

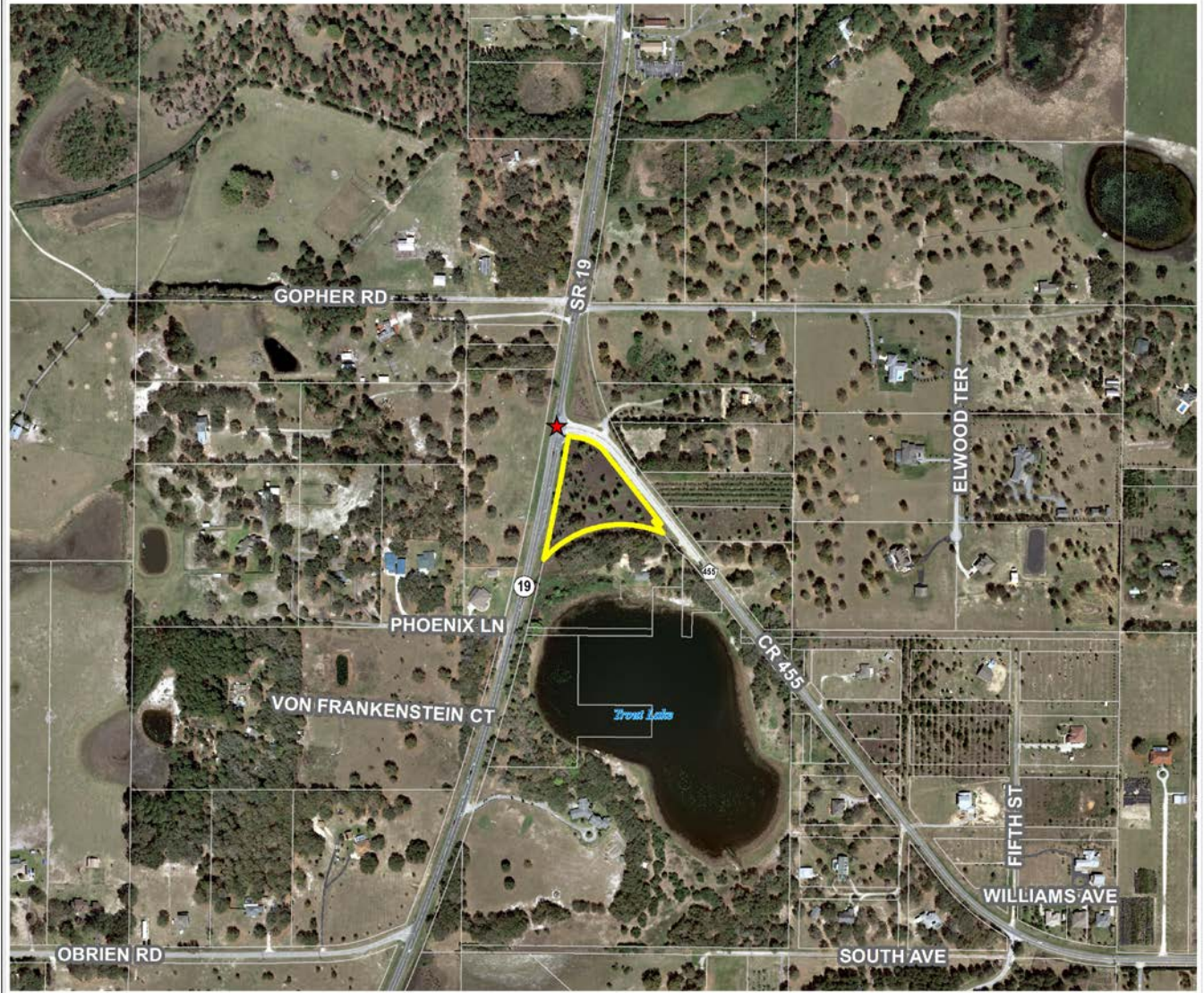
LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board
November 1, 2017



Board of County Commissioners
November 21, 2017

RZ-17-03-1 Vista Vision Property	Commissioner District 1 Sullivan	Agenda Item #6
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Requested Action: Establish a Planned Commercial (CP) zoning district on 2.5 +/- acres (Alternate Key #1302625) to allow Rural Support Uses.

