

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

Planning and Zoning Board  
February 4, 2015



Board of County Commissioners  
February 24, 2014

<b>PH #1-15-4</b> Bank First Realty Rezoning	<b>Case Manager:</b> Michele Janiszewski, Planner	<b>Agenda Item #1</b>
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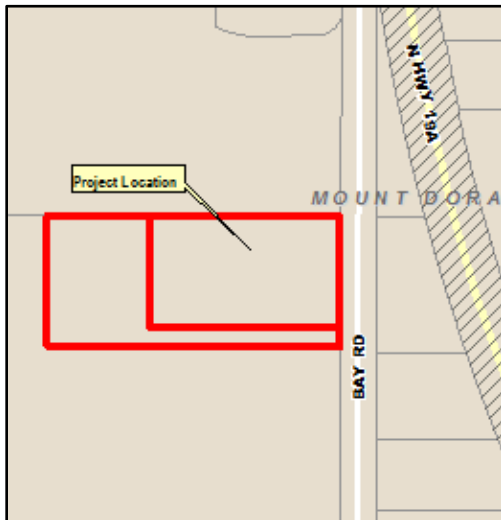
**Owners:** BankFIRST Realty, Inc. (the "owner")

**Applicant:** Triangle Industrial Park, Inc. (the "applicant")

**Requested Action:** Revoke Planned Commercial (CP) Zoning Ordinance #27-76 and establish a Planned Commercial (CP) zoning district to allow limited Neighborhood Commercial (C-1) and Community Commercial (C-2) uses with a new ordinance.

### - Site Location and Information -

Approximate site location shown in red



<b>Size</b>	1.78 +/- Acres	
<b>Location</b>	West of Bay Road in the Mount Dora area	
<b>Alternate Key</b>	1409527 and 3848041	
<b>Future Land Use (FLU)</b>	Urban High (4-12 dwelling units/acre)	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	Planned Commercial (CP)	Planned Commercial (CP)
<b>Impervious Surface Ratio (ISR)</b>	0.70 (LDR)	0.70 (LDR)
<b>Floor Area Ratio (FAR)</b>	2.0 (LDR and Comp Plan)	2.0 (LDR and Comp Plan)
<b>Open Space</b>	10% (Comp Plan)	10% (Comp Plan)
<b>Joint Planning Area</b>	Mount Dora	
<b>ISBA</b>	Mount Dora	
<b>Utility Area</b>	Mount Dora	
<b>Site Utilities</b>	Well and Septic	
<b>Road Type</b>	Local	
<b>Flood Zone / FIRM Panel</b>	X; 12069C0358E	
<b>Commissioner's District</b>	Campione - 4	

**Site Visit:** January 21, 2015

**Sign Posted:** January 21, 2015

#### Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban High	Residential Professional (RP)	Undeveloped, Vacant Commercial
South	Urban High	Rental Mobile Home Park (RMRP)	Single Family Residence on Large Lot
East	Urban High	Neighborhood Commercial (C-1)	Vacant Commercial, Simplex Screen Enclosures and Auto Glass, Office
West	Urban High	Rental Mobile Home Park (RMRP)	Single Family Residence on Large Lot

**STAFF RECOMMENDATION:** Based on the findings of fact, staff recommends **Approval** to amend the Planned Commercial (CP) Zoning District (Ordinance #27-76) to allow limited C-1 and C-2 commercial uses by establishing a new zoning ordinance.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The subject property was previously zoned Community Commercial (C-1) and was rezoned to Planned Commercial (CP) by Ordinance 27-76 (Attachment #1) to allow for a pre-existing roller skating rink with an addition and a pre-existing residence. The Lake County Tax Collector's website states that business taxes were paid for Roll-Air Skating Rink on the property from 1985 until 2011. The applicant states that the property previously operated as a skating rink which ceased operation several years ago and that this is no longer an economically viable use for the area.

The property is developed with a 9,800 square foot commercial building and a 2,300 square foot residence with a swimming pool, detached garage, and deck. The applicant is proposing to amend the current Planned Commercial (CP) zoning to allow limited Neighborhood Commercial (C-1) and Community Commercial (C-2) land uses, with the exception of those listed below.

-Automotive service station/gasoline sales and services

-Motel/Hotel

-Marina

-Self-Service Laundry

The expanded use of property would allow for redevelopment of more economically viable, commercial uses and allow the existing single family dwelling to continue to operate as a caretaker's residence.

**- 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 Land Development Regulations (LDR) Section 3.01.03 which describes the permitted uses allowed within the CP zoning district. Single family dwelling units are also permitted in the CP zoning district as caretakers' residences.

