

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 #15-12-4 Hussey Property	Case Manager: Steve K. Greene, AICP Chief Planner	Agenda Item #3
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Owner: Joseph N. Hussey, Jr. (the "Owner")

Applicant: Stephens & Barrios/Carlos Barrios, P.E. (the "Applicant")

Requested Action: Rezone property from Urban Residential (R-6) and Planned Commercial (CP) to CP Zoning to allow up to 8,000 square feet of commercial uses and replace CP Ordinance #1985-58 with a new ordinance.

- Site Location & Information -

Approximate site location outlined in Aqua



Size	3.87 +/- acres	
Location	SR 46, east of CR 437S	
Alternate Key #	1598133	
Future Land Use/Density	Mt. Plymouth-Main Street	
	Existing	Proposed
Zoning District	R-6 & CP	CP
Density	R-6 (6 du/ac)	N/A
Floor Area Ratio (FAR)	R-6 - .40 (max.) CP - 2.0 (max) LDR	.30 (max) Comp Plan
Impervious Surface Ratio (ISR)	R-6 - .55 (max.) CP - .70 (max) LDR	0.60 (max.) (Comp Plan)
Joint Planning Area	N/A	
Utility Area:	None	
Site Utilities	Well & Septic Tank	
Road Classification	SR 46 - rural principal arterial	
Flood Zone/ FIRM Panel	(X , A , & AE) Panel - 0650 D	
Commissioner District	4 - Campione	

Site Visit: April 13, 2012

Sign Posted: April 13, 2012 (2 signs posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount Plymouth – Sorrento Main Street	R-6	Church and office (across SR 46)	SR 46 borders the property on the north
South	Mount Plymouth – Sorrento Main Street	A	Vacant	None
East	Mount Plymouth – Sorrento Main Street	R-1	Single family dwelling	None
West	Mount Plymouth – Sorrento Main Street	C-1/R-6/CP	Post office & Single family dwelling	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **approval with conditions** of the rezoning application to rezone property from Urban Residential (R-6) and Planned Commercial (CP) to CP Zoning to allow up to 8,000 square feet of commercial uses and replace CP Ordinance #1985-58 with a new ordinance. (

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to amend Planned Commercial (CP) Ordinance #1985-58 by rezoning 3.45-acres of CP zoned land and 0.42-acres of Urban Residential (R-6) zoned land to CP zoning over the entire 3.87 acres.

The 0.42-acre land area contains a bait-tackle store and the 3.45-acre land area is vacant and undeveloped. The property is situated within the Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC). The rezoning request will facilitate development of a proposed Family Dollar Store. This proposed use of the property is consistent with Comprehensive Plan policies for development within Mt. Plymouth-Sorrento Main Street Future Land Use Category.

Transportation access improvements and additional development approvals will be required at the site development stage of the project. Public facility impacts of the rezoning request are discussed further in this report.

- Analysis -

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

The requested use for Neighborhood Commercial (C-1) uses is permitted consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district. The proposed rezoning is consistent with the existing CP Zoning District and the development standards specified by LDR Section 3.02.06. The Applicant proposes to limit the commercial building height to 40-feet, consistent with the LDR provision.

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

The property is located within the Mount Plymouth Sorrento Main Street FLUC and must comply with the design standards as outlined in Policy 1-2.1.4 of the Comprehensive Plan (Plan). These design standards address lighting, parking, landscaping, building square footage, and building heights. The application of the design standards shall be addressed with the future development plan submittal. The rezoning application proposes a 8,000 square foot commercial building, which is the maximum size permitted within the Main Street Category specified by Comp Plan Policy 1-2.1.4. This building limitation is specified as a condition within the proposed ordinance.

The request proposes 25 parking spaces consistent with Comprehensive Plan Policy 1-2.1.13, which encourages individual small lots of typically twenty-five (25) spaces or less. The purpose of the limited spaces is to serve the residents in the immediate area at a smaller scale than a more intense commercial use.

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 of the surrounding area. The land uses within the immediate area of the proposed rezoning consist of retail commercial, church, post office, bait-tackle shop, restaurant, light industrial (construction equipment & development outfit) and single-family residential uses.

