LAKE COUNTY PLANNING AND ZONING ANALYSIS PETITION TO REZONE PROPERTY

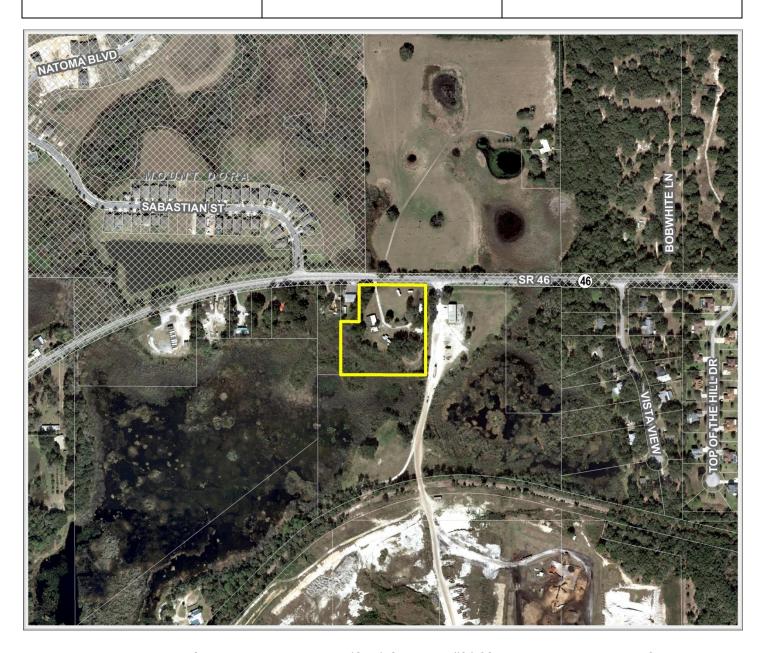
PLANNING AND ZONING BOARD June 1, 2016



BOARD OF COUNTY COMMISSIONERS June 21, 2016

RZ-2016-01-4 Cooper Property Commissioner District 4
Campione

Agenda Item # 2



Requested Action: Revoke Community Facility District (CFD) Ordinance #24-92 with new zoning Planned Commercial (CP) zoning district for Neighborhood Commercial (C-1) uses.

Owner: Deborah Kay Cooper (the "Owner")

Applicant: Tyler Van Voorhess, Esq. (the "Applicant")

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Site Location & Information –

| Size | 4.71 +/- acres |
|--------------------------|---|
| Location | Mount Dora area, 3244 SR 46 |
| Alternate Key # | 1510414 |
| Future Land Use | Regional Office |
| Existing Zoning District | Community Facility District (CFD) Ordinance 24-92 |
| Joint Planning Area | Mount Dora |

Land Use Table

| Direction | Future Land | Zoning | Existing Use | <u>Comments</u> |
|-----------|-----------------|-----------------------|---------------------|--------------------------------|
| | <u>Use</u> | | | |
| North | Urban Low | Agriculture (A) | SR 46 | Cleared, undeveloped pasture |
| South | Regional Office | LM (Light Industrial) | Residential | Residential dwelling |
| East | Regional Office | LM | Non-residential use | Developed light industrial use |
| West | Regional Office | LM | Residential | Residential dwelling |

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the application to revoke Community Facility District (CFD) Ordinance #24-92 with a Planned Commercial (CP) zoning district for Neighborhood Commercial (C-1) uses.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

This application seeks to revoke Community Facility District (CFD) Ordinance #24-92 by establishing a new Planned Commercial (CP) zoning district for Neighborhood Commercial (C-1) uses on the approximately 4.71 acre property, along SR 46, east of US Highway 441. The property is designated as Regional Office future land use and currently contains three (3) residential dwellings (1,276 Square Feet (SF), 2,181 SF, and 1,224-SF) and six (6) accessory structures totaling 2,212-SF that are in a dilapidated, deteriorated condition.

