

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD  
November 26, 2014



BOARD OF COUNTY COMMISSIONERS  
December 16, 2014

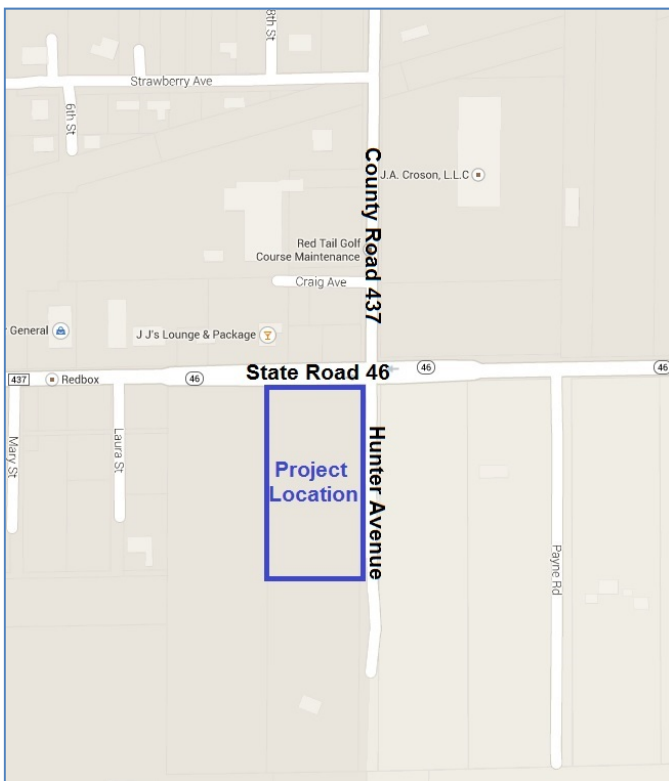
<b>CUP #14/10/1-4 Mossy Oak Fences</b>	<b>Case Manager:</b> Melving Isaac, Planner	<b>Agenda Item #5</b>
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**Owner:** Payne Road Properties, LLC (the "Owner")

**Applicant:** Green Consulting Group, Inc. (the "Applicant")

**Requested Action:** The Applicant is requesting a Conditional Use Permit (CUP) for fence manufacturing/sales within the Mount Plymouth-Sorrento Main Street Future Land Use Category and the Community Commercial (C-2) Zoning District.

### - Site Location & Information -



Approximate site location outlined in Blue

<b>Size</b>	4.466 +/- acres	
<b>Location</b>	Sorrento area, Southwest of SR 46 and Hunter Avenue intersection	
<b>Alternate Key #</b>	3519221	
<b>Future Land Use</b>	Mount Plymouth-Sorrento Main Street, Wekiva Study Area	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	R-1	C-2
<b>Impervious Surface Ratio Comprehensive Plan (Policy I-3.2.6)</b>	0.60 max	0.60 max
<b>Floor Area Ratio Comprehensive Plan (Policy I-3.2.6)</b>	0.30 max	0.30 max
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Site Utilities</b>	Proposed well and septic system	
<b>Road Classification</b>	SR 46 - Rural Principal Arterial - Other Hunter Avenue - Local	
<b>Flood Zone/ FIRM Panel</b>	X/395	
<b>Commissioner District</b>	4 (Campione)	

**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>
<b>North</b>	Mount Plymouth-Sorrento Main Street	Planned Commercial (CP), Neighborhood Commercial (C-1), Urban Residential (R-6)	Commercial, Residential	Adjacent to State Road 46
<b>South</b>	Mount Plymouth-Sorrento Main Street	Rural Residential (R-1)	Residential	
<b>East</b>	Mount Plymouth-Sorrento Main Street	Planned Commercial (CP)	Proposed Commercial and Church	Adjacent to Hunter Avenue
<b>West</b>	Mount Plymouth-Sorrento Main Street	Urban Residential (R-6)	Wooded Vacant Parcel	

– Summary of Staff Determination –

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the Conditional Use Permit request, subject to the conditions set forth in the attached Ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) for fence manufacturing/sales within the Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC) and the Community Commercial (C-2) Zoning District. This CUP application is being processed concurrently with a C-2 Rezoning (PH #31-14-4) for the subject property. The property is located in the Sorrento area, Southwest of SR 46 and Hunter Avenue intersection. The property is currently undeveloped and is located within the Wekiva Study Area.