Applicant: Jimmy Crawford, Esq.

Owner: Vista Vision, Inc. with A. E. Langley as the registered agent.

- Site Location & Information -

Size	2.5 +/- Acres
Location	The intersection of SR 19 and CR 455, between the City of Groveland and the Town of Howey-in-the-Hills
Future Land Use	Rural
Current Zoning District	Agriculture (A)
Proposed Zoning District	Planned Commercial (CP)
Joint Planning Area/ ISBA	Groveland ISBA
Overlay Districts	Yalaha-Lake Apopka Rural Protection Area Proposed Howey-Groveland Rural Support Intersection

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Right-of-Way	None
South	Rural	Agriculture (A)	Single Family Residence on Large Lot	None
East	Rural	Agriculture (A)	Single Family Residences on Large Lots and Undeveloped Land	None
West	Rural	Agriculture (A)	Improved Pasture and Single Family Residences on Large Lot	None

Summary of Staff Determination

STAFF RECOMMENDATION: APPROVAL of the request to establish a Planned Commercial (CP) zoning district on 2.5 +/- acres (Alternate Key #1302625) to allow Rural Support Uses.

PLANNING AND ZONING BOARD RECOMMENDATION:

Analysis

The subject property (Alternate Key 1302625) consists of approximately 2.5 acres and is located at the intersection of CR 455 and SR 19 between the Town of Howey-in-the-Hills and the City of Groveland. The subject property is located within the Groveland Interlocal Service Boundary Agreement (ISBA). The property is zoned Agriculture (A) and is designated as Rural Future Land Use Category.

The applicant has submitted a rezoning application requesting to rezone the property from Agriculture (A) to Planned Commercial (CP) District to allow Rural Support Uses. This rezoning application was submitted in conjunction with a Comprehensive Plan Amendment to establish a Rural Support Intersection at CR 455 and SR 19, proposed as the Howey-Groveland Rural Support Intersection. The applications will simultaneously be considered by the Board of County Commissioners for approval.

The subject property is located at the proposed Howey-Groveland Rural Support Intersection. Comprehensive Plan Policy I-1.4.7.1 Rural Support Intersections, states that where located, a Rural Support Intersection will 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. All properties within 330 feet of the Rural Support Intersection would be allowed to be developed with Rural Support Uses.

Comprehensive Plan Policy I-1.4.7, *Rural Support*, states that Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses must be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas. The applicant has indicated that there is no immediate plan to develop the property.

– Analysis –

LDR Section 14.03.03 (Standards for Review)

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

The application is generally consistent with the current development standards contained within the Land Development Regulations. The Comprehensive Plan states that elements of compatibility for Rural Support Uses must be addressed in the Land Development Regulations including but not limited to signage, hours of operation, lighting, building orientation, height, facade, architectural design, parking, landscaping, and buffering. Development criteria for Rural Support Uses has not been adopted into the LDR. However, any future development of the site will need to adhere to the LDR in place at the time of approval.

The applicant is seeking a waiver from LDR Section 14.03.02(D), which requires a conceptual site plan for all rezoning applications, due to the lack of immediate plans to develop the property. Staff accepts the waiver request with the understanding that all future development of the subject property will need to comply with the Land Development Regulations in regards to off-street parking, landscaping, noise, signage, concurrency management, and all other applicable regulations.

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

The proposed Comprehensive Plan text amendment is consistent with all elements of the Comprehensive Plan. Comprehensive Plan Policy I-1.4.7 Rural Support, states that Rural Support uses must be limited to designated Rural Support Intersections, Rural Support Corridors, and as an allowable use within the Rural Transition Future Land Use Category. The subject property is part of the Rural FLUC. The applicant has submitted an application to establish a Rural Support Intersection at the intersection of State Road 19 and County Road 455, to be designated as the Howey-Groveland Rural Support Intersection. If the Howey-Groveland Rural Support Intersection is approved, it would allow all properties within 330 feet of the intersection to be developed with Rural Support Uses.