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

There have been two rezonings in the area over the past five (5) years. The WLW Construction Company rezoning, to the east, was to allow a truck-yard for construction equipment storage. There also was a PUD residential rezoning for the Talons Ridge development for 118 dwelling units. WLW construction is still in operation and we no preliminary plat application has been submitted for Talons Ridge. Based on the 2030 Comprehensive Plan and the tMount Plymouth-Sorrento Main Street future land use designation, the Applicant seeks to rezone in order to develop the subject property as a general retail facility. This land use change promotes commercial development within the main street area, thus expanding the available commercial services in the Mount Plymouth/Sorrento 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

Although the level of service (LOS) for SR 46 (a Florida Department of Transportation (FDOT) facility) is “C”, the segment of SR 46, from CR 437 S to CR 437 N operates at 97% capacity. No State funded improvements are currently scheduled for this segment of SR 46. Public Works will require a FDOT driveway permit during site plan review. A left turn lane may be required for west bound access from SR 46 onto the property to improve vehicular safety in this area.

A Tier 1 traffic study will also be required at site plan review to determine the appropriate level of mitigation for the proposed use.

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 evaluated during the Development Review process and will be required prior to any development application approval. The submittal of an Environmental Assessment will be an ordinance condition.

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 property is less than a quarter-mile from the CR 437 South intersection. The development pattern for the surrounding area is interspersed with residential, commercial, and industrial uses along the SR 46 frontage. The Comprehensive Plan designates this area as Mount Plymouth-Sorrento Main Street FLUC for the purpose of promoting 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 Mount Plymouth-Sorrento Main Street FLUC

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.

