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-2016-03-4
GreenCo Recycling Property

Commissioner District 4
Campione

Agenda Item # 3



Requested Action: Revoke and replace existing Planned Commercial (CP) Ordinance #6-80 with new zoning Planned Commercial (CP) zoning district for Neighborhood Commercial (C-1) uses.

Owner: Lake Property and Investments L.L.C. (Cheryl S. Richie) (the "Owner")

Applicant: GreenCo Recycling, LLC (Al Ritchie) (the "Applicant")

Page 1 of 4 RZ-2016-03-4

Site Location & Information –

| Size | .25 +/- acres |
|--------------------------|---|
| Location | Mount Dora area, 4066 N. Highway 19A |
| Alternate Key # | 1706378 |
| Future Land Use | Urban High (Major Commercial Corridor - SR 19) |
| Existing Zoning District | CP zoning for electrical parts and repair store |
| Joint Planning Area | Mount Dora |

Land Use Table

| Direction | Future Land | Zoning | Existing Use | Comments |
|------------------|-------------|--------|--------------------|-----------------------------|
| | <u>Use</u> | | | |
| North | Urban High | CP | commercial | commercial building |
| South | Urban High | C-1 | Access drive | Undeveloped urban land area |
| East | Urban High | C-1 | Access drive | Undeveloped land area |
| West | Urban High | C-1 | Right of Way (ROW) | SR 19A |

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the application to amend Planned Commercial (CP) zoning district Ordinance 6-80 to add C-1 (Neighborhood Commercial) with a new CP zoning district ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The applicant seeks to amend Planned Commercial (CP) Ordinance 6-80 by establishing a new CP ordinance to add Neighborhood Commercial (C-1) uses on approximately 0.25 acres of property. The CP amendment also seeks to establish building setback waivers to the existing 1,491 square foot (SF) building which is currently used an automotive electrical repair business. The property is designated as Urban High future land use and situated on the east side of SR Highway 19A, within a major commercial corridor.

Adding neighborhood commercial uses to the property are consistent with the Urban High future land use category and are allowable within the major commercial corridor. However, given the size of the property, some neighborhood commercial uses may not be conducive for the property. The proposed ordinance, recommended for approval by Staff, identifies those uses that would be appropriate for the property location.

- 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 Urban Future Land Use Series. Pursuant to Table 3.01.03, the Schedule of Permitted and Conditional Uses, the rezoning application for additional commercial uses

Page 2 of 4 RZ-2016-03-4

are appropriate for being zoned as Planned Commercial. Additionally, the existing 1,491 square foot commercial building does not conform to side and front building setback requirements per LDR 3.02.05. In addition to the rezoning, this rezoning application seeks to establish alternative side building setback of 9.9 feet to the northern front building setback of 32.3 feet. These setbacks will be development conditions in the new CP ordinance.

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

This rezoning application proposes an amendment to Ordinance 6-80 by establishing a new CP ordinance to add Neighborhood Commercial (C-1). The proposed rezoning for additional C-1 uses is permissible within the Urban High future land use pursuant to Comprehensive Plan (Comp Plan) Policy I-1.3.4. Additionally, the commercial use is situated within the SR 19 Major Commercial Corridor consistent with Comp Plan Policy I-1.3.10.6. The policy allows commercial uses along certain transportation corridors where commercial uses have historically existed. Comp Plan Policy I-1.3.10.6 specifies the varying levels of commercial intensity and locational criterial for situating commercial activity along major transportation corridors in Lake County.

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 commercial activity and is surrounded by commercial uses. The rezoning for additional commercial uses is consistent with the use of the existing commercial building and the planned commercial zoning district. The new uses will be compatible with the existing character of the community. Additionally, given the size of the property some C-1 uses would not be appropriate. Those inappropriate uses are specified within the proposed CP ordinance.

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

Existing CP Ordinance 6-80 limits the commercial use of the property to "electrical parts store to include repairs in the existing building." The property owner has indicated that the existing use is no longer a viable enterprise at this location and seeks the ability to have other commercial uses on the property consistent with the zoning district.

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 impacts associated with the existing electrical repair use have already been absorbed into the transportation network. Any new commercial use of the property will be evaluated with a transportation study upon the change of use and site plan review and approval process.

