

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
November 28, 2012



BOARD OF COUNTY COMMISSIONERS
December 18, 2012

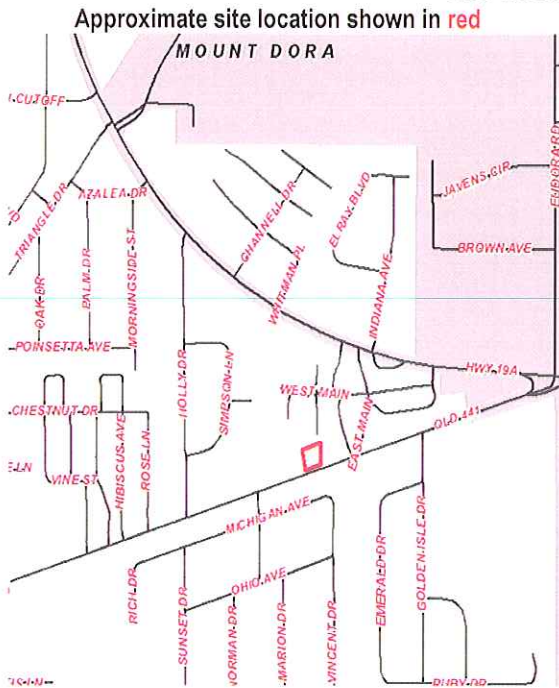
PH #35-12-4 Traylor Property Rezoning	Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner	Agenda Item # 1
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Owner: Edward D. & Virginia L. Traylor (the "Owner")

Applicant: Edward D. & Virginia L. Traylor (the "Applicant")

Requested Action: The Applicant is requesting to rezone 0.31 +/- Acres from Light Industrial (LM) to Planned Commercial (CP), to permit Neighborhood Commercial (C-1) uses, self-service/RV storage, and warehousing on the property.

- Site Location and Information -



Size	0.31 +/- Acres
Location	Sections 26/ Township 19S/ Range 26E, Mt. Dora area – along the north side of Old Hwy. 441, east of Holley Drive
Alternate Key Number(s)	2616300
Future Land Use (FLU)	Urban High
Commercial Overlays	Major Commercial Corridor
Existing Zoning District	Light Industrial (LM)
Proposed Zoning District	Planned Commercial (CP)
Maximum Floor Area Ratio (FAR)	Max. 2.0 – 2030 Comprehensive Plan (Table FLUE 2)
Minimum Open Space	10%
Maximum Impervious Surface Ratio (ISR)	Max. 80% – 2030 Comprehensive Plan (Table FLUE 2)
Joint Planning Area	Mount Dora
Utility Area	Mount Dora
Site Utilities	Water-City of Mount Dora Sewer-City of Mount Dora
Road District	Old Hwy 441 - Rural Minor Arterial
Flood Zone / FIRM Panel	Zone X /0366D Effective July 3, 2002
Commissioner's District	4 – Campione

Site Visit(s): November 13, 2012

Sign(s) Posted: November 13, 2012 (1)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban High	R-6	Residential	Riley Mobile Home Rental Park
South	Urban High	LM, CFD & R-1	Railroad, Church, & Residential	None
East	Urban High	LM	Commercial (Retail) & Residential	Riley Mobile Home Rental Park
West	Urban High	LM	Church & Restaurant	Green House Restaurant

- 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.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone 0.31 +/- acres from Light Industrial (LM) to Planned Commercial (CP) to permit Neighborhood Commercial (C-1) Uses to include, self-service/RV storage, and warehousing on the property. The property is situated within the Urban High Density Future Land Use Category (FLUC) and a Major Commercial Corridor Overlay District, both of which allow commercial development. The property is currently developed with a vacant structure that has been utilized as general retail and professional office. The Applicant wishes to continue with the use of the present structure while adding one (1) self-service storage/RV unit with future plans to remove the current structure and expand the storage facility as shown on the conceptual plan (Exhibit "A") of the attached Ordinance.

