



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): September 7, 2022
Board of County Commissioners (BCC) (Adoption): October 4, 2022

Case No. and Project Name: FLU-22-03-2 RLY Holdings LLC

Applicant: Merideth Nagel, Esq.

Owner: RLY Holdings LLC

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on approximately 1.26 acres from Urban Low Density to Regional Office Future Land Use Category.

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

Case Manager: Emily W. Johnson, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 1.26 Gross Acres

Location: West of County Road 455 in the unincorporated Clermont area of Lake County.

Alternate Key No.: 3866510

Current Future Land Use: Urban Low Density (Attachment "A")

Proposed Future Land Use: Regional Office (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zone: "A"

Joint Planning Area / ISBA: City of Clermont Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: City of Clermont Utility Service Area (USA)
Lake Apopka Basin Overlay District

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low Density	Agriculture (A)	Vacant Residential	Vacant and undeveloped Agriculturally-zoned tract with wetlands
South	Regional Office	Heavy Industrial (HM)	Industrial	Warehouse and outdoor RV storage; same ownership as subject property
East	Regional Office	Heavy Industrial (HM)	Industrial	Warehouse and outdoor RV storage; same ownership as subject property
West	Urban Low Density	Agriculture (A)	Vacant Residential	Vacant and undeveloped Agriculturally-zoned tract with wetlands

Staff Analysis

The subject property, identified by Alternate Key Number 3866510, contains approximately 1.26 gross acres and is located west of County Road 455 in the Clermont area of unincorporated Lake County and is adjacent to an existing warehouse and outdoor RV storage facility (“Top Notch RV Storage”) under the same ownership. The property is currently zoned Agriculture (A) and is part of the Urban Low Density Future Land Use Category (Table 1).

Table 1. Existing and Proposed Development Standards.

	Future Land Use Category	Density	Maximum Dwelling Units	Maximum Impervious Surface Ratio	Minimum Open Space	Building Height
Existing	Urban Low Density	4 dwelling units per net acre	4	0.60	0.25	40 Feet
Proposed	Regional Office	N/A	N/A	0.75	0.15	40 Feet

The application is seeking to amend the Future Land Use Map from Urban Low Density FLUC to Regional Office FLUC on the subject property to achieve consistency with the current use of the adjoining parcel and to allow for an expansion of the existing “Top Notch RV Storage” facility. A concept plan was not provided with the application, although the Applicant has indicated in a justification letter dated June 1, 2022 (Attachment “C”) that the parcel would be utilized as an open parking area. Additionally, the Applicant has indicated that a rezoning application will be forthcoming, if the FLUM amendment is approved.

The subject property is located within the City of Clermont ISBA and the City of Clermont USA; the City of Clermont was provided a copy of the application. The City indicated that they have no comments or objections to the requested amendment, as the proposed use is consistent with the existing adjacent RV storage facility.

If the application for the comprehensive plan amendment is adopted by the Board of County Commissioners (the ‘Board’), it will be transmitted to the Florida Department of Economic Opportunity (DEO) as a small-scale amendment.

Standards for Review (LDR Section 14.03.03)

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

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

The **Future Land Use Element** seeks to ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; promote the conservation and preservation of Lake County's natural and cultural resources; and direct development to established urban areas to prevent sprawl.

The subject property is currently within the Urban Future Land Use Series, and is adjacent to the Regional Office FLUC. The Applicant has requested to amend the FLUM to facilitate an expansion of the existing, adjacent Top Notch RV Storage facility. The application is consistent with the Future Land Use Element.

The **Capital Improvements Element** seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. See the Applicant's Justification Statement in Attachment "C". The application is consistent with the Capital Improvements Element.

The **Conservation Element** is intended to provide a framework for the ongoing monitoring, management, and use of the County's natural resources.

GIS Aerial Maps indicate that the subject property contains wetlands and is fully located within Flood Zone "A". See the Applicant's Justification Statement in Attachment "D". Any sensitive resources will be addressed during the development review process. The application is consistent with the Conservation Element.

The **Economic Element** seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. The application is consistent with the Economic Element.

The purpose of the **Housing Element** is to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. Non-residential development is proposed under the application. The application is not in conflict with the Housing Element.

The **Intergovernmental Coordination Element** strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The subject property is located within the City of Clermont ISBA. The City was provided with a copy of the application to provide input, and indicated that they have no comments or objections to the requested amendment, as the proposed use is consistent with the existing adjacent RV storage facility. The application is consistent with the Intergovernmental Coordination Element.

