

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
June 4, 2014



BOARD OF COUNTY COMMISSIONERS
June 24, 2014

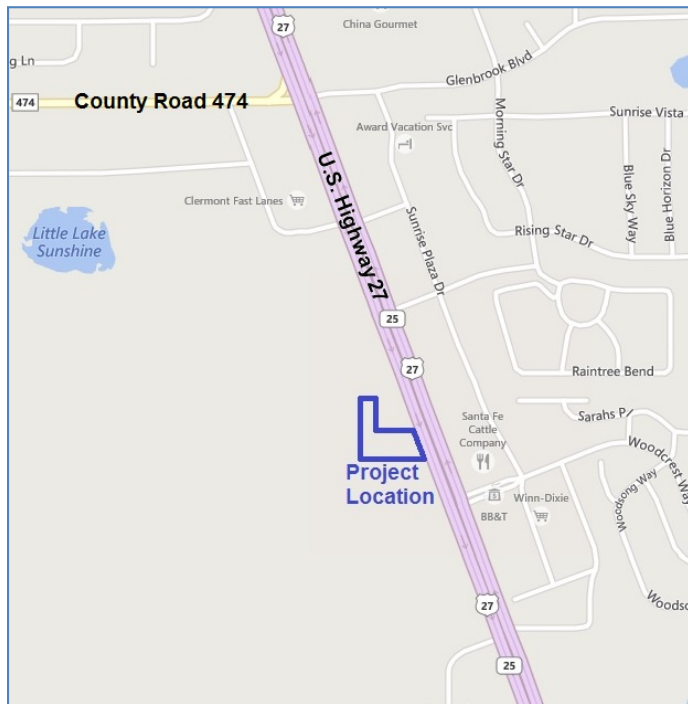
PH #10-14-1 Powers Property	Case Manager: Melving Isaac, Planner	Agenda Item #5
--	--	-----------------------

Owner: Alma Powers as Trustee of the Alma Powers Living Trust Agreement (the "Owner")

Applicant: Gilles Paul DuPuis (the "Applicant")

Requested Action: Rezone property from Neighborhood Commercial (C-1) to Planned Commercial (CP) for vehicular sales uses. Conditional Use Permit (CUP) #87/6/1-3 will be revoked by the proposed ordinance.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit May 19, 2014
Sign Posted May 19, 2014 (2 posted)

Size	2.17 +/- acres	
Location	South of Clermont area, 1/2 mile southwest of the U.S. Highway 27/County Road 474 intersection	
Alternate Key #	1595151	
Future Land Use	Green Swamp Ridge	
	Existing	Proposed
Zoning District	C-1	CP
Impervious Surface Ratio Comprehensive Plan (Policy I-4.2.2)	0.45 max	0.45 max
Floor Area Ratio Comprehensive Plan (Policy I-4.2.2)	0.25 max	0.25 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Central water and sewer (South Lake Utilities)	
Road Classification	U.S. Highway 27 - Rural Principal Arterial - Other County Road 474 - Rural Major Collector	
Flood Zone/ FIRM Panel	X/750	
Commissioner District	1 (Sullivan)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Ridge	Neighborhood Commercial (C-1), Community Commercial (C-2)	Office Building, Vacant Commercial	
South	Green Swamp Ridge	Planned Commercial (CP)	Vacant Commercial, Orange Grove	
East	Urban Low Density	Planned Unit Development (PUD)	Restaurants, Vacant Commercial	Adjacent to U.S. Highway 27
West	Green Swamp Ridge	Planned Unit Development (PUD)	Vacant Residential, Orange Grove	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone a 2.17 acre property from Neighborhood Commercial (C-1) to Planned Commercial (CP) for vehicular sales uses. CUP #87/6/1-3 will be revoked by the proposed ordinance; however, the caretaker's residence use approved in CUP #87/6/1-3 will be included in the proposed CP Ordinance.

The subject property is located in the South of Clermont area, 1/2 mile southwest of the U.S. Highway 27/County Road 474 intersection. The property currently has an existing building, which will be used for the proposed vehicular sales uses, and a caretaker's residence (mobile home). The Applicant has indicated that no expansions/additions will be performed to the existing buildings.

