

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
June 3, 2015



BOARD OF COUNTY COMMISSIONERS
June 23, 2015

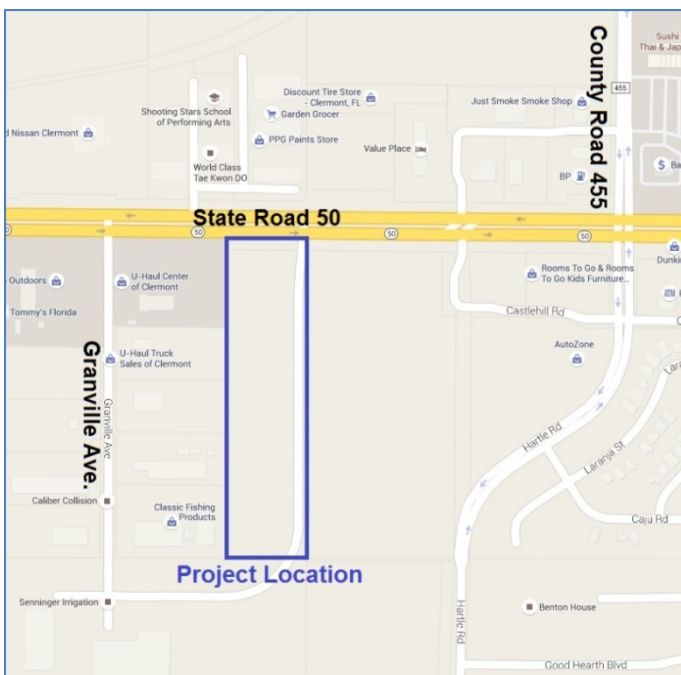
RZ-15-9-2 Senninger Irrigation	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Senninger Irrigation, Inc. (the "Owner")

Applicant: Lake County Economic Growth Department (the "Applicant")

Requested Action: Rezone property from Planned Industrial (MP) to Planned Commercial (CP) to allow all CP commercial uses except for Adult Uses and Marina.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit May 22, 2015
Sign Posted May 22, 2015 (2 posted)

Size	10 +/- acres	
Location	Clermont area, Southeast of State Road 50 and Granville Ave. intersection	
Alternate Key #	1118204	
Future Land Use	Regional Office (existing), Regional Commercial (proposed), Lake Apopka Basin Overlay District	
	Existing	Proposed
Zoning District	MP	CP
Impervious Surface Ratio	0.75 max (Comprehensive Plan)	0.70 max (LDR)
Floor Area Ratio (LDR)	1.0 max	2.0 max
Joint Planning Area	Clermont	
Utility Area:	Clermont	
Site Utilities	Central water and sewer	
Road Classification	SR 50 - Urban Principal Arterial - Other Granville Ave. - Local	
Flood Zone/ FIRM Panel	X/595	
Commissioner District	2 (Parks)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Regional Commercial	Planned Commercial (CP)	Retail Center	Adjacent to State Road 50
South	Regional Office	Planned Industrial (MP)	Industrial Facility	Senninger Irrigation
East	Urban Low Density	Planned Unit Development (PUD)	Vacant Parcel	
West	Regional Commercial (Recently Annexed to the City of Clermont), Regional Office	Planned Commercial (CP) (Recently Annexed to the City of Clermont), Heavy Industrial (HM)	U-Haul storage facility, Boat Sales/Repair Facility and Industrial Facilities	

- Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance. **Approval of this CP ordinance is contingent upon the approval of the proposed Regional Commercial Future Land Use Category amendment FLU-2015-01-2.**

PLANNING & ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The Applicant is requesting to rezone a 10 acre property from Planned Industrial (MP) to Planned Commercial (CP) to allow all commercial uses under CP zoning district excluding Adult Uses and Marina. The property is currently vacant and provides an alternate access road to the Senninger Irrigation Industrial Facility.