The goal of the **Parks and Recreation Element** is to facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The application is consistent with the Parks and Recreation Element.

The goal of the **Transportation Element** is to prepare a plan that emphasizes more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. See the Applicant's Justification Statement in Attachment "C". The application is consistent with the Transportation Element.

The purpose of the **Public Facilities Element** is to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refers to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public-school facilities. See Section 5 below.

2. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed amendment is not in conflict with any provisions of the Land Development Regulations (LDR). The Applicant has indicated that a rezoning application will be forthcoming, if the FLUM amendment is approved.

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

The application is seeking to amend the Future Land Use Map from Urban Low Density FLUC to Regional Office FLUC on the subject property, to achieve consistency with the current use of the adjoining parcel and allow for an expansion of the existing "Top Notch RV Storage" facility. A concept plan was not provided with the application, although the Applicant has indicated in a justification letter dated June 1, 2022 (Attachment "C") that the parcel would be utilized as an open parking area. The proposed amendment, for the purpose of expanding the adjacent facility, is consistent with the existing surrounding land use.

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

The Applicant has provided a justification statement which is included as Attachment "C", which indicates that while there are not any changed conditions to justify an amendment, the Owners desire to expand their existing business.

5. 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 properties are located within the City of Clermont USA; however, the proposed comprehensive plan amendment is not anticipated to require utility services, as the proposed expansion does not include any buildings.

Schools

The proposed comprehensive plan amendment is not anticipated to adversely impact school capacity or levels of service as non-residential development is proposed under this application.

Parks

The proposed comprehensive plan amendment is not anticipated to adversely impact park capacity or levels of service as non-residential development is proposed under this application.

Solid Waste

The proposed comprehensive plan amendment is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety

Lake County Fire Rescue #84 is located approximately 5.06 miles from the subject property at 15303 Ferndale Community Road and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the site plan review process.

Transportation Concurrency

The Applicant provided a Justification Statement (Attachment "C") which indicates that there will not be any impact to transportation demand, as the proposed amendment will not negatively impact or cause an increase in vehicular traffic.

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

New development will be required to meet all criteria contained within the Comprehensive Plan and LDR, as amended. GIS Aerial Maps indicate that the subject property contains wetlands and is fully located within Flood Zone "A". See the Applicant's Justification Statement in Attachment "D". Any sensitive resources and floodplain permitting requirements will be addressed during the development review process.

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

There is no indication that the amendment would have an adverse impact on property values.

8. 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.

