



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021
Board of County Commissioners (BCC): September 7, 2021

Case No. and Project Name: RZ-21-18-5, Astor Community Association

Applicant: Barbara Wallace

Owner: Astor Community Association, Inc.

Requested Action: Rezone 1 +/- acre from Urban Residential (R-6) to Planned Commercial (CP) to facilitate continued retail use of a community thrift store.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 1 +/- Acre

Location: 24648 Ann Street, Astor

Alternate Key No.: 1448573

Future Land Use Category: Urban Low Density

Existing Zoning District: Urban Residential (R-6)

Proposed Zoning District: Planned Commercial (CP)

Joint Planning Area/ISBA: N/A

Overlay Districts: Pinecastle Range Complex
Wekiva-Ocala River Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-6 and Neighborhood Commercial (C-1)	Residential and Restaurant	Single-Family Dwelling Unit and General Restaurant uses north of Ann Street
South	Urban Low Density	R-6	Residential	Single-Family Dwelling Unit, Vacant Residential south of North George Street
East	Urban Low Density	Community Facility District (CFD)	Vacant	Undeveloped Community Facility east of Third Street
West	Urban Low Density	R-6	Residential	Single-Family Dwellings Units

Staff Analysis

The Applicant seeks to rezone 1 +/- acre of property located at 24648 Ann Street, in the Astor area, from Urban Residential (R-6) to Planned Commercial (CP), to accommodate an existing community center building and a thrift shop. The property is generally located southwest of the Ann Street / Third Street intersection, in the Astor area of unincorporated Lake County. The subject property is zoned R-6 with a Conditional Use Permit (CUP) #520-5 which allows the subject property to operate a community building. The property is currently developed with a community building, a thrift store building, four (4) accessory shed structures, and a parking lot. The Applicant indicated the owners may construct an additional accessory shed structure to support the thrift shop use, the proposed addition is depicted on the provided concept plan (Attachment "A"). The current R-6 zoning does not allow commercial retail use.

The subject property is designated as Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Pursuant to Comprehensive Plan Policy I-1.3.2, *Urban Low Density Future Land Use Category*, retail uses are typically allowed within the Urban Low Density FLUC, in association with an approved Commercial Corridor or Intersection. The subject property is located within the SR 40 (Astor) Minor Commercial Corridor, which satisfies the commercial location requirement of the FLUC.

Standards of Review

Land Development Regulations Section 14.030.03 Standards for Review.

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

The LDR defines a General Retail use as an establishment providing general retail sales, services, or rental from the premises of goods and/or services not specifically classified in another commercial activity type. The LDR specifies that Planned Commercial (CP) districts are established individually under approved site plans submitted at the initial rezoning stage, with conditions necessary to promote the general welfare and to secure economic and coordinated land uses. The requested rezoning is consistent with the purpose and intent of the CP zoning district, pursuant to Land Development Regulations (LDR) Section 3.00.02.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. The proposed commercial retail uses are consistent with uses typically allowed in in the Urban Low Density FLUC, Policy I-1.3.2.

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

The request and proposed use are consistent with the surrounding uses. It appears there are a mix of land uses surrounding the subject parcel, including residential, restaurant, and an undeveloped Community Facility District (CFD) zoned property. The proposed commercial use and community center is consistent with the existing uses of the adjoining parcels.

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

The Applicant intends to bring the property into compliance with the CP zoning to facilitate redevelopment of the property because the existing R-6 zoning does not allow existing commercial retail use. Additionally, the proposed rezoning ordinance to supersede the existing CUP. The Applicant provided the following statement: "Use of the site will continue as currently operated with meeting and event space and thrift shop operation. There are no planned changes to the operation of the property beyond the current use."

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 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

A utility notification from St. Johns River Utility states existing services for both central water and sewage for the subject property. The proposed rezoning is not anticipated to exceed the existing levels of service for water and sewer.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #10 is located at 23023 State Road 40 in Astor, approximately 1.9 miles from the subject property. This facility will provide life support services should an emergency on the property demand this service.

Transportation Concurrency

The request is not anticipated to adversely impact the roadways standard Level of Service (LOS).

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

Should the rezoning be approved, a tree removal permit application will be required to ensure protection in accordance with LDR Section 9.02.00. Additionally, all environmental resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Conservation Element of the Comprehensive Plan and the Resource Protection provisions contained in the LDR.

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

The application does not contain any information regarding the effect of the proposed rezoning on 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 pattern.

