


**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
COMPREHENSIVE PLAN AMENDMENT**

PLANNING AND ZONING BOARD		BOARD OF COUNTY COMMISSIONERS
October 2, 2013	District #4 Commissioner Campione	Transmittal: October 22, 2013 Adoption: TBA
LPA# 13/4/1-2T Add a Rural Support Intersection at the intersection of SR 44 and CR 437, near Eustis and Sorrento, as previously approved by the Board of County Commissioners on May 25, 2010.	Case Manager: Anita W. Greiner, Chief Planner	Agenda Item #3

- Item -

Type:	County-initiated Comprehensive Plan Map Amendment
Creation or Revision:	Revision
Description:	Map Amendment. This request amends the Future Land Use Map on parcels located at the intersection of SR 44 and CR 437, near Eustis and Sorrento by adding a Rural Support Intersection , which allows commercial structures and uses, limited to a maximum aggregate floor area ratio of 0.055 within each property zoned for rural support, with no single structure exceeding 5,000 square feet.

- Summary of Staff Recommendation -

Staff recommends APPROVAL of the request to amend the 2030 Future Land Use Map.
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Analysis: On May 25, 2010, Lake County adopted the 2030 Comprehensive Plan, which included the intersection at SR 44 and CR 437, near Eustis and Sorrento being designated as a Rural Support Intersection. The amendment was considered and approved by the Board of County Commissioners prior to the adoption hearing, however, it was not processed by the Florida Department of Community Affairs (DCA) because the amendment was not included in the original transmittal (first hearing) on January 19, 2010. The 2030 Comprehensive Plan was found in compliance without this map amendment; as a result, the subject intersection was not designated as a Rural Support Intersection, as initially submitted on January 19, 2010.

This amendment was reviewed by state and local agencies when it was submitted as part of the adoption of the Comprehensive Plan; there were no objections to the amendment at that time.

There are four (4) existing businesses located at three corners of the intersection SR 44 and , the fourth corner parcel is owned by the State of Florida and is being utilized as a retention pond.

The subject parcels are outlined in red on the map below, the yellow square indicates the Rural Support Intersection boundary (Exhibit #1).

Location	Owner	Use	Future Land Use Category
NW Corner AK#3771746	Little Champ Foot Stores, Inc. – Marathon/Kangaroo Store	Convenience Retail	Rural
NE Corner AK#1596777	TIITF/State of Florida	Retention Pond	Wekiva River Protection Area A-1-20 Receiving
SW Corner AK#3871998	CVS 75616 FL, LLC – CVS Pharmacy	Convenience Retail	Rural Transition
SE Corner AK#1596840	DBNCH Circle, LLC – Circle K Store	Convenience Retail	Wekiva River Protection Area A-1-20 Receiving
SE Corner AK#1745144	Children’s House of Learning, Inc.	Day Care – Community Facility Use	Wekiva River Protection Area A-1-20 Receiving

Exhibit #1



The proposed designation of a Rural Support Intersection will not cause any additional demand on the roads, schools, police, sewage facilities, water supply, drainage, solid waste, parks and recreation, and fire and emergency medical facilities.

Current Conditions

Prior to the adoption of the 2030 Comprehensive Plan, the parcels were within a Neighborhood Activity Center which allowed up to 5,000 SF of neighborhood convenience uses.

The **Rural** FLUC (*Comprehensive Plan Policy I-1.4.4, Rural FLUC*) allows a maximum density of one (1) dwelling unit per five (5) net acres. **Typical uses allowed** in this category are agriculture and forestry, residential, passive parks, equestrian related uses, K-12 schools, religious organizations, and Rural Support Uses as provided for in the Comprehensive Plan. Typical uses that require a Conditional Use Permit are mining and resource extraction, active parks and recreation facilities, nursing and personal care facilities, day care services, outdoor Sports and recreation clubs, civic uses, animal specialty services, unpaved airstrips, and public order and safety.

The **Rural Transition** FLUC (*Comprehensive Plan Policy I-1.4.5, Rural Transition FLUC*) allows a maximum density of one (1) dwelling unit per one (1) net acre with 50% open space. **Typical uses** allowed in the Rural Transition FLUC are Agriculture and forestry, residential, passive parks; equestrian related uses, K-12 schools, religious organizations, and Rural Support uses as provided for in the Comprehensive Plan. Typical uses requiring a Conditional Use Permit are mining and resource extraction, active parks and recreation facilities, nursing and personal care facilities, daycare services, outdoor sports and recreation clubs, civic uses, animal specialty services, unpaved airstrips, public order and safety, and utilities.

