

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
September 3, 2014



BOARD OF COUNTY COMMISSIONERS
September 23, 2014

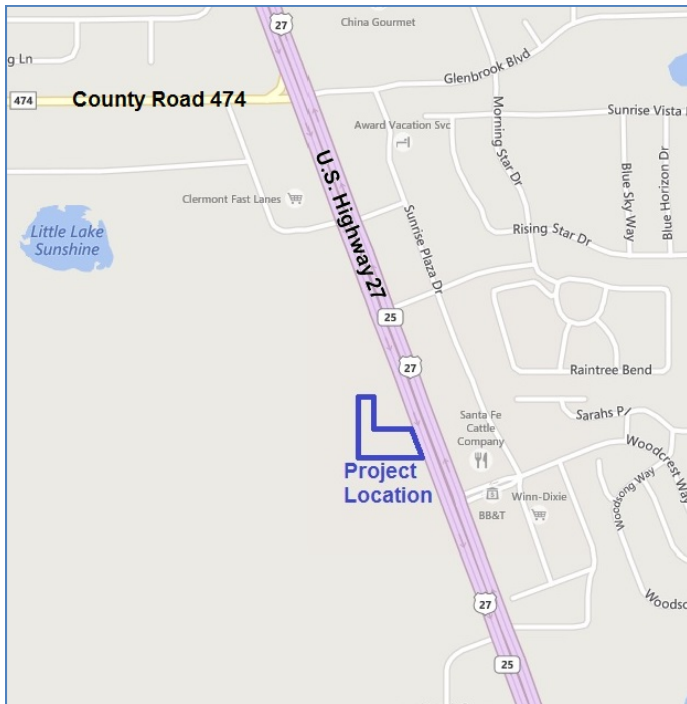
PH #25-14-1 Powers Property	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Alma Powers as Trustee of the Alma Powers Living Trust Agreement (the "Owner")

Applicant: Gilles Paul DuPuis (the "Applicant")

Requested Action: Amend the Planned Commercial (CP) Ordinance #2014-31 which allows vehicular sales uses to add Retail, Professional Office, Meeting/Activity Room (Banquet) and Restaurant (prohibiting fast food restaurant) uses.

- Site Location & Information -



Approximate site location outlined in Blue

Site Visit August 21, 2014
Sign Posted August 21, 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	CP	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 amend the Planned Commercial (CP) Ordinance #2014-31 which allows vehicular sales uses to add Retail, Professional Office, Meeting/Activity Room (Banquet Hall) and Restaurant (not including fast food restaurant) uses. The Applicant has indicated that the previous application in June 2014 to rezone the property from Neighborhood Commercial (C-1) to CP inadvertently excluded the existing uses of the property in addition to other allowed uses under the previous C-1 zoning district. Ordinance #2014-31 will be rescinded and replaced by the proposed ordinance.

The subject property consists of 2.17 acres and 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 is being used for the existing retail uses and will be used for the recently approved vehicular sales and for the above proposed uses. The property also has 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 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;

