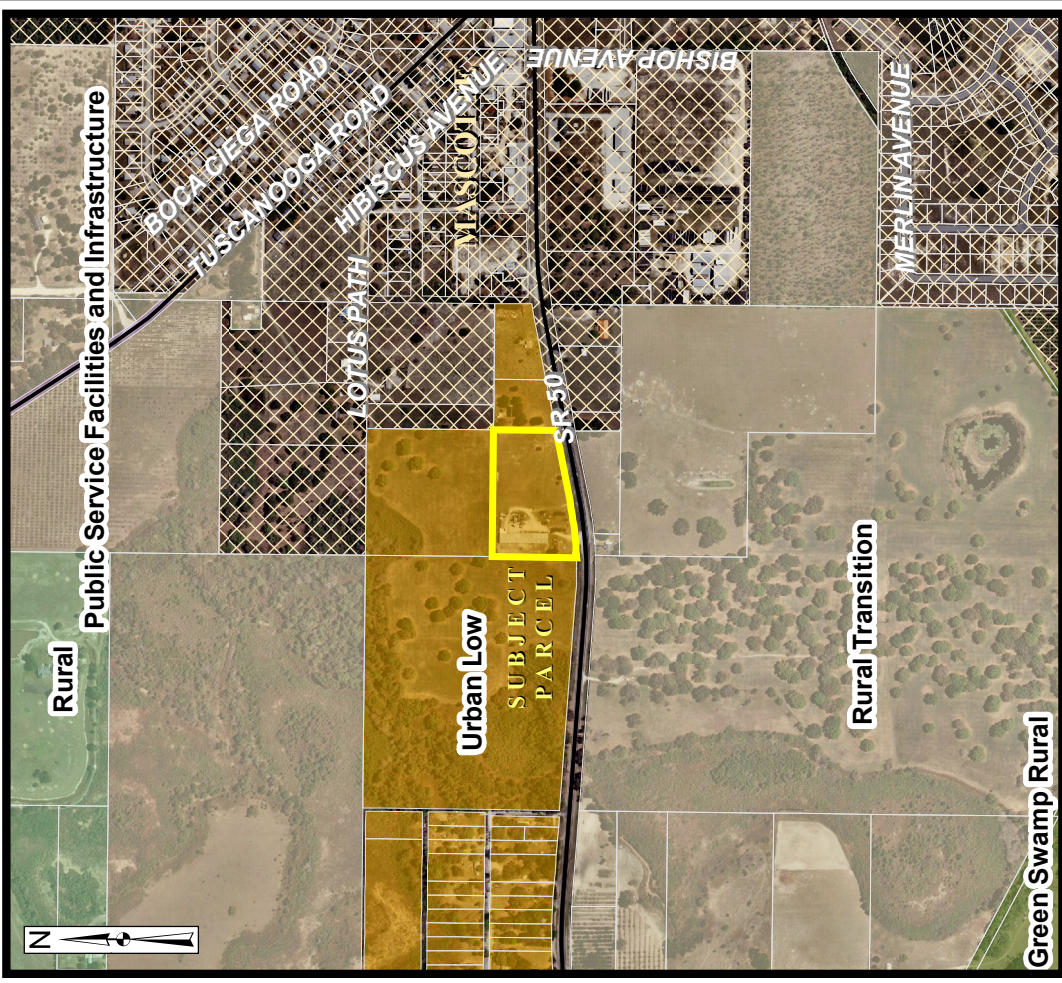
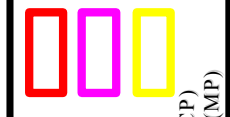
CURRENT ZONING
PLANNED COMMERCIAL (CP)

PARRAMORE REZONING

CASE NO.
PH# 29-14-1

CASE LOCATION:
16-22-24

REQUESTING:
Planned Commercial (CP)
TO Planned Industrial (MP)



CURRENT 2030 FUTURE LAND USE
URBAN LOW

DATASOURCES:
 Lake County GIS Department; PlanMetrics, 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, and other information. 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

LAKE COUNTY
 FLORIDA

ORDINANCE #2014-XX
PH #29-14-1
Parramore and Marra Rezoning

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

WHEREAS, William Parramore and Joseph Marra (the “owners”) have submitted an application to rescind and supersede the Planned Commercial (CP) Zoning District (Ordinance #2001-84) with a Planned Industrial (MP) zoning district for limited light industrial uses and commercial services and retail; and

WHEREAS, the property consists of approximately 5.89 +/- acres generally located North of State Road 50 in the Mascotte Area; Section 16, Township 22, Range 24; more particularly described below:

LEGAL DESCRIPTION: The Southwest ¼ of the Northeast ¼ of the Northeast ¼ North of State Road 50, located within Section 16, Township 22, Range 24.