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

The applicant is seeking to obtain approvals in order to allow the property to be developed with Rural Support Uses. The applicant has indicated that there are no immediate plans to develop the property but when the property is developed, it will be developed in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

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

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within Rural Future Land Use Series. The applicant indicated that expansion of

residential uses into the area, including the opening of a new turnpike interchange, and annexations by the cities of Minneola, Groveland, and Leesburg justify the need for Rural Support Uses in the immediate area.

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;

The proposed rezoning will not affect the existing level of services for schools or parks and recreation. The amendment likely will not adversely impact the County's adopted levels of service for police, drainage, solid waste, and fire and emergency medical facilities. The properties will be serviced by septic tanks and wells. Any future development of this property will require an analysis to demonstrate that the proposed development does not adversely impact the County's adopted levels of service.

Water and Sewage – The subject property is located within the Rural Future Land Use Series and is not required to connect to central water or central sewer. The developer will need to submit a utility notification letter during site plan review to confirm there are no utilities available to service this property. Any well and septic system will need to be permitted through the Department of Health.

Transportation – The rezoning amendment will not have a significant impact on the area's transportation system. Potential impacts on the transportation system will be assessed during site plan review.

Solid Waste – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

Schools – The proposed rezoning ordinance will not contain any residential uses, as such, the application and proposed development plans will not have an impact on Lake County Schools.

Fire and Emergency Services - Lake County Fire Station #77, located at 13431 Ohio Street in Astatula, is located approximately 5.6 miles northeast of the subject property.

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

There is no indication that the uses in the proposed CP zoning ordinance would result in a significant impact on the natural environment. All new development will be required to meet all Comprehensive Plan Policies and Land Development Regulations, as amended, to protect the environmentally sensitive areas within the subject property.

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

There is no indication that the rezoning application will affect property values in the area.

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

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. The immediate area is part of the Rural Future Land Use Category and the proposed rezoning will have no negative effects on the development pattern in 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 application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

Not at this time.

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

1. The request is consistent with Comprehensive Plan Policy I-1.4.7, *Rural Support*, which states that Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series;
2. The proposed amendment is consistent with the Comprehensive Plan Policy I-1.4.7.1, *Rural Support Intersections*, which states that Rural Support uses must be limited to designated Rural Support Intersections, Rural Support Corridors, and as an allowable use within the Rural Transition Future Land Use Category; and
3. The proposed amendment is consistent with the application to designate the intersection of State Road 19 and County Road 455 as the Howey-Groveland Rural Support Intersection, which would allow all properties within 330 feet of the intersection to be developed with Rural Support Uses.

Based on these findings of fact, staff recommends **APPROVAL** of the request to establish a Planned Commercial (CP) zoning district on 2.5 +/- acres (Alternate Key #1302625) to allow Rural Support Uses.

Case Manager: Michele Janiszewski, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

**Ordinance 2017-XX
Vista Vision Property
RZ-17-03-1**

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

WHEREAS, Jimmy D. Crawford, Esq. (the “Applicant”), on behalf of Vista Vision, Inc., a Florida Corporation (the “Owner”) has made a request to establish a Planned Commercial (CP) zoning district on approximately 2.5 +/- acres; and

WHEREAS, the subject property consists of 2.5 +/- acres and is south of the intersection of SR 19 and CR 44, between the City of Groveland and the Town of Howey-in-the-Hills, in Section 11, Township 21 South, Range 25 East, and is more particularly described in Exhibit A; and

WHEREAS, the subject property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the subject property is included in its entirety within the Howey-Groveland Rural Support Intersection as defined in the Comprehensive Plan in accordance with Ordinance Number 2017- ; and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-17-03-1 on November 1, 2017, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on November 21, 2017; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & 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:

Section 1. Terms. The County Manager or designee shall amend the Lake County Zoning Map to show the Planned Commercial (CP) zoning in accordance with this Ordinance.