The subject property is located in the Clermont area, Southeast of State Road 50 and Granville Ave. intersection. The subject property is currently designated with the Regional Office Future Land Use Category (FLUC) and located within the Major Commercial Corridor. The property is also located within the Lake Apopka Basin Overlay District.

A Small-Scale Comprehensive Plan Future Land Use Map Amendment application to change the FLUC of the subject property from Regional Office to Regional Commercial is being processed simultaneously. The Regional Office FLUC only allows limited commercial uses that support office uses. The proposed CP rezoning to allow commercial uses, is consistent with the proposed Regional Commercial FLUC. **Approval of this CP ordinance is contingent upon the approval of the proposed Regional Commercial FLUC amendment FLU-2015-01-2 for this property.**

The proposed rezoning request is consistent with the Comprehensive Plan which permits commerce uses in the proposed Regional Commercial FLUC. The rezoning request is also consistent with the Land Development Regulations (LDR), which permit commercial uses in the CP Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

– Analysis –

Land Development Regulations Section 14.03.03 Standards for Review.

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

The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits commercial uses in the CP Zoning District. As requested by the applicant, a condition has been included in the ordinance to exclude Adult Uses and Marina.

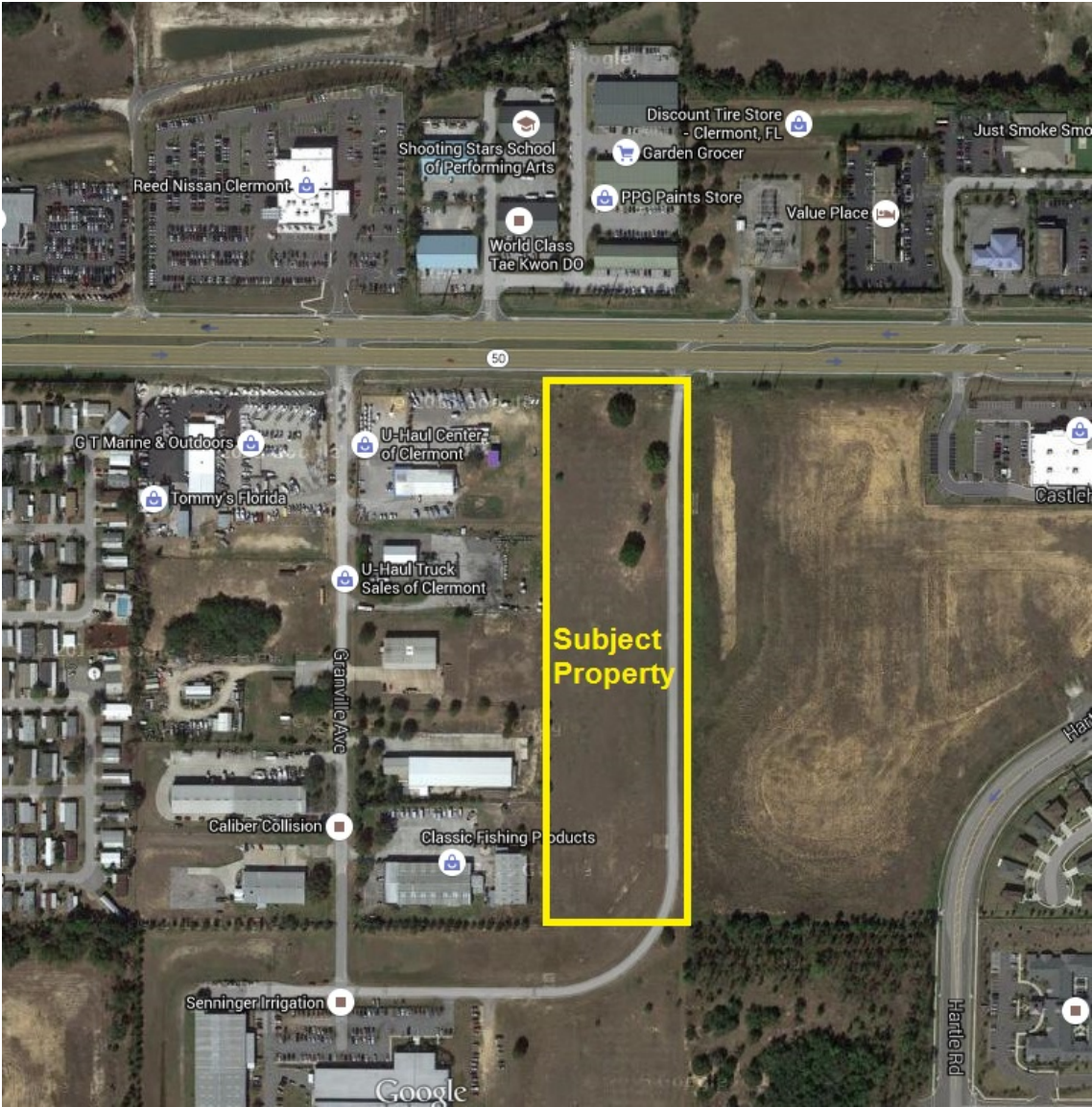
B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The CP zoning request is consistent with the proposed Regional Commercial FLUC as seen in the Comprehensive Plan Policy I-1.3.7 *Regional Commercial Future Land Use Category*, as commerce uses are allowable in the Regional Commercial FLUC. The subject property is also located within the Major Commercial Corridor.