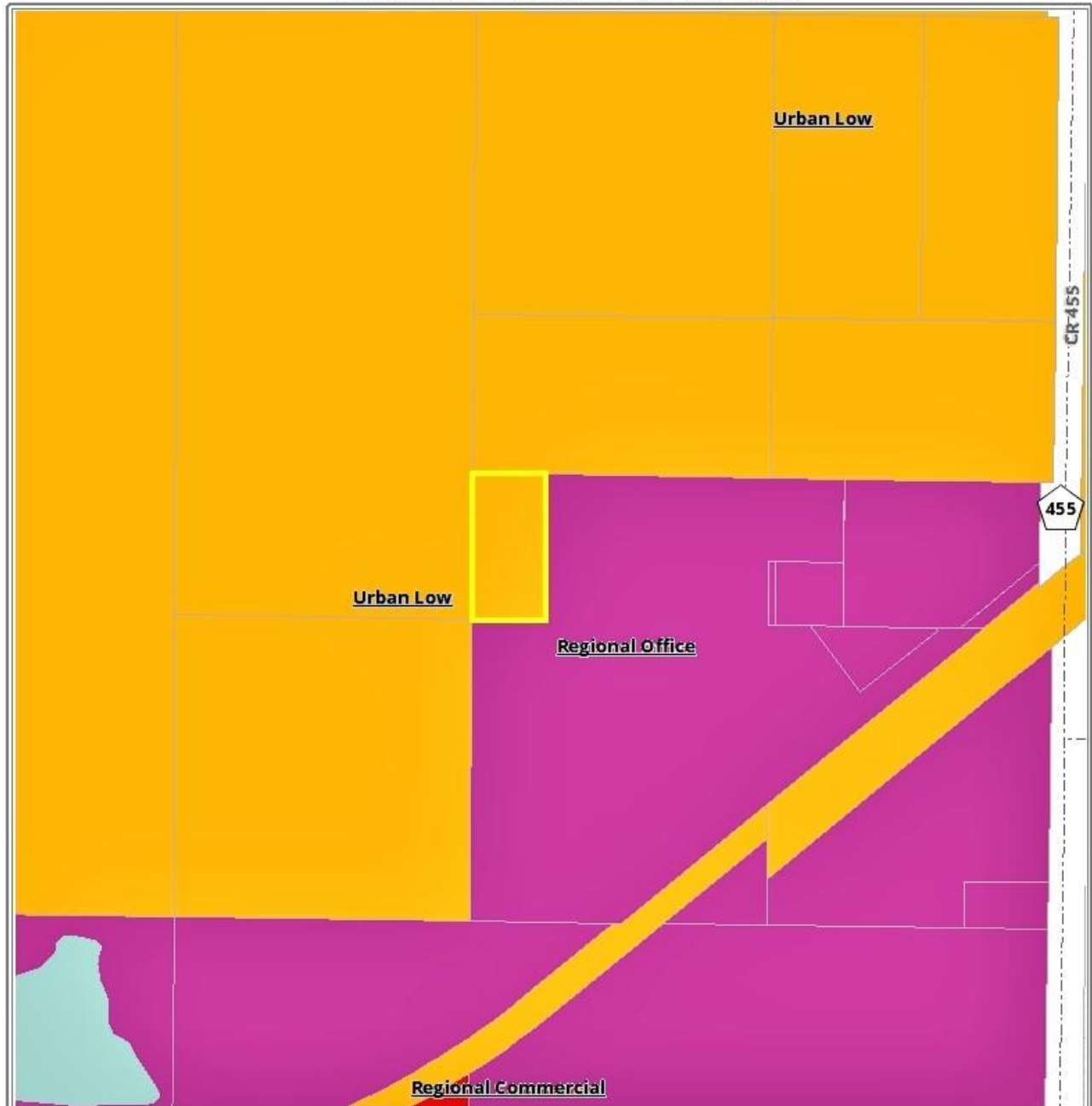
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9. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

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

Attachment "A" – Future Land Use Category (Page 1 of 2)

