LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD May 2, 2012



BOARD OF COUNTY COMMISSIONERS May 22, 2012

PH #18-12-5 Magrone Property Rezoning Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner

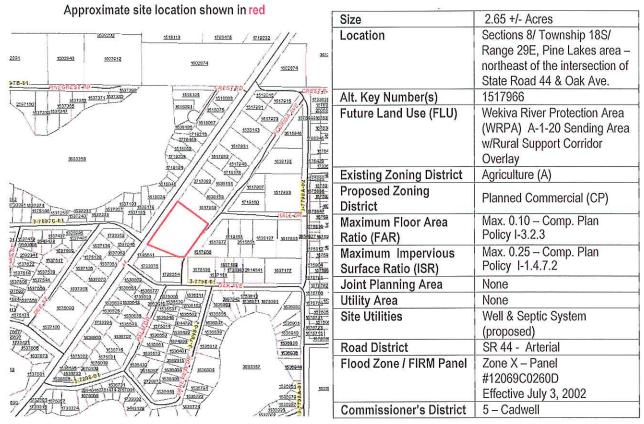
Agenda Item #6

Owner: Nicholas B. Magrone Family Trust, Ltd. / Nicholas B. Magrone, Trustee (the "Owner")

Applicant: Causseaux, Hewett, & Walpole, Inc. / Gerry Dedenbach, AICP, LEED (the "Applicant")

Requested Action: The Applicant is requesting to rezone 2.65 +/- acres from Agriculture (A) to Planned Commercial (CP) for commercial development (convenience retail, general retail, and professional office).

- Site Location and Information -



Site Visit(s): April 18, 2012

Sign(s) Posted: April 18, 2012 (4 Signs)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	A-1-20 Sending Area	Α	Single-Family Residential	None
South	A-1-20 Sending Area	CP, C-1,	Mixture of Single-Family and	None
	w/Rural Support Corridor	. & A	Commercial Uses	
East	A-1-20 Sending Area	Α	Single-Family Residential	Florida Avenue
West	A-1-20 Sending Area	Α	Single-Family Residential	SR 44

STAFF RECOMMENDATION: Staff finds the rezoning request consistent with the Comprehensive Plan and Land Development Regulation and recommends **APPROVAL**, with conditions as specified in the proposed ordinance.

PLANNING and ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone a vacant 2.65 +/- acre property from Agriculture (A) to Planned Commercial (CP) to allow general retail use concurrent with a Comprehensive Plan Amendment to extend the Pine Lake Rural Support Corridor to include this property. The analysis below was performed based on the amended policies.

The property is within the Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category (FLUC) and a Rural Support Corridor. The Comprehensive Plan (the Plan) permits rural support uses within the A-1-20 Sending Area FLUC consistent with the Rural Support Corridor policy. The Applicant proposes a primary structure with a floor area ratio of 0.10 and the total floor area square footage of 9,100 SF, consistent with the Plan.

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 (Attachment #1).

The Public Works Transportation Division has determined the proposed project will impact State Road 44 from County Road (CR) 44A to CR 42 by increasing the trips on this segment of the highway. The impacts are discussed in detail in Section "E" of this report.

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.

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

The property is within the Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category (FLUC) and is governed by Plan Policy I-3.2.1 which permits rural support uses within the A-1-20 Sending Area FLUC. The Pine Lakes Community, where the property is located, is designated as a Rural Support Corridor (a portion of State Road 44 is located within the Pine Lakes Plat). Plan Policy I-1.4.7.2, limits the aggregate floor area ratio for primary structures to 0.20 and the individual primary floor area shall not exceed 10,000 SF within the Rural Support Corridor. The Applicant proposes a primary structure with a floor area ratio of 0.10 and the total floor area square footage is 9,100 SF, consistent with this policy.

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 (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. However the Applicant seeks to rezone in order to develop the subject property with a general retail use that will provide services to the community.

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 roadway segment impact by this project is SR 44 from CR 44A to CR 42; the standard Level of Service (LOS) for the impacted roadway of SR 44 is "C" with a capacity of 780. This segment of roadway is operating at a volume to capacity ratio (v/c) of thirty two (32) percent. The proposed project will be generating thirty four (34) pm peak hour trips, in which seventeen (17) trips will impact the peak hour direction, increasing the v/c to thirty five (35) percent. Currently there are no County funded improvements scheduled for this roadway segment. The Applicant will be required to complete a Tier 1 Traffic Impact Study at site plan submittal to better define the impacts and if necessary, assist in formulating a mitigation strategy to address the potential impacts.