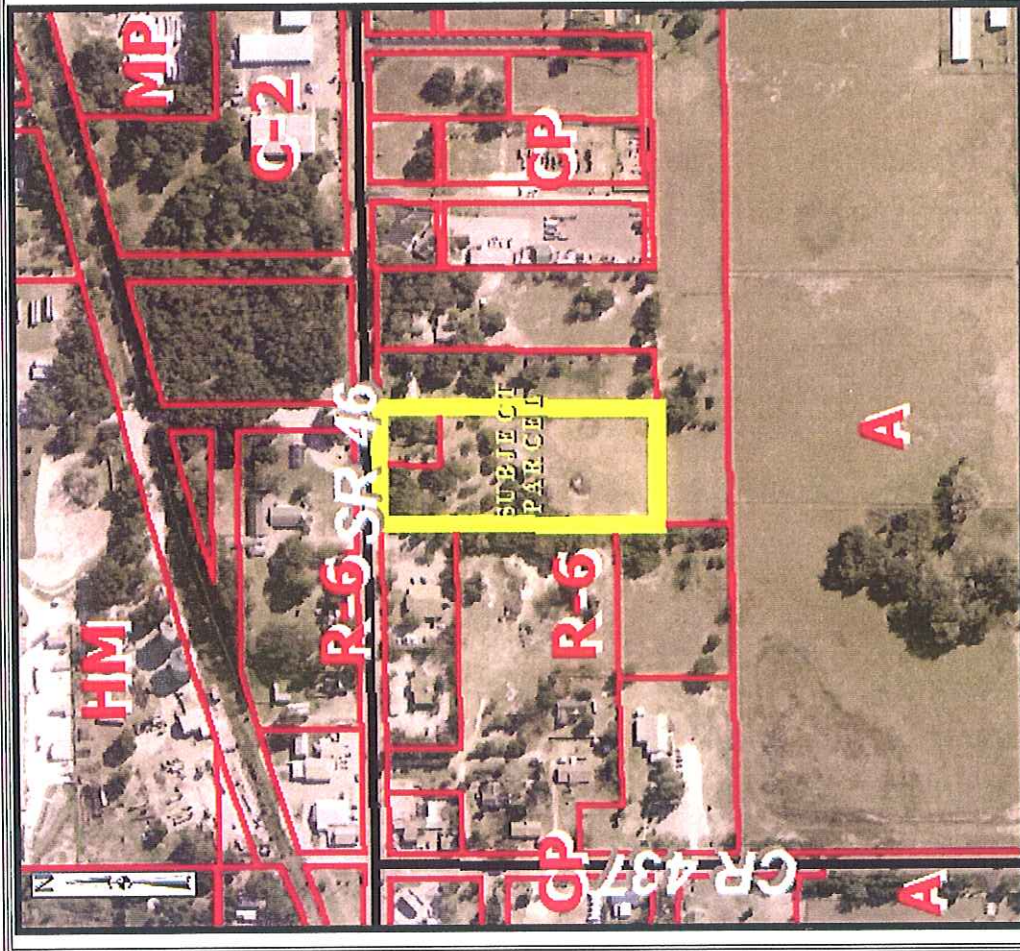
N/A

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

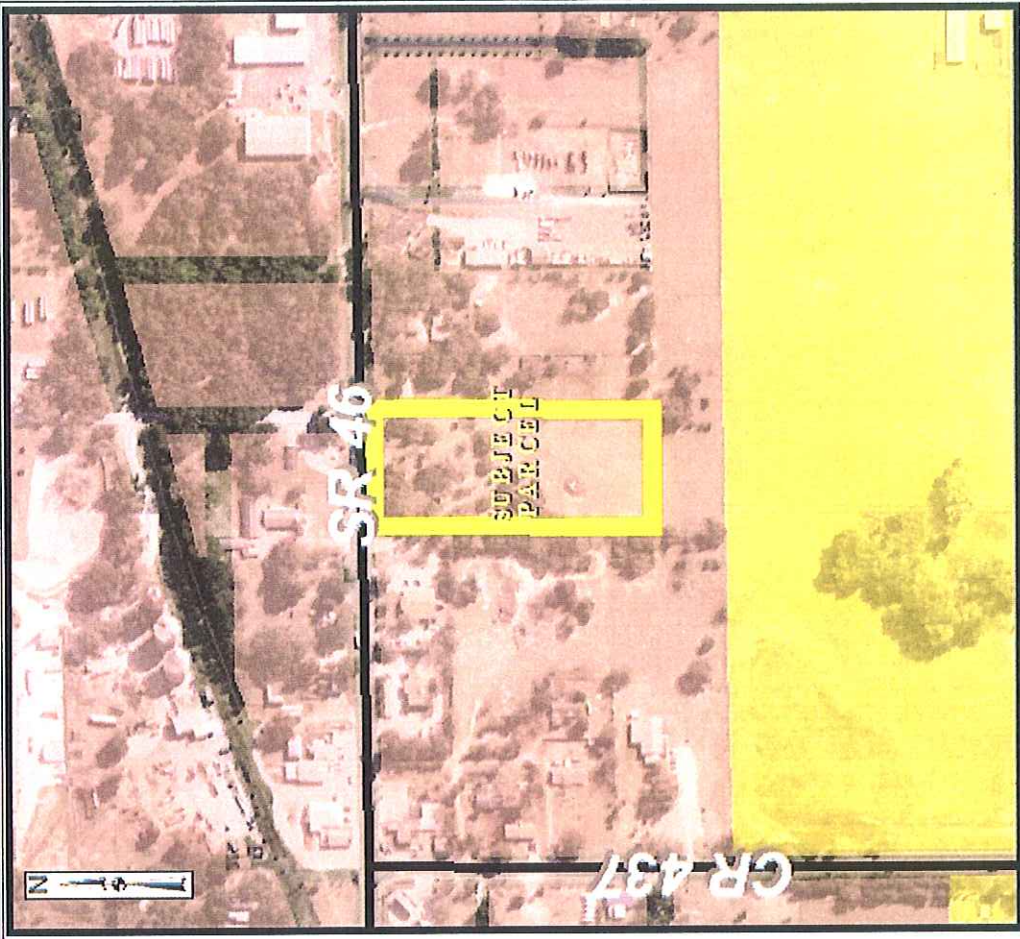
1. The application is consistent with Policy 1-2.1.4, Design Standards for the Mount Plymouth-Sorrento Main Street FLUC.
2. The building square footage limitation is included as a condition in the proposed CP ordinance.
3. The request is consistent with Policy I-2.1.13 Parking in the Mount Plymouth Sorrento Community.
4. The proposed retail uses are consistent with LDR Table 3.01.03 that specifies the Schedule of Permitted and Conditional Uses.
5. The proposed rezoning is consistent with the development standards specified by LDR Section 3.02.06.

