



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT

Planning & Community Design Division

5/1/2008

DAVID RALPH STRICKLAND
P.O. BOX 406
MT. DORA, FL 32757-

Re: Project No. 2008030003, Application No. 1116

Description: DAVID RALPH STRICKLAND
REZONE FROM R-6 TO CP

Dear Mr. Strickland:

Your rezoning application has been reviewed by the Development Review Staff. Review comments are attached. All comments must be satisfied by the applicant prior to receiving a staff approval or being placed on a Public Hearing agenda.

Please respond to comments in the following manner:

1. Submit fifteen (15) legible, signed and sealed sets of plans. (19 sets if within Clermont JPA)
 - Revised sheets shall have revision dates in the title block.
 - Plan revisions must be either circled or their location indicated in the written response letter.
2. Provide a written response to all comments.
3. All plans shall provide a space five (5) inches by six (6) inches on the front page of each set of submittals to be used for the County approval stamp.
4. Plan revisions submitted thirty (30) days after the DRS meeting will result in a \$100 Plan Revision fee.
5. When all requested information has been received, it will be circulated to the DRS staff for review.

The Development Review Staff will then review revised plans and responses to comments for compliance with the appropriate Land Development Regulations and Comprehensive Plan. This review will be completed within fifteen (15) days of receipt of all required information and you will be notified of the results of the review.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Rick Hartenstein, Senior Planner/Case Manager
Division of Planning and Community Design
(352) 343-9739 x5400 or e-mail rhartenstein@lakecountyfl.gov

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9816
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

DEBBIE STIVENDER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

Project No. 2008030003, Application Request No. 1116

PLANNING & COMMUNITY DESIGN DIVISION

Rejection Comments

Item:
Remarks:

Informational Comments

Item:
Remarks:

Review Status: COMPLETE

PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041

Rejection Comments

Item:
Remarks:

Informational Comments

Item: TRANSPORTATION
Remarks: April 23, 2008 SL

Affidavit of Deferral of Concurrency Determination has been filed. A Traffic Impact Study shall be required at site plan submittal. Please contact Lake County Public Works for the Methodology for the traffic impact study when ready to proceed to site plan after rezoning.

Item: RIGHT-OF-WAY
Remarks: April 15, 2008 SL

Site front SR 46, w/30 feet of R/W on North side of road, no recorded R/W on the South. Classified as a Rural Minor Arterial requiring 80 feet total R/W. Rezoning application, no Dolan requested at this time.

Item: STORMWATER
Remarks: April 23, 2008 SL
Stormwater Management/Concurrency to be determined at site plan

Review Status: COMPLETE

FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788

Rejection Comments

Item:
Remarks:

Informational Comments

Item: REVIEW IS COMPLETE
Remarks: Informational 4-10-08

Site Plan will be reviewed for Compliance with Fire Codes during the Site Plan Approval Process. Additional Comments may be provided at that time.

Review Status: COMPLETE

HEALTH DEPT. - MARCELO BLANCO (352) 253-6130

Rejection Comments

Item:
Remarks:

Informational Comments

Item: REZONING ONLY
Remarks: 04/30/2008 - No objection to rezoning, however, future submittals will need to address the following:
-Show existing and/or proposed OSTDS area w/ sufficient unobstructed area to allow for proposed sizing.
-If the existing OSTDS is to be used, it will need to be evaluated by the DOH (permit required) and may result in an upgrade of the system; DOH approval will be required prior to the OSTDS being used for commercial purposes.
-MJB-

Review Status: COMPLETE

ENVIRONMENTAL REVIEW- JENNIFER COTCH (352)343-9739

Rejection Comments

Item:
Remarks:

Informational Comments

Item: ADDITIONAL INFORMATION NEEDED
Remarks: Environmental concerns will be addressed during site plan.

Review Status: COMPLETE

CONCURRENCY - DEVELOPMENT REVIEW

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

Cc: File (Proj#2008030003 AR#1116)
Steve Greene, AICP, Chief Planner
DRS Staff

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
 July 2, 2008



BOARD OF COUNTY COMMISSIONERS
 July 22, 2008

Case: PH #22-08-4 (Strickland Property)	Case Manager: Rick Hartenstein, Senior Planner	Agenda Item #
---	--	----------------------

- Application Request -

Owner:	David Ralph Strickland (the "Owner")	Applicant:	Same
Future Land Use:	UCN Non-Wekiva/Neighborhood Activity Center Overlay	Zoning District:	Urban Residential (R-6)
Land Use Intensity:	Maximum impervious surface ratio allowed - 70% of the gross development parcel (Land Development Regulations Table 3.02.06)	Zoning Density:	Maximum allowable density is 5.5 dwelling units to the net acre utilizing the development regulations related to the Urban land use category (Comprehensive Plan Policy 1-20.4 (2) (d))

Requested Action: The Applicant is requesting to rezone approximately .45 acres from Urban Residential (R-6) to CP in order to continue limited commercial uses on the property.

