



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): October 7, 2020  
Board of County Commissioners (BCC): October 27, 2020

Case No. and Project Name: RZ-20-24-5, Ewing Irrigation & Landscape Supply, Inc.

Applicant: Ewing Irrigation & Landscape Supply, Inc.

Owner: McComb Management, Inc.

Requested Action: To rezone 2.39 +/- acres from Community Commercial District (C-2) to Planned Commercial District (CP) to accommodate light industrial activities in association with an irrigation and landscape supplier, to include outside storage and consideration of a utility connection waiver.

Staff Determination: Staff finds the rezoning application consistent with the LDR and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 2.39 +/- Acres

Location: 2809 Sunrise Road, Lady Lake

Alternate Key No.: 1254574 and 2765267

Future Land Use Category: Urban Medium Density

Existing Zoning District: Community Commercial District (C-2) by Resolution #14-67

Proposed Zoning District: Planned Commercial District (CP)

Joint Planning Area/ISBA: Town of Lady Lake JPA and ISBA

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Municipal Commercial General Sales and Services	Municipal Heavy Commercial (HC)	Vacant	Undeveloped
South	Urban Medium Density	Mixed Home Residential (RM)	Street, Commercial	Sunrise Road, Adjacent to Retail Sales Use
East	Urban Medium Density	Mixed Home Residential (RM)	Vacant and Residential	Single-Family Dwelling Units
West	Municipal Commercial General Sales and Services	Municipal Heavy Commercial (HC)	Highway, Vacant	US Highway 27, Adjoining Undeveloped Parcel

**– Summary of Analysis –**

The Applicant seeks to establish a Planned Commercial (CP) zoning district on parcels identified by Alternate Key Numbers 1254574 and 2765267, to accommodate for light industrial activities associated with an irrigation and landscape supplier, to include outside storage. The Applicant provided the following description statement of the proposed use: *“Ewing is a supplier to professional landscaping and irrigation contractors. We provide wholesale, distribution and [inventory] sales to this industry. Services include wholesale and inventory sales and delivery of products”*.

The subject parcels are zoned Community Commercial District (C-2) by Resolution #14-67 (November 13, 1967), are designated as Urban Medium Density Future Land Use Category (FLUC) and are located within a Major Commercial Corridor as identified in Comprehensive Plan (Comp Plan) Policy I-1.3.10.6.

The subject parcel is located within the Town of Lady Lake JPA and ISBA and the application was provided to the Town of Lady Lake to review. The Town of Lady Lake had no comments or objections to the request.

The application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the central water and central sewer system connection requirements per LDR Section 6.12.01(A), LDR Section 6.12.01(B), Comp Plan Policy IX-2.2.2 and Comp Plan Policy IX-3.1.2 (Attachment “B”). Approval of the waiver will allow the use of individual well and septic tank systems on the property for the proposed light industrial activities associated with an irrigation and landscape supplier.

**- Analysis -**

Land Development Regulations (LDR) Section 14.03.03 Standards for Review.

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

The request is consistent with LDR Table 3.01.03, which allows wholesale and warehouse uses within the Planned Commercial (CP) zoning district.

The Applicant’s description statement of the proposed use, referenced under the Summary of Analysis, is consistent with LDR Chapter II, Definitions, which defines “Wholesale and Warehouse” as an establishment offering wholesaling, storage or warehousing services. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, and trucking and shipping operations. These activities do not include self-service storage facilities.

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

The request is consistent with Comp Plan Policy I-1.3.3, Urban Medium Density FLUC, which allows commerce uses within major commercial corridors. Pursuant to Comp Plan Policy I-1.3.10, the term “Commercial” as used in reference to major commercial corridors is to include commercial, retail, office, limited light industrial uses, and uses associated with these activities. The proposed uses are consistent with the definition of light industrial uses; Comp Plan Policy I-1.3.10 does not define the limits of light industrial activities or uses within major commercial corridors.