Based on these findings of fact, staff recommends **Approval** of the rezoning application for CP zoning, with conditions, as specified in the proposed Ordinance; which will supersede and replace existing Ordinance #1985-58.

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



CURRENT ZONING
 URBAN RESIDENTIAL (R-6) &
 PLANNED COMMERCIAL (CP)



ADOPTED FUTURE LAND USE
 MT. PLYMOUTH-SORRENTO MAIN STREET

CASE NO.
 PH #15-12-4
 CASE LOCATION:
 550, TIPS, RISE
 REQUESTING:
 Rezone property to Planned Commercial (CP) for limited
 commercial uses

ZONING
LAND USE
SUBJECT
PARCEL

MAP COMPOSITION:
 JANUARY 2011

FOCUS
 AREA

HUSSEY PROPERTY

HUSSEY PROPERTY

**ORDINANCE NO. #2012-
Hussey Property Rezoning
PH #15-12-4**

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

WHEREAS, Stephens and Barrios Engineering, LLC (the "Applicant") submitted a rezoning application on behalf of Joseph N. Hussey, Jr. (the "Property Owner") to amend Ordinance #1985-58 by rezoning property from Urban Residential (R-6) and Planned Commercial (CP) zoning to Planned Commercial (CP) zoning for commercial uses; and

WHEREAS, the subject property is 3.87 +/- acres, located in the Mt. Plymouth-Sorrento area along SR 46, east of CR 437 in Section 30, Township 19S Range 28E, currently having Alternate Key Number 1598133, more particularly described as follows:

LEGAL DESCRIPTION
(Exhibit "A" – Attached)

WHEREAS, the subject property is located within the Mt. Plymouth-Main Street Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map; and

WHEREAS, this ordinance shall supersede and replace Ordinance #1985-58; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition PH #15-12-4 on the 2nd day of May, 2012, after giving Notice 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, Florida, on the 22nd day of May, 22, and

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

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 ORDAINED, 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 subject property subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map in accordance with this Ordinance for Planned Commercial (CP) zoning that shall revoke and replace the existing CP Ordinance #1985-58. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the Conceptual Plan

attached hereto as Exhibit "B". To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.

A. Land Uses:

1. General retail
2. Retail convenience
3. Professional Office
4. Personal Care service
5. Restaurant, general
6. Banking

Accessory uses directly associated to the above primary uses listed above may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Bulk Standards/Setbacks/Design-

1. Impervious Surface Ratio, Floor Area, and height of the structure shall be consistent with the Comprehensive Plan and Land Development Regulations, as amended.
2. The structure shall be limited to a maximum floor area of 8,000 square feet and shall present a traditional storefront face and entrance to the Main Street,
3. Setbacks – shall be in accordance with LDR, as amended
4. Lighting – exterior lighting shall not illuminate adjacent properties or public rights-of-way. Lighting shall be directed or shielded from illuminating properties or public rights-of-way consistent with Dark-Sky principals and the Comprehensive Plan, as amended.

C. Utilities:

1. Water/Wastewater Facilities – On-site well and on-site septic service shall be provided unless central water and sewer service are available; at which time, connection to those services shall be required, in accordance with the Comprehensive Plan.
2. Drainage/Stormwater Management/Floodplain Protection – The stormwater management system shall be designed and constructed in accordance with St. John's River Water Management District (SJRWMD) permit requirements and the Land Development Regulations (LDR), as amended.

D. Fire Protection and Rescue Services:

1. Development shall comply with the State Fire Code and National Fire Protection Standards and the LDR, as amended.

E. Transportation Improvements and Parking:

1. A driveway connection for the commercial site shall align with Fourth Street, to best extent possible.
2. A left turn lane may be required pending transportation study results and with coordination and approval from the Florida Department of Transportation.

