

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING and ZONING BOARD
September 5, 2012



BOARD OF COUNTY COMMISSIONERS
September 25, 2012

PH #33-12-4 Hussey-Family Dollar	Case Manager: Steve K. Greene, AICP Chief Planner	Agenda Item #1
--	--	-----------------------

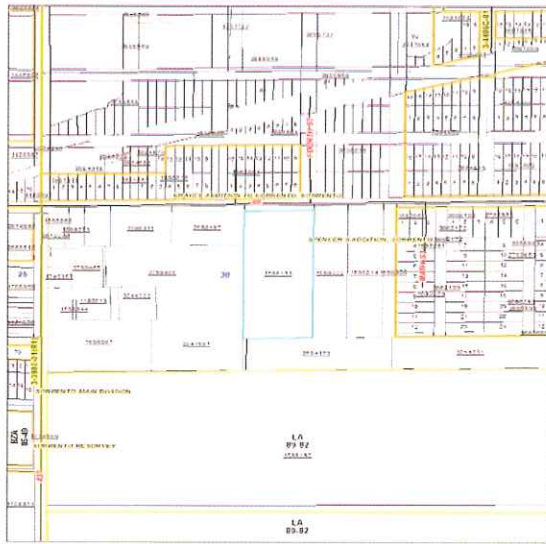
Owner: Joseph N. Hussey, Jr. (the "Owner")

Applicant: Stephens & Barrios/Carlos Barrios, P.E. (the "Applicant")

Requested Action: Amend the parking requirements of Planned Commercial (CP) Ordinance #2012-34 to facilitate additional parking areas for commercial uses on the property.

- Site Location & Information -

Approximate site location outlined in Aqua



Size	3.87 +/- acres	
Location	SR 46, east of CR 437S	
Alternate Key #	1598133	
Future Land Use/Density	Mt. Plymouth-Main Street	
	Existing	Proposed
Zoning District	CP	CP
Density	N/A	N/A
Floor Area Ratio (FAR) Comp Plan	.30 (max)	.30 (max)
Impervious Surface Ratio (ISR) – Comp Plan	0.60 (max.)	0.60 (max.)
Joint Planning Area	N/A	
Utility Area:	None	
Site Utilities	Well & Septic Tank	
Road Classification	SR 46 - rural principal arterial	
Flood Zone/ FIRM Panel	(X , A , & AE) Panel - 0650 D	
Commissioner District	4 - Campione	

Site Visit: May 20, 2012

Sign Posted: May 20, 2012 (2 signs posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount Plymouth – Sorrento Main Street	R-6	Church and office (across SR 46)	SR 46 borders the property on the north
South	Mount Plymouth – Sorrento Main Street	A	Vacant	None
East	Mount Plymouth – Sorrento Main Street	R-1	Single family dwelling	None
West	Mount Plymouth – Sorrento Main Street	C-1/R-6/CP	Post office & Single family dwelling	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval** of the rezoning application, with conditions, to replace Ordinance #2012-34 with a new Ordinance to facilitate additional parking areas for multiple commercial uses on the property.

PLANNING AND ZONING BOARD RECOMMENDATION: **Approved** on a 7-0 vote.

- Summary of Analysis -

The Applicant desires additional parking areas to serve the proposed and existing commercial uses. The site is currently has a small bait and tackle store located on the northeast corner of the property. The request would replace Planned Commercial (CP) Ordinance #2012-34 which limited parking to 25 spaces. The new ordinance would allow multiple parking areas, limited to 25-spaces per parking area. Additionally, the Ordinance clarifies the maximum area for buildings within the property.

The property is situated within the Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC). The rezoning request will facilitate development of a proposed Family Dollar Store. This proposed use of the property is consistent with Comprehensive Plan policies for development within Mt. Plymouth-Sorrento Main Street Future Land Use Category.

- Analysis -

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

The requested rezoning amendment is consistent with the development standards specified by LDR Section 3.02.06. The Applicant proposes to limit the commercial building height to 40-feet, consistent with the LDR provision.

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

The proposed condition of 25 parking spaces per parking lot area is consistent with Main Street Comp Plan Policy I-2.1.13. This rezoning also clarifies the existing design conditions that commercial buildings are limited to 8,000 square feet, consistent with the Main Street Category specified by Comp Plan Policy I-2.1.4.