The requested use is consistent with the Comprehensive Plan, which allows light industrial uses, such as manufacturing with the issuance of a CUP in this FLUC.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

**A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).**

The proposed rezoning request is consistent with the Comprehensive Plan Policy I-3.2.6 *Mount Plymouth-Sorrento Main Street Future Land Use Category*, which allows light industrial uses, such as manufacturing, with the issuance of a Conditional Use Permit (CUP). Activities are limited to those without off-site impacts and takes place primarily within an enclosed building.

This parcel is part of the area known as the Sorrento Commons Property identified in Comprehensive Plan Policy I-1.6.8, *Specific Limitations on the Sorrento Commons Property*, which limits the development to three (3) primary structures which shall not exceed 15,000 square feet of floor area and further limits structures other than the primary not to exceed 8,000 square feet of floor area for new development.

Comprehensive Plan Policy I-2.1.13 *Parking in the Mount Plymouth Sorrento Community* requires parking lots to be located behind the buildings that front Main Street.

The Conceptual Plan attached to the proposed CUP Ordinance complies with the above requirements. The full extent will be evaluated as part of the site plan review process for the proposed development.

This CUP application is being processed concurrently with a C-2 Rezoning (PH #31-14-4) for the subject property to allow commercial uses in accordance with the Mount Plymouth-Sorrento Main Street FLUC. LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, does not include light industrial uses, such as the proposed manufacturing under the C-2 Zoning District. However, as mentioned above, the Comprehensive Plan Policy I-3.2.6 *Mount Plymouth-Sorrento Main Street Future Land Use Category*, allows light industrial uses, such as manufacturing, with the issuance of a CUP.

**B. Effect on Adjacent Properties.**

**1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.**

The attached CUP Ordinance contains provisions to ensure mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, screening, and setbacks. In addition, as part of the site plan review process, a noise study will be required per LDR Section 9.09.00 *Noise Protection Standards*. All recommendations of the noise study will be incorporated into the site plan.

**2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

As shown in the map below, the property which is located within the Mount Plymouth-Sorrento Main Street FLUC, is bordered at the north by commercial, residential and industrial uses across State Road 46; east by property which is being rezoned for commercial and church uses; west by a vacant property, and to the south by rural residential. The proposed CUP fence manufacturing/sales is compatible with the existing and proposed industrial/commercial uses along State Road 46 (Main Street).



**3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

The proposed CUP ordinance contains conditions to limit impacts to the immediate adjacent properties. The proposed conditions include landscaping, buffering, screening, noise and setbacks. These items will be addressed in detail during the site plan process.

**4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

Conditions are incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses through the implementation of landscaping, buffering, screening, noise and setbacks to mitigate any impacts to adjacent land uses. In addition, activities are limited to those without off-site impacts and takes place primarily within an enclosed building as required by Mount Plymouth-Sorrento Main Street FLUC for light industrial uses.

**C. Adequacy of Public Facilities.**

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

Water/Sewage - The property will be served by well and septic system. The Florida Department of Health has indicated that the property is in the delineated Ethylene Dibromide (EDB) area and any well permits will need to be issued through St. Johns River Water Management District.

Transportation - Public Works Transportation Division has indicated that the standard Level of Service (LOS) for the impacted roadway of SR 46 is "C", with a capacity of 710. This segment of roadway CR 437 N to CR 435 is currently operating at ninety four percent (94%) of its capacity in the peak direction during the peak period. This project will be generating one hundred and twenty seven (127) peak hour trips; with seventy one (71) directional pm peak hour trips increasing the volume to capacity (v/c) ratio to one hundred and four percent (104%). Currently the Wekiva Parkway project is schedule to affect the SR 46 Roadway. Applicant will be required to submit a traffic study prior to site plan approval.