Old Hwy 441, a County maintained roadway, provides access to the property. The City of Mount Dora has indicated this property is located within their water and sewer service area. Water and sewer connection requirements will be discussed during the site plan review process, if this rezoning is approved.

- Analysis -

LDR Section 14.03.00

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

The request for Planned Commercial (CP) Zoning is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix, for the Urban Future Land Use Series.

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

The property is located within the Urban High Density FLUC as shown on the Future Land Use Map, in an area designated as a major commercial corridor. Potential development within this future land use category must comply with *Policy I-1.3.4* of the Comprehensive Plan (Plan). The application is consistent with this policy since the proposal is providing commercial uses at an appropriate scale and intensity to serve this category and is located adjacent to an arterial highway (Old Hwy 441), thus minimizing traffic on local and minor collector roadways.

The property is located within the major commercial corridor for Old Highway 441 as specified in Table FLUE 3-Major Commercial Corridors. The rezoning application is consistent with the criteria

outlined in Policy I-1.3.10.6 (1), Comprehensive Plan for development within major commercial corridors.

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 shown on the rezoning map (attached Staff Exhibit). Some of the uses within the immediate area of the proposed rezoning consist of professional office, general and convenience retail (commercial), restaurant, light industrial, and single-family residential uses.

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

There have been no changed conditions in the past two (2) years other than the 2030 Comprehensive Plan established the Urban High FLUC with a Major Commercial Corridor Overlay in this area. The Applicant seeks to rezone in order to develop the property to accommodate Neighborhood Commercial (C-1) type uses. Implementation of this future land use with the commercial overlay, promotes commercial development within the Old Hwy 441 corridor, thus expanding the available commercial services in the area known as the Golden Triangle.

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 Old Hwy 441, a County maintained roadway. Any connection to this roadway will subject to County review and permitting. Any required roadway improvements will be determined during the site plan review process, if this rezoning is approved.

WATER/SEWER

The City of Mount Dora has indicated the property is located within their utility service area for water and sewer. Availability and connection requirements will be determined during the site plan review and approval process if this rezoning is approved.

SOLID WASTE/PARKS & RECREATION/SCHOOLS

Preliminary review indicates this rezoning will not have any negative impact on these facilities. Concurrency review will be required during the site plan review and approval process, if this rezoning is approved.

FIRE

The fire protection for the property is provided by Lake County Fire and Rescue Station #27 located on CR 44B next to the Eustis Airport approximately five (5) miles from the Traylor property. Station #27 is a 24-hour manned station and has an approximate response time of seven (7) to twelve (12) minutes.

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. An Environmental Assessment will be required as part of the submittal for the site plan. Any adverse impacts identified by the assessment will be mitigated during the site plan review process if this rezoning is approved.

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 the Old Hwy 441 Major Commercial Corridor which is comprised of commercial and light industrial development along the highway with a mix of residential uses transitioning away from the highway. The proposed rezoning will continue the orderly and logical development pattern that exists in surrounding 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;

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 development pattern for the area.

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.

The property is located within the City of Mount Dora Joint Planning Area. The City has indicated they do not have any comments at this time, but may have comments during the site plan review process, if this rezoning is approved.

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

1. The application is consistent with *Policy I-1.3.4* of the Comprehensive Plan regarding commercial development within the Urban High Density Future Land Use Category.
2. The application is consistent with the criteria outlined in Policy I-1.3.10.6 (1), Comprehensive Plan for development within major commercial corridors.
3. The application is consistent with Table 3.00.03, Land Development Regulations (LDR), Land Use-Zoning District Matrix, for the Urban Future Land Use Series permitting the requested Planned Commercial (CP) Zoning District.

