



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): January 5, 2022
Board of County Commissioners (BCC): February 1, 2022

Case No. and Project Name: RZ-21-35-2, Roger's Place Commercial Property

Applicant: Jimmy D. Crawford, Esquire

Owner: GK Rogers Construction, LLC

Requested Action: Rezone 9.8 acres from Planned Industrial District (MP) to Planned Commercial District (CP) to allow the property to be developed with commercial uses, including a waiver consideration request to LDR Section 9.10.04.D.1.b, to exempt the property from providing cross access between all adjoining parcels.

Staff Determination: Staff finds the rezoning amendment to be consistent with the LDR and Comprehensive Plan.

Case Manager: Michele Janiszewski, AICP, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 9.8 +/- acres

Location: Northwest of the intersection of SR 50 and Auto Plex Lane, in the Clermont area

Future Land Use: Regional Commercial

Current Zoning District: Planned Industrial (MP) by Ordinance 1989-95

Flood Zones: "X"

Joint Planning Area/ ISBA: Clermont JPA and ISBA

Overlay Districts: Lake Apopka Basin Overlay District
State Road 50 Major Commercial 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	Regional Commercial	Planned Industrial (MP)	Light Manufacturing	
South	City of Clermont	City of Clermont	Retention Pond and ROW	State Road 50
East	City of Clermont	City of Clermont	Commercial	Toyota of Clemont
West	City of Clermont	City of Clermont	Undeveloped	Previously approved as a mixed-use development

Staff Analysis

The subject property is situated north of State Road 50 and west of Auto Plex Lane, in the Clermont area. The property is zoned Planned Industrial (MP) by Ordinance 1989-95; the Ordinance #1998-95 allows an asphalt production plant and related uses and has been utilized as such for the past few decades (Attachment "A"). The application seeks to rezone the property to Planned Commercial (CP) to allow commercial uses, consistent with the property's Regional Office Future Land Use Category (FLUC).

The property is located within the Joint Planning Area (JPA) established with the City of Clermont. The City was provided with the application and stated that since they will be providing the property with utilities, an application will need to be submitted to them as well. A condition was placed in the draft ordinance which requires all development to adhere to the Clermont JPA design criteria established in LDR Chapter XV.

The property is located within the State Road 50 Commercial Corridor and must adhere to the design criteria established in LDR Section 9.10.04. LDR Section 9.10.04.D.1.b requires a site to provide cross access between all adjoining parcels and uses, maximizing multiple options for internal circulation. The application is seeking a waiver to this provision because the property to the north is an existing heavy industrial site, whose safety and security does not allow for cross-access and to the west is an under-construction auto dealership (CarMax) and its site plan does not show any opportunity for cross-access between the parcels. Staff is agreeable to this waiver request.

Table 1. Existing and Proposed Development Standards.

	Zoning District	Uses	Maximum Floor Area Ratio (FAR)	Maximum Impervious Surface Ratio (ISR)	Minimum Open Space	Building Height
Existing	Planned Industrial (MP)	Asphalt production plant, road base processing plant, a soil, remediation and bituminous processing plant, concrete casting yards, and a soil remediation operation.	1.0	80%	15%	50 Feet
Proposed	Planned Commercial (CP)	Existing uses and all Planned Commercial (CP) uses with the exception of the following uses: Kennels, Lots/Aviary, Plant nursery, Mining and Quarrying, Obnoxious uses, Adult uses, Marina, Self-service laundry, Self-service storage, Truck yard, Junkyard, Warehouses, Cemetery, College or University, and Major Utilities.	2.0	75%	15%	35 Feet

Standards for Review (LDR Section 14.03.03)

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

The application is consistent with the current development standards contained within the LDR. The draft ordinance incorporates uses permitted within the CP zoning district, as established in LDR Section 3.01.03; establishes a 2.0 FAR, as established in LDR Section 3.02.06; and references the applicable overlay districts and joint planning areas which are applicable to the property, established in LDR Section 9.10.04 and LDR Chapter XV.

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. The subject property is located within the Regional Office Future Land Use Category. Comprehensive Plan Policy I-1.3.7 states that allowable uses within the Regional Office FLUC include commerce uses, office uses, light manufacturing, and civic uses. Policy I-1.3.7 also requires projects within this FLUC to be designed with a minimum of fifteen percent (15%) of the net buildable area as open space which is a condition in the draft ordinance. Comprehensive Plan Policy I-1.3.7 allows property within the Regional Office FLUC to be developed with a maximum of 75% impervious Surface Ratio which is incorporated into the draft ordinance.

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

The application seeks to rezone a property from MP to CP to develop the property with commercial uses. The proposed CP zoning district is more compatible with the Regional Office FLUC. The existing MP zoning district allows heavy industrial uses which are not permitted within the Regional Office FLUC.

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

The application seeks to develop the property with commercial uses, consistent with the Regional Office FLUC.

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 rezoning will not adversely impact the County's adopted levels of service for schools, parks, recreation, police, drainage, solid waste, and fire and emergency medical facilities. 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 will be supplied potable water and wastewater services by the City of Clermont.

Transportation

The standard Level of Service (LOS) for the impacted roadway of SR 50 is "D" with capacity of 3710 trips in the peak direction. Currently the impacted segment CR 455 to Orange County Line is operating at "C" ninety one percent (91%). This project will be generating approximately Six Hundred and Seventy-Seven two (677) pm peak hour trips, in which three Hundred and Fifty-Two (352) trips will impact the peak hour direction. Currently, there are no state funded improvements scheduled for this segment of SR 50. The applicant will be required to conduct a Tier 2 traffic Impact study prior to site plan approval.