The surrounding properties are developed with residential on varying tract sizes, including a variety of land uses including urban residential, a C-1 zoned restaurant use, and an undeveloped CFD zoned property. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

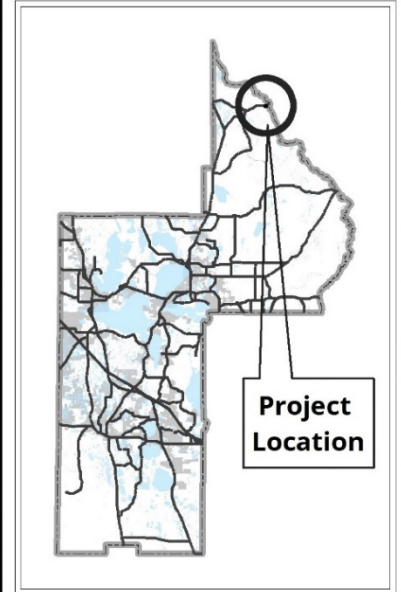
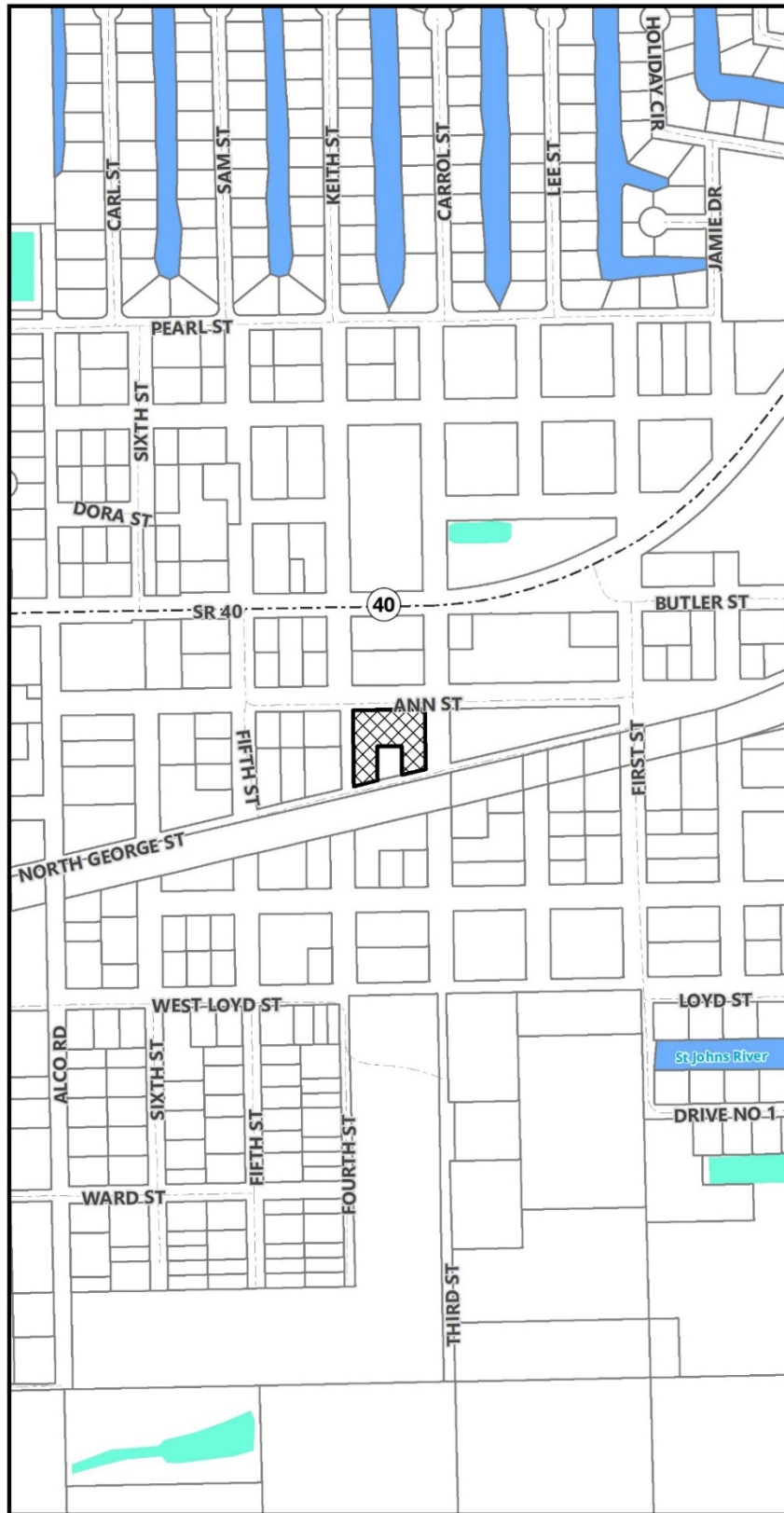
I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and LDR 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.