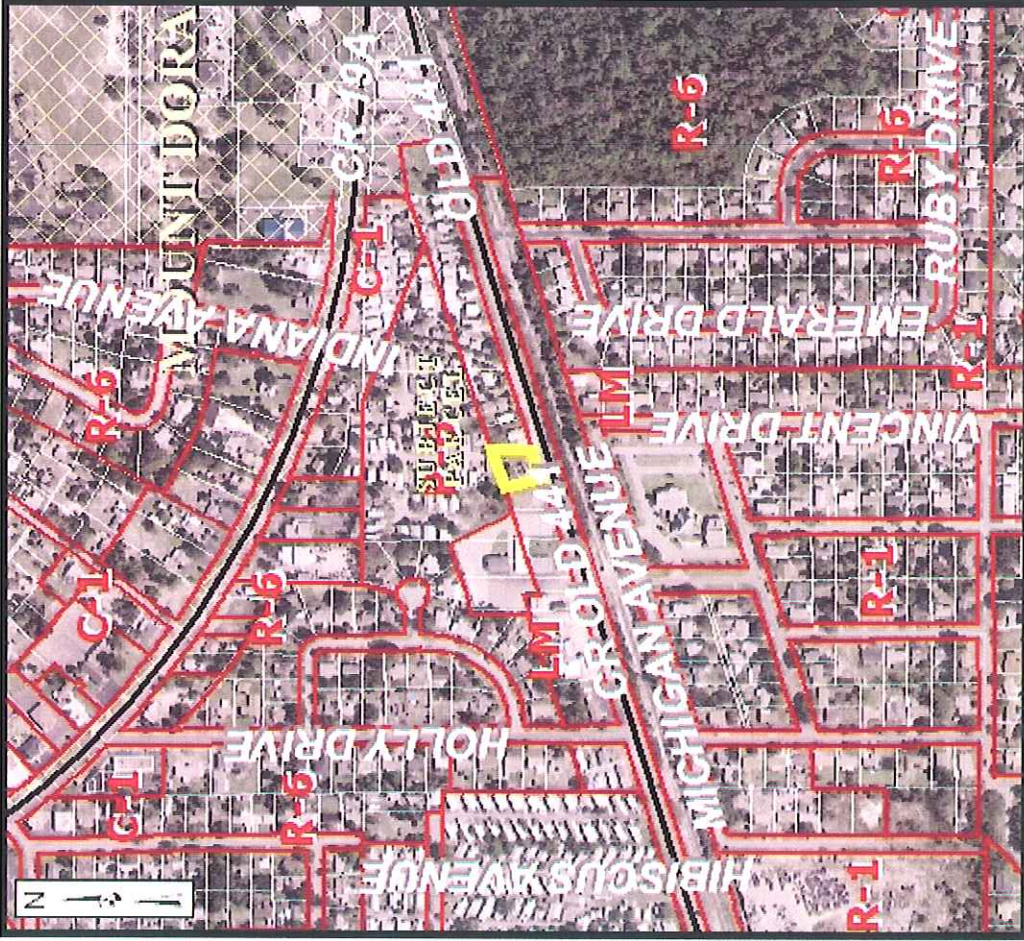
Based on these findings of fact, staff recommends **Approval** for this request subject to the attached Ordinance.

WRITTEN COMMENTS FILED:

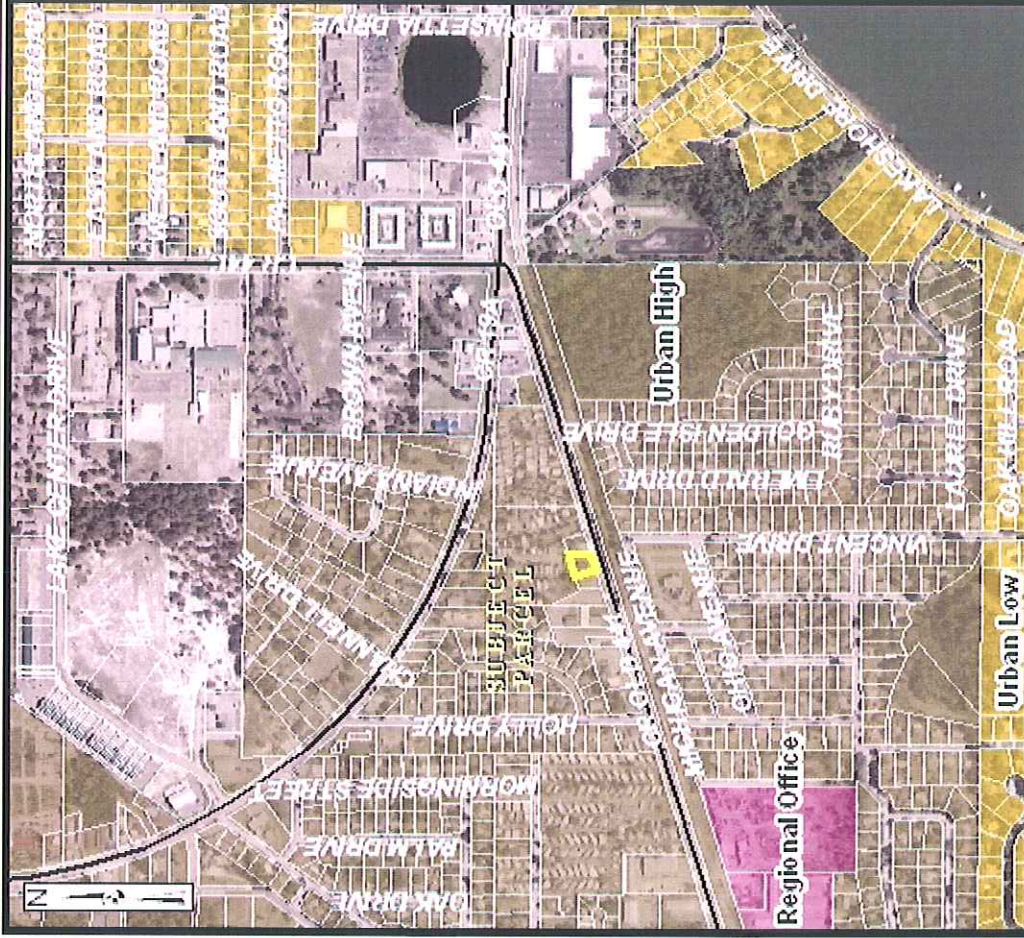
Support: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
LIGHT INDUSTRIAL (LM)



2030 FUTURE LAND USE
URBAN HIGH DENSITY
MAJOR COMMERCIAL CORRIDOR OVERLAY

TRAYLOR PROPERTY
REZONING

CASE NO.
 PH# 35-12-4

CASE LOCATION:
 26-198-26E

REQUESTING:
 Light Industrial (LM) to
 Planned Commercial (CP)

ZONING

LAND USE

SUBJECT PARCEL

PREPARED BY
 OCTOBER 2012

FOCUS AREA

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ORDINANCE #2012-XX
Edward D. and Virginia L. Traylor
PH #35-12-4

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

WHEREAS, Edward D. and Virginia L. Traylor (the "Applicant") made a request to rezone 0.31 +/- acres from Light Industrial (LM) to Planned Commercial (CP) with Neighborhood Commercial (C-1) Uses together with Self-Service/RV Storage, and Warehousing on the property; and

WHEREAS, the subject property consists of 0.31 +/- acres and is generally located east of Tavares on Old Hwy 441 at 3501 Old Hwy 441 in Sections 26, Township 19 South, Range 26 East, lying within Alternate Key Numbers 2616300, and more particularly described as:

That part of Government Lot 4, in Section 26, Township 19 South, Range 26 East, Lake County, Florida, Bounded and Described as Follows: From the Northwest Corner of said Government Lot 4, Run South along the West line of said Government Lot 4, a distance of 873.00 Feet to a concrete monument on the Northerly line of the right of way of Old U.S. Highway 441; Thence run North 72°28'00" East, along the Northerly line of said right of way, a distance of 1023.80 Feet to the Point of Beginning of this description; From said Point of Beginning, continue North 72°28'00" East, along the Northerly line of said right of way, a distance of 100.00 Feet; Thence run North 00°07'30" East, a distance of 123.08 Feet; Thence run South 72°28'00" West, a distance of 130.00 Feet to a point that is North 13°57'16" West, a distance of 117.51 Feet from the Point of Beginning; Thence run South 13°57'16" East, a distance of 117.51 Feet to the Point of Beginning and Point of Terminus of this description, containing 13,487.298 Square Feet, more or less.