Solid Waste

Lake County Public Works Operations Division has indicated there is sufficient capacity to support this project.

Schools

This application does not include a residential component and is not anticipated to impact the Lake County School District.

Fire and Emergency Services

Lake County Fire Station #90, located at 13341 Hartle Rd in Clermont, is located approximately 0.9 miles west of the subject property.

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

The site has been disturbed and utilized for industrial purposes, no adverse effects on the natural environment are expected as a result of this application. The subject property contains no wetlands, open bodies of water, nor floodplains. New development will be required to meet all Comprehensive Plan Policies and LDRs, 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.

The subject property is surrounded with commercial development. West of the property is a Toyota car dealership; east of the subject property was approved to be developed with a Carmax car dealership; and north of the property is still subject to the 1989-95 MP Ordinance. The subject property is also located within the State Road 50 Major Commercial Corridor which is developed with other commercial uses. The rezoning would result in an orderly and logical development pattern.

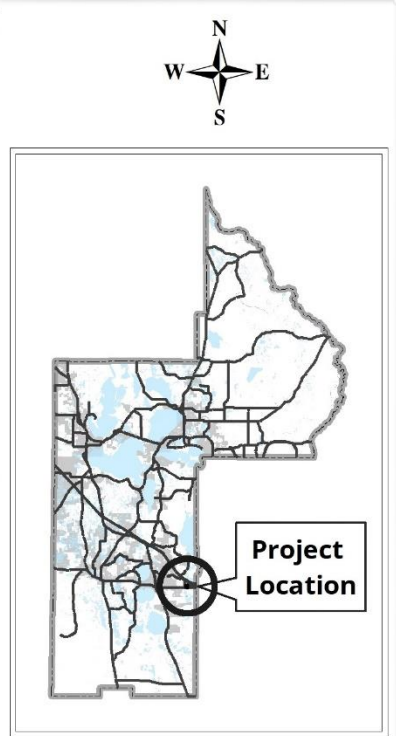
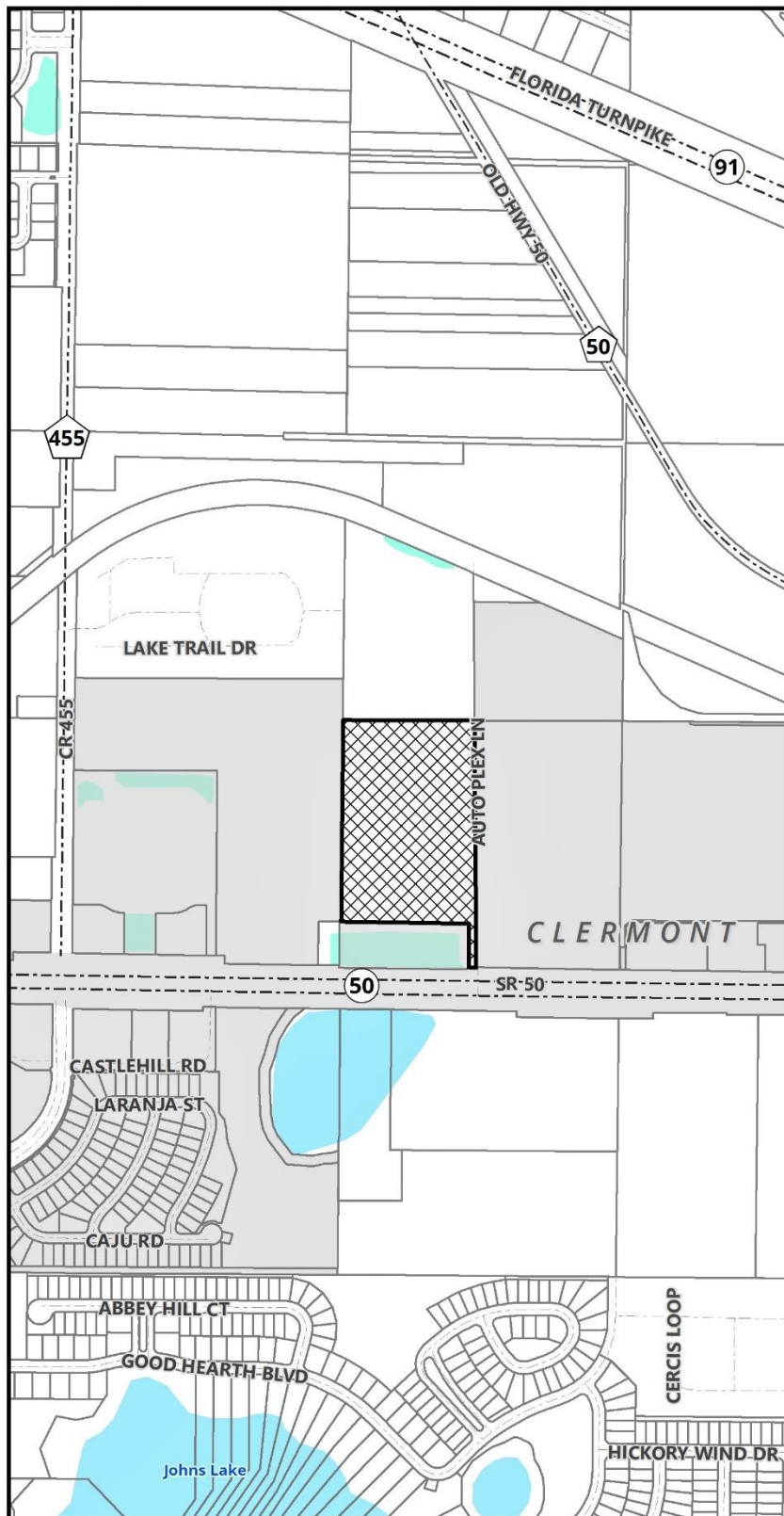
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