CURRENT FUTURE LAND USE



Future Land Use

 Regional Commercial  Regional Office  Urban Low

NAME: **RLY HOLDINGS PROPERTY**

DISTRICT: **2**

CASE NUMBER: **FLU-22-03-2**

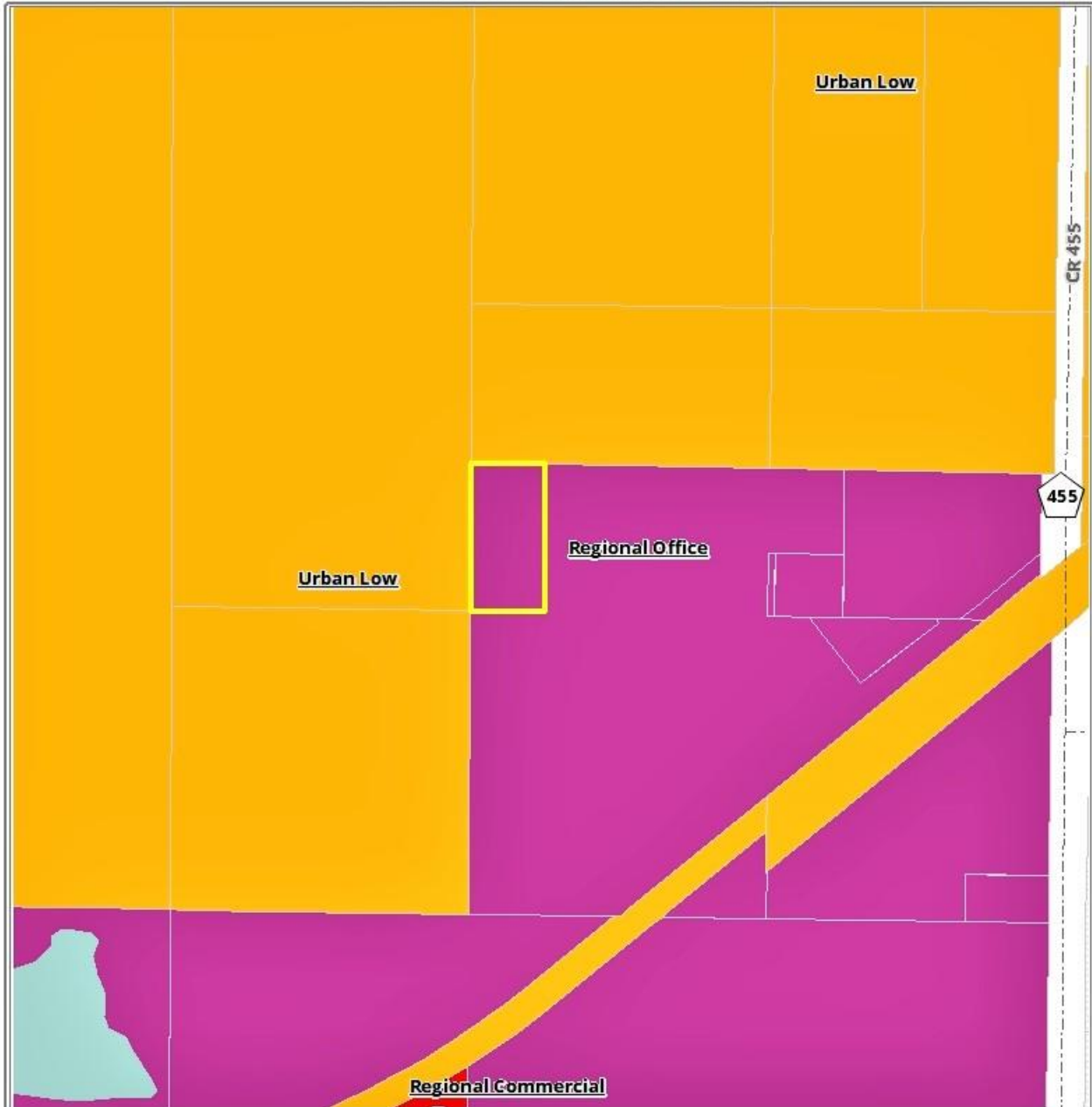
LOCATION (S-T-R): **23-22-26**

REQUEST: **URBAN LOW TO REGIONAL OFFICE**



Attachment "A" – Future Land Use Category (Page 2 of 2)

