

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
June 4, 2014



BOARD OF COUNTY COMMISSIONERS
June 24, 2014

PH #12-14-3 JTM Properties, LLC Property Rezoning	Case Manager: Steve K. Greene AICP Chief Planner	Agenda Item #1
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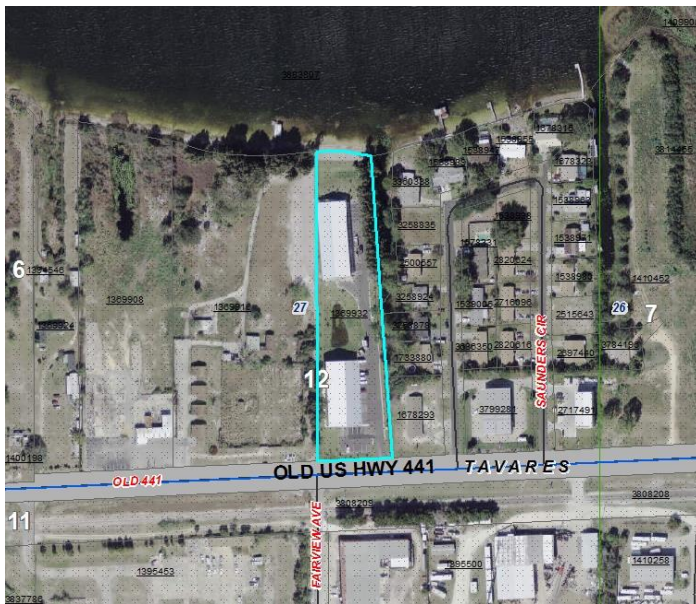
Owner: James T. Miller, JTM Properties, LLC (the "Owner/Applicant")

Applicant: Pat Burke

Requested Action: Rezone property from Planned Industrial (MP) to Light Industrial (LM) and to revoke MP Ordinance #2004-3 to accommodate recreation uses on the property.

- Site Location & Information -

Approximate site location outlined in Aqua



Size	2.30 +/- acres	
Location	Tavares area, Old Highway 441	
Alternate Key #	1369932	
Future Land Use	Urban High Density	
	Existing	Proposed
Zoning District	MP	LM
Impervious Surface Ratio	0.80 max (LDR)	0.80 max (Comp Plan)
Floor Area Ratio	2.0 max (Comp Plan)	1.0 max (LDR)
Joint Planning Area	N/A – Tavares area	
Utility Area:	Tavares	
Site Utilities	Existing well and septic system	
Road Classification	Old Highway 441 - Urban Minor Arterial	
Flood Zone/ FIRM Panel	X/AE – Panel 0362D	
Commissioner District	3 (Conner)	

Site Visit May 19, 2014
Sign Posted May 19, 2014 (1 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	N/A	N/A	water body	Lake Saunders
South	Urban High Density	Planned Industrial (MP)	Old Highway 441	Industrial uses across Old Highway 441
East	Urban High Density	Light Industrial (LM)	Nonresidential and residential	Non-residential structure to the southeast Residential dwellings to the northeast
West	Urban High Density	Urban Residential (R-6) and MP	Non-residential use	The southern portion has non-residential office; undeveloped northern portion.

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning application request and revocation of MP Ordinance #2004-3.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject 2.3-acre property is located in the Tavares area, along Old Highway 441. The Applicant is requesting to rezone a **Error! Reference source not found.** acre property from Planned Industrial (MP) to Light Industrial (LM) to accommodate recreation facility use desired by the Applicant. The current MP zoning (Attachment 1) does not allow recreation facility uses, although it is permitted within the Urban High Future Land Use, where the property is situated. The proposed downzoning to LM will accommodate the proposed recreation facility use while remaining consistent with the Urban High future land use.

The property currently contains two (2) buildings, approximately 10,600 square feet each. The buildings are currently used for warehousing and storage. The Lake County Radio Shop recently occupied the southernmost building, fronting the highway. The Applicant intends to lease one of the buildings for the purpose of creating a basketball training facility. The building would contain basketball courts, instructional classrooms and training rooms.

- Analysis -

LDR Section 14.03.03 (Standards for Review)

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

Currently the proposed use is not permissible within the MP zoning district, although it is an allowable use within the LM zoning district. This predicates the submittal of the rezoning application. However, the proposed basketball training facility use is not specifically listed in Table 3.01.03, *Schedule of Permitted and Conditional Uses*, of the Land Development Regulations (LDR). It is similar to the specified uses of recreation commercial which include, skating and roller rinks, bowling alleys, pool halls, miniature golf and driving ranges, and public swimming pools. Pursuant to LDR Section 3.01.05, *Similar Uses*, the proposed basketball training facility would not be any more obnoxious, detrimental, or impactful than the uses listed in LDR Table 3.01.03. Applying this perspective, the proposed recreation facility use would be consistent with commercial recreation uses permitted in the LM zoning district and does not conflict with the provisions of the Code.