Public Works Engineering Division has indicated that the following conditions will be included the proposed CUP ordinance:

- The site shall dedicate 50 feet from the section line (30-19-28) of Hunter Avenue.
- Access for the site shall be limited to Hunter Avenue. Direct access off of SR 46 shall be prohibited.
- The site will be required to modify the signal at the intersection of SR 46 and Hunter Avenue.

The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use.

**D. Adequacy of Fire Protection.**

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is approximately 1 mile from Lake County Fire Station 39 (closest fire station), located at 31431 Walton Heath, Sorrento.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed conditional use permit and found:

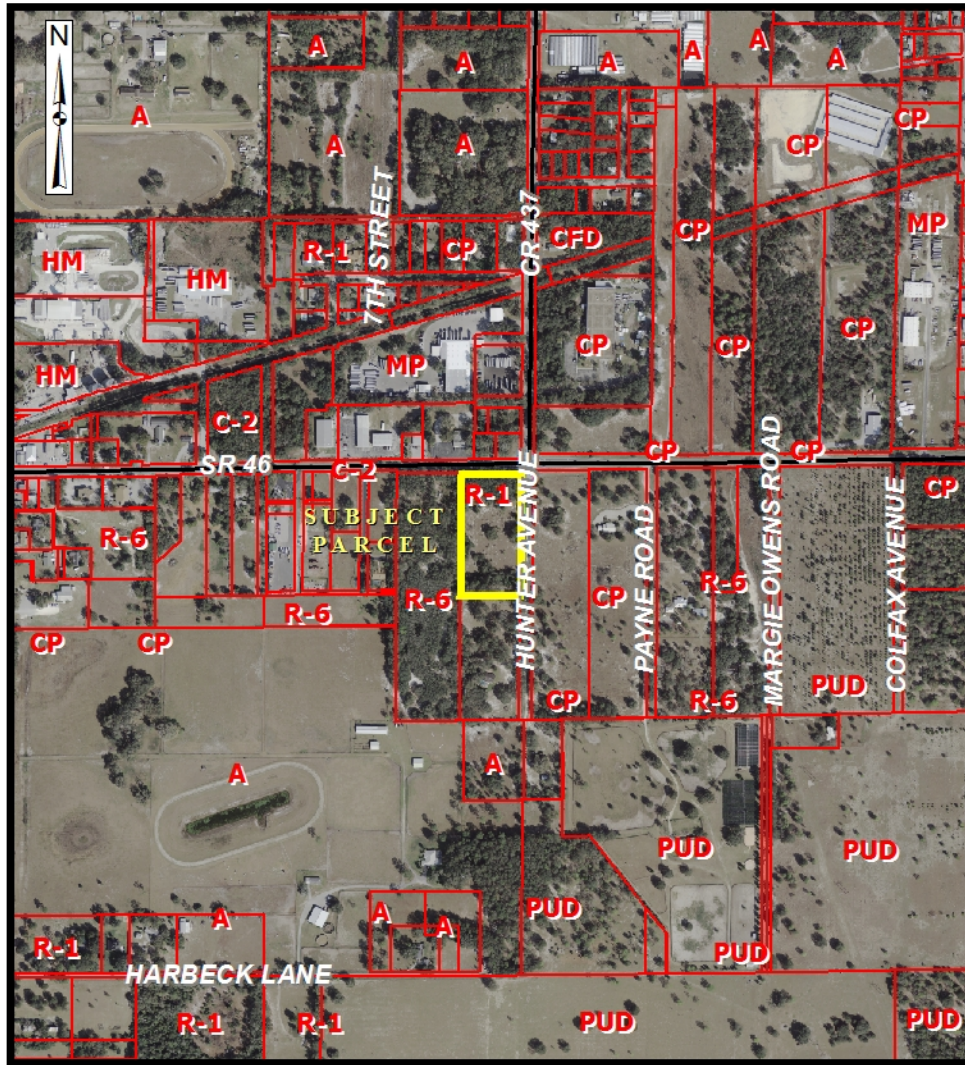
1. The request is consistent with Comprehensive Plan Policy I-3.2.6 *Mount Plymouth-Sorrento Main Street Future Land Use Category*, as commercial uses including services, retail trade, finance, insurance, and real estate are allowable in the Mount Plymouth-Sorrento Main Street FLUC.
2. This CUP application is being processed concurrently with a C-2 Rezoning (PH #31-14-4) for the subject property to allow commercial uses. LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, does not include light industrial uses, such as the proposed manufacturing under the C-2 Zoning District. However, the Comprehensive Plan Policy I-3.2.6 *Mount Plymouth-Sorrento Main Street Future Land Use Category*, allows light industrial uses, such as manufacturing, with the issuance of a CUP.
3. The request is consistent with Comprehensive Plan Policy I-1.6.8, Specific Limitations on the Sorrento Commons Property, which limits the development to three (3) primary structures which shall not exceed 15,000 square feet of floor area and further limits structures other than the primary not to exceed 8,000 square feet of floor area for new development. The Conceptual Plan attached to the proposed CUP Ordinance shows compliance with this requirement.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