The **WRPA, A-1-20 Receiving Area** FLUC (*Comprehensive Plan Policy I-3.2.3, Wekiva River Protection Area A-1-20 Receiving Area FLUC*) allows, unless otherwise vested, a maximum base density of one (1) dwelling unit per twenty (20) net acres. Density may be increased to a maximum of one (1) dwelling unit per five (5) net buildable acres utilizing a Planned Unit Development (PUD) and a clustered Rural Conservation Subdivision, with at least 50% of the net buildable area in common open space. Density may be further increased to a maximum of one (1) dwelling unit per one (1) net buildable acre through the transfer of development rights from Sending Area Numbers One and Two. **Typical uses** allowed in this category are agriculture and forestry, residential, passive parks, religious organizations, equestrian related uses, and Rural Support uses as provided for in the Comprehensive Plan. Typical uses allowed with a Conditional Use Permit are active parks and recreation facilities, small scale sporting and recreational camps, animal specialty services, civic uses, and unpaved airstrips.

Designation as a Rural Support Intersection

If the intersection is designated as a **Rural Support Intersection**, rural support land uses, such as, professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or similar uses could be allowed. Primary structures within a Rural Support Intersection are limited to a maximum aggregate floor area ratio of 0.055 within each property zoned for rural support and no single primary structure can exceed 5,000 square feet. A new Rural Support Intersection can only be located at the intersection of two roads classified as arterials or collectors; SR 44 is designated as an arterial road and CR 437 is designated as a collector road.

The Lil Champ Food Store (located on the northwest corner) was constructed in 1998, it is approximately 3,000 square feet in size, has a floor area ratio of approximately 0.035, and is a convenience retail use. The FLUC is Rural, which allows Rural Support uses.

The CVS Pharmacy (located on the southwest corner) was constructed in 2009, it is approximately 13,000 square feet in size, has a floor ratio of approximately 0.17, and is a convenience retail use. This site was developed in accordance with Ordinance #34-91, a Planned Unit Development (PUD), based on a Vested Rights Determination. The FLUC is Rural Transition, which allows Rural Support uses. *Sub-policy I-1.4.7.3, Rural Support within the Rural Transition FLUC*, allows rural support uses as part of a PUD within the Rural Transition FLUC, provided that the use serves residents of the PUD and is located interior to the PUD, with limits of one (1) acre of Rural Support uses per 320 acres. The square footage and floor area ratio is limited to that of a Rural Support Intersection. The CVS Pharmacy is located within the PUD and serves the residents of that PUD.

The Circle K Store (located on the southeast corner) was constructed in 1976, it is approximately 2,400 square feet in size, has a floor ratio of approximately 0.045, and is a convenience retail use. The Children's House of Learning day care was constructed in 1987, it is approximately 4,100 square feet in size, has a floor ratio of approximately 0.135, and is a community facility use. The FLUC for both parcels is Receiving Area A-1-20, in the WRPA, which allows Rural Support uses, however, commercial development within the WRPA is discouraged and is limited to the existing Rural Support Intersection and Rural Support Corridor, as acknowledged in *Policy I-3.3.7, Commercial Development within the Wekiva River Protection Area*. If this proposed Rural Support Intersection is approved, it will be added to *Policy I-3.3.7.A*, indicating that commercial development is allowed at the intersection of SR 44 and CR 437 as provided by the Rural Support Intersection.

The vacant parcel on the northeast corner is owned by TITF/State of Florida and is being utilized as a retention pond.

With the designation of the Rural Support Intersection the Marathon/Kangaroo store on the northwest corner and the Circle K store on the southeast corner would be conforming with the Comprehensive Plan. The child care facility, Children's House of Learning, located on the southeast corner would continue to be non-conforming as it exceeds the maximum floor area ratio of 0.055. The CVS Pharmacy would also remain non-conforming with the Comprehensive Plan as it exceeds the maximum square footage allowed and the maximum floor area ratio. The pharmacy and day care could remain and the use can continue; however, the square footage could not be increased.

Rural Support Intersections are intended to address the needs for specific commercial and office uses that support the residents of areas within the Rural Future Land Use Series, and are a typical use within the WRPA A-1-20 Receiving Area, with the designation of Rural Support Intersection. The uses are limited in scale and scope to serve the basic and special needs of rural areas and to ensure compatibility with the character of rural areas. The existing businesses are compatible with the area and support the needs of the residents in this rural community.