A. Permitted Land Uses.

1. Rural Support Uses to include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers.
2. No single structure may exceed five thousand (5,000) square feet.
3. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

- 1 **B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Open Space,
2 Impervious Surface Ratio, Floor Area Ratio, and Building Height must be in accordance with the
3 Comprehensive Plan and the Lake County Land Development Regulations, as amended.
- 4 **C. Setbacks.** Any new buildings or structures must adhere to the setbacks as established in the Lake
5 County Land Development Regulations, as amended.
- 6 **D. Parking Requirements.** Off-street parking must be provided in accordance with the Lake County
7 Land Development Regulations, as amended.
- 8 **E. Landscaping, Buffering, and Screening.** All new development must provide landscaping in
9 accordance with the Land Development Regulations, as amended.
- 10
11 **F. Environmental Requirements.** Prior to any future development, current environmental assessment
12 must be submitted to identify potential negative impacts to wetlands, habitat, wildlife corridors, flora,
13 and fauna.
- 14 **G. Noise:** Compliance must be in accordance with the Lake County Land Development Regulations,
15 as amended.
- 16 **H. Commercial Design Standards.** All future development must demonstrate compliance with the
17 commercial design standards established in the Land Development Regulations, as amended.
- 18 **I. Transportation Improvements.**
- 19 1. All access management must be in accordance with the Comprehensive Plan and Land
20 Development Regulations, as amended.
- 21 2. A left turn lane on SR 19 at the intersection of CR 455 may be required. Further analysis will be
22 conducted during the site plan review. If requirements for such improvements are triggered by
23 the development, the Owner is responsible for design, permitting through the Florida Department
24 of Transportation, and construction of the turn lanes improvements.
- 25 3. Additional right-of-way may be required along County Road 455, per the Land Development
26 Regulations, as amended.
- 27 **J. Utilities.** Utilities are to be provided in accordance with the Comprehensive Plan and Lake County
28 Land Development Regulations, as amended.
- 29 **K. Stormwater Management.** The stormwater management system are to be designed in accordance
30 with all applicable Lake County and St. Johns River Water Management District requirements.
- 31 **L. Lighting.** Exterior lighting must be in accordance with the Lake County Land Development
32 Regulations, as amended, and consistent with Dark-Sky Principles.
- 33 **M. Signage.** All signage must be in accordance with the Lake County Land Development Regulations,
34 as amended.
- 35 **N. Concurrency Management Requirements.** Any development must comply with the Lake County
36 Concurrency Management System, as amended.

1 **O. Development Review and Approval.** Prior to the issuance of any permits, the Owners must submit
2 a site plan application for review and approval in accordance with the Comprehensive Plan and the
3 Lake County Land Development Regulations, as amended.

4 **Section 2. Conditions.**

5 **A.** After establishment of the facilities as provided in this Ordinance, the property may only be used for
6 the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by
7 the Lake County Board of County Commissioners.

8 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move,
9 convert, or demolish any building structure, add other uses, or alter the land in any manner within
10 the boundaries of the above described land without first obtaining the necessary approvals in
11 accordance with the Lake County Code, as amended, and obtaining the permits required from the
12 other appropriate governmental agencies.

13 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land, and
14 the terms, conditions, and provisions of this Ordinance will be binding upon the present Owners and
15 any successor, and will be subject to each and every condition set out in this Ordinance.

16 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
17 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
18 and aware of the conditions established by this Ordinance and agrees to be bound by these
19 conditions. The purchaser or lessee may request a change from the existing plans and conditions by
20 following the procedures contained in the Land Development Regulations, as amended.

21 **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
22 Special Master will have authority to enforce the terms and conditions set forth in this ordinance and
23 to recommend that the ordinance be revoked.

24 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
25 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
26 of the remaining portions of this Ordinance.

27 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
28 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
29 Florida Statutes.

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1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**

2
3 **ENACTED** this _____ day of _____, 2017.

4
5 **FILED** with the Secretary of State _____, 2017.

6
7 **EFFECTIVE** _____, 2017.

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9

10 **BOARD OF COUNTY COMMISSIONERS**
11 **LAKE COUNTY, FLORIDA**

12
13 _____
14 **TIMOTHY I. SULLIVAN, CHAIRMAN**

15
16 **ATTEST:**

17
18
19 _____
20 **NEIL KELLY, CLERK OF THE**
21 **BOARD OF COUNTY COMMISSIONERS**
22 **LAKE COUNTY, FLORIDA**

23
24
25 **APPROVED AS TO FORM AND LEGALITY**

26
27 _____
28 **MELANIE MARSH, COUNTY ATTORNEY**

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Attachment A. Legal Description.