The proposed rezoning request is consistent with the Comprehensive Plan and the Land Development Regulations (LDR), which permit commercial uses in the Green Swamp Ridge Future Land Use Category (FLUC) and vehicular sales 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;

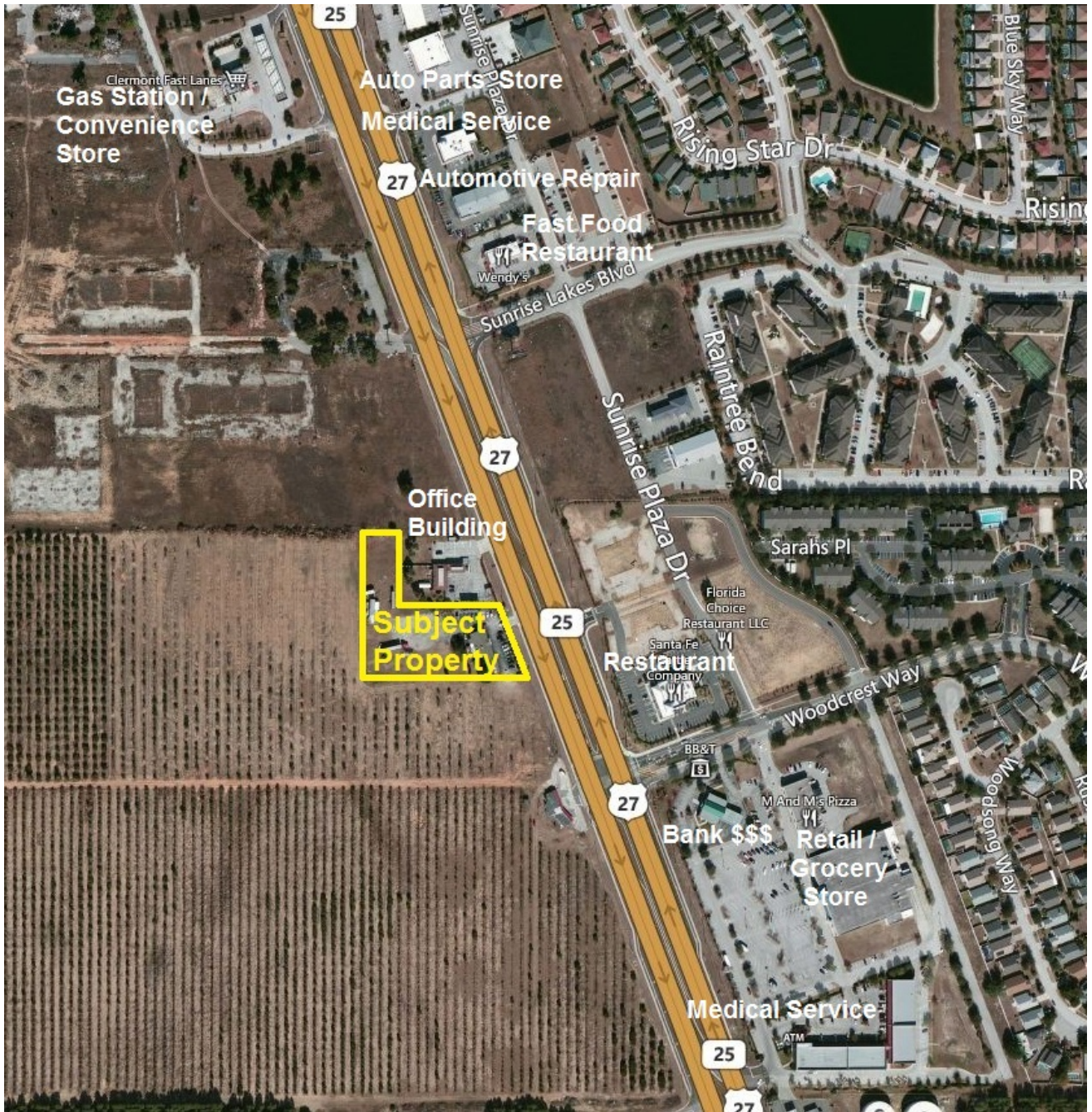
The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits vehicular sales uses in the CP Zoning District.