- Site Information -

Size of Parcel: .45 acres (+/-)

Map Location: Section 30 / Township 19S / Range 28E

Location: Mount Plymouth/Sorrento area on north side of SR 46 approximately 300 feet east of the intersection of SR46 and CR437 south. (AK#'s 1681570, 1681553, and 2924021)

Future Land Use Category: Urban Compact Node (UCN) Non-Wekiva

Current Zoning District: R-6 (Urban Residential)
Joint Planning Area: N/A
Utility Area: N/A
Site Utilities: Individual well and individual septic system
Road Classification: SR 46, rural-principal arterial, asphalt
 CR 437, minor collector, asphalt
Site Visits: April 17, 2008 **Signs Posted:** April 17, 2008 (1)
Commissioner's District: 4 (Stewart)

Surrounding Land Use		Surrounding Zoning	
NORTH	Concrete Plant	NORTH	Heavy Industrial (HM)
SOUTH	Bank	SOUTH	Neighborhood Commercial (C-1)
EAST	Thrift Shop	EAST	Urban Residential (R-6)
WEST	Hardware Store	WEST	Neighborhood Commercial (C-1)

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends approval **with conditions**, to rezone the property from R-6 to CP with limited C-1 uses as outlined in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone .45 acres from Urban Residential (R-6) to CP Planned Commercial) with limited C-1 (Neighborhood Commercial) uses as specified in the attached Ordinance, to rectify a non-conforming use issue and obtain the highest and best use for his property. The CP zoning district is permitted in the Urban Compact Node-Non Wekiva as seen in Land Development Regulation (LDR) Section 3.00.03, Table 3.00.03.

County records indicate the site has a 1,185 square foot building on it and is located in the Mount Plymouth-Sorrento area on the north side of SR46 approximately three hundred (300) feet east of the intersection of SR 46 and CR437 south. This area is within the Urban Compact Node (UCN) Non-Wekiva Future Land Use Category (FLUC) and is currently zoned R-6. The property is located within the Neighborhood Activity Center Overlay District, thus meeting the established commercial location criteria for a Neighborhood Activity Center as seen in Comprehensive Plan Policy 1-3A.1 (3), (the Commercial Location Analysis & Staff Report Reference Map is attached for your reference).

Based on these findings, staff recommends approval with conditions as outlined in the attached ordinance.

- Findings of Fact-

According to the Lake County Land Development Regulations, Section 14.03.03, Standards for Review, in reviewing the application for a rezoning, the Lake County Zoning Board and Board of County Commissioners shall consider:

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

The proposed rezoning is consistent with the LDR as shown in LDR Section 3.00.03, Table 3.00.03; the Planned Commercial (CP) Zoning District is permitted in the Urban Compact Node (UCN) Non-Wekiva Future Land Use Category (FLUC). Also, as shown in LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, automotive service station/convenience store, banking, personal care service, professional office, restaurant general, retail convenience, retail general, self-service laundry, and day care center are permitted uses in the CP Zoning District and are recognized as C-1 (Neighborhood Commercial Uses).

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

The proposed rezoning is consistent with the Comprehensive Plan as stated in *Policies 1-1.15 Land Use Activities within the Land Use Categories (1)* and *1-1.6 Function of Future Land Use Categories* which permits commercial development of this site provided it meets commercial location criteria as outlined in Policy 1-3A.1 *Commercial Development in Land Use Classifications (3) (a-g)*.

An analysis of the commercial location criteria concluded that this site meets the requirements for commercial development. The Commercial Location Analysis is attached for your reference.

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

The proposed rezoning of the property to CP with the following uses: automotive service station/convenience store, banking, personal care service, professional office, restaurant general, retail convenience, retail general, self-service laundry, and day care center are consistent and compatible with the surrounding land uses and development patterns in the area as stated in the attached Commercial Location Analysis and seen in the attached photographs.

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

The Applicant is requesting to rezone .45 acres from Urban Residential (R-6) to CP Planned Commercial) with the following C-1 (Neighborhood Commercial) uses; automotive

service station/convenience store, banking, personal care service, professional office, restaurant general, retail convenience, retail general, self-service laundry, and day care center to correct a non-conforming use issue with the property and obtain the highest and best use for the property.

