

LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING & ZONING BOARD
August 3, 2016



BOARD OF COUNTY COMMISSIONERS
August 23, 2016

RZ-16-16-4 Riya Pharmacy Rezoning	Commissioner District 4 Campione	Agenda Item #2
An aerial photograph showing a residential and commercial area. A yellow rectangle highlights a specific parcel of land. The map includes labels for several streets: "MT PLYMOUTH LOOP" on the left, "SR 46" and "46" (State Road 46) running horizontally across the middle, "WESTWARD HO AVE" on the left side of the highlighted parcel, "WALTON HEATH AVE" on the right side, and "COLMAR AVE" and "DEAL DR" further to the right. A house number "439" is visible on a property to the right of the highlighted parcel. The surrounding area consists of green trees and some buildings.		

Requested Action: Amend Planned Commercial (CP) Ordinance 22-80 to include Pharmacy use and additional commercial uses.

Owner: Riya Pharmacy, LLC

Applicant: Shobhit Gupta

- Site Location & Information -

Size	0.4 acres
Location	Southeast corner of the SR 46 and Westward Ho Avenue intersection; in the Mount Plymouth-Sorrento area.
Alternate Key #	1753155
Future Land Use	Mt. Plymouth-Sorrento Main Street
Existing Zoning District	Planned Commercial (CP)
Proposed Zoning District	Planned Commercial (CP)
Joint Planning Area	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Mt. Plymouth-Sorrento Main Street	Residential Professional (RP) and Planned Commercial (CP)	Vacant	Adjacent to State Road 46
South	Mt. Plymouth-Sorrento Main Street	Urban Residential District (R-6)	Single Family Residence	
East	Mt. Plymouth-Sorrento Main Street	Community Facility District (CFD)	Vacant	
West	Mt. Plymouth-Sorrento Main Street	Planned Commercial (CP)	Vacant	Adjacent to Westward Ho Avenue

- Summary of Staff Determination -

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

PLANNING & ZONING BOARD RECOMMENDATION:

- Analysis -

LDR Section 14.03.03 (Standards for Review)

The Applicant is requesting to amend Planned Commercial (CP) Ordinance 22-80 to allow additional commercial uses on property identified as Alternate Key 1753155. The approximately 0.4 acre property is generally located at the southeast corner of the intersection of State Road 46 and Westward Ho Avenue in the Mount Plymouth-Sorrento area. It is zoned Planned Commercial (CP) and designated with the Mt. Plymouth-Sorrento Main Street Future Land Use Category (FLUC).

The current CP ordinance permits the property to be used as a pharmacy. The applicant is requesting to amend Ordinance 22-80 in order to allow additional CP uses on the property as listed below.

1. Automotive Service Station/Convenience Store
2. Banking
3. Medical Service, to include Pharmacies
4. Personal Care Services
5. Professional Office
6. Restaurant, General
7. Retail, Convenience
8. Retail, General

The proposed rezoning request is consistent with the Comprehensive Plan which permits commercial uses in the Mt. Plymouth-Sorrento Main Street (FLUC). The request is also consistent with the Land Development Regulations (LDR) which permits commercial uses in the CP zoning district.

- 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 LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*. Per Table 3.01.03 Automotive Service Station/Convenience Store, Banking, Personal Care Services, Professional Office, Restaurant (General), Retail (Convenience), Retail (General), and Medical Service are all permitted uses within the CP Zoning District.

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

The proposed rezoning is also consistent with the Comprehensive Plan. Per Comprehensive Plan *Policy I-3.2.6 Mount Plymouth-Sorrento Main Street Future Land Use Category*, services, retail trade, and finance are permitted uses within the Mt. Plymouth-Sorrento Main Street FLUC. The proposed uses are consistent with the uses allowed within this land use category.

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

The subject property is located at the southeast corner of the intersection of State Road 46 and Westward Ho Avenue. The proposed rezoning request is consistent with the existing commercial zoning to the north, east, and west of the subject property. The surrounding zoning districts include Residential Professional (RP), Planned Commercial (CP), and Community Facility District (CFD). The properties to the south and southwest of the subject property are single family residential uses. At the time of development, the property will have to satisfy landscaping and buffer requirements per the LDR.