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

As shown by the map below, the property is situated within the Major Commercial Corridor. The property is surrounded by commercial/industrial uses including retail and vehicular sales to the north, across State Road 50; a U-Haul storage facility, a boat sales/repair facility and industrial facilities to the west; a vacant parcel to the east; and industrial facility to the south. The property is currently vacant and provides an alternate access road to the Senninger Irrigation Industrial Facility. The owner intends to develop the property for commercial uses,

consistent with the proposed CP rezoning. Changing the zoning from industrial to commercial (MP to CP) will make the property's proposed uses consistent with the zoning district and compatible to the existing uses along State Road 50 and within the Major Commercial Corridor.



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

The 2030 Comprehensive Plan designated this area as Regional Office in anticipation of office development. The designation of this parcel and the other parcels located along State Road 50 created nonconforming uses as the uses are predominantly commercial. The current Regional Office FLUC only allows limited commercial uses that support office uses. The property is currently vacant. The owner intends to develop the parcel with commercial uses instead of industrial uses. Therefore, it is necessary to change the property's zoning from industrial to commercial (MP to CP) which allows commercial development.

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;

Water/Sewage - The property will be served with central water and sewer by the City of Clermont through a utility services agreement.

Transportation - Public Works Engineering has indicated that this project impact two major roadway in Lake County; SR 50 from CR 455 to the Orange County Line and CR 455 from SR 50 to Old Highway 50 (CR 50). The standard Level of Service (LOS) for the impacted roadway of SR 50 is "D" with a capacity of 3,020, and CR 455 is "D" with a capacity of 675. This project will be generating 546 pm peak hour trips. The pm peak hour direction on SR 50 (WB) is currently operating at 108% of its capacity; while the CR 455 peak hour direction is operating at 97%. Currently there are no State or County funded improvements scheduled for SR 50 or the CR 455 roadway segments at this time. The Developer will be required to submit a Tier 3 traffic impact analysis prior to site plan approval. This is a proposed ordinance condition. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed commercial uses.

Fire and Emergency Services - The subject parcel is approximately 0.5 miles from Lake County Fire Station 90 (closest fire station), located at 16311 State Road 50, Clermont.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

The parcel is vacant and provides an alternate access road to the Senninger Irrigation Industrial Facility. The property has been cleared, indicative of urban development. The property does not contain any wetlands or flood zones. A preliminary environmental assessment will be required during the site plan approval process to address any threatened, endangered, or species of special concern discovered prior to development.

