

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 #9-12-1 RaceTrac Store at Woodcrest Way	Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner	Agenda Item # 4
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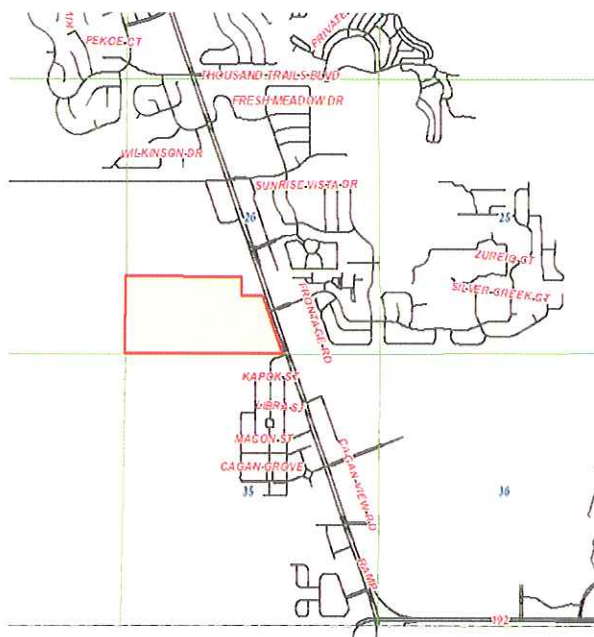
Owner: Rubin Groves of Clermont, LLC / Sheldon Rubin (the "Owner")

Applicant: Bryan Potts, P.E., Tannath Design, Inc. (the "Applicant")

Requested Action: The Applicant is requesting to rezone 11.95 +/- acres from Agriculture (A) and Neighborhood Commercial (C-1) to Planned Commercial (CP) for commercial development (convenience retail, general retail, professional office, and medical service) and requesting a waiver to the pervious parking requirements.

- Site Location and Information -

Approximate site location shown in red



Size	11.95 +/- Acres
Location	Sections 26/ Township 24S/ Range 26E, Four Corners area south of Clermont – southwest corner of the intersection of the extension of Woodcrest Way and US 27.
Alt. Key Number(s)	1071011 & 1595169
Future Land Use (FLU)	Green Swamp Ridge
Existing Zoning District	Agriculture (A) and Neighborhood Commercial (C-1)
Proposed Zoning District	Planned Commercial (CP)
Maximum Floor Area Ratio (FAR)	Max. 0.25 – Comp. Plan Policy I-4.2.2
Minimum Open Space Requirement	20% - Net Buildable Area
Maximum Impervious Surface Ratio (ISR)	Max. 0.45 – Comp. Plan Policy I-4.2.2
Joint Planning Area	None
Utility Area	Lake Utilities, Inc.
Site Utilities	Central Water & Sewer (proposed)
Road District	US Hwy 27 - Arterial Woodcrest Way - Local
Flood Zone / FIRM Panel	Zone X – Panel #12069C0725D Effective July 3, 2002
Commissioner's District	1 – Hill

Site Visit(s): March 9, 2012

Sign(s) Posted: March 9, 2012 (4 Signs)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Ridge	PUD & C-1	Undeveloped PUD, Restaurant, & Cafe	None
South	Cagan Crossings	DRI/PUD	Mixture of Single & Multi Family and Commercial Uses	Cagan Crossings PUD
East	Urban Low	PUD	Mixture of Single & Multi Family and Commercial Uses	Sunrise Lakes PUD Woodridge PUD Cagan Crossing PUD
West	Green Swamp Ridge	A	Citrus Grove and Wetland	None

STAFF RECOMMENDATION: The proposed rezoning request is consistent with the Comprehensive Plan and Land Development Regulation as stated in the Findings of Fact. Therefore, staff recommends **APPROVAL** for the rezoning request, with conditions as specified in the proposed ordinance. Staff recommends **DENIAL** for the requested waiver to the pervious parking requirement contained in Section 9.01.06.C, Land Development Regulations because the Applicant has failed to provide justification demonstrating the need for the excess parking spaces, how the project is meeting the intent of the requirements if the waiver is granted, or how this requirement imposes a hardship not created by the Applicant.

PLANNING and ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone 11.95 +/- acres from Agriculture (A) and Neighborhood Commercial (C-1) to Planned Commercial (CP) to allow commercial development (convenience retail, general retail, professional office, and medical service) and is requesting a waiver to the pervious parking requirements of Section 9.01.06.C, Land Development Regulations (LDR). The waiver request is to allow the Applicant to construct all vehicle parking spaces, including the surplus spaces, as impervious parking. Staff does not support this waiver request as specified in Section "A" of this report. If the Board chooses to approve the waiver request, conditions have been placed in the attached Ordinance to address the requested waiver.

The property is within the Green Swamp Ridge Future Land Use Category (FLUC). The Comprehensive Plan limits the individual building floor area within the Green Swamp Ridge Future Land Use Category (FLUC) to 5,000 SF, but provides conditions to increase the Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR) to the maximum for the FLUC. This is discussed in further detail in Section "B" of this report.

The requested use (general retail) is allowed consistent with Table 3.01.03 Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district and is consistent with the zoning pattern for the area as seen on the Zoning and Future Land Use Map (Staff Attachment #1).

The Public Works Transportation Division has determined the proposed project will impact US Hwy 27 by increasing the trips on this segment of the highway. This is discussed in detail in Section "E" of this report.

The project is consistent with the Comprehensive Plan and Land Development Regulations as specified in the Analysis and Findings of Fact.

**- Standards of Review and Analysis -
(Section 14.03.03, LDR)**

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

The requested use (general retail) is permitted consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district.

The Applicant is requesting a waiver to the pervious parking requirements contained in Section 9.01.06.C, LDR, related to developing all parking spaces in excess of the number required for the proposed use (convenience retail) as pervious spaces. The rezoning request may facilitate a RaceTrac convenience retail that would require a total of thirty (30) vehicle parking spaces. The Applicant is providing thirty-two (32) spaces (2 surplus spaces) and requests a waiver to the requirement for the 2 extra spaces being pervious parking spaces. No justification has been provided by the Applicant demonstrating the need for the excess parking spaces, how the project is meeting the intent of the requirements if the waiver is granted, or how this requirement imposes a hardship not created by the Applicant. Staff is not supportive of this request because the Applicant has not demonstrated the necessity for the waiver.

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

The property is located within the Green Swamp Ridge FLUC on the Future Land Use Map. Potential development within this FLUC must comply with the established development standards as outlined in *Policy I-4.2.2* of the Comprehensive Plan (Plan). These development standards address intensity, impervious surface ratio, building square footage, and building height. The application is consistent with these design standards.

The Comprehensive Plan limits the individual building floor area within the Green Swamp Ridge Future Land Use Category (FLUC) to 5,000 SF, but provides conditions to increase the Floor Area Ratio (FAR) and Impervious Surface Ratio (ISR) to the maximum for the FLUC, as seen in *Policy I-4.2.2*, Comprehensive Plan ("the Plan"). The Plan states if the Applicant's proposed development meets or exceeds the sustainable building rating and certification system and retains the first three (3) inches of stormwater runoff on the property the project may develop up to the maximum FAR of 0.25 and an ISR of 45% for the Green Swamp Ridge FLUC. The proposed Concept Plan notes the three (3) Florida Green Building (FGB) rating systems that could be used to meet this requirement at site development should the rezoning be approved.

