

**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY**

LAKE COUNTY ZONING BOARD
November 2, 2011



BOARD OF COUNTY COMMISSIONERS
November 15, 2011

<p>PH #19-11-4 Cecil & Dyanne Bodiford/ Barrios Engineering, LLC</p>	<p>Case Manager: Rick Hartenstein, AICP, Senior Planner</p>	<p>Agenda Item # 2</p>
---	--	-------------------------------

Owner: Cecil & Dyanne Bodiford (the "Owner")

Applicant: Stephens & Barrios – Carlos A. Barrios (the "Applicant")

Requested Action: Rezone 1.43 +/- Acres from Urban Residential (R-6) to Planned Commercial (CP) to permit General Retail, up to 8,000 square feet of floor area.

- Site Location and Information -

Approximate site location shown in red



Size	1.43 +/- Acres
Location	Sections 25/ Township 19S/ Range 27E, Sorrento area – south and west of State Road 46 and County Road 437S
Alternate Key Number(s)	1127785
Future Land Use (FLU)	Mt. Plymouth-Sorrento Main Street
Green Swamp, Wekiva River Protection Area, or Wekiva Study Area	Wekiva Study Area
Existing Zoning District	Urban Residential (R-6)
Proposed Zoning District	Planned Commercial (CP)
Maximum Floor Area Ratio (FAR)	Max. 0.30 – 2030 Comprehensive Plan Policy I-3.2.6
Minimum Open Space Requirement	20% - Net Buildable Area
Maximum Impervious Surface Ratio (ISR)	0.60 ISR – 2030 Comprehensive Plan Policy I-3.2.6
Joint Planning Area	N/A
Utility Area	N/A
Site Utilities	Well and Septic Tank
Road District	SR 46 - Rural Minor Arterial CR 437 - Rural Minor Collector
Flood Zone / FIRM Panel	Zone X / 0395D Effective July 3, 2002
Commissioner's District	4 – Campione

Site Visit(s): October 20, 2011

Sign(s) Posted: October 20, 2011 (2)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount Plymouth – Sorrento Main Street	C-1, R-7	Retail, Restaurant, & Single-Family Residential (SFR)	SR 46 borders the property on the north
South	Mount Plymouth – Sorrento Main Street	R-6	Vacant Land	None
East	Mount Plymouth – Sorrento Main Street	R-6 & CP	SFR & Retail	None
West	Mount Plymouth – Sorrento Main Street	C-2 & R-6	Railroad R/W, Retail, & SFR	None

- Summary of Staff Determination -

STAFF RECOMMENDATION: The proposed rezoning request is consistent with the Comprehensive Plan and Land Development Regulation based on the Findings of Fact. Therefore, staff recommends **APPROVAL** of this application, with conditions specified in the proposed ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone 1.43 +/- acres from Urban Residential (R-6) to Planned Commercial (CP) to permit the construction of a Family Dollar Store with a building floor area not to exceed 8,000 square feet (SF) of floor area. The undeveloped property is within the Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC).

The Comprehensive Plan limits the individual building floor area within the Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC) to 8,000 SF as seen in Policy I-2.1.4. The requested use (general retail) is allowed consistent with Table 3.01.03 Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district.

The Applicant is requesting a waiver to the parking requirements related to the number of required vehicle spaces contained in Table 9.03.06, LDR, Off-Street Parking Requirements, for the general retail use. The waiver request is discussed in detail in Section A of the Analysis.

The Public Works Transportation Division has determined the proposed project will impact two (2) major roadway segments, State Road (SR) 46 from Round Lake Road to the intersection of County Road (CR) 437N and CR 437S from SR 46 to the Orange County line. The impacts have been discussed in detail within Section E of the Analysis.

The proposed access for the site is from SR 46, a Florida Department of Transportation (FDOT) maintained roadway. Any connection to this roadway will subject to FDOT review and permitting. Turn lanes may be required for the entrance on SR 46. This will be determined during the site plan review process if this rezoning is approved.

