

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
September 3, 2014



BOARD OF COUNTY COMMISSIONERS
September 23, 2014

PH #24-14-2 East Lake Towne Center	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item #1
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Owner: East Towne Center, LLC (the "Owner")

Applicant: Ellen Avery Smith, Rogers Towers, P.A. (the "Applicant")

Requested Action: Amend Planned Commercial (CP) Ordinance #2001-95 as it applies to AK#s 3815489 & 3824982 and replace it with a new ordinance to include medical service, veterinary clinic, fast food restaurant, and consumer services and repair uses. Ordinance #2001-95 will remain in effect for AK#3818669 only.

- Site Location & Information -

Approximate site location outlined in RED



Size	12 +/- acres	
Location	East Clermont area, at the northeast corner of County Road (CR) 455 and State Road (SR) 50	
Alternate Key #'s	3815489 & 3824982	
Future Land Use	Regional Commercial Major Commercial Corridor Overlay	
	Existing	Proposed
Zoning District	CP	CP
Impervious Surface Ratio (ISR)	0.70 - maximum	No Change
Floor Area Ratio (FAR)	2 - maximum	No Change
Joint Planning Area	City of Clermont	
Utility Area:	City of Clermont	
Site Utilities	Central water and sewer	
Road Classification	SR 50 – Major Arterial CR 455 – Major Collector	
Flood Zone/ FIRM Panel	X/12069C0595E – Eff. 12/17/2014	
Commissioner District	2 (Parks)	

Site Visit August 19, 2014
Sign Posted August 19, 2014 (8 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Regional Office	Agriculture (A)	Sand Mine/Clay Pit	MCUP#957-3
South	Urban Low	Planned Unit Development (PUD)	Commercial & SFR	Hartle Grove PUD
East	Regional Office & Regional Commercial	Agriculture (A) & Planned Industrial (MP)	Sand Mine/Clay Pit	MCUP#957-3 & MCUP #174C-3
West	Regional Office & Regional Commercial	Agriculture (A) & Planned Commercial (CP)	Mixed Commercial Uses	Hotel, Bank, Daycare, Convenience Store, General Retail, etc.

- 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 amend Planned Commercial (CP) Ordinance #2001-95 as it applies to AK#s 3815489 & 3824982 and replace it with a new ordinance to include some additional commercial uses (medical service, veterinary clinic, fast food restaurant, and consumer service and repair) to increase the marketability of the vacant units within the existing shopping plaza. Ordinance #2001-95 (see attached) shall remain in effect for Alternate Key #3818669 only.

The original acreage under Ordinance #2001-95 consisted of 14 +/- acres. The rezoning area affected by this request constitutes 12 +/- acres and will be subject to a new Ordinance. The property is located on the northeast corner of SR 50 and CR 455, east of Clermont, and is currently developed as a shopping plaza with two (2) outparcels. The East Lake Towne Center consists of a Publix Supermarket (anchor), five (5) sub-units, and two (2) out parcels. There is no additional unit or out parcel development proposed.

The CP zoning request is consistent with Comprehensive Plan Policy I-1.3.7, as the proposed uses are permitted in the Regional Commercial Future Land Use Category (FLUC). The uses requested by the proposed rezoning are also consistent with Lake County Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses* for 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 addition of Regional Commercial uses requested by the proposed rezoning (see attached ordinance) are consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses* for the CP Zoning District.

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

The request is consistent with Comprehensive Plan Policy I-1.3.7, as the existing and proposed uses consisting of neighborhood commercial (C-1) uses (existing) and the additional uses of medical service, veterinary clinic, fast food restaurant, and consumer services & repair (proposed) are allowed in the Regional Commercial FLUC.

In addition, the CP zoning request is consistent with Comprehensive Plan Policy I-1.3.10.6 *Criteria for Commercial Corridors*, since the properties are located within the Major Commercial Corridor which permits the proposed and existing uses.

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

The subject parcels, which are located within the Regional Commercial Future Land Use and a Major Commercial Corridor Overlay Area, are surrounded by commercial, industrial, and residential uses. State Road 50 is to the south. Commercial activity exists to the east and to the south (across State Road 50) where several retail stores are present, together with a mixed-use PUD to the south consisting of commercial and residential uses.