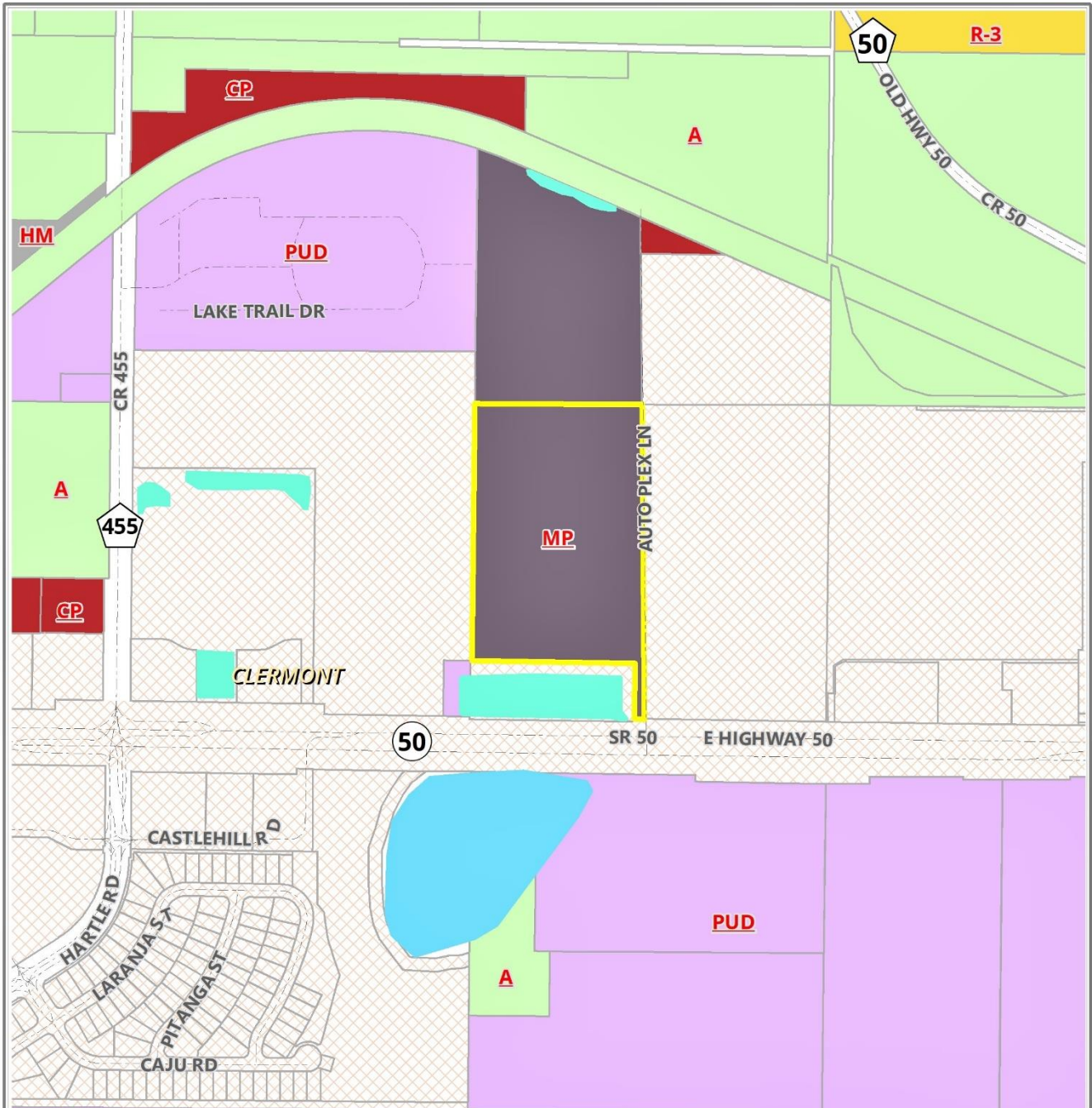
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

Map of Subject Property.