The Applicant intends to conduct the basketball training and all related uses within the existing building, thus limiting the possibility of any external impacts to adjacent properties.

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

The proposed LM zoning request is consistent with Comprehensive Plan Policy I-1.3.4, "*Urban High*" future land use, as recreation facility uses are allowable in the Urban High FLUC with the approval of a land use regulatory instrument.

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

The proposed use is consistent with the other listed recreation uses that are permissible within the LM zoning district. The proposed recreation facility uses is not inconsistent with the existing and proposed land uses as the use will be conducted indoors. As previously stated, the recreation facility use is permissible within the Urban Future Land Use.

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

The proposed use is not permissible within the MP zoning district. The Applicant seeks to introduce the recreation facility use for basketball training into 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;

Water/Sewage - The property is being served by an existing well and septic system. No information has been submitted to demonstrate an adverse impact onto the existing use. The City of Tavares has indicated that the property is not within a distance to mandate connection.

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of CR 500/Old 441 is "D" with a capacity of 880. This segment of roadway is currently operating at fifty five percent (55%) of its capacity. This project will generate 78 directional pm peak hour trips, increasing the volume to capacity ratio to sixty four percent (64%). This project is classified as a Tier 3 project and as such, the applicant should submit to the MPO and Lake County a Tier 3 Methodology prior to site plan approval.

Fire and Emergency Services - The subject parcel is approximately 2 miles east of the Tavares fire station on Old Highway 441.

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

The parcel is currently developed and no adverse impacts on the natural environment are anticipated.

F. 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 effect of the proposed rezoning on area property values.

G. 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.

H. 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.

I. 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:

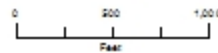
1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.3.4 as recreation facilities are allowable and conforms to the general land use criteria and activities of the Urban High Density Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits commercial recreation uses in the LM Zoning District. The requested use of a basketball training facility permitted by LDR Section 3.01.02 *Classification of Uses* (subsection C.13) under Recreation Commercial.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, of the rezoning application subject to the conditions as set forth in the attached Ordinance.

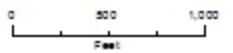
WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**



CURRENT ZONING



CURRENT 2030 FUTURE LAND USE



**JTM PROPERTIES, LLC
PROPERTY REZONING**

CASE NO.
PH# 12-14-3
CASE LOCATION:
27-19-26

REQUESTING:
PLANNED INDUSTRIAL (MP) TO
LIGHT INDUSTRIAL (LM)

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

DATASOURCES:

Lake County GIS Department Planimetrics, 2009 aerial image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

MAP COMPOSITION:
JANUARY, 2008



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

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

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

8 **ENACTED** this _____ day of _____, 2014.

9 **FILED with the Secretary of State** _____, 2014.

10 **EFFECTIVE** _____, 2014.

11 **BOARD OF COUNTY COMMISSIONERS**
12 **LAKE COUNTY, FLORIDA**

13 _____
14 **JIMMY CONNER, Chairman**

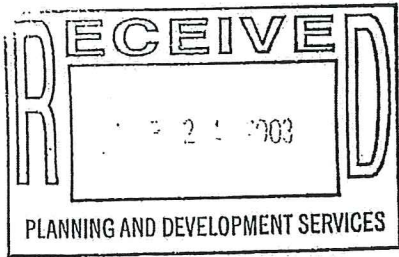
15 **ATTEST:**

16 _____
17 **NEIL KELLY, Clerk of the**
18 **Board of County Commissioners**
19 **Lake County, Florida**

20 **APPROVED AS TO FORM AND LEGALITY**

21 _____
22 **SANFORD A. MINKOFF, County Attorney**
23
24

ATTACHMENT -1



ORDINANCE #2003-75
Tracking No. # 69-03-MP
James T. Miller
PH# 46-03-3

FILED
2003 SEP 12 PM 12:42
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

WHEREAS, the Lake County Planning and Zoning Commission did, on the 6th day of August, 2003 review PH#46-03-3, a request for rezoning from LM (Light Industrial) and R-6 (Urban Residential) to MP (Planned Industrial) zoning district on property generally located in the Tavares/Mt. Dora area - North side of Old Highway 441 at Fairview Ave. (Section 27 / Township 19 / Range 26) (2.44 +/-ac).

