

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
April 1, 2015



BOARD OF COUNTY COMMISSIONERS
April 21, 2015

RZ-15-03-4 Traylor Property Rezoning	Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner	Agenda Item # 2
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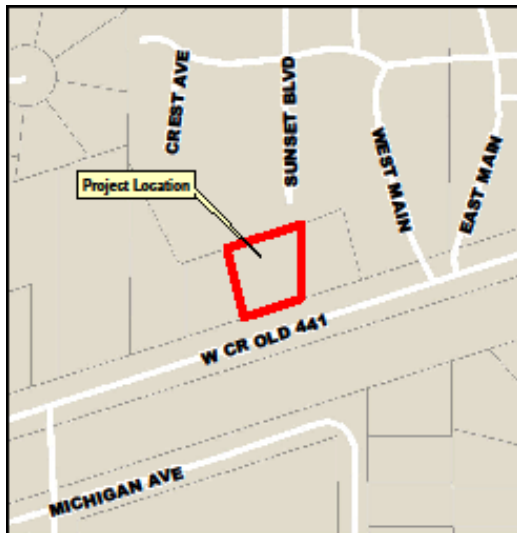
Owner: Edward D. Traylor (the “Owner”)

Applicant: Edward D. Traylor (the “Applicant”)

Requested Action: The Applicant is requesting to rezone 0.31 +/- acres from Planned Commercial (CP) to Community Commercial (C-2).

- Site Location and Information -

Approximate site location shown in red



Size	0.31 +/- Acres
Location	Sections 26/ Township 19S/ Range 26E, Mt. Dora area – along the north side of Old Hwy. 441, east of Boyd Drive
Alternate Key Number(s)	2616300
Future Land Use (FLU)	Urban High
Commercial Overlays	Major Commercial Corridor
Existing Zoning District	Planned Commercial (CP) Ord. 2012-76
Proposed Zoning District	Community Commercial (C-2)
Maximum Floor Area Ratio (FAR)	Max. 2.0 – 2030 Comprehensive Plan
Minimum Open Space	10%
Maximum Impervious Surface Ratio (ISR)	Max. 80% – 2030 Comprehensive Plan
Joint Planning Area	Mount Dora
Utility Area	Mount Dora
Site Utilities	Water-City of Mount Dora Sewer-City of Mount Dora
Road District	Old Hwy 441 - Rural Minor Arterial
Flood Zone / FIRM Panel	Zone X /0366D Effective July 3, 2002
Commissioner’s District	4 – Campione

Site Visit(s): March 18, 2015

Sign(s) Posted: March 18, 2015 (1 sign)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban High	R-6	Residential	Riley Mobile Home Rental Park
South	Urban High	LM, CFD & R-1	Railroad, Church, & Residential	None
East	Urban High	LM	Commercial (Retail) & Residential	Riley Mobile Home Rental Park
West	Urban High	LM	Church & Restaurant	Green House Restaurant

- Summary of Staff Determination -

STAFF RECOMMENDATION: The proposed rezoning request is consistent with the Comprehensive Plan and Land Development Regulations. Therefore, staff recommends **APPROVAL** of this application request.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone 0.31 +/- acres (Staff Exhibit 1 – Zoning/Future Land Use Map) from Planned Commercial (CP) to Community Commercial (C-2) to provide a mix of commercial uses, thus increasing the marketability of the property and to correct a Code violation for inconsistent land use. The property is developed with a structure (approximately 850 SF) that has been utilized for general retail and/or professional office since 2005. The property is situated within the Urban High Density Future Land Use Category (FLUC) and a Major Commercial Corridor Overlay District, both of which allow commercial development.

In 2012, the property was rezoned from Light Manufacturing (LM) to Planned Commercial with C-1 uses, including Self-Service/RV Storage and Warehousing (Reference Ordinance 2012-76). Since that time the proposed development associated with the rezoning did not take place. Without understanding the limitation of Ordinance 2012-76, the Applicant leased the property to an Auto Upholstery business (Auto Repair) which was not a permitted use. The tenant was cited by Lake County Code Enforcement, upon Code Enforcement's investigation of a complaint regarding the property, for conducting uses inconsistent with the zoning district. The Applicant files this rezoning request to correct the Code violation and to increase the marketability for the property.

