



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): September 4, 2019
Board of County Commissioners (BCC): September 24, 2019

Case No. and Project Name: RZ-19-17-5, United Southern Bank Property

Applicant: William Paul Chandler

Owner: United Southern Bank

Requested Action: Amend Planned Commercial (CP) Ordinance #1987-40 with a new replacement CP ordinance to allow for boat repair limited to safety and electronic component assembly, establish an alternative setback, and rezone 0.82 acres from Agriculture (A) to Planned Commercial (CP).

Staff Determination: Staff recommends approval of the rezoning application subject to the conditions contained in the proposed ordinance.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 1.84 +/- acres

Location: West of the intersection of State Road 40 and County Road 445A, and east of Astor Park Cutoff in the Astor area.

Alternate Key No.: 1355770, 1355729, and 1355761

Future Land Use: Rural

Current Zoning District: Agriculture (A) and Planned Commercial (CP)

Flood Zone: "X"

Joint Planning Area / ISBA: None

Overlay Districts: Wekiva-Ocala Rural Protection Area and Astor Park Rural Support Corridor

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Conservation	Agriculture (A)	Residential and Agricultural	Single-family residence; across SR 40
South	Rural	Community Facility District (CFD) and Agriculture (A)	Community Facility and Agricultural	Loyal Order of the Moose, Astor Lodge No. 2552; across CR 445A
East	Rural	Agriculture (A)	Vacant	N/A
West	Rural	Agriculture (A) and Neighborhood Commercial (C-1)	Residential and Commercial	Single-family residence and commercial building

Staff Analysis

The subject properties, identified by Alternate Key Numbers 1355770, 1355729, and 1355761, comprise approximately 1.84-acres. The properties are generally located west of the intersection of State Road 40/ County Road 445A, and east of Astor Park Cutoff, in the Astor area of unincorporated Lake County. The parcels are located within the Astor Park Rural Support Corridor. Alternate Key Number 1355770 is zoned Agriculture (A), Alternate Key Numbers 1355729 and 1355761 are zoned Planned Commercial (CP) pursuant to Ordinance #1987-40. All the properties have a future land use designation of Rural. As depicted by the concept plan, which is included in the proposed ordinance as Exhibit "B," the subject properties are developed with several existing buildings. The Applicant intends to utilize the existing buildings, and construct an additional building in the future, for his proposed use which can be described as boat repair limited to safety and electronic component assembly.

The Applicant has requested to replace Planned Commercial (CP) Ordinance #1987-40 with a new CP ordinance to facilitate his proposed use, which will involve safety, electronic, and computer equipment upgrades to boats. The proposed request will also rezone the western adjacent property (Alternate Key Number 1355770) to CP. Additionally, the request proposes to allow an existing building to maintain an existing setback of 1.71-feet from the right-of-way of County Road 445A. The Applicant desires to utilize this building until such time that additional right-of-way is required by Lake County.

Standards for Review (LDR Section 14.03.03)

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

Pursuant to Comp Plan Policy I-1.4.4, Rural Future Land Use Category, rural support uses are allowed within the category. The subject properties are located within the Astor Park Rural Support Corridor. Comp Plan Policy I-1.4.7, provides examples of several uses that are considered rural support uses; however the policy does not list the proposed use. However, the policy does not explicitly limit rural support uses to those listed.

Pursuant to Comp Plan Policy I-1.4.7, rural support uses are intended to address the need for narrowly defined commercial and office uses that support the residential population of the subject area. The Comp Plan limits such uses in scale and scope, so as to serve the needs of rural areas, and ensure compatibility with the character of surrounding rural areas. The Astor community has immediate access to the St. Johns River and other water bodies for recreational and commercial boating. The proposed use will meet a special need for boat owners within the subject area, as the Applicant will offer a specific, specialized upgrade and boat enhancement service rather than offer general boat repair. The proposed use of safety, electronic, and computer upgrades to boats will be consistent with the intent of the code, and limited in scope by the inclusion of a specifically defined set of boat improvements within the draft ordinance.

The subject property is located within the Wekiva-Ocala Rural Protection Area. Pursuant to Comp Plan Policy I-5.2.2, the Rural Future Land Use Category (FLUC) is allowed within the protection area and pursuant to Comp Plan Policy I-1.4.4, rural support uses are allowed within the Rural FLUC.