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

The property is currently governed by CP Ordinance 22-80 which permits one use for the property, a pharmacy. The subject property is located along State Road 46 where several other commercial properties exist in close proximity. The owner intends to increase the potential CP uses on this property consistent with uses allowed by the FLUC.

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 applicant has indicated that the property will be serviced by a private water system and a septic system. There are no public or private central service facilities in the area.

Transportation –The Applicant will be required to submit a traffic impact analysis prior to site plan approval. The full extent of the development impacts will be evaluated as part of the site plan review process of any future development application.

Fire and Emergency Services – Lake County Fire Station #39 is the closest fire station to the subject property and is located at 31431 Walton Heath Avenue, Sorrento.

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

Any future development proposal will require the submittal of an Environmental Assessment per LDR Chapter 6, as amended.

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 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 amendment 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 request is consistent with the Comprehensive Plan Policy I-3.2.6, *Mount Plymouth-Sorrento Main Street Future Land Use Category*, which permit commercial uses.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits the existing and proposed commercial uses in the CP Zoning District.

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

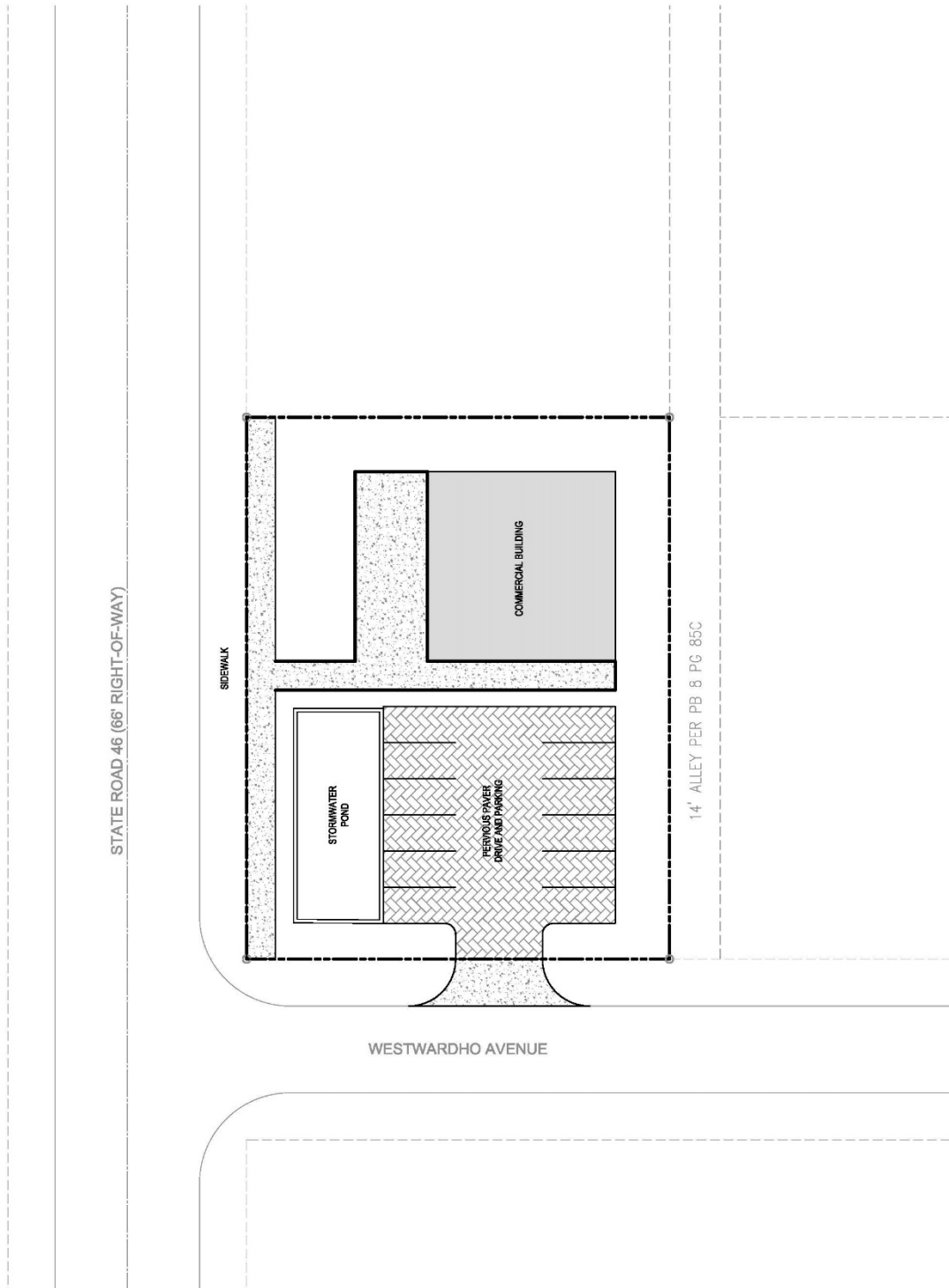
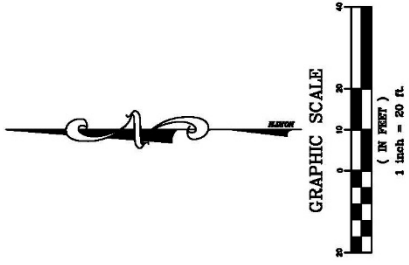
Case Manager: Christine Rice, Planner

