

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
April 2, 2014



BOARD OF COUNTY COMMISSIONERS
April 22, 2014

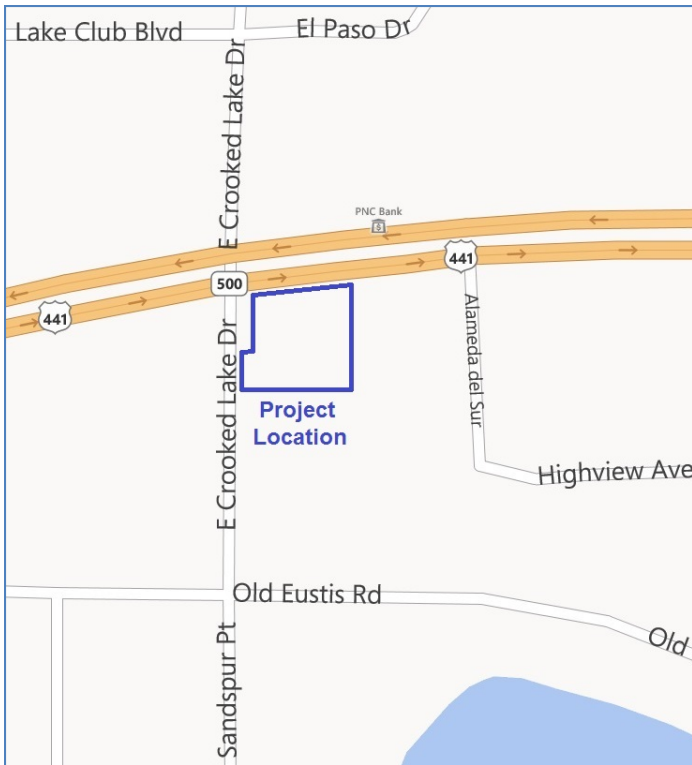
PH #7-14-4 CPG Enterprises, LLC Property	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Owner: CPG Enterprises, LLC (the "Owner")

Applicant: Chih-Yuan Shia, YUAN Enterprises, LLC (the "Applicant")

Requested Action: Amend the Planned Commercial (CP) Ordinance #11-80 to add Retail - Convenience uses. Ordinance #11-80 will be rescinded and replaced by the proposed ordinance.

- Site Location & Information -



Size	0.779 +/- acres	
Location	Mount Dora area, southeast of U.S. Highway 441 and East Crooked Lake Drive intersection	
Alternate Key #	1420741	
Future Land Use	Urban Low Density, Wekiva Study Area, Major Commercial Corridor	
	Existing	Proposed
Zoning District	CP	CP
Impervious Surface Ratio Comprehensive Plan (Policy I-1.3.2)	0.60 max	0.60 max
Floor Area Ratio Comprehensive Plan (Policy I-1.3.2)	0.25 max	0.25 max
Joint Planning Area	Mount Dora	
Utility Area:	Mount Dora	
Site Utilities	Existing well and septic system	
Road Classification	US Hwy 441 - Urban Principal Arterial - Other East Crooked Lake Drive - Local	
Flood Zone/ FIRM Panel	X/358	
Commissioner District	4 (Campione)	

Approximate site location outlined in Blue

Site Visit March 20, 2014

Sign Posted March 20, 2014 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Eustis	City of Eustis	Bank	Adjacent to U.S. Highway 441
South	Urban Low Density	Rural Residential (R-1)	Residential	
East	Urban Low Density	Planned Commercial (CP)	Commercial	
West	Urban Low Density	Neighborhood Commercial (C-1)	Retention Pond	Adjacent to East Crooked Lake Drive

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request with conditions, as set forth in the attached proposed ordinance. Additionally, the proposed ordinance shall rescind and replace Ordinance #11-80.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to amend the Planned Commercial (CP) Ordinance #11-80 to add Retail - Convenience uses to the existing use of the property which allows the sale and service of aluminum products only. Ordinance #11-80 will be rescinded and replaced by the proposed ordinance.

The subject property consists of 0.779 +/- acres and is located in the Mount Dora area, southeast of U.S. Highway 441 and East Crooked Lake Drive intersection. The property is currently developed with existing buildings. The Applicant has indicated that the existing buildings will be replaced with a new structure which will be built on top of the existing building foundation or within the existing building footprint.