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

The Land Development Regulations (LDR) does not list the proposed use of safety, electronic, and computer equipment upgrades to boats. However, LDR Section 3.01.05, Similar Uses, states that uses not specifically listed and not more detrimental than the uses listed in Subsection 3.01.03, may be permitted in the commercial zoning districts. A use similar to the proposed use, which is specified in the LDRs and permitted in the Planned Commercial (CP) zoning district, is Automotive Repair. The proposed use is only for equipment upgrades, not mechanical boat engine repair, and is likely not more detrimental than Automotive Repair. Therefore, the proposed use is consistent with the LDRs.

The Applicant has also requested a waiver to the setback requirement to allow an existing building to maintain the existing setback of 1.71-feet from County Road 445A; the standard front setback is 50-feet from the right-of-way. The ordinance will include a condition to prohibit building expansion, and to allow the existing setback until such time that additional right-of-way is requested for road improvements. The Public Works Department has indicated that additional right-of-way may be required, and that a Dolan Test will be performed during the review of a future development application for site plan approval.

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

The proposed CP zoning is compatible with the adjacent commercial zoning to the southwest, and with the CFD zoned property to the south which is the Loyal Order of the Moose, Astor Lodge No. 2552. The proposed CP zoning is incompatible with the surrounding single-family dwelling units to the west, north, and south; however, the residential properties and the subject property are separated by State Road 40 and County Road 445A.

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

The Astor Park Rural Support Corridor was established with the adoption of the 2030 Comprehensive Plan. There are several properties located within the corridor which have commercial zoning districts that pre-date the approval of the Comp Plan. However, there have been no recently approved commercial rezoning cases within the corridor. In 2008, the property to the south of the subject properties was rezoned to Community Facility District (CFD) to facilitate development of the Loyal Order of the Moose, Astor Lodge No. 2552.

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 sewer.

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

Lake County Fire Station #10 is located less than five (5) miles away at 23023 State Road 40, Astor.

Transportation Concurrency

No adverse impacts are anticipated on roads. The Applicant submitted and received approval of a Request for Exemption from Full Transportation Impact Study.

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

Although adverse impacts are not anticipated, any future development will require the submittal of an environmental assessment (EA) or environmental statement that is dated no more than six (6) months prior to the application submission date. The EA or environmental statement must describe the existence of any protected flora or fauna on the property, and must include the presence of wetlands and water bodies pursuant to the LDR, as amended.

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.

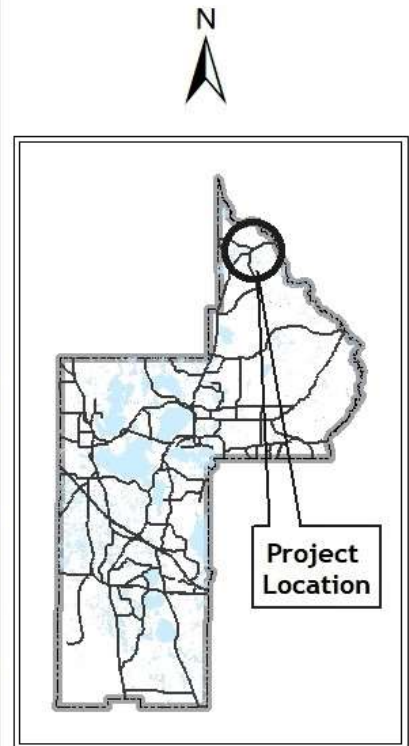
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed CP rezoning may be contrary to existing residential and agricultural development located within the surrounding area. However, the location of the proposed CP rezoning within the Rural Support Corridor creates an orderly and logical development pattern with the non-residential development to the south, the Loyal Order of the Moose, Astor Lodge No. 2552 which is a community facility use, and the western adjacent commercial development.

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 not be contrary to the purpose and interest of Lake County's regulations.

Map of Subject Property



**Ordinance #2019-XX
United Southern Bank Property
RZ-19-17-5**

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

WHEREAS, William Paul Chandler (the "Applicant") made a request, on behalf of United Southern Bank (the "Owner"), to amend Planned Commercial (CP) Ordinance #1987-40 with a new CP ordinance for boat repair limited to safety and electronic component assembly, to establish an alternative setback, and to rezone 0.82 acres from Agriculture (A) to Planned Commercial (CP); and

WHEREAS, the subject property consists of 1.84 +/- acres, is generally located west of the intersection of State Road 40 and County Road 445A, and east of Astor Park Cutoff, in the Astor area of unincorporated Lake County, in Section 07, Township 15 South, Range 27 East, described as Alternate Key Numbers 1355770, 1355729, and 1355761, and more particularly described in Exhibit "A"; and

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

WHEREAS, on the 24th day of June, 1987 the Lake County Board of County Commissioners approved Ordinance #1987-40; and

WHEREAS, the approval of this ordinance will supersede and replace Ordinance #1987-40; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-19-17-5 on the 4th day of September, 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 24th day of September, 2019; 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.

