

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
 April 4, 2012



BOARD OF COUNTY COMMISSIONERS
 April 24, 2012

PH #11-12-4 The Shop, LLC & LaRoe Rezoning	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item # 2
---	---	------------------------

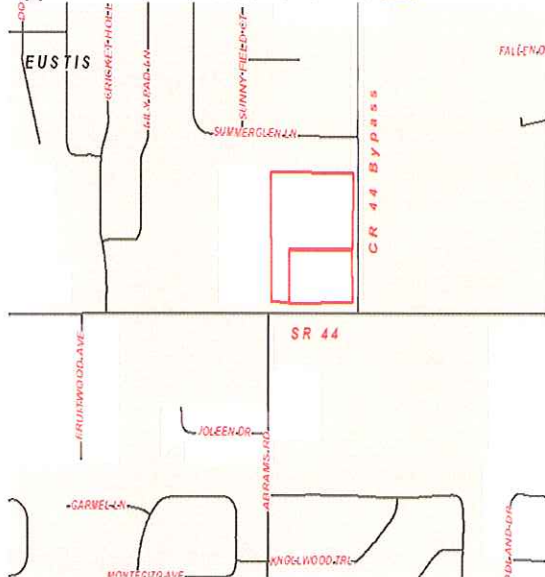
Owner: The Shop, LLC/Kenneth E. LaRoe - Manager
 Earl Eugene and Cordella S. LaRoe - Trustees (the "Owner")

Applicant: Green Consulting Group, Inc. – Timothy W. Green (the "Applicant")

Requested Action: Rezone 2.1 acres of 7.19 +/- acres of property (comprising two parcels) from Residential Professional (RP) to Planned Commercial (CP) Zoning District and rezone 5.09 +/- acres from Planned Commercial (CP) to Residential Professional (RP) to facilitate future lot line adjustment and conforming use of the property. This rezoning request will result in the creation of a new CP ordinance and RP ordinance.

- Site Location and Information -

Approximate site location shown in red



Size	7.19 +/- Acres
Location	Sections 7 / Township 19S/ Range 27E, Eustis area – northwest corner of SR 44 and CR 44 Bypass.
Alternate Key Number(s)	1443202 and 14432011
Future Land Use (FLU)	Urban Low Density
Green Swamp, Wekiva River Protection Area, or Wekiva Study Area	Wekiva Study Area
Existing Zoning District	Residential Professional (RP) & Planned Commercial (CP)
Proposed Zoning District	Residential Professional (RP) & Planned Commercial (CP)
Maximum Floor Area Ratio (FAR)	0.25 – Comprehensive Plan Policy I-1.3.2
Maximum Impervious Surface Ratio (ISR)	0.60 – Comprehensive Plan Policy I-1.3.2
Joint Planning Area	N/A
Utility Area	City of Eustis
Site Utilities	Well and Septic Tank
Road District	SR 44 – Rural Minor Arterial CR 44 Bypass - Urban Collector
Flood Zone / FIRM Panel	Zone X /0395D Effective July 3, 2002
Commissioner's District	4 – Campione

Site Visit(s): March 9, 2012

Sign(s) Posted: March 9, 2012 (5 Signs)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City Limits of Eustis	City	Single-Family Residential	None
South	City Limits of Eustis	City	Pizza Shop, Convenience Store	SR 44 Frontage
East	City Limits of Eustis	City	Undeveloped property & City Water Treatment Plant	CR 44 Bypass
West	Urban Low Density	RP	Single-Family Residential	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: The proposed rezoning request is consistent with the Comprehensive Plan (Comp Plan) and Land Development Regulation (LDR) and recommends **APPROVAL** of this application, with conditions, specified in the proposed ordinance.

PLANNING and ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone portions of 7.19 +/- acres of property (comprising two parcels) to facilitate future lot line adjustments and land use conformance of the property. Two point one (2.1) acres of Residential Professional (RP) zoning to Planned Commercial (CP) zoning and 5.09 acres from Planned Commercial (CP) to Residential Professional (RP) zoning.

The Applicant is not proposing any change or expansion of the existing uses or re-development of the property. This request is to have the proper zoning in place over the area to be adjusted through the lot line adjustment process. By adjusting the lot lines the Owners will correct some setback issues between lot lines and will provide better separation between buildings. The proposed rezoning will not impact any public facilities or services as proposed. This rezoning will have two separate Ordinances attached with this Application for consideration.