The subject parcels are zoned CP which allows some commercial uses (see attached Ordinance #2001-95). Adding the proposed commercial uses is consistent with the surrounding area uses. Therefore, the proposed rezoning is consistent with the land use patterns in the area.

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

The Applicant seeks to amend the CP zoning in order to expand the existing uses on the property as allowed by the Regional Commercial FLUC, thus increasing the marketability of the vacant units.

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 with central water and sewer by the City of Clermont.

Transportation – The Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of State Road 50 is "D" with a capacity of 3,020 trips. The impacted roadway segment from County Road (CR) 455 to the Orange County Line is currently operating at 106% of its capacity. This project will generate four (4) directional pm peak hour trips with no increase to the volume to capacity ratio (v/c). Currently there are no State funded improvements scheduled for this roadway segment. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed uses.

Fire & Emergency Services – Lake County Station #90 is located approximately 2.5 miles northwest of the property and will be providing fire and emergency services.

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

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

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

There is no evidence that the proposed rezoning would 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;

The property is located within the SR 50 Major Commercial Corridor Overlay which contains commercial and light industrial development. The proposed rezoning will continue the orderly and logical development pattern that exists in the surrounding area, and the requested uses are consistent and compatible with the surrounding area land uses.

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.

The City of Clermont provided comment which stated, "No objections to the amendment to add additional uses to the existing shopping center use."

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

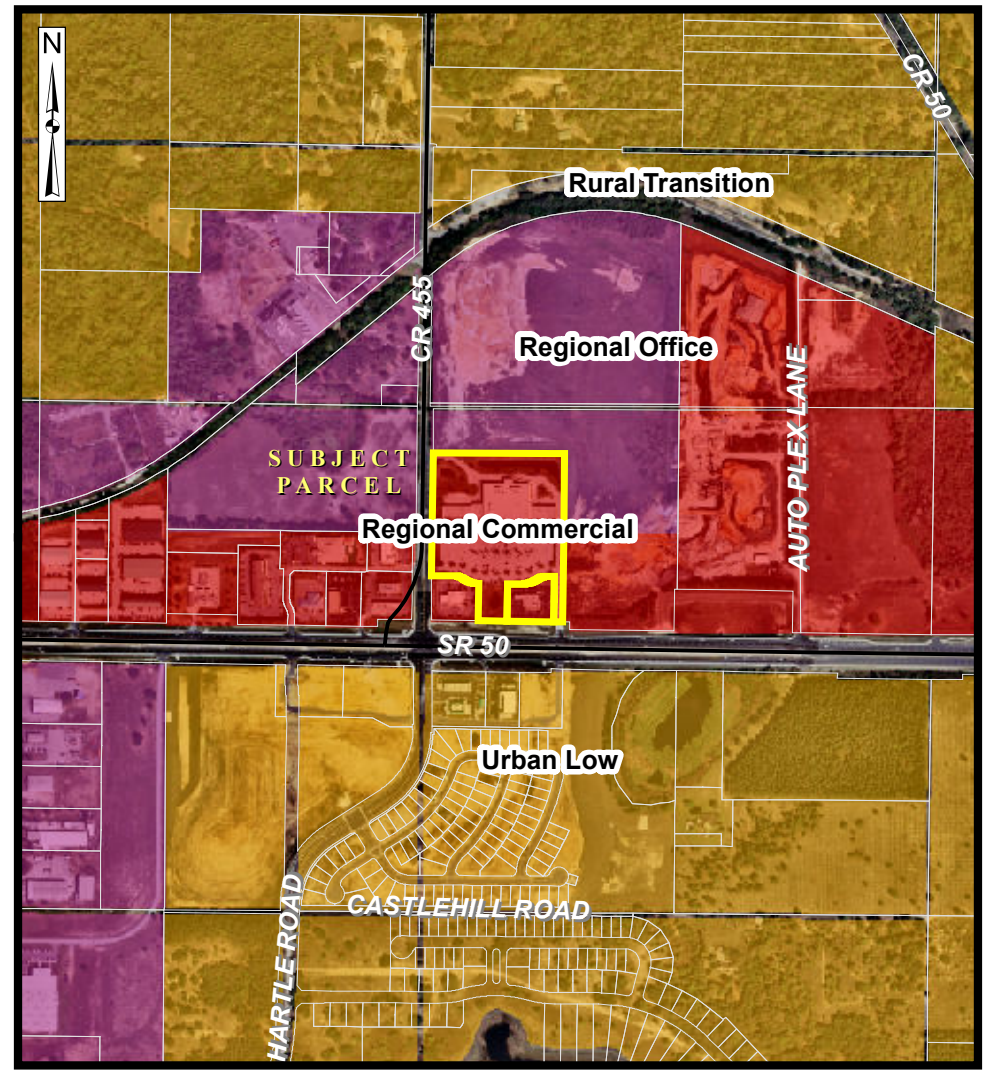
1. The request is consistent with Comprehensive Plan Policy I-1.3.7 (“*Regional Commercial Future Land Use Category*”), as the existing and proposed uses are allowed in the Regional Commercial FLUC. A Conceptual Site Plan has been provided consistent with the policy provision.
2. The request for the addition of Regional Commercial uses is consistent with Comprehensive Plan Policy I-1.3.10.6 *Criteria for Commercial Corridors* since the properties are located within the Minor Commercial Corridor.
3. The existing and additional uses requested by the proposed rezoning are consistent with the LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses* for 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.