- 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;**

An Affidavit of Deferral of Concurrency Determination was filed by the applicant, thus deferring concurrency review until the site plan submittal stage if this rezoning request is approved. Public Works has indicated that a traffic impact study will be required a site plan submittal and that additional right-of-way may be required; no Dolan test was requested at this time.

The proposed rezoning to the CP Zoning District has the potential to increase demands on public facilities; however, any further development of the site would require a site plan amendment, and again, all of the above items would be addressed in detail during site plan review.

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

There is no indication that this request will have any adverse impacts on the natural environment. To ensure this, an Environmental Assessment is required as part of the site plan review and approval process prior to the commencement of any additional land disturbance / development.

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

There is no indication that the proposed rezoning would adversely affect the property values in the area.

- H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

The proposed rezoning would result in an orderly and logical development pattern as the immediate surrounding area is developed with various Neighborhood Commercial uses.

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

- The proposed rezoning would be in harmony with the general intent of the Comprehensive Plan and Land Development Regulations 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

FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning request and found that it is consistent with the Comprehensive Plan and Land Development Regulations according to the above and attached Commercial Location Analysis.

Based on these findings, staff offers a recommendation of **approval with conditions** as outlined in the attached ordinance.

WRITTEN COMMENTS FILED: Supportive: - 0 - Opposition: - 0 -

FINAL ACTION BCC:

Commercial Location Analysis

[(excerpt of the Lake County Comprehensive Plan, CHAPTER I, FUTURE LAND USE ELEMENT, 9J-5.006(3)]

Policy 1-3A.1: Commercial Development In Land Use Classifications. Urban areas should be served by shopping facilities, which are designed and planned around market and service areas. These areas are generally categorized under one of the following shopping center types:...

3. Neighborhood Activity Centers:

- a. **Location - at the intersections of collectors, or at the intersection of a collector and an arterial. These centers shall be located in the Urban, Urban Expansion and Suburban land use categories.**

The site is located within the Urban Compact Node (UCN) Non-Wekiva Future Land Use Category (FLUC). According to Comprehensive Plan Policy 1-20.4, Density and Intensity of Land Use within the Wekiva River Protection Area (2) (d), *"Lands within the Mount Plymouth-Sorrento Urban Compact Node and outside of the Wekiva River Protection Area Boundary...shall utilize the development regulations of Lake County which pertain to the Urban land use category..."*.

In the Urban FLUC, placement of commercial development is guided by the standards of the commercial location criteria of Policy 1-3A.1.

The site is located on the north side of SR46, a rural principal arterial road, approximately 300 feet east of the intersection of SR 46 and CR 437 south, a minor collector road. See Commercial Location / Staff Report map attached for your reference.

The site is also located within the boundaries of the Neighborhood Activity Center, east of the intersection of SR 46 and CR 437 south.

- b. **Major component may include a grocery, drug, or convenience type stores.**

The adjacent property to the west is zoned C-1 (Neighborhood Commercial) and presently has a small grocery store and hardware store on the property. The property to the south is zoned C-1 and has a bank on the site. The property on the southeast corner of CR 437 and SR 46 is zoned C-1 and has a small equipment sales and service center located on the site. As depicted, the existing development pattern is consistent with the development pattern for a Neighborhood Activity Center. The proposed uses, (automotive service station/convenience store, banking, personal care service, professional office, restaurant general, retail convenience, retail general, self-service laundry, and day care center), for the property in question are permitted within a Neighborhood Activity Center.

The Planned Commercial (CP) Zoning District is allowed in the Urban Compact Node Non-Wekiva FLUC, [Land Development Regulations (LDR) Table 3.00.03].

The Neighborhood Activity Center designation generally allows commercial development of a moderate intensity that includes Neighborhood Commercial (C-1) type uses as listed in LDR Table 3.01.03, Schedule of Permitted and Conditional Uses.

The County may condition the development requirements of a planned district.

- c. **Allows combined commercial allocations from 10,000 to 50,000 square feet of gross leasable area.**

County records indicated that there is a total of 1,185 square feet of floor area on the site, (one-story building). The applicant is not proposing to increase the gross leasable floor area.

- d. **Service Area - will be proximate to population areas to support proposed uses. These centers are intended to accommodate the shopping needs of the residents living within the immediate surrounding neighborhoods. These centers shall have a minimum market area of 1.25 miles.**

The types of businesses located within a Neighborhood Activity Center are *intended* to serve the shopping needs of the residents in the surrounding neighborhoods but, are not *limited* to these types of uses.