**WRITTEN COMMENTS FILED: Supportive: -0-**

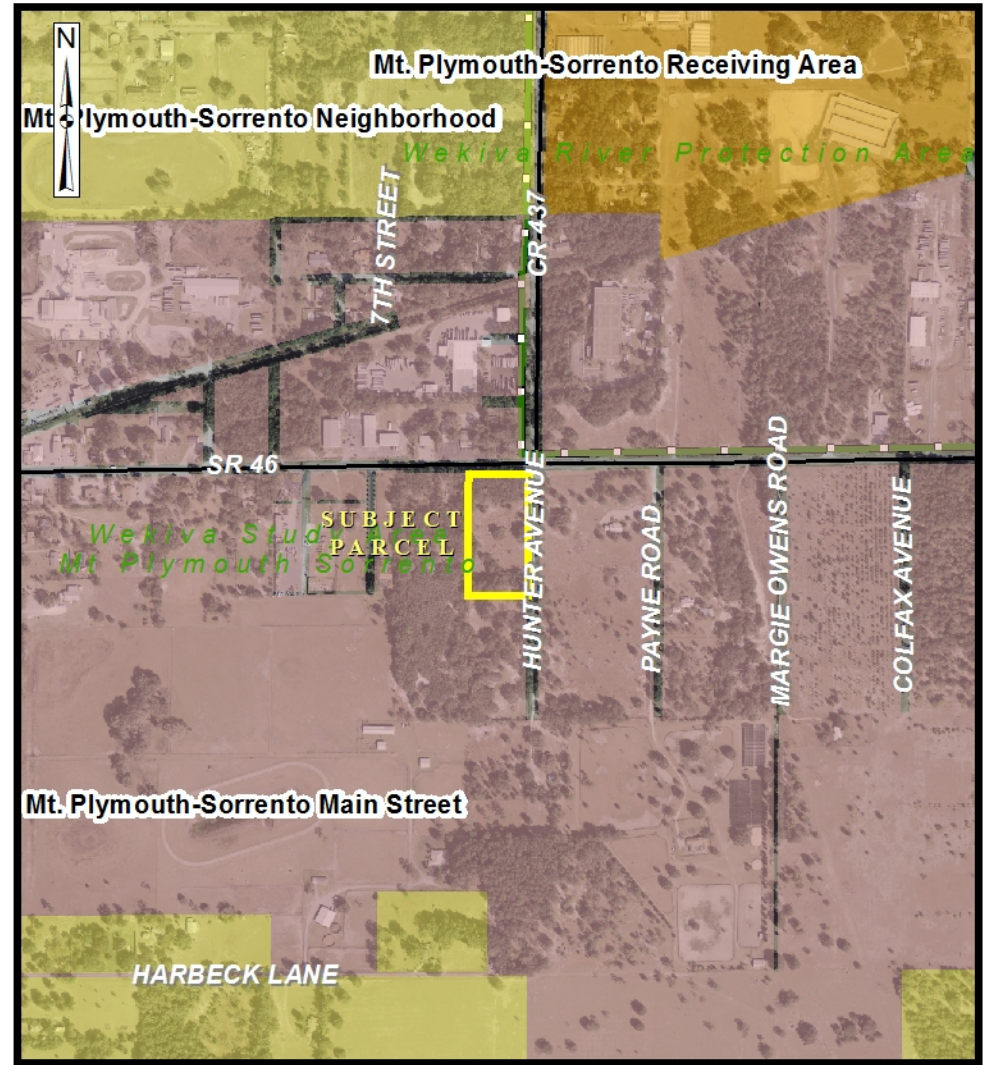
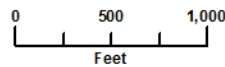
**Concern: -0-**

