



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

LOCAL PLANNING AGENCY
N/A

BOARD OF COUNTY
COMMISSIONERS
July 26, 2011

-Item-

Type: County-Initiated Comprehensive Policy Plan Map Amendment to comply with Sorrento Commons, LLC (Case Number DOAH 10-8960GM) Stipulated Settlement Agreement.

Creation or Revision: Revision

Description: 1) Creates a new Future Land Use Element Policy in accordance with the Stipulated Settlement; which:

- Grants the Sorrento Commons, LLC property a 50,000 SF Anchor Store;
- Limits additional store development to 8,000 SF;
- Requires adherence to community design standards; and,
- Requires that a community park or civic space be provided on the Property,

2) Amends the 2030 Future Land Use Map to include a note stating these provisions in accordance with the Stipulated Settlement; and,

3) Amends the Design standard for the Mt. Plymouth-Sorrento Main Street Future Land Use Category to increase the 5,000 SF limitation for nonresidential building outside the Market Square to 8,000 SF and provides that existing buildings over 8,000 SF may be rebuilt at the same size.

- Summary of Staff Recommendation -

Staff recommends **APPROVAL** of the request to adopt the Comprehensive Plan Future Land Use Map and Text Amendments.

-- Summary --

On July 23, 2010, the State of Florida Department of Community Affairs (the "DCA") published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes. On August 13, 2010, Sorrento Commons, LLC (the "Petitioner") filed a Petition for an

Administrative Hearing in the matter of Lake County Ordinance No. 2010-25 Amending the County's Comprehensive Plan and the related Notice of Intent to find the plan in compliance, issued by the DCA.

The Petitioner objected to the limitations placed on their property by the 2030 Comprehensive Plan, primarily by Policy I-2.1.4 *Design Standards for the Mount Plymouth-Sorrento Main Street Future Land Use Category* and citing a lack of adequate data, inventory and analysis as well as a consideration of private property rights.

The Petitioner seeks to ensure that a 50,000 SF Anchor Store can be developed on the 22-acre property under the adopted 2030 Comprehensive Plan in the Mt. Plymouth-Sorrento Main Street Future Land Use Category (FLUC) and the proposed Market Square District. The proposed ordinance would eliminate the Market Square and specifically allocate the Anchor Store to the Property and increase the size from 30,000 SF to 50,000 SF. A building of this size would be consistent with the proposed intensity of the Main Street FLUC of 0.30, which would allow up to approximately 287,000 SF of non-residential buildings. The requirement for Civic/Park space included in Policy I-2.1.4 would be solely the responsibility of the Petitioner. These changes have rendered the Market Square bullet of this policy unnecessary; however, this district will be developed as part of the Zoning Regulations for the Mt. Plymouth-Sorrento Community.

The State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and the Petitioner did enter into a Stipulated Settlement Agreement for Case Number DOAH 10-8960GM to resolve the Petition.

-- Analysis --

The Sorrento Commons, LLC property (the "Property") south of SR 46 at its intersection of north CR 437 in Section 30, Township 19 South, Range 28 East as shown in Attachment 1 below. The property is approximately 22 acres in size and can be accessed from SR 46.

The 1991 Comprehensive Plan categorizes this property for Neighborhood Activity Center and Mt. Plymouth Sorrento Main Street Land Use. This Future Land Use Category allows a density of 5.5 dwelling units/net acres and an intensity (a/k/a floor area ratio) of 0.30.

The 2030 Comprehensive Plan categorizes this property for Neighborhood Activity Center and Mt. Plymouth Sorrento Main Street Land Use. This Future Land Use Category allows a density of 5.5 dwelling units/net acres and an intensity (a/k/a floor area ratio) of 0.30.

The proposed ordinance would eliminate the Market Square and specifically allocate the Anchor Store to the Property and increase the size from 30,000 SF to 50,000 SF. Although this is an increase in the maximum building size allowed under the existing policy, the property will be subject to strict design criteria to mitigate the size increase. A building of this size would be consistent with the proposed intensity of the Main Street FLUC of 0.30, which would allow up to approximately 287,000 SF of non-residential buildings on the 22-acre property.