The CP zoning request is consistent with the Comprehensive Plan Policy I-1.3.2, which permits retail uses in the Urban Low Density Future Land Use Category (FLUC). The uses requested by the proposed rezoning are also consistent with the Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses* for the CP Zoning District. The property is located within the Wekiva Study Area and the Major Commercial Corridor.

- 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 retail - convenience uses in the CP Zoning District.

The commercial property is an existing nonconforming development as defined in the LDR Section 1.08.00. In recognition of this situation, a condition has been included in the proposed ordinance indicating that existing landscape shall be preserved and maintained and that landscaping shall be provided consistent with the LDR, as amended for any future expansions. It is also recognized that the northern existing structure (canopy) which is proposed to be removed is not nonconforming to the LDR setback requirements. Any structural expansion/addition will be required to comply with the LDR setback requirements.

Additionally, since the existing development is nonconforming and since no increase to the retail building area is being proposed, a condition has been proposed to indicate that a total of 11 parking spaces shall be provided which includes the existing 10 parking spaces and one additional parking space being proposed as shown in the proposed site plan. Any future increase in the gross leasable area of the building will be required to comply with the parking requirements of the LDR.

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-1.3.2, "*Urban Low Density Future Land Use Category*", as retail uses are allowable in the Urban Low Density FLUC. The property is located within the Major Commercial Corridor. The request is also consistent with Policy I-1.3.10 "*Commercial Activities within the Urban Future Land Use Series*" and subsections which allow commercial activities in the Urban Low Density FLUC and within the Major Commercial Corridor where the property is located.

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 Urban Low Density FLUC and the Major Commercial Corridor, has commercial activity on the north across U.S. Highway 441, consisting of a bank and a store. On the east there is commercial activity consisting of an office building and a professional office building. East Crooked Lake Drive borders the property to the west. As shown in the map below, the immediate properties to the south are characterized by residential uses. There are existing trees and vegetation along the south property line adjacent to residential property.

Amending the existing CP ordinance to add retail - convenience uses will not create any adverse impacts to the existing commercial activity as long as there is no accompanying increase to the retail building area of the property. Based on this assessment, the proposed ordinance includes a waiver to the LDR requirements for a noise study for the proposed retail - convenience uses. Amending the use of the site to add retail - convenience uses is consistent with the Urban Low Density FLUC, the Major Commercial Corridor and the existing uses along U.S. Highway 441.



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

The 2030 Comprehensive Plan designated this area as a Major Commercial Corridor. The Applicant seeks to add retail - convenience uses to the existing use of the property, which is currently approved by ordinance for the sale and service of aluminum products only.

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 central water and sewer available to this property. The property owner has been in discussion with Mount Dora about future connection to central services.

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of US 441 is "D" with a capacity of 3020 trips. This segment of roadway Old Mount Dora Rd to Donnelly St is currently operating at forty eight (48%) of its capacity during the peak hour in the peak direction. This project will be generating four hundred and eighty (480) peak hour trips; with two hundred and ninety eight (298) directional pm peak hour trips increasing the volume to capacity (v/c) ratio to fifty eight percent (58%). Currently there are no State funded improvements scheduled for this roadway segment. Applicant may be required to complete a Tier 3 traffic study before 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 3 miles from Lake County Fire Station 27 (closest fire station), located at 19212 County Road 44B, Eustis.

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 applicant did not submit any information regarding effect of the proposed rezoning on area property values but staff believes there will be little or no impact on property values in the area, given that the subject property is already developed and no expansion of the building area is proposed.

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 Policy I-1.3.2, "*Urban Low Density Future Land Use Category*", as commerce uses are allowable and conform to the general land use criteria and activities of the Urban Low Density Future Land Use Category.
2. The request is consistent with Policy I-1.3.10 "*Commercial Activities within the Urban Future Land Use Series*" and subsections, which allow commercial activities in the Urban Low Density FLUC and within the Major Commercial Corridor where the property is located.
3. The request is consistent with LDR Table 3.01.03, "*Schedule of Permitted and Conditional Uses*", which permits retail - convenience uses in the CP Zoning District.

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-

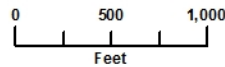
Concern: -0-

Opposition: -0-



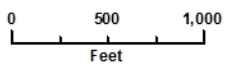
CURRENT ZONING

PLANNED COMMERCIAL (CP)



ADOPTED FUTURE LAND USE

URBAN LOW DENSITY



**CPG ENTERPRISES, LLC
CP REZONING**

CASE NO.
PH #7-14-4

CASE LOCATION:
T19S, R27E, S19

REQUESTING:

Amend the Planned Commercial (CP) Ordinance #11-80 to add Retail - Convenience uses.

