

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 #12-12-5 Carroll/South Forty Business Center	Case Manager: Jennifer Cotch, Environmental Specialist	Agenda Item #1
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Owner: Raymond Carroll, Debra Williams, Preston Gibbs, Charlie & Roberta Parker (the "Owners")

Applicant: Raymond Carroll (the "Applicant").

Requested Action: Amend MP Ordinance #1986-56, to add general retail and motorcycle sales use to the existing light industrial uses by creating a new ordinance that will replace Ordinance #1986-56.

- Site Location & Information -

Approximate site location outlined in Aqua



Site Visit: March 15, 2012
 Sign Posted: March 15, 2012

Size	9.3 +/- acres	
Location	SR 40, west of Hugh Drive	
Alternate Key #	multiple	
Future Land Use	Regional Commercial	
	Existing	Proposed
Zoning District	MP	MP
Density	N/A	N/A
Floor Area Ratio (FAR)	1.0 (max.) LDR	3.0 (max.) Comp Plan
Impervious Surface Ratio (ISR)	0.80 (max.) LDR	0.75 (max.) Comp Plan
Joint Planning Area	N/A	
Utility Area:	St. Johns Utilities Inc	
Site Utilities	Central water and sewer	
Road Classification	SR 40, minor collector	
Flood Zone/ FIRM Panel	(X & A) / (0380D & 0385D)	
Commissioner District	5-Cadwell	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	CP & LM	Office and hair salon	
South	Regional Commercial	LM	Residential	
East	Urban Low	CP	Vacant, undeveloped	
West	Regional Commercial	LM	Vacant warehouse	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this rezoning application to add general retail and motorcycle sales uses to the existing light industrial use, with conditions, as specified in the proposed ordinance, which will also replace existing MP Ordinance #1986-56

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis –

The Applicant seeks to amend Ordinance No.1986-56 to establish a new ordinance for the entire 9.3-acre area known as the South Forty Business Center by rescinding and replacing it. The proposed rezoning amendment will add general retail and vehicular uses to the existing light industrial uses. The property is located on SR 40 and contains four (4) structures of industrial and office uses including a motorcycle repair shop and a storage facility.

- STANDARDS OF REVIEW & ANALYSIS -

(Per Section 14.03.03 of the Land Development Regulations)

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

The request is consistent with Table 3.01.03, *Schedule of Permitted and Conditional Uses* of the Land Development Regulations (LDR), which permits light industrial, general retail, and vehicular sales uses within Planned Industrial (MP) zoning districts. The existing FAR and ISR is consistent with the Comprehensive Plan (Comp Plan) and LDR. The proposed general retail and vehicular uses are not expected to have an effect on the setbacks, parking, open space, FAR or ISR. Any future development changes to the property require conformance to current development standards at the time of Site Plan review. The requested additional uses are allowed in the MP zoning district and are allowable within the Regional Commercial F.

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

The property is situated within the Regional Commercial future land use category, which is part of the Urban future land use series. The proposed rezoning for light industrial, general retail and motorcycle sales uses is consistent with Comp Plan Policy 1-1.3.7 for Regional Commercial uses. The proposed uses are also consistent with Comp Plan Policy 1-1-3.10.6 which allows these uses along State Road 40, which is designated as a Minor Commercial Corridor.

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

The surrounding area is developed to the west and north and includes uses such as professional offices and hair salon. The proposed uses are consistent with the existing uses in the area.

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

The Applicant wishes to relocate his motorcycle repair hobby to an appropriate location. This property could accommodate the repair and sell motorcycles. The Applicant would also like to conduct general retail on the property, also. However, existing MP Ordinance 1986-56 has to be amended as it only allows light industrial 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;

The proposed rezoning is not expected to adversely impact public facility capacity or levels of service greater than the currently allowed uses. Additionally, St. Johns Water Utilities, Inc provides central water and sewer service to the property. This is consistent with the Comp Plan provisions that require properties within the Urban future land use series connect to a central service provider.