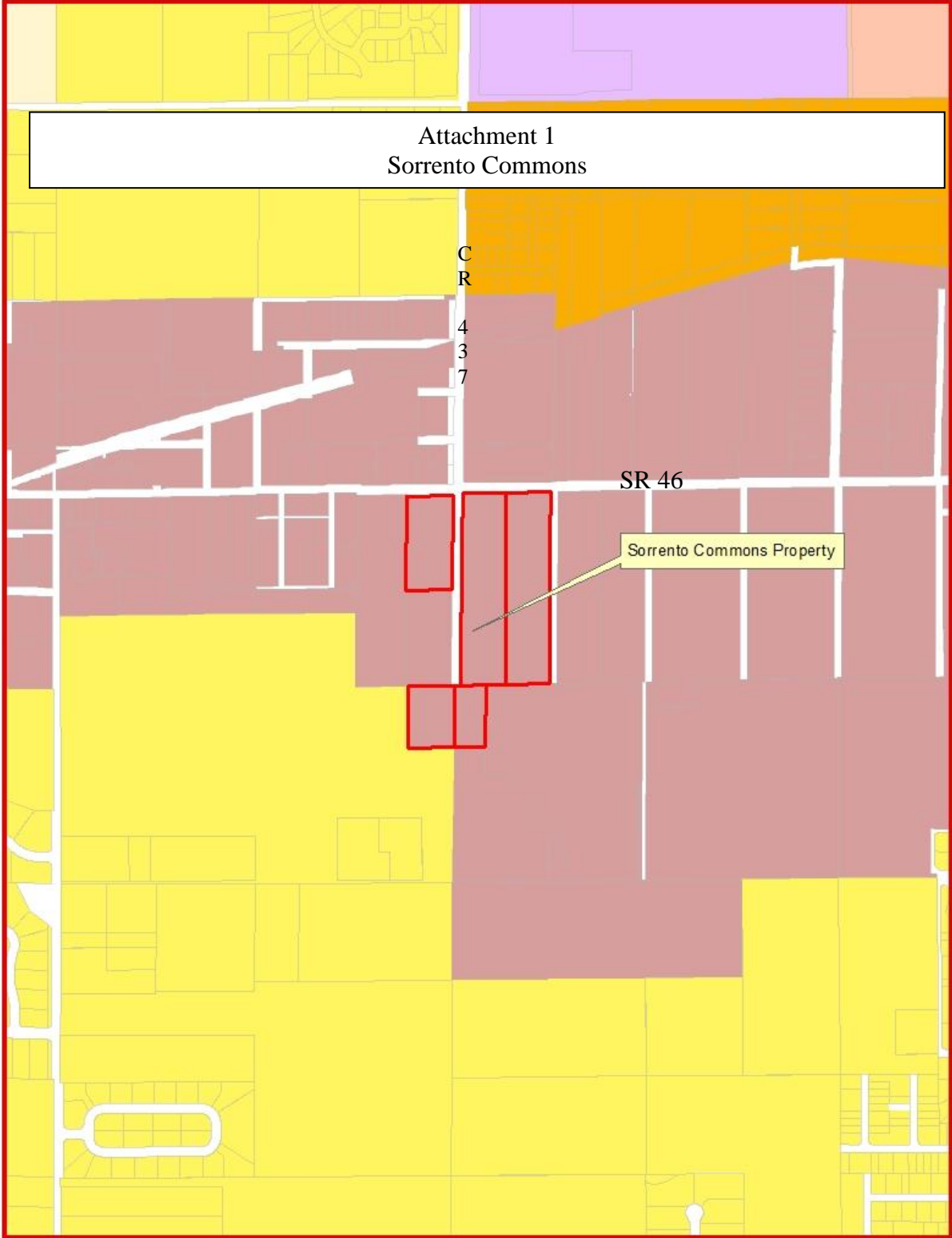
The policy calls for the designation of a Market Square. The Petitioner has agreed to provide the required elements of the Market Square within the boundaries of their property. The requirement for civic/park space included in Policy I-2.1.4 would be solely the responsibility of the Petitioner. These changes have rendered the Market Square bullet of this policy unnecessary; however, this district will be developed as part of the Zoning Regulations for the Mt. Plymouth-Sorrento Community.