The Regional Office Future Land Use Category limits commercial use of the site to 20% of the office square footage. However, at this time, the property owner does not have a prospective office tenant and uncertain about the amount of future office square footage for the property. Nevertheless, the Applicant desires to develop the property consistent with the future development vision for office development in this area. The proposed ordinance, recommended for approval by Staff, identifies those uses that would be appropriate for the property location and Regional Office use.

Analysis –

LDR Section 14.03.03 (Standards for Review)

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

The request for Planned Commercial (CP) Zoning District is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix, for the Regional Office Future Land Use Series. Pursuant to

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Table 3.01.03, the Schedule of Permitted and Conditional Uses, the rezoning application for additional commercial uses are appropriate for being zoned as Planned Commercial.

The three (3) existing residential dwellings (dilapidated manufactured homes) of 1,276 Square Feet (SF), 2,181 SF, and 1,224-SF, along with six (6) accessory structures (2,212-SF total) are nonconforming to the future office. Prior to use of these structures for office or commercial use, they must be converted to non-residential structures per the Florida Building Code.

The Applicant does not intend to develop the property immediately and submitted a generalized concept plan for the future office/commercial use rather than a Master Plan. It must be noted that the LDR has not been updated with Master Plan submittal requirements for CP zoning within the Regional Office Future Land Use Category. In the interim, the site plan review process standards have been applied to ensure development compliant with the future land use and the proposed ordinance as specified in LDR Section 14.09.00.

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

The current Community Facility District (CFD) zoning on the property is non-conforming to the future land use. This rezoning application seeks to revoke Community Facility District (CFD) Ordinance 24-92 with a Planned Commercial (CP) zoning district for Neighborhood Commercial (C-1) uses supportive of office use. Ordinance 24-92 was approved to allow a church, minister and caretaker residences, playground and parking lot. The rezoning application is consistent with the Regional Office Future Land Use Category (Comp Plan Policy I-1.3.6). However; as previously stated, the application does not include a Master Plan as required by the policy, but it includes a generalized concept plan. The site land shows the development of four (4) buildings totaling 8,225 square feet on the 4.71-acre property. Regional Office allows for a 3.0 floor area ratio. Impervious surface area is limited to 75% of the total acreage and 15% of the property must be retained as open space. These will be development conditions in the proposed zoning ordinance. Lastly, the proposed rezoning would allow the property to come into conformance with the current Regional Office future land use.

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

The property is situated in an area of sporadic residential uses and light manufacturing such as outside storage uses. The rezoning application specifies that although zoned as Community Facility District (CFD), it has never been used as such. Additionally, records do not show an approved site plan for the use of the existing structures for CFD use. The residential use of the structures is inconsistent with the Regional Office Future Land Use Category. However, the CP rezoning request is consistent with the Regional Office Future Land Use Category.

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

The Applicant indicates that the original property owner did not maintain the property for CFD use as evidence by the dilapidated, deteriorated condition of the structures that were to be used for religious purposes. The Applicant contends that the CFD use was improperly obtained by the property owner's ex-husband. Additionally, the 2030 comprehensive Plan re-categorized the property as Regional Office from Urban Expansion (circa 1991 Comp Plan).

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;

<u>Transportation</u> – The standard LOS for the impacted roadway of SR 46 is "C" with a capacity of 880. This segment of roadway US 46 to Vista View is currently operating at eighty one percent (81%) of its capacity in the peak

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direction during the peak period. The Developer will be required to submit a traffic analysis prior to site plan approval. Currently the Wekiva Parkway project is schedule to affect the SR 46 Roadway.

<u>Water and Sewage (as previously stated) –</u> The property is currently on well and septic tank. The City of Mount Dora has indicated no objection to the rezoning request. However, the City states that an annexation and utility agreement shall be required prior to providing utility services to the property that will coincide with the specific uses for the property.

<u>Solid Waste (as previously stated) – The proposed rezoning will not cause any adverse impact to the current solid waste capacity or levels of service.</u>

<u>Fire and Emergency Services</u> – Fire services most likely will be provided by Lake County Station 27, located on CR 44B, adjacent to the Eustis Airport.