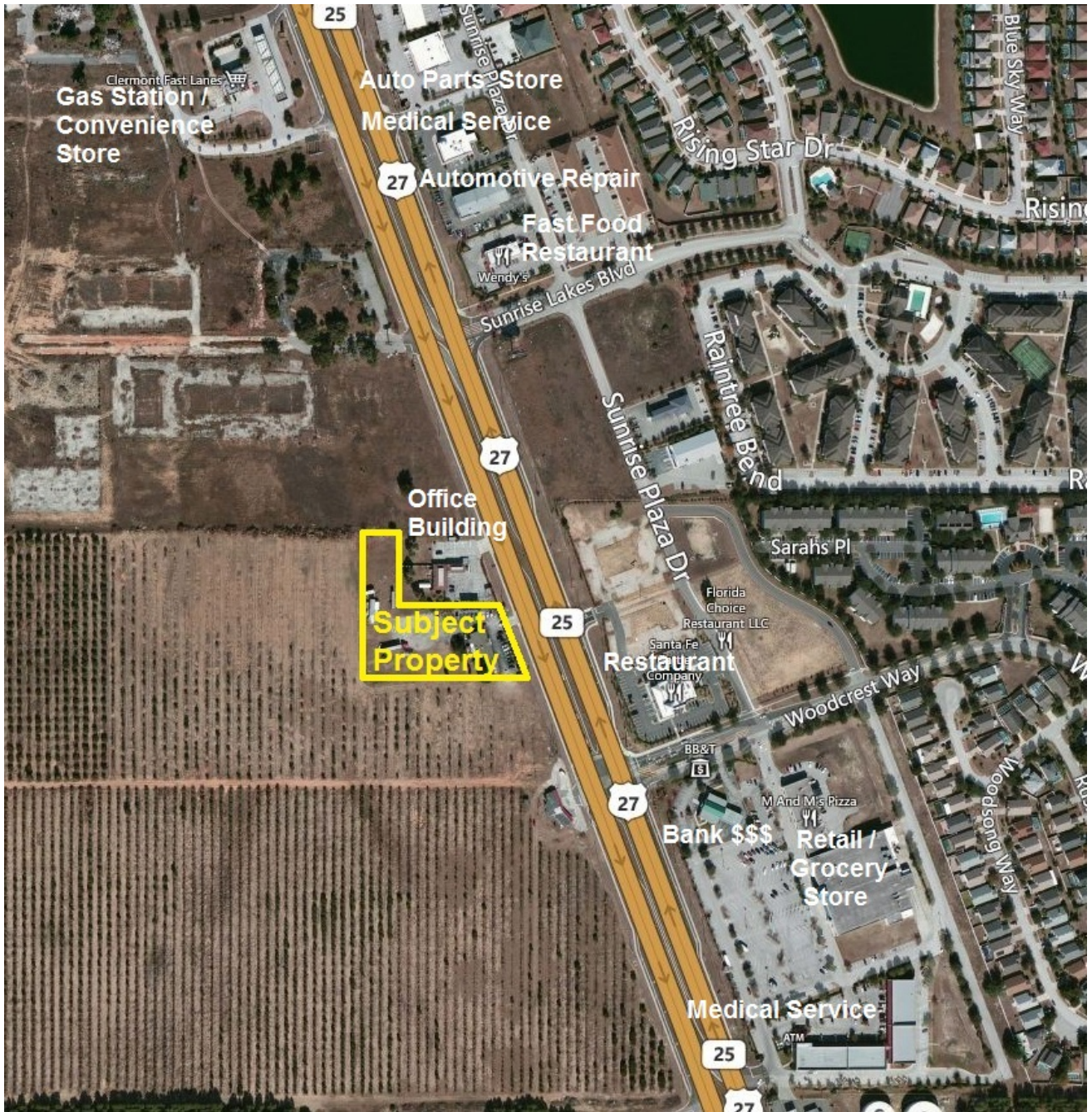
The proposed rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits retail, professional office, meeting/activity room (banquet hall) and restaurant (general) uses in the CP Zoning District. These proposed uses were allowed under the previous C-1 zoning of the property.

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 add the proposed commercial uses 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.