LEGAL DESCRIPTION: [Exhibit "A" - Attached]

AND, after giving Notice of Hearing on petition for rezoning for a change in the use of land, including a notice that said would be presented to the Board of County Commissioners of Lake County, Florida, on the 26th day of August, 2003, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 tract of land subject to the following terms and conditions:

CFN 2003119929
Bk 02410 Pgs 1591 - 1595; (5pgs)
DATE: 09/18/2003 09:26:42 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 21.00
TRUST FUND 3.00

R-Board Support

I. Terms: This Ordinance shall mean and include the following land uses and supersedes any and all ordinances previous granted for the site legally described herein and attached hereto as "Exhibit "A". The County Manager or designee shall amend the Zoning Map in accordance with this ordinance.

A. Land Uses:

Wholesale Trade, Professional Offices and ancillary warehousing uses within facilities developed over 3 phases, meeting the design standards of the Lake County Land Development Regulations.

- add. rec. uses

B. Public Facilities:

Applicable public improvements will be required pursuant to Lake County Public Works standards, policies and requirements.

1. Dedication of additional right of way to accommodate turn lanes at the primary entrance may be required pending review by the Lake County Development Review Staff.
2. The owner shall comply with the Lake County Access Management Ordinance per Section 9.05 of the Lake County Land Development Regulations, as amended.

C. Environmental Requirements:

On-site wastewater sewage disposal system(s) shall comply with all applicable State, Regional and Lake County policies and regulations.

D. Stormwater and Drainage Requirements:

1. The stormwater management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements. The natural pre-development drainage pattern shall be maintained to the maximum extent possible.
2. A portion of the proposed property falls within the 100-year floodplain as delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). The owner shall locate and include the 100-year floodplain boundary on all plans.

E. Landscaping / Buffering Requirements:

1. The owner shall be required to provide Type B landscape buffer in accordance with the Lake County Land Development Regulations.

ORDINANCE NO. 2003-75
 (Tracking No. # 69-03-MP) (PH# 46-03-3) (James T: Miller)

F. Development Review and Approval:

Prior to the issuance of any permits, the owner shall be required to submit a formal site plan for review and approval by the Lake County Development Review Staff. The site plan shall meet all submittal requirements and comply with all County Codes, Regulations and Ordinances, as amended.

G. Future Development Orders:

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

H. Expiration:

Any applicable Development Order relative to the site herein identified shall expire two years from the date of approval by the Lake County Board of Commissioners. Any extension to this timeframe shall be made as an amendment to this Ordinance through the public hearing process.

I. 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 are inclusive of any future amendments to the Statutes, Code, Plan, and/or Regulations.

II. 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 Planning and Zoning Commission and 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, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Chapter XIV, of the Lake County Land Development Regulations (LDRs) and obtaining approval from the County Manager or designee upon obtaining the permits required from other appropriate governmental agencies.

C. This amendment 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.

ORDINANCE NO. 2003-75
(Tracking No. # 69-03-MP) (PH# 46-03-3) (James T. Miller)

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 pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing use, plans and conditions by following procedures contained in Chapter XIV, Lake County Land Development Regulations (LDRs), as amended.

III. 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.

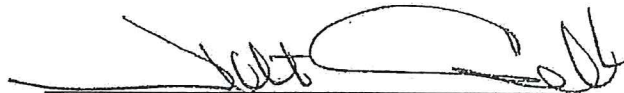
IV. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 26th day of August, 2003.

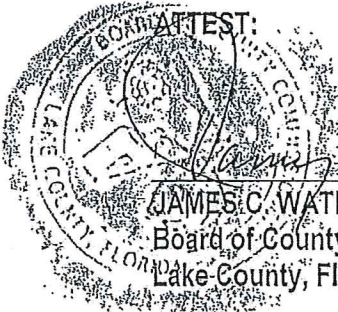
FILED with the Secretary of State Sept. 12, 2003.

EFFECTIVE Sept. 12, 2003.

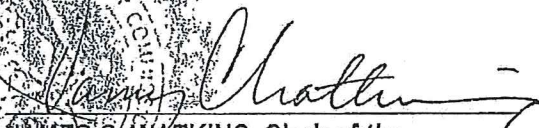
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



WELTON G. CADWELL, CHAIRMAN



ATTEST:


JAMES C. WATKINS, 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

ORDINANCE #2003-75
PH#46-03-3
Tracking No. #69-03-MP
James T. Miller

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

LEGAL DESCRIPTION: McNaught's subdivision begin at SW cor of Lot 22, run E 150 ft, N to a point 110 ft E of NW cor of Lot 22, W 110 ft, S to POB, E 1/2 of vacated road W of Lot 22, bounded on N by Lake and on S by a line parallel with & 50 ft N'ly of centerline of CR-Old 441, in Sec 27 Twp. 19S Rge. 26E.