The building size for commercial development other than the anchor store within the Mt. Plymouth-Sorrento Main Street FLUC is proposed to increase from 5,000 SF to 8,000 SF. An analysis of the parcels within the Mt. Plymouth-Sorrento Main Street Category along SR 46 results in an average parcel size of 0.31 acres, which would allow an average building size of 4,100 SF. However, such a limitation would unfairly limit larger parcels, or aggregated parcels, from developing at the allowed intensity by forcing the development of multiple buildings. This limitation affects approximately 160 parcels within the Main Street Category. Given the relatively small percentage of parcels this limitation would affect, the adopted intensity of 0.30 and future zoning regulations would adequately address building size limitations if increased to 8,000 SF.

The proposed amendment would not change the density, intensity, open space or impervious surface ratio of the Property.

– Recommendation –

Based upon the requirements of the Stipulated Settlement Agreement between the County, DCA and the Petitioner and the analysis herein, staff recommends **APPROVAL** of the proposed Amendment.



**ORDINANCE 2011-
LPA#11-7-6
Sorrento Commons**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.8, WHICH SPECIFIES CRITERIA FOR DEVELOPMENT OF THE SAID 22-ACRE PARCEL; AMENDING POLICY I-2.1.4 DESIGN STANDARDS FOR THE MOUNT PLYMOUTH-SORRENTO MAIN STREET FUTURE LAND USE CATEGORY; STIPULATING FUTURE DEVELOPMENT ON SAID PARCEL BE CONSISTENT WITH DEVELOPMENT DESIGN STANDARDS; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

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

WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; 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 Amendment; and

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

WHEREAS, on the 13th day of August, 2010, Sorrento Commons, LLC. filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

WHEREAS, on the 30th day of December, 2010, Sorrento Commons, LLC conveyed the Property to Eagle FL I SPE, LLC, by virtue of a Statutory Warranty Deed recorded in Official Record Book 3988 pages 1540-1543 of the Public Records of Lake County, Florida; and

WHEREAS, on the 27th day of May, 2011, Eagle FL I SPE, LLC, a Florida limited company filed a Notice of Substitution of Petitioner with the State of Florida Division of Administrative Hearings; and

WHEREAS, on the 26th day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Eagle FL I Spe, LLC did enter into a Compliance Agreement for DOAH Case Number 10-8960GM, as permitted by Section 163.3184(6), Florida Statutes; and

WHEREAS, on the 26th day of July, 2011, this Ordinance was heard at a public hearing before the

Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

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

Section 1. Comprehensive Plan Text Amendment. The following Policy is added to the 2030 Comprehensive Plan:

Policy I-1.6.8 Specific Limitations on the Sorrento Commons Property

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8960GM, challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately 22-acre parcel of land generally located south of State Road 46 at Hunter Road/CR437, generally described as:

Parcel 1:

Lots 1, 2, 3 and 4, Block 3, CARONEL ACRES, according to the map or plat thereof as recorded in Plat Book 6, Page 4, of the Public Records of Lake County, Florida;

Parcel 2:

The North 417.44 feet of the East 313.28 feet of the South 1/2 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida; AND The North 417.44 feet of the West 208.72 feet of the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida;

Parcel 3:

That part of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, in Lake County, Florida, lying South of the South line of the Right-of-Way of State Road #46; LESS that part of the foregoing described parcel lying within 50 feet South of the North line of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida; LESS a strip of land of equal width 28 feet wide off of the entire East side of such foregoing described parcel; LESS the South 5 acres of the East 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 19 South, Range 28 East, Lake County, Florida.

Also referred to as Lake County Alt Key Numbers 2856742, 1789150, 3519221, 2930004 and 2507012.

The owner of the property is hereby allowed to develop, and shall not exceed the following criteria:

1. **Anchor Store.**

- a. The Petitioner shall be allowed to develop one (1) anchor store to serve the needs of the Mount Plymouth-Sorrento Planning Area.
- b. The store shall not exceed 50,000 square feet of floor area.
- c. The store shall be setback and screened from Main Street/SR46 to minimize its impact.

- d. The store shall be designed with architectural and design features compatible with the character of the Mount Plymouth-Sorrento Community as specified in the Settlement Agreement for DOAH Case No. 10-8960GM.
2. **Other structures, except Anchor Store.** Structures, other than the Anchor Store shall not exceed 8,000 square feet of floor area for new development.
 3. **Open Space.** Required open space for this property shall be contiguous and centrally configured as an amenity for the community. The minimum open space shall be consistent with the future land use category.
 4. **Community Park or Civic Space.** One or more areas shall be provided to serve as a community park or civic space. These areas shall be designed with appropriate landscaping and amenities to enhance the public realm and community identity. Such area(s) shall be dedicated or conveyed to a property owners' association, or shall be maintained by the developer, in perpetuity as civic or community space.