The Applicant has stated that a septic tank and commercial business well will be provided at time of construction. The septic tank and well permitting will be required prior to the approval of any building permit for construction.

The project is consistent with the Comprehensive Plan and Land Development Regulations as specified below.

- Analysis -

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

The requested use (general retail) is permitted consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district.

The Applicant is requesting a waiver to the parking requirements related to the number of required vehicle spaces contained in Table 9.03.06, LDR, Off-Street Parking Requirements, for the general retail use. The parking regulation requires one (1) space per 200 sqft of gross leasable area. This equates to forty (40) required vehicle parking spaces. Due to the size and configuration of the proposed site and previous studies conducted by Family Dollar, the Applicant has found that twenty-five (25) spaces are sufficient to accommodate customers and employees during peak hours. Based on this information, the Applicant is requesting the parking space requirement be reduced to twenty-five (25) spaces. The waiver seeks to create greater consistency with the Comprehensive Plan, specifically *Policy I-2.1.13, Parking in the Mount Plymouth Sorrento Community* by providing an individual small lot of twenty-five (25) spaces or less while trying to meet the intent of the LDR parking regulations by providing sufficient parking to accommodate customers and employees. The proposed use will mainly serve the residents in the immediate area, therefore the proposed number of spaces is likely to be sufficient. Staff is supportive of this request because it is in line with the Mount Plymouth-Sorrento Community vision and provides sufficient parking to accommodate customers and employees. If this waiver is granted, the maximum parking spaces have been addressed in the attached Ordinance.

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

The property is located within the Mount Plymouth Sorrento Main Street FLUC on the Future Land Use Map. Potential development within this FLUC must comply with the established design standards as outlined in *Policy I-2.1.4* of the Comprehensive Plan (Plan). These design standards address lighting, parking, landscaping, building square footage, and building heights. The application is consistent with these design standards.

Comprehensive Plan Policy I-2.1.13, Parking in the Mount Plymouth Sorrento Community, encourages individual small lots of typically twenty-five (25) spaces or less. Due to the size and configuration of the proposed site and previous studies conducted by Family Dollar, the Applicant has found that twenty-five (25) spaces are sufficient to accommodate customers and employees during peak hours. Based on this information, the Applicant is requesting the parking space requirement be reduced to twenty-five (25) spaces. The waiver seeks to create greater consistency with the Comprehensive Plan, specifically *Policy I-2.1.13, Parking in the Mount Plymouth Sorrento Community* by providing an individual small lot of twenty-five (25) spaces or less while trying to

meet the intent of the LDR parking regulations by providing sufficient parking to accommodate customers and employees. The proposed use will mainly serve the residents in the immediate area, therefore the proposed number of spaces is likely to be sufficient. By requesting a waiver as part of this application, the Applicant is trying to meet the intent of this policy. If the waiver is granted, this project will be consistent with this policy while meeting the intent of the LDR parking regulations.

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

The application is consistent with the existing land uses within the surrounding area as demonstrated by the surrounding use map (attached). The land uses within the immediate area of the proposed rezoning consist of retail commercial, restaurant, light industrial (including small engine and, auto body repair), and single-family residential.

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

There have been no changed conditions, however based on the 2030 Comprehensive Plan and the change of the FLUC to Mount Plymouth-Sorrento Main Street, the Applicant seeks to rezone in order to develop the subject property as a general retail facility. This land use change promotes commercial development within the main street area, thus expanding the available commercial services in the Mount Plymouth/Sorrento community.

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

The proposed access for the site is from SR 46, a Florida Department of Transportation (FDOT) maintained roadway. Any connection to this roadway will subject to FDOT review and permitting. Turn lanes may be required for the entrance on SR 46 and will be determined during the site plan review process if this rezoning is approved.

The Public Works Transportation Division has determined the proposed project will impact two (2) major roadway segments in Lake County. The first segment is State Road (SR) 46 from Round Lake Road to the intersection of County Road (CR) 437N. The standard Level of Service (LOS) for this roadway segment is "C", and the operating capacity is at 100%. The segment of SR 46 from CR 437S to CR 437N is operating at 98% of its capacity and currently is operating at adequate capacity. The proposed project will have *significant* impacts on the roadway segment capacity for the SR 46 segments.

