

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
November 26, 2014



BOARD OF COUNTY COMMISSIONERS
December 16, 2014

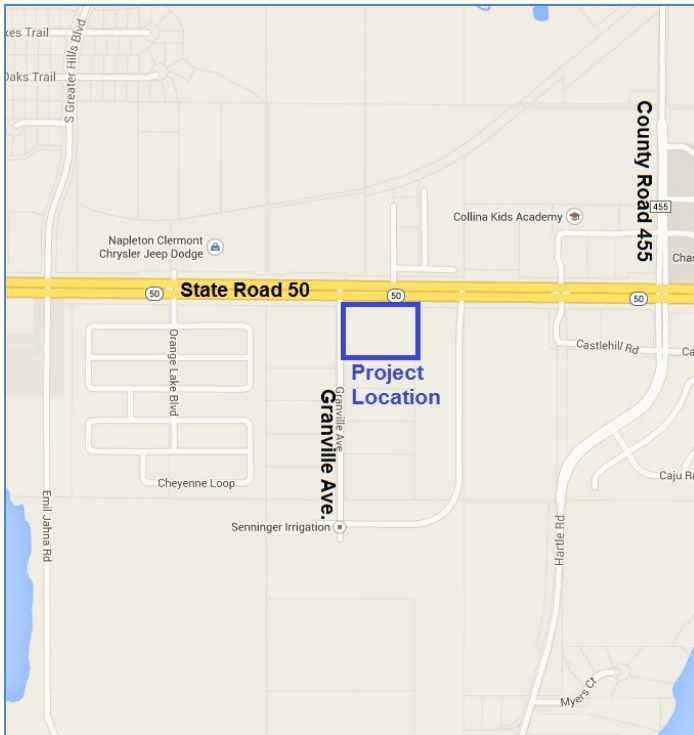
PH #36-14-2 U-Haul Center of Clermont	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: U-Haul Company of Florida (the "Owner")

Applicant: David Clutts, P.E., Civil Engineering Solutions, Inc. (the "Applicant")

Requested Action: Rezone property from Heavy Industrial (HM) to Planned Commercial (CP) to allow Automotive Repair, Consumer Services and Repair, Convenience and General Retail, Self-Service Storage and Warehouses.

- Site Location & Information -



Size	3.49 +/- acres	
Location	Clermont area, Southeast of State Road 50 and Granville Ave. intersection	
Alternate Key #	1453321	
Future Land Use	Regional Office, Lake Apopka Basin Overlay District	
	Existing	Proposed
Zoning District	HM	CP
Impervious Surface Ratio	0.80 max	0.70 max
Floor Area Ratio	1.0 max	2.0 max
Joint Planning Area	Clermont	
Utility Area:	Clermont	
Site Utilities	Existing Central water and sewer	
Road Classification	SR 50 - Urban Principal Arterial - Other Granville Ave. - Local	
Flood Zone/ FIRM Panel	X/590	
Commissioner District	2 (Parks)	

Approximate site location outlined in Blue

Site Visit November 14, 2014
Sign Posted November 14, 2014 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Regional Commercial	Planned Commercial (CP)	Vehicular Sales And Retail	Adjacent to State Road 50
South	Regional Office	Heavy Industrial (HM)	Industrial Facility	
East	Regional Office	Planned Industrial (MP)	Vacant Parcels	
West	Regional Office	Heavy Industrial (HM)	Boat Sales/Repair Facility	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request, with conditions, as set forth in the attached Ordinance. **Approval of this CP ordinance is contingent upon the approval of the proposed Regional Commercial FLUC amendment SLPA #14/10/2-2.**

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone a 3.49 acre property from Heavy Industrial (HM) to Planned Commercial (CP) to allow Automotive Repair, Consumer Services and Repair, Convenience and General Retail, Self-Service Storage and Warehouses. The property is currently used as a U-Haul Rental operation for vehicular rental for the transportation of personal household goods, rental of storage containers and supplies sales.

The subject property is located in the Clermont area, Southeast of State Road 50 and Granville Ave. intersection. The subject property is designated with the Regional Office Future Land Use Category (FLUC) and located within the Major Commercial Corridor. The property is also located within the Lake Apopka Basin Overlay District. The property is currently developed with a U-Haul storage/moving equipment rental facility.