**Opposition: -0-**



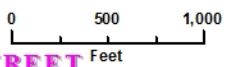
**CURRENT ZONING**

**RURAL RESIDENTIAL (R-1)**



**ADOPTED FUTURE LAND USE**

**MOUNT PLYMOUTH-SORRENTO MAIN STREET**



**MOSSY OAK FENCES**

**CASE NO.**  
CUP #14/10/1-4

**CASE LOCATION:**  
S30, T19S, R28E

**REQUESTING:**  
Conditional Use Permit (CUP)  
for fence manufacturing/sales.

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

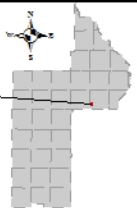
**DATA SOURCES:**

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

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 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.

**MAP COMPOSITION:**  
JANUARY, 2008

**FOCUS AREA**





- 1 **Section 2.** Terms: This Ordinance shall mean and include the total of the following uses as included  
2 herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect  
3 a Conditional Use Permit (CUP), in accordance with this Ordinance.
- 4 A. Land Uses: Use of the site shall be limited to the use specified below and consistent with Mount  
5 Plymouth-Sorrento Main Street FLUC, and the with Exhibit "A" Conceptual Plan:  
6 1. Fence Manufacturing/Sales.  
7 Accessory uses directly associated with this use may be approved by the County Manager or  
8 designee. Any other use of the site shall require an amendment to this Ordinance as approved by the  
9 Board of County Commissioners.
- 10 To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the  
11 Ordinance shall take precedence.
- 12 B. Specific Conditions:  
13 1. The Permittee shall submit a site plan application for review and approval for the fence  
14 manufacturing/sales facility and associated uses generally consistent with the concept plan  
15 depicted on Exhibit "A".  
16 2. Structures for the *Sorrento Commons Property*: Primary structures will be limited in number as  
17 established by the Comprehensive Plan, as amended. Primary structures and structures other than  
18 the primary shall not exceed the maximum square feet of floor area as established by the  
19 Comprehensive Plan, as amended.  
20 3. Activities are limited to those without off-site impacts and takes place primarily within an enclosed  
21 building.  
22 4. Storage: There shall be no storage of materials, equipment or vehicles within landscape buffers.  
23 5. Parking: Parking lots shall be located behind the buildings that front Main Street in accordance with  
24 the Comprehensive Plan, as amended, and consistent with the Exhibit "A" Conceptual Plan.
- 25 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in  
26 accordance with the Comprehensive Plan and LDR, as amended.
- 27 D. Noise: Compliance shall be in accordance with the LDR, as amended.
- 28 E. Transportation Improvements/Access Management: Requirements shall be determined for the  
29 proposed uses at site plan review and in accordance with the LDR, as amended. At a minimum, but not  
30 be limited to, the following conditions are required for development of the property in accordance with  
31 the Exhibit "A" Conceptual Plan, unless determined at site plan review to be unnecessary:  
32 1. The site shall dedicate 50 feet from the section line (30-19-28) of Hunter Avenue.  
33 2. Access for the site shall be limited to Hunter Avenue. Direct access off of SR 46 shall be  
34 prohibited.  
35 3. The site will be required to modify the signal at the intersection of SR 46 and Hunter Avenue.  
36 4. The Applicant will be required to submit a Traffic Study.
- 37 F. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and shall be in  
38 accordance with the LDR, as amended, and consistent with Dark-Sky Principles.