The property is located on County-maintained Old Hwy 441. The City of Mount Dora has indicated that the property is located within the City's water and sewer service area. Water and sewer connection requirements will be addressed during the site plan review process, if this rezoning is approved.

- Analysis –

LDR Section 14.03.00

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

The request for Community Commercial (C-2) Zoning is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix, for the Urban Future Land Use Series.

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

The property is located within the Urban High Density FLUC as shown on the Future Land Use Map, in an area designated as a major commercial corridor. Potential development within this future land use category must comply with *Policy I-1.3.4* of the Comprehensive Plan (Plan). The application is consistent with this policy since the proposal is to provide commercial uses at an

appropriate scale and intensity to serve this category and since the property is located adjacent to an arterial highway (Old Hwy 441), thus minimizing traffic on local and minor collector roadways.

The property is located within the major commercial corridor for Old Highway 441 as specified in Table FLUE 3-Major Commercial Corridors. The rezoning application is consistent with the criteria outlined in Policy I-1.3.10.6 (1), Comprehensive Plan for development within major commercial corridors.

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

The application is consistent with the existing land uses within the surrounding area as shown on the future land use/rezoning map. Some of the uses within the immediate area of the proposed rezoning consist of professional office, general and convenience retail (commercial), restaurant, appliance repair, light industrial, and single-family residential uses.

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

There have been no changed conditions in the past two (2) years other than the 2030 Comprehensive Plan establishing the Urban High FLUC with a Major Commercial Corridor Overlay in this area. Implementation of this future land use with the commercial overlay promotes commercial development within the Old Hwy 441 corridor, thus expanding the available commercial services in the area known as the Golden Triangle. The Applicant seeks to rezone in order to expand the list of permitted uses, correct a Code violation, and increase the marketability for the property.

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

The proposed access for the site is from Old Hwy 441, a County maintained roadway. Any connection to this roadway will be subject to County review and permitting. Any required roadway improvements will be determined during the site plan review process, if this rezoning is approved.

WATER/SEWER

The City of Mount Dora has indicated the property is located within their utility service area for water and sewer. Availability and connection requirements will be determined during the site plan review and approval process if this rezoning is approved.

SOLID WASTE/PARKS & RECREATION/SCHOOLS

Preliminary review indicates this rezoning will not adversely impact these facilities. Concurrency review will be required during the site plan review and approval process for any future development of the property, if this rezoning is approved.

FIRE

The fire protection for the property is provided by Lake County Fire and Rescue Station #27 located on CR 44B next to the Eustis Airport approximately five (5) miles from the Traylor property. Station #27 is a 24-hour manned station and has an approximate response time of seven (7) to twelve (12) minutes.

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

Since the property has been previously disturbed with urban development, no adverse impacts to environmental resources are anticipated. However, any future redevelopment will be required to contain stormwater run-off on-site to ensure no adverse impacts to surface water or groundwater resources.

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

No evidence has been presented that would indicate the proposed rezoning would adversely affect the property values in the area.

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 in the Old Hwy 441 Major Commercial Corridor which is comprised of commercial and light industrial development along the highway with a mix of residential uses transitioning away from the highway. The proposed rezoning will continue the orderly and logical development pattern that exists in surrounding 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;

The proposed rezoning is in harmony with the general intent of the Lake County Comprehensive Plan and Land Development Regulations. The proposed development is in keeping with the surrounding character and development pattern for the area.

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.

The property is located within the City of Mount Dora Joint Planning Area. The City has indicated they do not have any comments at this time, but may have comments during the site plan review process for any future development, if this rezoning is approved.

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

1. The application is consistent with *Policy I-1.3.4* of the Comprehensive Plan regarding commercial development within the Urban High Density Future Land Use Category.
2. The application is consistent with the criteria outlined in Policy I-1.3.10.6 (1), Comprehensive Plan for development within major commercial corridors.
3. The application is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix, for the Urban Future Land Use Series permitting the requested Community Commercial (C-2) Zoning District.