PROPOSED FUTURE LAND USE



Future Land Use

- Regional Commercial
- Regional Office
- Urban Low

NAME: RLY HOLDINGS PROPERTY

CASE NUMBER: FLU-22-03-2

LOCATION (S-T-R): 23-22-26

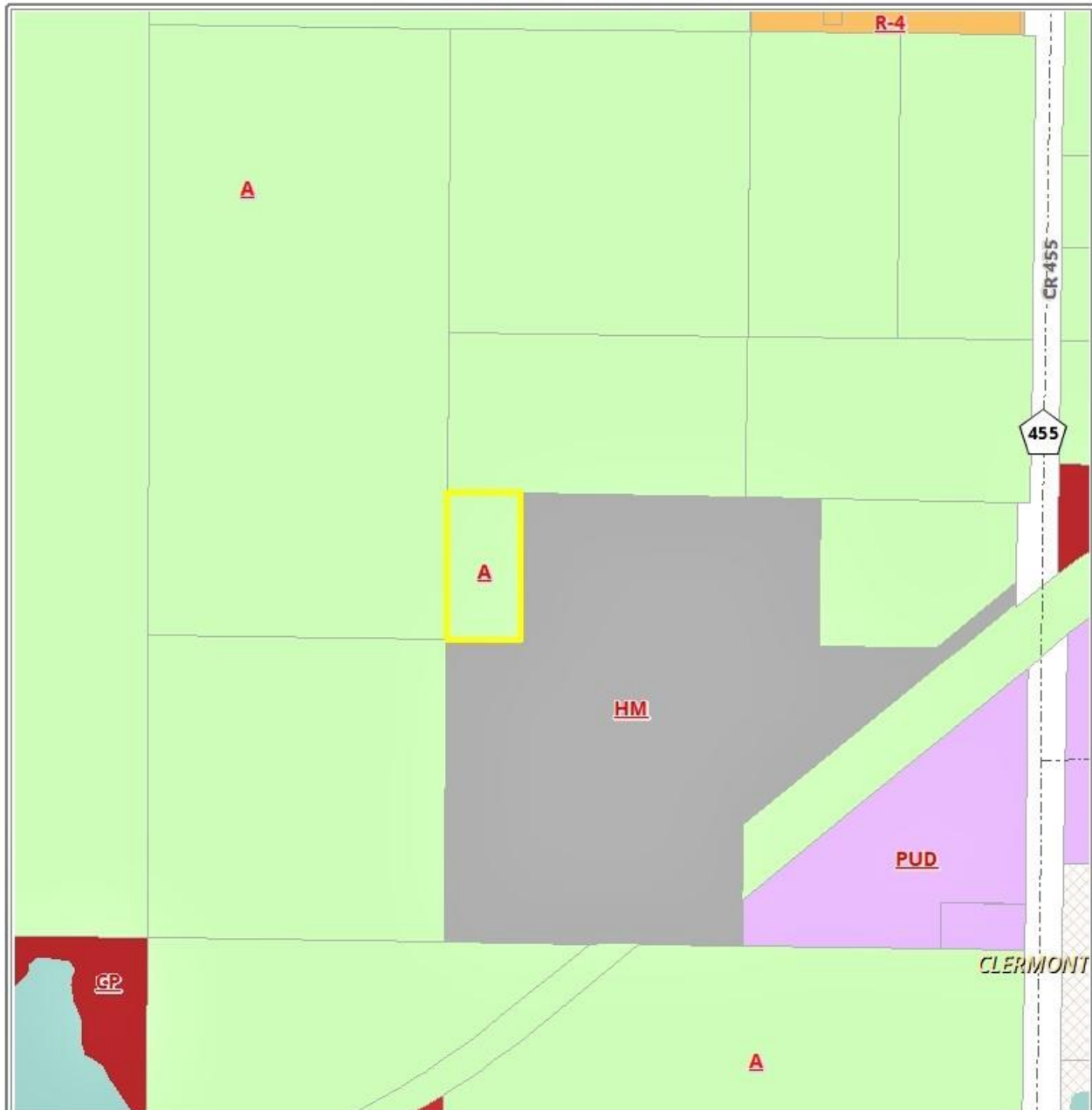
REQUEST: URBAN LOW TO REGIONAL OFFICE

DISTRICT: 2



Attachment "B" – Zoning District

CURRENT ZONING



Zoning Legend

A R-4 CP HM PUD

NAME: **RLY HOLDINGS PROPERTY**

DISTRICT: **2**

CASE NUMBER: **FLU-22-03-2**

LOCATION (S-T-R): **23-22-26**

REQUEST: **URBAN LOW TO REGIONAL OFFICE**



Attachment "C" – Justification Letter (Page 1 of 2)

June 1, 2022

SENT VIA EMAIL ONLY

Emily W. Johnson
Lake County Planning & Zoning
P.O. Box 7800
315 W. Main Street, Ste. 510
Tavares, FL 32778

Re: RLY Holdings LLC – Application for Future Land Use Map Amendment
Project No. 2021090012, Application Request No. 4787
Case No. FLU-22-03-2, Alternate Key No. 3866510

Dear Emily,

In response to your letter dated April 26, 2022, please accept this letter as our response. Below you will find answers to your outstanding questions to help better assist in the understanding of what our clients desire to use the property for.

Office of Planning and Zoning

1. a. The proposed amendment is being sought to allow for a higher and better use of the property and to allow the property to be more consistent with the current use of the adjoining parcel owned by the applicant.
b. No, there are no changed conditions that would justify an amendment. The applicant desires to expand its business.
c. The proposed amendment is consistent with the Comprehensive Plan because the neighboring parcel is already an RV storage facility, and the storage facility is light use of the property.
d. Yes, the proposed amendment is compatible with the surrounding land uses for the same reason as mentioned in "c" above.
e. No, the proposed amendment does not affect the natural environment.
f. Yes, the proposed amendment will result in an orderly and logical development pattern. The 1.25 acres will be used to expand the adjoining property owned by the applicant.
2. Parcel is only 1.25 acres and is not sufficient for anything other than a simple expansion of the current business that is already established at the adjoining property. There will be no need for a reduction of the future transportation demand on the roads as the proposed amendment will not negatively impact or cause an increase in vehicular traffic.
3. As depicted on the Wetland GIS that was provided with the application, please note that there is only a small portion of the parcel that is wetlands. A concept plan was not provided as this is a simple expansion of an already existing business with the property being used as an open parking area. There are no major roads that abut the property and no structures will be built on the parcel.
4. Yes, a rezoning application will be forth coming if this application is approved. To avoid any additional expenses to our clients we will move forward with the rezoning application when this application has been approved.