WHEREAS, the subject property is located within the Urban High Density Future Land Use Category with a Major Commercial Corridor Overlay District as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the subject property is located within the boundaries of the City of Mount Dora Joint Planning Area (JPA); and

WHEREAS, The Lake County Planning and Zoning Board reviewed Petition PH#35-12-4 on the 28th day of November, after giving Notice on petition for a change in use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 18th day of December, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

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

1 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map from Light
2 Industrial (LM) to Planned Commercial (CP) Zoning District with Neighborhood
3 Commercial (C-1) this Ordinance. Development of the site shall be consistent with the
4 Concept Plan as shown in Exhibit "A" (attached), to the extent where there are conflicts
5 between Exhibit "A" and this Ordinance, this Ordinance shall take precedence.

6 A. Land Uses: The following uses shall be permitted:

7 1. Neighborhood Commercial (C-1) uses
8 2. Self-Service/RV Storage
9 3. Warehousing

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

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15 B. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR):
16 The development shall maintain the minimum open space, ISR, and FAR on the site,
17 consistent with the Comprehensive Plan and Land Development Regulations (LDR),
18 as amended.

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20 C. Parking: Parking for the development shall be consistent with the Land Development
21 Regulations and Comprehensive Plan, as amended.

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23 D. Commercial Screening: Commercial screening shall be in accordance with the
24 Comprehensive Plan and Land Development Regulations, as amended.

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26 E. Buffers and Landscaping:

27 All landscape buffers shall be installed and maintained in accordance with the
28 Comprehensive Plan and LDR, as amended.

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30 F. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
31 amended.

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33 G. Transportation: Access management shall be consistent with the Comprehensive Plan
34 and Land Development Regulations, as amended.

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36 H. Lighting: All exterior lighting shall be in accordance with the Comprehensive Plan and
37 Land Development Regulations, as amended.

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39 I. Noise: A noise assessment shall be required with the site plan submittal to
40 demonstrate mitigation for any noise impacts the proposed project may have on the
41 neighboring uses pursuant to the LDR, as amended.

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43 J. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as
44 amended.

- 1 K. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
2 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
3 County Comprehensive Plan, and Lake County Land Development Regulations,
4 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
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- 6 L. After establishment of the facilities as provided herein, the aforementioned property
7 shall only be used for the uses named in this Ordinance.
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- 9 M. This Ordinance shall inure to the benefit of, and shall constitute a covenant running
10 with the land and the terms, conditions, and provisions hereof, and shall be binding
11 upon the present owner and any successor, and shall be subject to each and every
12 condition herein set out.
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- 14 N. The transfer of ownership or lease of any or all of the property described in this
15 Ordinance shall include in the transfer or lease agreement, a provision that the
16 purchaser or lessee is made good and aware of the conditions pertaining to this
17 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may
18 request a change from the existing plans and conditions by following procedures
19 contained in the Lake County Land Development Regulations, as amended.
20
- 21 O. Action by the Lake County Code Enforcement Special Master. The Lake County Code
22 Enforcement Special Master shall have the authority to enforce the terms and
23 conditions set forth in this ordinance and to recommend that the Ordinance be
24 revoked.
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27 **Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be
28 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
29 validity of the remaining portions of this Ordinance.
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32 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner
33 shall obtain development order approvals from Lake County. The applications for final
34 orders shall meet all submittal requirements and comply with all County codes and
35 ordinances, as amended.
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Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

, 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