CURRENT ZONING



Zoning Legend

- A
- R-3
- CP
- HM
- MP
- PUD

NAME: **ROGERS PLACE PROPERTY**

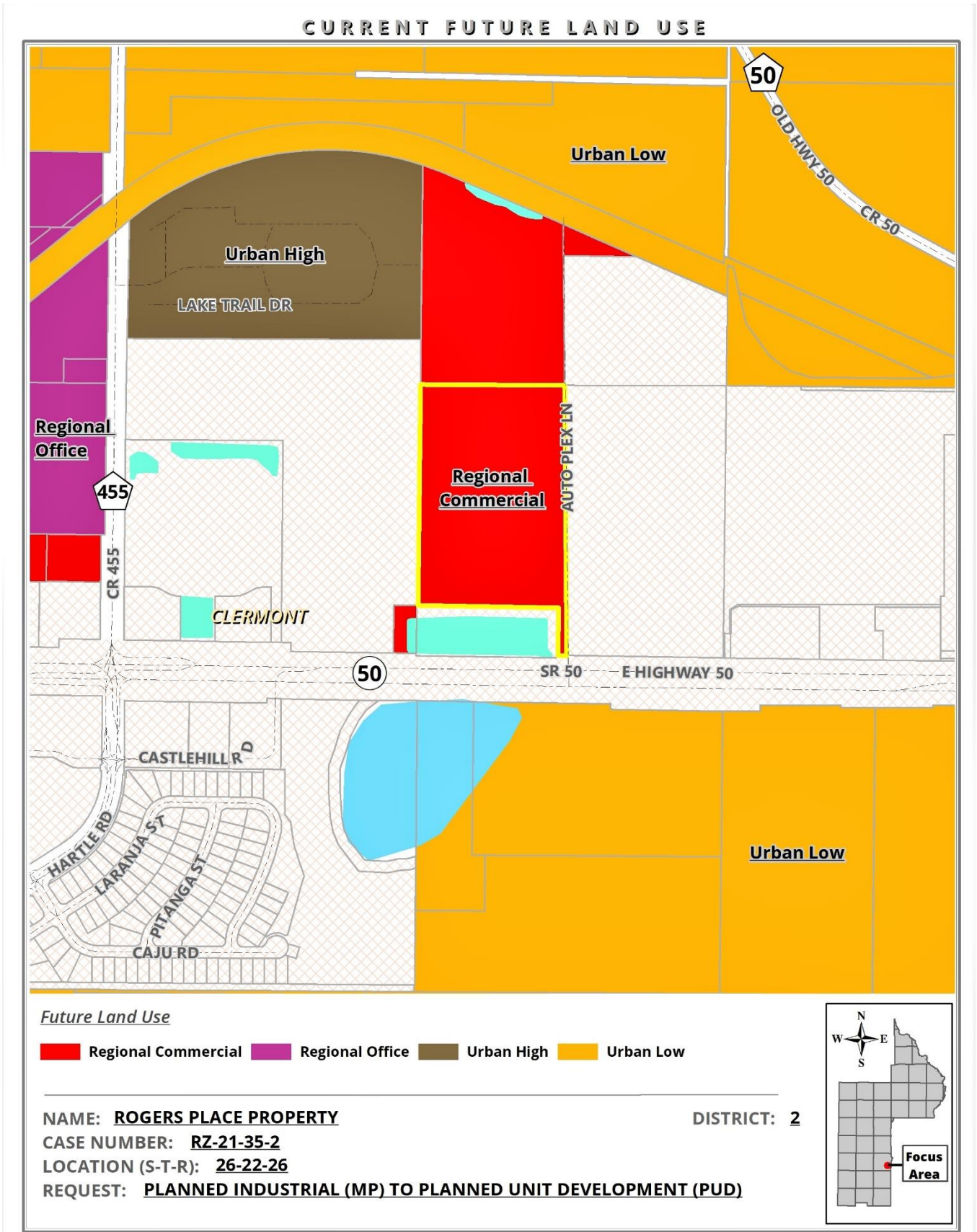
DISTRICT: **2**

CASE NUMBER: **RZ-21-35-2**

LOCATION (S-T-R): **26-22-26**

REQUEST: **PLANNED INDUSTRIAL (MP) TO PLANNED UNIT DEVELOPMENT (PUD)**





Attachment A. Ordinance 1989-95 (7 Pages).

FILED

Ordinance #95-89^{FILED} 27 4 35 PM '90

CLERK
LAKE COUNTY, FLORIDA

WHEREAS, the Lake County Planning and Zoning Commission did, on the 29th day of November, 1989, review petition #25-86A-3, a request to approve a rezoning to MP (Planned Industrial) Tracts 50A & 63, for existing use (E.G. Asphalt plant) and amend MP Ord. #13-86 for soil remediation and bituminous processing plant, concrete casting yard, soil remediation w/existing asphalt plant on property generally located in the Clermont area - From the intersection of SR 50 & C-455; proceed E on SR 50 approx. 1/4 mi. to property lying N of road. The property is more particularly described as:

LEGAL DESCRIPTION: Tract 50A & 63 of Lake Highlands, Sec. 23, Twp. 22S, Rge. 26E, and Tracts 2, 15 & 15A, N of water retention area, according to the plat of Lake Highlands, Sec. 26, Twp. 22S, Rge. 26E.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 19th day of December, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: The facility shall mean and include the total of the following:

A. Land Uses:

1. Use of the site shall be limited to that of an asphalt production plant, road base processing plant, a soil remediation and bituminous processing plant, concrete casting yards, and a soil remediation operation.
2. The facility shall be constructed and operated by an individual or individuals who have substantial experience in constructing and operating soil decontamination facilities.

B. Storage and Treatment of Contaminated Soils

1. Storage of contaminated soils must be addressed. The soil must be covered and stored on an impermeable surface. Stormwater controls must be in place which will prevent contaminated leachate from leaving the area and causing a possible contamination problem. The soil being treated needs to have < 20% soils moisture present for effective contaminant removal during the burn. This must be considered if the stormwater is to be treated by running it through the dryer with the soil. Other stormwater treatments would require an Industrial Waste Permit if the run off was directed to a lined percolation ponds. A discharge to surface water would require NPDES permit.

2. Treatment of Petroleum Contaminated Soils and Hazards

Only petroleum contaminated soils may be treated at the facility. The soils would be considered hazardous under the three (3) following conditions:

- a. The E.P. Toxicity test for lead (E.P.A. Method 1310/7420 or 7421) is greater than 5 mg./l.
- b. The soil has a flashpoint less than 60o C (EPA Method 1010 of 1020).
- c. The contaminatin is from one of five specific categories of petroleum refining wastes listed in 40 CFR 261:
 - 1. Dissolved air flotation float;
 - 2. Slope oil emulsion solids;
 - 3. Heat exchanger cleaning sludge;
 - 4. API separator sludge; or
 - 5. Leaded tank bottom sludge.

