

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

Planning and Zoning Board  
June 4, 2014



Board of County Commissioners  
June 24, 2014

PH # 13-14-3 Farran CP Amendment	Case Manager: Michele Janiszewski, Planner	Agenda Item #4
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**Owners/Applicants:** Emile and Christina Farran (the "Applicant")

**Requested Action:** Revoke Planned Commercial (CP) Zoning Ordinance #37-85 and replace it with a new Planned Commercial Ordinance allowing rural support uses on property located within the Lisbon Rural Support Corridor in the Leesburg area.

### - Site Location and Information -

Approximate site location shown in red



Size	1.17 +/- Acres	
Location	Northwest of the intersection of County Road 44 and Radio Road in the Leesburg area	
Alternate Key	2585030	
Future Land Use (FLU)	Rural Transition	
Zoning District	<b>Existing</b>	<b>Proposed</b>
	Planned Commercial (CP)	Planned Commercial (CP)
Impervious Surface Ratio (ISR)	30% Max. (Comp Plan)	30% Max. (Comp Plan)
Floor Area Ratio (FAR)	2.0 Max (LDR)	2.0 Max (LDR)
Open Space	35% (Comp Plan)	35% (Comp Plan)
Joint Planning Area	N/A	
Utility Area	Leesburg	
Site Utilities	Well and Septic	
Road Type	Urban Collector (CR 44)	
Flood Zone / FIRM Panel	X	
Commissioner's District	3-Conner	

Site Visit: May 21, 2014  
Sign Posted: May 21, 2014 - (2 Signs)

#### Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	A and CP	United Southern Bank	
South	Urban Low	CP	Auto Sales and Repair	
East	Urban Low	CP and R-6	Vacant Residential	
West	Rural Transition	A and CP	Vacant Commercial, vacant residential, and one story office building	

**STAFF RECOMMENDATION:** Based on the findings of fact, staff recommends **Approval** of the revocation of Planned Commercial Zoning Ordinance #37-85 and establishment of a new CP zoning ordinance to allow rural support uses, consistent with the Comprehensive Plan.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The subject property is currently zoned Planned Commercial (CP) by Ordinance #37-85. The ordinance permitted a grocery store, to include produce, seafood and meat market. With the adoption of the 2030 Comprehensive Plan in 2011, the property was designated as having a Rural Transition Future Land Use. The Rural Transition Future Land Use does not allow commercial uses unless the property is situated at a Rural Support Intersection or within a Rural Support Corridor. Since the property was not situated at a Rural Support Intersection or within a Rural Support Corridor, the property was categorized as nonconforming.

The property currently contains a commercial building that was in operation for a number of years but has become vacant within the past two years. Since the property has been vacant for more than eighteen (18) months, the property lost its non-conforming status pursuant to LDR 1.08.03.A.3. and is currently unable to be used for commercial uses.

On May 20, 2014, the Board adopted a Comprehensive Plan Amendment (Ordinance 2014-24) known as the Lisbon Rural Support Corridor which encompasses the property and permits rural support uses, as defined in the Comprehensive Plan. The proposed ordinance expands the permitted uses on the property to include rural support uses which consists of professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or similar uses.

**- Standards of Review and Analysis -**

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

The application is consistent with LDR Section 3.01.03 which describes the permitted uses allowed within the CP zoning district. The uses specified in the application are consistent with the permitted CP uses.

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

The subject property is part of the Lisbon Rural Support Corridor which allows for limited commercial uses including professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or similar uses. The proposed CP ordinance incorporates the rural support uses into the permitted land uses. With the addition of rural support uses to the zoning ordinance, the property will be able to conduct limited commercial operations.

|

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

The subject property is designated as being within the Rural Transition Future Land Use Category and is located within the Lisbon Rural Support Corridor. The proposed uses of professional offices, personal services, convenience retail, agricultural-related retail sales of goods and service uses and similar uses, are consistent with the uses permitted within Rural Support Corridors.

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

When the 2030 Comprehensive Plan became effective in 2011, the property was designated within the Rural Transition Future Land Use Category. The new future land designation rendered the existing Planned Commercial (CP) zoning as non-conforming. The Rural Transition FLUC only allows commercial use if the property is situated at a Rural Support Corridor or within a Rural Support Intersection. The adoption of the Lisbon Rural Support Corridor (Ordinance 2014-24) allows the subject property to be used for Rural Support Uses, thus making the zoning conforming. Incorporating Rural Support uses into the subject property's zoning ordinance would make the property's permitted uses consistent with the Lisbon Rural Support Corridor.