The Planned Commercial Zoning District is allowed within a Neighborhood Activity Center and the purpose of the Planned Commercial Zoning District is to individually establish these districts with conditions necessary to promote the general welfare and to secure economic and coordinated land use. Rezoning this property to CP w/limited C-1 uses and with conditions placed on development of the site as specified in the attached Ordinance is in keeping with the intent of this policy.

- e. **Site design will not compromise the integrity of adjacent uses.**

Access management, landscaping and lighting standards have been included in the ordinance.

- f. **Will not degrade the proper functioning of the adjacent roads below the established levels of service.**

The Owner is required to comply with all applicable access management requirements.

- g. **Neighborhood shopping centers shall not use local streets as their principal traffic access.**

Ingress to and egress from the site is limited to SR 46 as stated in the ordinance.

**ORDINANCE #2008-
DAVID RALPH STRICKLAND
PH #22-08-4**

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

WHEREAS, David Ralph Strickland (the "Owner") requests rezoning of real property from R-6 (Urban Residential) to CP (Planned Commercial) with limited C-1 (Neighborhood Commercial) uses; and

WHEREAS, the subject property consists of .45 +/- acres and is located in the Mount Plymouth / Sorrento area on SR46 in Section 30 – Township 19S – Range 28E having Alternate Key Numbers 1681570, 1681553, and 2924021, further described as:

LEGAL DESCRIPTION (EXHIBIT "A" – ATTACHED)

WHEREAS, the property is located within the Urban Compact Node Non-Wekiva Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Zoning Board did, on the 2nd day of July, 2008, reviewed Petition PH #22-08-4;

AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 22nd day of July, 2008; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property owners at a Public Hearing duly advertised; and

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

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they

1 pertain to the above tract of land subject to the following terms:

2 **Section 1. Terms:** The County Manager or designee shall amend the Zoning Maps from Urban
3 Residential (R-6) to Planned Commercial (CP); as specified in Land Development
4 Regulations (LDR), as amended, in accordance with this Ordinance.
5

6 A. Land Uses: Use of the site shall be limited to;

- 7
- 8 1. Automotive Service Station/Convenience Store
- 9 2. Banking
- 10 3. Personal Care Service
- 11 4. Professional Office
- 12 5. Restaurant, General
- 13 7. Retail, Convenience
- 14 8. Retail, General
- 15 9. Self-Service Laundry
- 16 10. Day Care Center
- 17

18 Related activities directly associated to the above primary uses may be approved by the
19 County Manager or designee. Any other use of the site shall require approval of an
20 amendment to this Ordinance and Conceptual Plan (EXHIBIT "B" - Attached) by the Board
21 of County Commissioners.
22

23 B. Setbacks: Setbacks shall be in accordance with the Land Development Regulations, as
24 amended.

25

26 C. Landscaping, Buffering and Screening: Development of the site shall comply with all
27 requirements of Land Development Regulations, as amended.

28

29 D. Access Management: Development of the site shall comply with the Land Development
30 Regulations, as amended.

31

32 E. Environmental: Prior to any additional development of the site, an environmental
33 assessment shall be submitted to the County in accordance with the Land Development
34 Regulations, as amended.

35

36 F. Lighting: All outdoor lighting shall be in accordance with the Land Development
37 Regulations, as amended.

38

39 G. Signage: Signs shall be in accordance with the Land Development Regulations, as
40 amended.

41

42 H. Development Review and Approval: Prior to the issuance of any permits, the applicant
43 shall be required to submit a site plan for review and approval consistent with the
44 Comprehensive Plan and Land Development Regulations, as amended.

45

46 I. Future Development Orders: Any requested development order must comply with the

Comprehensive Plan and Land Development Regulations, as amended.

- I. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.

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

- A. The aforementioned property shall only be used as specified in this Ordinance.
- B. This Ordinance 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.
- C. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance 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 the Land Development Regulations, as amended.

Section 3. 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 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2008.

FILED with the Secretary of State _____, 2008.

EFFECTIVE _____, 2008.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

WELTON G. CADWELL, Chairman

ATTEST:

NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

DRAFT

EXHIBIT "A" - LEGAL DESCRIPTION

LEGAL DESCRIPTION: LOT(S) 1, 2, 14, 15, & 16, BLOCK "2" AND THAT PORTION OF VACATED SECOND STREET LYING NORTH OF THE NORTH RIGHT-OF-WAY FOR STATE ROAD 46 AND SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD, CRAIG'S ADDITION TO SORRENTO, ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 1, PAGE 69 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