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- 3. Any future development shall require the submittal of a transportation study for the purpose of identifying any necessary traffic improvements and traffic mitigation.
 - 4. Parking:
 - a. A maximum of twenty-five (25) parking spaces shall be provided on-site.
 - b. Parking spaces shall be designed consistent with the Land Development Regulations.
 - F. Signage: All signage shall be in accordance with the Land Development Regulations, as amended.
 - G. Open Space and Environmental Considerations:
 - 1. Open Space shall be provided in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
 - 2. Future development shall require submittal of an environmental assessment to assess development impacts to existing flora/fauna and associated habitat and to ensure environmental protection and mitigation in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
 - H. Landscaping, Buffering, Screening: Landscaping, buffering and screening shall comply with the Land Development Regulations, as amended.
 - I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN, for review and approval in accordance with the Comprehensive Plan and the Land Development Regulations, as amended.
 - J. Concurrency Management Requirements: The Applicant must comply with the Lake County Concurrency Management System, as amended.
 - K. Future Amendments to Statutes, Code, Plans, 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 shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.
- Section 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 or specified, the aforementioned property shall only be used for the purposes named in this ordinance.

1 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,
2 improve, move, convert, or demolish any building structure, or alter the land in any manner
3 within the boundaries of the above described land without first submitting the necessary
4 plans in accordance with requirements of Lake County, and obtaining the permits required
5 from the other appropriate governmental agencies.
6

7 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with
8 the land and the terms, conditions, and provisions hereof, and shall be binding upon the
9 present owner and any successor, and shall be subject to each and every condition herein
10 set out.
11

12 D. Construction and operation of the proposed use shall at all times comply with the
13 regulations of Lake County and any other permitting agencies.
14

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

21 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
22 Enforcement Special Master shall have the authority to enforce the terms and conditions
23 set forth in this ordinance and to recommend that the ordinance be revoked.
24

25 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
26 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
27 no way affect the validity of the remaining portions of this Ordinance.
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ORDINANCE NO. #2012-xx
(PH#15-12-4 Hussey Property Rezoning)

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

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ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRMAN

This _____ day of _____, 2012.