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

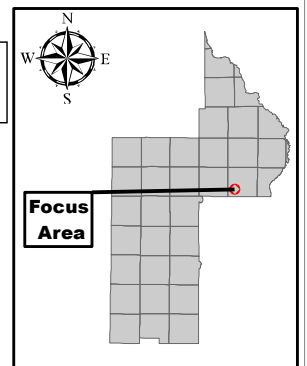
Attachment 1 – Concept Plan





ZONING LEGEND

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



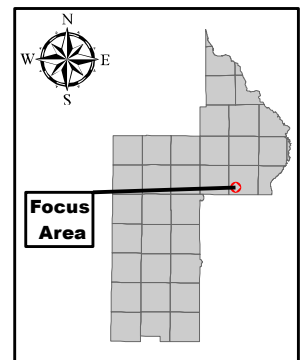
NAME: RIYA PHARMACY
CASE NUMBER: RZ-16-16-4
LOCATION (S-T-R): 29-19-28
REQUEST: PLANNED COMMERCIAL DISTRICT AMENDMENT



FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagans Crossing | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: RIYA PHARMACY
CASE NUMBER: RZ-16-16-4
LOCATION (S-T-R): 29-19-28
REQUEST: PLANNED COMMERCIAL DISTRICT AMENDMENT



1
2
3
4
ORDINANCE #2016-XX
RZ-16-16-4
Riya Pharmacy, LLC.

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

7 WHEREAS, Shobhit Gupta, (the "Applicant"), on behalf of Riya Pharmacy, LLC. (the "Owner") has
8 submitted an application to amend Planned Commercial (CP) Ordinance 22-80 to include additional
9 commercial uses and to replace the existing ordinance with a new Planned Commercial (CP) ordinance;
10 and

11 WHEREAS, the subject property consists of approximately 0.4 acres and is generally located at the
12 southeast corner of the intersection of State Road 46 and Westward Ho Avenue in the Mount Plymouth-
13 Sorrento area; Section 28, Township 19 South, Range 28 East; more particularly described below:

14 Lots 8, 9, 10, 11, 12 and 13, Block 17, Mount Plymouth Section "A", according to the Plat thereof
15 as recorded in Plat Book 8, Page(s) 85-85D, inclusive, of the Public Records of Lake County,
16 Florida.

17
18 WHEREAS, the subject property is located within the Mt. Plymouth-Sorrento Main Street Future Land
19 Use Category; and

20 WHEREAS, the Lake County Planning and Zoning Board, did review petition RZ-16-16-4, on the
21 3rd day of August, 2016, after giving Notice of Hearing on petition for a change in the use of land, including
22 a notice that said petition would be presented to the Board of County Commissioners of Lake County,
23 Florida, on the 23rd day of August, 2016; and

24 WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the
25 Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the public and
26 surrounding property owners at a duly advertised Public Hearing; and

27 WHEREAS, upon review, certain terms pertaining to the development of the above described property
28 have been duly approved; and

29 WHEREAS, the adoption of this ordinance will supersede and replace CP Ordinance 22-80; and

30 NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County,
31 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
32 pertain to the above tract of land, as specified above, subject to the following terms:

33 Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map to rezone
34 the property described in Exhibit "A", attached hereto. This Ordinance shall revoke and replace Ordinance
35 22-80 in its entirety. All uses specified shall be generally consistent with the Concept Plan as shown in
36 Exhibit "B", of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this
37 Ordinance, this Ordinance shall take precedence.