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 residential structures. The proposed use for CP with limited neighborhood commercial uses is not adverse to the adjacent LM zoning or nearby residential subdivision. However, the adjacent east and west properties zoned as LM are functioning as residential uses or non-residential storage yard use.

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

The rezoning application did not contain any information regarding the effect on property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning will not adversely disrupt the existing development pattern in the area as it is seeks to implement the Regional Office future development vision of the 2030 Comp Plan of office development for this 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; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

None

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

- 1. The rezoning application is consistent with the Regional Office future land use category (Comp Plan Policy I-1.3.6).
- 2. The rezoning application for Planned Commercial (CP) Zoning District is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix and the Urban Future Land Use Series.
- 3. The proposed rezoning application for increased commercial uses is consistent with the CP zoning requested pursuant to Table 3.01.03, the Schedule of Permitted and Conditional Uses.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

Case Manager: Steve K. Greene, AICP, Chief Planner

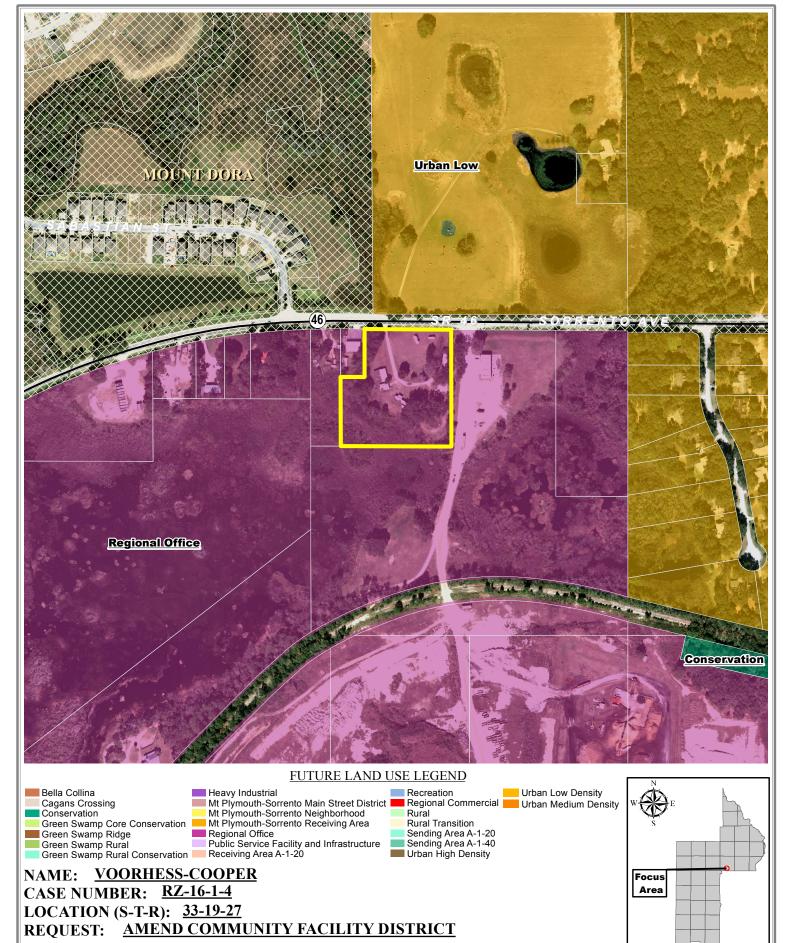
WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-