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"
LEGAL DESCRIPTION

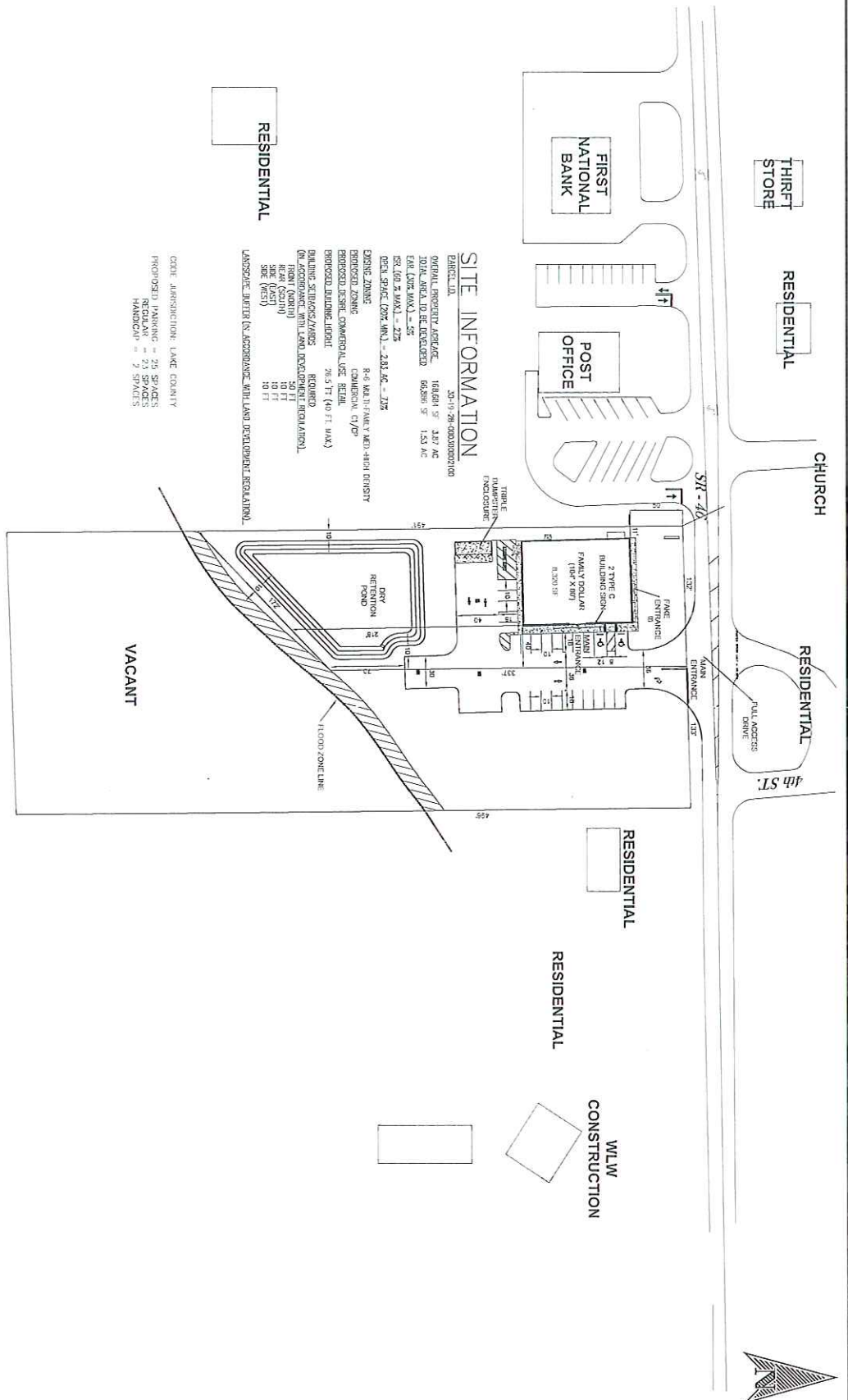
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A PORTION OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 30; RUN THENCE S88°48'56"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30 A DISTANCE OF 1332.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE N00°36'47"W ALONG SAID WEST LINE A DISTANCE OF 1985.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE S88°05'14"W ALONG SAID SOUTH LINE A DISTANCE OF 315.08 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°05'14"W A DISTANCE OF 265.07 FEET; THENCE N00°36'47"W A DISTANCE OF 637.39 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 46; THENCE N88°27'17"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 265.04 FEET; THENCE S00°36'47"E A DISTANCE OF 635.69 FEET TO THE POINT OF BEGINNING.

CONTAINS: 168,684 SQUARE FEET OR 3.8725 ACRES MORE OR LESS.

EXHIBIT - B



SITE INFORMATION

DIRECTLY: 50'-0" (30'-0" CONSTRUCTION)
 100,000 SF 130' AC
 20% MIN. TO BE DEVELOPED 100,000 SF 130' AC
 EX. LAND 20% = 20%
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EXISTING ZONING: R-6 MULTI-FAMILY MED-HIGH DENSITY
 PROPOSED ZONING: COMMERCIAL C/PD
 PROPOSED BUILDING HEIGHT: 28.5 FT (40 FT MAX)
 BUILDING SETBACKS/YARDS: REQUIRED
 ON ACCORDANCE WITH LAND DEVELOPMENT REGULATIONS
 (SEE PLAN)
 SETBACK (EAST) 10 FT
 SETBACK (WEST) 10 FT

LANDSCAPE BUFFER (IN ACCORDANCE WITH LAND DEVELOPMENT REGULATIONS)

CODE JURISDICTION: LAKE COUNTY
 PROPOSED PARKING: 25 SPACES
 REGULAR: 25 SPACES
 HANDICAP: 2 SPACES

<p>Stephens Barrios Engineering, Inc.</p>	<p>SR - 46 SORRENTO, FLORIDA</p> <p>CARLOS A. BARRIOS, PE PE No. 61415</p>	<p>Barrios Engineering, Inc.</p>	<p>FAMILY DOLLAR</p>	<p>CP-1</p>
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EXHIBIT - B