The proposed access for the site is from SR 44, 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 SR 44. This will be determined during the site plan review process.

UTILITIES

There are no central utilities (water and sewer) available for the site. The site will be served by a private well and septic system, both of which will require permitting through the Lake County Department of Health. The permitting requirements will be addressed during the site plan review process.

FIRE

Lake County Fire and Rescue Station (LCFR #15) is located at 40601 Palm Drive, less than 0.5

miles from the property. LCFR #15 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.

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 a mix of residential and neighborhood commercial uses within the rural support corridor as shown on the Area Development Pattern Map (Attachment #3). 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 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 WRPA A-1-20 Sending Area FLUC and the Rural Support Corridor Overlay as demonstrated in Sections A – H 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-3.2.1, Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category.*
- 2. The application is consistent with *Policy I-1.4.7.2, Rural Support Corridor Overlay*.
- 3. 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 general retail.

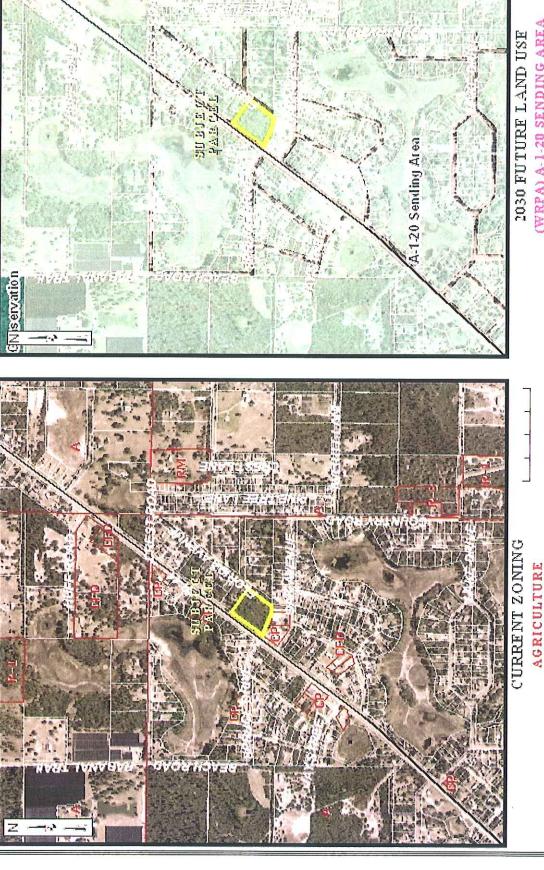
Based on these findings of fact, staff recommends **Approval** for this rezoning subject to the conditions contained in the attached Ordinance, based on the Findings of Fact.

WRITTEN COMMENTS FILED:

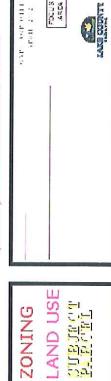
Support: -Petition with 105 signatures-

Concern: -0-

Opposition: -0-



WRPA) A-1-20 SENDING AREA

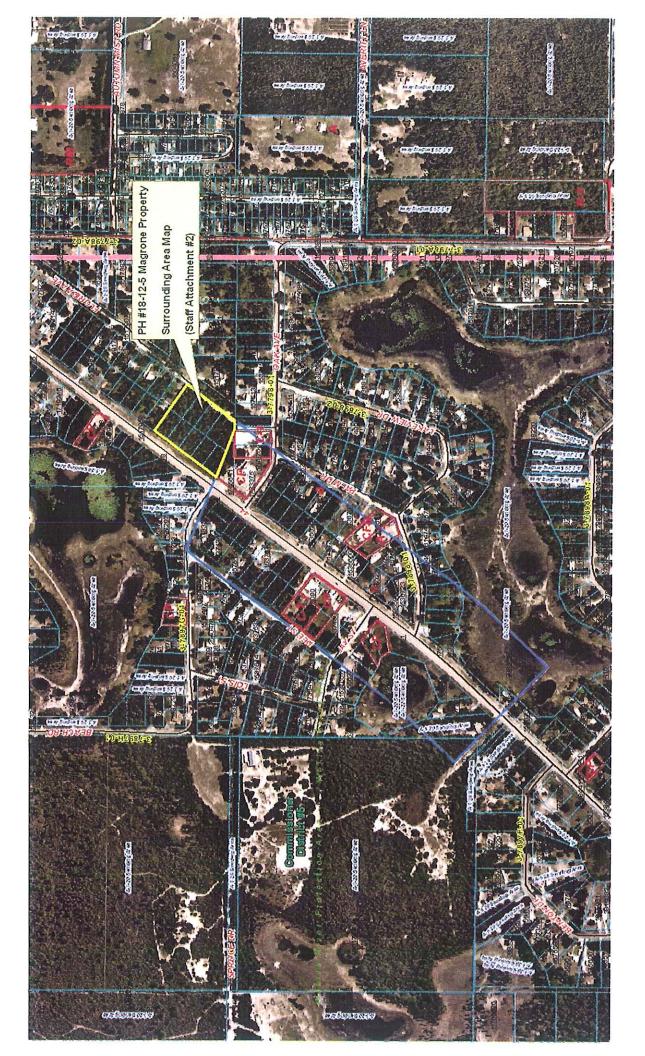


REQUESTING: Rezone from Agriculture (A) to Planned Commercial (CP)

CASE LOCATION 8-185-29E

MAGRONE FAMILY TRUST, LTD NICHOLAS B. MAGRONE (TRUSTEE)

CASE NO. PH# 18-12-5



1 ORDINANCE #2012-2 PH #18-12-5 3 (Magrone Family Trust, Ltd. - Nicholas B. Magrone, Trustee) 4 Causseaux, Hewett, & Walpole, Inc. / Gerry Dedenbach, AICP, LEED 5 6 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE 7 LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE. WHEREAS, Causseaux, Hewett, & Walpole, Inc. - Gerry Dedenbach, AICP, LEED (the "Applicant") on 8 behalf of Magrone Family Trust, Ltd. - Nicholas B. Magrone, Trustee (the "Owners") has submitted a 9 rezoning request to rezone 2.65 +/- Acres from Agriculture (A) to Planned Commercial (CP) to permit 10 commercial development of the property; and 11 12 WHEREAS, the property consists of approximately 2.65 +/- acres located northeast of Eustis, in the Pine Lakes area - northeast of the intersection of State Road 44 & Oak Ave., Section 8 - Township 18 13 South - Range 29 East, lying within and a portion of Alternate Key #1517966, and more particulary 14 15 described as: 16 LEGAL DESCRIPTION: Lots 32, 33, 34, 35, 36, 37, 38, 39, and 40 in Florida Hills, a subdivision in Lake County, Florida, 17 according to the plat thereof, recorded in Plat Book 13, Page 59, of the Public Records of Lake 18 County, Florida. 19 WHEREAS, the property subject to the request is located within the Wekiva River Protection Area 20 (WRPA) A-1-20 Sending Area Future Land Use Category with a Rural Support Corridor Overlay; and 21 WHEREAS, the Lake County Planning and Zoning Board, did review petition PH #18-12-5, on the 2nd 22 23 day of May, 2012, after giving Notice of Hearing on petition 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, 24 25 Florida, on the 22nd day of May, 2012; and WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the 26 Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the Public and 27 28 surrounding property owners at a duly advertised Public Hearing, and NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, 29 30 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as specified above, subject to the following terms: 31 32 Section 1. Terms: 33 The County Manager or designee shall amend the Official Zoning Map from Agriculture (A) to the Planned Commercial (CP) Zoning District in accordance with this Ordinance. This 34 Ordinance shall supersede and rescind all previous Ordinances. Development of the site 35 36 shall be consistent with the Concept Plan as shown in Exhibit "A" (attached), to the extent 37 where there are conflicts between Exhibit "A" and this Ordinance, this Ordinance shall take precedence. 38 A. Land Uses: The following uses shall be permitted: 39 40 1. General Retail. 2. Accessory uses directly associated with the above primary uses may be approved 41 by the County Manager or designee. Any other use of the site not specified above 42 43 shall require approval of an amendment to this Ordinance by the Board of County