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 Concept Plan attached hereto as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence. This ordinance shall supersede and replace any and all previous ordinances for this property, specifically Ordinance #1987-40.

A. Permitted Land Uses:

1. Safety, electronic, and computer equipment upgrades to boats to include the following:

- 1 a. Digital dash displays
- 2 b. Gauges
- 3 c. Cabling
- 4 d. Safety equipment (i.e. emergency cut-off)
- 5 2. Rural Support Uses consistent with the Comprehensive Plan, as amended.
- 6 3. Accessory uses directly associated with the above primary uses may be
- 7 approved by the County Manager or designee. Any other use of the site not
- 8 specified above shall require approval of an amendment to this Ordinance by
- 9 the Board of County Commissioners.
- 10 B. Prohibited Uses: Automotive repair, to include those uses not specified as Rural Support
- 11 uses within the Comprehensive Plan.
- 12 C. Open Space, Impervious Surface Ratio (ISR) and Floor Area Ratio (FAR): The
- 13 development shall maintain the minimum open space, ISR, and FAR on the site,
- 14 consistent with the Land Development Regulations (LDR) and Comprehensive Plan, as
- 15 amended.
- 16 D. Parking: Parking for the development shall be consistent with the Land Development
- 17 Regulations (LDR) and Comprehensive Plan, as amended.
- 18 E. Commercial Screening: Commercial screening shall be in accordance with the Land
- 19 Development Regulations (LDR) and Comprehensive Plan, as amended.
- 20 F. Buffers and Landscaping: All landscape buffers shall be installed and maintained in
- 21 accordance with the Land Development Regulations (LDR) and Comprehensive Plan,
- 22 as amended.
- 23 G. Setbacks:
- 24 1. Front – 50-feet from right-of-way
- 25 2. Side – 10-foot wide landscape buffer
- 26 3. Secondary Front – 15-feet from right-of-way
- 27 4. Existing “Parts Building” identified and depicted in Exhibit “B” may maintain a
- 28 setback of 1.71-feet from County Road 445A, until such time that additional public
- 29 right-of-way is required. Expansion of this building is prohibited.
- 30 5. Setbacks not specified above shall be in accordance with the Land Development
- 31 Regulations (LDR) and Comprehensive Plan, as amended.
- 32 H. Transportation:
- 33 1. All access management shall be in accordance with the Land Development
- 34 Regulations (LDR) and Comprehensive Plan, as amended.
- 35 2. Additional right-of-way for CR 455A will be required.
- 36 3. Sidewalks will be required in accordance with the Land Development Regulations
- 37 (LDR) and Commercial Design Standards, as amended.

- 1 I. Stormwater Management: The stormwater management system shall be designed in
2 accordance with all applicable Lake County and St. Johns River Water Management
3 District (SJRWMD) requirements, as amended.
- 4 J. Lighting: Exterior lighting shall be consistent with Dark-Sky Principles and in accordance
5 with the Land Development Regulations (LDR), as amended.
- 6 K. Noise: A noise assessment shall be required with the development application submittal
7 to demonstrate mitigation for any noise impacts the proposed project may have on the
8 neighboring uses pursuant to the Land Development Regulations (LDR), as amended.
- 9 L. Signage: Signage shall be consistent with the Land Development Regulations (LDR),
10 as amended.
- 11 M. Commercial Design: Development of the property will be in accordance with commercial
12 design standards specified in the Land Development Regulations (LDR), as amended.

13 **Section 2. Conditions.**

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

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

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

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

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6 ENACTED this _____ day of _____, 2019.

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8 FILED with the Secretary of State _____, 2019.

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10 EFFECTIVE _____, 2019.