Based on these findings of fact, staff recommends **Approval** of this rezoning request subject to the attached Ordinance.

WRITTEN COMMENTS FILED:

Support: -0-

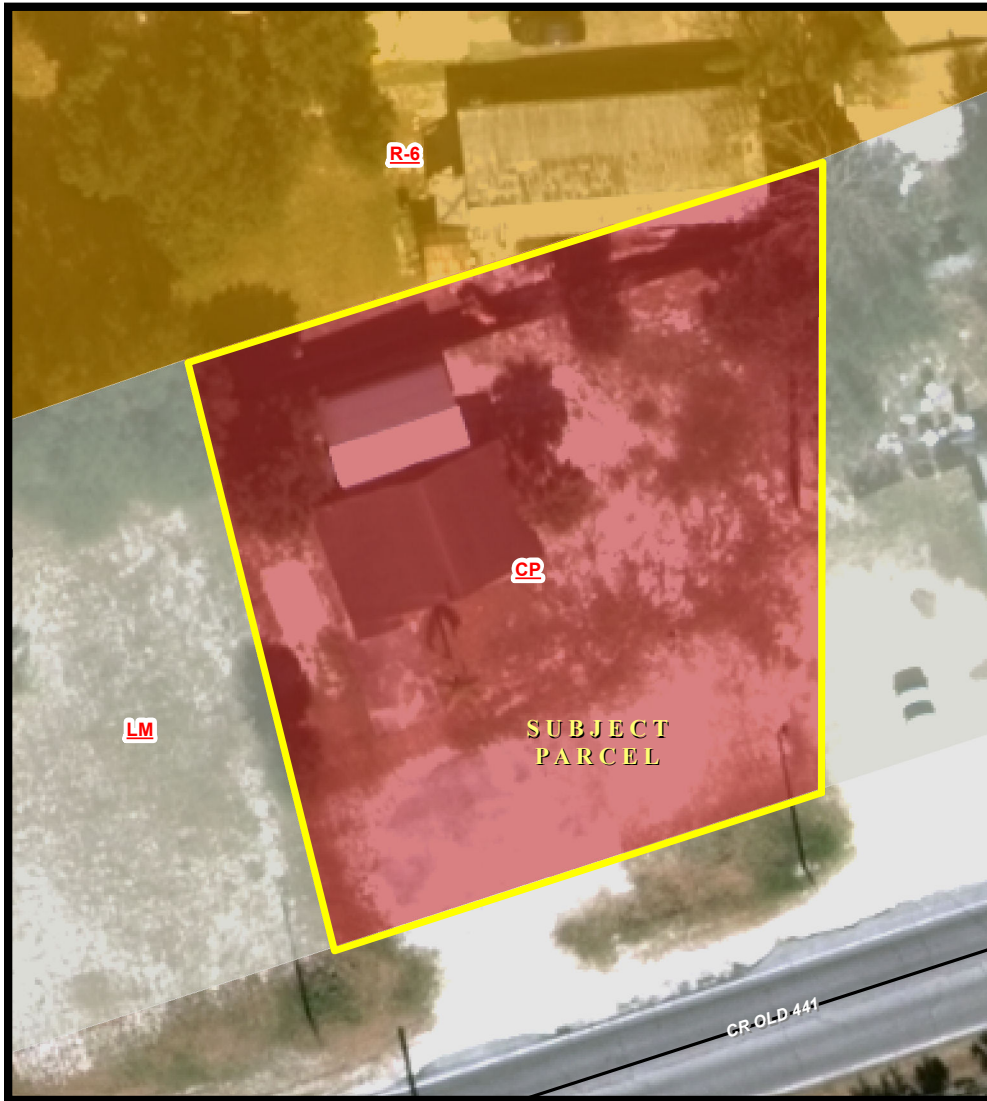
Concern: -0-

Opposition: -0-



CURRENT ZONING

1 inch = 37.5 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 38 feet



Zoning Legend

A	R-7	LM
AR	RP	HM
RA	RMRP	MP
R-1	RM	CFD
R-2	RV	PUD
R-3	C-1	
R-4	C-2	
R-6	CP	

FLU Legend

Cagans Crossing	Mt Plymouth - Sorrento Main Street District
Conservation	Mt Plymouth - Sorrento Proper
Green Swamp Core Conservation	Mt Plymouth - Sorrento Receiving Area
Green Swamp Ridge	Office
Green Swamp Rural	Public Service Facility and Infrastructure
Green Swamp Rural Conservation	Receiving Area A-1-20
Heavy Industrial	Recreation