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

The application does not include any information regarding the effect of the proposed rezoning on area property values.

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of 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 will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

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

- 1. The CP zoning request is consistent with the proposed Regional Commercial FLUC as seen in the Comprehensive Plan Policy I-1.3.7 *Regional Commercial Future Land Use Category*, as commerce uses are allowable in the Regional Commercial FLUC. The subject property is also located within the Major Commercial Corridor.
- 2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits commercial uses in the CP Zoning District.

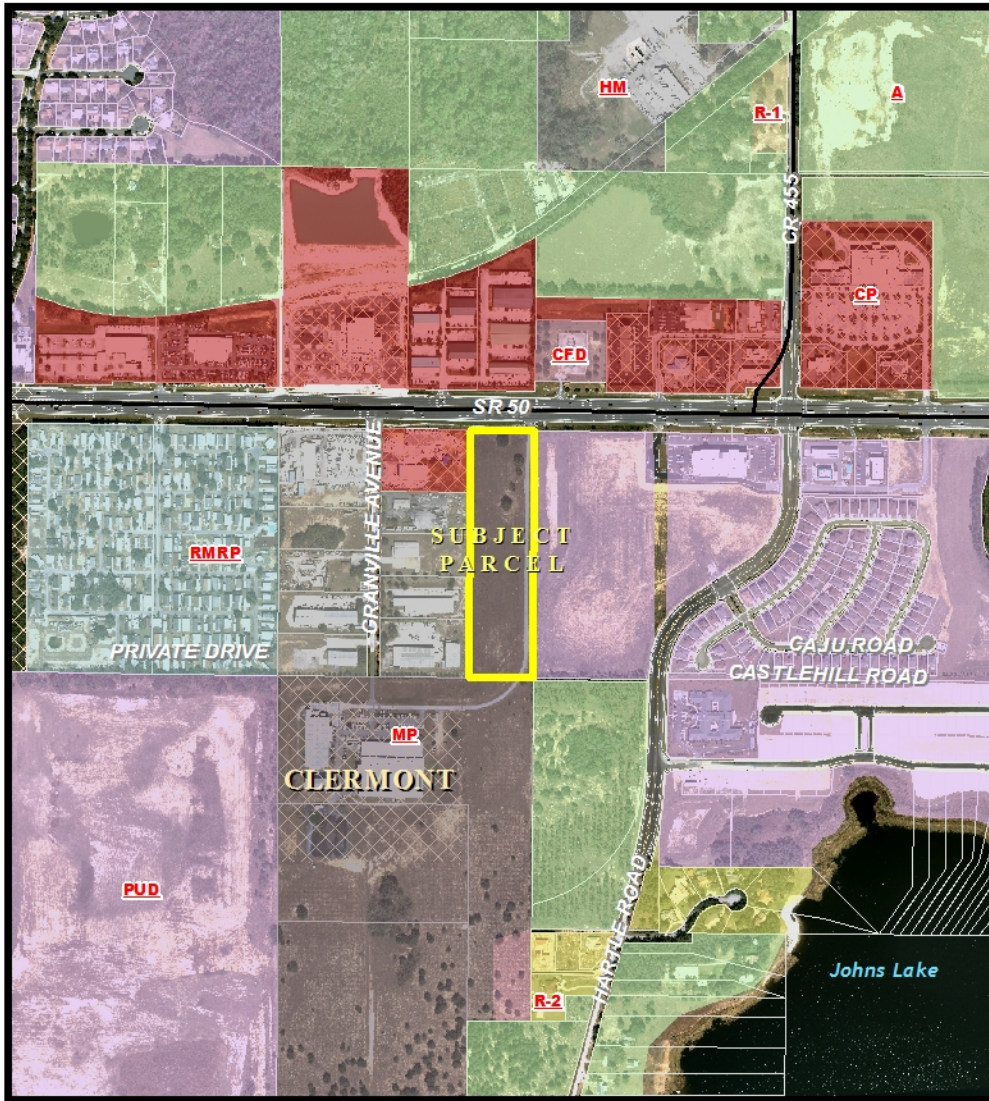
Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance. **Approval of this CP ordinance will be subject to the approval of the proposed Regional Commercial FLUC amendment FLU-2015-01-2.**