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

The CP zoning request is consistent with Comprehensive Plan Policy I-4.2.2, "*Green Swamp Ridge Future Land Use Category*", as commercial uses are allowable in the Regional Office FLUC.

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

The property, which is located within the Green Swamp Ridge FLUC, is surrounded at the north and south by an office building and vacant commercial properties, to the west by vacant property zoned PUD for mixed use residential/commercial, and by U.S. Highway 27 to the east. A restaurant, a bank, a retail shopping center and vacant commercial properties exist across U.S. Highway 27 to the east. As shown in the map below, properties that front U.S. Highway 27 are characterized by commercial uses. Amending the use of the site to vehicular sales use is consistent with the Green Swamp Ridge FLUC which allows commercial uses and is also consistent with the existing commercial uses along the U.S. Highway 27.

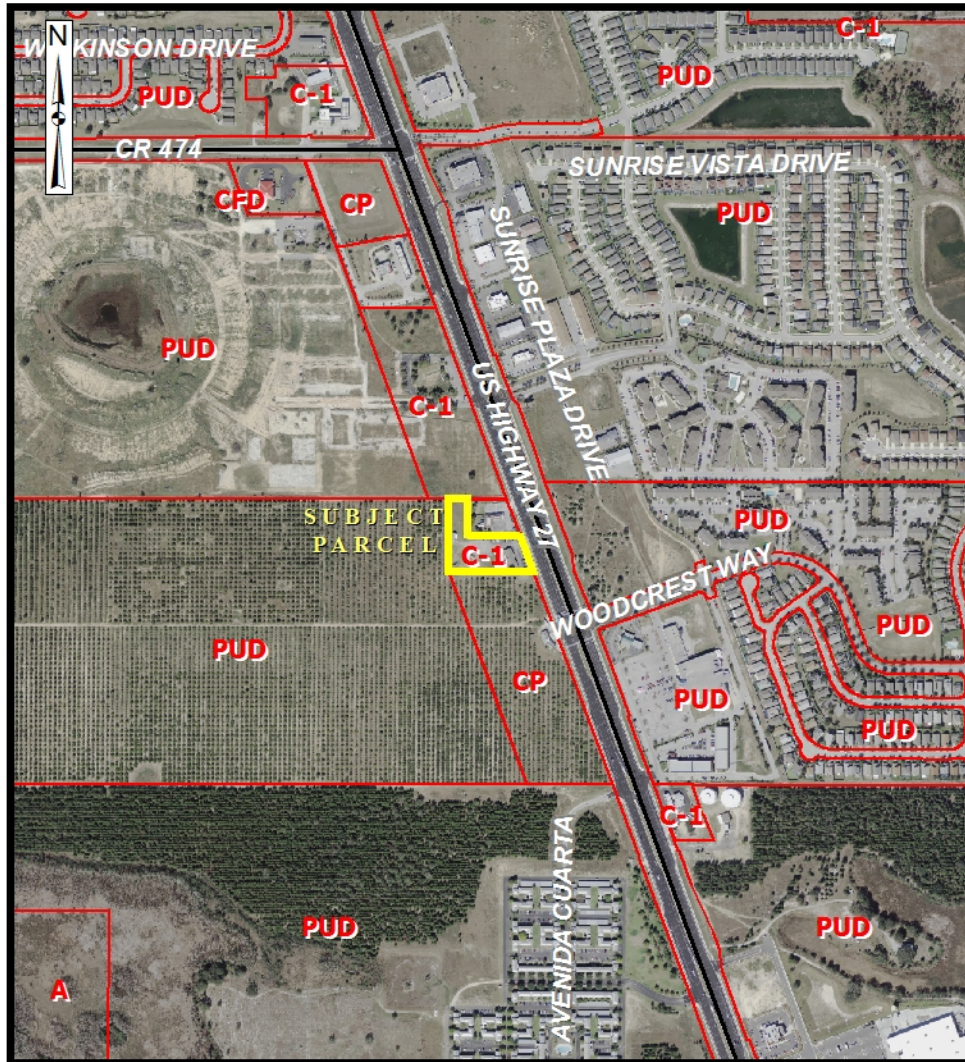


D. Whether there have been changed conditions that justify a rezoning;

The 2030 Comprehensive Plan designated this area as Green Swamp Ridge. There have been at least 2 rezonings in this area over the past 2 years. The adjacent property located south was rezoned in 2012 for commercial uses (convenience retail, general retail, professional office, and medical service). The adjacent property to the west was rezoned in 2014 for mixed use residential/commercial. The Applicant seeks to establish vehicular sales uses on the property and to use the existing office building to provide the proposed services.

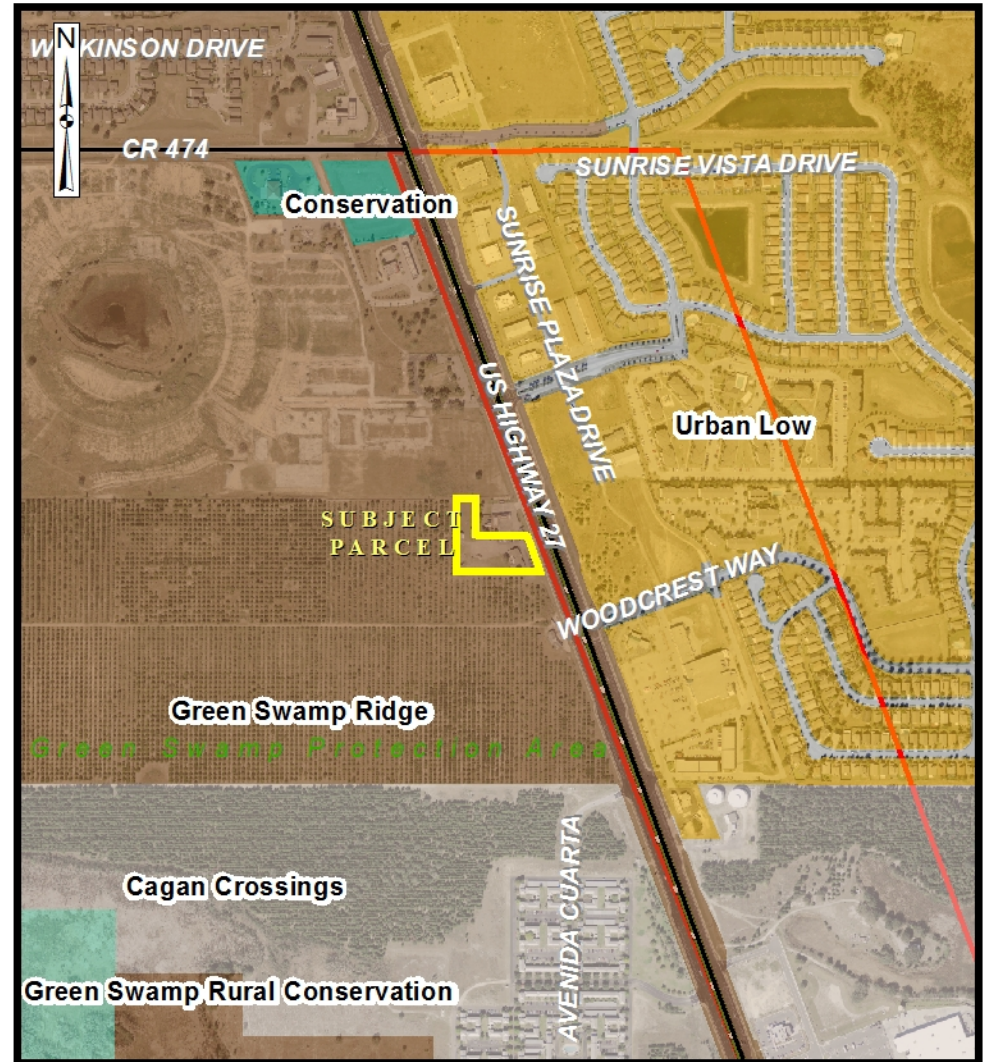
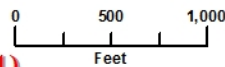
E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water/Sewage - The property is being served by central water and sewer (South Lake Utilities).