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

The request and proposed use are consistent with the surrounding uses. The parcel located south of the subject parcel is currently being utilized as Retail Commercial, and land uses for the parcels located to the north and west allow for general sales and services.

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

As previously stated, the subject parcel is located within a major commercial corridor, which allows the subject parcel to be developed with commercial activities which provide goods and services. Additionally, the proposed use is consistent with the surrounding uses, which include Retail Commercial and general sales and services.

**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;**

Water and Sewer

The Town of Lady Lake has indicated that central sewage and central water are not available to the subject parcels (Attachment “C”). Therefore, well and septic tanks will be used and shall be consistent with the Florida Department of Health Regulations, as amended.

Office of Public Safety

Lake County Fire Rescue Station #53 is located less than two (2) miles from the subject property at 2505 Spring Lake Road, in Fruitland Park, and will provide life support should an emergency situation on the property demand this service. Fire protection water supply and emergency access will be addressed during the development review process, should the rezoning request be approved by the Board.

Schools

The request is not anticipated to adversely impact school capacities or levels of service.

Parks

The request is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

The request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation Concurrency

The request is not anticipated to adversely impact the roadways standard Level of Service (LOS).

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

The Applicant intends to establish light industrial activities associated with an irrigation and landscape supplier, to include outside storage as an ancillary use. To further lessen any potential adverse effects to the residential properties located east of the subject parcel, the ordinance includes conditions to screen the outdoor storage area from the visibility of adjacent right-of-ways and parcels.

Should the rezoning be approved, all sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended. An environmental survey shall be conducted in accordance with the LDRs, as amended. The EA shall identify the presence of natural resources and specify protection and necessary mitigation of any endangered or threatened wildlife, flora and/or fauna, to include those that are species of special concern.

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

There is no information within the application that specifies impacts on property values.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**

The proposed rezoning would likely result in an orderly and logical development pattern.