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CURRENT FUTURE LAND USE

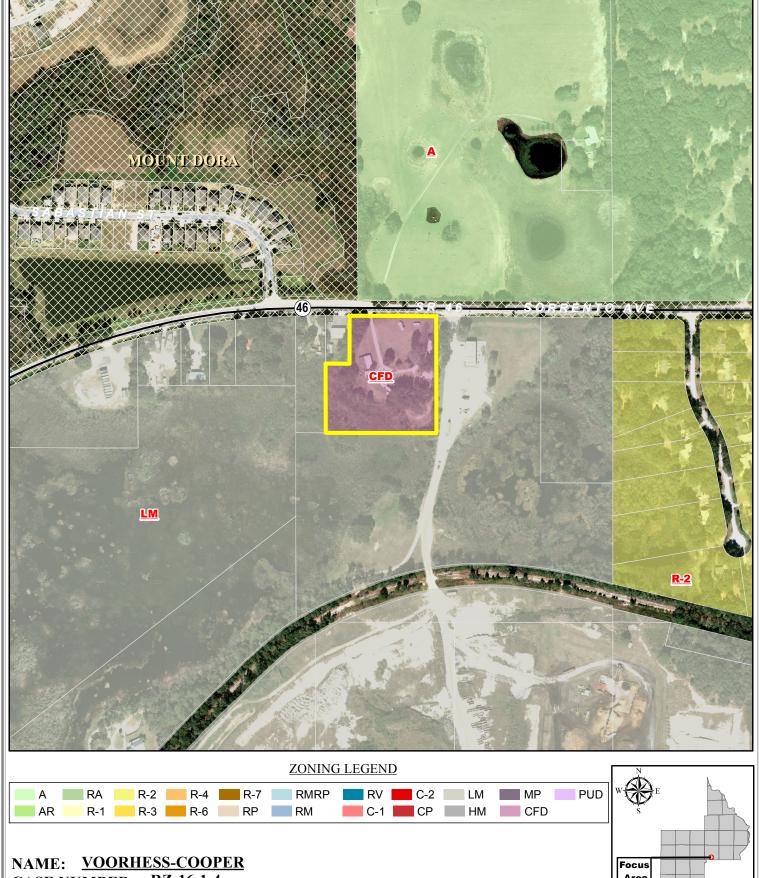












CASE NUMBER: RZ-16-1-4 **LOCATION (S-T-R): 33-19-27**

REQUEST: AMEND COMMUNITY FACILITY DISTRICT



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- A. Land Use: Uses shall be limited to:
 - 1. Professional Office.
 - 2. Neighborhood Commercial (C-1) uses shall be limited to 20% of the office square footage.
 - 3. Bar/Tavern use shall be prohibited within this zoning district as identified by Exhibit A of this Ordinance.

Accessory Uses - Those uses directly associated with the principal uses may be approved by the County Manager or designee. Any other use of the site not identified above shall require an amendment to this Ordinance as approved by the Board of County Commissioners.

- **B.** Building Height, Setbacks and Parking: Building height, setbacks, parking shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- C. Floor Area (FAR): 1.0.
- **D.** Impervious Surface (ISR): 75%, maximum for entire site.
- E. Open Space (OSR): 15%, minimum for entire site.
- F. Landscaping, Irrigation, Buffering, and Screening:
 - 1. Type-A right of way (ROW) landscape buffer shall be along the northern property line, adjacent to SR 46, per the LDR as amended.
 - 2. Other landscaping, buffering, and screening shall be in accordance with the LDR, as amended.
- **G.** Environmental and Open Space Considerations: An environmental survey and assessment no older than six (6) months shall be required with the required development application.
- **H. Transportation Improvements/Access Management:** All access management shall be in accordance with required traffic studies, Comprehensive Plan and Land Development Regulations, as amended.
- **I. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development Regulations, as amended.
- **J. Commercial Design:** Commercial structures shall comply with commercial design standards, as amended.
- **K.** Lighting: Exterior lighting shall be cut-off type and consistent with Dark-Sky principles. Exterior lighting shall not illuminate adjacent properties or rights of way, in accordance with the Land Development Regulation, as amended.
- **L. Noise:** A noise study shall be required with the site plan pursuant to the Land Development Regulations, as amended.
- **M.** Floodplain: Future development shall be subject to the general requirements and construction standards regarding the development within floodplain areas, pursuant to the Land Development Regulations and Comprehensive Plan, as amended.
- **N. Fire Protection:** Fire Protection shall be in accordance with the all applicable federal, state, and local codes and/or regulations, as amended.