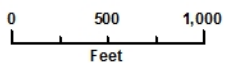
CURRENT ZONING

NEIGHBORHOOD COMMERCIAL (C-1)



ADOPTED FUTURE LAND USE

GREEN SWAMP RIDGE



**POWERS PROPERTY
CP REZONING**

CASE NO.
PH #10-14-1

CASE LOCATION:
S26, T24S, R26E

REQUESTING:

Rezone property from Neighborhood Commercial (C-1) to Planned Commercial (CP) for Vehicular Sales uses.

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

DATA SOURCES:

Lake County GIS Department, Planimetrics, 2008 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

FOCUS AREA



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

ORDINANCE #2014-XX
Powers Property
PH #10-14-1

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

WHEREAS, Gilles Paul DuPuis (the "Applicant") made a request on behalf of Alma Powers as Trustee of the Alma Powers Living Trust Agreement (the "Owner") to rezone property from Neighborhood Commercial (C-1) to Planned Commercial (CP) for Vehicular Sales uses; and

WHEREAS, this petition will revoke Conditional Use Permit (CUP) #87/6/1-3; and

WHEREAS, the subject property consists of 2.17 +/- acres and is generally located in the South of Clermont area, approximately 1/2 mile southwest of the U.S. Highway 27/County Road 474 intersection, in Section 26, Township 24 South, Range 26 East, having Alternate Key Number 1595151, and more particularity described below:

LEGAL DESCRIPTION:

From the Southwest corner of Section 26, Township 24 South, Range 26 East, Lake County, Florida, run East 3,386.26 feet to the center line of Highway 27; thence North 20 degrees 05 minutes 20 seconds West 1,384.28 feet; thence West 119.49 feet to the Point of Beginning; thence South 20 degrees 05 minutes 20 seconds East 200 feet; thence West 439.38 feet; thence North 374.93 feet; thence East 100 feet; thence South 187.47 feet; thence East 269.69 feet to the Point of Beginning.

WHEREAS, the subject property is located within the Green Swamp Ridge Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #10-14-1 on June 4, 2014, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on June 24, 2014; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report, 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 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 Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms:

The County Manager or designee shall amend the Official Zoning Map to reflect Planned Commercial (CP) Zoning in accordance with this Ordinance. This Ordinance shall revoke CUP #87/6/1-3. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the "Conceptual Plan" (Approved Site Plan) attached hereto as Exhibit "A". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

- 1 A. Land Uses:
- 2 1. Vehicular Sales uses.
- 3 2. Caretaker's residence.
- 4 Accessory uses directly associated with the above uses may be approved by the County Manager
- 5 or designee. Any other use of the site not specified above shall require approval of an amendment
- 6 to this Ordinance by the Board of County Commissioners.
- 7 B. Specific Conditions:
- 8 1. A site plan application will be required for any future expansions/additions.
- 9 2. Vehicles shall not be displayed or parked within the right of way or landscape buffer areas.
- 10 3. Noise: Public Address Systems or similar amplification devices shall not be installed or used.
- 11 4. Any substantial improvement to the existing nonresidential building shall require the application of
- 12 the LDR's Commercial Design Standards, as amended.
- 13 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
- 14 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 15 D. Landscaping, Buffering, and Screening: Existing trees/vegetation shall be preserved and maintained.
- 16 Any future expansions/additions will require a landscape plan submittal unless exempted by the LDR,
- 17 as amended. The landscape plan for the expansions/additions shall be in accordance with the LDR, as
- 18 amended.
- 19 E. Transportation Improvements/Access Management: Access management shall be in accordance with
- 20 the LDR, as amended. An exemption from full traffic study shall be submitted for review and approval
- 21 during site plan review.
- 22 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
- 23 Sky Principles.
- 24 G. Signage: Signs shall be in accordance with the LDR, as amended.
- 25 H. Concurrency Management Requirements: Any development shall comply with the Lake County
- 26 Concurrency Management System, as amended.
- 27 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
- 28 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
- 29 LDR, as amended.
- 30 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
- 31 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
- 32 Lake County Land Development Regulations shall include any future amendments to the Statutes,
- 33 Code, Plans, and/or Regulations.
- 34 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:
- 35 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
- 36 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
- 37 the Board of County Commissioners.