1201 West Highway 50, Clermont, FL 34711 | 352-394-7408 | www.mnagellaw.com
Offices: Clermont, Winter Garden, The Villages & Austin

Attachment "C" – Justification Letter (Page 2 of 2)

Transportation Concurrency (Public Works Department)

The approximate number of storage spaces for this parcel will be 25-30.

City of Clermont

The proposed plan for the parcel is to provide for additional parking space for the RV storage area that is already in use at the adjoining property. No structures will be added to the parcel.

Should you have any further questions or comments, please do not hesitate to contact me.

Sincerely,

Tina M. Smith
(signed electronically to avoid delay)

Tina M. Smith, Esq.

Aerial Photo of Subject Property

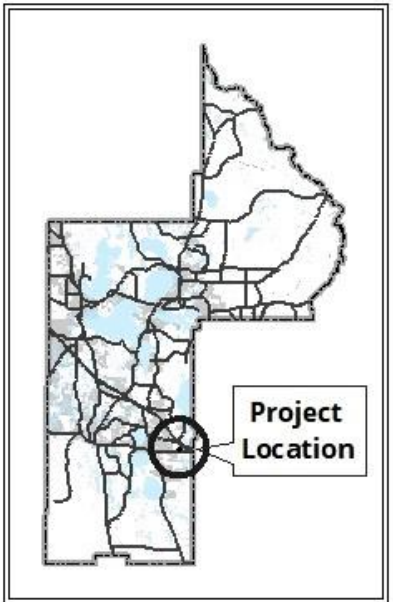
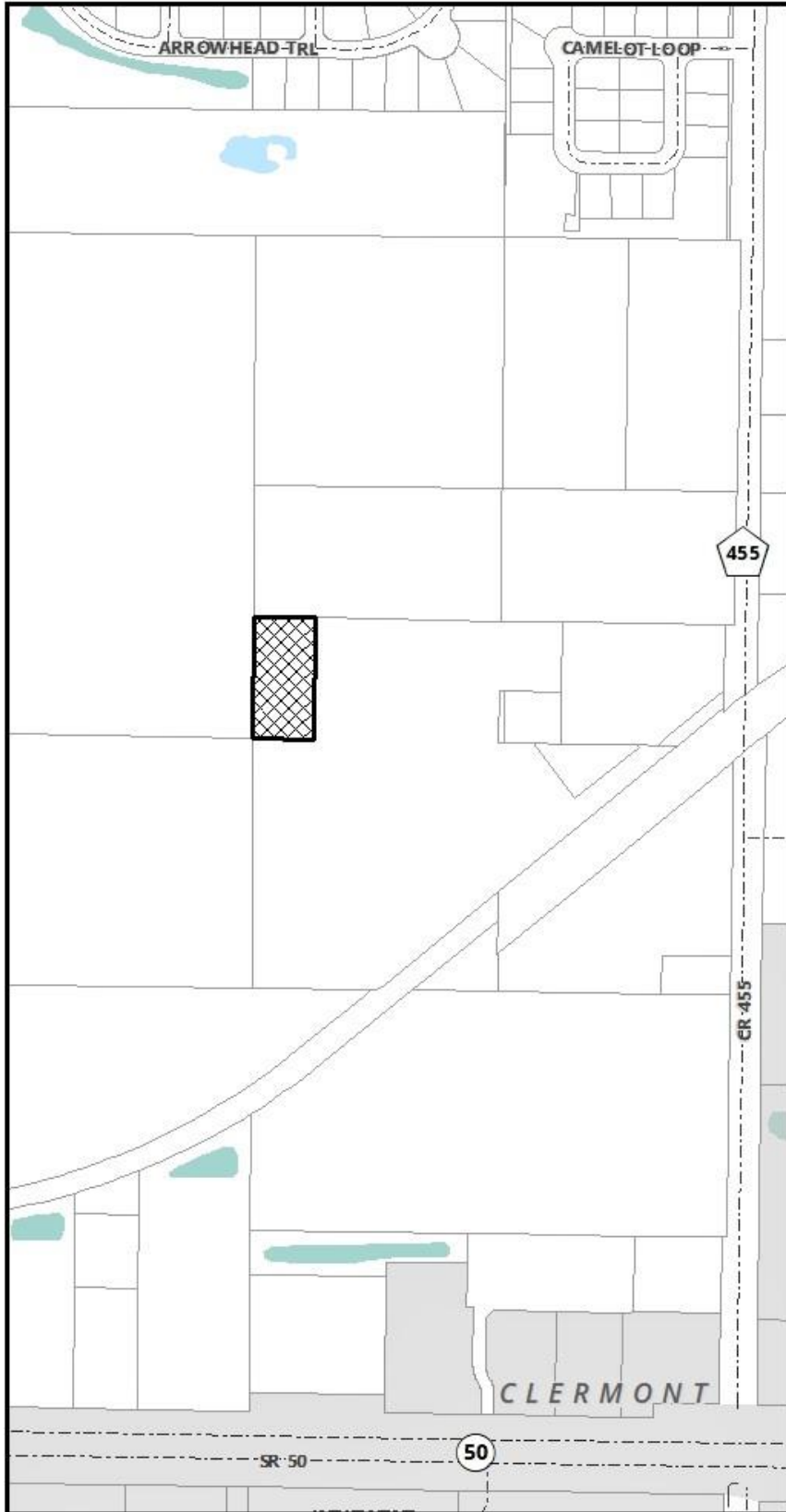
FLU-22-03-2
RLY Holdings Property