N/A

Map of Subject Property



CURRENT ZONING

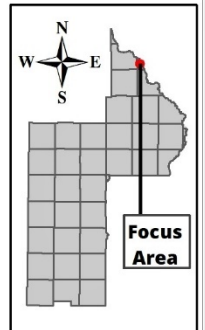


Zoning Legend

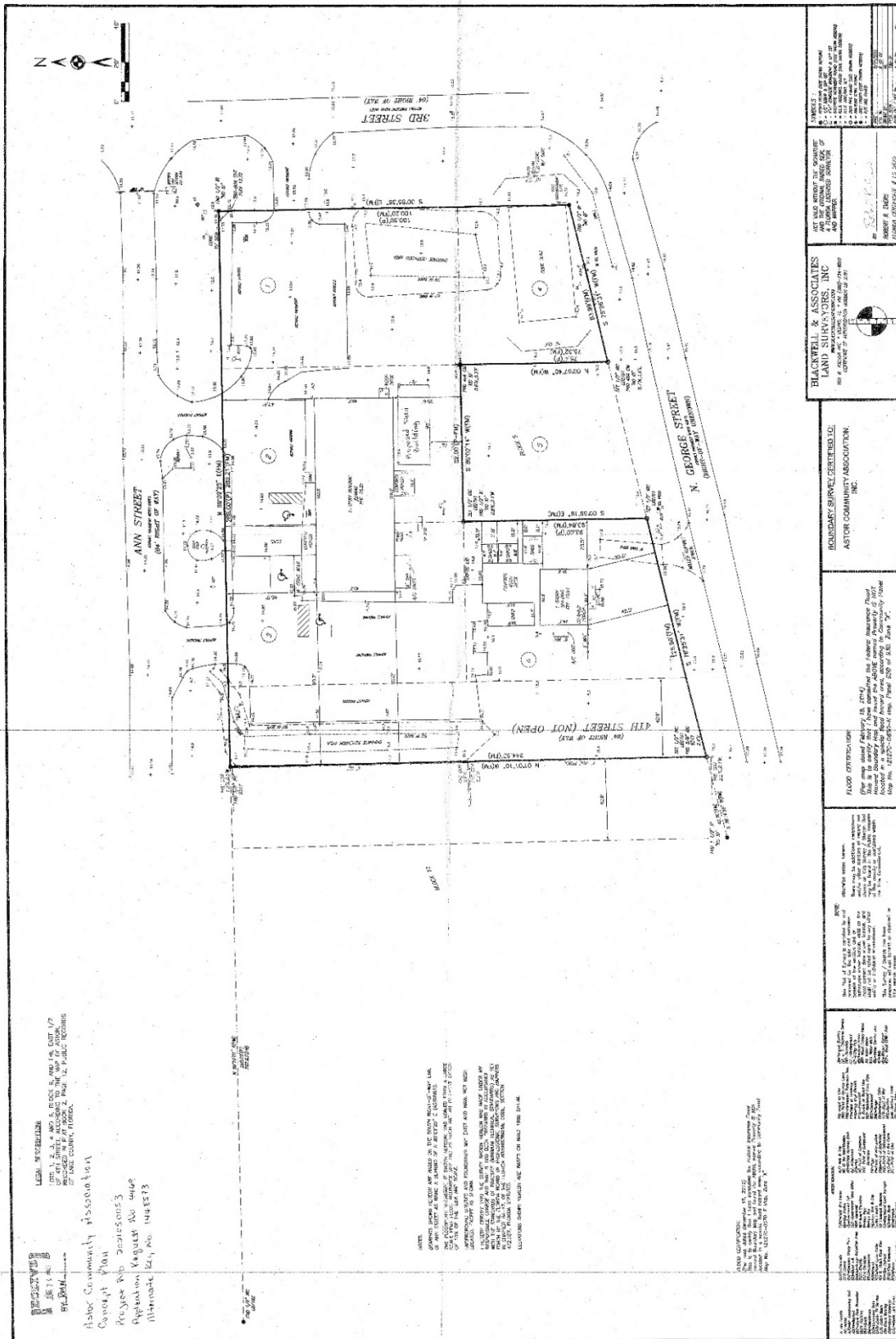
- A
- R-6
- C-1
- CP
- R-3
- R-7
- C-2
- CFD

NAME: ASTOR COMMUNITY ASSOCIATION PROPERTY
CASE NUMBER: RZ-21-18-5
LOCATION (S-T-R): 37-15-27
REQUEST: URBAN RESIDENTIAL (R-6) TO PLANNED COMMERCIAL (CP)

DISTRICT: 5



Attachment "A" – Concept Plan



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**ORDINANCE #2021-XX
ASTOR COMMUNITY ASSOCIATION PROPERTY
RZ-21-18-5**