**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 High Future Land Use Category which allows commercial development if the criteria is met for commercial development (*Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series*). The subject properties are located within a Major Commercial Corridor so the property meets the criteria for commercial development; therefore rezoning the properties to allow C-1 and C-2 uses is consistent with the Comprehensive Plan.

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

The property was developed as a roller skating rink and rezoning the property will allow the property to be redeveloped for commercial uses other than a roller skating rink.

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

The property's existing CP zoning ordinance only allows for a roller skating rink and a residence. The applicant states that a roller skating rink is no longer an economically viable use and would like to expand the permitted uses allowed on the property to allow the property to be redeveloped for a different commercial land use.

**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;**

At this time, no additional demands on public facility capacity or levels of service are anticipated by the proposed rezoning. However, any new use on the property would be required to undergo site plan review to assess development impacts and apply appropriate impact mitigation pursuant to the LDR, as amended.

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

The property is currently developed with a single family residence and a commercial building. Any additional development will have to come into compliance with the Comprehensive Plan and LDR.

**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 located within a major commercial corridor within an area with growing commercial development. The eastern side of Bay Road is dominated by commercial development. This rezoning is consistent with the area's development pattern.

**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 rezoning is consistent with Comprehensive Plan Policy I-1.3.4 Urban High Density Future Land Use Category
2. The proposed rezoning is consistent with Comprehensive Plan Policy which allows commercial uses allowed pursuant to Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series.
3. The property is located within the Major Commercial Corridor that borders County Road 19A, meeting the criteria set forth in Policy I-1.3.10 Commercial Activities within the Urban Future Land Use Series.
4. The proposed rezoning is consistent with LDR Section 3.01.03 for permitted uses within the Planned Commercial (CP) zoning district.
5. The proposed rezoning is consistent with LDR Section 3.00.02 (U) ("Purpose and Intent of Districts"), which describes the intent of the CP zoning district.

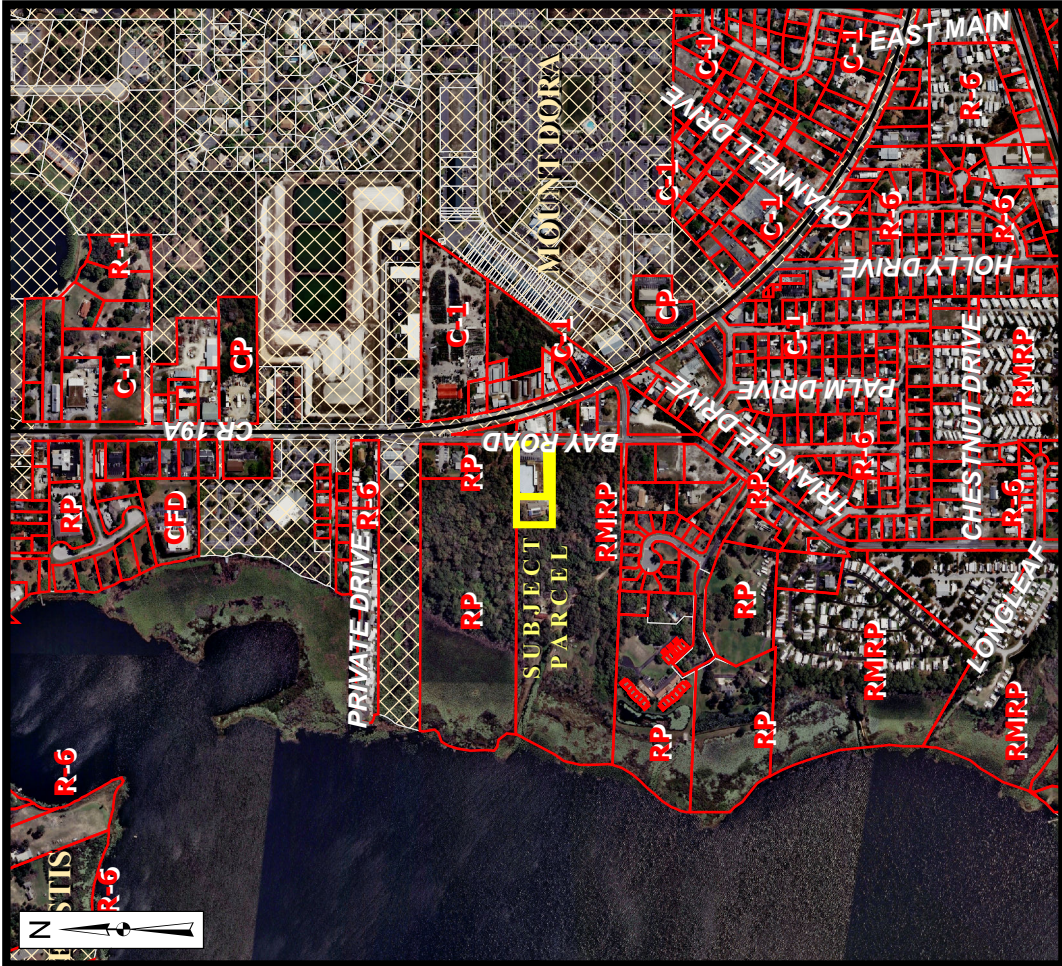
Based on the findings of fact, staff recommends **Approval** to amend the Planned Commercial (CP) Zoning District (Ordinance #27-76) to allow limited C-1 and C-2 commercial uses by establishing a new zoning ordinance.