The Future Land Use Map shall contain a note stating this limitation.

The following Policy within the 2030 Comprehensive Plan is amended as shown below (additional text is underlined and deleted text is struck through):

Policy I-2.1.4 Design Standards for the Mount Plymouth-Sorrento Main Street Future Land Use Category

Within twelve (12) months of the effective date of this Comprehensive Plan, Land Development Regulations for the Main Street Future Land Use Category shall be developed to emulate a traditional community feel, including but not be limited to, the follow requirements:

- Establish specific design standards for ~~multi-family residential~~ and nonresidential structures, consistent with the Main Street Future Land Use Category;
- Require specific additional standards for infill housing to preserve the character of the historic Sorrento neighborhood;
- Require that structures present a traditional storefront face and entrance to the Main Street;
- ~~and provide~~ Provide wide sidewalks for pedestrian activity with street furniture for outdoor cafes and benches for rest and shading; ~~and~~
- ~~r~~Require the planting of canopy trees (such as Live Oaks, Sweet Gum, and Winged Elms) at regular intervals along Main Street;
- Outdoor ~~lamps lighting~~ shall ~~utilize be~~ full-cutoff lighting with traditional-style fixtures;
- Require that all parking be located in the rear of building structures facing Main Street, with the exception of on-street angle or parallel parking. Pervious parking is encouraged;
- Encourage upper-story residences or office space located above ground-level shops, and provide for multi-family homes, including town homes, duplexes, and condominiums along and near the Main Street corridor;

- ~~Include the provision for a Market Square District, located at the intersection of Hunter Avenue and State Road 46, not to exceed 40 acres in size and a maximum of 100,000 square feet of floor area in the aggregate. Required open space within the Market Square shall be contiguous and centrally configured as an amenity for the community. This Market Square District shall contain no more than one anchor store which shall be sized to serve the needs of the Mount Plymouth-Sorrento Planning Area and not exceed 30,000 square feet of floor area. Such a store, if located within the Planning Area, must not be visible from Main Street, and shall be designed with architectural features compatible with the character of the Mount Plymouth-Sorrento Community; all other structures within the Market Square District shall be limited to 8,000 square feet for new development. Outside of the Market Square District, individual Individual building floor area allocations shall not exceed ~~5,000~~ 8,000 square feet for new buildings development on each parcel up to a maximum Floor Area Ratio of 0.30 and Impervious Surface Ratio of 0.60 as specified within the Mount Plymouth-Sorrento Main Street Future Land Use Category. Any site that received development approval prior to May 25, 2010, or any site developed with a building greater than 8,000 square feet approved prior to this date, is exempt from the 8,000 square foot limit and may be redeveloped on the original parcel at the same size; and~~
- Provide for a maximum building height not to exceed 40 feet with varied rooflines unless such look is provided by adjacent buildings. Generally, this would result in structures of two (2) habitable stories; and
- ~~Provide for one or more areas within the Main Street Future Land Use Category to serve as a community park or civic space, and which shall be designed with appropriate landscaping and amenities to enhance the public realm and community identity.~~

Section 2. Future Land Use Map Amendment. The Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.8 Specific Limitations on the Sorrento Commons Property and is attached hereto as Exhibit "A" of the this Ordinance.

Section 3. Stipulations on Future Development. The Petitioner agrees that any future development of the Petitioner's property identified in their Petition shall be consistent with the Development Design Standards set forth in the Stipulated Compliance Agreement for Case Number DOAH 10-8960GM, and such standards shall be incorporated into any future zoning ordinance that Petitioner is granted.

Stipulation on development design standards to be followed by the Petitioner pending adoption of design criteria in the County Land Development Regulations. The standards may be revised through the Planned Unit Development zoning process.

Section 4. Advertisement. This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

Section 5. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

ENACTED this ____ day of _____, 2011.

FILED with the Secretary of State _____, 2011.

EFFECTIVE _____, 2011

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Jennifer Hill, Chairman
This ____ day of _____, 2011.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners,
Lake County, Florida

Approved as to form and legality:

Sanford A. Minkoff
County Attorney

EXHIBIT A
Sorrento Commons