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



CURRENT ZONING
PLANNED COMMERCIAL (CP)



CURRENT 2030 FUTURE LAND USE
REGIONAL COMMERCIAL

**EAST LAKE TOWNE
CENTER**

CASE NO.
PH# 24-14-2

CASE LOCATION:
26-22S-26E

REQUESTING:
Amend CP Ord. #2001-95

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.

MAP COMPOSITION:
JULY, 2014

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.

FOCUS AREA

**LAKE COUNTY
FLORIDA**

1 **ORDINANCE #2014-XX**
2 **East Lake Towne Center**
3 **PH #24-14-2**

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

6 **WHEREAS**, Ellen Avery Smith of Rogers Towers, P.A. (the “Applicant”) on behalf of East Towne
7 Center, LLC (the “Owner”) made a request to amend Planned Commercial (CP) Ordinance #2001-95 as it
8 applies to AK#s 3815489 & 3824982 and replace it with a new ordinance to add medical service, veterinary
9 clinic, fast food restaurant, and consumer services and repair uses. Ordinance #2001-95 will remain in
10 effect for Alternate Key (AK) #3818669; and

11 **WHEREAS**, the subject property consists of 12 +/- acres and is generally located in the East
12 Clermont area, at the northeast corner of County Road (CR) 455 and State Road (SR) 50, in Section 26,
13 Township 22 South, Range 26 East, having AK #3815489 and AK #3824982, and more particularly
14 described as:

15 **LEGAL DESCRIPTION – (Exhibit “A”)**

16 **WHEREAS**, the subject property is located within the Regional Commercial Future Land Use
17 Category, and within the Major Commercial Corridor Overlay as shown on the Lake County Comprehensive
18 Plan Future Land Use Map (FLUM); and

19 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PH #24-14-2 on
20 September 3, 2014, after giving Notice of Hearing on petition for a change in the use of land, including
21 notice that said petition would be presented to the Board of County Commissioners of Lake County,
22 Florida, on September 23, 2014; and

23 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of
24 the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from
25 the public and surrounding property owners at a public hearing duly advertised; and

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

28 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
29 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they
30 pertain to the above subject property, subject to the following terms:

31 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect
32 Planned Commercial (CP) Zoning in accordance with this Ordinance. The uses of the property shall be
33 limited to the uses specified in this Ordinance and generally consistent with the Conceptual Site Plan
34 attached hereto as Exhibit “B”. To the extent where there are conflicts between the Conceptual Site Plan
35 and this Ordinance, this Ordinance shall take precedence. Ordinance #2001-95 shall remain in effect for
36 Alternate Key #3818669. This Ordinance shall be applicable to AK #3815489 and AK #3824982 only and
37 shall mean and include the total of the following Regional Commercial uses included herein.