- Standards for Review -

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed amendment would be consistent with the Comprehensive Plan as previously determined by the Board and was reviewed by all State agencies during the review of the 2030 Comprehensive Plan. *Comprehensive Plan Sub-Policy I-1.4.7.1 Rural Support Intersections*, requires all new Rural Support Intersections to be located at the junction of two roads classified as arterials or collectors, SR 44 is an arterial road and CR 437 is a collector road. The Sub-Policy also requires that a new Rural Support Intersection cannot be located less than five (5) miles from another Rural Support Intersection or Rural Support Corridor or adjacent to public conservation land; the closest Rural Support Intersection is approximately six (6) miles away, the closest Rural Support Corridor is approximately nine (9) miles away from the subject site, and the intersection is not located adjacent to public conservation land.

The parcels at the intersection have a FLUC designation of Rural, Rural Transition, or WRPA A-1-20 Receiving Area, all of which allow rural support uses as specified in *Comprehensive Plan Policies I-1.4.4, Rural FLUC, I-1.4.5, Rural Transition FLUC, and I-3.2.3, Wekiva River Protection Area A-1-20 Receiving Area FLUC*.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed amendment would not be in conflict with the Comprehensive Plan. The intersection is proposed to be located at the junction of SR 44, an arterial road and CR 437, a collector road, it meets the distance requirements between other Rural Support Intersections and Corridors, and is not located adjacent to public conservation land as required by *Comprehensive Plan Policy I-1.4.7, Rural Support and Sub-Policy I-1.4.7.1, Rural Support Intersections*.

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

The proposed amendment is consistent with the existing land uses; the existing developments at the intersection are rural support uses, consisting of convenience retail and community facility uses, which provides a need to the residents in this area, as required in *Comprehensive Plan Policy I-1.4.7, Rural Support*.

D. Whether there have been changed conditions that justify an amendment.

The Board felt the proposed Rural Support Intersection designation was appropriate and necessary to correct a mapping error due to the existing businesses, appropriate intersection, and resident needs for the area, meeting the requirements of the *Comprehensive Plan Sub-Policy I-1.4.7.1 Rural Support Intersections*. The Board approved the amendment on May 25, 2010, but the amendment was found procedurally noncompliant by the State.

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would

exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There are four (4) existing businesses located at three corners of the intersection, the fourth corner parcel is owned by the State of Florida and is being utilized as a retention pond, therefore, the proposed designation of a Rural Support Intersection will not cause any additional demand on the roads, schools, police, sewage facilities, water supply, drainage, solid waste, parks and recreation, and fire and emergency medical facilities.

The proposed amendment was reviewed by local and state agencies during the initial review in 2010; no concerns were noted.

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

The amendment will not result in a significant impact on the natural environment. Four of the parcels are developed, any future development that would take place will be required to meet all Comprehensive Plan and Land Development Regulation requirements to protect the environment.

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

There is no indication that there will be any adverse effects on the property values. Four of the parcels at the intersection are developed and one parcel is vacant and owned by TITF/State of Florida, which is being used as a retention pond.

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

The intersection of SR 44 and CR 437, located in a rural area of the County with FLUC designations of Rural, Rural Transition and WRPA A-1-20 Receiving Area is appropriate for the designation of a Rural Support Intersection, in compliance with *Comprehensive Plan Sub-Policy I-1.4.7.1 Rural Support Intersections*, which directs these intersections to junctions of roads designated as arterials and collectors; *Policy I-1.4.7 Rural Support*, which is intended to allow Rural Support uses to address the need of residents in rural areas, which the proposed amendment will allow. This Policy also requires compatibility of the specific commercial or office uses to be addressed, such as, but not limited to signage, lighting, parking, landscaping and buffering; these items are addressed through the Land Development Regulations and site plan approval. The Rural, Rural Transition, and WRPA A-1-20 Receiving Area FLUCs, which surrounds the subject intersection allow rural support uses.

I. Whether the proposed amendment would be consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.

The amendment is consistent with the interest of the public and these regulations. The amendment to place a Rural Support Intersection at SR 44 and CR 437 will ensure compatible rural support uses such as professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or other similar uses to address the need for specific commercial and office uses that support the residents of area, in compliance with *Comprehensive Plan Policy I-1.4.7, Rural Support and Sub-Policy I-1.4.7.1 Rural Support Intersections*.

– Conclusion –

The designation of the Rural Support Intersection at the intersection of SR 44 and CR 437 would create orderly, compatible, and logical land uses in that area, meeting the intent of the 2030 Comprehensive Plan, which intends for such intersections to be located in rural areas to provide a need for the residents in the area.

– Staff Recommendation –

APPROVAL of the proposed amendment to designate a Rural Support Intersection at the intersection of SR 44 and CR 437, near Eustis and Sorrento.