The request proposes additional parking areas of 25 spaces or less consistent with Comprehensive Plan Policy I-2.1.13, which encourages individual small lots of typically twenty-five (25) spaces or less. The purpose of the limited spaces is to serve the residents in the immediate area at a smaller scale than a more intense commercial use. This is demonstrated by the attached conceptual plan.

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

The application remains consistent with the existing land uses of the surrounding area. The land uses within the immediate area of the proposed rezoning consist of retail commercial, church, post office, bait-tackle shop, restaurant, light industrial (construction equipment & development outfit) and single-family residential uses.

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

The Applicant intends to have two development sites on the property with shared parking and must accommodate for additional parking that will be demanded. The existing Ordinance #2012-34 limits parking to only 25 spaces for both the existing bait store and the proposed retail store.

- 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;**

TRANSPORTATION

A Tier 1 traffic study was provided at site plan, in addition to the required driveway connection permit. Transportation impacts have been addressed per the recent site plan approval for commercial development on the property.

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

No adverse impacts on the natural environment will result from this rezoning.

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

No adverse impacts will result from this rezoning.

- H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The proposed rezoning amendment will result in an orderly and logical development pattern.

- I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations;**

The proposed rezoning amendment is in harmony with the general intent of the Lake County Comprehensive Plan and Land Development Regulations.

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.