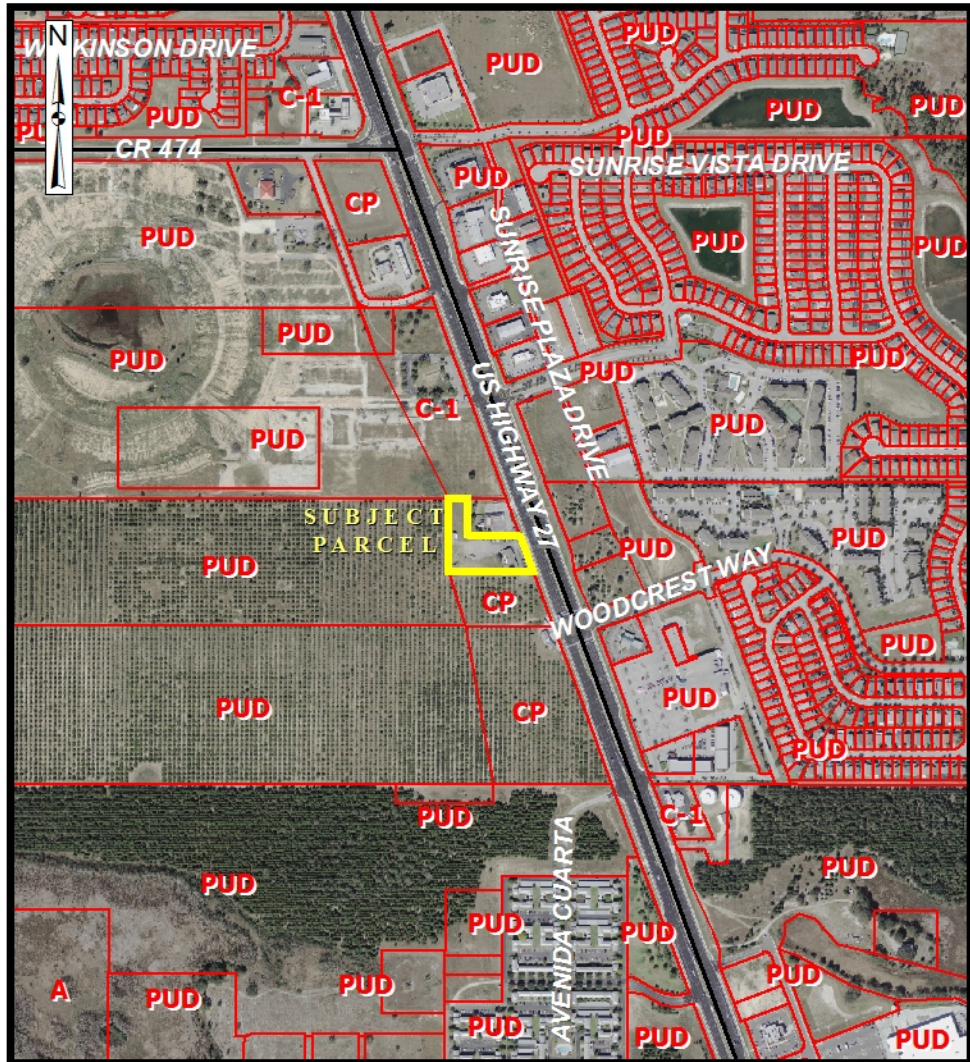


D. Whether there have been changed conditions that justify a rezoning;

The 2030 Comprehensive Plan designated this area as Green Swamp Ridge. There have been at least 4 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 properties to the north and west were rezoned in 2014 for mixed use residential/commercial. The Applicant seeks to add the existing uses of the property in addition to other allowed uses under the previous C-1 zoning district that were inadvertently excluded in the previous rezoning application request.

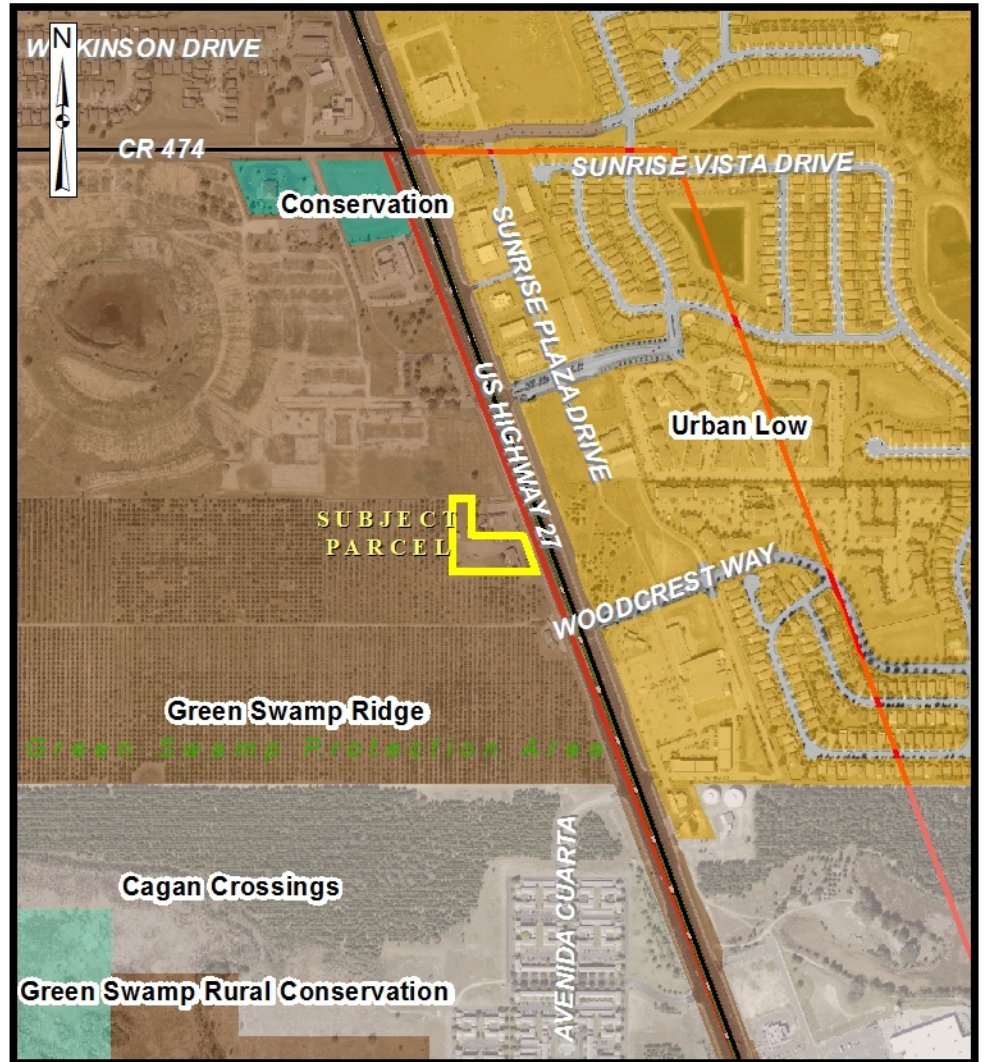
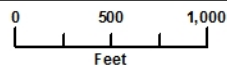
E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, 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).