- 1 G. Signage: Signs, if any, shall be in accordance with the LDR, as amended.
- 2 H. Fire Protection and Emergency Services Access:
- 3 1. Access and fire safety requirements of the property shall be provided in accordance with the
- 4 Florida Fire Prevention Code and LDR, as amended.
- 5 2. An improved and unobstructed point of ingress and egress shall be provided for all emergency
- 6 vehicles. If improvements are necessary for ingress and egress, the property owner shall be
- 7 responsible for constructing the point of ingress and egress to Lake County standards.
- 8 I. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a
- 9 site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review and approval in
- 10 accordance with the Comprehensive Plan and LDR, as amended.
- 11 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
- 12 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
- 13 Lake County Land Development Regulations shall include any future amendments to the Statutes,
- 14 Code, Plans, and/or Regulations.

15 **Section 3. Additional Conditions:**

- 16 A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of the
- 17 Permittee or his successor to: Fulfill development in substantial accordance with the conceptual plan as
- 18 submitted to the Planning & Zoning Board and the Board of County Commissioners; comply with the
- 19 codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with
- 20 any of the terms of the Conditional Use Permit; or if this CUP is found to become a nuisance or safety
- 21 hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning Board and
- 22 the Board of County Commissioners.
- 23 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
- 24 the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee
- 25 or any successor and his interest hereto.
- 26 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
- 27 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
- 28 to recommend that the ordinance be revoked.
- 29 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
- 30 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual
- 31 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours, a
- 32 fee shall also be assessed.



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

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

5 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

6 FILED with the Secretary of State \_\_\_\_\_, 2014.

7  
8  
9  
10 EFFECTIVE \_\_\_\_\_, 2014.

11  
12 BOARD OF COUNTY COMMISSIONERS  
13 LAKE COUNTY, FLORIDA

14 \_\_\_\_\_  
15 JIMMY CONNER, Chairman

16 **ATTEST:**

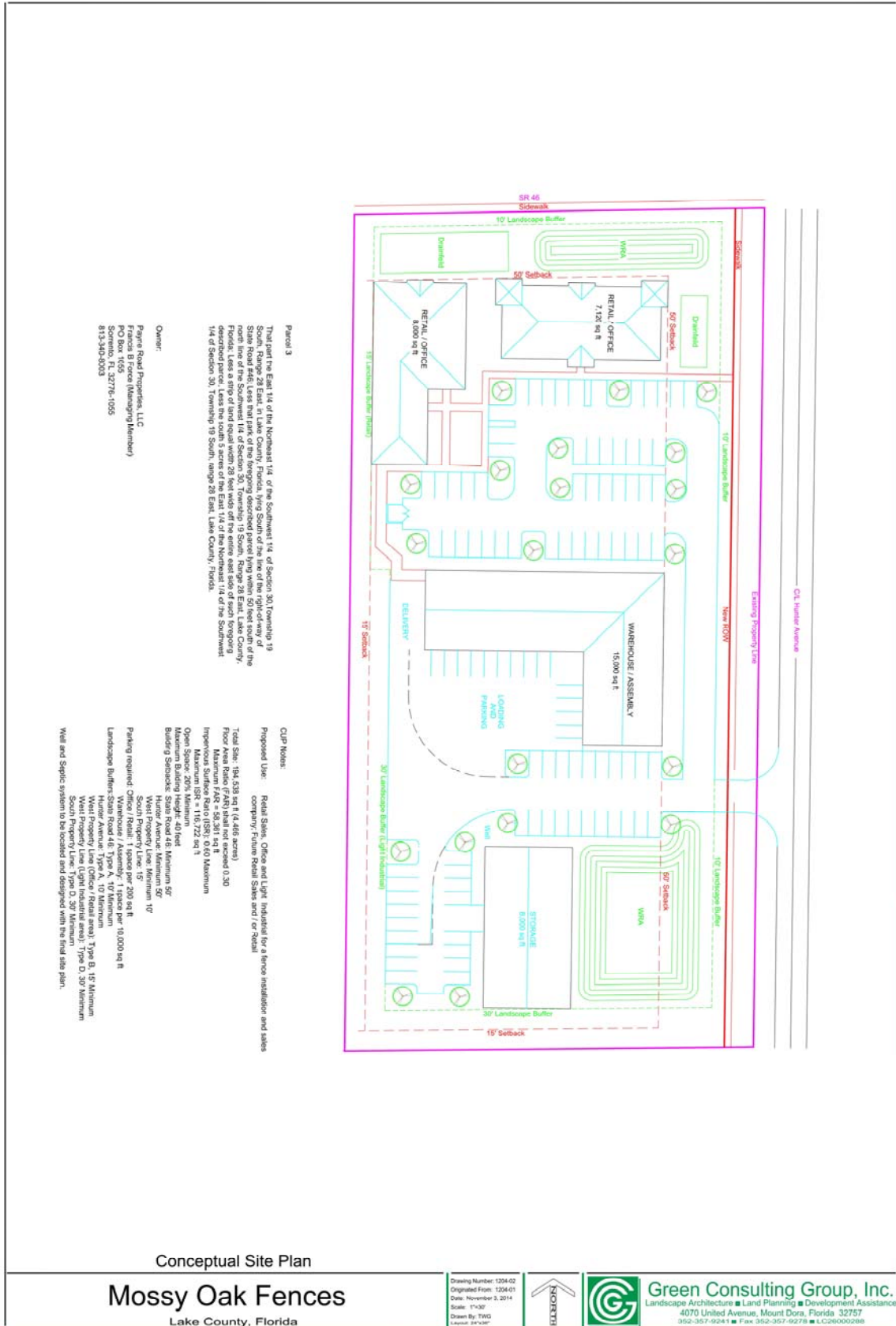
17 \_\_\_\_\_  
18 NEIL KELLY, Clerk of the  
19 Board of County Commissioners  
20 Lake County, Florida