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 Surrounding Use Map (Staff Attachment #2). The land uses within the immediate area consist of general and convenience retail, restaurants, auto repair facilities, and single and multi-family residential uses.

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

There have been no changed conditions to prompt the rezoning. There has been at least 6 rezonings in this area over the past 5-years. However the Applicant seeks to rezone in order to develop the subject property with a mix of commercial uses.

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 Level of Service (LOS) for the segment of US Hwy 27 between CR 474 and US 192 is "C" with a capacity of 2,590 trips. This segment currently operates at 86% of its capacity during the peak hour in the peak direction. Public Works Transportation Division has determined the proposed project will impact US Hwy 27 by generating 113 peak hour trips with 52 directional pm peak hour trips, increasing the volume to capacity (v/c) ratio to 88% of the operating capacity. A Tier 2 traffic impact study will be required with the site plan submittal, if this rezoning is approved. Currently there are no state funded projects for this segment of US Hwy 27.

The proposed access for the site is from US Hwy 27, which is a Florida Department of Transportation (FDOT) maintained roadway. Any connection to this roadway will be subject to FDOT review and permitting. Turn lanes may be required for the entrance on US Hwy 27 and the extension Wood Crest Way. This will be determined during the site plan review process.

UTILITIES

Southlake Utilities has been identified as the probable utility service provider for the development central water and sewer as stated in the Utility Availability Letter, dated January 23, 2012. It will be necessary for the Applicant to obtain a Utility Service Agreement from Southlake Utilities and provide a copy of this agreement in conjunction with site plan approval.

FIRE

Lake County Fire and Rescue Station (LCFR #112) is located at the intersection of CR 474 and US Hwy 27 area approximately 0.5 mile from the property. LCFR #112 is manned 24/7 with an approximate response time of 3 to 5 minutes providing fire protection and advanced life support for this area.

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 prior to any development application approval. The submittal of an Environmental Assessment will be a condition in the attached ordinance.

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 development pattern for the area surrounding the property is predominately commercial development along US Hwy 27. A mix of residential types (Single-Family, Multi-Family, and Condominiums) are situated west of the highway as shown on the Area Development Pattern Map (Staff Attachment #3). The Comprehensive Plan has designated this area as the Green Swamp Ridge FLUC to promote a balanced mix of land uses. The proposed project will result in an orderly and logical development pattern within this FLUC.

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 is within the square footage allotment for commercial development within the Green Swamp Ridge FLUC as demonstrated in Sections A – I of this report.

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 application is consistent with *Policy I-4.2.2, Green Swamp Ridge Future Land Use Category*.
2. The application is consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district which permits convenience retail, general retail, professional office, and medical services.
3. The requested waiver is inconsistent with Section 9.01.06.C, Land Development Regulations since no information has been provided by the Applicant demonstrating the need for the excess parking spaces, how the project is meeting the intent of the requirements if the waiver is granted, or how this requirement imposes a hardship not created by the Applicant.

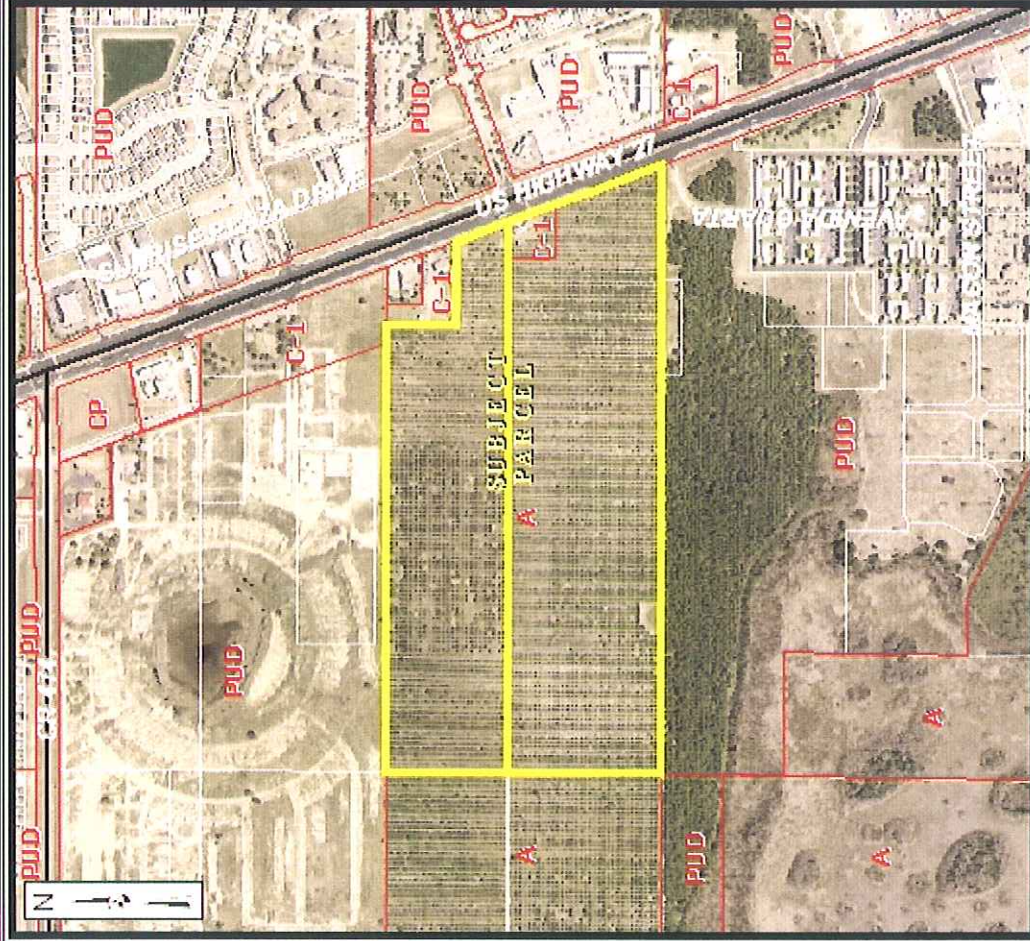
Based on these findings of fact, staff recommends **Approval** for this rezoning subject to the conditions contained in the attached Ordinance, but recommends **Denial** for the requested waiver as stated in the Findings of Fact.

