



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

April 24, 2009

Mr. James Scott
950 North Clayton Street
Sorrento, Florida 32757

Re: Project #2009040007, Application Request #1424

Description: Twistee Treat
Amend ordinance to allow drive-thru ice cream restaurant

Dear Mr. Scott:

This rezoning application has been reviewed by the Lake County Development Review Staff (DRS) and has been "approved with comments". The comments provided are informational. Please read through them and contact me if you have any questions.

This request is tentatively scheduled for the June public hearings. Please plan to attend these hearings on June 3, 2009 with the Zoning Board and on June 23, 2009 with the Board of County Commissioners.

Again, please contact me if you have any questions.

Sincerely,

Stacy Allen, Senior Planner / Case Manager
Division of Planning & Community Design
(352) 343-9739 ext. 5574
sallen@lakecountyfl.gov

Development Processing Section
(352) 343-9855

PO BOX 7800 • 315 W MAIN ST TAVARES FL 32778 • P352.343-9739 • F352.343-9816
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

JIMMY CONNER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

PLANNING & COMMUNITY DESIGN DIVISION - STACY ALLEN (352) 343-9739 EXT. 5574

Informational items:

1. Item: THIS PROJECT IS CONSISTENT WITH OTHER APPLICABLE PROVISIONS OF THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS

The property described as AK #1753155 is located in Mt. Plymouth at the southeast corner of the intersection of SR 46 and Westward Ho Ave.

It is located within the UCN Non-Wekiva and Neighborhood Activity Center Future Land Use Categories (FLUC). The UNC Non-Wekiva FLUC is also known as the Mount Plymouth-Sorrento Urban Compact Node as defined in Comprehensive Plan (Comp Plan) Policies 1-20.1 and 1-20.17.

"Lands within the Mount Plymouth-Sorrento Urban Compact Node and outside of the Wekiva River Protection Area Boundary may be developed to a maximum density of five and one-half (5.5) dwelling units per one (1) net acre and shall utilize the development regulations of Lake County which pertain to the Urban land use category... (Comp Plan Policy 1-20.4 2. d.).

The existing zoning of the property is Planned Commercial (CP), Ordinance #22-80, that allows "a full service medical and/or pharmacy facility to include tourist retail sales."

The requested zoning of the property is CP with C-1 and C-2 uses in order to allow a Twistee Treat ice cream restaurant with drive-through and walk-up service only (no inside seating available).

A Twistee Treat is categorized as a "Commercial Use" in the Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, and defined as a "Fast Food Restaurant" (LDR 3.01.02 C. 15.).

The definition of Fast Food Restaurant is; "Restaurant, Fast Food. An establishment where the principal business is the sale of food and non-alcoholic beverages to the consumer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the consumer in a motor vehicle." (LDR 3.01.02 C. 15.).

A fast food restaurant is a permitted use in the Community Commercial District (C-2) Zoning District (LDR Table 3.01.03).

The C-1 and C-2 Zoning Districts are allowed within the Urban (UCN Non-Wekiva) and Neighborhood Activity Center Future Land Use Categories (LDR Table 3.00.03, see also Comp Plan Policy 1-3A.1: 3).

The Neighborhood Activity Center (NAC) FLUC allows combined commercial allocations of 10,000sf to 50,000 sf of gross leasable area. This NAC node currently contains a total of approximately 25,306 sf of gross leasable area. The proposed Twistee Treat consists of approximately 500 sf of gross leasable area. This brings the total to approximately 25,806 sf of gross leasable area for the entire NAC node.

Review Status: APPROVED WITH COMMENTS

PUBLIC WORKS DEPARTMENT - ROSS PLUTA (352) 483-9041

Informational items:

1. Item: TRANSPORTATION

Please be aware that the access for the site will need to be limited to Westward Ho Avenue.

2. Item: RIGHT-OF-WAY

The following is information found from the review of the current right-of-way.

Site fronts on Westward Ho Av. (#4288) w/50 total R/W. Classified as a local road requiring 33 feet from centerline (66' total).

Additional right-of-way may be required with future development of the parcel of land and at that time a Dolan Test will be performed.

Site also fronts on SR 46, no R/W requested (State Road).

Review Status: APPROVED WITH COMMENTS

FIRE - ROBIN GUTTING / AL SIKES (352) 343-9653 EXT. 5427

Informational items:

1. Item: PROVIDE NEEDED FIRE FLOW CALCULATIONS FOR THE BUILDING (S) PER LDR CHAPTER 9.08 ON THE PLANS
All information items provided will be addressed during site plan review.

2. Item: PROVIDE FIRE DEPARTMENT ACCESS PER FLORIDA FIRE PREVENTION CODE 2007
Will the surface meet the below criteria?

Fire Department Access shall be provided in accordance with the Florida Fire Prevention Code, 2007 Edition.