TRACT OF LAND IN NW ¼ OF SE ¼ BETWEEN SOUTHERLY RIGHT OF WAY OF STATE ROAD 455 EASTERLY RIGHT OF WAY OF STATE ROAD 19 AND NORTHERLY RIGHT OF WAY OF ROAD CONNECTING STATE ROAD 455 AND STATE ROAD 19, ALL IN SECTION 11, TOWNSHIP 21, RANGE 25, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

LESS AND EXCEPT:

A PORTION OF A TRACT OF LAND IN THE NORTHWEST ¼ OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LYING BETWEEN THE SOUTHERLY RIGHT-OF-WAY OF C-455, THE EASTERLY RIGHT-OF-WAY OF S.R. 19, AND THE NORTHERLY RIGHT-OF WAY OF A ROAD CONNECTING C-455 AND S.R. 19; SAID TRACT OF LAND ALSO BEING SHOWN ON A REVISED PLAT, BEING PART OF PARKDALE, A SUBDIVISION RECORDED IN PLAT BOOK 10, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID PORTION BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF C-455 (HOWEY-CLERMONT HIGHWAY) AND THE EASTERLY LINE OF THE RIGHT-OF-WAY OF S.R. 19 (HOWEY-GROVELAND HIGHWAY) AS SHOWN ON SAID REVISED PLAT OF PARKDALE, THENCE RUN SOUTH 09°10'11" WEST, ALONG SAID EASTERLY LINE OF RIGHT-OF-WAY (BASIS OF BEARINGS IS GRID NORTH, FLORID EAST ZONE), 282.58 FEET; TO THE POINT OF BEGINNING; THENCE SOUTH 80°10'57" EAST A DISTANCE OF 40.24 FEET TO A POINT ON THE CUSP OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 40.24 FEET AND A RADIAL BEARING OF SOUTH 09°49'03" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A CENTRAL ANGLE OF 91°30'15", AN ARC DISTANCE OF 64.27 FEET TO A POINT OF TANGENCY ON THE SAID EASTERLY RIGHT-OF-WAY OF SR-19; THENCE NORTH 90°10'11" EAST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 39.41 FEET TO THE POINT OF BEGINNING. CONTAINING 0.0082 ACRES, MORE OR LESS.

LESS AND EXCEPT:

A PORTION OF A TRACT OF LAND IN THE NORTHWEST ¼ OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LYING BETWEEN THE SOUTHERLY RIGHT-OF-WAY OF C-455, THE EASTERLY RIGHT-OF-WAY OF S.R.19, AND THE NORTHERLY RIGHT-OF WAY OF A ROAD CONNECTING C-455 AND S.R. 19; SAID TRACT OF LAND ALSO BEING SHOWN ON A REVISED PLAT, BEING PART OF PARKDALE, A SUBDIVISION RECORDED IN PLAT BOOK 10, PAGE 28, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID PORTION BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF C-455 (HOWEY-CLERMONT HIGHWAY) AND THE EASTERLY LINE OF THE RIGHT-OF-WAY OF S.R. 19 (HOWEY-GROVELAND HIGHWAY) AS SHOWN ON SAID REVISED PLAT OF PARKDALE, AND RUN SOUTH 09°10'11" WEST, ALONG SAID EASTERLY LINE OF RIGHT-OF-WAY (BASIS OF BEARINGS IS GRID NORTH, FLORID EAST ZONE), 282.58 FEET; THENCE DEPARTING SAID LINE OF RIGHT-OF-WAY, RUN SOUTH 80°10'57" EAST, 40.24 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 267.00 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A CENTRAL ANGLE OF 32°09'02", AN ARC DISTANCE OF 149.82 FEET TO A POINT ON THE AFORESAID SOUTHWESTERLY LINE OF RIGHT-OF-WAY OF C-455, SAID POINT BEING ON A CUSP OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1211.92 FEET AND A RADIAL BEARING OF SOUTH 61°08'04" WEST; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A CENTRAL ANGLE OF 17°42'04" AND ALONG SAID LINE OF RIGHT-OF-WAY, AN ARC DISTANCE OF 374.41 FEET TO THE POINT OF BEGINNING. CONTAINING 0.46 ACRE, MORE OR LESS.