The second roadway segment is CR 437S from SR 46 to the Orange County line. The standard LOS for this roadway segment is "D" and is operating at 60% capacity. No State funded improvements are currently scheduled for the SR 46 roadway segments and no improvements are currently contained in the Five Year Capital Improvements Program (CIP) for CR 437S.

If this rezoning is approved, a Tier II Traffic Impact Study will be required with the site plan submittal. Based on the study results, mitigation may be required to address capacity issues related to the SR 46 roadway segments operating at or near 100% capacity. Traffic Impact Study recommendations for mitigation to address capacity issues will be addressed during site plan review and may include proportional share mitigation for the roadway segment improvements.

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

No information has been submitted to indicate that the proposed rezoning would result in significant adverse impacts on the natural environment. A detailed Environmental Assessment will be evaluated during the Development Review process and will be required prior to any development application approval. The submittal of an Environmental Assessment will be an ordinance condition.

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

No evidence has been presented that would indicate the proposed rezoning would adversely affect the property values in the area.

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 property is located in Sorrento approximately 250 feet west of the intersection of SR 46 and CR 437S on the south side of SR 46. The development pattern for the area surrounding the property is predominately commercial development along the frontage of SR 46 with a mix of residential types as you transition away from the highway. The Comprehensive Plan has designated this area on the Future Land Use Map as the Mount Plymouth-Sorrento Main Street FLUC and promotes a balanced mix of land uses. The proposed project will result in an orderly and logical development pattern within this FLUC.

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 is in harmony with the general intent of the Lake County Comprehensive Plan and Land Development Regulations. The proposed development is in keeping with the surrounding character and is within the square footage allotment for commercial development within the Mount Plymouth-Sorrento Main Street FLUC

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 I-2.1.13, Parking in the Mount Plymouth Sorrento Community*, which encourages individual small lots of typically twenty-five (25) spaces or less by requesting the waiver to reduce the parking spaces for the project to twenty-five (25).
2. The application is consistent with *Policy I-2.1.4, Design Standards for the Mount Plymouth-Sorrento Main Street FLUC*.
3. The application is consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, for the CP zoning district which permits general retail.

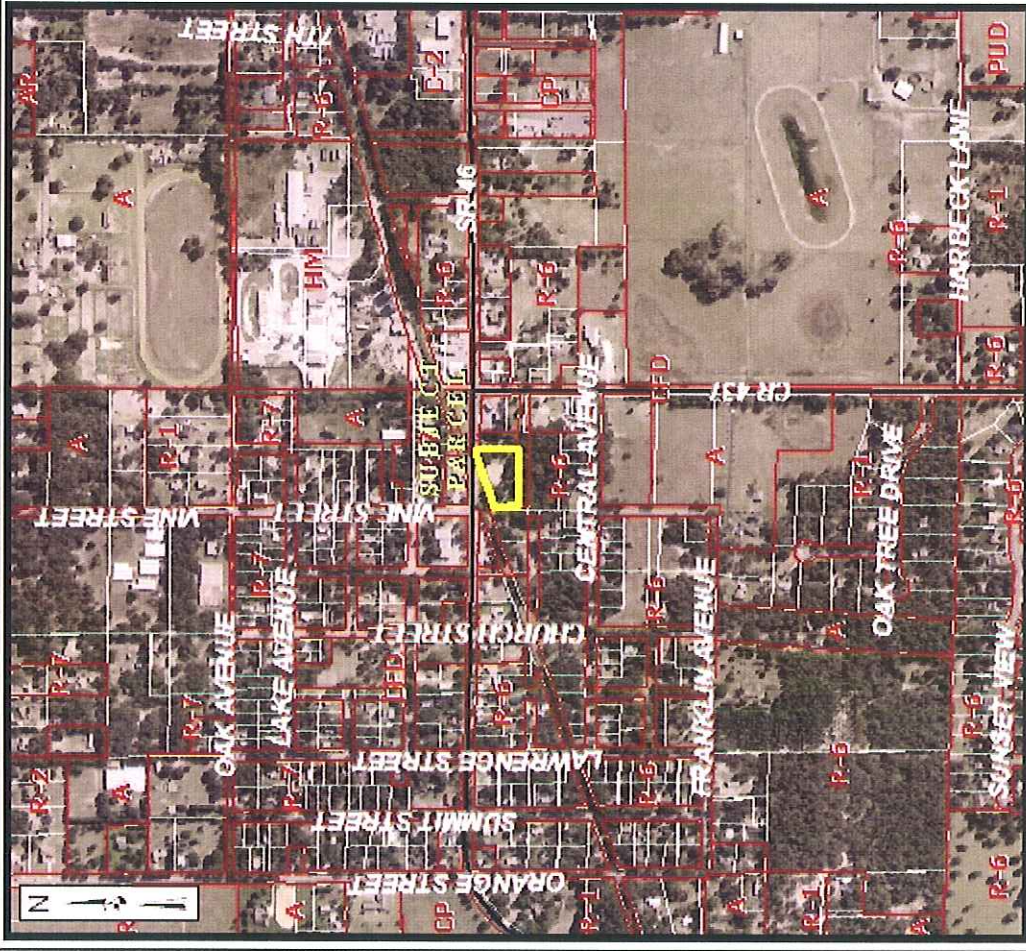
Based on these findings of fact, staff recommends **Approval** for this request subject to the conditions contained in the attached Ordinance.