WRITTEN COMMENTS FILED:

Support: -0-

Concern: -0-

Opposition: -0-

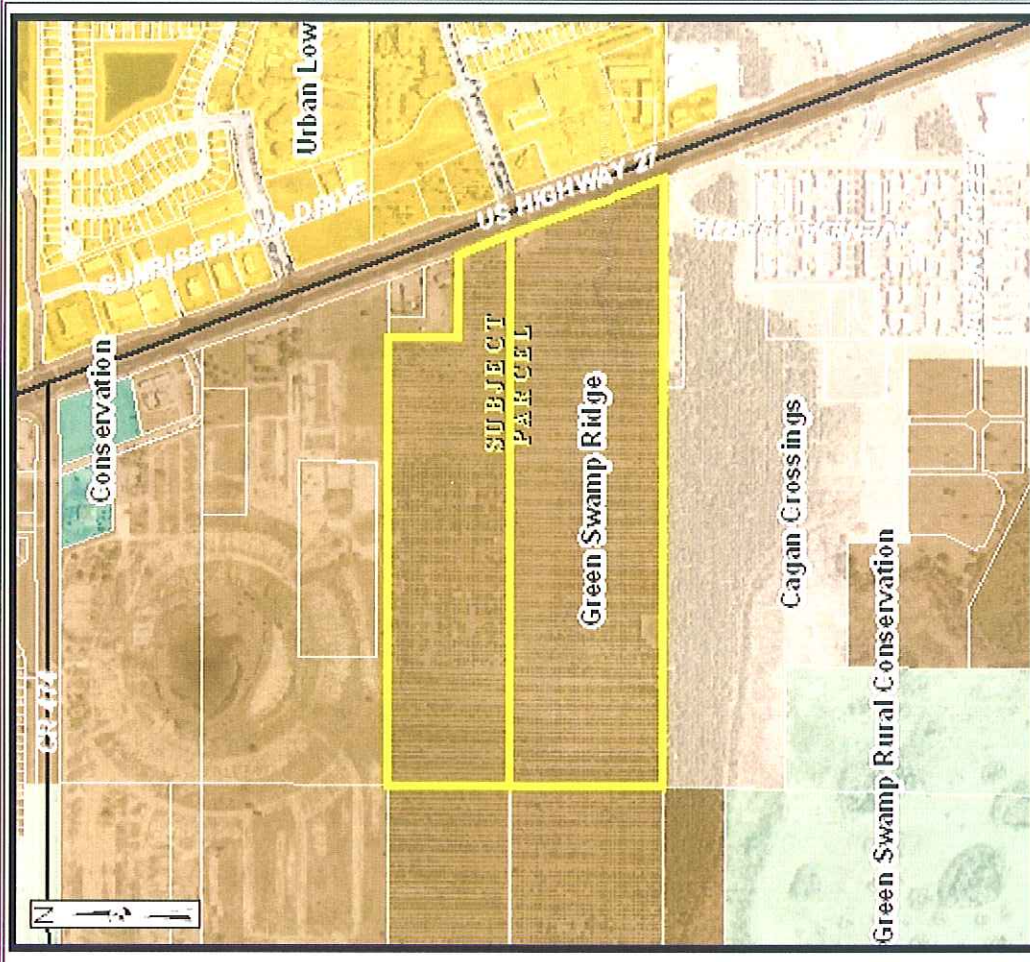


CURRENT ZONING
AGRICULTURE (A) AND NEIGHBORHOOD COMMERCIAL (C-1)

**RUBIN GROVE
 OF CLERMONT/
 RACETRAC STORE**

CASE NO. PH# 9-12-1
CASE LOCATION: 26-24E-26
REQUESTING:
 Rezone from A & C-1
 to Planned Commercial (CP)