**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;**

There are no public facility impacts anticipated by this rezoning. Public facility impacts will be re-assessed during the review of the future site plan application. The property is currently served by a well and septic system.

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

The property has been developed with a commercial building, associated parking and stormwater pond.

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

There is no indication that the rezoning will adversely affect 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 Lisbon Rural Support Corridor was recently adopted by the BCC (Ordinance 2014-24) which brought existing, nonconforming commercially-zoned properties along this stretch of County Road (CR) 44 into conformance with the Rural Transition Future Land Use Category. According to the 2030 Comprehensive Plan, a Rural Support Corridor is limited to rural communities with an established pattern of commercial activity, such as the subject area in the Lisbon Community. Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the residents of rural areas.

The subject property is located within the Lisbon Rural Support Corridor along the north side of County Road 44 and is surrounded by commercial development. Therefore, the proposed CP zoning ordinance would result in a logical development pattern. Across the street is an automobile dealership, to the west of the property is an office building, and to the northeast of the property is a bank.

The existing building is oriented at an angle to County Road (CR) 44. This causes the building's southwest corner to be 47 feet from the property line along CR 44. The rear of the building is situated 3.5 feet from the northern property line. These existing setbacks will be specified as rear and front setback conditions for the property within the proposed ordinance. New development will need to conform to the setbacks specified in the Land Development Regulations, as amended.

**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 would not be in conflict with the public interest and would be in harmony with the purpose and intent of these Regulations.

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

Not at this time.

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

1. The proposed rezoning application is consistent with Policy I-1.4.5 *Rural Transition Future Land Use Category* that specifies Rural Support Uses are permitted on properties within the Rural Transition Future Land Use if the property is located at a Rural Support Intersection or within a Rural Support Corridor.
2. The proposed rezoning application is consistent with Comprehensive Plan Policy I-1.4.7.2 *Rural Support Corridors* because Table FLUE 6- *Rural Support Corridors* details that the subject property is located within the Lisbon Rural Support Corridor.
3. The uses proposed within the rezoning application are consistent with LDR Section 3.01.03 for permitted uses within the Planned Commercial (CP) zoning district.

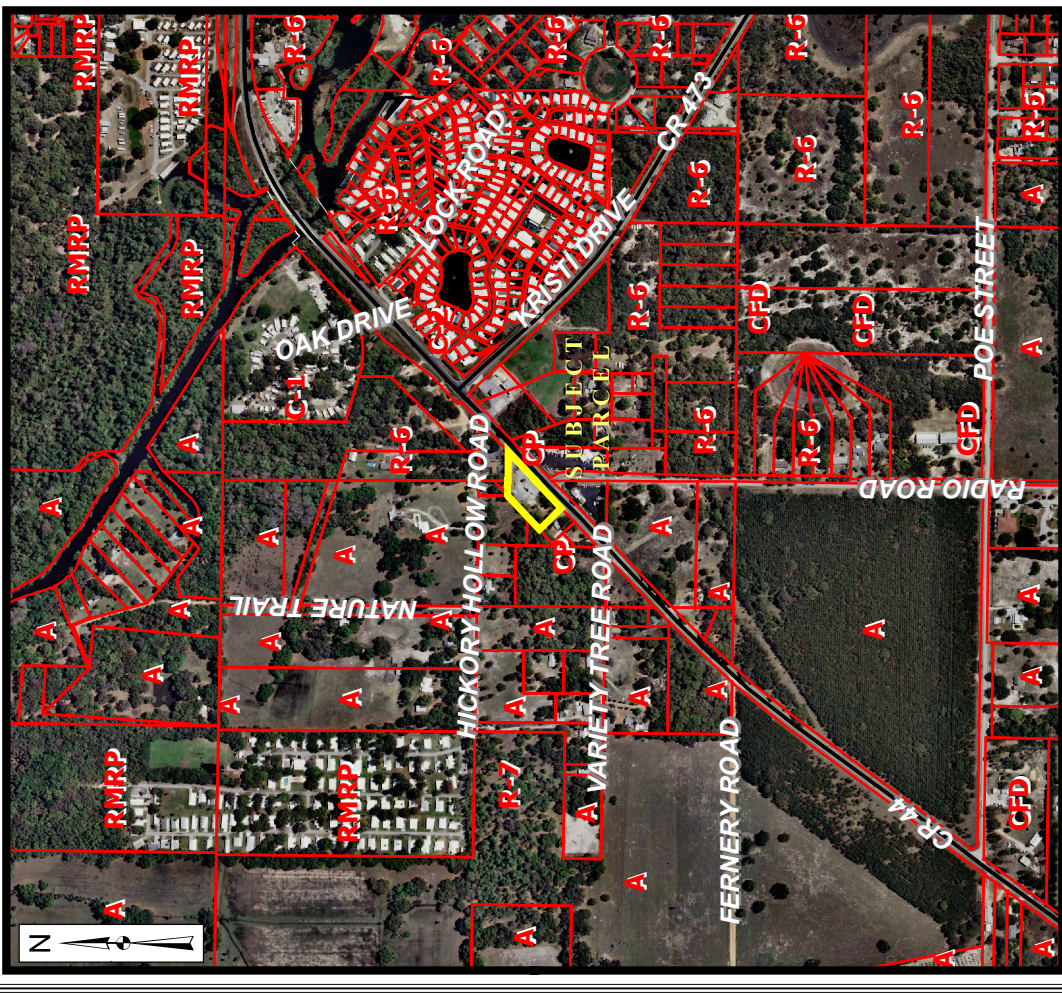
Based on these findings of fact, staff recommends **Approval** of the revocation of Planned Commercial Zoning Ordinance #37-85 and establishment of a new CP zoning ordinance for rural support uses such as professional offices, personal services, convenience retail, and agricultural-related retail sales of goods and services consistent with the Comprehensive Plan.