A Small-Scale Comprehensive Plan Future Land Use Map Amendment application to change the FLUC of the subject property from Regional Office to Regional Commercial is being processed simultaneously. The Regional Office FLUC only allows limited commercial uses that support office uses. The proposed CP rezoning for the existing storage/moving equipment rental facility and the proposed uses of Automotive Repair, Consumer Services and Repair, Convenience and General Retail, Self-Service Storage and Warehouses, is consistent with the proposed Regional Commercial FLUC. **Approval of this CP ordinance is contingent upon the approval of the proposed Regional Commercial FLUC amendment SLPA #14/10/2-2 for this property.**

The proposed rezoning request is consistent with the Comprehensive Plan which permits commerce uses in the proposed Regional Commercial FLUC. The rezoning request is also consistent with the Land Development Regulations (LDR), which permit the above mentioned commercial uses 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 the existing storage/moving equipment rental facility and the proposed Automotive Repair, Consumer Services and Repair, Convenience and General Retail, Self-Service Storage and Warehouses uses in the CP Zoning District.

The proposed CP zoning will require additional landscape buffering than the existing HM zoning, which only required landscape buffer along State Road 50 and Granville Avenue. An adjustment to the landscape requirements has been requested by the Applicant (refer to Attachment #1). This request will also allow the site to be developed consistent with the City of Clermont regulations, which in some instances require a wider buffer than the Lake County LDR. The proposed landscape buffers have been included in the proposed CP Ordinance for consideration by the boards.

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

The CP zoning request is consistent with the proposed Regional Commercial FLUC as seen in the Comprehensive Plan Policy I-1.3.7 *Regional Commercial Future Land Use Category*, as commerce uses are allowable in the Regional Commercial FLUC. The subject property is also located within the Major Commercial Corridor.

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

As shown by the map below, the property is situated within the Major Commercial Corridor. The property is surrounded by commercial/industrial uses including vehicular sales and retail to the north, across State Road 50; a boat sales/repair facility to the west; a vacant parcel to the east; and industrial facility uses to the south. The property is currently developed with a storage/moving equipment rental facility. The owner intends to expand the operation on the property for additional related commercial uses, consistent with the proposed CP rezoning. Changing the zoning from industrial to commercial (HM to CP) will make the property's current and proposed uses consistent with the zoning district and the existing uses along State Road 50 and within the Major Commercial Corridor.



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

The 2030 Comprehensive Plan designated this area as Regional Office in anticipation of office development. This designation of the existing rental equipment facility and the existing storage/moving equipment rental facility created a nonconforming use. The current Regional Office FLUC only allows limited commercial uses that support office uses. The property is currently developed with a storage/moving equipment rental facility. The owner intends to expand his operation in the property for additional related commercial uses instead of industrial uses. Therefore, it is necessary to change the property's zoning from industrial to commercial (HM to CP) which allows commercial development.

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 currently being served with central water and sewer by the City of Clermont through a utility services agreement.

Transportation - Public Works Engineering has indicated that the standard Level of Service (LOS) for the impacted roadway of SR 50 is "D" with a capacity of 3,020 trips. This segment of roadway (Hancock Rd to CR 455) is currently operating at seventy four percent (74%) of its capacity. This project will be generating nineteen (19) peak hour trips; with fourteen (14) directional pm peak hour trips increasing the volume to capacity ratio (v/c) to seventy five percent (75%). Currently there are no State funded improvements scheduled for this segment of SR 50 roadway. The rezoning project proposes various land uses for the future; therefore, transportation concurrency will be determined at the time of those changes. The full extent of the impacts will be evaluated as part of the site plan review process for the proposed expansion.

Fire and Emergency Services - The subject parcel is approximately 0.5 miles from Lake County Fire Station 90 (closest fire station), located at 16311 State Road 50, Clermont.

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

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

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

The application does not include any information regarding effect of the proposed rezoning on area property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

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

The proposed rezoning will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

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

1. The CP zoning request is consistent with the proposed Regional Commercial FLUC as seen in the Comprehensive Plan Policy I-1.3.7 *Regional Commercial Future Land Use Category*, as commerce uses are allowable in the Regional Commercial FLUC. The subject property is also located within the Major Commercial Corridor.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits the existing and proposed commercial uses in the CP Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance. **Approval of this CP ordinance will be subject to the approval of the proposed Regional Commercial FLUC amendment SLPA #14/10/2-2.**

WRITTEN COMMENTS FILED:

Supportive: -0-

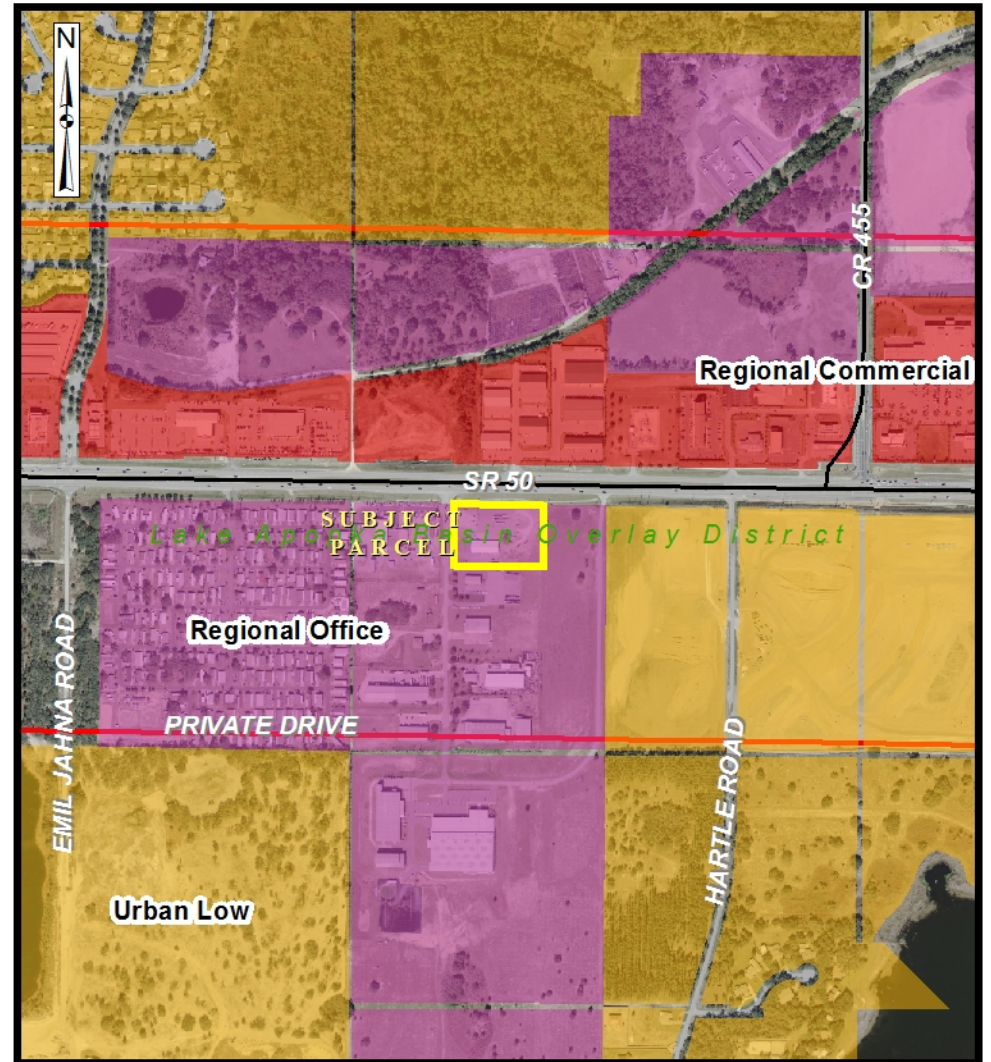
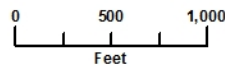
Concern: -0-

Opposition: -0-



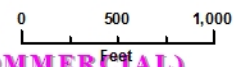
CURRENT ZONING

HEAVY INDUSTRIAL (HM)



ADOPTED FUTURE LAND USE

REGIONAL OFFICE (PROPOSED REGIONAL COMMERCIAL)



**U-HAUL CENTER
OF CLERMONT**

CASE NO.
PH #36-14-2

CASE LOCATION:
S26, T22S, R26E

REQUESTING:
Rezone from Heavy Industrial (HM) to
Community Commercial (C-2) to allow commercial uses.

ZONING (Red outline)

LAND USE (Purple outline)

SUBJECT PARCEL (Yellow outline)

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

MAP COMPOSITION:
JANUARY, 2008

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 of location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

FOCUS AREA

**LAKE COUNTY
FLORIDA**

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

4 **Section 1. Terms:**

5 The County Manager or designee shall amend the Official Zoning Map to reflect Planned Commercial (CP)
6 Zoning in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in
7 this Ordinance and generally consistent with the "Conceptual Plan" attached hereto as Exhibit "A". To the
8 extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take
9 precedence.

10 **A. Land Uses:**

- 11 1. Storage/Moving Equipment Rental Facility and Operation
- 12 2. Self-Service Storage
- 13 3. Warehouses
- 14 4. Rental of Moving Trucks/Van, Including Repair of Such Vehicles
- 15 5. Consumer Services and Repair
- 16 6. Convenience and General Retail

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

20 **B. Specific Conditions:**

- 21 1. A site plan application will be required for any future expansions/additions.
- 22 2. Noise: A noise study will not be required for the expansion of the existing storage/moving
23 equipment rental facility and accessory uses. Public Address Systems or similar amplification
24 devices shall not be installed or used.