Regional Commercial	Urban Medium Density
Rural	
Rural Transition	
Sending Area A-1-20	
Sending Area A-1-40	
Urban High Density	
Urban Low Density	

TRAYLOR REZONING "STAFF EXHIBIT 1"

CASE NO.
RZ #15-3-4

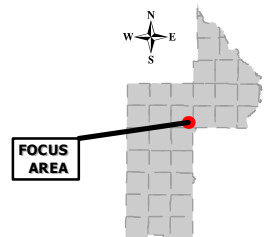
CASE LOCATION:
26-19S-26E

REQUESTING:
Rezone from CP
to C-2



Lake County
Planning & Community
Design

Growth Management Dept



1 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be
2 required to submit applications for and receive necessary final development order approvals as
3 provided in the Lake County Comprehensive Plan and Land Development Regulations. The
4 applications for final development orders shall meet all submittal requirements and comply with
5 all County codes and ordinances, as amended.

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

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

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

13 **ENACTED** this _____ day of _____, 2015.

14 **FILED** with the Secretary of State _____, 2015.

15 **EFFECTIVE** _____, 2015.

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

18 _____
19 **JIMMY CONNER, Chairman**

20 **ATTEST:**

21 _____
22 **NEIL KELLY, Clerk of the**
23 **Board of County Commissioners**
24 **Lake County, Florida**

25 **APPROVED AS TO FORM AND LEGALITY**

26 _____
27 **SANFORD A. MINKOFF, County Attorney**

ORDINANCE #2012-76
Edward D. and Virginia L. Traylor
PH #35-12-4

FILED
DEC 31 11 06 AM '06
CLERK OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

4
5 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
6 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**
7

8 **WHEREAS**, Edward D. and Virginia L. Traylor (the "Applicant") made a request to rezone 0.31 +/-
9 acres from Light Industrial (LM) to Planned Commercial (CP) with Neighborhood Commercial (C-1) Uses
10 together with Self-Service/RV Storage, and Warehousing on the property; and

11 **WHEREAS**, the subject property consists of 0.31 +/- acres and is generally located east of Tavares
12 on Old Hwy 441 at 3501 Old Hwy 441 in Sections 26, Township 19 South, Range 26 East, lying within
13 Alternate Key Numbers 2616300, and more particularly described as:

14
15 That part of Government Lot 4, in Section 26, Township 19 South, Range 26 East, Lake County,
16 Florida, Bounded and Described as Follows: From the Northwest Corner of said Government Lot
17 4, Run South along the West line of said Government Lot 4, a distance of 873.00 Feet to a
18 concrete monument on the Northerly line of the right of way of Old U.S. Highway 441; Thence
19 run North 72°28'00" East, along the Northerly line of said right of way, a distance of 1023.80 Feet
20 to the Point of Beginning of this description; From said Point of Beginning, continue North
21 72°28'00" East, along the Northerly line of said right of way, a distance of 100.00 Feet; Thence
22 run North 00°07'30" East, a distance of 123.08 Feet; Thence run South 72°28'00" West, a
23 distance of 130.00 Feet to a point that is North 13°57'16" West, a distance of 117.51 Feet from
24 the Point of Beginning; Thence run South 13°57'16" East, a distance of 117.51 Feet to the Point
25 of Beginning and Point of Terminus of this description, containing 13,487.298 Square Feet, more
26 or less.
27

28 **WHEREAS**, the subject property is located within the Urban High Density Future Land Use
29 Category with a Major Commercial Corridor Overlay District as shown on the Lake County Comprehensive
30 Plan Future Land Use Map (FLUM); and