38
39 A. Land Use:

- 40 Automotive Service Station/Convenience Store;
41 Banking; and
42 Medical Service, to include Pharmacies; and

1 Personal Care Services; and
2 Professional Office; and
3 Restaurant, General; and
4 Retail, Convenience; and
5 Retail, General
6

7 Prohibited uses: Automotive Repair, Adult Entertainment, Hospital, and Restaurant, Fast Food.
8

9 Accessory uses directly associated with the above uses may be approved by the County Manager
10 or designee. Any other use of the site not specified above shall require approval of an amendment
11 to this Ordinance by the Board of County Commissioners.
12

13 **B. Transportation Improvements:**

- 14 a. The site shall dedicate additional right-of-way for SR 46 to meet a minimum of 40 feet from
15 centerline.
- 16 b. Sidewalk shall be required along the SR 46 frontage as per the Sorrento Avenue Concept
17 Plan and Land Development Regulations, as amended. The additional right-of-way for the
18 sidewalk will need to be dedicated to Lake County.
- 19 c. The Developer will be required to submit a traffic and High Plan analysis prior to site plan
20 approval.
- 21 d. Parking areas shall be in conformance with Mt. Plymouth Main Street design
22 recommendations per the Comprehensive Plan, as amended.
23

24 **C. Environmental Consideration:** Any future development proposal will require the submittal of an
25 Environmental Assessment as required by the LDR Chapter 6, as amended.
26

27 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height** shall be in
28 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
29 amended.
30

31 **E. Setbacks:** Any new buildings or structures shall require building setbacks in accordance with the
32 LDR, as amended.
33

34 **F. Landscaping, Buffering, and Screening:** Existing landscape shall be preserved and maintained.
35 Any future expansions shall be consistent with the landscape requirements of the LDR, as
36 amended.
37

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

41 **H. Noise:** Any future redevelopment of the property shall require submittal of a noise assessment in
42 accordance with the LDR, as amended.
43

44 **I. Signage:** Signs shall be in accordance with the LDR, as amended.
45

46 **J. Commercial Design:** All future development shall adhere and apply commercial design standards
47 consistent with the Comprehensive Plan and LDR, as amended.

- 1
- 2 **K. Stormwater Management:** Future development shall be in accordance with the St. Johns River
- 3 Water Management District (SJRWMD) Stormwater requirements and the LDR, as amended.
- 4
- 5 **L. Access Management:** All access management shall be in accordance with the Comprehensive
- 6 Plan and Land Development Regulations, as amended.
- 7
- 8 **M. Concurrency Management Requirements:** Any development shall comply with the Lake County
- 9 Concurrency Management System, as amended.
- 10
- 11 **N. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be
- 12 required to submit a site plan application for any development for review and approval in
- 13 accordance with the Comprehensive Plan and LDR, as amended.
- 14
- 15 **O. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in
- 16 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
- 17 Plan, and Lake County Land Development Regulations shall include any future amendments to the
- 18 Statutes, Code, Plans, and/or Regulations.
- 19

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

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

43

1 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
2 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
3 no way 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
6 accordance with Section 125.66, Florida Statutes.

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

8
9 ENACTED this _____ day of _____, 2016.

10
11 FILED with the Secretary of State _____, 2016.

12
13 EFFECTIVE _____, 2016.