- Analysis -

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

The existing heavy equipment repair facility/machine shop located within the RP zoned property is recognized as a permitted nonconforming development and is subject to the requirements for nonconforming development contained in Section 1.08.00, Land Development Regulations (LDR). The single-family residence (SFR) and accessory storage buildings located within the proposed RP zoning and the clothing store located within the SFR within the CP zoning, together with the accessory storage buildings on the property are permitted uses in accordance with LDR, Table 3.01.03 Schedule of Permitted and Conditional Uses.

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

The application as proposed is consistent with Comp Plan Policy I-1.3.2, *Urban Low Density Future Land Use Category*, with the exception of the permitted nonconforming repair facility/machine shop located on the 5.19 acre parcel (AK# 1443211). This facility can remain on the property provided the facility continues to meet the requirements for nonconforming development contained in Section 1.08.00, LDR.

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 demonstrated by the surrounding use map (attached). The land uses within the immediate area of the proposed rezoning consist of retail commercial, convenience commercial, restaurant, and single-family residential.

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

The Applicant wishes to adjust land area (Lot Line Adjustment) between two (2) adjacent parcels located within the RP and CP zoning districts. In order to accommodate these adjustments, it was necessary to amend the legal descriptions contained in each attached Ordinance to reflect the proposed lot line adjustments.

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;

This rezoning request will not result in any additional impacts on public facilities or services as proposed. This request is to facilitate future lot line adjustments between the two (2) adjacent parcels while not changing or expanding the recognized uses on the two (2) parcels.

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

No information has been submitted to indicate that the proposed rezoning would result in significant adverse impacts on the natural environment. A detailed Environmental Assessment will be required for any future development and will be part of the review process prior to any development application approval.

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 existing uses associated with this application have been present for the past 8 years and have been recognized as part of the development pattern for the area. The modification of the legal description for the parcels located in the RP and CP Zoning Districts will continue an orderly and logical development pattern for 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;

The proposed rezoning is in harmony with the general intent of the Lake County Comprehensive Plan and Land Development 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.

N/A

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

1. The rezoning request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, with the exception of the heavy equipment repair facility/machine shop which is subject to the requirements for Nonconforming Development contained in LDR Section 1.08.00.
2. The rezoning request is consistent with Comp Plan Policy I-1.3.2, *Urban Low Density Future Land Use Category*, with the exception of the permitted nonconforming repair facility/machine shop located on the 5.19 acre parcel. This facility can remain on the property provided the facility continues to meet the requirements for nonconforming development contained in LDR Section 1.08.00.

Based on these findings of fact, staff recommends **Approval** for this request subject to the conditions contained in the attached two (2) Ordinances.

WRITTEN COMMENTS FILED:

Support: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING

RESIDENTIAL PROFESSIONAL (RP) & PLANNED COMMERCIAL (CP)