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



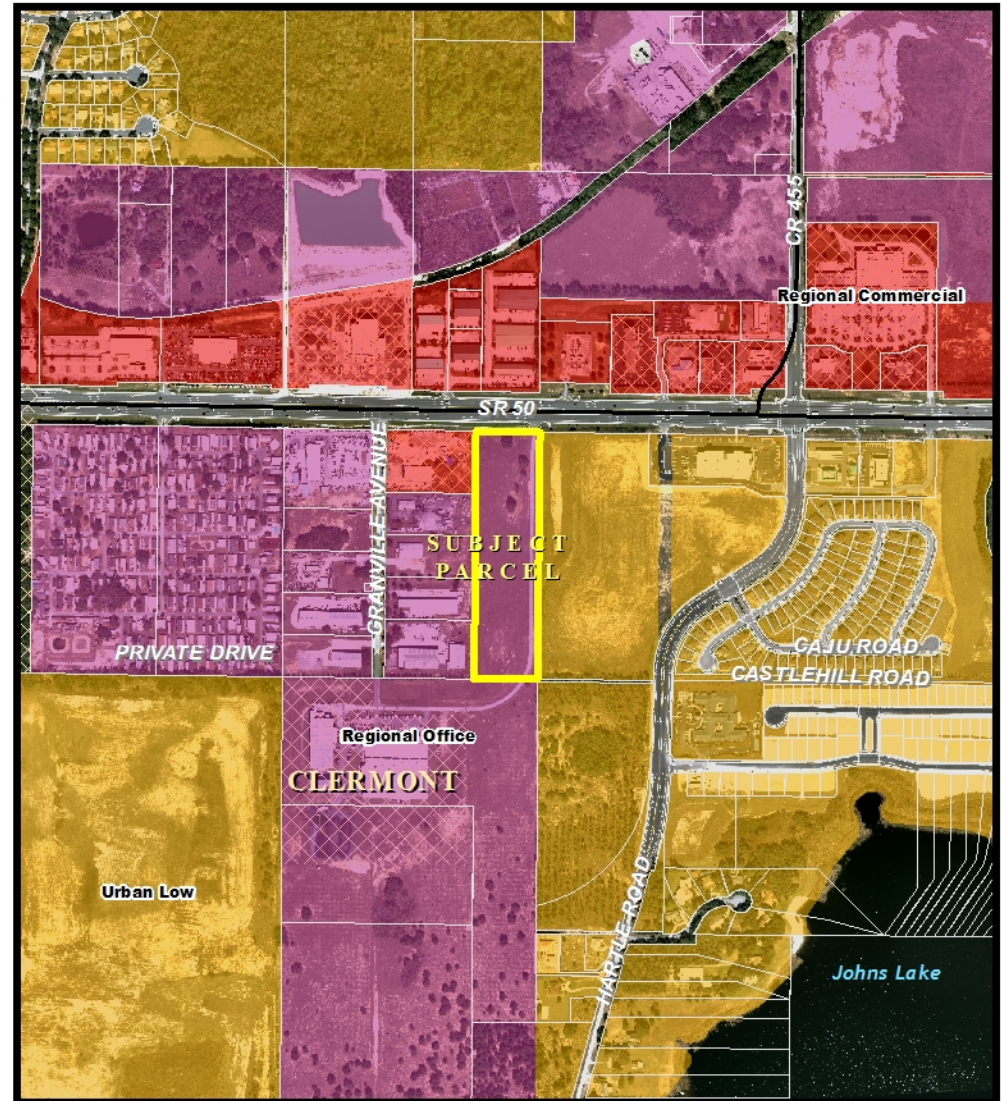
CURRENT ZONING

1 inch = 1,000 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 1,000 feet



Zoning Legend

A	R-7	LM
AR	RP	HM
RA	RMRP	MP
R-1	RM	CFD
R-2	RV	PUD
R-3	C-1	
R-4	C-2	
R-6	CP	

RLU Legend

Bella Collina	Heavy Industrial
Cagans Crossing	Mt Plymouth - Sorrento Main Street District
Conservation	Mt Plymouth - Sorrento Proper
Green Swamp Core Conservation	Mt Plymouth - Sorrento Receiving Area
Green Swamp Ridge	Office
Green Swamp Rural	Public Service Facility and Infrastructure
Green Swamp Rural Conservation	Receiving Area A-1-20

Recreation	Urban Low Density
Regional Commercial	Urban Medium Density
Rural	
Rural Transition	
Sending Area A-1-20	
Sending Area A-1-40	
Urban High Density	

SENNINGER IRRIGATION CP REZONING

CASE NO.

RZ -15-9-2

CASE LOCATION:

S26, T22S, R26E

REQUESTING:

Rezone from Planned Industrial (MP) to Planned Commercial (CP) to allow commercial uses.



Planning & Community Design Division
Economic Growth Department



- 1 Accessory uses directly associated with the above uses may be approved by the County Manager
2 or designee. Any other use of the site not specified above shall require approval of an amendment
3 to this Ordinance by the Board of County Commissioners.
- 4 B. Specific Condition: A site plan application will be required for any future development.
- 5 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
6 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 7 D. Landscaping, Buffering, and Screening shall be in accordance with the Comprehensive Plan and Land
8 Development Regulations (LDR), as amended.
- 9 E. Noise: Compliance shall be in accordance with the LDR, as amended.
- 10 F. Transportation Improvements/Access Management: Requirements shall be determined for the
11 proposed uses at site plan review and in accordance with the LDR, as amended. At a minimum, the
12 Applicant will be required to submit a Traffic Study for development of the property.
- 13 G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
14 Sky Principles.
- 15 H. Signage: Signs shall be in accordance with the LDR, as amended.
- 16 I. Concurrency Management Requirements: Any development shall comply with the Lake County
17 Concurrency Management System, as amended.
- 18 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