ZONING  **LAND USE**  **SUBJECT PARCEL** 

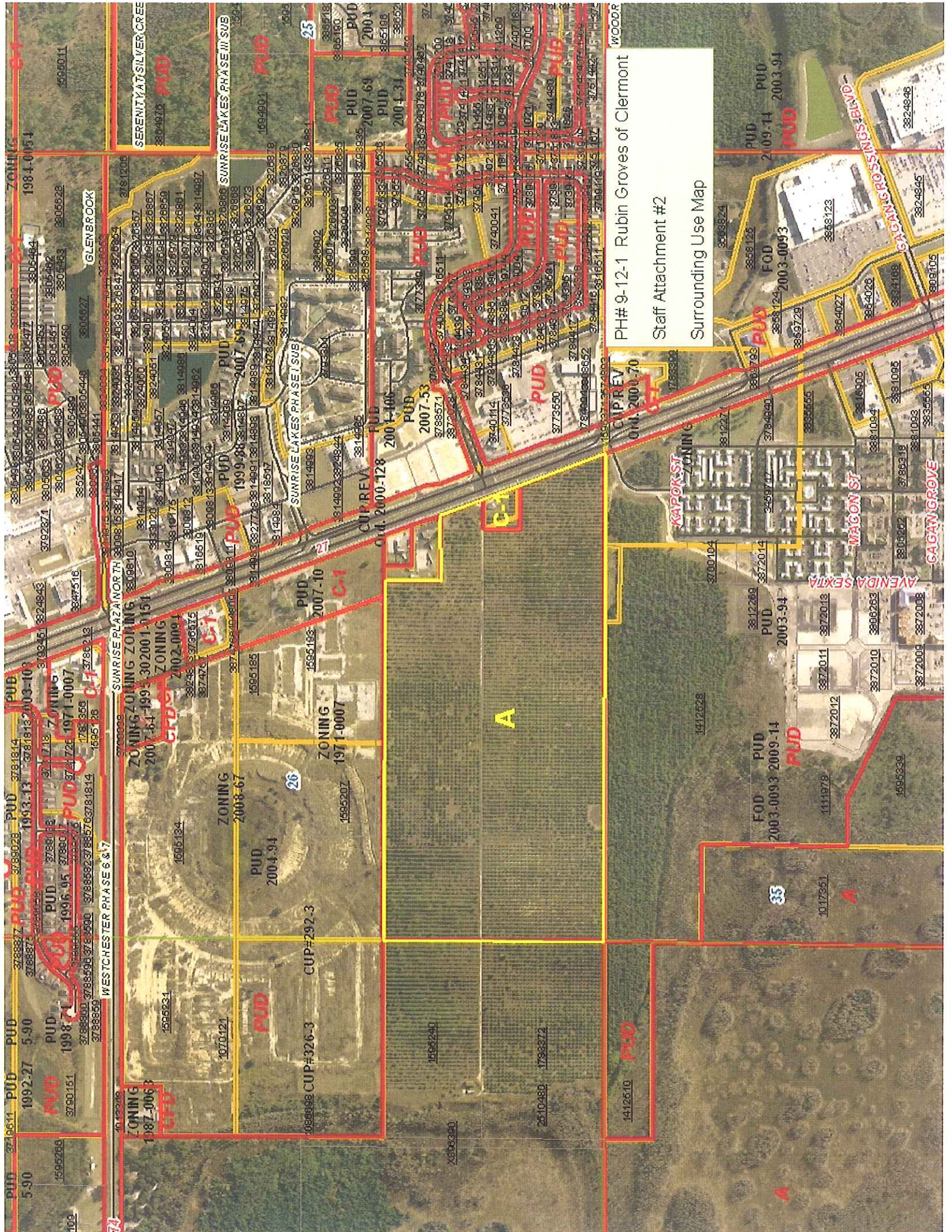


2030 FUTURE LAND USE
GREEN SWAMP RIDGE

VERIFICATION
 DATED 04/24/2012

FOCUS AREA

**LAKE COUNTY
 FLORIDA**



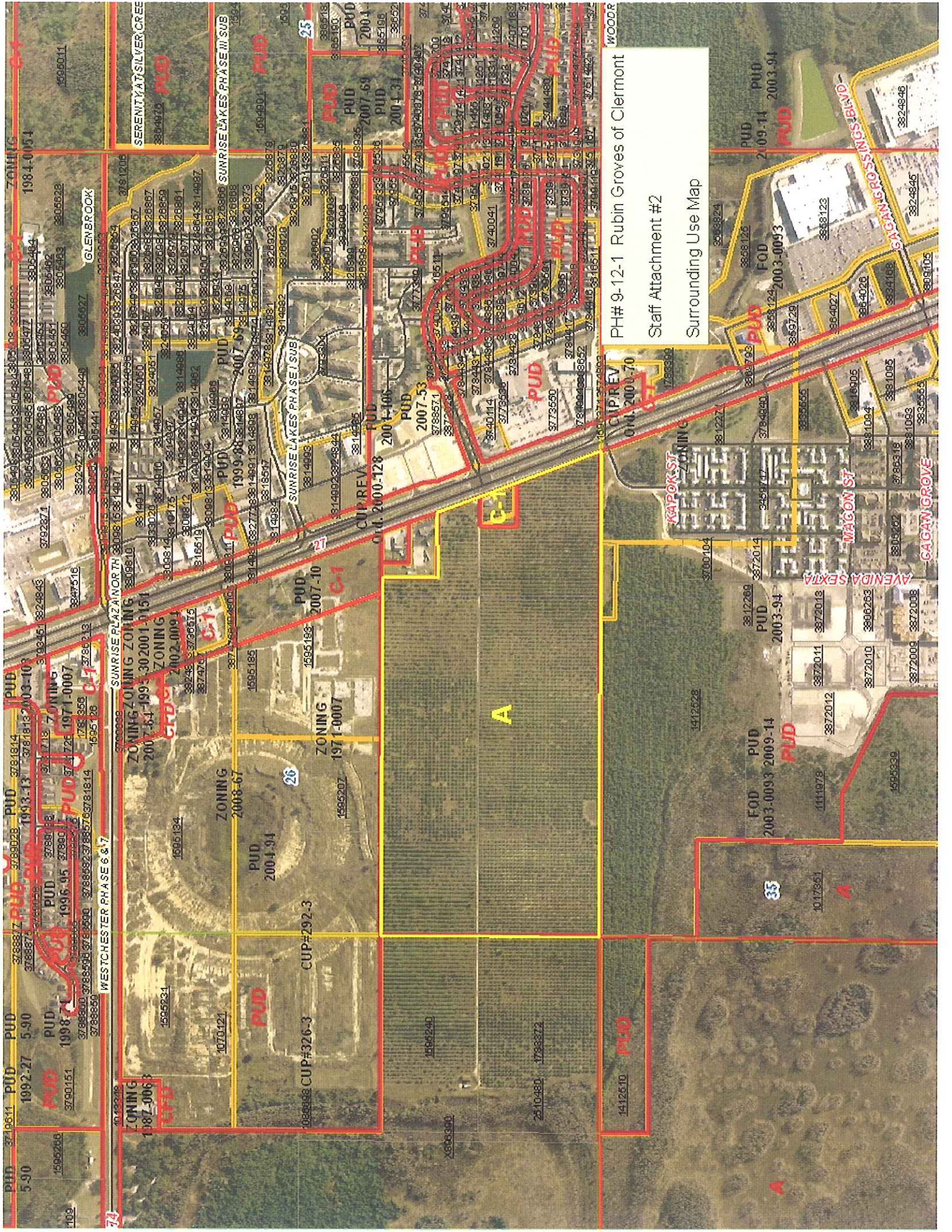
PH# 9-12-1 Rubin Groves of Clermont
 Staff Attachment #2
 Surrounding Use Map