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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

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Exhibit "A" – Legal Description

Parcel A:

That part of the East 1/2 of the South 1/2 of the North 1/2 of Lot 18 of Section 7, in Manhattan, a Subdivision in Lake County, Florida, according to the record Plat thereof as recorded in Plat Book 2, Page 13, in the Public Records of Lake County, Florida, bounded and described as follows: Commence at a concrete monument labeled LS492 at the intersection of the North right-of-way line of State Road 445A and the East line of said Lot 18 of Section 7 in Manhattan and run South 66° 13'54" West along the North right-of-way line of State Road 445A a distance of 242.58 feet to the Point of Beginning of this Description, said Point of Beginning being an iron pin labeled LB707; thence continue South 66°13'54" West, 114.88 feet to a concrete monument (no number), said point being on the West line of the East 1/2 of the aforementioned Lot 18, Section 7, in Manhattan; thence North 01°09'50" West along the West line of the East 1/2 of said Lot 18 a distance of 327.86 feet to a concrete monument (no number) said point being on the North line of the South 1/2 of the North 1/2 of said Lot 18 Section 7, in Manhattan; thence North 88°50'10" East along the North line of the South 1/2 of the North 1/2 of said Lot 18 a distance of 90.06 feet to an "X" marked in the concrete (no number), said point being on the South right-of-way line of State Road 40, said point also being on a curve concaved Northerly and having a radius of 1,712.78 feet and a radial bearing of South 11°36'38" West; thence Southeasterly along the arc of said curve and said South right-of-way line of State Road 40 through a central angle of 00°36'56", an arc length of 18.40 feet to an iron pin labeled LB707; thence leaving said South right-of-way line run South 32°53'17" West, 38.39 feet to an iron pin labeled LB707; thence South 33°30'03" East, 45.09 feet to an iron pin labeled LB707; thence North 87°29'17" East, 38.08 feet to an iron pin labeled LB707; thence South 03°21'36" East, 77.45 feet to an iron pin labeled LB707; thence South 87°29'17" West, 33.19 feet to an iron pin labeled LB707; thence South 23°24'57" East, 71.64 feet to an iron pin labeled LB707; thence South 66°35'03" West, 62.00 feet to an iron pin labeled LB707; thence South 23°46'06" East, 46.32 feet to the Point of Beginning.

Parcel B:

That part of the East 1/2 of the South 1/2 of the North 1/2 of Lot 18 of Section 7, in Manhattan, a Subdivision in Lake County, Florida, according to the record Plat thereof, recorded in Plat Book 2, Page 13, in the Public Records of Lake County, Florida, bounded and described as follows: Begin at a concrete monument labeled LS492 at the intersection of the North right-of-way line of State Road 445A and the East line of said Lot 18, Section 7, in Manhattan, and run South 66°13'54" West along the North right-of-way line of State Road 445A, a distance of 172.96 feet to an iron pin labeled LB707; thence North 01°28'04" West, 169.14 feet to an iron pin labeled LB707; thence North 88°48'52" East, 160.57 feet to an iron pin labeled LB707, said point being on the East line of the aforementioned Lot 18; thence South 01°09'50" East along the East line of said Lot 18 a distance of 102.72 feet to the Point of Beginning.

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Exhibit "A" – Legal Description, Cont.

Parcel C:

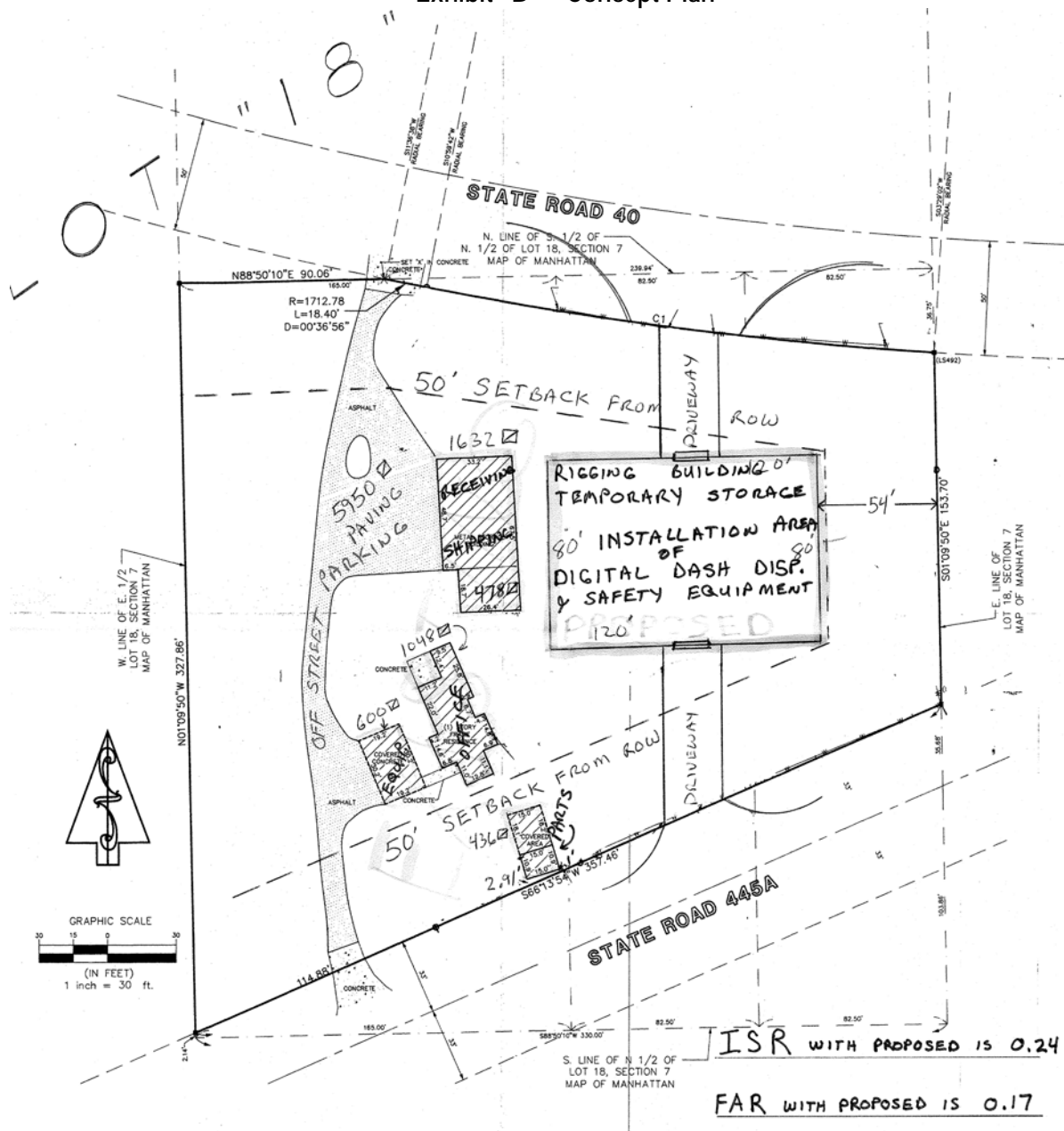
That part of the East 1/2 of the South 1/2 of the North 1/2 of Lot 18 of Section 7, in Manhattan, a Subdivision in Lake County, Florida, according to the recorded plat thereof as recorded in Plat Book 2, Page 13, in the Public Records of Lake County, Florida, bounded and described as follows: Commence at a concrete monument labeled LS492 at the intersection of the North right-of-way line of State Road 445A and the East line of said Lot 18 of Section 7, in Manhattan, and run South 66° 13'54" West along the North right-of-way line of State Road 445A a distance of 242.58 feet to the Point of Beginning of this description, said Point of Beginning being an iron pin labeled LB707; thence leaving said North right-of-way line run North 23°46'06" West, 46.32 feet to an iron pin labeled LB707; thence North 66°35'03" East, 62.00 feet to an iron pin labeled LB707; thence North 23°24'57" West, 71.64 feet to an iron pin labeled LB707; thence North 87°29'17" East, 33.19 feet to an iron pin labeled LB707; thence North 03°21'36" West, 77.45 feet to an iron pin labeled LB707; thence South 87°29'17" West, 38.08 feet to an iron pin labeled LB707; thence North 33°30'03" West, 45.09 feet to an iron pin labeled LB707; thence North 32°53'17" East, 38.39 feet to an iron pin labeled LB707, said iron pin being on the South right-of-way line of State Road 40, said point also being on a curve concave Northerly and having a radius of 1,712.78 feet and a radial bearing of South 10°59'42" West; thence Southeasterly along the arc of said curve and said South right-of-way line of State Road 40 through a central angle of 07°30'41", an arc length of 224.54 feet to a concrete monument labeled LS492, said concrete monument being on the East line of Lot 18, Section 7, in Manhattan; thence South 01°09'50" East along the East line of said Lot 18 a distance of 50.98 feet to an iron pin labeled LB707; thence South 88°48'52" West, 160.57 feet to an iron pin labeled LB707; thence South 01°28'04" East, 169.14 feet to an iron pin labeled LB707, said iron pin being on the North right-of-way line of State Road 445A; thence South 66°13'54" West along the North right-of-way line of State Road 445A a distance of 69.62 feet to the Point of Beginning.

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Exhibit "B" - Concept Plan



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