



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): May 1, 2019
Board of County Commissioners (BCC): May 21, 2019

Case No. and Project Name: RZ-18-17-4, Festivals of Speed, LLC Property Rezoning

Applicant: Joe Sabatini

Owner: Festivals of Speed, LLC

Requested Action: Replace Planned Commercial Ordinance #2015-12 with an amended ordinance that includes vehicular sales as an additional allowed use.

Staff Determination: Staff recommends approval of the rezoning application with the conditions contained in the draft ordinance.

Case Manager: Christine Rock, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 0.31 acres

Location: West of West Main Street and adjacent to Old US Highway 441 in the Mount Dora area

Alternate Key No.: 2616300

Future Land Use: Urban High Density

Current Zoning District: Planned Commercial (CP) – Ordinance #2015-12

Floodzone: X

Joint Planning Area/ ISBA: Mount Dora JPA – No comments received

Overlay Districts: Old Highway 441 Major Commercial Corridor

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban High	Urban Residential District (R-6)	Mobile home park	Riley's Park
South	NA	NA	Road	Single-family dwelling units
East	Urban High	Light Industrial (LM)	Industrial/Commercial Building	None
West	Urban High	Light Industrial (LM)	Vacant	Vacant

Staff Analysis

The subject 0.31 acre property is identified as Alternate Key Number 2616300 and is generally located west of West Main Street and adjacent to Old US Highway 441 in the Mount Dora area. The subject property is located within the Mount Dora JPA; no comments were received from Mount Dora. The property is currently zoned Planned Commercial in accordance with Ordinance #2015-12 and is designated as Urban High Density Future Land Use Category.

The Applicant has requested to replace Ordinance #2015-12 with an amended ordinance that includes vehicular sales as an additional allowed use. Ordinance #2015-12 currently allows Neighborhood Commercial (C-1) and Community Commercial (C-2) Uses excluding bars, taverns, adult uses, and liquor stores, self-service/RV storage, and warehousing. The Applicant desires vehicular sales use and therefore, has requested to amend the current ordinance. The Concept Plan is included in the Ordinance as "Exhibit A".

The proposed request is consistent with the Land Development Regulations (LDR) as vehicular sales use is permitted within the Planned Commercial (CP) zoning district. The proposed request is also consistent with the Comprehensive Plan as commerce uses located within a commercial corridor are permitted within the Urban High Future Land Use Category.

Standards for Review (LDR Section 14.03.03)

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed request is consistent with Comprehensive Plan Policy I-1.3.4 regarding commerce uses permitted within the Urban High Future Land Use Category. The subject property is located within the Old Highway 441 Major Commercial Corridor as identified in Table FLUE 3 of Comp Plan Policy I-1.3.10.6. The proposed use of "vehicular sales" is consistent with "commercial uses" as defined in the Comprehensive Plan. "Commercial Uses" is defined as "activities within land areas which are predominantly connected with the sale, rental, and distribution of products, or performance services."

B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.

The proposed rezoning is consistent with the LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for vehicular sales in the CP zoning district and LDR Table 3.00.03, *Land Use – Zoning District Matrix*.

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

The proposed request to allow the vehicular sales use is consistent and compatible with the eastern and western adjacent Light Industrial zoning districts and the Light Industrial zoning district to the south across Old US Highway 441. However, the property to the north is zoned Urban Residential District (R-6).

D. Whether there have been changed conditions that justify an amendment.

The Owner desires to expand the commercial potential of the subject property by including vehicular sales as an allowed use in addition to the existing specified in Ordinance #2015-12.

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, 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 and Sewer

The subject property is serviced by central water and individual septic system.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #27) is located less than five miles from the site at 19212 County Road 44B, Eustis.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of Old Hwy 44 is "D" with capacity of 792. Currently the impacted segment from Bay Road to SR 19A/Eudora Avenue is operating at fifty seven percent (57%). This project will be generating thirty five (35) pm peak hour trips, in which twenty one (21) trips will impact the directional pm peak hour trips. This project is classified as a Tier 1 project and as such, the applicant should submit to Lake County a Tier 1 exemption request.

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

The subject property has been disturbed and developed; it is currently developed with a commercial building and dirt parking area. Therefore, additional environmental impacts are not anticipated as the property is already developed.