<u>Water and Sewage (as previously stated) –</u> No adverse impacts are anticipated by the additional commercial use. Water service is provided by the City of Mount Dora and sewage is handled by an on-site septic system.

<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> – Lake County Station #27 will be the first responder to the proper location in the event of needed fire services.

Page 3 of 4 RZ-2016-03-4

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 a commercial building.

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 amendment will not adversely disrupt the existing development pattern in the 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

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

- 1. The rezoning application is consistent with Comp Plan Policy I-1.3.4, Urban High Future Land Use Category, which allows commerce uses.
- 2. The rezoning application is consistent with Comp Plan Policy I-1.3.10.6, Criteria for Commercial Corridors, which allows commercial uses along certain transportation corridors where commercial uses have historically existed.
- 3. 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.
- 4. 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.
- 5. The staff recommended 9.9-foot side building setback along the northern property line and 32.3-foot front building setback along the western property line per LDR 3.02.05, in lieu of the standard side and front setbacks of 10-feet and 50-feet, respectively.

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

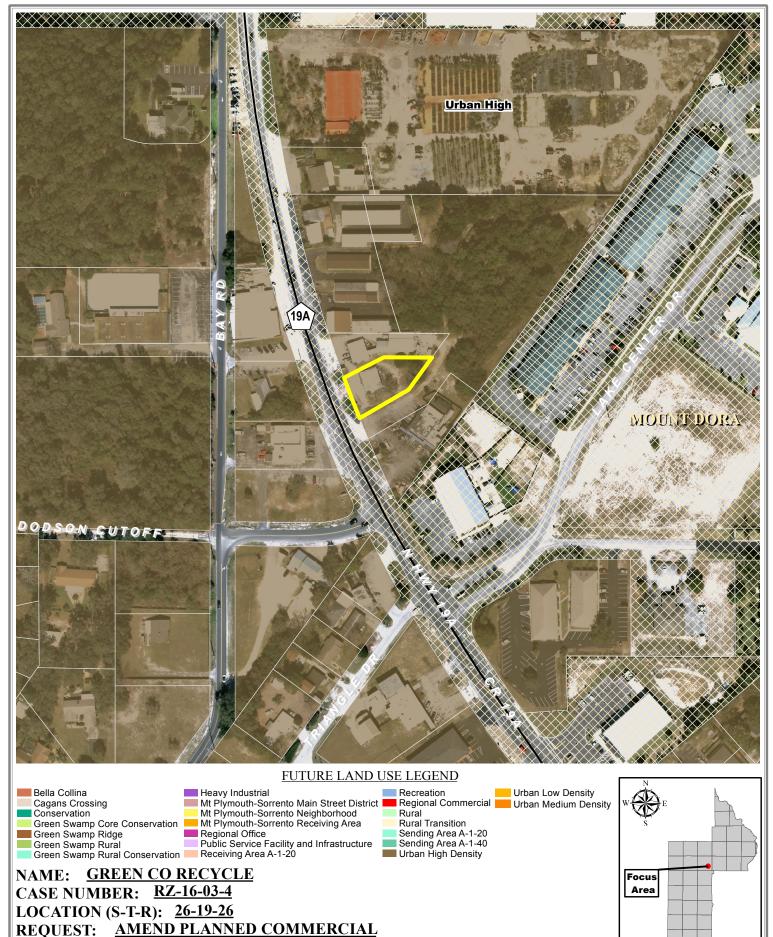
WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-