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Concern: -0-**

**Opposition: -0-**



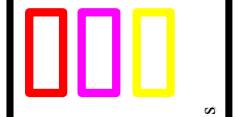
**CURRENT ZONING**

**FARRAN REZONING**

**CASE NO.**  
PH# 13/14/03

**CASE LOCATION:**  
03-19-25

**REQUESTING:**  
Rezone CP for  
Rural Support Uses



**ZONING**

**LAND USE**

**SUBJECT PARCEL**

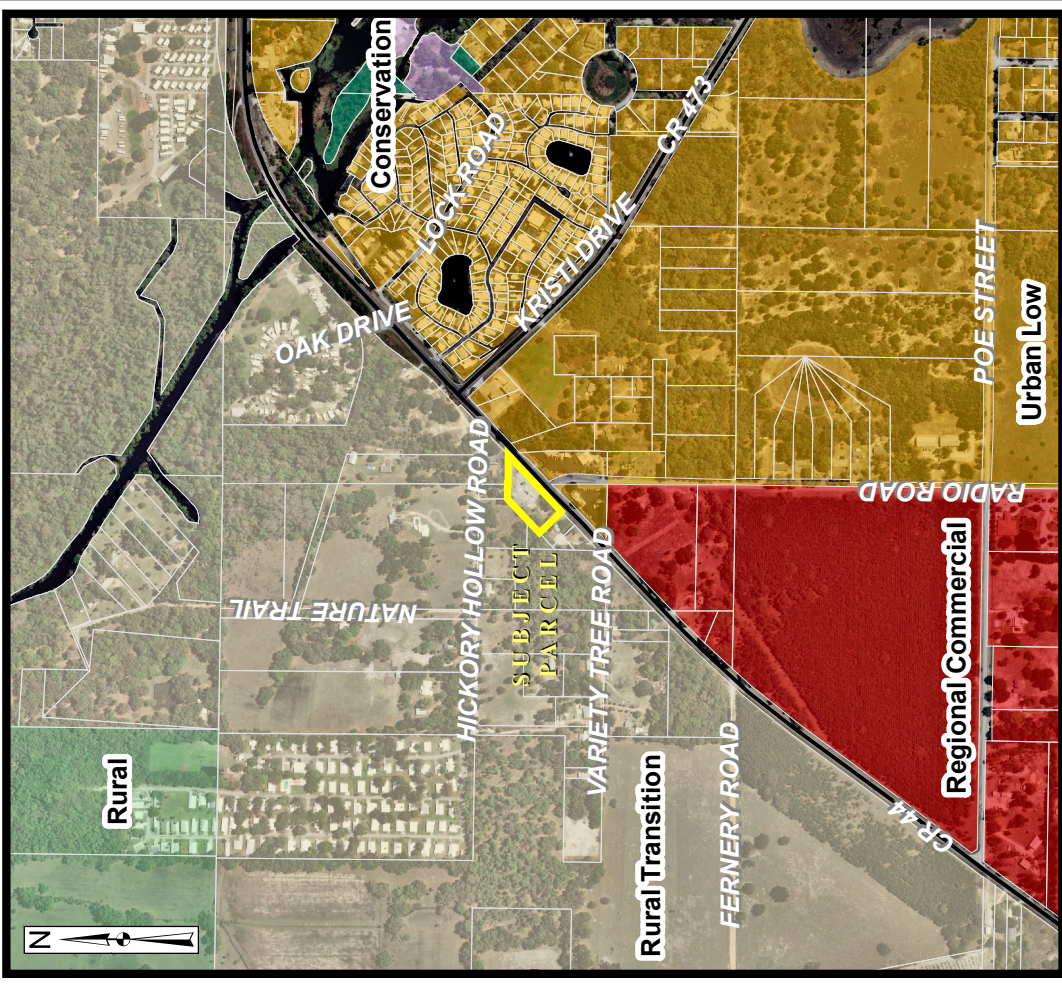
**DATASOURCES:**  
Lake County GIS Department; Planometrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