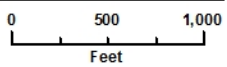
CURRENT ZONING

PLANNED COMMERCIAL (CP)



ADOPTED FUTURE LAND USE

GREEN SWAMP RIDGE



**POWERS PROPERTY
CP REZONING AMENDMENT**

CASE NO.
PH #25-14-1

CASE LOCATION:
S26, T24S, R26E

REQUESTING:
Amend the Planned Commercial (CP) Ordinance #2014-31 to add Commercial uses.

ZONING (Red outline)

LAND USE (Purple outline)

SUBJECT PARCEL (Yellow outline)

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

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA

LAKE COUNTY FLORIDA

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 FOR 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.

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

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

2 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used
3 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
4 the Board of County Commissioners.

5 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
6 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
7 boundaries of the above described land without first obtaining the necessary approvals in accordance
8 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
9 governmental agencies.

10 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and
11 the terms, conditions, and provisions hereof, and shall be binding upon the present Owner and any
12 successor, and shall be subject to each and every condition herein set out.

13 D. Construction and operation of the proposed use shall at all times comply with the regulations of this
14 and other governmental permitting agencies.

15 E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall be
16 included in the transfer or lease agreement, a provision that the purchaser or lessee is made good and
17 aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The
18 purchaser or lessee may request a change from the existing plans and conditions by following
19 procedures contained in the Land Development Regulations, as amended.

20 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
21 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
22 to recommend that the ordinance be revoked.

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

26 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
27 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
28 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
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ORDINANCE #2014-31
Powers Property
PH #10-14-1

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

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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

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

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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 particularly described below:

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LEGAL DESCRIPTION:

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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.

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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

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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

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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

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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.

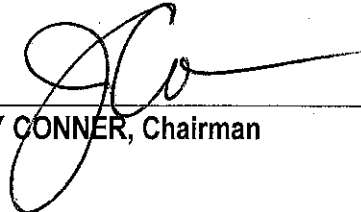
1 Section 5. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this 24th day of June, 2014.

3 FILED with the Secretary of State July 2nd, 2014.

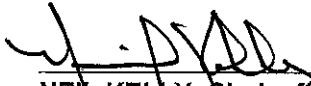
4 EFFECTIVE July 2nd, 2014.