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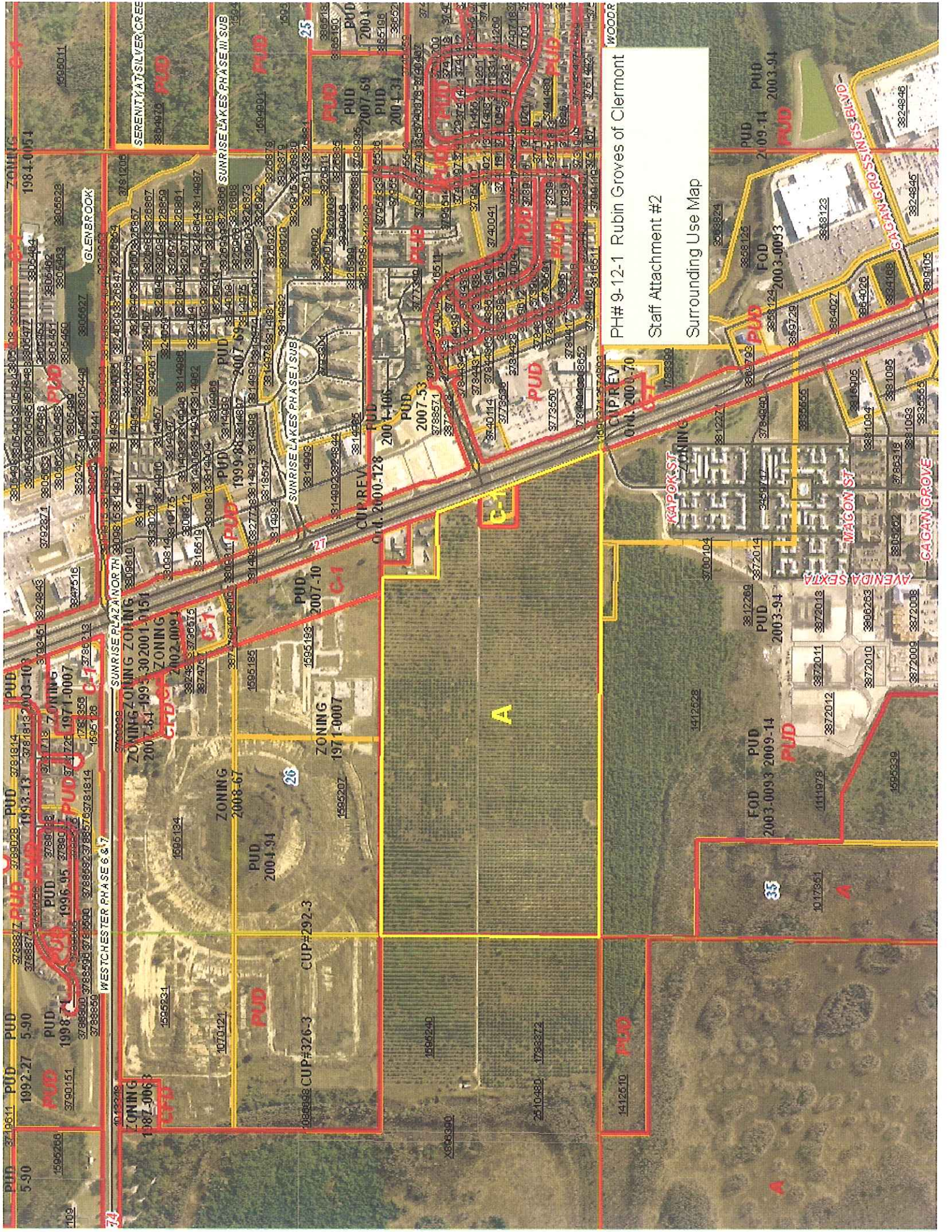
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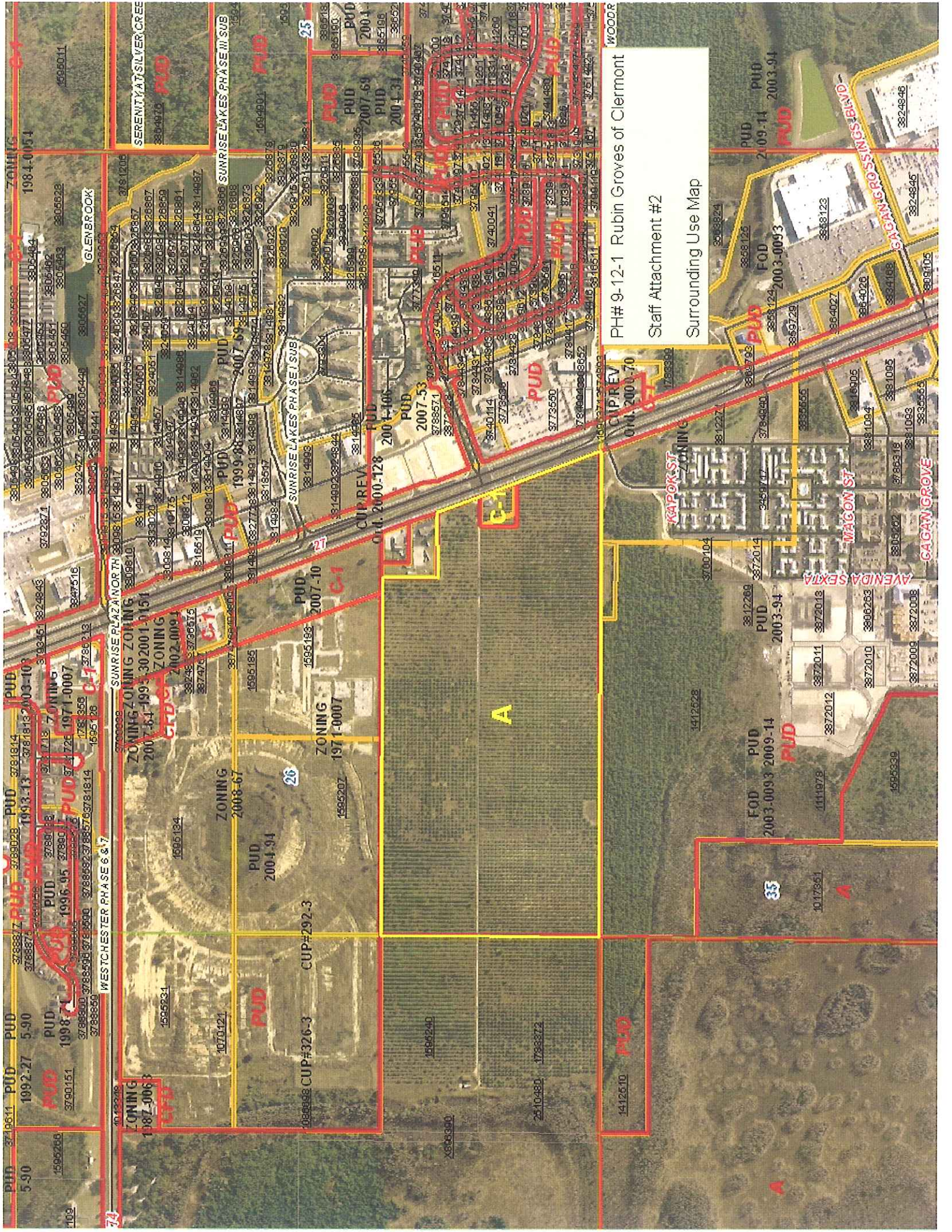
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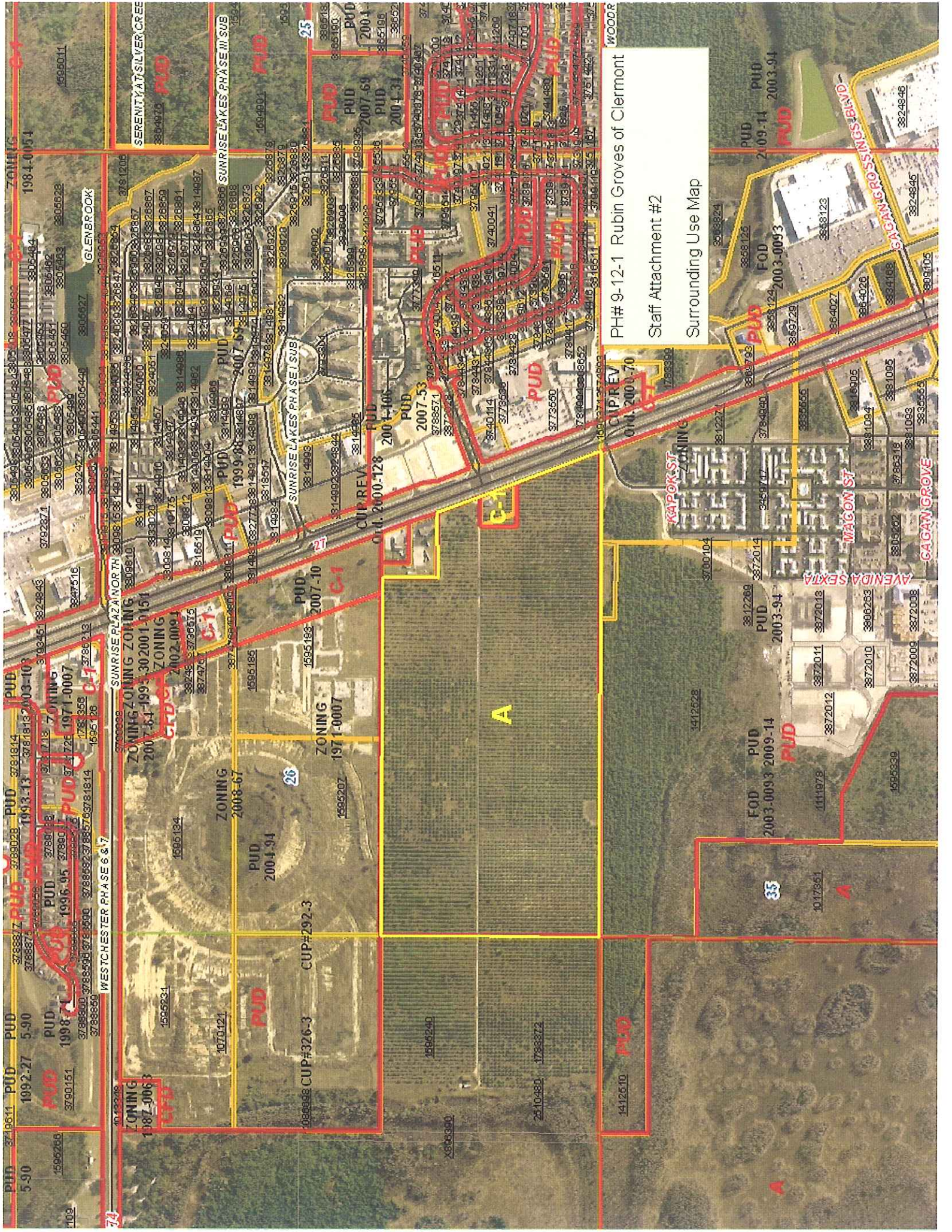