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

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WHEREAS, Barbara Wallace (the "Applicant") submitted an application on behalf of the Astor Community Association, Inc. (the "Owners") to rezone property from Urban Residential (R-6) to Planned Commercial (CP); and

WHEREAS, the subject property consists of approximately 1 acre located at 24648 Ann Street, in Section 38, Township 15 South, Range 28 East, identified by Alternate Key Number 1448573, and more particularly as described below:

Lots 1, 2, 3, 4 and 6, Block 9, and the East ½ of 4th Street, according to the map of Astor, recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida

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

WHEREAS, the property will be rezoned to Planned Commercial (CP) in accordance with the Lake County Zoning Regulations; and

WHEREAS, on the 25th day of May 1976, the Lake County Board of County Commissioners granted Conditional Use Permit (CUP) 520-5 to allow for the construction and operation of a Community building; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-21-18-5 on the 4th day of August 2021, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 7th day of September 2021; 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.

WHEREAS, the approval of the ordinance shall replace and supersede CUP 520-5.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

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Section 1. Terms. The County Manager or designee shall amend the Lake County Zoning Map to show the Planned Commercial (CP) zoning district in accordance with this Ordinance. All uses specified must be generally consistent with the Concept Plan as shown in Exhibit "A" of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, the Ordinance will take precedence. Approval of this ordinance shall cause the revocation of CUP 520-5.

- 1 **A. Permitted Land Uses.**
2 1. A community building.
3 2. Commercial-retail use, including community thrift shop.
4 Accessory uses may be approved by the County Manager or designee. Any other use
5 of the property will require approval of an amendment to this Ordinance by the Board
6 of County Commissioners.
- 7 **B. Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height.**
8 Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height shall be in
9 accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
10 amended.
- 11 **C. Development Standards/Design Criteria.** Development shall adhere to commercial
12 design standards in accordance with the Comprehensive Plan and LDR, as amended.
- 13 **D. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.
- 14 **E. Parking Requirements.** Off-street parking must be provided in accordance with the LDR,
15 as amended.
- 16 **F. Landscaping, Buffering, and Screening.** All new development must provide landscaping
17 in accordance with the LDRS, as amended.
- 18 **G. Environmental Requirements.**
- 19 1. An environmental assessment no more than six (6) months of the development
20 application submittal will be required. The environmental assessment will need to
21 indicate the presence of vegetation, soils, threatened and endangered species that
22 may exist on the site. Any State permitting or mitigation will be required before
23 development can commence.
- 24 2. Environmental resources shall be protected in accordance with the Comprehensive
25 Plan and LDR, as amended.
- 26 **H. Noise:** Development shall comply with noise protection provisions of the LDR, as
27 amended.
- 28 **I. Transportation Improvements.** All access management shall be in accordance with the
29 Comprehensive Plan and LDR, as amended.
- 30 **J. Utilities.** The development shall be served with central potable water and central sewer, in
31 accordance with the Comprehensive Plan and LDR, as amended.
- 32 **K. Stormwater Management.** The stormwater management system must be designed in
33 accordance with all applicable Lake County and St. Johns River Water Management District
34 requirements.
- 35 **L. Floodplain Management.** The Owners will be responsible for any flood studies required
36 for developing the site and to comply with Federal Emergency Management Agency (FEMA)
37 regulations, the Comprehensive Plan, and the Lake County LDR. Any development within the
38 floodplain as identified on the FEMA maps will require compensating storage.

1 **M. Lighting.** Exterior lighting must be in accordance with the Lake County LDR, as amended,
2 and consistent with Dark-Sky Principles.

3 **N. Signage.** All signage must be in accordance with the Lake County LDR, as amended.

4 **O. Concurrency Management Requirements.** Any development must comply with the Lake
5 County Concurrency Management System, as amended.

6 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owners
7 shall be required to submit applications for and receive necessary final development order
8 approvals as provided in the Lake County Comprehensive Plan and Land Development
9 Regulations. The applications for final development orders shall meet all submittal
10 requirements and comply with all County codes and ordinances, as amended.

11 **Section 2. Conditions.**

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

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

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

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

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

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

37 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
38 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
39 125.66, Florida Statutes.

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

2 **ENACTED** this _____ day of _____, 2021.

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4 **FILED** with the Secretary of State _____, 2021.

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6 **EFFECTIVE** _____, 2021.

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

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15 **SEAN M. PARKS, CHAIRMAN**

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18 **ATTEST:**

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22 **GARY J. COONEY, CLERK OF THE**
23 **BOARD OF COUNTY COMMISSIONERS**
24 **LAKE COUNTY, FLORIDA**

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27 **APPROVED AS TO FORM AND LEGALITY:**

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31 **MELANIE MARSH, COUNTY ATTORNEY**