WRITTEN COMMENTS FILED:

Support: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING

URBAN RESIDENTIAL (R-6)

**CECIL & DYANNE BODIFORD
STEPHENS/BARRIOS
(SORRENTO FAMILY DOLLAR STORE)**

CASE NO.
PH# 19-11-4

CASE LOCATION:
25-198-27E

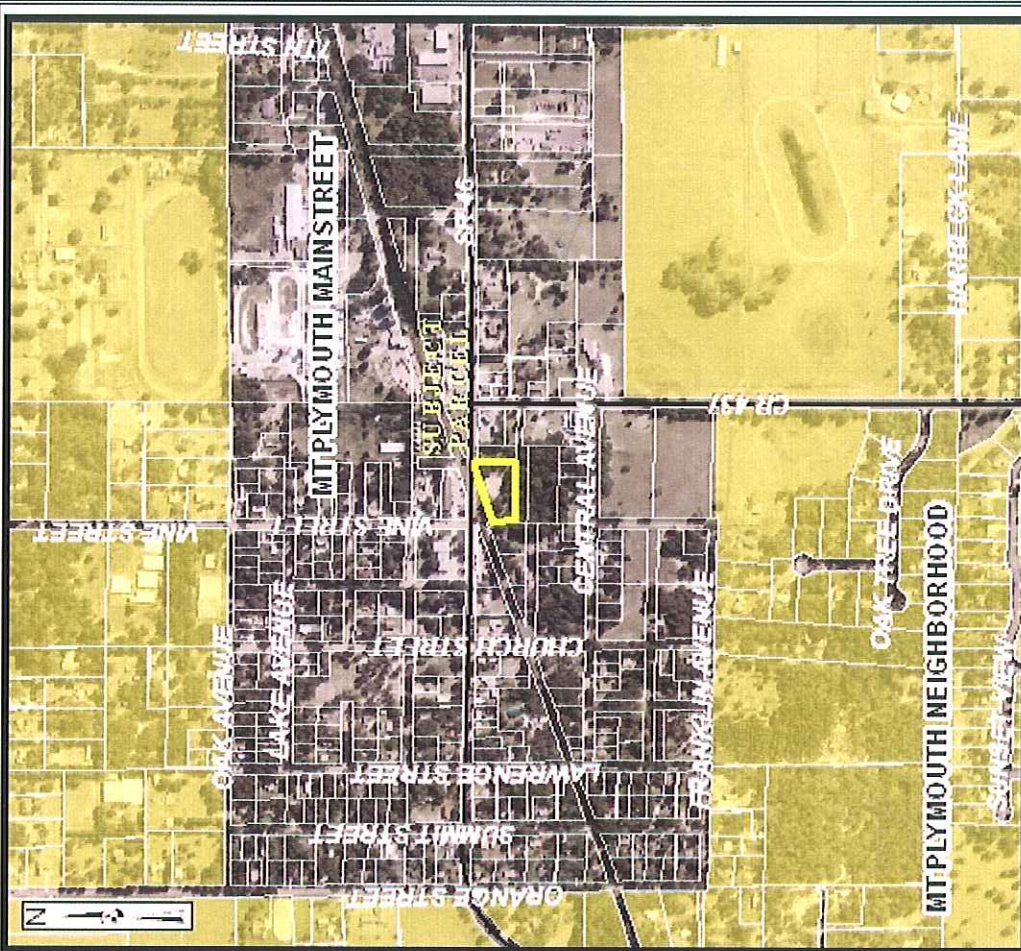
REQUESTING:
Rezone 1.43 +/- Acres from
Urban Residential (R-6) to Planned Commercial (CP)