The following constituents of the non-virgin petroleum products that contaminated the soil shall not be exceeded.

<u>Constituent/Property</u>	<u>Allowable Level (max. ppm in oil)</u>	<u>EPA Test Method</u>
Arsenic	5	7060
Cadmium	2	7131
Chromium	11	7191
Lead	100	7431
Total Hologens	4000	300
PCB	0	

Soils meeting or exceeding the above criteria could only be incinerated with the approval of DER's RCRA engineer and Air Engineer.

3. Sampling and Analysis

Pre-burn analysis must be done if the soil is determined to be non-hazardous. Influent soils should be sampled for benzene and volatile organic compounds. Sampling and analysis should be based on the procedures prescribed in EPA Test Methods for Evaluating Solid Waste SW-846. The minimum number of composite samples should be as follows:

<u>Soil Quantity (yard³)</u>	<u>Number Composite Samples</u>
Less than 100 (150t)	1
100 to 500 (150-750t)	3
500 to 1000 (750-1500t)	5
Over 1000 (1500t)	9

4. Record of Treated Soil Samples

To insure the soil from each site meets specifications for treated soil, the soil exiting the soil dryer shall be sampled on an hourly basis during operation and an analysis of a daily, composite sample made up of the hourly samples shall be performed for benzene, toluene, ethylbenzene, and xylenes concentration using EPA Methods 5030/8020, and total recoverable petroleum hydrocarbon concentration using EPA Method 418.1. Records shall be kept on the date, time and number of samples taken for each composite sample. All soil samples taken at the remediation site and exiting the soil dryer shall be stored in a sealed glass container immediately upon sampling.

5. Disposing of Treated Soil

The treated soil may be disposed of as clean fill if the sum of the benzene, toluene, ethylbenzene, and total xylenes (BTEX) is less than 100 ppb and the total recoverable petroleum (TRPH) is less than 5 ppm.

The treated soil may be used in a roadbed if the sum of the BTEX is less than 200 ppb, the TRPH concentration is less than 100 ppm, and the roadbed is at least one ft. above the 100 year high water table.

The treated soil may be used in asphalt mix if the sum of the BTEX is less than 500 ppb and the TRPH concentration is less than 500 ppm. Higher concentrations may be accepted if permitted by DER's Air engineer. Typically, higher concentration soils would have to be passed through a preheater before inclusion in the asphalt mix.

6. A groundwater monitoring program should be implemented because of the potential for contamination from this type of facility.
7. Air, water and soil sampling required by the Planned Industrial or other permits should be performed by technicians who are trained and experienced in properly sampling techniques.
8. Air, water and soil analysis should be conducted by a firm that is certified by the Department of Health and Rehabilitative Services to perform each type of analysis.
9. All analytical records required by the MP (Planned Industrial) or other permits shall be retained for at least three (3) years on site and made available for inspection by County personnel upon request.

10. A construction permit followed by an operating permit must be obtained from Air Section at DER and submitted to Lake County within ten (10) days of issuances.
 11. All applicable local, State and Federal storage tank regulations must be met.
 12. The applicant shall provide stormwater runoff calculations and show stormwater collection/retention system design as required by Lake County Code.
 13. The applicant shall submit a completed hazardous waste form. (This form is available from Lake County Zoning office.)
 14. Any fuel storage facilities on this site must be in compliance with Chapter 17-61 F.A.C.
 15. The applicant shall submit the following information for Lake County Tree Ordinance review: A tree survey of all existing trees over 6" DBH and a site plan to show how the tree requirements, pursuant to the Lake County Tree Ordinance, will be met.
 16. The applicant shall submit a detailed landscape plan for all areas requiring landscaping pursuant to the Lake County Landscape Ordinance.
 17. The applicant shall submit the following information to demonstrate compliance with the Lake County Wetland Ordinance 70.37: Soil types as per the Lake County Soil Survey, total wetland acreage, acres of wetlands to be impacted, and a wetland development application and an environmental easement, if applicable. If existing site conditions contain no Lake County jurisdictional wetlands, then this item will not be applicable.
 18. Surety Cash Bond/Letter of Reclamation

A substantial cash bond, Letter of Credit or other acceptable instrument in the amount of one-hundred thousand dollars (\$1,000,000.00) shall be issued to the County Finance Department to ensure that any contamination resulting from the operation of the facility be cleaned up in a timely manner.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Chief of Development Coordination upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in Ordinance #95-89 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the MP (Planned Industrial) established by Ordinance #95-89, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

DONE AND RESOLVED by the Lake County Board of County Commissioners on
the 19th day of December, 1989, A.D.

STATE OF FLORIDA)

:

COUNTY OF LAKE)



MICHAEL J. BAKICH, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an
Ordinance adopted by the Board of County Commissioners in regular
session on December 19, 1989 as the same appears on record of
County Commissioners Minute Book 38 Page 383-384.

JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners
Lake County, Florida

BY: 

CLERK

ORDINANCE NO. 2022 - _____

Roger's Place CP

RZ-21-35-2

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

7 **WHEREAS**, Jimmy D. Crawford, Esquire, (the “Applicant”) made a request on behalf of GK Rogers Construction,
8 LLC (the “Owner”) to rezone property from Planned Industrial (MP) to Planned Commercial (CP), to allow
9 commercial uses; and

10 **WHEREAS**, the subject property consists of 9.8 +/- acres located at the northwest of the intersection of
11 SR 50 and Auto Plex Lane in the Clermont area, situated in Section 09, Township 22S, Range 26E, a portion of
12 Alternate Key 3835575 and more particularly described in Legal Description – Exhibit “A”;

13 **WHEREAS**, the property is located within the Regional Commercial Future Land Use Category as
14 shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

15 **WHEREAS**, the Lake County Planning and Zoning Board did, on the 5th day of January 2022, review
16 Petition RZ-21-35-2 after giving Notice of Hearing on petition for a rezoning, including notice that said Ordinance
17 would be presented to the Board of County Commissioners of Lake County, Florida, on the 1st day of February
18 2022; and

19 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the
20 Lake County Planning & Zoning Board, Staff Report and any comments, favorable or unfavorable, from the
21 Public and surrounding property owners at a Public Hearing duly advertised, and

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

24 **WHEREAS**, the ordinance shall supersede and replace any and all previous zoning ordinances on the
25 subject property, including Ordinance 1989-95.

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

28 **Section 1. Terms.** The County Manager or designee Shall amend the Zoning Map in accordance with this
29 Ordinance. The uses of the property Shall be limited to the uses specified in this Ordinance generally
30 consistent with the Conceptual Plan attached hereto as Exhibit “B”.

31
32 **A. Waivers.** The subject property Shall not be required to provide cross-access between all
33 adjoining parcels, as required by LDR Section 9.10.04.D.1.b.

34 **B. Land Uses.** All Planned Commercial (CP) uses Shall be permitted with the exception of the
35 following uses: Kennels, Lots/Aviary, Plant Nursery, Mining and Quarrying, Obnoxious Uses,
36 Adult Uses, Marina, Self-Service Laundry, Self-Service Storage, Truck Yard, Junkyard,
37 Warehouses, Cemetery, College or University, And Major Utilities. Existing uses on the property
38 may continue operating until the property receives site plan approval.

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C. Development Standards. The subject property Shall be developed in accordance with the standards below:

- 1. Maximum Commercial Square Footage: 75,000
- 2. Minimum Open Space: 15% of the Net Buildable Area
- 3. Maximum Impervious Surface Ratio: 75%
- 4. Maximum Floor Area Ratio: 2.0
- 5. Maximum Height: Thirty-five (35) feet Shall be allowed for all designated habitable occupancy use areas of a building or structure, and a maximum height of forty-five (45) feet shall be allowable for the finished height of all buildings or structures. For the purpose of this section, habitable, occupancy use area shall mean that portion of a building or structure included between the upper surface of a floor and the ceiling above, intended for human occupancy.

D. Development Conditions.

- 1. Commercial developments Shall provide one (1) dumpster pad with an approved enclosure for every seven thousand five hundred (7,500) square feet of retail space and every ten thousand (10,000) square feet of office space.
- 2. No single retail establishment may occupy more than one hundred thousand (100,000) square feet.
- 3. Chain link fencing Shall be prohibited. Fencing around water retention areas and all other fencing Shall be ornamental metal fencing.
- 4. Mobile storage systems are metal shipping containers and trailers that are used to store additional inventory outside of the store. Mobile storage systems Shall be prohibited.
- 5. Cart returns in the parking lot shall be provided for those stores that provide shopping carts.
- 6. All materials stored outside must be within an opaque enclosure. Chain link fencing is prohibited.
- 7. A pedestrian circulation plan shall be required for all development proposals and Shall demonstrate how each use is internally connected to ensure safe access for pedestrians.

1 **E. Setbacks.**

Front Setback	All buildings Shall be set back no less than fifty (50) feet from all roads, or right-of-way easements bounding the project area.
Side Setback	Consistent with the required landscape buffer, but no less than twelve (12) feet from the property line.
Rear Setback	Minimum of twenty-five (25) feet for all structures from the property line.
Setbacks for Structures exceeding two (2) stories	Setbacks from any rear or side property line Shall be no less than that required for the Zoning District plus fifteen (15) feet for each story in excess of two (2).

2

3 **F. Architectural Standards.**

4 1. Facades and Exterior Walls

- 5 i. Ground Floor Facades that face public streets Shall have arcades, display windows,
6 entry areas, awnings or other such features along no less than sixty (60) percent of
7 their horizontal length.
- 8 ii. Facades greater than one hundred (100) feet in length, measured horizontally, Shall
9 incorporate wall plane projections or recesses having a depth of at least three (3) feet.
10 No uninterrupted length of any facade Shall exceed one hundred (100) horizontal feet.
- 11 iii. The loading areas Shall be properly screened from public view. Proper screening Shall
12 include but is not limited to provision of a minimum ten-foot-wide landscape buffer along
13 the side of the building where the loading area is located.

14 2. Roofs

- 15 i. Parapet walls or other design features Shall be used to conceal flat roofs and rooftop
16 equipment such as HV AC units from public view from all sides of the building. Parapet
17 walls or other design features Shall be constructed at a height of at least one (1) inch
18 above the tallest roof top unit. A metal or other enclosure for rooftop equipment does
19 not constitute screening from public view. The average height of such parapets Shall
20 not exceed fifteen (15) percent of the height of the supporting wall and such parapets
21 Shall not at any point exceed one-third ($\frac{1}{3}$) of the height of the supporting wall.
- 22 ii. No uninterrupted length of any roofline or parapet wall Shall exceed one hundred (100)
23 horizontal feet.