25 **C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in**
26 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

27 **D. Landscaping, Buffering, and Screening:**

- 28 1. North Landscape Buffer (along State Road 50): A minimum 20-foot wide landscape buffer
29 consisting of three (3) canopy trees, five (5) ornamental trees, and one (1) single row of shrubs per
30 100 linear feet.
- 31 2. West Landscape Buffer (along Granville Avenue.): A minimum 15-foot wide landscape buffer
32 consisting of three (3) canopy trees, five (5) ornamental trees, and one (1) single row of shrubs per
33 100 linear feet.
- 34 3. East Landscape Buffer: A minimum 10-foot wide landscape buffer consisting of three (3) canopy
35 trees, one (1) ornamental tree, and one (1) single row of shrubs (at building) per 100 linear feet.
- 36 4. South Landscape Buffer: A minimum 10-foot wide landscape buffer consisting of three (3) canopy
37 trees, one (1) ornamental tree, and one (1) single row of shrubs per 100 linear feet.

- 1 5. All other landscape buffer requirements shall be in accordance with the LDR, as amended. Existing
2 trees and shrubs may be used to meet the landscape buffer requirements in accordance with the
3 LDR, as amended.
- 4 A. Transportation Improvements/Access Management: Access management shall be in accordance with
5 the LDR, as amended.
- 6 B. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
7 Sky Principles.
- 8 C. Signage: Signs shall be in accordance with the LDR, as amended.
- 9 D. Concurrency Management Requirements: Any development shall comply with the Lake County
10 Concurrency Management System, as amended.
- 11 E. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
12 required to submit a site plan for review and approval in accordance with the Comprehensive Plan and
13 LDR, as amended.
- 14 F. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
15 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
16 Lake County Land Development Regulations shall include any future amendments to the Statutes,
17 Code, Plans, and/or Regulations.

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

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

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

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

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

8 ENACTED this _____ day of _____, 2014.

9 FILED with the Secretary of State _____, 2014.

10 EFFECTIVE _____, 2014.

11 BOARD OF COUNTY COMMISSIONERS
12 LAKE COUNTY, FLORIDA

13 _____
14 JIMMY CONNER, Chairman

15 ATTEST:

16 _____
17 NEIL KELLY, Clerk of the
18 Board of County Commissioners
19 Lake County, Florida

20 APPROVED AS TO FORM AND LEGALITY

21 _____
22 SANFORD A. MINKOFF, County Attorney
23

Exhibit B

Requested Variances

The following is a list of requested variances associated with this rezoning application.

Requested Waiver

A waiver is requested to Lake County Land Development Regulation Chapter 9.01.06 Landscape Buffer Requirements. Justification – This waiver will allow the existing improvements along the south property line to remain and this waiver request will also allow the site to be developed consistent with the City of Clermont Land Development codes. Development in accordance with the City of Clermont code is required per an existing utility service agreement.

Approval of this waiver will clarify buffer requirements to be applied by Lake County for this zoning request. The waivers will also establish buffers that can be consistent with the City of Clermont codes while taking into account this is an existing developed site and part of an existing developed industrial park zoned HM.

Waiver Descriptions:

- A. East Buffer (per 100')
 - 1. Required - Lake County Code requires a Type "B" Buffer 15' wide with three (3) canopy trees, two (2) ornamental trees, and one (1) single row of shrubs.
 - 2. Proposed – 10' Buffer with three (3) canopy trees, one (1) ornamental trees, and one (1) single row of shrubs (at building).
 - 3. Explanation - The adjacent use is vacant and zoned MP. Current zoning of these parcels, HM to MP, does not require a buffer.

- B. South Buffer (per 100')
 - 1. Required - Lake County Code requires a Type "D" Buffer 30' wide with eight (8) canopy trees, seven (7) ornamental trees, and two (2) rows of shrubs.
 - 2. Proposed – 10' Buffer with three (3) canopy trees, one (1) ornamental trees, and one (1) single row of shrubs.
 - 3. The adjacent use is industrial and improvements along the south property line allow for a 10' buffer. Current zoning of these parcels, HM to HM, does not require a buffer.

- C. West Buffer (per 100') (Street Buffer Type "A")

1. Required - Lake County Code requires a Type "A" Buffer 10' wide with two (2) canopy trees, one (1) ornamental tree, and one (1) row of shrubs.
 2. Proposed – 15' Buffer with three (3) canopy trees, five (5) ornamental trees, and one (1) single row of shrubs.
 3. The adjacent use is industrial and improvements along the west property line allow for a 15' buffer. The City of Clermont requires a 15' buffer on local roads and streets.
- D. North Buffer (per 100') (Street Buffer Hwy 50 - Type "C")
1. Required - Lake County Code requires a Type "C" Buffer min 15' wide with four (4) canopy trees, three (3) ornamental tree, and two (2) rows of shrubs.
 2. Proposed – 20' Buffer with three (3) canopy trees, five (5) ornamental trees, and one (1) single row of shrubs.
 3. The use on the opposite side of E. Hwy 50 is Commercial and the City of Clermont requires a 20' wide buffer on arterial roads.