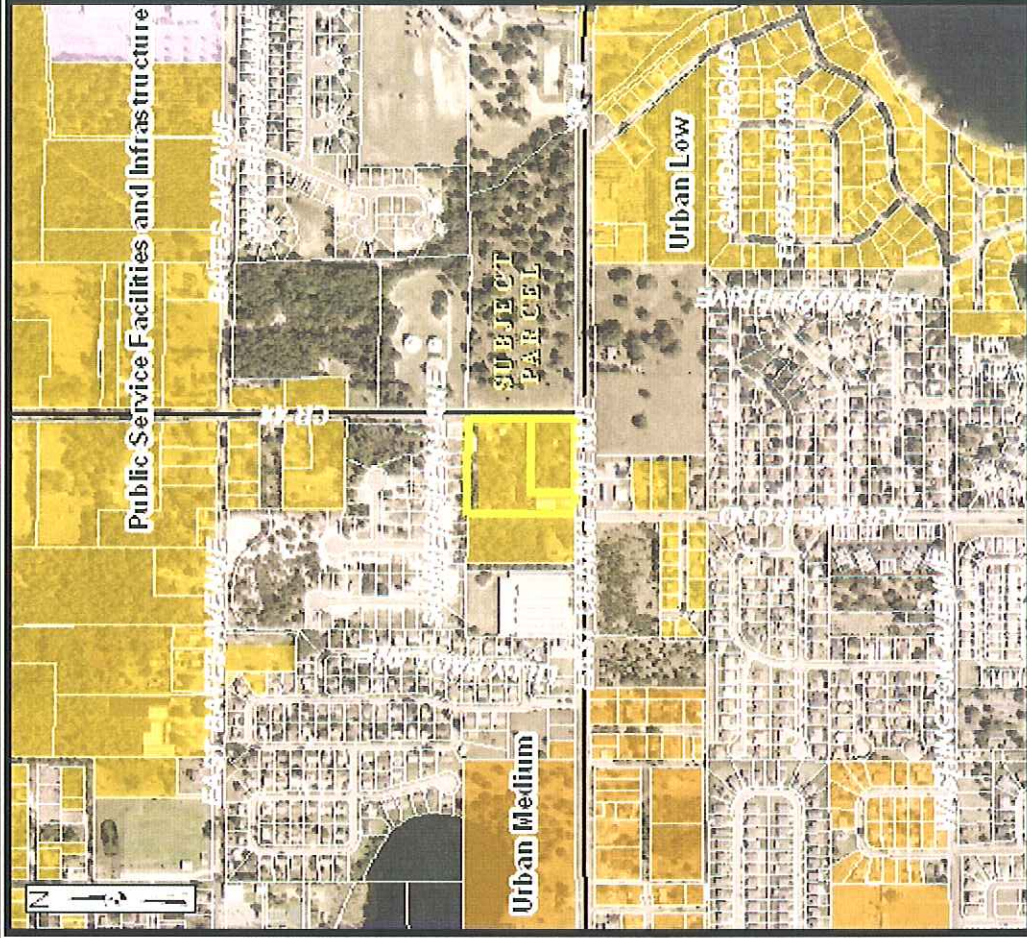
CASE NO.
PH# 11-12-4

CASE LOCATION:
7-19 S-27E

REQUESTING:
Rezone RP and CP
to RP and CP

- ZONING
- LAND USE
- SUBJECT PARCEL

**L A R O E AND THE
SHOP LLC REZONING**



2030 FUTURE LAND USE

URBAN LOW DENSITY

PROPOSED PHASE
11/19/2014

FOCUS AREA



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

**ORDINANCE #2012-
PH #11-12-4
(The Shop, LLC & Earl Eugene & Cordella S. LaRoe, Trustees)**

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

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

WHEREAS, Timothy W. Green, Green Consulting Group, Inc., (the "Applicant") on behalf of The Shop, LLC & Earl Eugene & Cordella S. LaRoe, (the "Owners") has submitted a rezoning request to rezone 2.1 +/- acres of 7.19 +/- acre of property comprising two (2) parcels from Residential Professional (RP) and Planned Commercial (CP) to Planned Commercial (CP).; and

WHEREAS, the 2.1 acre property is located at the northwest corner of CR 44 Bypass and SR 44 in the Eustis area, Section 7 – Township 19 South – Range 27 East, lying within Alternate Key #1443202 and 1443211, described as:

LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHEAST CORNER OF OAKS AT SUMMER GLEN, A SUBDIVISION RECORDED IN PLAT BOOK 60, PAGES 90 THROUGH 92, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE RUN SOUTH 00°09'39" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 44 BYPASS A DISTANCE OF 302.82 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE RUN NORTH 89°53'58" WEST A DISTANCE OF 244.78 FEET; THENCE SOUTH 60°28'05" WEST A DISTANCE OF 116.68 FEET; THENCE SOUTH 00°46'49" EAST A DISTANCE OF 216.07 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 (ALSO KNOWN AS ORANGE AVENUE); THENCE NORTH 89°57'37" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 344.12 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 44 BYPASS; THENCE NORTH 00°09'39" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 44 BYPASS A DISTANCE OF 272.89 FEET TO THE POINT OF BEGINNING. CONTAINING 2.101 ACRES, MORE OR LESS.

WHEREAS, the property subject to the request is located within the Urban Low Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, Lake County Planning and Zoning Board did review petition PH#11-12-4 on the 4th day of April, 2012, after giving Notice of Hearing 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 24th day of April, 2012;

WHEREAS, this Ordinance shall rescind and replace any and all previously approved Ordinances including Ordinance #58-88; and

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

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

1 pertain to the above tract of land, as specified above, subject to the following terms:
2

3 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map from
4 Residential Professional (RP) and Planned Commercial (CP) to Planned Commercial (CP)
5 in accordance with this Ordinance. This Ordinance shall rescind and replace any and all
6 previously approved Ordinances including Ordinance #58-88.
7

8 A. Land Uses:

9 1. The following existing uses shall be permitted:

- 10 a. Single-Family Residence.
11 b. General Retail limited to a Clothing Store.