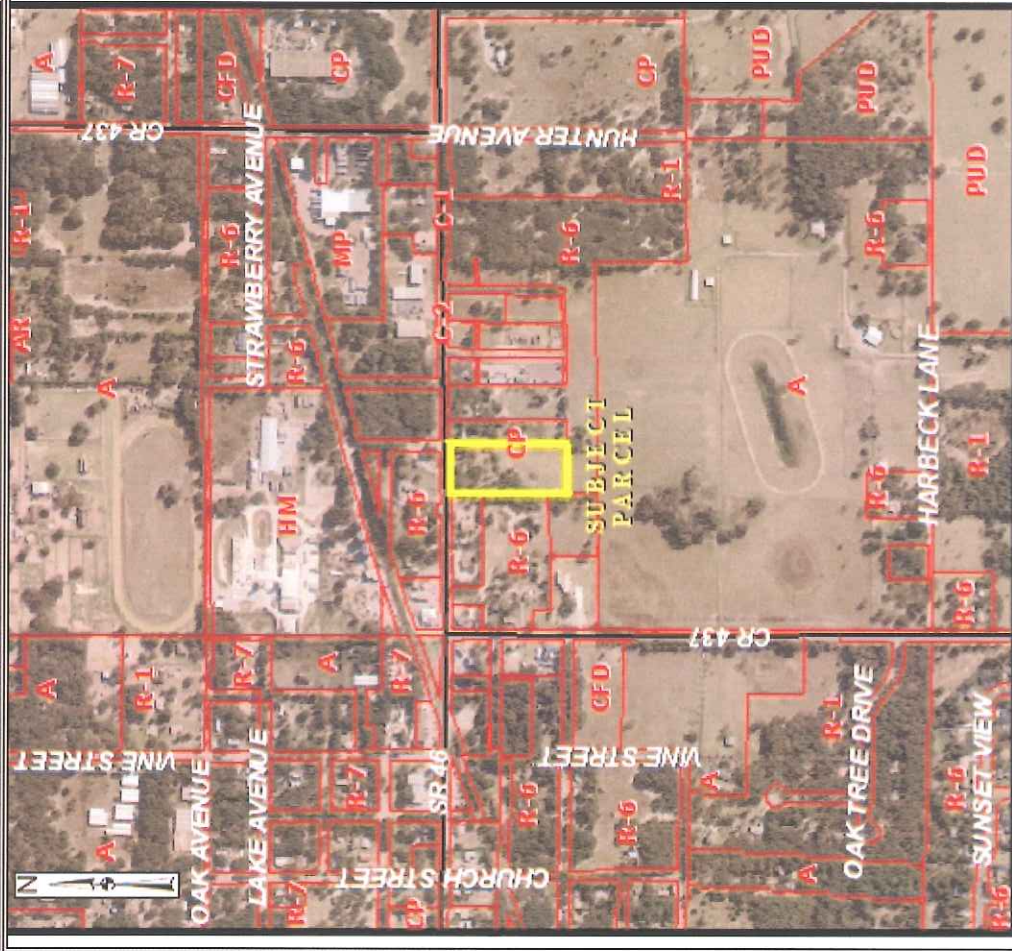
N/A

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

1. The application is consistent with Policy 1-2.1.4, Design Standards for the Mount Plymouth-Sorrento Main Street FLUC.
2. The building square footage limitation is included as a condition in the proposed CP ordinance.
3. The request is consistent with Policy I-2.1.13 Parking in the Mount Plymouth Sorrento Community as it provides separate parking areas on the property of 25 spaces or less.
4. The rezoning application proposes development standards consistent with Comp Plan Policy I-3.2.6 for floor area and impervious surface area.
5. The proposed retail uses are consistent with LDR Table 3.01.03 that specifies the Schedule of Permitted and Conditional Uses.
6. The proposed rezoning is consistent with the development standards specified by LDR Section 3.02.06.

Based on these findings of fact, staff recommends **Approval** of the rezoning application, with conditions, as specified in the proposed new Ordinance; which will supersede and replace existing Ordinance # 2012-34.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Opposition: -0-



CURRENT ZONING
PLANNED COMMERCIAL (CP)

**HUSSEY-FAMILY DOLLAR
 CP REZONING AMENDMENT**

CASE NO.
 PH=33-12-4

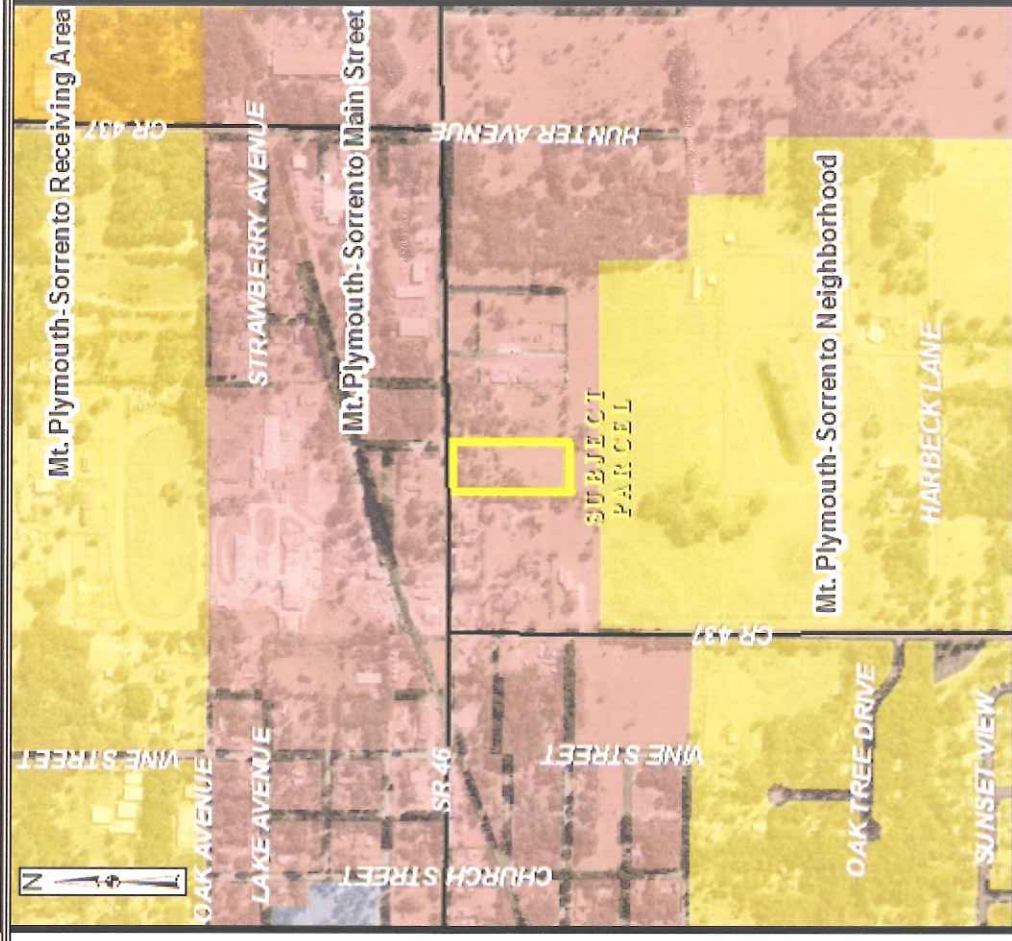
CASE LOCATION:
 S30, T19S, R28E

REQUESTING:
 Create new CP ordinance to specify
 parking and building area.