1 A. Land Uses:

- 2 1. The use of the site shall be limited to those uses permitted in the C-1 (Neighborhood Commercial)
3 zoning district limited to the existing structures as shown on the Conceptual Site Plan (Exhibit "B").
- 4 2. The following additional uses shall be permitted within the existing structures/units as shown on the
5 Conceptual Site Plan (Exhibit "B").
- 6 a. Medical Service
7 b. Veterinary Clinic
8 c. Fast Food Restaurant
9 d. Consumer Services and Repair

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

13 B. Specific Conditions:

- 14 1. Site Plan Required:
- 15 a. Site plan approval is required for any new structures or expansion of an existing building to
16 support the allowed uses.
- 17 b. Any new uses within the existing structures shall require a change of use/life safety inspection
18 prior to operation.
- 19 c. Any necessary improvements as the result of this inspection shall be subject to all applicable
20 federal, state, and local permitting requirements and shall be completed and approved by the
21 County prior to the operation of the use.
- 22 d. Existing uses within existing structures do not need to comply with these requirements.
- 23 2. Screening: Parking areas, non-structural equipment loading facilities, and storage areas shall be
24 screened on all sides adjacent to any residential use. Screening shall be in accordance with the
25 LDR screening provisions, as amended. Any required screening fence or wall shall be installed in
26 the inner side of the landscape buffer.
- 27 3. The storage of materials or chemicals outside the buildings shall be prohibited.

28 C. Open Space: 15% of the net buildable area - minimum

29 D. Impervious Surface Ratio: 0.70 - maximum

30 E. Floor Area Ratio: 2.0 - maximum

31 F. Building Height shall be in accordance with the Comprehensive Plan and LDR, as amended.

32 G. Landscaping and Buffering shall comply with the LDR, as amended.

33 H. Transportation Improvements/Access Management: Requirements shall be determined for the
34 proposed uses at site plan review and in accordance with the LDR, as amended.

35 I. Lighting: Exterior lighting shall be in accordance with the Comprehensive Plan and LDR, as amended.

36 J. Design Standards: Any new structures, or expansions of existing buildings, shall comply with the
37 design standards contained in the Land Development Regulations, as amended. Existing structures do
38 not need to comply with this requirement until substantially improved. Such design standards shall be
39 demonstrated at site plan submittal.

- 1 K. Signage: Signs shall be in accordance with the LDR, as amended.
- 2 L. Concurrency Management Requirements: Any development shall comply with the Lake County
3 Concurrency Management System, as amended.
- 4 M. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
5 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
6 LDR, as amended.
- 7 N. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
8 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
9 Lake County Land Development Regulations shall include any future amendments to the Statutes,
10 Code, Plans, and/or Regulations.

11 **Section 2. Conditions** as altered and amended which pertain to the tract of land described in Exhibit "A"
12 shall mean:

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

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

37 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
38 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section
39 125.66, 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 CONNOR, 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
18

Exhibit "A"