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Concern: -0-**

**Opposition: -0-**



**CURRENT ZONING  
PLANNED COMMERCIAL (CP)**

**BANK FIRST REALTY  
REZONING**

**CASE NO.**  
PH# 1-15-4

**CASE LOCATION:**  
26-19-26

**REQUESTING:**  
Revise Existing Planned  
Commercial (CP) Ordinance

**ZONING** (Red outline)  
**LAND USE** (Purple outline)  
**SUBJECT PARCEL** (Yellow outline)



**CURRENT 2030 FUTURE LAND USE  
URBAN HIGH**

**ZONING** (Red outline)  
**LAND USE** (Purple outline)  
**SUBJECT PARCEL** (Yellow outline)

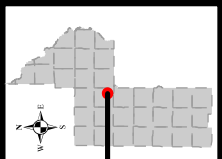
**DATASOURCES:**  
Lake County GIS Department; Planmetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

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 features. 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

**UCS AREA**

**LAKE COUNTY  
FLORIDA**



**ORDINANCE #2014-XX**  
**PH #1-15-4**  
**Bank First Realty Rezoning**

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

**WHEREAS**, Triangle Industrial Park, Inc. (the "Applicant"), on behalf of BankFIRST Realty, Inc. (the "Owner") has submitted an application to amend the Planned Commercial (CP) Zoning District (Ordinance #27-76) to allow limited C-1 and C-2 commercial uses by establishing a new zoning ordinance; and

**WHEREAS**, the subject property consists of approximately 1.78 +/- acres generally located West of Bay Road; Section 16, Township 22, Range 24; more particularly described below:

**LEGAL DESCRIPTION:** See Exhibit #1

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

**WHEREAS**, the Board of County Commissioners of Lake County, Florida, on the 16<sup>th</sup> day of November, 1976 approved a Planned Commercial (CP) Zoning District for the property under Ordinance #27-76; and

**WHEREAS**, the adoption of this new ordinance shall supersede and replace Ordinance #27-76; and

**WHEREAS**, the Lake County Planning and Zoning Board, did review petition PH #1-15-4, on the 4<sup>th</sup> day of February, 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 24<sup>th</sup> day of February, 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 #27-76.

**A. Land Use:**

Neighborhood Commercial (C-1), and  
Community Commercial (C-2) zoning districts;  
Caretaker's residential dwelling

**Prohibited uses:**

Automotive service station/gasoline sales and services  
Motel/Hotel

1 Marina  
2 Self-Service Laundry  
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4 Accessory uses directly associated with the above uses may be approved by the County Manager  
5 or designee. Any other use of the site not specified above shall require approval of an amendment  
6 to this Ordinance by the Board of County Commissioners.  
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- 8 B. Specific Conditions: A site plan application shall be submitted for review and approval prior to  
9 initiating any use on the property.  
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11 C. 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  
13 amended.  
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15 D. Utilities: The applicant will need to permit the private water system as a commercial use according  
16 to the proposed use. The septic systems on site will need to be evaluated and modified according  
17 to new use.  
18  
19 E. Existing Commercial Building Setbacks:  
20 Front – In accordance with LDR, as amended.  
21 Side (Northern) - 10 feet  
22 Side (Southern) - 6.5 feet  
23 Rear - In accordance with LDR, as amended.  
24 Any new buildings or structures shall require building setbacks in accordance with the LDR, as  
25 amended.  
26  
27 F. Landscaping, Buffering, and Screening: Existing landscape shall be preserved and maintained.  
28 Any future expansions shall be consistent with the landscape requirements of the LDR, as  
29 amended.  
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31 G. Lighting: Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the  
32 LDR, as amended.  
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34 H. Signage: Signs shall be in accordance with the LDR, as amended.  
35  
36 I. Stormwater Management: Future redevelopment Shall be in accordance with SJRWMD  
37 Stormwater requirements and LDR, as amended.  
38  
39 J. Concurrency Management Requirements: Any development shall comply with the Lake County  
40 Concurrency Management System, as amended.  
41  
42 K. Development Review and Approval: Prior to the issuance of permits, the Applicant shall be  
43 required to submit a site plan application for any redevelopment for review and approval in  
44 accordance with the Comprehensive Plan and LDR, as amended.  
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46

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

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

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

29  
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, then said holding shall in  
32 no way affect the validity of the remaining portions of this Ordinance.