ZONING

LAND USE

SUBJECT PARCEL



ADOPTED FUTURE LAND USE
**MT. PLYMOUTH-SORRENTO
 MAIN STREET**

MAP COMPOSITION:
 JANUARY 2015

FOCUS AREA

LAND SURVIVANT

Map prepared by Land Survivant, Inc. for the City of Plymouth, Michigan. All rights reserved. No warranty is made by Land Survivant, Inc. for the use of this map for any purpose other than that for which it was prepared. The user assumes all liability for any use of this map. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared.

**ORDINANCE NO. #2012-xx
Hussey Property Rezoning
PH #33-12-4**

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

WHEREAS, Stephens and Barrios Engineering, LLC (the "Applicant") submitted a rezoning application on behalf of Joseph N. Hussey, Jr. (the "Property Owner") to amend Planned Commercial (CP) zoning Ordinance # 2012-34 for the purpose of allowing additional parking areas to support proposed and existing commercial uses; and

WHEREAS, the subject property is 3.87 +/- acres, located in the Mt. Plymouth-Sorrento area along SR 46, east of CR 437 in Section 30, Township 19S Range 28E, currently having Alternate Key Number 1598133, more particularly described as follows:

LEGAL DESCRIPTION
(Exhibit "A" – Attached)

WHEREAS, the subject property is located within the Mt. Plymouth-Main Street Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map; and

WHEREAS, this ordinance the Lake County Board of County Commissioners approved Ordinance #2012-34 on May 22, 2012; and

WHEREAS, the Applicant now seeks additional parking areas to accommodate multiple commercial uses on the property; and

WHEREAS, this new Ordinance shall supersede and replace Ordinance # 2012-34; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition PH #33-12-4 on the 5th day of September, 2012, after giving Notice on petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 25th day of September, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and 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 and conditions pertaining to the development of the above described property have been duly approved, and

1 **NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Lake County,
2 Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they
3 pertain to the above subject property subject to the following terms:
4

5 **Section 1.** Terms: The County Manager or designee shall amend the Lake County Zoning Map in
6 accordance with this Ordinance to Planned Commercial (CP) Zoning that shall revoke and
7 replace CP Ordinance # 2012-34. The uses of the property shall be limited to the uses
8 specified in this Ordinance and generally consistent with the Conceptual Plan attached
9 hereto as Exhibit "B". To the extent where there are conflicts between Exhibit "B" and this
10 Ordinance, this Ordinance shall take precedence.
11

12 A. Land Uses:

- 13 1. General retail
- 14 2. Retail convenience
- 15 3. Professional Office
- 16 4. Personal Care service
- 17 5. Restaurant, general
- 18 6. Banking

19
20 Accessory uses directly associated to the above primary uses listed above may be approved
21 by the County Manager or designee. Any other use of the site shall require approval of an
22 amendment to this Ordinance by the Board of County Commissioners.
23

24 B. Bulk Standards/Setbacks/Design-

- 25 1. Impervious Surface Ratio, Floor Area, and height of the structure shall be consistent
26 with the Comprehensive Plan and Land Development Regulations, as amended.
- 27 2. Individual building area shall not exceed 8,000 square feet. ~~The structure shall be~~
28 ~~limited to a maximum floor area of 8,000 square feet~~ and shall present a traditional
29 storefront face and entrance to the Main Street,
- 30 3. Setbacks – Shall be in accordance with LDR, as amended
- 31 4. Lighting – Exterior lighting shall not illuminate adjacent properties or public rights-of-
32 way. Lighting shall be directed or shielded from illuminating properties or public rights-
33 of-way consistent with Dark-Sky principals and the Comprehensive Plan, as amended.
34

35 C. Utilities:

- 36 1. Water/Wastewater Facilities – On-site well and on-site septic service shall be provided
37 unless central water and sewer service are available; at which time, connection to
38 those services shall be required, in accordance with the Comprehensive Plan.
39
- 40 2. Drainage/Stormwater Management/Floodplain Protection – The stormwater
41 management system shall be designed and constructed in accordance with St. John's
42 River Water Management District (SJRWMD) permit requirements and the Land
43 Development Regulations (LDR), as amended.
44
45

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

- D. Fire Protection and Rescue Services:
 - 1. Development shall comply with the State Fire Code and National Fire Protection Standards and the LDR, as amended.