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

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

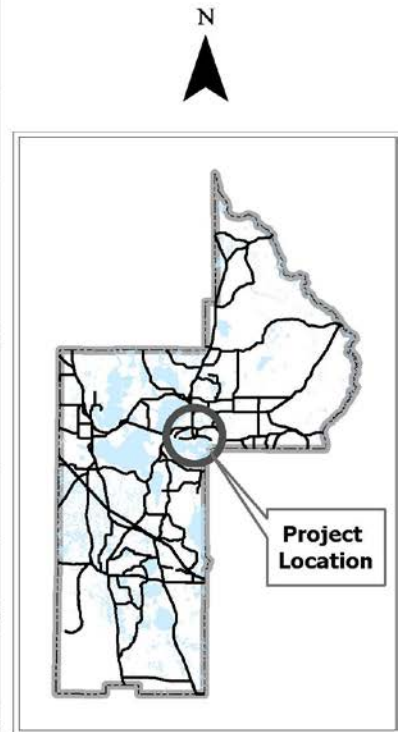
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed rezoning does not disrupt the existing orderly, logical development pattern in the area.

I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will be consistent with the purpose and interest of Lake County's regulations.

Subject Property.



ORDINANCE #2019-XX
Festivals of Speed, LLC Property
RZ-18-17-4

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

WHEREAS, Joe Sabatini (the "Applicant") made a request on behalf of Festivals of Speed, LLC (the "Owner") to replace Planned Commercial (CP) Ordinance #2015-12 with an amended ordinance to include vehicular sales as an additional allowed use; and

WHEREAS, the subject property consists of 0.31 +/- acres and is generally located west of West Main Street and adjacent to Old US Highway 441 in the Mount Dora area at 3501 Old Hwy 441 in Section 26, Township 19 South, Range 26 East, lying within Alternate Key Number 2616300, and more particularly described in Exhibit "A"; and

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, on the 18th day of December, 2012 the Lake County Board of County Commissioners approved Ordinance #2012-76; and

WHEREAS, on the 21st day of April, 2015 the Lake County Board of County Commissioners approved Ordinance #2015-12; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-18-17-4 on the 1st day of May, 2019, 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 21st day of May, 2019; and

WHEREAS, this ordinance shall supersede and replace Ordinance #2015-12; 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:

Section 1. Terms: The County Manager or designee shall amend the Lake County Zoning Map to Planned Commercial for the property described in Exhibit A. The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as Exhibit "A". To the extent there are conflicts between Exhibit "A" and this Ordinance, this Ordinance will take precedence. Approval of the ordinance shall revoke and replace all previously approved ordinance.

- 1 A. Land Uses: Uses shall be limited to:
- 2 1. Neighborhood Commercial (C-1) and Community Commercial (C-2) Uses.
- 3 2. Self-Service/RV Storage
- 4 3. Warehousing
- 5 4. Vehicular Sales
- 6 5. Prohibited Uses: Bars, Taverns, Adult Uses, and Liquor Stores
- 7
- 8 Accessory uses directly associated with the above primary uses may be approved by
- 9 the County Manager or designee. Any other use of the site not specified above shall
- 10 require approval of an amendment to this Ordinance by the Board of County
- 11 Commissioners.
- 12
- 13 B. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR):
- 14 The development shall maintain the minimum open space, ISR, and FAR on the site,
- 15 consistent with the Comprehensive Plan and Land Development Regulations (LDR), as
- 16 amended.
- 17
- 18 C. Parking: Parking for the development shall be consistent with the Land Development
- 19 Regulations and Comprehensive Plan, as amended.
- 20
- 21 D. Commercial Screening: Commercial screening shall be in accordance with the
- 22 Comprehensive Plan and Land Development Regulations, as amended.
- 23
- 24 E. Buffers and Landscaping:
- 25 All landscape buffers shall be installed and maintained in accordance with the
- 26 Comprehensive Plan and LDR, as amended.
- 27
- 28 F. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
- 29 amended.
- 30
- 31 G. Transportation:
- 32 1. Access management shall be consistent with the Comprehensive Plan and Land
- 33 Development Regulations, as amended.
- 34
- 35 2. Sidewalks will be required per Land Development Regulations Commercial Design
- 36 Standards, as amended.
- 37
- 38 H. Stormwater Management: The stormwater management system shall be designed in
- 39 accordance with all applicable Lake County and St. Johns River Water Management
- 40 District (SJRWMD) requirements; as amended.
- 41
- 42 I. Lighting: All exterior lighting shall be in accordance with the Comprehensive Plan and
- 43 Land Development Regulations, as amended.
- 44

1 J. Noise: A noise assessment shall be required with the site plan submittal to demonstrate
2 mitigation for any noise impacts the proposed project may have on the neighboring uses
3 pursuant to the LDR, as amended.
4

5 K. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as
6 amended.

7 **Section 2. Conditions.**

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

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

16 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the
17 land and the terms, conditions, and provisions of this Ordinance, and will be binding upon
18 the present Owner and any successor, and will be subject to each and every condition in
19 this Ordinance.

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

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

29 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
30 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
31 of the remaining portions of this Ordinance.
32

33 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
34 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
35 Florida Statutes.
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Section 5. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2019.

FILED with the Secretary of State _____, 2019.

EFFECTIVE _____, 2019.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A" – Legal Description

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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.