24 3. Materials and colors

- 25 i. The predominant exterior finish Shall be of high-quality materials, including, but not
26 limited to, brick, stone, stucco and textured concrete masonry units. The finished
27 surface of the exterior walls Shall not include smooth-faced concrete block, tilt-up

- 1 concrete panels or prefabricated steel panels.
- 2 ii. Facade colors Shall be low reflective, subtle, neutral or earth tone colors. The use of
- 3 high-intensity colors, metallic colors, black or fluorescent colors Shall be prohibited.
- 4 iii. Building trim and accent areas Shall be limited to one (1) primary color. The use of a
- 5 primary color in the building trim is limited to a one-foot wide band around the building.
- 6 Neon tubing Shall not be an acceptable feature for building trim or accent areas.

- 7 4. Entryways. Each large retail establishment Shall have a clearly defined customer entrance
- 8 featuring no less than three (3) of the following: canopies or porticos; overhangs;
- 9 recesses/projections; arcades; peaked roof forms; arches; architectural details such as tile
- 10 work and moldings which are integrated into the building structure and design; integral
- 11 planters or wing walls that incorporate landscaped areas and/or places for sitting.

12 **G. Landscaping, Buffering, and Screening.** Landscaping shall be installed and maintained in

- 13 accordance with the requirements of the LDRs, as amended.
- 14 1. Florida-Friendly plants shall be exclusively used for landscaping plant material.
 - 15 2. Sixty (60) percent of required canopy trees in parking lots Shall be live oak trees.
 - 16 3. Palm trees and pine trees may be used as a component of the landscape plan but Shall not
 - 17 count towards the minimum canopy tree requirement. As many palms and pines as desired
 - 18 may be planted but will not count toward canopy tree requirements.

19 **H. Environmental Requirements.** Environmental resources shall be protected in accordance with

20 the Comprehensive Plan and LDR, as amended.

21 **I. Signage.** All signage shall be in accordance with the LDR, as amended. The following types of

- 22 signage shall be prohibited:
- 23 1. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any
 - 24 description or other apparent visible movement achieved by electrical, or mechanical
 - 25 means.
 - 26 2. Signs with the optical illusion of movement by means of a design that presents a pattern
 - 27 capable of giving the illusion of motion or changing of copy.
 - 28 3. Digital or light-emitting diode (LED) signs.

29 **J. Utilities.**

- 30 1. All development of the site shall be provided central water and wastewater services by the
- 31 City of Clermont.
- 32 2. All utility lines and services, with the exception of temporary construction lines, Shall be
- 33 installed underground at the owner's, developer's or builder's expense.

1 **K. Solid Waste Facilities.**

- 2 1. Commercial developments Shall provide one (1) dumpster pad with an approved enclosure
- 3 for every seven thousand five hundred (7,500) square feet of retail space and every ten
- 4 thousand (10,000) square feet of office space.

- 5 2. Each dumpster and compactor location Shall be located behind the front setback of the
- 6 primary building and Shall be surrounded by a concrete masonry unit enclosure with gates
- 7 constructed of wood, architectural metal, or other material that is architecturally compatible
- 8 with the primary building design. The material used Shall provide an opaque screen so the
- 9 dumpster will not be visible from the outside. Chain link fencing is not permitted.

- 10 3. The enclosure Shall exceed the vertical height of the dumpster by at least six (6) inches,
- 11 with a maximum height of nine (9) feet.

- 12 4. The required setback for enclosures Shall be five (5) feet adjacent to property that is either
- 13 zoned or used as commercial and twenty-five (25) feet adjacent to property that is either
- 14 zoned or used as residential.

- 15 5. The enclosure Shall be constructed using colors and architectural treatments consistent
- 16 with the structure or facility it serves.

17 **L. Lighting Requirements.** Any external lighting shall be consistent with LDR Section 3.09.00,

18 as amended.

19 **M. State Road 50 and US 27 Commercial Corridor Design Criteria.** The subject property is

20 located within the State Road 50 Commercial Corridor and future development of the site is

21 subject to LDR Section 9.10.04, as amended.

22 **N. Clermont Joint Planning Area.** The subject property is located within the Clermont Joint

23 Planning Area (JPA). All development of the site is subject to the criteria established in LDR

24 Chapter XV, as amended.

25 **O. Stormwater Management.** The stormwater management system shall be designed in

26 accordance with all applicable Lake County and St. Johns River Water Management District

27 (SJRWMD) requirements, as amended.

28 **P. Transportation.**

- 29 1. Access to the site shall be from Auto Plex Lane.

- 30 2. Sidewalks will be required per Land Development Regulations Commercial Design
- 31 Standards, as amended.

- 32 3. A Utility Service Agreement for water and sewer with the City of Clermont shall be required
- 33 prior to site plan approval. Connection to central water and wastewater treatment is
- 34 required and shall comply with all applicable State, Regional, and Lake County policies

1 and regulations, as amended.

2 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
3 be required to submit a formal site plan or a preliminary plat, construction plans, and final plat
4 for review and approval to Lake County. The site plan or preliminary plat, construction plans,
5 and final plat shall meet all submittal requirements and comply with all County codes and
6 ordinances, as amended.

7 **R. Concurrency Management.** Concurrency shall be met prior to the issuance of any
8 development order, consistent with the LDR, as amended.

9 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

10 **A.** After establishment of the facilities as provided herein, the property shall only be used for the
11 purposes named in this Ordinance. Any other proposed use must be specifically authorized by
12 the Board of County Commissioners.

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

18 **C.** This Ordinance shall inure to the benefit of and shall constitute a covenant running with the land
19 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owners
20 and any successors and shall be subject to each condition herein set out.

21 **D.** Construction and operation of the proposed use shall always comply with the regulations of this
22 and other governmental permitting agencies.