1		Commissioners.
2		Commissioners.
3	В.	Open Space: 70%
4 5		The development shall maintain the minimum open space on the site, consistent with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
6 7	C.	Impervious Surface Ratio (ISR): 0.30
8 9	D.	Floor Area Ratio (FAR): 0.10
10 11	E.	Building Height: 30 feet or maximum of two (2) stories.
12 13	F.	Building Size: 10,000 maximum
14 15	G.	Building Design:
16 17 18		 All structures and fencing shall be designed to provide a country or rustic appearance as shown in Exhibit B. All such designs shall be approved by Lake County.
19 20		2. Dumpster: Any trash receptacle or dumpster shall be bear proof.
21 22 23	Н.	Parking: Parking for the development shall be consistent with the Land Development Regulations and Comprehensive Plan, as amended.
24 25	I.	Buffers and Landscaping.
26 27 28 29		 Any mature trees within buffer areas or not within the development footprint shall be preserved and maintained. Landscaping shall be installed and maintained in accordance with the Comprehensive Plan and LDR, as amended.
30 31 32	J.	Setbacks. Setbacks shall be in accordance with the Comprehensive Plan and LDR, as amended.
33 34 35 36 37		Best Management Practices for native landscaping and "right plant-right place" landscaping techniques shall be used for the landscape design to minimize the use of chemicals, pesticides, and water for irrigation. Invasive and exotic plant species are prohibited.
38 39	K.	Transportation:
40 41 42 43		 Access management shall be consistent with the Comprehensive Plan, LDR, and Florida Department of Transportation (FDOT) Regulations, as amended. A Tier II Traffic Impact Study shall be submitted for review and approval with the site plan application.
44 45		Transportation Concurrency shall be met prior to the site plan approval.

L. Lighting:

- 1. Exterior lighting shall be cut-off type lighting.
- 2. Lighting shall not illuminate adjacent properties and rights-of-way and shall not exceed 0.80 foot-candles at the property line.
- 3. Lighting shall be designed so as to prevent direct glare, light spillage, and hazardous interference consistent with Dark Sky Principles and in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- M. Noise: A noise assessment shall be required with the site plan submittal to demonstrate mitigation for any noise impacts the proposed project may have on the neighboring uses pursuant to the LDR, as amended.
- N. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as amended.
- O. 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.
- P. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the uses named in this Ordinance.
- Q. 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.
- R. 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.
- S. 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

ORDINANCE #2012-

42

PH # 18-12-5 / Magrone Family Trust, Ltd – Nicholas B. Magrone, Trustee (Proj#2012030006 / AR#2014)

1 2 3		shall obtain development orders shall meet all submit ordinances, as amended.	er approvals from Lake County. The applications for fatal requirements and comply with all County codes	final and
4 5 6 7 8 9 10	Section 4.	shall remain Agriculture until s inclusion of this property within within the Rural Support Corrid	ective and the zoning of the property subject of LPA# 12- such time as the Future Land Use Amendment granting in the Rural Support Corridor, increasing the Building S dor and increasing the Impervious Surface Ratio allowed Il Future Land Use Category, becomes effective.	the Size
12	ENACTED this	day of	, 201	12.
13 14	FILED with the	Secretary of State	, 201	12.
15 16 17	EFFECTIVE		, 201	12.
18 19 20 21 22			BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA	
2324252627	ATTEST:		LESLIE CAMPIONE, Chairman	
28 29 30 31 32	NEIL KELLY, C Board of Coun Lake County, F	ty Commissioners		
33 34 35 36	APPROVED AS	S TO FORM AND LEGALITY		
37 38 39 40 41	SANFORD A.	MINKOFF, County Attorney		