Provide Approved Fire Department Access road in accordance with FFPC 1, 18.2.2. Fire Department access roads shall have an unobstructed width of 20' and an unobstructed vertical clearance of 13' 6". Fire Department Access road shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

3. Item: LOCATION OF FIRE HYDRANTS AND/OR FIRE PROTECTION WATER STORAGE TANKS (CHAPTER 9 OF LDR AND NFPA 1142)

Any fire hydrants or fire protection water available?

Review Status: APPROVED WITH COMMENTS

HEALTH DEPARTMENT - ELIAS CHRIST (352) 253-6130

Informational items:

1. Item: WATER SUPPLY

Well will be permitted through LCHD based on attached letter from SJRWMD (J. Frazzee). The well will also need to be reviewed by the DEP for public well standards which will require additional engineering and review. Contact Richard Lott with DEP in Orlando, (407) 894-7555.

2. Item: WASTEWATER DISPOSAL

Septic will be permitted through LCHD and will require an annual operating permit. Site plans will need to include proposed well and septic locations and any neighboring wells and septic within 100' of property lines.

3. Item: 1/2 ACRE FOR WELL & SEPTIC IF PLATTED AFTER 1972

Lot platted before 1972, lot size is only 0.37 acres. Lot size will limit sewage flows on site.

4. Item: COMMERCIAL

Will require annual operating permit for septic. Since the well will serve the public, it will have an operating permit from DEP.

5. Item: LOT SIZE WILL ACCOMMODATE PROJECTED SEPTIC

Unable to determine sewage flows until we have scaled plans and building dimensions, number of staff and toilets, kitchen floor plan, etc. Lot will only allow 568 gallons per day sewage flow based on size of lot.

6. Item: WATER LINES

All potable water lines will need to be shown on the site plan.

7. Item: UNOBSTRUCTED AREA FOR SEPTIC & WELL

Unable to determine until more information is received about size of building, hours of operation, etc.

8. Item: SURROUNDING FEATURES (WELL, ETC.)

Must show all surrounding wells and septic within 100' of the property lines on site plan at time of submission.

Review Status: APPROVED WITH COMMENTS

ENVIRONMENTAL REVIEW - JENNIFER COTCH (352) 343-9739

Informational items:

1. Item: ADDITIONAL INFORMATION NEEDED

An Environmental Assessment addressing habitat and species shall be submitted to the County during the site plan review phase of the project.

Review Status: APPROVED WITH COMMENTS

CONCURRENCY MANAGEMENT / DEVELOPMENT PROCESSING (352) 343-9855

Review Status: APPROVED

TRANSPORTATION CONCURRENCY

Review Status: CANCEL

LANDSCAPE REVIEW - GRANT WENRICK (352) 343-9739 EXT. 5832

Informational items:

1. Item: LANDSCAPE PLAN

During the future site plan submittal, a more detailed landscape plan will be required that depicts the following buffers and setbacks:

Northern Buffer - Buffer Type C. Minimum twenty (20) foot setback or as dictated by other planning standards, whichever is greater.

Eastern, Southern and Western Buffer - Buffer Type B. Minimum fifteen (15) foot setback or as dictated by other planning standards, whichever is greater. Additionally, a fence or screen wall would be required along the eastern side and the southern side where adjacent to residential uses per LDR Section 3.05.

Interior parking lot trees shall be provided unless the parking area is less than 5,000 square feet.

The landscape plan does not have to be prepared by a landscape architect as the site is less than 1/2 acre. The landscape plan should be submitted in accordance with LDR Section 9.01, 9.02 and Section 14.

2. Item: TREE REMOVAL APPLICATION

During the site plan submittal phase a Tree Removal Permit shall be submitted along with a mitigation plan depicting tree replacement according to LDR Section 9.02. The tree replacement may be shown on the landscape plan if desired but submitted concurrently. As many native trees are encouraged to be preserved on the site as possible. Landscape credit may be given for existing qualifying trees that are on site according to LDR Chart 9.01.03.E.10.f.

Review Status: APPROVED WITH COMMENTS

DEFERRAL OF CONCURRENCY DETERMINATION - DEVELOPMENT PROCESSING (352) 343-9855

Review Status: APPROVED

PUBLIC WORKS TRANSPORTATION - SHARON LEWIS (352) 483-9050

Informational items:

1. Item: TRANSPORTATION CONCURRENCY

A traffic exemption letter will be required prior to site plan approval. Please contact Sharon Lewis at Lake County Public Works for exemption requirements (352) 483-9050.

Review Status: APPROVED WITH COMMENTS