Planning & Zoning Board Recommendation:

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TRANSMITTAL ONLY
ORDINANCE 2013 –
LPA#13/4/1-2T
Intersection of SR 44 and CR 437, near Eustis and Sorrento

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP TO ADD A RURAL SUPPORT INTERSECTION ON THE PARCELS LOCATED AT THE INTERSECTION OF SR 44 AND CR 437, NEAR EUSTIS AND SORRENTO, WITHIN SECTION 7, TOWNSHIP 19, AND RANGE 28, AS SHOWN IN EXHIBIT A; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

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WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and

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WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

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WHEREAS, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

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WHEREAS, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and

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WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

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WHEREAS, on the 2nd day of October, 2013, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

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WHEREAS, on the ____ day of _____, _____, this Ordinance was heard at the public hearing before the Lake County Board of County Commissioners for transmittal to the Department of Economic Opportunity in its capacity as the State Land Planning Agency; and

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WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt the amendment to the Lake County Comprehensive Plan Future Land Use Map;

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NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

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Section 1. Comprehensive Plan Future Land Use Map Amendment.

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The 2030 Future Land Use Map is hereby amended to add a Rural Support Intersection at the intersection of SR 44 and CR 437, near Eustis, lying within Section 7, Township 19, and Range 28, as shown in Exhibit A.

Section 2. Comprehensive Plan Text Amendment.

Sub-policy I-1.4.7.1, Rural Support Intersections and Policy I-3.3.7, Commercial Development within the Wekiva River Protection Area shall be amended as follows:

* * *

I-1.4.7.1 Rural Support Intersections

Intersections appropriate for Rural Support uses shall be limited to specific locations identified within the Comprehensive Plan and depicted on the Future Land Use Map. Where located, a Rural Support Intersection shall be defined to exist within a distance of 330 feet measured perpendicular to the road from the edge of the right of way extending a distance of 330 feet along the right of way from the nearest corner of the intersection. Structures used for commercial purposes shall be limited to a maximum aggregate floor area ratio of 0.055 within each property zoned for Rural Support and no single structure shall exceed 5,000 square feet. A new Rural Support Intersection may only be located at the junction of two roads classified as arterials or collectors. No new Rural Support Intersections shall be located less than five (5) miles from another Rural Support Intersection or a Rural Support Corridor.

The following Rural Support Intersections are recognized:

Table FLUE 1 - Rural Support Intersections

Rural Support Intersection	Location
<i>Lake Mack</i>	<i>Intersection of County Road 42 and Lake Mack Drive (south of County Road 42 only)</i>
<i>Emeralda Marsh area</i>	<i>Intersection of County Road 452 and Emeraldal Island/Em En El Grove Road</i>
<i>West Lake County</i>	<i>Intersection of County Road 33 and Austin Merritt/Bridges Road</i>
<i>Cassia*</i>	<i>Intersection of State Road 44 and Brantley Branch Road *Located within the Wekiva River Protection Area</i>
<i>Yalaha</i>	<i>Intersection of County Road 48 and Lakeshore Drive</i>
<i><u>Eustis-Sorrento</u></i>	<i><u>Intersection of State Road 44 and County Road 437</u></i>

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Policy I-3.3.7 Commercial Development within the Wekiva River Protection Area

Commercial areas within the Wekiva River Protection Area (WRPA) shall be developed at clearly defined locations, harmoniously related to surrounding land use, traffic flow and the Lake County Comprehensive Plan.

A. Commercial development within the WRPA, except within the Mt Plymouth-Sorrento Planning Area, shall be discouraged. Outside of the Mt Plymouth-Sorrento Planning Area, new commercial development shall be limited to the following:

- The intersection of SR 44 and Brantley Branch Rd, subject to criteria for a Rural Support Intersection.
- The east side of the intersection of SR 44 and CR 437, subject to criteria for a Rural Support Intersection.

- 1 • A corridor along that portion of SR 44 located within the Pine Lakes plat identified in Plat
- 2 Book 12 Page 67, subject to criteria for a Rural Support Corridor.

3 B. Commercial facilities may be permitted, operated or leased by local, State or Federal agencies or

4 established non-profit entities on conservation lands which are owned by the public or such

5 non-profit entity. Such uses shall be related solely to the passive use of such lands by the public.

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8 **Section 3. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes,

9 Section 163.3184(11).

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11 **Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be

12 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

13 affect the validity of the remaining portions of this Ordinance.

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15 **Section 5. Effective Date.** This Ordinance shall become effective upon filing with the Secretary of

16 State.

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18 ENACTED this ____ day of _____, 2013.

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20 FILED with the Secretary of State _____, 2013.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the Board of
County Commissioners,
Lake County, Florida

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff, County Attorney

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EXHIBIT A
LPA#13/4/1-2T
Intersection of SR 44 and CR 437, near Eustis and Sorrento



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