| 1 | 0 |). Utilities: |
|--|------------|---|
| 2 3 4 | | 1. The provision of central potable water, as applicable, shall be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan, and Land Development Regulations, as amended. |
| 5 6 7 | | 2. The provision of central sewage service, as applicable, shall be permitted in accordance with the Florida Department of Health, Florida Department of Environmental Protection, the Comprehensive Plan, and Land Development Regulations, as amended. |
| 8 9 10 | Р | Concurrency Management Requirements: Any development shall comply with the Lake County Concurrency Management System, as amended. |
| 11 12 13 14 | Q | Q. 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. |
| 15 | Section 2. | Conditions: Conditions as altered and amended which pertain to the above tract of land shall mean: |
| 16 17 18 | 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 Board of County Commissioners. |
| 19 20 21 22 23 | В. | No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies. |
| 24 25 26 | C. | 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. |
| 27 28 29 30 31 | D. | 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 established by 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 Land Development Regulations, as amended. |
| 32 33 34 | E. | Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked. |
| 35 36 37 38 | Section 3. | 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. |
| 39 40 41 42 43 44 45 46 47 | Section 4. | Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes. |

| ENACTED this day of | |
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| | BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA |
| | SEAN M. PARKS, CHAIRMAN |
| ATTEST: | |
| NEIL KELLY, CLERK OF THE BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA | |
| APPROVED AS TO FORM AND LEGALIT | Υ |
| MELANIE MARSH, COUNTY ATTORNEY | |

Exhibit "A" Legal Description

ORB 4434 PG 1435

THE NORTH 521 FEET OF THE EAST 461 FEET OF THE WEST 586 FEET OF THE NORTHEAST OF THE NORTHEAST OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT: BEGIN AT A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF STATE ROAD NUMBER 46 THAT IS 125 FEET EAST OF THE WEST LINE OF THE NORTHEAST OF THE NORTHEAST OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY FLORIDA; RUN THENCE EAST ALONG THE SOUTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 100 FEET; THENCE SOUTH 200 FEET; THENCE WEST ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 100 FEET, THENCE NORTH 200 FEET TO THE POINT OF BEGINNING.