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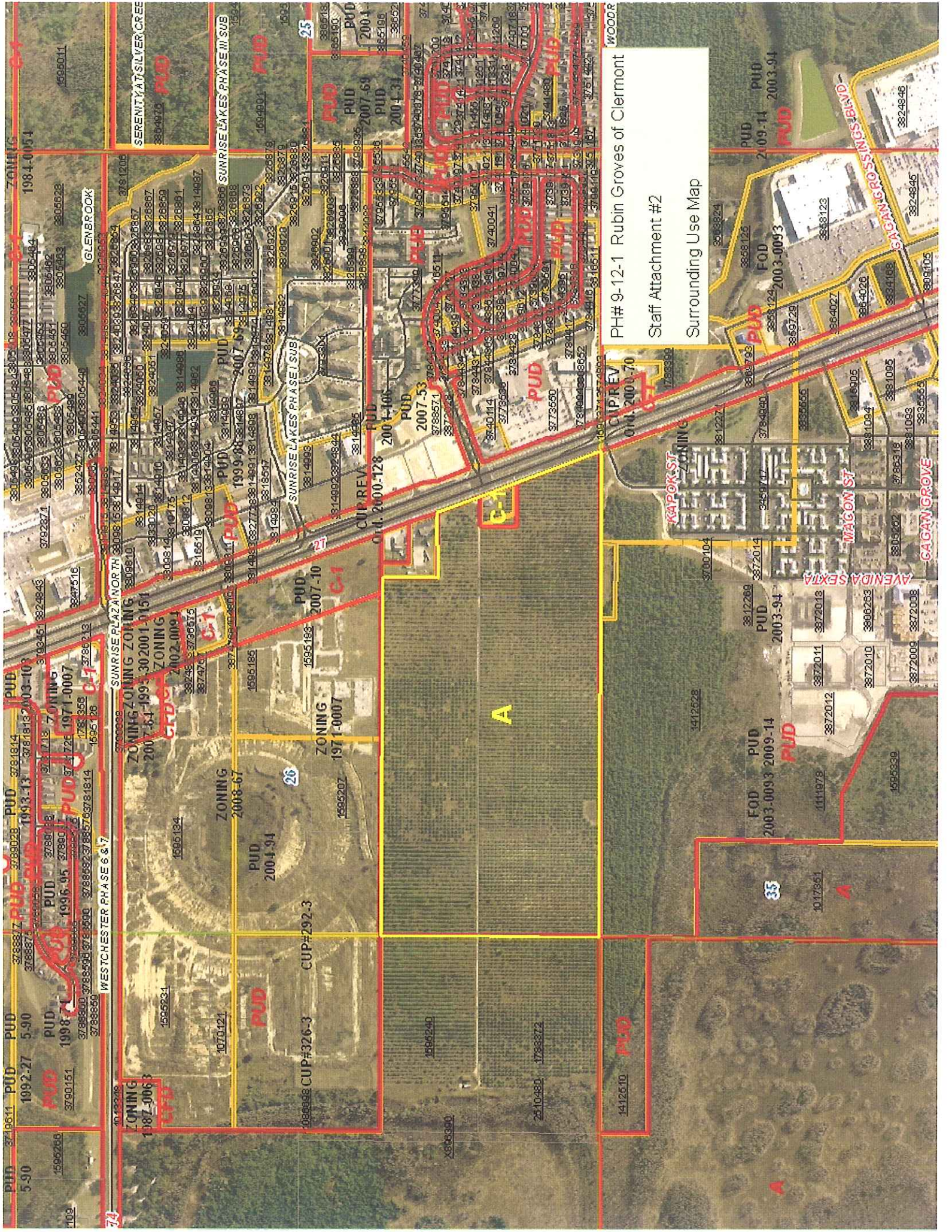
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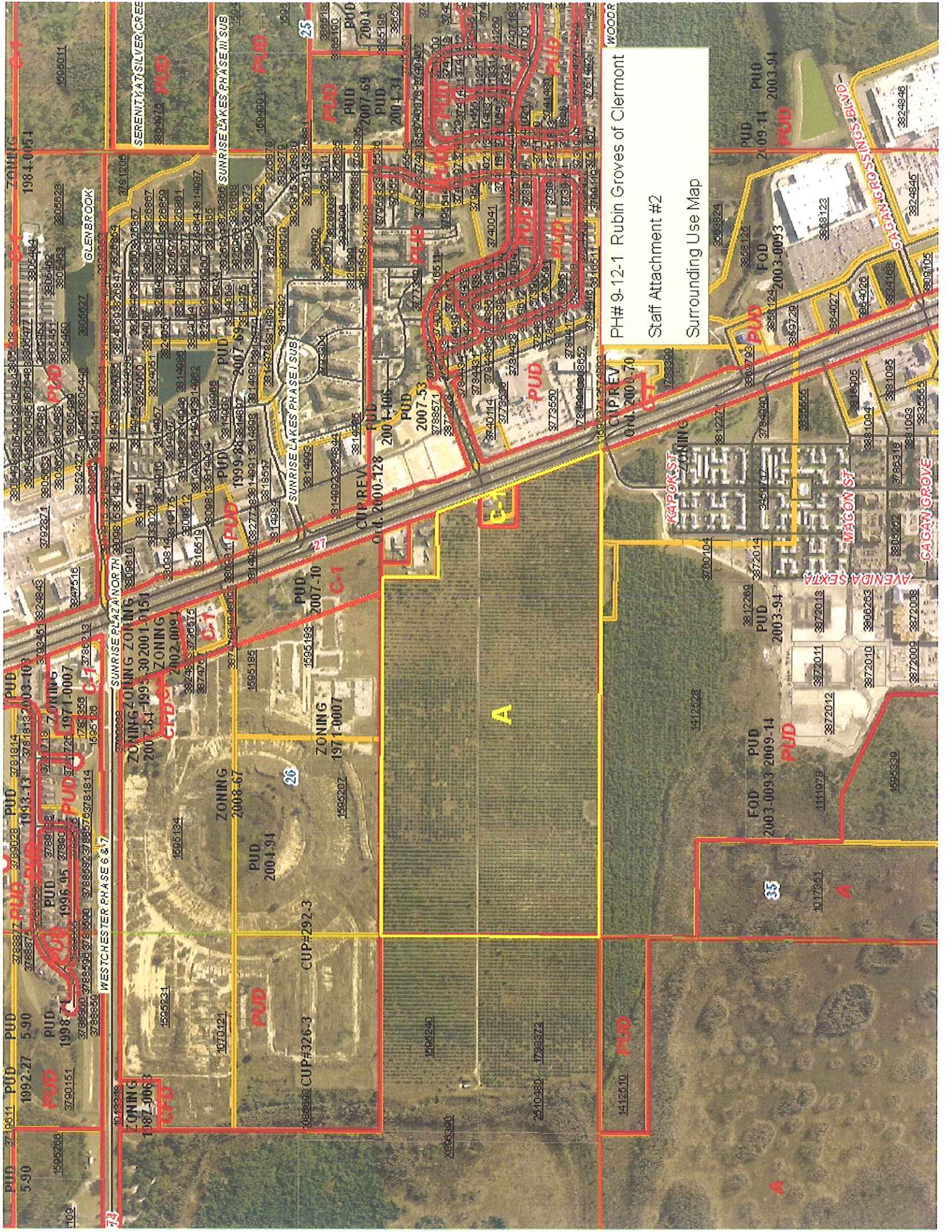
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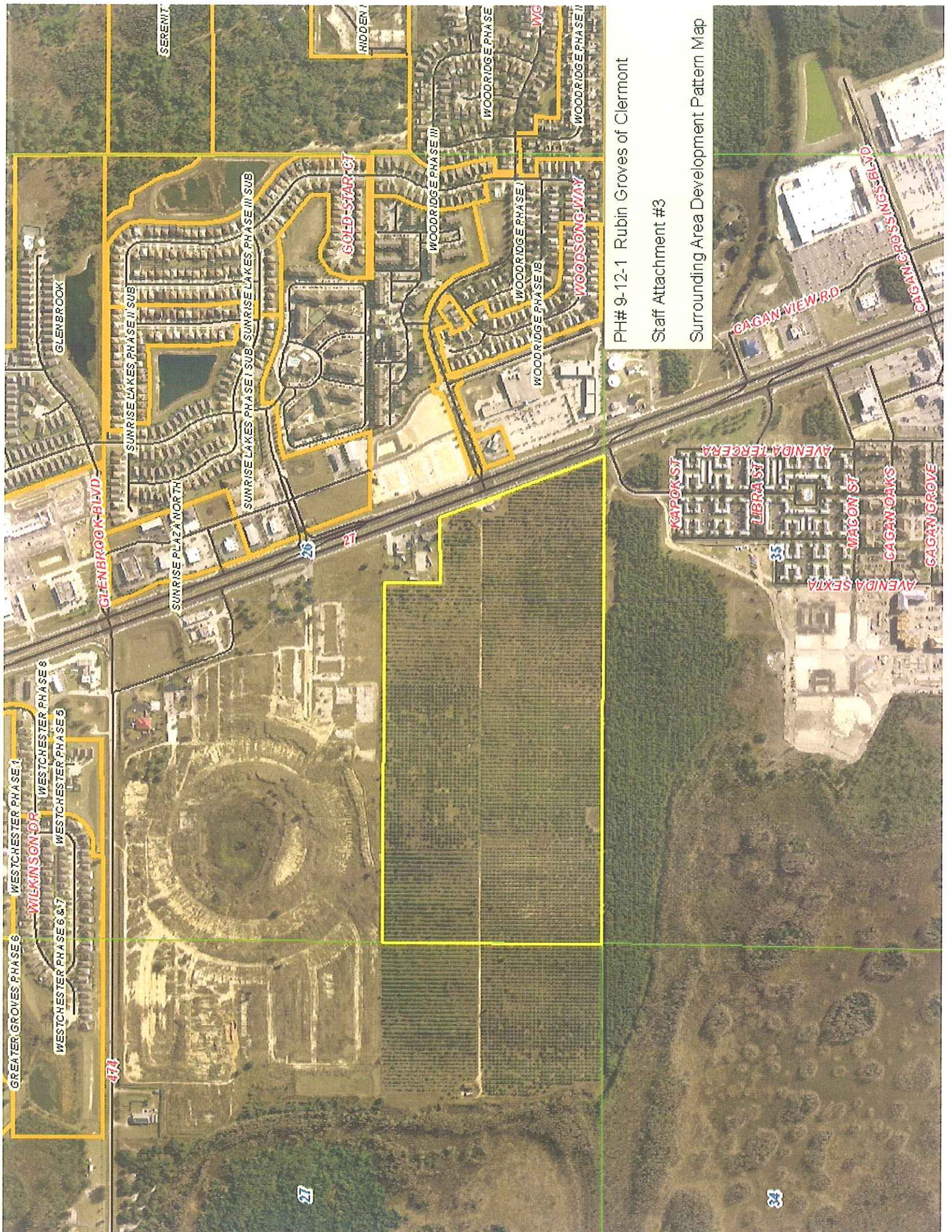
PH# 9-12-1 Rubin Groves of Clermont
Staff Attachment #2
Surrounding Use Map