Urban Low
to
Regional Office

- Legend
- Lakes Apopka Basin Overlay
 - SR50 Major Commercial Corridor

Map of Subject Property



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ORDINANCE 2022 – ___
FLU-22-03-2
RLY Holdings LLC

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM URBAN LOW DENSITY FUTURE LAND USE CATEGORY TO REGIONAL OFFICE FUTURE LAND USE CATEGORY FOR A 1.26 ACRE PROPERTY LOCATED WEST OF COUNTY ROAD 455, IN THE CLERMONT AREA, DESCRIBED AS ALTERNATE KEY NUMBER 3866510, AND LEGALLY DESCRIBED IN SECTION 1 BELOW; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County Commissioners of Lake County to “prepare and enforce comprehensive plans for the development of the county”; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

WHEREAS, on the 23rd day of July 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

WHEREAS, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan became effective and designated the property as part of the Rural Transition Future Land Use Category; and

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

WHEREAS, on the 7th day of September 2022, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

WHEREAS, on the 4th day of October 2022, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners for adoption and approval to transmit to the state planning agency and other reviewing agencies; and

WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

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

1 **Section 1. Comprehensive Plan Future Land Use Map Amendment.** The 2030 Comprehensive Plan
2 Future Land Use Map is hereby amended to change the Future Land Use Category for the subject property,
3 described in Exhibit “A” attached and incorporated in this Ordinance, from Urban Low Density to Regional Office
4 Future Land Use Category.

5 **Section 2. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184,
6 Florida Statutes.

7 **Section 3. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason
8 held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining
9 portions of this Ordinance; and it shall be construed to have been the Commissioners’ intent to pass this Ordinance
10 without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the
11 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein;
12 or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property,
13 kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to
14 any other person, property or circumstances.

15 **Section 4. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
16 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
17 amendment package is complete. If timely challenged, this amendment shall become effective on the date the
18 state land planning agency or the Administration Commission enters a final order determining this adopted
19 amendment to be in compliance. No development orders, development permits, or land uses dependent on this
20 amendment may be issued or commence before it has become effective. If a final order of noncompliance is
21 issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a
22 resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

23
24 ENACTED this ____ day of _____, 2022.

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26 FILED with the Secretary of State _____, 2022.

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29 BOARD OF COUNTY COMMISSIONERS
30 LAKE COUNTY, FLORIDA

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33 _____
Sean M. Parks, Chairman

34 ATTEST:

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36 _____
37 Gary J. Cooney, Clerk
38 Board of County Commissioners of
39 Lake County, Florida

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42 Approved as to form and legality:

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44 _____
45 Melanie Marsh, County Attorney

1

Exhibit “A” – Legal Description

The West 166.0 feet of the South ½ of Tract 54, Map of Section 23, Township 22 South, Range 26 East, Lake County, Florida, Lake Highlands Company, according to the Plat thereof, recorded in Plat Book 4, Page 11, Public Records of Lake County, Florida.

2