19 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
20 LDR, as amended.
- 21 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
22 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
23 Lake County Land Development Regulations shall include any future amendments to the Statutes,
24 Code, Plans, and/or Regulations.

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

- 26 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
27 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
28 the Board of County Commissioners.
- 29 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
30 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
31 boundaries of the above described land without first obtaining the necessary approvals in accordance
32 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
33 governmental agencies.
- 34 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
35 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
36 successor, and shall be subject to each and every condition herein set out.
- 37 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
38 and other governmental permitting agencies.

1 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
2 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
3 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
4 purchaser or lessee may request a change from the existing plans and conditions by following
5 procedures contained in the Land Development Regulations, as amended.

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

9 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
10 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
11 affect the validity of the remaining portions of this Ordinance.

12 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
13 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
14 with Section 125.66, Florida Statutes.

15 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

16 ENACTED this _____ day of _____, 2015.

17 FILED with the Secretary of State _____, 2015.

18 EFFECTIVE _____, 2015.

19 BOARD OF COUNTY COMMISSIONERS
20 LAKE COUNTY, FLORIDA

21 _____
22 JIMMY CONNER, Chairman

23 ATTEST:

24 _____
25 NEIL KELLY, Clerk of the
26 Board of County Commissioners
27 Lake County, Florida

28 APPROVED AS TO FORM AND LEGALITY

29 _____
30 SANFORD A. MINKOFF, County Attorney