Legal Description

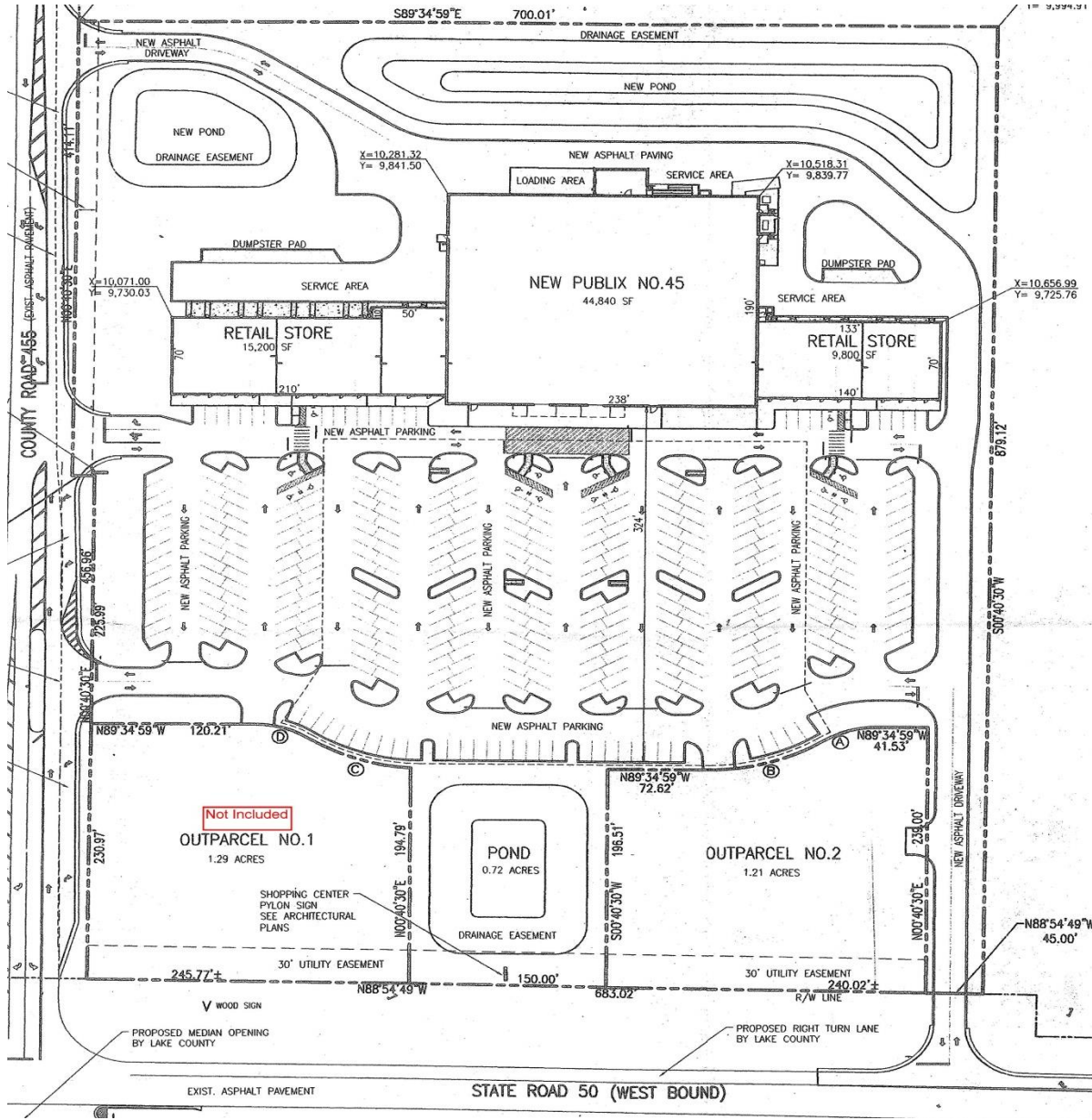
LAKE HIGHLANDS 26-22-26 THAT PART OF TRACTS 3, 4, 13, 14 |
DESCRIBED AS FOLLOWS: FROM N 1/4 COR OF SEC 26 RUN S 00DEG |
40MIN 30SEC W 244.02 FT, S 89DEG 34MIN 59SEC E 33 FT FOR |
POB, CONT S 89DEG 34MIN 59SEC E 700.01 FT, S 00DEG 40MIN |
30SEC W 879.12 FT TO N R/W LINE OF SR 50, N 88DEG 54MIN |
49SEC W 718.02 FT TO E LINE OF A 30 FT R/W, N 00DEG 40MIN |
30SEC E 261.64 FT TO A CURVE CONCAVE TO THE NW, THENCE RUN |
NE'LY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 13DEG 48MIN |
23SEC, A RAIDUS OF 623 FT, AN ARC LENGTH OF 150.12 FT, A |
CHORD BEARING OF N 07DEG 34MIN 41SEC E & A CHORD DIST OF |
149.76 FT, THENCE RUN N 00DEG 40MIN 30SEC E 460.49 FT TO |
POB--LESS FROM N 1/4 COR RUN S 00-40-30 W 244.02 FT, S |
89-34-59 E 733.01 FT, S 00-40-30 W 879.12 FT TO N R/W LINE |
OF SR 50, N 88-54-49 W 437.24 FT FOR POB, CONT N 88-54-49 W |
245.78 FT TO E'LY R/W LINE OF CR 455, N 00-40-30 E ALONG |
SAID E'LY R/W LINE 231.55 FT, S 89-34-59 E 120.21 FT TO A PT |
OF CURVATURE OF A CURVE CONCAVE SW'LY, HAVING A RADIUS OF |
75.61 FT, A CENTRAL ANGLE OF 34-22-00 & A CHORD OF 44.67 FT, |
THAT BEARS S 72-23-59 E, THENCE SW'LY ALONG THE ARC OF SAID |
CURVE 45.35 FT TO A PT OF REVERSE CURVATURE OF A CURVE |
CONCAVE NE'LY, HAVING A RADIUS OF 151.61 FT, A CENTRAL ANGLE |
OF 33-16-41 & A CHORD OF 86.82 FT, THAT BEARS S 71-51-19 E, |
THENCE SE'LY ALONG THE ARC OF SAID CURVE 88.06 FT, THENCE S |
00-40-30 W 194.79 FT TO POB & LESS FROM N 1/4 COR RUN S |
0-40-30 W 244.02 FT, S 89-34-59 E 733.01 FT, S 0-40-30 W |
879.12 FT TO N R/W LINE OF SR 50, N 88-54-49 W 45 FT ALONG |
SAID N R/W LINE FOR POB, CONT N 88-54-49 W 242.24 FT, N |
0-40-30 E 196.51 FT, S 89-34-59 E 72.62 FT TO A POINT OF |
CURVATURE OF A CURVE CONCAVE NW'LY, HAVING A RADIUS OF |
151.61 FT, A CENTRAL ANGLE OF 34-22-0 & A CHORD OF 89.58 FT, |
THAT BEARS N 73-14-01 E, THENCE NE'LY ALONG THE ARC OF SAID |
CURVE 90.94 FT TO A POINT OF REVERSE CURVATURE OF A CURVE |
CONCAVE SE'LY, HAVING A RADIUS OF 75.61 FT, A CENTRAL ANGLE |
OF 34-22-0 & A CHORD OF 44.67 FT, THAT BEARS N 73-14-01 E, |
THENCE NE'LY ALONG THE ARC OF SAID CURVE 45.33 FT TO THE |
POINT OF TANGENCY, THENCE S 89-34-59 E 41.53 FT, S 0-40-30 W |
239 FT TO POB--PB 3 PG 52 |
ORB 2231 PG 2257