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**MAP COMPOSITION:**  
JANUARY, 2008

**FOCUS AREA**

**LAKE COUNTY**  
FLORIDA



**CURRENT 2030 FUTURE LAND USE**

**DATASOURCES:**  
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**MAP COMPOSITION:**  
JANUARY, 2008

**FOCUS AREA**

**LAKE COUNTY**  
FLORIDA



1 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map in  
2 accordance with this Ordinance, which shall supersede and replace Ordinance #37-85. Where there is  
3 conflict between this CP Ordinance and Lake County Land Development Regulations (LDR), the terms of  
4 this Ordinance shall take precedence.

5  
6 The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent  
7 with the Conceptual Plan attached hereto as Exhibit "A".

8  
9 A. Land Use:

- 10 Convenience retail;  
11 Professional offices;  
12 Personal services; and  
13 Agricultural-related retail sales of goods and services.

14  
15 Accessory uses directly associated with the above uses may be approved by the County Manager  
16 or designee. Any other use of the site not specified above shall require approval of an amendment  
17 to this Ordinance by the Board of County Commissioners.

18  
19 B. Specific Conditions:

- 20 1. A site plan application is required for review and approval prior to initiating any use and for any  
21 future development.  
22 2. Commercial design standards shall be applied for any commercial development consistent with  
23 the Land Development Regulations, as amended.

24  
25 C. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in  
26 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as  
27 amended.

28  
29 D. Existing Building Setbacks:

- 30 Front - 47 foot setback from County Road 44  
31 Side - 10 feet  
32 Rear – 3.5 feet

33 Any new buildings or structures shall require building setbacks in accordance with the LDR, as  
34 amended.

35  
36 E. Landscaping, Buffering, and Screening: Existing landscape shall be preserved and maintained. At  
37 site plan application, a plan showing existing trees/vegetation shall be submitted for review. Any  
38 future expansions shall be consistent with the landscape requirements of the LDR, as amended.

39 F. Lighting: Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the  
40 LDR, as amended.

41 G. Signage: Signs shall be in accordance with the LDR, as amended.

42 H. Concurrency Management Requirements: Any development shall comply with the Lake County  
43 Concurrency Management System, as amended.

- 1 I. Development Review and Approval: Prior to the issuance of permits, the Applicant shall be  
2 required to submit a site plan for review and approval in accordance with the Comprehensive Plan  
3 and LDR, as amended.
- 4 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this  
5 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,  
6 and Lake County Land Development Regulations shall include any future amendments to the  
7 Statutes, Code, Plans, and/or Regulations.

8  
9 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 10  
11 A. After establishment of the facilities as provided herein, the aforementioned property shall only be  
12 used for the purposes named in this Ordinance. Any other proposed use must be specifically  
13 authorized by the Board of County Commissioners.
- 14 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,  
15 convert, or demolish any building structure, add other uses, or alter the land in any manner within  
16 the boundaries of the above described land without first obtaining the necessary approvals in  
17 accordance with the Lake County Code, as amended, and obtaining the permits required from the  
18 other appropriate governmental agencies.
- 19 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land  
20 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and  
21 any successor, and shall be subject to each and every condition herein set out.
- 22 D. Construction and operation of the proposed use shall at all times comply with the regulations of this  
23 and other governmental permitting agencies.
- 24 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be  
25 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good  
26 and aware of the conditions established by this Ordinance and agrees to be bound by these  
27 conditions. The purchaser or lessee may request a change from the existing plans and conditions  
28 by following procedures contained in the Land Development Regulations, as amended.
- 29 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
30 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in  
31 this ordinance and to recommend that the ordinance be revoked.

32  
33 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be  
34 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
35 no way affect the validity of the remaining portions of this Ordinance.

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

39  
40  
41



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

2  
3  
4 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

5  
6 FILED with the Secretary of State \_\_\_\_\_, 2014.