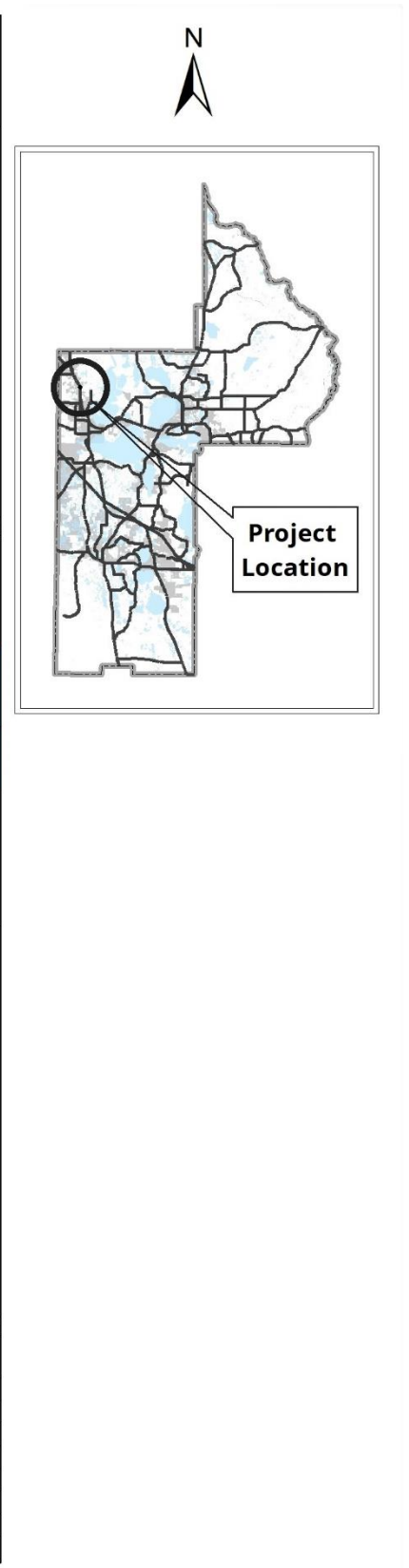
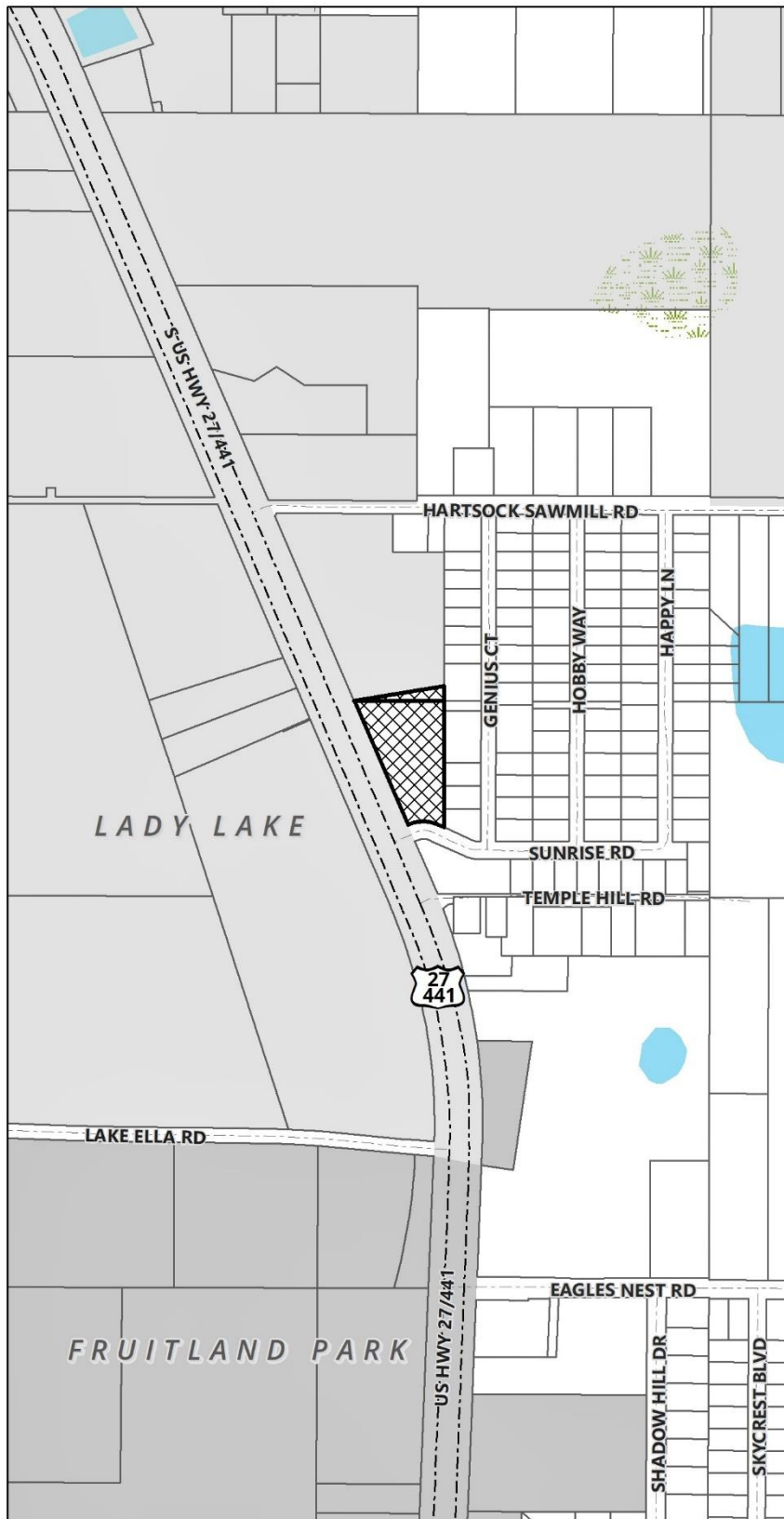
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

The request is in harmony with the general intent of the Comp Plan and LDR, as stated in Sections A through H above.