- 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



- 1 2. Sale and service of aluminum products.
 - 2 Accessory uses directly associated with the above uses may be approved by the County Manager
 - 3 or designee. Any other use of the site not specified above shall require approval of an amendment
 - 4 to this Ordinance by the Board of County Commissioners.
 - 5 B. Specific Conditions:
 - 6 1. A site plan application is required for review and approval prior to initiating any Retail -
 - 7 Convenience use and for any other future development.
 - 8 2. Parking: A total of 11 parking spaces shall be provided as shown in the Exhibit "A" Conceptual
 - 9 Plan. No additional parking will be required for the existing or proposed uses unless there is a
 - 10 future increase in the retail building area that would require additional parking to be provided. Any
 - 11 additional parking spaces shall be in accordance with the LDR, as amended.
 - 12 3. Noise: A noise study will not be required for the development of Retail - Convenience uses. Public
 - 13 Address Systems or similar amplification devices shall not be installed or used.
 - 14 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
 - 15 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
 - 16 D. Landscaping, Buffering, and Screening: Existing landscape shall be preserved and maintained. At site
 - 17 plan application, a plan showing existing trees/vegetation shall be submitted for review. Any future
 - 18 expansions shall be consistent with the landscape requirements of the LDR, as amended.
 - 19 E. Transportation Improvements/Access Management: The Applicant may be required to complete a Tier
 - 20 3 traffic study at site plan review. Access management shall be in accordance with the LDR, as
 - 21 amended.
 - 22 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
 - 23 Sky Principles.
 - 24 G. Signage: Signs shall be in accordance with the LDR, as amended.
 - 25 H. Concurrency Management Requirements: Any development shall comply with the Lake County
 - 26 Concurrency Management System, as amended.
 - 27 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
 - 28 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
 - 29 LDR, as amended.
 - 30 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
 - 31 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
 - 32 Lake County Land Development Regulations shall include any future amendments to the Statutes,
 - 33 Code, Plans, and/or Regulations.
- 34 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
- 35 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
 - 36 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
 - 37 the Board of County Commissioners.

- 1 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
2 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
3 boundaries of the above described land without first obtaining the necessary approvals in accordance
4 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
5 governmental agencies.
- 6 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
7 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
8 successor, and shall be subject to each and every condition herein set out.
- 9 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
10 and other governmental permitting agencies.
- 11 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
12 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
13 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
14 purchaser or lessee may request a change from the existing plans and conditions by following
15 procedures contained in the Land Development Regulations, as amended.
- 16 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
17 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
18 to recommend that the ordinance be revoked.
- 19 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
20 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
21 affect the validity of the remaining portions of this Ordinance.
- 22 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
23 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
24 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:

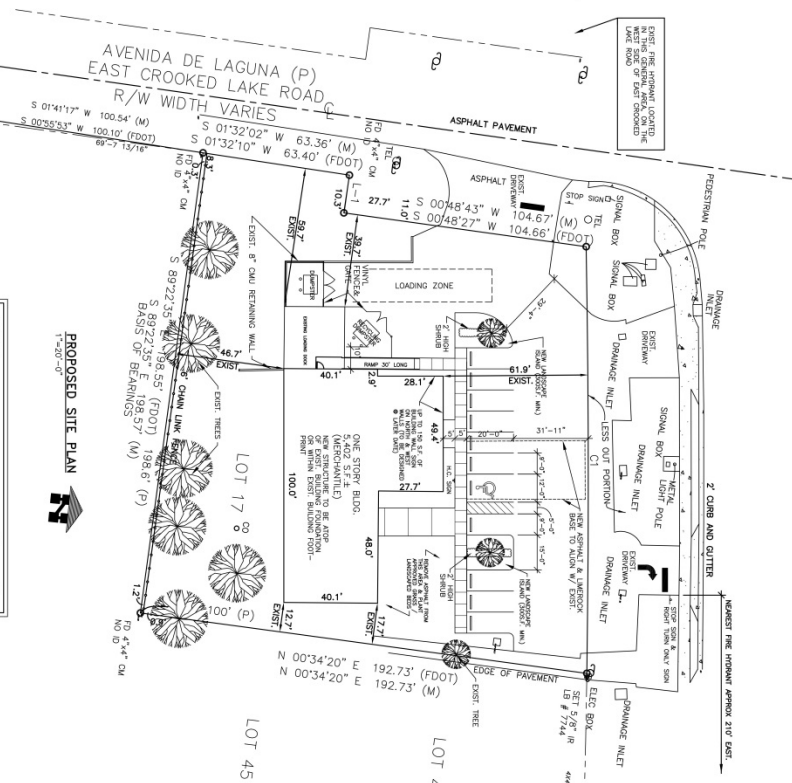
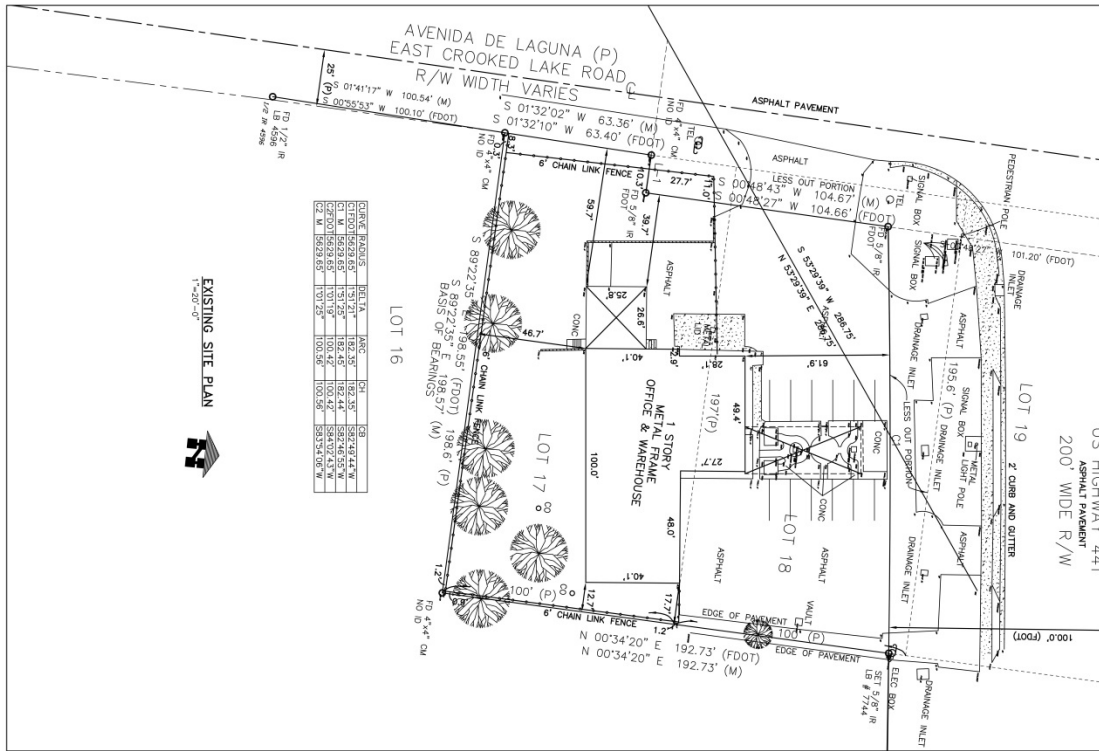
10 _____
11 NEIL KELLY, Clerk of the
12 Board of County Commissioners
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

15 _____
16 SANFORD A. MINKOFF, County Attorney
17

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EXHIBIT "A" - CONCEPTUAL PLAN



SITE DATA		S.F.	%
TOTAL SITE S.F.		33,688	
EXIST. IMPROVED AREA		21,036	62.49%
PROPOSED IMPROVED AREA		17,948	53.28%
BUILDING DATA - TYPE V-B CONSTRUCTION, NON SPRINKLERED			
EXIST. BUILDING (ENCLOSED)		5,402	
PROPOSED BUILDING (ENCLOSED)		1,729	
EXIST. BUILDING (OPEN CANOPIES)		0,000	
PROPOSED BUILDING (OPEN CANOPIES)		0,000	
EXIST. PAVED PARKING		12,210	
PROPOSED PAVED PARKING & SIDEWALKS		11,271	

T
SHEET NO.

DATE 03/04/14
DRAWN M.J.D.
CHECKED J.S.D.
REVISIONS

NEW STORE FOR THE HEALTH BASKET
18040 US HWY 441
MOUNT DORA, FLORIDA

JOHN S. DICKERSON ARCHITECT INC.
POST OFFICE BOX 492226
LEESBURG, FLORIDA 34748-2226
PHONE: 352-787-3771 (LICENSE NO. AAC000592)



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