WHEREAS, the subject property is located within the Urban Low Future Land Use Category; and

WHEREAS, the Board of County Commissioners of Lake County, Florida, on the 22nd day of May, 2001 approved a Planned Commercial (CP) Zoning District for the property under Ordinance #2001-84; and

WHEREAS, the adoption of this new ordinance shall supersede and replace Ordinance #2001-84; and

WHEREAS, the Lake County Planning and Zoning Board, did review petition PH #29-14-1, on the 7th day of January, 2015, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of January, 2015; and

WHEREAS, the Board of County Commissioners reviewed said 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 duly advertised Public Hearing, 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 tract of land, as specified above, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map in accordance with this Ordinance, which shall supersede and replace Ordinance #2001-84. Where there is conflict between this Ordinance and the Concept Plan (Exhibit #1) the terms of this Ordinance shall take precedence.

The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the concept plan (Exhibit #1).

1
2 A. Land Use:

3 Caretaker's Residence; and
4 Automotive Repair; and
5 Metal Recycling Facility; and
6 Light manufacturing uses permitted within the Light Manufacturing (LM) zoning district; and
7 Commercial services and retail uses associated with the primary uses listed above.
8

9 Accessory uses directly associated with the above uses may be approved by the County Manager
10 or designee. Any other use of the site not specified above shall require approval of an amendment
11 to this Ordinance by the Board of County Commissioners.
12

13 B. Specific Conditions:

- 14 1. A site plan application shall be submitted for review and approval prior to initiating any use on
15 the property.
16 2. All light manufacturing, automotive repair, and metal recycling operations shall primarily take
17 place within an enclosed building and shall not create off-site impacts.
18

19 C. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
20 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
21 amended.
22

23 D. Transportation: The Applicant shall obtain a driveway connection permit to State Road 50. The
24 driveway shall be paved and permitted through the Florida Department of Transportation.
25

26 E. Utilities: The applicant shall apply for a commercial operating permit for wastewater system through
27 the State of Florida Department of Health.
28

29 F. Setbacks: Any new buildings or structures shall require building setbacks in accordance with the
30 LDR, as amended.
31

32 G. Landscaping, Buffering, and Screening: Existing landscape shall be preserved and maintained.
33 Any future expansions shall be consistent with the landscape requirements of the LDR, as
34 amended.
35

36 H. Lighting: Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the
37 LDR, as amended.
38

39 I. Signage: Signs shall be in accordance with the LDR, as amended.
40

41 J. Concurrency Management Requirements: Any development shall comply with the Lake County
42 Concurrency Management System, as amended.
43

44 K. Development Review and Approval: Prior to the issuance of permits, the Applicant shall be
45 required to submit a site plan for review and approval in accordance with the Comprehensive Plan
46 and LDR, as amended.
47

- 1
2 L. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
3 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
4 and Lake County Land Development Regulations shall include any future amendments to the
5 Statutes, Code, Plans, and/or Regulations.
6

7 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
8

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

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

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

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

2
3
4 **ENACTED this _____ day of _____, 2015.**

5
6 **FILED with the Secretary of State _____, 2015.**

7
8 **EFFECTIVE _____, 2015.**

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

11 _____
12 **JIMMY CONNER, Chairman**

13 **ATTEST:**

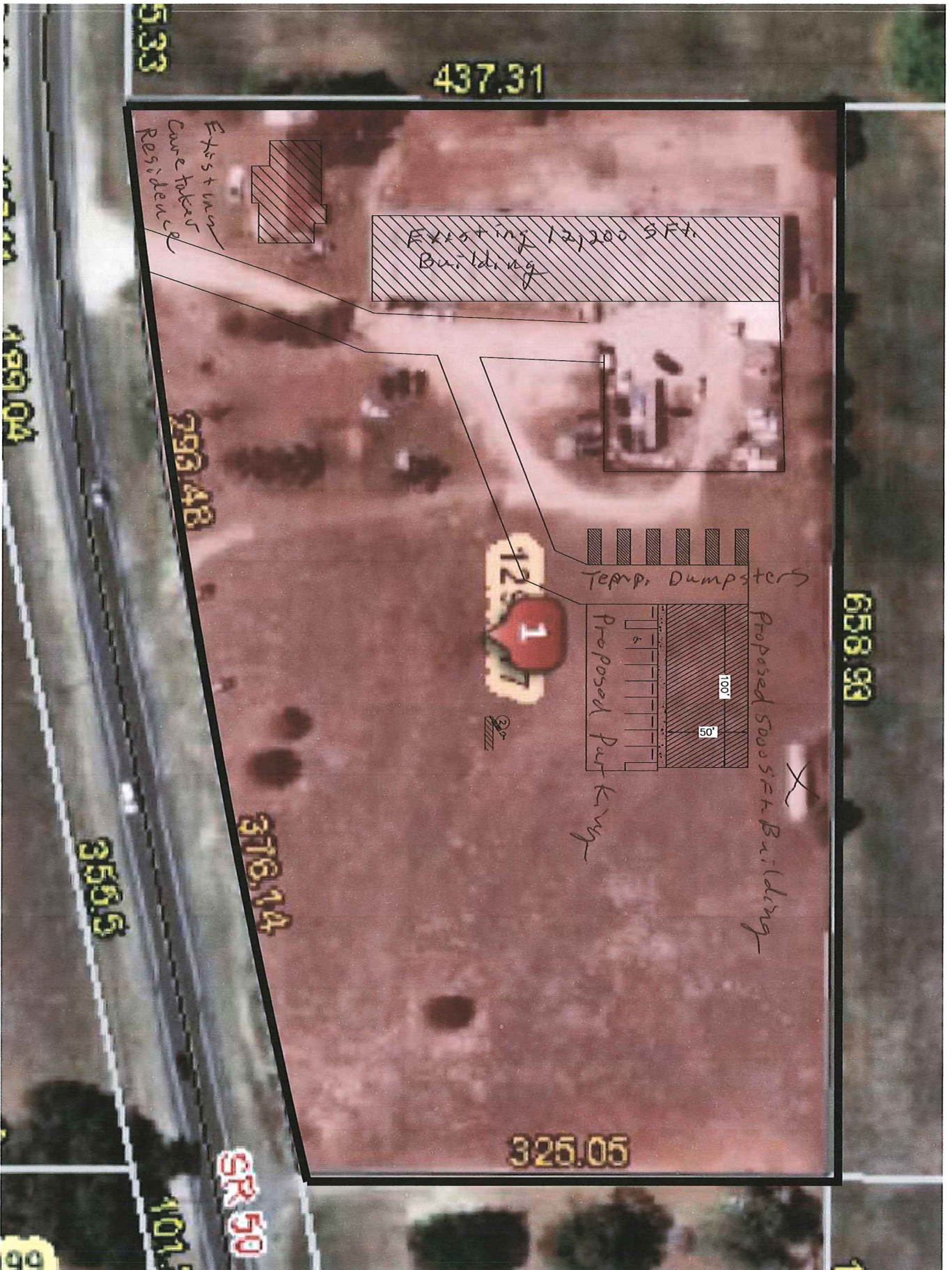
14 _____
15 **NEIL KELLY, Clerk of the**
16 **Board of County Commissioners**
17 **Lake County, Florida**