ZONING

LAND USE

SUBJECT

PARCEL



ADOPTED FUTURE LAND USE

MOUNT PLYMOUTH MAIN STREET

145P COLLOCATION
OCTOBER 2011

FOCUS AREA

LAKE COUNTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

A. Land Uses:

1. The following uses shall be permitted:
 - a. General retail.
 - b. Professional office.
 - c. Fitness center.

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

B. Conceptual Plan. Development of the site shall be consistent with the Concept Plan as shown in EXHIBIT "A" (attached), the Comprehensive Plan and Land Development Regulations, as amended, and all Federal, State, and Local regulations. To the extent where there are conflicts between Exhibit A and this Ordinance, this Ordinance shall take precedence.

C. Open Space

The development shall maintain the minimum open space on the site, consistent with the Comprehensive Plan and Land Development Regulations, as amended.

C. Impervious Surface, Floor Area Ratio, Height and Building Size:

1. Impervious surface ratio, floor area ratio, and height of structure shall be consistent with the Comprehensive Plan and Land Development Regulations, as amended.
2. The structure shall be limited to a maximum floor area of 8,000 sqft.
3. The structure shall present a traditional storefront face and entrance to the Main Street as demonstrated by Exhibit B (attached) or a similar design acceptable to the County in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

D. Parking:

1. Parking spaces: 25 spaces shall be required.
2. Vehicle parking spaces are prohibited between the front of the building and SR 46 with the exception of on-street parking.

E. Buffers, Landscaping, and Setbacks:

1. Landscaping shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. Building setbacks shall be fifty (50) feet from all right-of-way and a minimum of fifteen (15) feet for the side and rear.
3. Best Management Practices for native landscaping and "right plant-right place" landscaping techniques shall be used for the landscape design to minimize the use of chemicals, pesticides, and water for irrigation.