14
15 BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

16
17 _____
SEAN M. PARKS, Chairman

18 ATTEST:

19 _____
20 NEIL KELLY, Clerk of the
21 Board of County Commissioners
22 Lake County, Florida

23
24
25 APPROVED AS TO FORM AND LEGALITY

26
27
28 _____
29 MELANIE MARSH, County Attorney

30
31
32
33
34
35
36
37
38
39
40
41

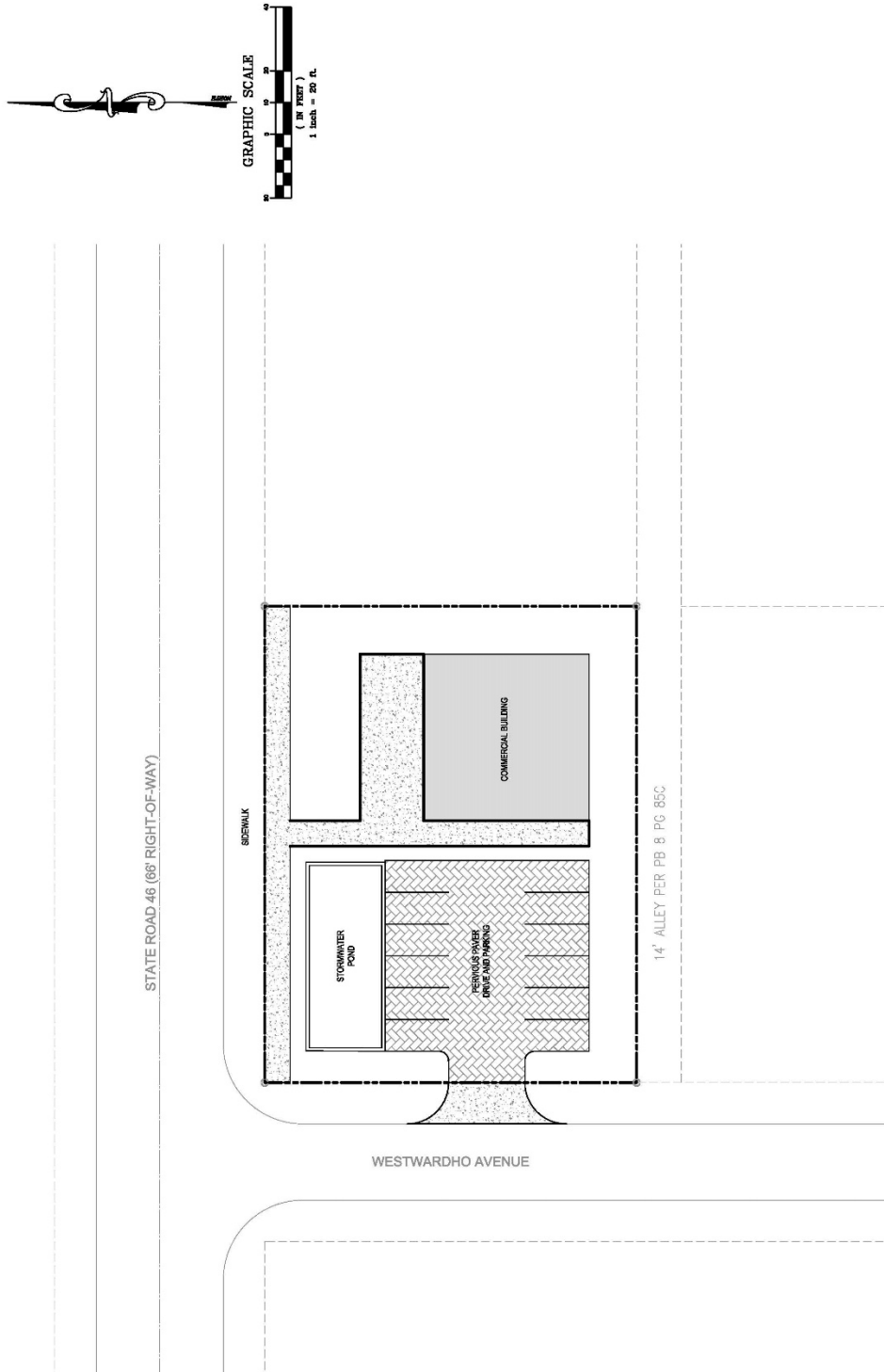
Exhibit "A" – Legal Description

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
42
43
44
45
46
47

Lots 8, 9, 10, 11, 12 and 13, Block 17, Mount Plymouth Section "A", according to the Plat thereof as recorded in Plat Book 8, Page(s) 85-85D, inclusive, of the Public Records of Lake County, Florida.

1
2

Exhibit "B" – Concept Plan



3