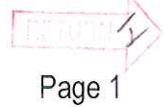
31 **WHEREAS**, the subject property is located within the boundaries of the City of Mount Dora Joint
32 Planning Area (JPA); and

33 **WHEREAS**, The Lake County Planning and Zoning Board reviewed Petition PH#35-12-4 on the
34 28th day of November, after giving Notice on petition for a change in use of land, including a notice that said
35 petition would be presented to the Board of County Commissioners of Lake County, Florida on the 18th day
36 of December, 2012; and

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

40 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
41 property have been duly approved; and

42 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
43 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
44 pertain to the above subject property subject to the following terms:



PLANNING AND COMMUNITY DESIGN
315 WEST MAIN STREET
TAVARES FL 32778

1 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map from Light
2 Industrial (LM) to Planned Commercial (CP) Zoning District with Neighborhood
3 Commercial (C-1) this Ordinance. Development of the site shall be consistent with the
4 Concept Plan as shown in Exhibit "A" (attached), to the extent where there are conflicts
5 between Exhibit "A" and this Ordinance, this Ordinance shall take precedence.

6 A. Land Uses: The following uses shall be permitted:

- 7 1. Neighborhood Commercial (C-1) uses
- 8 2. Self-Service/RV Storage
- 9 3. Warehousing

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

14
15 B. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR):

16 The development shall maintain the minimum open space, ISR, and FAR on the site,
17 consistent with the Comprehensive Plan and Land Development Regulations (LDR),
18 as amended.

19
20 C. Parking: Parking for the development shall be consistent with the Land Development
21 Regulations and Comprehensive Plan, as amended.

22
23 D. Commercial Screening: Commercial screening shall be in accordance with the
24 Comprehensive Plan and Land Development Regulations, as amended.

25
26 E. Buffers and Landscaping:

27 All landscape buffers shall be installed and maintained in accordance with the
28 Comprehensive Plan and LDR, as amended.

29 F. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
30 amended.

31
32 G. Transportation: Access management shall be consistent with the Comprehensive Plan
33 and Land Development Regulations, as amended.

34
35 H. Lighting: All exterior lighting shall be in accordance with the Comprehensive Plan and
36 Land Development Regulations, as amended.

37
38 I. Noise: A noise assessment shall be required with the site plan submittal to
39 demonstrate mitigation for any noise impacts the proposed project may have on the
40 neighboring uses pursuant to the LDR, as amended.

41
42 J. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as
43 amended.

- 1 K. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
2 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
3 County Comprehensive Plan, and Lake County Land Development Regulations,
4 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
5
- 6 L. After establishment of the facilities as provided herein, the aforementioned property
7 shall only be used for the uses named in this Ordinance.
8
- 9 M. This Ordinance shall inure to the benefit of, and shall constitute a covenant running
10 with the land and the terms, conditions, and provisions hereof, and shall be binding
11 upon the present owner and any successor, and shall be subject to each and every
12 condition herein set out.
13
- 14 N. The transfer of ownership or lease of any or all of the property described in this
15 Ordinance shall include in the transfer or lease agreement, a provision that the
16 purchaser or lessee is made good and aware of the conditions pertaining to this
17 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may
18 request a change from the existing plans and conditions by following procedures
19 contained in the Lake County Land Development Regulations, as amended.
20
- 21 O. Action by the Lake County Code Enforcement Special Master. The Lake County Code
22 Enforcement Special Master shall have the authority to enforce the terms and
23 conditions set forth in this ordinance and to recommend that the Ordinance be
24 revoked.
25

26
27 **Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be
28 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
29 validity of the remaining portions of this Ordinance.
30

31
32 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner
33 shall obtain development order approvals from Lake County. The applications for final
34 orders shall meet all submittal requirements and comply with all County codes and
35 ordinances, as amended.
36

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Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 18th day of December, 2012.

FILED with the Secretary of State December 31, 2012.