EXHIBIT - B ECLIVE BOUNDARY SURVEY COOPER REZONING MAY 1 7 2016 CONCEPT PLAN BY: 315 3:28 PM STATE ROAD 46 RIGHT OF WAY VARIES PER FDOT R/W MAP FP NO 238275-2 SECTION 11130 N LINE, NE 1/4, NE 1/4 SEC 33-19-27 iiii ii POINT OF BEGINNION 125' E OF THE WILNE, NE 1/4, NE 1/4 SECTION 33-19-27 S R/W LINE -GRAPHIC SCALE \$89'37'46"E 360,93'(M) 0.5" TO FEWCE SEE DETAIL A LESS OUT
ALT KEY #1124760
ROBERT C GRIGSBY JF
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LEESBURG, FL 3478B
DRB 4082, PG 1436 (IN FEET) 1 inch = 40 ft. Edging Londscaping 5' CLF Parku, NOTES: W LINE, NE 1/4, NE 1/4 SEC 33-19-27 1. THE SURVEY MAP (AND/OR) REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 2. CERTIFICATION IS LIMITED TO PARTIES NAMED HEREON. 3. BEARINGS SHOWN HEREON ARE FLORIDA STATE PLANE COORDINATE EAST ZONE WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING SOUTH 89'40'03" EAST. 4. THE LEGAL DESCRIPTION WAS SUPPLIED BY THE CLIENT AND COPIES OF THE ORIGINAL DEEDS WERE OBTAINED FROM THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. Walkway THIS SURVEY WAS PREPARED MITHOUT THE BENEFIT OF TITLE AND THEREFORE IS SUBJECT TO CHANGE DUE TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. 205 S89'41'45"E 100.05'() OR' TO FENCE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, OWNERSHIP OR OTHER MATTERS OF RECORD BY THIS FIRM. Structure NOT INCLUDED 7. UNDERGROUND IMPROVEMENTS SUCH AS UTILITIES, FOUNDATIONS, ETC. WERE NOT LOCATED. NOT INCLUDED ALT KEY #2702842 GERALD W PATRICK TRUSTEE P.O. BOX 34 EUSTIS, FL 32727-0034 ORB 4568, PG 1995 8. LANDS SHOWN HEREON LIE IN FLOOD ZONE "AE" (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YR FLOOD, ALT KEY #3860119 OCE MOUNT DORA LLC P.O. BOX 1298 WINTER PARK, FL 32790—1298 ORB 4582, PG 1320 WITH A BASE FLOOD ELEVATION OF 81.9) ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 12069C0425E EFFECTIVE DATE: DECEMBER 18, 2012. DETAIL A Walkway 9 THE EXPECTED LISE OF LAND AS CLASSIFIED IN THE FLORIDA STANDARDS OF PRACTICE (51-17.051 FAC) IS EXHIBIT THE EXPECTED OSE OF DANG, AS CLASSFILD IN THE FLORIDA STANDARDS OF FARCING (SM-T/LO) FAG, IS FESIDENTIAL, THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS I FOOT IN 7,500 FEET. THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCECT THIS REQUIREMENT. THIS SURVEY MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODES. 11. DATE OF FIELD WORK IS REFLECTED IN TITLE BLOCK, NOT THE DATE OF SIGNATURE. 12. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/40 OR SMALLER. 13. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET. N 521', E 461', W 586' NE 1/4, NE 1/4 SEC 33-19-27 DESCRIPTION: ORB 4434 PG 1435 N89'40'03"W 460.95'(M) THE NORTH S21 FEET OF THE EAST 461 FEET OF THE WEST 586 FEET OF THE NORTHEAST OF THE NORTHEAST OF-SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT. BEGIN AT A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF STATE ROAD NUMBER 46 THAT IS 125 FEET EAST OF THE WEST LINE OF THE NORTHEAST OF THE NORTHEAST OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY FLORIDA, RUIN THENCE EAST ALONG THE SOUTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 100 FEET; THENCE SOUTH 200 FEET; THENCE WEST ALONG A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF SAID RIGHT OF WAY A DISTANCE OF 100 FEET, THENCE NORTH 200 FEET TO THE POINT OF BEGINNING. NOT INCLUDED ALT KEY #3860119 OCE MOUNT DORA LLC P.O. BOX 1298 WINTER PARK, FL LEGEND 32790-1298 ORB 4582, PG 1320 FIBER OPTIC CABLE MARKER POC POINT OF COMMENCEMENT POB POINT OF BEGINNING POWER POLE IDENTIFICATION SET 5/8" IRON ROD AND CAP (LB 7514) OR AS NOTED LICENSED BUSINESS 0 REGISTERED LAND SURVEYOR SET NAIL AND DISC (LB 7514) OR AS NOTED PSM PROFESSIONAL SURVEYOR AND MAPPER FOUND CONCRETE MONIMENT (AS NOTED) TELEPHONE JUNCTION BOX BOC BACK OF CURB GUY WRE OVERHEAD UTILITY LINE BOUNDARY SURVEY SHEET 1 OF IR IRON ROD
CONC CONCRETE CUENT TYLER S. VOORHEES

JOB NO. 161020.0000

ACAD FILE 161020.0000

DATE 03.31.2016 CHECKED BY: BKM

DRAWN BY: SUP FLD. BOOK.33-19-12

DATE

DATE

DATE

DATE N SECTION 33, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA. —х— FENCE LINE AIR CONDITIONER PAD REINFORCED CONCRETE PIPE 3244 SR 46, MT. DORA DESCRIBED CERTIFIED TO: IRON ROO & CAP (P) (M) ALT KEY 1510414 CALCULATED CLF CHAIN LINK FENCE 352 394 1194 CENTERLINE N&D NAIL & DISK FLORIDA DEPARTMENT OF TRANSPORTATION ORB OFFICIAL RECORDS BOOK A" WELL PG PAGE BLADDER ON 2'X2' CONC SLAB FOW EDGE OF WATER

1187 # 74 H090115107