Page 4 of 4 RZ-2016-03-4



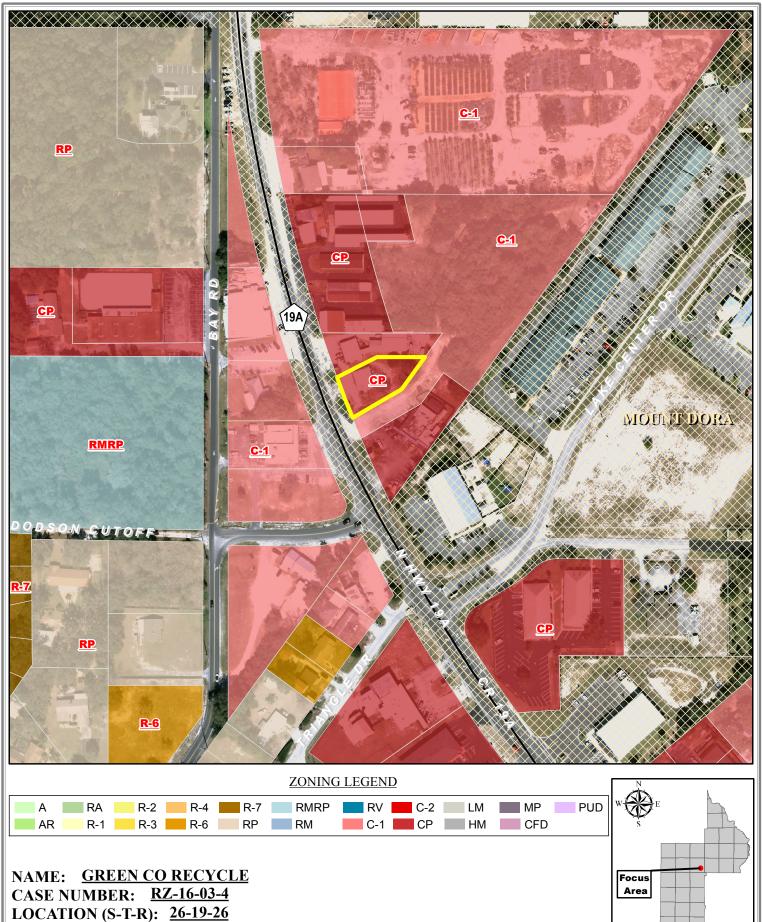
CURRENT FUTURE LAND USE











REQUEST: AMEND PLANNED COMMERCIAL

| 1 2 3 | ORDINANCE #2016-xx GreenCo Recycling Property Rezoning RZ-2016-03-4 |
|----------------------------------|--|
| 4 | |
| 5 6 7 8 | AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE. |
| 9 10 11 | WHEREAS, Al Ritchie of Green Co Recycling, LLC, (the "Applicant") submitted an application on behalf of Lake Property and Investments L.L.C. (the "Owners") to amend existing the Planned Commercial (CP) Ordinance 6 80 to add Neighborhood Commercial uses (C-1) by establishing a new CP zoning district, with C-1 uses; and |
| 12 13 14 15 | WHEREAS , the subject property consists of approximately .25 +/- acres located at 4066 N. Highway 19A, in the Mount Dora area, in Section 26, Township 16 South, Range 26 East, consisting of Alternate Key Number 1706378, more particularly described as: |
| 16 17 | LEGAL DESCRIPTION – (Exhibit "A") |
| 18 19 20 21 | WHEREAS, the property subject to the request is located within the Urban High Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and |
| 21 22 23 24 | WHEREAS, on March 11, 1980, the Board of County Commissioners approved Ordinance #6-80 regarding this subject property; and |
| 25 26 27 | WHEREAS, Lake County Planning and Zoning Board did review petition RZ-2016-03-4 on the 1st day of June, 2016, after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 21st day of June, 2016; and |
| 28 29 30 31 | 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 |
| 32 33 34 35 | WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and |
| 36 37 38 39 | NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, subject to the following terms: |
| 40 41 42 43 44 45 | Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map to rezone the property described in Exhibit "A", attached hereto, from Planned Commercial (CP) to Planned Commercial (CP), with Neighborhood Commercial (C-1) uses. This Ordinance shall revoke and replace Ordinance 6 80 in its entirety. All uses specified shall be generally consistent with the Concept Plan as shown in Exhibit "B", of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence. |
| 46 | A. Land Use: Uses shall be limited to: |
| 47 48 | Planned Commercial (CP) with, Neighborhood Commercial (C-1) – excluding the following uses: |
| 49 | a. Adult entertainment business |

Commercial amusement

b.