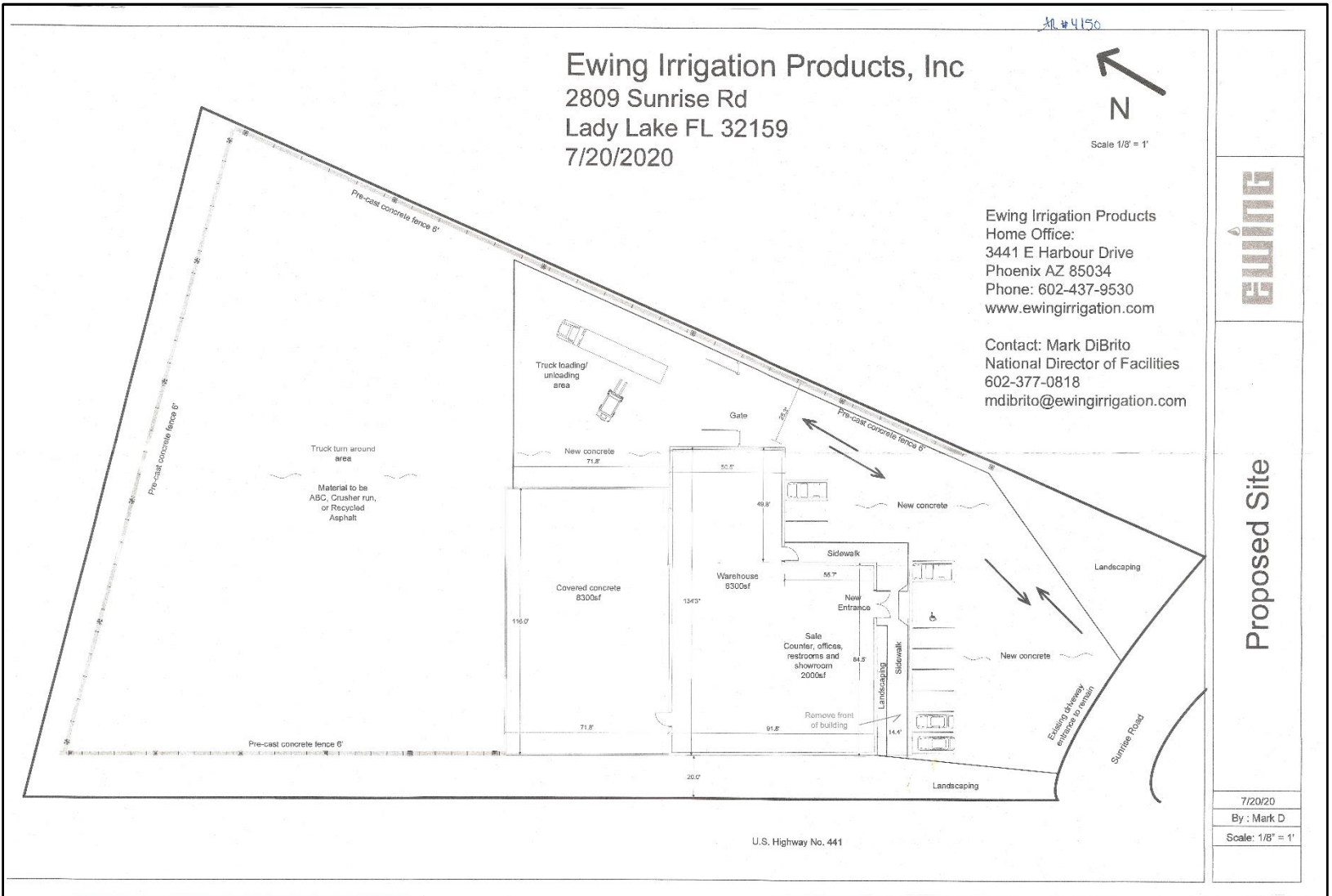
**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

The application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the central water and central sewer system connection requirements. Staff must emphasize that approval of this rezoning is contingent upon BCC approval of the waiver to connection requirements.