- 1 F. Transportation:
 - 2 1. Access management shall be consistent with the Comprehensive Plan and Land
 - 3 Development Regulations and Florida Department of Transportation Regulations,
 - 4 as amended.
 - 5 2. Prior to initial development a Tier II traffic study shall be submitted for review and
 - 6 approval with the site plan application.
 - 7 3. Transportation Concurrency shall be met prior to the site plan approval.
 - 8
- 9 G. Lighting:
 - 10 Outdoor lighting shall be full-cutoff lighting with traditional-style fixtures. Exterior
 - 11 lighting shall not illuminate adjacent properties and rights-of-way. Lighting shall be
 - 12 designed so as to prevent direct glare, light spillage, and hazardous interference
 - 13 consistent with Dark Sky Principles and be in accordance with the Comprehensive
 - 14 Plan and Land Development Regulations, as amended.
 - 15
- 16 H. Noise:
 - 17 A noise assessment shall be required with the site plan submittal to demonstrate
 - 18 mitigation for any noise impacts the proposed project may have on the neighboring
 - 19 uses pursuant to the Land Development Regulations, as amended.
 - 20
- 21 I. Signage:
 - 22 Signage shall be consistent with the Comprehensive Plan and Land Development
 - 23 Regulations, as amended.
 - 24
- 25 J. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
- 26 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 27 County Comprehensive Plan, and Lake County Land Development Regulations,
- 28 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
- 29
- 30 K. After establishment of the facilities as provided herein, the aforementioned property
- 31 shall only be used for the uses named in this Ordinance.
- 32
- 33 L. This Ordinance shall inure to the benefit of, and shall constitute a covenant running
- 34 with the land and the terms, conditions, and provisions hereof, and shall be binding
- 35 upon the present owner and any successor, and shall be subject to each and every
- 36 condition herein set out.
- 37
- 38 M. The transfer of ownership or lease of any or all of the property described in this
- 39 Ordinance shall include in the transfer or lease agreement, a provision that the
- 40 purchaser or lessee is made good and aware of the conditions pertaining to this
- 41 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may
- 42 request a change from the existing plans and conditions by following procedures
- 43 contained in the Lake County Land Development Regulations, as amended.
- 44
- 45 N. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 46 Enforcement Special Master shall have the authority to enforce the terms and
- 47 conditions set forth in this ordinance and to recommend that the Ordinance be

revoked.

Section 2. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Development Review and Approval: Prior to the issuance of any permits, the Owner shall obtain development order approvals from Lake County. The applications for final orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

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

ENACTED this _____ day of _____, 2011.

FILED with the Secretary of State _____, 2011.

EFFECTIVE _____, 2011.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

JENNIFER HILL, Chairman

ATTEST:

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

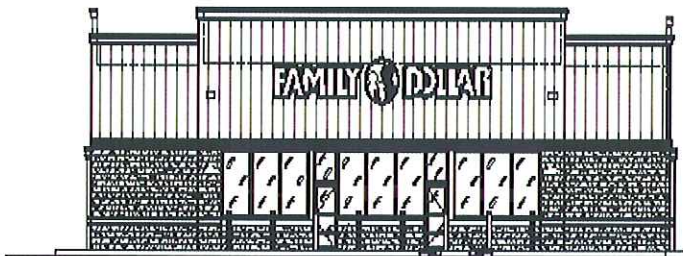
APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

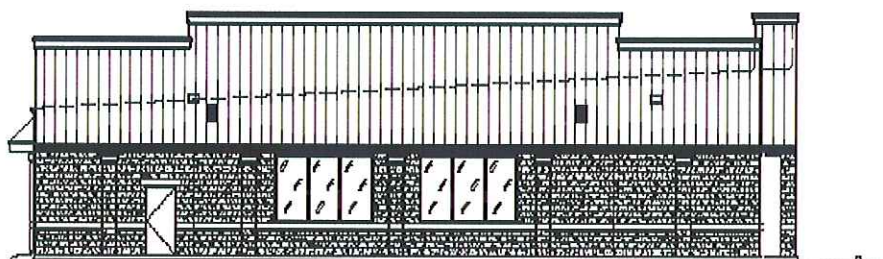
1
2

EXHIBIT B – CONCEPTUAL ARCHITECTURAL DESIGN

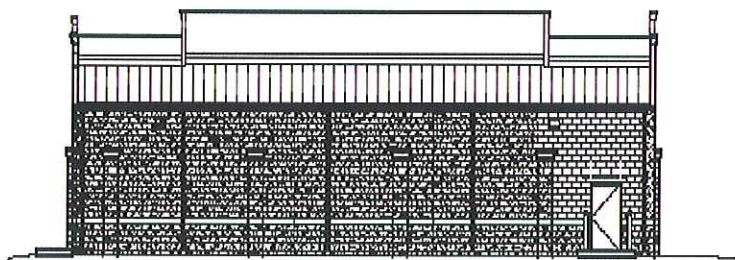
FAMILY DOLLAR STORE - SORRENTO



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

3
4