| 1 2 3 4 5 | | b. Commercial amusementc. Commercial recreationd. Automotive repaire. Bar/Tavern | | |
|-----------------------|----|---|--|--|
| 7 8 9 | | 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. | | |
| 10 11 | B. | Building Height and Setbacks: The existing commercial building on the property may comply with the following setback requirements: | | |
| 12 | | 1. Front – 32.3 feet from SR 19A right of way (western property line) to the existing building front. | | |
| 13 14 | | 2. Sides – 9.9 feet from north property line to the existing building side; 10 feet from the south property line) | | |
| 15 | | 3. Rear – 10 feet from the property line to the existing building rear. | | |
| 16 17 | | 4. Setbacks for any new commercial building, constructed after the effective date of this ordinance, shall be in accordance with the Land Development Regulations, as amended. | | |
| 18 | C. | Parking: | | |
| 19 | | 1. Six (6) parking spaces, minimum. | | |
| 20 21 | | 2. Additional parking spaces shall be designed, configured and implemented in accordance with the Land Development Regulations, as amended. | | |
| 22 | D. | Floor Area (FAR): 0.012, maximum for the entire site. | | |
| 23 | E. | Impervious Surface (ISR): 80%, maximum for entire site. | | |
| 24 | F. | Open Space (OSR): 10%, minimum for entire site. | | |
| 25 | G. | Landscaping, Irrigation, Buffering, and Screening: | | |
| 26 27 | | Type-A right of way (ROW) landscape buffer shall be along the southern property line, adjacent to SR 40, per the LDR as amended. | | |
| 28 29 30 | | 2. Type-A, 10-foot wide landscape buffer shall be required along the western, northern, and eastern property lines. The buffer at these locations shall comprise 2 canopy trees, 1 ornamental tree per lineal 100-feet and 1 row of shrubs. | | |
| 31 32 | | 3. Existing vegetation within 25-feet of the property line may be used to meet the minimum perimeter landscape buffer requirement. | | |
| 33 | | 4. Other landscaping, buffering, and screening shall be in accordance with the LDR, as amended. | | |
| 34 35 | Н. | Environmental and Open Space Considerations: An environmental survey and assessment no older than six (6) months shall be required with the required development application. | | |
| 36 37 38 39 | l. | Transportation Improvements/Access Management: All access management shall be in accordance with traffic studies, Comprehensive Plan and Land Development Regulations, as amended. | | |
| 40 41 | J. | Signage: All signage shall be accordance with the Comprehensive Plan and Land Development Regulations, as amended. | | |
| 42 | | | | |

- **K. Commercial Design:** Commercial structures shall comply with commercial design standards, as amended.
- **L. 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.
- **M. Noise:** A noise study shall be required with the site plan pursuant to the Land Development Regulations, as amended.
- **N.** 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.
- **O. Fire Protection:** Fire Protection shall be in accordance with the all applicable federal, state, and local codes and/or regulations, as amended.

P. Utilities:

- 1. The provision of 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.
- 2. Septic and 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.
- **Q. Concurrency Management Requirements:** Any development shall comply with the Lake County Concurrency Management System, as amended.
- **R. 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: 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 Board of County Commissioners.
 - **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building 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.
 - **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.
 - 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.

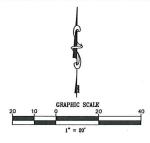
| 1 2 3 | E. | E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked. | | | |
|----------------------------------|-----------------|--|-----------------------------------|--|--|
| 4 5 6 7 | 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. | | | |
| 8 9 10 11 | 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. | | | |
| 12 | Section 5. | Effective Date. This Ordinance shall become | effective as provided by law. | | |
| 13 14 | ENACTED t | hisday of | , 2016. | | |
| 15 16 | FILED with | the Secretary of State | , 2016. | | |
| 17 18 | EFFECTIVE | | , 2016. | | |
| 19 20 21 22 23 24 | | BOARD OF CO LAKE COUNT | DUNTY COMMISSIONERS Y, FLORIDA | | |
| 25 26 27 | | SEAN M. PAR | KS, CHAIRMAN | | |
| 28 29 30 31 | ATTEST: | | | | |
| 32 33 34 35 | BOARD OF | COUNTY COMMISSIONERS | | | |
| 36 37 38 39 | APPROVED | AS TO FORM AND LEGALITY | | | |
| 40 41 42 43 44 | MELANIE N | ARSH, COUNTY ATTORNEY | | | |