PH# 9-12-1 Rubin Groves of Clermont
Staff Attachment #2
Surrounding Use Map



PH# 9-12-1 Rubin Groves of Clermont
Staff Attachment #2
Surrounding Use Map



PH# 9-12-1 Ruben Groves of Clermont

Staff Attachment #3

Surrounding Area Development Pattern Map

1 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the
2 Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the Public and
3 surrounding property owners at a duly advertised Public Hearing, and

4 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
5 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
6 pertain to the above tract of land, as specified above, subject to the following terms:

7 **Section 1. Terms:**

8 The County Manager or designee shall amend the Official Zoning Map from Agriculture (A)
9 and Neighborhood Commercial (C-1) to the Planned Commercial (CP) Zoning District in
10 accordance with this Ordinance. This Ordinance shall supersede and rescind all previous
11 Ordinances. Development of the site shall be consistent with the Concept Plan as shown
12 in Exhibit "A" (attached), to the extent where there are conflicts between Exhibit "A" and
13 this Ordinance, this Ordinance shall take precedence.

14 A. Land Uses:

15 1. The following uses shall be permitted:

- 16 a. Convenience Retail.
- 17 b. General Retail.
- 18 c. Professional Office.
- 19 d. Medical Services.

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

24 B. Open Space

25 The development shall maintain the minimum open space on the site, consistent with
26 the Comprehensive Plan and Land Development Regulations (LDR), as amended.

27 C. Impervious Surface Ratio (ISR), Floor Area Ratio (FAR), and Building Height shall be
28 consistent with the Comprehensive Plan and LDR, as amended.

29 D. Parking:

30 1. Parking for the development shall be consistent with the Land Development
31 Regulations and Comprehensive Plan, as amended.

32 2. A waiver to the pervious parking requirements contained in Land Development
33 Regulations, as amended, is granted to the proposed Convenience Store
34 development located on the southern side of the Woodcrest Way extension as
35 shown on Exhibit "A" (Concept Plan) only. This waiver grants the development of
36 the convenience retail and gasoline sales use to have two (2) parking spaces in
37 excess of the required parking for the use as impervious parking.