18
19
20 **APPROVED AS TO FORM AND LEGALITY**

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23 _____
24 **SANFORD A. MINKOFF, County Attorney**

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Exhibit #1



Attachment #1 (4 Pages)

✓ AH

ORDINANCE #2001-84
Tracking No.#76-01-CP
PH#28-01-2
Mascot Investments Inc.

CFN 2001056491
BOOK 01961 PAGE 2354 - 2357
DATE: 06/15/2001 03:43:27 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 17.00
TRUST FUND 2.50

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

WHEREAS, after giving Notice of Hearing on petition for a change in the use of land, the Lake County Planning and Zoning Commission did, on the 2nd day of May, 2001 review petition PH#28-01-2 a request for rezoning from A + CUP#95/11/1-2 to CP (Planned Commercial) district on property located in the Mascotte area – Property located N of SR 50 and approximately 1/4 mile W of Tuscanooga Road. (Sec 16 Twp. 22S Rge. 24E) (8.5 +/- acres)

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

AND, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 22nd day of May, 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 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 tract of land subject to the following terms:

FILED
2001 JUN - 6 PM 2:48
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Board Support

ORDINANCE NO. #2001-84

(Tracking #76-01-CP)(PH#28-01-2) (Mascot Investment Inc)

Section 1. Terms: This Ordinance shall mean and include the following. This ordinance shall supplant and render null and void CUP# 95/11/1-2. The County Manager or designee shall amend the Lake County Zoning Maps in accordance with this Ordinance to reflect a rezoning from A + CUP to CP to allow for wholesale and retail equipment sales.

The CP zoning district of the site shall have the following permitted uses, as defined in the Lake County Land Development Regulations as amended.

- a. Total uses limited to 5,000 square feet of commercial retail; and wholesale storage use of the remaining 7,000 square feet of the existing building;
- b. Warehouses/storage facility

Section 2. Conditions:

- a. The development shall comply with the Access Management Ordinance.
- b. The access shall be from SR 50 as shown on the submitted plan.
- c. The applicant shall provide a landscape buffering in accordance with the Lake County Land Development Regulations.
- d. All lights shall be installed to prevent glare to surrounding properties.
- e. There shall be no semi-truck parking or storage.

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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

ORDINANCE NO. #2001-84
(Tracking #76-01-CP)(PH#28-01-2) (Mascot Investment Inc)

SECTION 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 22 day of May, 2001..

FILED with the Secretary of State June 6, 2001.

EFFECTIVE June 6, 2001.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Catherine C. Hanson
CATHERINE HANSON, CHAIRMAN

ATTEST:

James C. Watkins

JAMES C. WATKINS, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

Sanford A. Minkoff
SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" - LEGAL DESCRIPTION

ORDINANCE NO. #2001-84
PH#28-01-4
Tracking No. #76-01-CP
Mascot Investments Inc.
Jimmy Crawford, Esq.

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

PUBLIC HEARING NO.: PH#28-01-2 (Mascot Investments Inc. / Jimmy Crawford, Esq.)

LEGAL DESCRIPTION: SW 1/4 of NE 1/4 of NE 1/4 N of SR 50 in Sec 16 Twp. 22S Rge. 24E.