Exhibit "A" Legal Description

FROM THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN WEST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2310 FEET TO A POINT ON THE GOVERNMENT MEANDER LINE, THENCE SOUTH 36°00'00" WEST ALONG SAID MEANDER LINE A DISTANCE OF 783.25 FEET, THENCE WEST A DISTANCE OF 148.32 FEET, THENCE SOUTH 36°00'00" WEST 61.80 FEET FOR A POINT OF BEGINNING; THENCE WEST 100 FEET, THENCE SOUTH 63°10'53" WEST A DISTANCE OF 98.52 FEET, MORE OR LESS TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 19-A; BEGIN AGAIN AT SAID POINT OF BEGINNING AND RUN THENCE SOUTH 36°00'00" WEST 82.72 FEET, THENCE SOUTH 59°48'00" WEST 123.07 FEET, MORE OR LESS, TO SAID EASTERLY RIGHT OF WAY LINE OF SR 19-A, THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 90.94 FEET, MORE OR LESS, TO INTERSECT THE AFORESAID DESCRIBED LINE.

LESS AND EXCEPT THAT PORTION DESCRIBED IN DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN O.R. BOOK 696, PAGE 722, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

LAKE CENTER DRIVE & SR-19A



LEGAL DESCRIPTION

LEGAL DESCRIPTION
FROM THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP
19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN WEST ALONG THE NORTH
LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 23:10 FEET TO A
POINT ON THE GOVERNMENT MEANDER LINE, THENCE SOUTH 36'00'00" WEST ALONG
SAID MEANDER LINE A DISTANCE OF 783.25 FEET, THENCE WEST A DISTANCE OF
148.32 FEET, THENCE SOUTH 36'00'00" WEST 61.80 FEET FOR A POINT OF
16GININING; THENCE WEST 100 FEET, THENCE SOUTH 63'10'53" WEST A DISTANCE OF
98.52 FEET, MORE OR LESS TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF
U. S. HIGHWAY NO. 19—A; BEGIN AGAIN AT SAID POINT OF BEGININING AND RUN
THENCE SOUTH 36'00'00" WEST 82.72 FEET, THENCE SOUTH 59'48'00" WEST 123.07
FEET, MORE OR LESS, TO SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE
NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF SR 19—A, THENCE

LESS AND EXCEPT THAT PORTION DESCRIBED IN DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN O.R. BOOK 595, PAGE 722, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

FLOOD DATA

THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 12069C 0358 E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 18, 2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, FIELD SURVEYING WAS NOT PERFORMED TO DETERMINE THIS ZONE DETERMINE THIS ZONE.

DEVELOPMENT NOTES: PROJECT AREA EXISTING BUILDING OFFICE & SALES WAREHOUSE 12,196 S.F. (0.28 AC.) 1,500 S.F. 1,000 S.F. 500 S.F.

FLU

URBAN HIGH DENSITY

ZONING (PENDING) PROPOSED ZONING UTILITIES WATER

CP WITH C-1 USES PARTS STORE WITH REPAIRS CP WITH C-1 USES

CITY OF MOUNT DORA ON-SITE SYSTEM NORTH — CP EAST — C-1 SOUTH CP WEST CP SEWER ADJACENT ZONING

FAR IMPERVIOUS 0.12 5,750 S.F. (EXISTING) 0.47 ISR 0.4
NO ADDITIONAL IMPERVIOUS PROPOSED

PARKING REQUIRED & PROVIDED

5 / 1,000 S.F. = 5 SPACES OFFICE (MARCHON)E) PROPERTY OWNER LAKE PROPERTY & INVESTMENTS, LLC

PROPERTY ADDRESS

4066 NORTH HWY. 19 MOUNT DORA, FLORIDA 32757 (352) 383-9004 AK# 1706378

P.O. BOX 3009 EUSTIS FLORIDA, 32727

AL RICHIE GREEN COMPANY RECYCLING, LLC 26128 CR 448A APPLICANT

Wicks Engineering Services, In 225 West Main Street, Tovares, Florida 327 www.wicksengineering.com (322) 343-866.

72

32.

ORIDA

H

COUNTY,

AKE

RECYCLING PLAN COMPANY SITE GREEN

KENNETH R. MCKS, P.E. FL. REG. NO.

8

EXHIBIT