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

36 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.  
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ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

FILED with the Secretary of State \_\_\_\_\_, 2015.

EFFECTIVE \_\_\_\_\_, 2015.

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

\_\_\_\_\_  
**JIMMY CONNER, Chairman**

**ATTEST:**

\_\_\_\_\_  
**NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**SANFORD A. MINKOFF, County Attorney**

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## Exhibit #1

Parcel A: That part of Government Lot 6 in Section 26, Township 19 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the North ¼ corner of said Section 26, run South 89 degrees 37' West along the North line of the said Section 26 a distance of 747.09 feet to the centerline of the right of way of Geneva Road; thence run South 0 degrees 21' East along the centerline of the right of way of said road 500 feet for a Point of Beginning; run thence South 89 degrees 37' West and parallel with the North line of the said Section 26 a distance of 369.77 feet; thence run South 0 degrees 21' East and parallel with the centerline of the right of way of Geneva Road 186.97 feet; thence run South 88 degrees 15' East 370 feet, more or less, to the centerline of the right of way of Geneva Road; thence run North 0 degrees 21' West along the centerline of the right of way of Geneva Road 200.75 feet to the Point of Beginning. Less and except therefrom the East 20 feet thereof for the right of way of Geneva Road.

Parcel B: Parcel B: From the North ¼ corner of Section 26, Township 19 South, Range 26 East, Lake County, Florida, run South 89 degrees 37' West along the North line of the said Section 26 a distance of 747.09 feet to the centerline of the right of way of Geneva Road; thence run South 0 degrees 21' East along the centerline of the right of way of said road 500 feet; thence South 89 degrees 37' West and parallel with the North line of the said Section 26 a distance of 369.77 feet for the Point of Beginning; thence run South 0 degrees 21' East parallel to the centerline of Geneva Road 186.97 feet; thence run South 88 degrees 15' West 50.03 feet; thence run North 0 degrees 21' East 185.11 feet; thence North 89 degrees 37' East 50 feet to the Point of Beginning.

# Attachment #1

ORDINANCE #27-76

WHEREAS, the Lake County Planning and Zoning Commission did, on the 27th day of October, 1976, review petition #89-76-4, a request for rezoning from C-1 to CP, a Planned Commercial District on property generally located in the MT. DORA AREA: South of U.S. #441, West side of Geneva Road, 700 feet South of the junction of Geneva Road and Old SR #19 at Roll-Air Skating Rink, and more particularly described as:

Section 26, Township 19 S, Range 26 E, Lake County, Florida. Begin on the West line of Geneva Road, 500 feet South and 767.09 feet West from the N $\frac{1}{4}$  corner of Section for a point of beginning. Run West 349.77 feet, South 186.97 feet, South 88 deg. 15' E 350 feet to the road, Northwesterly along road to the point of beginning,

and after giving Notice of a Hearing on petition for changes of zoning classification, including a Notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 16th day of November, 1976, and

WHEREAS, the Lake County Planning and Zoning Commissioners of Lake County, Florida reviewed said petition, the recommendation of the Lake County Planning and Zoning Commission, any comments, favorable or unfavorable from the Public and surrounding property owners, and been further advised in the premises at a Public Hearing duly advertised, and WHEREAS, upon review certain 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, be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or 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 Sec. 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate government agencies.
2. This rezoning shall inure to the benefit of and shall constitute a covenant running with the land and the terms, conditions and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set out.
3. This approval is for the following use only:
  - a. A pre-existing roller skating rink, a pre-existing residence and a proposed addition of the roller skating rink not to exceed 52 feet, 8 inches by 17 feet, 4 inches.
  - b. No changes in existing setbacks are permitted or required.

- c. No expansion of the present parking area is required.
- d. On-site signs will be permitted as approved by the Director of Planning.
- e. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

DONE AND RESOLVED by the Lake County Board of County Commissioners on the 16th day of November, 1976, A.D.

STATE OF FLORIDA )

:

COUNTY OF LAKE )

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 \_\_\_\_\_, as the same appears on record of County Commissioners Minute Book 27, page \_\_\_\_\_.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1976, A.D.

JAMES C. WATKINS  
Clerk of the Circuit Court  
and ex-official Clerk of the  
Board of County Commissioners,  
Lake County, Florida

BY: James C. Watkins  
Clerk