7  
8 EFFECTIVE \_\_\_\_\_, 2014.

9  
10 BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

11  
12 \_\_\_\_\_  
JIMMY CONNER, Chairman

13 ATTEST:

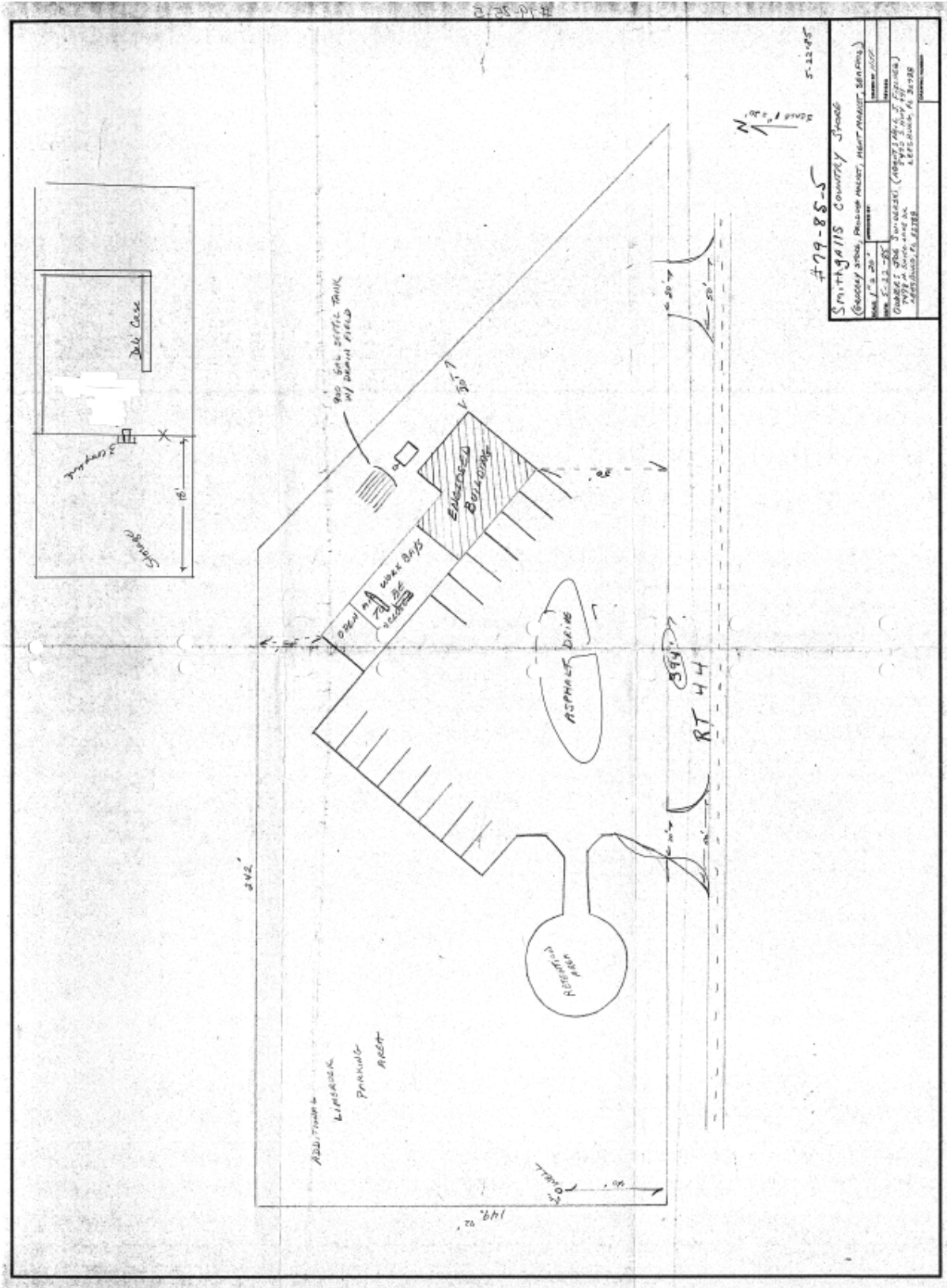
14 \_\_\_\_\_  
15 NEIL KELLY, Clerk of the  
16 Board of County Commissioners  
17 Lake County, Florida

18  
19  
20 APPROVED AS TO FORM AND LEGALITY

21  
22  
23 \_\_\_\_\_  
24 SANFORD A. MINKOFF, County Attorney

# Exhibit "A"

1



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