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 urban uses. New activities are proposed to be conducted within the existing structures. Therefore, this application is not expected to have any impact on the natural environment.

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

There is no indication that 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 proposed request is consistent with the existing development pattern in the area surrounding the subject parcel.

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 Comp 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 application for this rezoning request and found:

1. The rezoning application is consistent with Comp Plan Policy 1-1.3.7 for Regional Commercial uses for light industrial, general retail and motorcycle sales use. T
2. The proposed uses specified in the rezoning application are consistent with Comp Plan Policy 1-1-3.10.6 regarding the location of commercial uses along commercial corridors, i.e. SR 40.
3. The proposed rezoning is consistent with Comp Plan Policy IX-2.2.4 that requires the connection to central potable water system for properties within the Urban future land use series.
4. The proposed rezoning is consistent with Comp Plan Policy IX-3.1.4 that requires the connection to central sewer system for properties within the Urban future land use series.
5. The rezoning application is consistent with Table 3.01.03, *Schedule of Permitted and Conditional Uses* of the Land Development Regulations (LDR) which specified general retail and vehicular sale uses within the MP zoning district.

Based on these findings of fact, staff recommends **APPROVAL** of the rezoning amendment and to rescind and replace Ordinance No.1986-56, subject to the provisions contained in the proposed ordinance.

WRITTEN COMMENTS FILED: **Support: -0-** **Concern: -0-** **Opposition: -0-**

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

5 **SECTION 1. Terms:** The County Manager or designee shall amend the Lake County Official Zoning Map in
6 accordance with this Ordinance. This Ordinance shall rescind and replace any and all previously
7 approved Ordinances including Ordinance No.1986-56.
8

9 A. Land Uses:

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- 11 1. Light manufacturing;
- 12 2. General Retail;
- 13 3. Motor cycle sales
- 14

15 Accessory uses: The County Manager or designee may approve normal accessory uses related
16 thereto. Any other use of the site shall require approval of an amendment by the Board of County
17 Commissioners.
18

19 B. Setbacks: The applicant shall maintain setbacks of no less than 50 feet from all roads, right-of-way or
20 easements bounding the project area, as outlined in the Lake County Land Development Regulations,
21 as amended.
22

23 C. Landscaping/Buffers: The applicant shall provide buffering as required by the Land Development
24 Regulations, as amended. No vehicles or signs are to be parked or displayed on the exterior of the
25 landscaping buffers or within 20 feet of the right of way.
26

27 D. Maximum building size: 8,000 square feet.

28 E. Signage:

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- 31 1. Two (2) signs not to exceed six (6) feet in height and four (4) feet in width are permitted.
32 These signs shall be located on the private medians within the property.
- 33 2. Temporary/portable signs, including balloons, mechanically/electrically inflatable signs,
34 portable signs, banners, and similar signage are prohibited.
35

36 F. Lighting:

- 37 1. All outdoor lighting shall be shaded and adjusted as to direct the light away from adjoining
38 properties and rights of ways.
- 39 2. Fixture height. Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and
40 shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
41
- 42