EXHIBIT "A" - CONCEPT PLAN

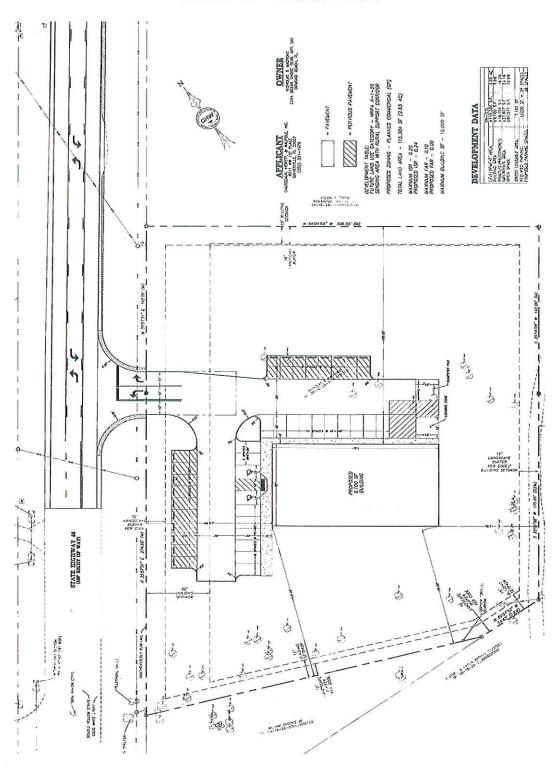
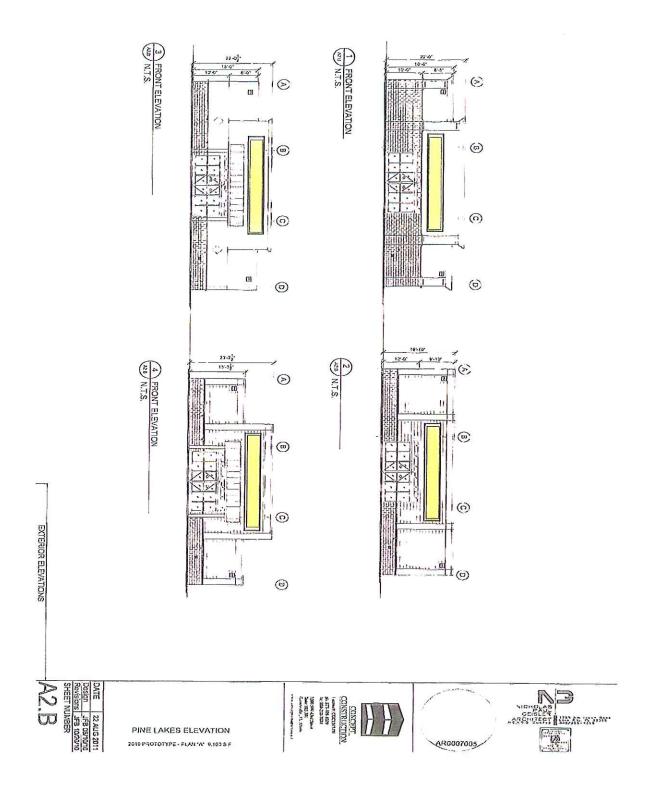


EXHIBIT "B" ~ CONCEPTUAL BUILDING ELEVATIONS



MARTHA WHITLEY 41700 POINCIANA STREET EUSTIS FL 32736 352-589-1527

TO: Rick

SUBJECT Petitions

DATE: April 18, 2012

RECEIVED

APR 1 9 2012

Planning & Community Design

32406 AVERITY LO H. 352-357-6578

Deridu India Here Jane D'Amico 30919 Tulip AVE. 32920 Forest Ridge Rd. Custis, FL. 37736 Wayne & Phyllis Earnest Dale & Donna 42010 Poinciana St Eustis FL 32736 EUSTIS Fred + Caroly Hines 41626 Poinciana St Tams Pond Rd.

Eustis 76 32756

Eustis FL.32736

Sustain, Fl. 32736 Michelle Canzo 42124 Chinaberry Ct. Eustis Q 32736 32736 41311 Poinciana St Eustis FT 32736 JAMES RABARNETTS MARY B BARWETTE 30451 HAWTOOKAE HUE 30451 HAWTHORNE HUE EUST:5 71 32736 Eustis FL 31736