# Map of Subject Property



# Attachment "A" — Concept Plan



## Attachment "B" — Central Water and Central Sewer Waiver Request



3441 E. Harbour Drive, Phoenix, AZ 85034 | p: 602.437.9530 | f: 602.437.0446

September 4, 2020

Janie Barrón  
Senior Planner  
Office of Planning and Zoning  
Lake County Florida  
315 W. Main Street, Room 510, Taveres, FL 32778

RE: Rezoning Application – Ewing Irrigation and Landscape Supply / McComb Property (RZ-20-24-5)  
Project No. 2020070023, Application Request No. 4150  
Alternate Key Nos. 1254574 & 2765267

Dear Ms. Barrón:

Further to our response to Review Comments dated September 3, 2020, Ewing Irrigation, Inc. does hereby request waivers for the water and sewer connections as neither are available within the stated distances.

Sincerely,

EWING IRRIGATION PRODUCTS, INC.

A handwritten signature in blue ink, appearing to read "Mark DiBrito".

Mark DiBrito  
National Facilities Director



# Attachment "C" — Town of Lady Lake Utility

## TOWN OF LADY LAKE Water/Sewer/Reuse Physical Availability

Work Order Date: 9/1/20

Residential-Single Family  Commercial  Subdivision  PUD  Other  Unknown

Requested by: P.J. Mc Connell / Mac Building & Development, LLC

Owner: \_\_\_\_\_

Misc. Details: Not inside Town Service Area - Hobby Hills?

Phone: 843-830-0377 Fax: \_\_\_\_\_ Email: pj@macbuildinganddevelopment.com

Location/Description: AK # 125 4574 & 2765267

Is **WATER** physically available at site: \_\_\_\_\_ Yes  No

Approximate distance from site: \_\_\_\_\_ ft. \_\_\_\_\_ Over 200 ft. or 1320 ft.

Is Jack & Bore required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Water Tap required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Meter Installation required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Misc. Information: \_\_\_\_\_

Is **SEWER** physically available at site: \_\_\_\_\_ Yes  No

Approximate distance from site: \_\_\_\_\_ ft. \_\_\_\_\_ Over 200 ft. or 1320 ft.

Is Jack & Bore required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Sewer Tap required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Misc. Information: \_\_\_\_\_

Is **REUSE** physically available at site: \_\_\_\_\_ Yes  No

Approximate distance from site: \_\_\_\_\_ ft. \_\_\_\_\_ Over 200 ft. or 1320 ft.

Is Jack & Bore required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Water Tap required: \_\_\_\_\_ Yes \_\_\_\_\_ No