- 1 G. Storage and display:
2 1. All for vehicles for rent or sale shall be parked in designated areas and parking spaces. No
3 vehicles are to be parked in the right of way, or on the exterior of the landscaped area.
4 2. The outdoor storage or display of auto parts, tires, oil, or other accessories is prohibited
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6 H. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall submit
7 site plans to be reviewed and approved by the County Manager or designee. The site plans shall
8 meet all submittal requirements and comply with all County codes and Ordinances, as amended.
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10 I. Future Development Orders
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12 Any requested development order must comply with the Lake County Land Development Regulations,
13 as amended, and Lake County Comprehensive Plan, as amended.
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15 J. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific references in this
16 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
17 and Lake County Land Development Regulations, include any future amendment to the Statutes,
18 Code, Plan, and/or Regulations.
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20 K. After establishment of the facilities as provided herein, the aforementioned property shall only be used
21 for the uses named in this Ordinance.
22
23 L. This Ordinance shall inure to the benefit of and shall constitute a covenant running with the land and
24 the terms, conditions, and provisions hereof shall be binding upon the present owner and any
25 successor, and the present owner and any successor shall be subject to each and every condition
26 herein set out.
27
28 M. The transfer of ownership or lease of any or all of the property described in this Ordinance shall
29 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
30 aware of the conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The
31 purchaser or lessee may request a change from the existing plans and conditions by following
32 procedures contained in the Lake County Land Development Regulations, as amended.
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34 O. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
35 Special Master shall have the authority to enforce the terms and conditions set forth in this ordinance
36 and to recommend that the Ordinance be revoked.
37
38 **Section 2. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
39 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
40 validity of the remaining portions of this Ordinance.
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1 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall obtain
2 development order approvals from Lake County. The applications for final orders shall meet all
3 submittal requirements and comply with all County codes and ordinances, as amended.
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6 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

7 ENACTED this _____ day of _____, 2012

8 FILED with the Secretary of State _____, 2012.

9 EFFECTIVE _____, 2012.

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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 MINKOFF, County Attorney

ORDINANCE #56-86

FILED

SEP 23 9 47 AM '86

Commissioner
JAMES C. WATKINS, CLERK
LAKE COUNTY, FLORIDA

Whereas, the Lake County Planning and Zoning Commission did, on the 27th day of August, 1986, review petition #147-86-5, a request to approve the preliminary site plan to MP (Planned Industrial) zoning district on property generally located in the Astor area: From the intersection of S.R. 40 and Alco Rd. (5-9587); proceed W on S.R. 40 approximately 1/2 mile to the property located on the S side of the Rd. The property is more particularly described as:

LEGAL DESCRIPTION: N 1/2 of Lot 69; Sec. 9 of Manhattan Subdivision as recorded in PB 2, Pg. 3, Public Records of Lake County, except that portion lying within the r/w of S.R. 40.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 9th day of September, 1986 and

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

WHEREAS, upon review, certain terms and 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, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

Terms: The MP (Planned Industrial) facility shall mean and include the total of the following:

1. Uses on the site shall be limited to those permitted by the LM (Light Manufacturing District) only.
2. Permitted setbacks along interior streets on the site shall be thirty (30') feet from the right-of-way line.
3. Loading facilities and storage areas within this "MP" shall be screened on all sides having frontage on streets, roads or highways used for ingress and egress.
4. Screening shall consist of a four and one half (4-1/2) foot high hedge, at the time of installation. The hedge shall be planted with a species which will effectively screen the area from view and reduce noise generated by the industrial development. The hedge shall be properly sodded and maintained at all times.

5. A plat of the industrial park shall be recorded prior to the issuance of permits.

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

A: After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

B. This permit shall be reviewed at the end of one (1) year by the Director of Planning and may be recommended for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners should this review reveal that the facility has become a detriment to the development of the area.

C. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building 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 Section 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 governmental agencies.

- D. This amendment 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.
- E. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- F. The transfer of ownership or lease of any or all of the property described in Ordinance #56-86 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 the MP (Planned Industrial) established by Ordinance #56-86, 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 Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

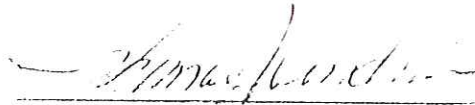
Ordinance #56-86

DONE AND RESOLVED by the Lake County Board of County Commissioners on
the 9th day of September, 1986, A.D.

STATE OF FLORIDA)

:

COUNTY OF LAKE)



Thomas J. Windram, Vice-Chairman
BOARD OF COUNTY COMMISSIONERS

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 September 9, 1986 as the same appears on record of
County Commissioners Minute Book 34 Page 15.

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

BY: 
CLERK