Yvonne Meeks 36525 Rosacre Dr Eustis Fl

NORMA CONNORS 39530 GREEN BRIER ST. EUSTIS, FL

Anjela Gnoss 39531 Green brier Eustis Fl

LUCEN IN S HOUGH

Bill Meeks 36525 Reserve Dr. Eustis Fl. 32736 Raco to tabe of

ZIOUO SR-UV EUSTIS FI 32736

James Dasherson 40824 : Country Rd. Englis, Fl. 32736

Jacquelyn Jones 45320 E. Cashew Jet Eustir, Flg. 3273/

Francis Pandu 30949 Serub Ocklane Bustin Fl. 32736

Wayne Stephens
42808 Royal TRAILS Rd.
Eusri's Fl 32736

Maney Stephens 42808 Royal TRAils Rd. Eustis Fl 32736

Bassie M. Larris 42808 Roya / Theils Rd. Euro's Fl 32734

HOYTE WHITLEY
41700 POINGIAND ST

Pat Mundman 29215 St. Rd 44 Eustis Fl 32736

Doroth, JHOWSERT 40831 FL AVE Eustis FL 32236

CARDYN TOBIO 40880 Florida Aug Eustis Fl 32786 Jason R. Krauss 41942 Royal Trails Rd Eustin, EL 32736

Melissa Koppel 36025 Tanner Lane Eustis, FL 32736

HAMIK Roppel 36025 TAMER LAME EUSHS, FC.32736

Dil Severett 38216 Cotamaran La Eustis 32736

Bobbie Counderson 31738 Lakevició DR EUSTIS FL 32736.

Obel Forest dr Deland Flas2720

Tamme Culbreth 31738 la Keviewdr. Eustis, fla. 32736

Eustis, Fl. 32756

Fustis, F/ 32736

Michelle Ziegler 42311 Royal Trails Rd Eustis FL 32786 Both O'Shaughnessy 36136 Michigan Dr Eustia, Pl 32736

Luisa Granfoed 40743 Royal Trails Rd Euglis, EL 32726 Taylor musselaux 29215 St RO 44 Eustin FL 32736

Jackie Hauthier 4264/ Cashew Euslid Fil 32736

Elaune F. Ma Ray & Polter Markers 31525 BROWLY Br. Rd. Entrat Fla, 32736

Jeante & Juster 9 43307 Beech Gre DELAND FL 32720

Bebar Contre 3701 Il fearalt Opange City 7 1 32763

JAMES W BURKE 42207 BEECH AVE DELAND FL 32720

258 Ens MELLESTA BUR ORMGE CIY, FL 32763

Macuice Gusethier 4204 (Casten 56 Fustis Misses

Shannon Pyle 31727 Lakeview Dr Eustis FL 32736

Helly Lodura 24429 Adais Ave Soventa FL 32776

Albert Bissohnette 45331 Tenn St Paisley PC 32-767

Donald Brewer	NANCY MEWILLIAM
3001 Root Rd Eustis FL 30736	EUGTIG FU 77774
Blace Rippent 300+ Rd EUSTIS FL 30736	Cliff Millennamy 39330 Royal Trails Rd Rusts Fl 32736
Jim HUNT 32105 LAURECCT EUSTIS FL 32736	Carol McMonnany Tamarac Eustis, E32736
DAN NEILSON 31624 LAKEVIEU Dr Eurlis Fla 32736	
Krishe Carter 39330 Royal Trailsfol Euch's FL 32736	Personal designation of the Company

3 1112 Nestro. Deno.

Sullip & Mills

WE, THE UNDERSIGNED, AGREE TO THE REZONING OF THE PROPERTY EAST OF CIRCLE K ON STATE ROAD 44, TO COMMERCIAL. FLORIDA HILLS LOTS 32, 34, 35, 36, 37, 38, 39, & 40, PB 13, PG 59 ORB 2893 PG 98

Bother Helson	Elen M Ray Brus De Alleton Solly Mills
Ken Paul Kattel Dovell Kull Kenin Kung	Hadal Sweet
They Mally Charles John	Robert Hilm Jam Jilm
Destu Taha Minla Taha	Jennife Julians
Enford Swoll I Calilia Apprens	

Brumma Rossex 40415 Holly Branch d. Eustis A. 32736 Eustis Fl. 37736 41627 APOLLOLN Make Co EUSNIS FL 37736 31649 Hillcrost Dr Fustis FL 52736 Eust's FL. 32726 344458.44 EUSTIS F1. 32726

Comi E Williams Ans. Enstis El 32736	Silip I Mille 3112 Alufarez Hose Eustis, Fl. 32734
Jenny R. Miller 31410 Hoy 44 Eustis, Fi. 32736	Hyan Poincing 51 Eugling F1 32736
Jany Milell 41009 CR 439 Unatilla FL 30084	PAULO ZERNIAK 30070 ASTERCT EUGTIG FL 77776
	c