21 **APPROVED AS TO FORM AND LEGALITY**

22 \_\_\_\_\_  
23 SANFORD A. MINKOFF, County Attorney

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EXHIBIT "A" - CONCEPTUAL PLAN



**Parcel 3**

That part the East 1/4 of the Northeast 1/4 of Section 30, Township 19 South, Range 28 East, in Lake County, Florida, being South of the line of the right-of-way of the north line of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida. Less a strip of land equal width 28 feet wide off the entire east side of each foregoing described parcel. Less the South 5 acres of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida.

**Owner:**  
 Payne Road Properties, LLC  
 Francis B Payne (Managing Member)  
 PO Box 1658 32776-1055  
 813-340-4003

**CUIP Notes:**

Proposed Use: Retail Sales, Office and Light Industrial for a fence installer and sales company; Future Retail Sales and/or Retail

Total Site: 184,558 sq ft (4.26 acres)  
 Floor Area Ratio (FAR): 0.20  
 Maximum FAR = 0.31 sq ft  
 Impervious Surface Ratio (ISR): 0.10 Maximum  
 Maximum ISR = 116,722 sq ft

Open Space Requirements:  
 Maximum Building Height: 40 feet  
 Building Setback: State Road 46: Minimum 50'  
 Hunter Avenue: Minimum 50'  
 South Property Line: Minimum 10'

Parking required: Office/Retail: 1 space per 200 sq ft  
 Warehouse/Assembly: 1 space per 10,000 sq ft

Landscaping Buffers:  
 Hunter Avenue: Type A, 10' Minimum  
 West Property Line (Office/Retail area): Type B, 15' Minimum  
 West Property Line (Light Industrial area): Type D, 30' Minimum  
 Open Space: 10% of the total site area.  
 Wall and sign system to be selected and designed with the final site plan.

Conceptual Site Plan  
**Mossy Oak Fences**  
 Lake County, Florida

Drawing Number: 1204-02  
 Original Date: 12/04/01  
 Date: November 3, 2014  
 Scale: 1"=30'  
 Drawn By: TWG  
 License: 24078



**Green Consulting Group, Inc.**  
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 4070 United Avenue, Mount Dora, Florida 32757  
 352-357-9241 ■ Fax 352-357-9278 ■ LC26000208

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