5 BOARD OF COUNTY COMMISSIONERS
6 LAKE COUNTY, FLORIDA


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8 _____

JIMMY CONNER, Chairman

9 ATTEST:

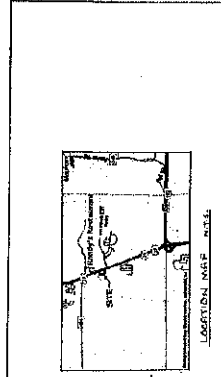
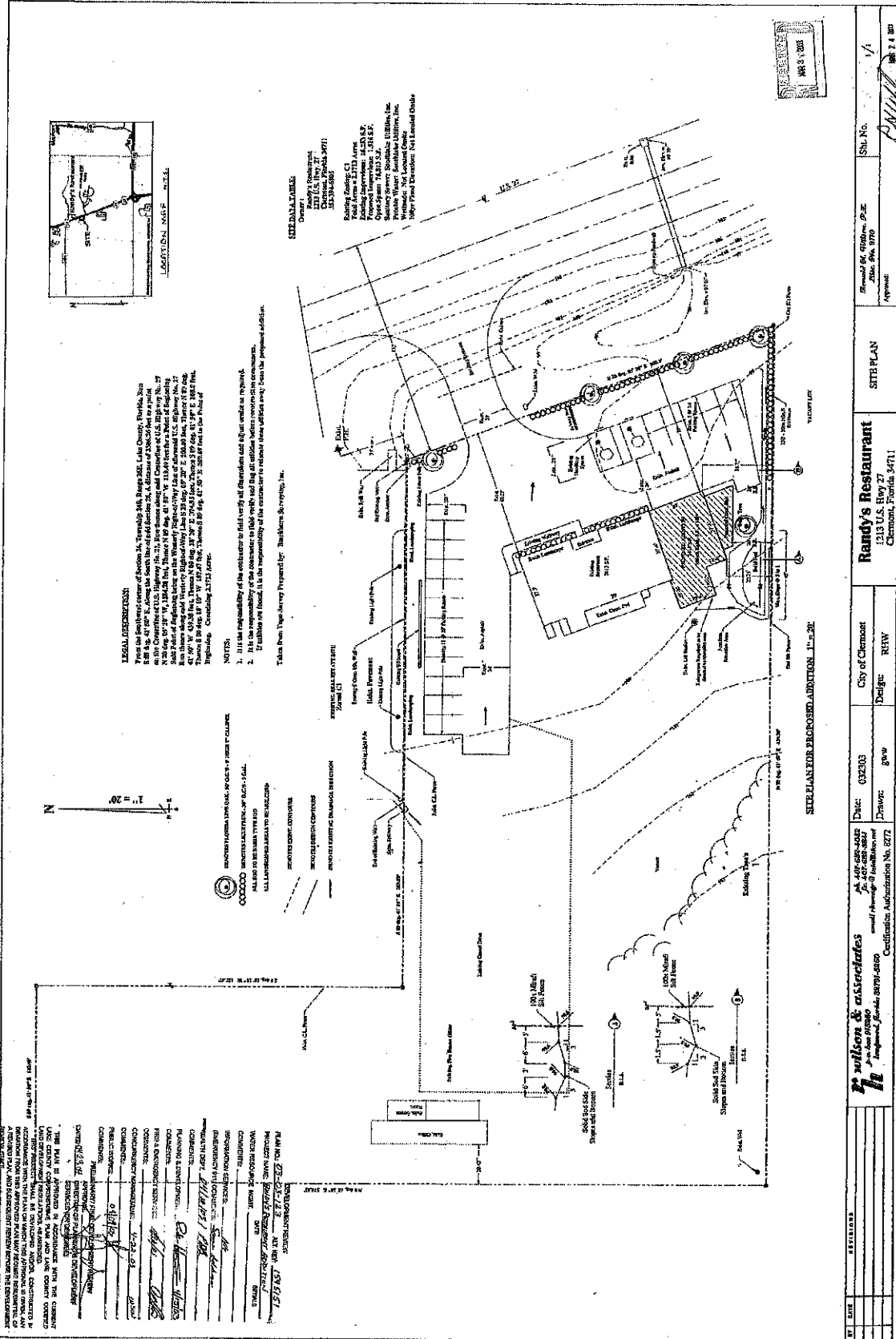
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11 _____
12 NEIL KELLY, Clerk of the
13 Board of County Commissioners
Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

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16 _____
17 SANFORD A. MINKOFF, County Attorney

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



LEGAL DESCRIPTION
 From the Southeast corner of Section 36, Township 36N, Range 26E, Lake County, Florida, Run 88.50' S 87° 30' 00\"/>

NOTES
 1. It is the responsibility of the contractor to fully verify all dimensions and adjust conditions as required.
 2. It is the responsibility of the contractor to fully verify and flag all utility lines before commencing construction.
 3. It is the responsibility of the contractor to relocate these utilities as required.

CONTRACTOR'S OBLIGATION
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

OWNER
 Mrs. J. M. Williams
 1313 U.S. Hwy 27
 Clément, Florida 34711

DESIGNER
 Wilson & Associates
 1313 U.S. Hwy 27
 Clément, Florida 34711

DATE
 03/20/2015

DRAWN BY
 RHW

CITY OF CLÉMENT
 City of Clément
 Delight RHW

PROJECT NAME
 Randy's Restaurant

DATE
 03/20/2015

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