- 1 E. Buffers, Landscaping, and Setbacks:
- 2 1. Landscaping shall be in accordance with the Comprehensive Plan and LDR, as
- 3 amended.
- 4 2. Best Management Practices for native landscaping and “right plant-right place”
- 5 landscaping techniques shall be used for the landscape design to minimize the
- 6 use of chemicals, pesticides, and water for irrigation. Invasive and exotic plant
- 7 species are prohibited.
- 8 F. Transportation:
- 9 1. Access management shall be consistent with the Comprehensive Plan, LDR, and
- 10 Florida Department of Transportation (FDOT) Regulations, as amended.
- 11 2. A Tier II Traffic Impact Study shall be submitted for review and approval with the
- 12 site plan application.
- 13 3. Transportation Concurrency shall be met prior to the site plan approval.
- 14 G. Lighting:
- 15 Exterior lighting shall not illuminate adjacent properties and rights-of-way. Outdoor
- 16 lighting shall be full-cutoff lighting with traditional-style fixtures. Lighting shall be
- 17 designed so as to prevent direct glare, light spillage, and hazardous interference
- 18 consistent with Dark Sky Principles and be in accordance with the Comprehensive
- 19 Plan and Land Development Regulations, as amended.
- 20 H. Noise:
- 21 A noise assessment shall be required with the site plan submittal to demonstrate
- 22 mitigation for any noise impacts the proposed project may have on the neighboring
- 23 uses pursuant to the LDR, as amended.
- 24 I. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as
- 25 amended.
- 26 J. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
- 27 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 28 County Comprehensive Plan, and Lake County Land Development Regulations,
- 29 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
- 30 K. After establishment of the facilities as provided herein, the aforementioned property
- 31 shall only be used for the uses named in this Ordinance.
- 32 L. This Ordinance shall inure to the benefit of, and shall constitute a covenant running
- 33 with the land and the terms, conditions, and provisions hereof, and shall be binding
- 34 upon the present owner and any successor, and shall be subject to each and every
- 35 condition herein set out.
- 36 M. The transfer of ownership or lease of any or all of the property described in this
- 37 Ordinance shall include in the transfer or lease agreement, a provision that the
- 38 purchaser or lessee is made good and aware of the conditions pertaining to this
- 39 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may
- 40 request a change from the existing plans and conditions by following procedures

1 contained in the Lake County Land Development Regulations, as amended.

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

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

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

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

14
15 ENACTED this _____ day of _____, 2011.

16
17 FILED with the Secretary of State _____, 2011.

18
19 EFFECTIVE _____, 2011.

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21
22 **BOARD OF COUNTY COMMISSIONERS**
23 **LAKE COUNTY, FLORIDA**

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27 _____
28 **LESLIE CAMPIONE, Chairman**

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32 **ATTEST:**

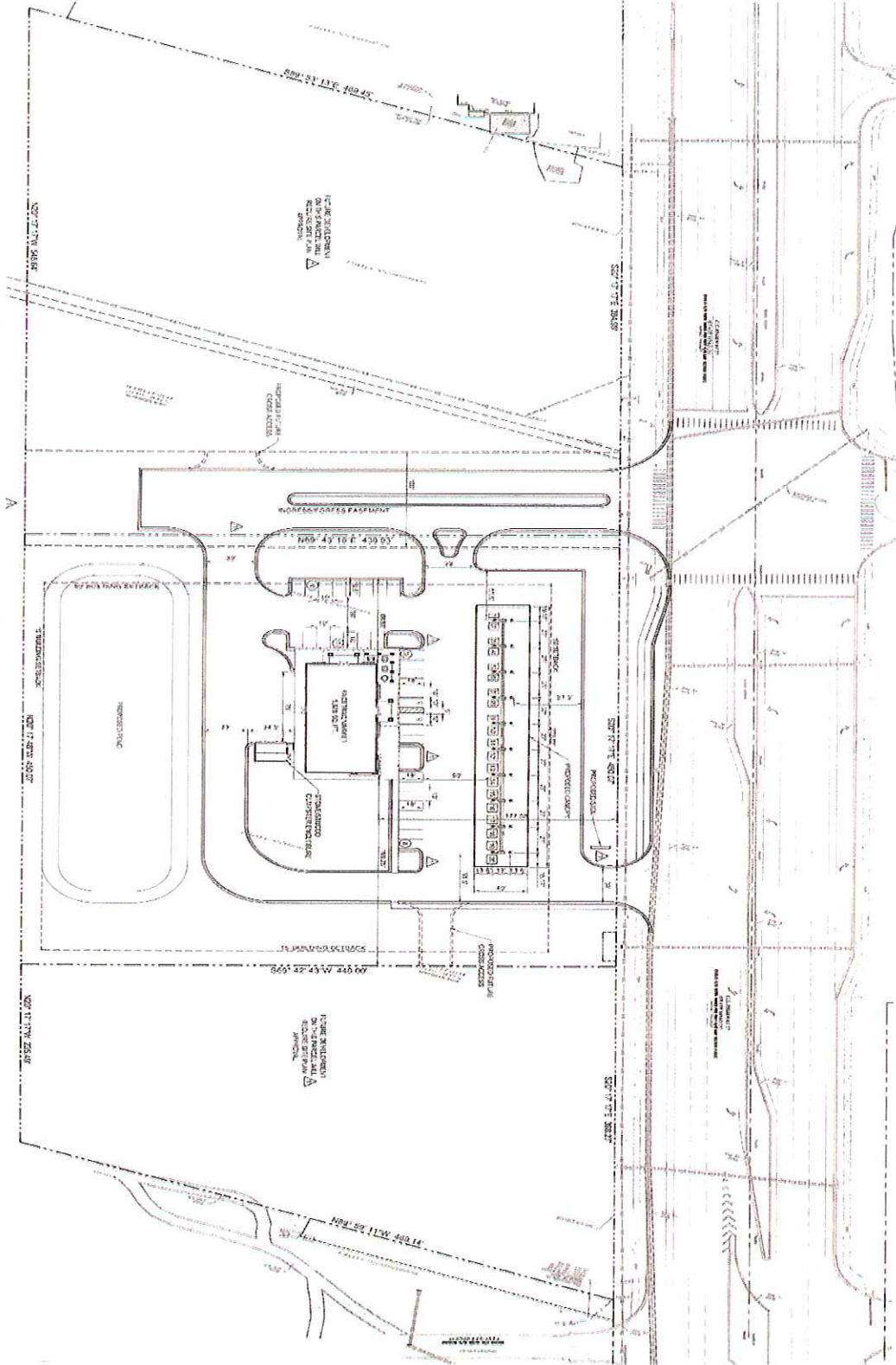
33 _____
34 **NEIL KELLY, Clerk of the**
35 **Board of County Commissioners**
36 **Lake County, Florida**

37
38
39 **APPROVED AS TO FORM AND LEGALITY**

40
41
42 _____
SANFORD A. MINKOFF, County Attorney

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EXHIBIT "A" – CONCEPT PLAN



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4