12 Accessory uses associated with the above primary uses may be approved by the
13 County Manager or designee. Any other use of the site not specified above shall
14 require approval of an amendment to this Ordinance by the Board of County
15 Commissioners.
16

17 B. Conceptual Plan. Development of the site shall be consistent with the Concept Plan
18 as shown in EXHIBIT "A" (attached), the Comprehensive Plan and Land Development
19 Regulations, as amended, and all Federal, State, and Local regulations. To the extent
20 where there are conflicts between Exhibit A and this Ordinance, this Ordinance shall
21 take precedence.
22

23 C. Open Space: Development shall maintain the minimum open space on the site,
24 consistent with the Comprehensive Plan and Land Development Regulations (LDR),
25 as amended.
26

27 D. Impervious Surface (ISR) and Floor Area Ratio (FAR):

28 1. Any future development shall be consistent with the Comprehensive Plan and
29 Land Development Regulations, as amended regarding ISR and FAR.
30

31 E. Parking: Any future development shall be consistent with the Comprehensive Plan and
32 LDR, as amended.
33

34 F. Buffers, Landscaping, and Setbacks:

- 35 1. Landscaping shall be in accordance with the Comprehensive Plan and LDR, as
36 amended. Any existing non-conforming landscaping shall be brought into
37 compliance as specified in the Land Development Regulations.
38 2. Building setbacks shall be fifty (50) feet from all right-of-way and a minimum of
39 fifteen (15) feet for the side and rear.
40

41 G. Transportation:

42 1. Access management shall be consistent with the Comprehensive Plan and Land
43 Development Regulations and Florida Department of Transportation Regulations,
44 as amended.
45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

- H. Lighting:
 - 1. Outdoor lighting shall be full-cutoff lighting with traditional-style fixtures. Exterior lighting shall not illuminate adjacent properties and rights-of-way.
 - 2. Lighting shall be designed so as to prevent direct glare, light spillage, and hazardous interference consistent with Dark Sky Principles and be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

- I. Noise:

A noise study may be required with the site plan submittal pursuant to the LDR, as amended.

- J. Signage:

Signage shall be consistent with the Comprehensive Plan and LDR, as amended.

- K. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations, include any future amendment to the Statutes, Code, Plan, and/or Regulations.

- L. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the uses named in this Ordinance.

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

- N. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Lake County Land Development Regulations, as amended.

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

Section 2. 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.

Section 3. Development Review and Approval: Prior to the issuance of any permits, the Owner shall obtain development order approvals from Lake County. The applications for final

orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

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

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, Chairman

ATTEST:

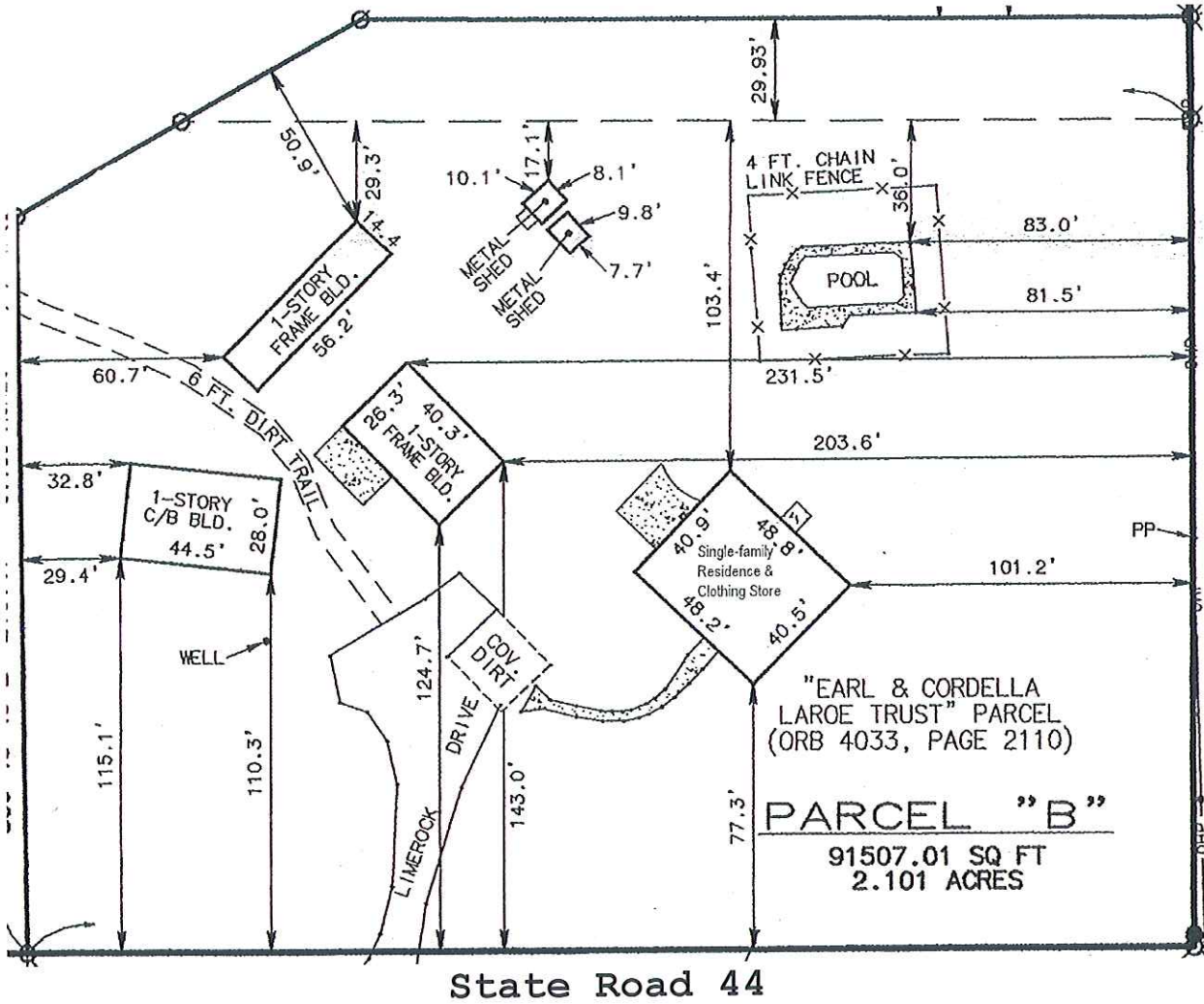
NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" - CONCEPTUAL PLAN