And

LAKE HIGHLANDS 26-22-26 FROM N 1/4 COR RUN S 0-40-30 W |
244.02 FT, S 89-34-59 E 733.01 FT, S 0-40-30 W 879.12 FT TO |
N R/W LINE OF SR 50, N 88-54-49 W 45 FT ALONG SAID N R/W |
LINE FOR POB, CONT N 88-54-49 W 242.24 FT, N 0-40-30 E |
196.51 FT, S 89-34-59 E 72.62 FT TO A POINT OF CURVATURE OF |
A CURVE CONCAVE NW'LY, HAVING A RADIUS OF 151.61 FT, A |
CENTRAL ANGLE OF 34-22-0 & A CHORD OF 89.58 FT, THAT BEARS N |
73-14-01 E, THENCE NE'LY ALONG THE ARC OF SAID CURVE 90.94 |
FT TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SE'LY, |
HAVING A RADIUS OF 75.61 FT, A CENTRAL ANGLE OF 34-22-0 & A |
CHORD OF 44.67 FT, THAT BEARS N 73-14-01 E, THENCE NE'LY |
ALONG THE ARC OF SAID CURVE 45.33 FT TO THE POINT OF |
TANGENCY, THENCE S 89-34-59 E 41.53 FT, S 0-40-30 W 239 FT |
TO POB, BEING PART OF TRACTS 13 & 14 PB 3 PG 52 |
ORB 2231 PG 2257

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EXHIBIT "B"
CONCEPTUAL SITE PLAN



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12

VAH

ORDINANCE #2001-95
Tracking No. #87-01-CP
Thomas Fleming
Regency Realty Group
PH#40-01-2

1 2001 JUL 16 11 16 AM '01

CFN 2001070602
BOOK 01979 PAGE 1137 - 1141
DATE: 07/25/2001 11:14:57 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 21.00
TRUST FUND 3.00

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

WHEREAS, the Lake County Planning and Zoning Commission did, on the 6th day of June, 2001, review petition PH#40-01-2, a request for rezoning from A (Agriculture) to CP (Planned Commercial) on property generally located in the Montverde area – Property located NE of the intersection of SR 50 and CR 455. (Sec 26 Twp. 22S Rge. 26E) (14.19 +/-acres)

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

AND, after giving Notice of Hearing on petition 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 June, 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 Land Development 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:

1. Terms: This Ordinance shall mean and include the following land uses. The County Manager or designee shall amend the Lake County Zoning Maps in accordance with this ordinance to reflect a change from A (Agriculture) to CP (Planned Commercial)

FILED
2001 JUL 16 PM 4:23
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

R-B... S...