- E. Transportation Improvements and Parking:
 - 1. A driveway connection for the commercial site shall align with Fourth Street, to best extent possible.

 - 2. A left turn lane may be required pending transportation study results and with coordination and approval from the Florida Department of Transportation.

 - 3. Any future development shall require the submittal of a transportation study for the purpose of identifying any necessary traffic improvements and traffic mitigation.

 - 4. Parking:
 - a. Parking lots shall be provided as distinctly separate areas. Each parking lot area shall be limited to A maximum of twenty-five (25) parking spaces shall be provided on-site.
 - b. Parking spaces shall be designed consistent with the Land Development Regulations.
 - c. The property shall be allowed to share parking through an appropriate legal instrument.

- F. Signage: All signage shall be in accordance with the Land Development Regulations, as amended.

- G. Open Space and Environmental Considerations:
 - 1. Open Space shall be provided in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

 - 2. Future development shall require submittal of an environmental assessment to assess development impacts to existing flora/fauna and associated habitat and to ensure environmental protection and mitigation in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

- H. Landscaping, Buffering, Screening: Landscaping, buffering and screening shall comply with the Land Development Regulations, as amended.

- I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN, for review and approval in accordance with the Comprehensive Plan and the Land Development Regulations, as amended.

1 J. Concurrency Management Requirements: The Applicant must comply with the Lake
2 County Concurrency Management System, as amended.

3
4 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references
5 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
6 Comprehensive Plan, and Lake County Land Development Regulations shall include any
7 future amendments to the Statutes, Code, Plans, and/or Regulations.
8

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

10
11 A. After establishment of the facilities as provided herein or specified, the aforementioned
12 property shall only be used for the purposes named in this ordinance.
13

14
15 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,
16 improve, move, convert, or demolish any building structure, or alter the land in any manner
17 within the boundaries of the above described land without first submitting the necessary
18 plans in accordance with requirements of Lake County, and obtaining the permits required
19 from the other appropriate governmental agencies.
20

21 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with
22 the land and the terms, conditions, and provisions hereof, and shall be binding upon the
23 present owner and any successor, and shall be subject to each and every condition herein
24 set out.
25

26 D. Construction and operation of the proposed use shall at all times comply with the
27 regulations of Lake County and any other permitting agencies.
28

29 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
30 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
31 made good and aware of the conditions pertaining to the authorized use and agrees to be
32 bound by these conditions. The purchaser or lessee may be required a change from the
33 existing plans and conditions by following procedures contained in the Lake County Land
34 Development Regulations, as amended.

35 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
36 Enforcement Special Master shall have the authority to enforce the terms and conditions
37 set forth in this ordinance and to recommend that the ordinance be revoked.
38

39 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
40 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
41 no way affect the validity of the remaining portions of this Ordinance.
42
43
44

ORDINANCE NO. #2012--
(PH#xx-xx-4 Hussey Property Rezoning)

SECTION 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

**NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida**

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

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

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

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 30; RUN THENCE S88°48'56"W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30 A DISTANCE OF 1332.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE N00°36'47"W ALONG SAID WEST LINE A DISTANCE OF 1985.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE S88°05'14"W ALONG SAID SOUTH LINE A DISTANCE OF 315.08 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE S88°05'14"W A DISTANCE OF 265.07 FEET; THENCE N00°36'47"W A DISTANCE OF 637.39 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 46; THENCE N88°27'17"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 265.04 FEET; THENCE S00°36'47"E A DISTANCE OF 635.69 FEET TO THE POINT OF BEGINNING.

CONTAINS: 168,684 SQUARE FEET OR 3.8725 ACRES MORE OR LESS.

CONSENT AGENDA

- | | | |
|--------------|--------------------|---|
| Tab 2 | PH# 33-12-4 | Stephens-Barrios Engineering, LLC/
Hussey, Jr.
Family Dollar CP rezoning amendment |
| Tab 3 | PH# 30-12-4 | K. Phan/Thanh An Buddhist Center, Inc.
Thanh An Buddhist CFD rezoning |

MOTION by Tim Morris, SECONDED by Kasey Kesselring to APPROVE the Consent Agenda, consisting of agenda items 2 and 3.

FOR: Morris, Kesselring, DeWitt, Ameri, Gonzalez, Bryan, Miller

AGAINST: None

MOTION CARRIED: 7-0

DRAFT