1
 2
 3
 4
 5



6
 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

**ORDINANCE #2012-
PH #11-12-4
(The Shop, LLC & Earl Eugene & Cordella S. LaRoe, Trustees)**

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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

WHEREAS, Timothy W. Green, Green Consulting Group, Inc., (the "Applicant") on behalf of The Shop, LLC & Earl Eugene & Cordella S. LaRoe, (the "Owners") has submitted a rezoning request to rezone 5.09 +/- acres of 7.19 +/- acres of property comprising two (2) parcels from Residential Professional (RP) and Planned Commercial (CP) to Residential Professional (RP).; and

WHEREAS, the 5.09 +/- acre property is located at the northwest corner of CR 44 Bypass and SR 44 in the Eustis area, Section 7 – Township 19 South – Range 27 East, lying within Alternate Key #1443202 and 1443211, described as:

LEGAL DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF OAKS AT SUMMER GLEN, A SUBDIVISION RECORDED IN PLAT BOOK 60, PAGES 90 THROUGH 92, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE RUN SOUTH 00°09'39" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 44 BYPASS A DISTANCE OF 302.82 FEET; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE RUN NORTH 89°53'58" WEST A DISTANCE OF 244.78 FEET; THENCE SOUTH 60°28'05" WEST A DISTANCE OF 116.68 FEET; THENCE SOUTH 00°46'49" EAST A DISTANCE OF 216.07 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 (ALSO KNOWN AS ORANGE AVENUE); THENCE SOUTH 89°57'37" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 202.61 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE WITH THAT LINE AS DESCRIBED IN A BOUNDARY LINE AGREEMENT BETWEEN GLEN A. LAROE AND LOUISE HAYES MUSE AS RECORDED IN OFFICIAL RECORDS BOOK 3067, PAGES 5 THROUGH 8, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE DEPARTING FROM SAID NORTH RIGHT-OF-WAY LINE RUN NORTH 01°16'27" EAST ALONG SAID AGREED UPON BOUNDARY LINE A DISTANCE OF 585.86 FEET TO THE INTERSECTION OF SAID AGREED UPON BOUNDARY LINE AND THE SOUTH LINE OF SAID OAKS OF SUMMER GLEN; THENCE SOUTH 88°57'48" EAST ALONG SAID SOUTH LINE OF OAKS OF SUMMER GLEN A DISTANCE OF 532.17 FEET TO THE POINT OF BEGINNING. CONTAINING 5.091 ACRES, MORE OR LESS.

WHEREAS, the property subject to the request is located within the Urban Low Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, Lake County Planning and Zoning Board did review petition PH#11-12-4 on the 4th day of April, 2012, after giving Notice of Hearing 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 24th day of April, 2012;

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

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

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map from

Residential Professional (RP) and Planned Commercial (CP) to Residential Professional (RP) in accordance with this Ordinance.

Section 2. 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.

Section 3. Development Review and Approval: Development shall comply with all County codes and ordinances, as amended.

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

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 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