23 **E.** The transfer of ownership or lease of any or all the property described in this Ordinance shall
24 be included in the transfer or lease agreement, a provision that the purchaser or lessee is made
25 good and aware of the conditions established by this Ordinance and agrees to be bound by
26 these conditions. The purchaser or lessee may request a change from the existing plans and
27 conditions by following procedures contained in the LDR, as amended.

28 **F.** The Lake County Code Enforcement Special Master shall have authority to enforce the terms
29 and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

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

33

1 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith 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

5 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.
6

7 **ENACTED** this _____ day of _____, 2022.

8
9 **FILED** with the Secretary of State _____, 2022.

10
11 **EFFECTIVE** _____, 2022.
12

13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **LAKE COUNTY, FLORIDA**
16

17
18 _____
19 **SEAN M. PARKS, CHAIRMAN**
20

21
22
23 **ATTEST:**
24

25
26 _____
27 **GARY J. COONEY, CLERK OF THE**
28 **BOARD OF COUNTY COMMISSIONERS**
29 **LAKE COUNTY, FLORIDA**
30

31
32
33 **APPROVED AS TO FORM AND LEGALITY**
34

35
36 _____
37 **MELANIE MARSH, COUNTY ATTORNEY**

Exhibit "A" – Legal Description

A PORTION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 00°40'13" WEST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1183.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLONIAL DRIVE (STATE ROAD NO. 50), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 11070-2505; THENCE RUN NORTH 89°06'47" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 680.32 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°06'47" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 37.58 FEET TO THE SOUTHEASTERLY CORNER OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION AREA AS RECORDED IN OFFICIAL RECORDS BOOK 591, PAGE 1209 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 00°53'29" EAST, ALONG THE EASTERLY LINE OF SAID RETENTION AREA, A DISTANCE OF 208.00 FEET TO THE NORTHEASTERLY CORNER OF SAID RETENTION AREA; THENCE RUN NORTH 89°05'47" WEST, ALONG THE NORTHERLY LINE OF SAID RETENTION AREA, A DISTANCE OF 609.73 FEET; THENCE RUN NORTH 00°35'14" EAST, DEPARTING SAID NORTHERLY LINE, A DISTANCE OF 659.86 FEET; THENCE RUN, PARALLEL TO SAID NORTHERLY LINE, SOUTH 89°05'47" EAST, A DISTANCE OF 630.78 FEET TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN ACCESS, INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2754, PAGE 2316 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 00°25'53" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 868.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 427,453 SQUARE FEET (9.813 ACRES), MORE OR LESS.

Exhibit "B" - Concept Plan.

ROGERS PLACE PUD CONCEPT PLAN

LEGAL DESCRIPTION:

A PORTION OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 02°40'13" WEST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1183.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST COLONIAL DRIVE (STATE ROAD NO.50), ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 11070-2500; THENCE RUN NORTH 89°06'47" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 890.32 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°06'47" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 37.58 FEET TO THE SOUTHEASTERLY CORNER OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION AREA AS RECORDED IN OFFICIAL RECORDS BOOK 591, PAGE 1306 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 02°53'29" EAST, ALONG THE EASTERLY LINE OF SAID RETENTION AREA, A DISTANCE OF 208.00 FEET TO THE NORTHEASTERLY CORNER OF SAID RETENTION AREA; THENCE RUN NORTH 89°05'47" WEST, ALONG THE NORTHERLY LINE OF SAID RETENTION AREA, A DISTANCE OF 400.73 FEET; THENCE RUN NORTH 02°35'14" EAST, DEPARTING SAID NORTHERLY LINE, A DISTANCE OF 156.86 FEET; THENCE RUN PARALLEL TO SAID NORTHERLY LINE, SOUTH 89°05'47" EAST, A DISTANCE OF 820.78 FEET TO A POINT ON THE EASTERLY LINE OF THAT CERTAIN ACCESS, INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2754, PAGE 2316 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 02°25'53" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 866.23 FEET TO THE POINT OF BEGINNING.



LOCATION MAP
 SCALE: 1"=400'

NOTES:

1. LOCATION OF BUILDINGS, PARKING, OPEN SPACE AND OTHER DETAILED DEVELOPMENT STANDARDS SHALL BE CONSISTENT WITH THE REQUIREMENTS OF ORDINANCE NO. _____
2. CONTOURS CHANGE DUE TO ONGOING MATERIAL STOCK PILING.
3. NO WETLANDS OR SENSITIVE ENVIRONMENTAL COMMUNITIES ON THE PROPERTY.
4. OPEN SPACE SHALL BE PROVIDED PURSUANT TO THE LAKE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS.
5. NON-SUBSTANTIAL CHANGES TO THIS CONCEPT PLAN SHALL BE ALLOWED, IN ACCORDANCE WITH THE APPROVED PUD ORDINANCE, WITHOUT FURTHER AMENDMENT.

PROJECT TEAM

APPLICANT:

JIMMY CRAWFORD
 CRAWFORD, MODICA & HOLD
 702 W. MONTROSE STREET
 CLERMONT, FL 34711
 PHONE: 352-432-8844

CIVIL ENGINEER:

KIM EYHOEN AND ASSOCIATES, INC.
 188 SOUTH ORANGE AVENUE, SUITE 1000
 ORLANDO, FL 32801
 CONTACT: BRENT A. LENZEN, P.E.
 PHONE: (407) 589-1511
 EMAIL: BRENT.LENZEN@KIMLEY-HORN.COM

OWNER:

GREG ROGERS, OWNER, MANAGER
 GK ROGERS CONSTRUCTION, LLC
 424 MARTIN LUTHER KING JR. DR. SW
 ATLANTA, GEORGIA 30336
 PHONE: 404-732-6946

COUNTY STAMP