- 1 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
2 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
3 boundaries of the above described land without first obtaining the necessary approvals in accordance
4 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
5 governmental agencies.
- 6 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
7 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
8 successor, and shall be subject to each and every condition herein set out.
- 9 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
10 and other governmental permitting agencies.
- 11 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
12 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
13 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
14 purchaser or lessee may request a change from the existing plans and conditions by following
15 procedures contained in the Land Development Regulations, as amended.
- 16 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
17 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
18 to recommend that the ordinance be revoked.
- 19 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
20 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
21 affect the validity of the remaining portions of this Ordinance.
- 22 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
23 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
24 with Section 125.66, Florida Statutes.

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

2 ENACTED this _____ day of _____, 2014.

3 FILED with the Secretary of State _____, 2014.

4 EFFECTIVE _____, 2014.

5 BOARD OF COUNTY COMMISSIONERS
6 LAKE COUNTY, FLORIDA

7 _____
8 JIMMY CONNER, Chairman

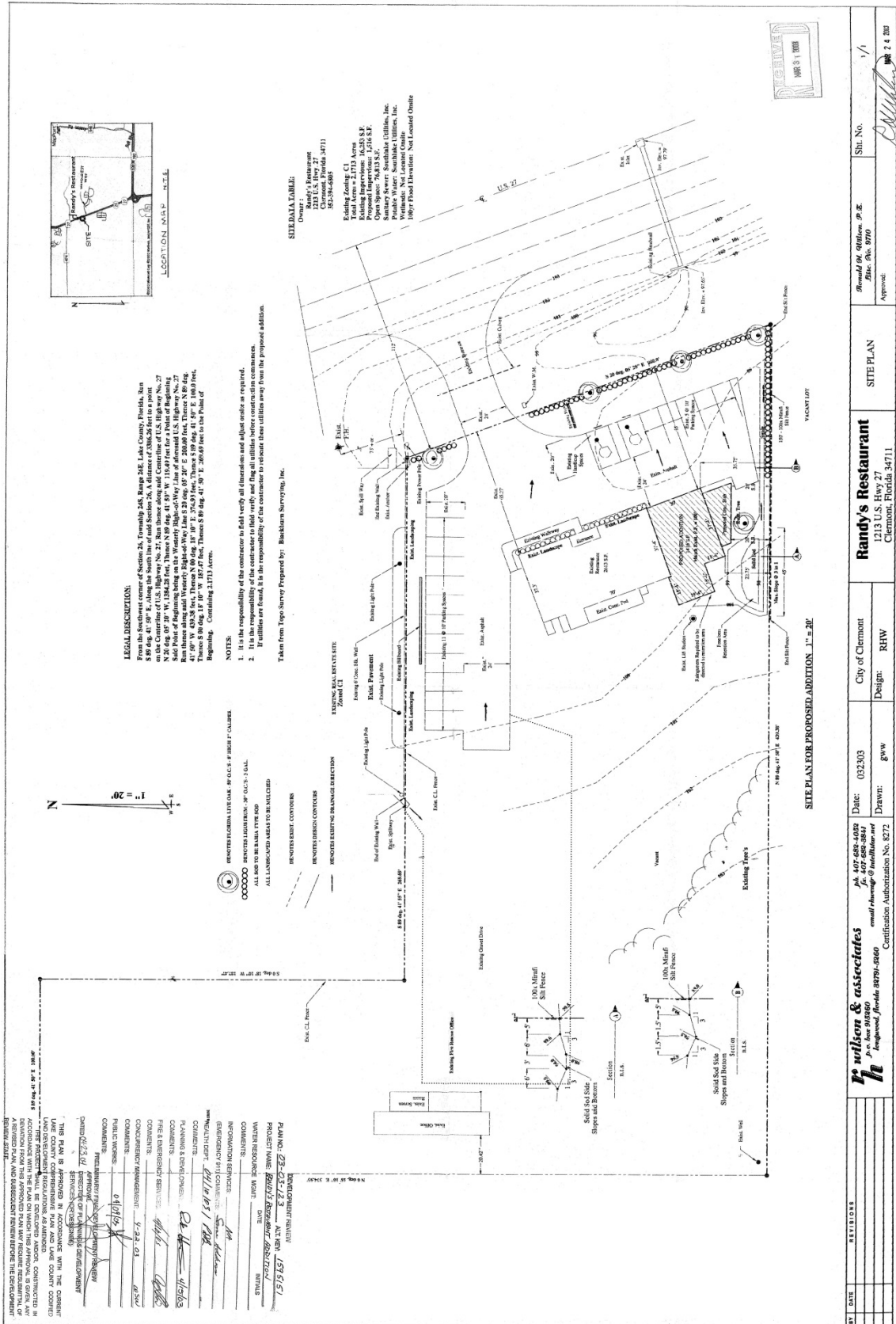
9 ATTEST:

10 _____
11 NEIL KELLY, Clerk of the
12 Board of County Commissioners
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

15 _____
16 SANFORD A. MINKOFF, County Attorney
17

EXHIBIT "A" - CONCEPTUAL PLAN (APPROVED SITE PLAN)



LEGAL DESCRIPTION:
From the Southeast corner of Section 24, Township 24S, Range 24E, Lake County, Florida, Run N 88 deg 49' 30" W 1384.25 feet, Then N 88 deg 41' 51" W 119.67 feet to a Point of Beginning, Run thence along said Point of Beginning N 29 deg 05' 45" E 208.00 feet, Then S 89 deg 41' 59" E 106.00 feet, Then S 89 deg 41' 59" E 208.00 feet to the Point of Beginning, Containing 2.1713 Acres.

NOTES:
1. It is the responsibility of the contractor to field verify all dimensions and adjust order as required.
2. All materials shall be of good quality and conform to current construction codes.
3. Utilities are shown. It is the responsibility of the contractor to locate these utilities along with the proposed addition.
Taken from Topo Survey Prepared by: Blackburn Surveying, Inc.

SITE DATA TABLE:
 Owner: Randy's Restaurant
 1213 U.S. Hwy 27
 Clermont, Florida 34711
 352-394-6885
 Existing Zoning: C1
 Max. Area: 2713 sq. ft.
 Proposed Impervious: 1456 S.F.
 Proposed Structure: 1456 S.F.
 Sanitary Sewer: Southlake Utilities, Inc.
 Potable Water: Southlake Utilities, Inc.
 100yr Flood Elevation: Not Located Onsite

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/13	ISSUE FOR PERMIT

APPROVED:
 DESIGNER: *[Signature]*
 CITY OF CLERMONT: *[Signature]*

DATE: 03/27/13

PROJECT NAME: RANDY'S RESTAURANT ADDITION

WATER RESOURCES: NONE

INVESTIGATION SERVICES: NONE

REVISIONS: NONE

PLANNING & DESIGN: NONE

COMMENTS: NONE

CONSTRUCTION: NONE

DATE: 03/27/13

THIS PLAN IS APPROVED AS AMENDED ACCORDANCE WITH THE PLAN ON WHICH THIS APPROVAL IS GRANTED. ANY OTHER CHANGES TO THE PLAN SHALL BE AT THE OWNER'S RISK AND WITHOUT THE REVIEW OF THE ENGINEER.

ST	DATE	REVISIONS

PA. 07-686-0020	PA. 07-686-0020	DATE: 03/27/13	CITY OF CLERMONT	SITE PLAN	SHEET NO. 1/1
PA. 07-686-3847	PA. 07-686-3847	DESIGN: RW	DESIGN: RW	DESIGN: RW	APPROVED:
P. Wilson & Associates P.O. Box 818260 Orlando, Florida 32816-8260 Certification Authorization No. 8272		gfw	gfw	1213 U.S. Hwy 27 Clermont, Florida 34711	APPROVED: <i>[Signature]</i> MAR 24 2013