ORDINANCE #2001- 95
(Tracking No.: #87-01-CP) (PH#40-01-2) (Thomas Fleming/Regency Realty Group)

- A. Land Uses: The use of the site shall be limited to those uses allowed as permitted in the C-1 (Neighborhood Commercial) zoning district limited to 200,000 square feet. The County Manager or designee may approve accessory uses related thereto. Any other use of the site shall require approval of an amendment by the Lake County Board of County Commissioners.
- B. Buffering/Screening: The applicant shall provide adequate buffering and screening as required by applicable Sections of the Lake County Code, as amended.
- C. Access Management: The applicant shall comply with access management requirements of the Lake County Code and Florida Department of Transportation, as applicable.
- D. Concurrency Management Review: Prior to receiving Final Development Order approval, the applicant must undergo Lake County Concurrency Management Review as required by the Lake County Code, as amended.
- E. Transportation Improvements: The applicant shall be required to provide transportation improvements as warranted.
- F. Environmental Management: The applicant shall be required to address applicable environmental concerns as a component of site plan review and approval by the Lake County Development Review Staff and/or County Manger or designee.
- G. Development Review and Approval: Prior to the issuance of any building or grading permits, the applicant shall be required to submit an application for Final Development Order review and approval by the Lake County Development Review Staff. The application for Final Development Order shall meet all submittal requirements of the Lake County Land Development Regulations and comply with all other applicable County Codes and Ordinances, as amended.
- H. Future Development Orders

Any requested development order must comply with the Lake County Code, as amended, and Lake County Comprehensive Plan, as amended.
- 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, Lake County Code and Lake County Land Development Regulations, include any future amendments to the Statutes, Codes, Plan, and/or Regulations.
- J. The applicant shall be required to hook up to central water and sewer upon availability.

ORDINANCE #2001-95

(Tracking No.: #87-01-CP) (PH#40-01-2) (Thomas Fleming/Regency Realty Group)

2. 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 the Lake County Land Development Regulations and other applicable County Codes and Ordinances, as amended, and obtaining approval from the County Manager or designee.
 - 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.
 - D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
 - E. 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 plans and conditions by following procedures contained in the Lake County Land Development Regulations (LDRs), as amended.

ORDINANCE #2001-95
(Tracking No.: #87-01-CP) (PH#40-01-2) (Thomas Fleming/Regency Realty Group)

SECTION 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 26th day of June, 2001.

FILED with the Secretary of State July 16, 2001.

EFFECTIVE July 16, 2001.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Catherine C. Hanson
CATHERINE HANSON, CHAIRMAN

ATTEST:

[Signature]
JAMES C. WATKINS, , Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

[Signature]
for SANFORD A. MINKOFF, COUNTY ATTORNEY

EXHIBIT "A" – LEGAL DESCRIPTION

ORDINANCE NO. #2001-95
Tracking No. #87-01-CP
PH#40-01-2

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

PUBLIC HEARING NO.: PH#40-01-2 (Regency Realty Group)

LEGAL DESCRIPTION: A portion of Tracts, 3, 4, 13 & 14 of Lake Highlands Co subdivision of Sec 26 Twp. 22S Rge. 26E, described as follows: Commence at the N 1/4 cor of said Sec 26 as a point of reference, said Point being marked by a railroad spike in the c/l of pavement of CR 455; thence run S 00 deg. 40' 30" W along the W line of NE 1/4 of said Sec 26, 244.02 ft; thence run S 89 deg. 34' 59" E, parallel with the N line of said NE 1/4, 33.00 ft to the POB; thence continue S 89 deg. 34' 59" E, parallel with said N line, 700.01 ft; thence run S 00 deg. 40' 30" W, parallel with the aforesaid W line of the NE 1/4, 879.12 ft to the N r/w line of SR 50; thence run N 88 deg. 54' 49" W along said N r/w line, 718.02 ft to the E line of a 30 ft r/w, thence run N 00 deg. 40' 30" E, along said E r/w line, 261.64 ft to the E line of CR 455 as currently monumented, said line being a curve concave to the NW; thence run NE'ly along said curve having a central angle of 13 deg. 48' 23", a radius of 623 ft, an arc length of 150.12 ft, a chord bearing of N 07 dg. 34' 41" E and a chord distance of 149.76 ft; thence run N 00 deg. 40' 30" E continuing along said E line, 460.49 ft to the POB.