EFFECTIVE December 31, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



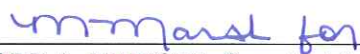
Leslie Campione, Chairman

ATTEST:



NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

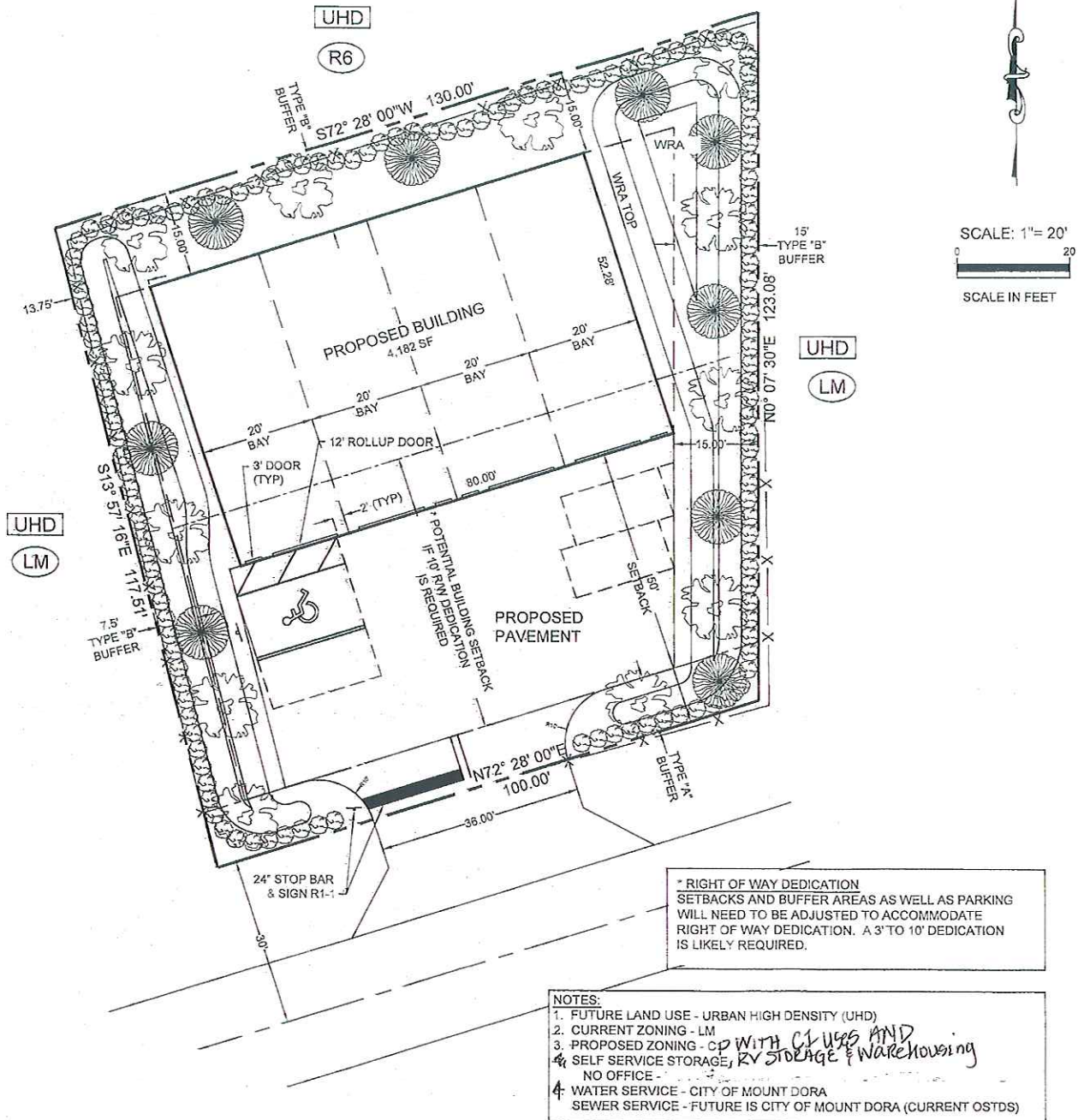
APPROVED AS TO FORM AND LEGALITY



SANFORD A. MINKOFF, County Attorney

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EXHIBIT "A" - CONCEPT PLAN



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