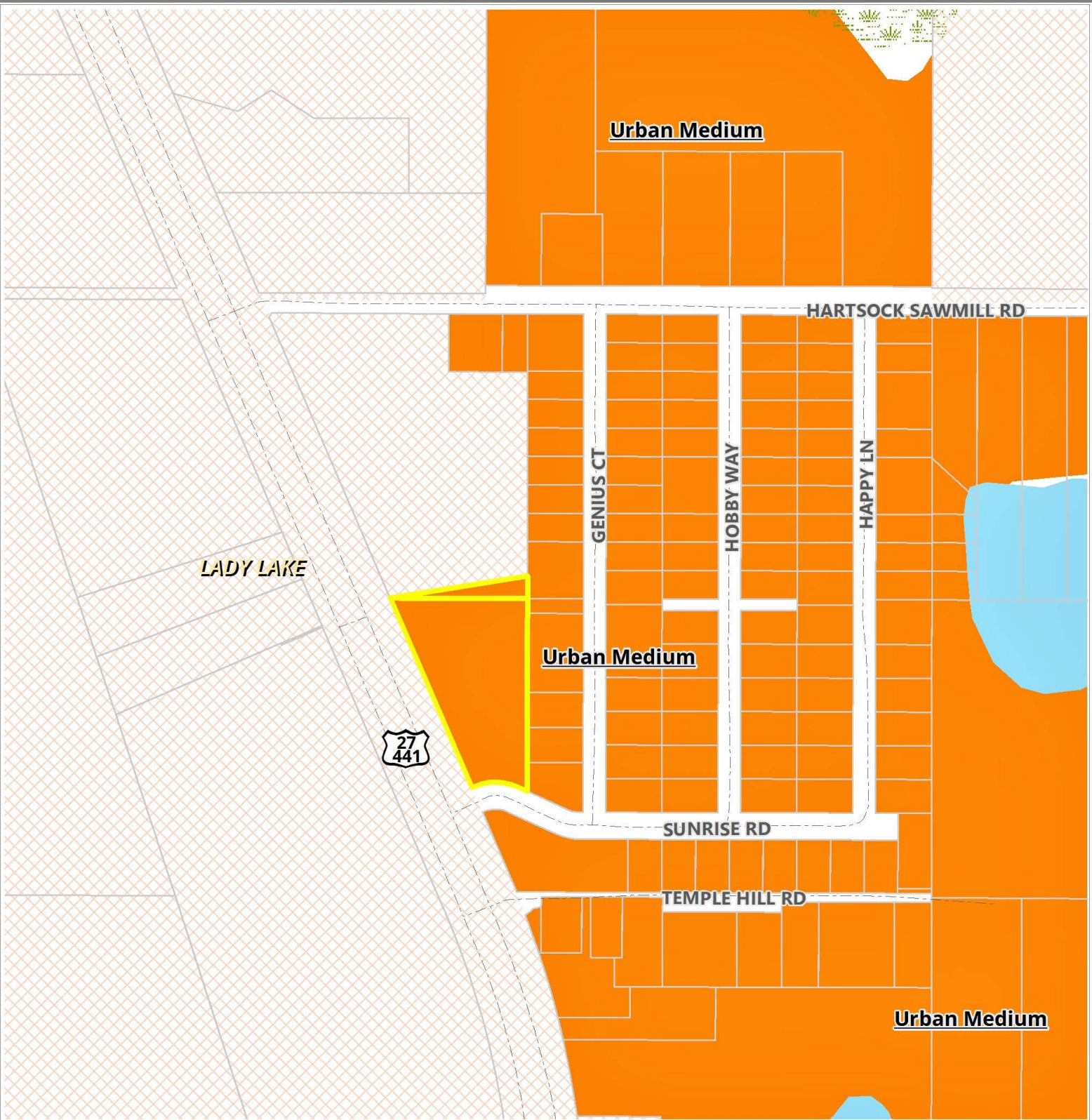
Is Meter Installation required: \_\_\_\_\_ Yes \_\_\_\_\_ No

Misc. Information: \_\_\_\_\_

The Town Does not Currently  
Have Utilities to Serve this Property  
2809 Sunrise Rd. @ this Time.

Date Completed: 9-1-20 Completed by: [Signature]

CURRENT FUTURE LAND USE



***FUTURE LAND USE LEGEND***

 Urban Medium

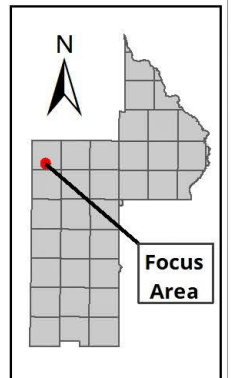
NAME: **EWING IRRIGATION & LANDSCAPING PROPERTY**

DISTRICT: **5**

CASE NUMBER: **RZ-20-24-5**

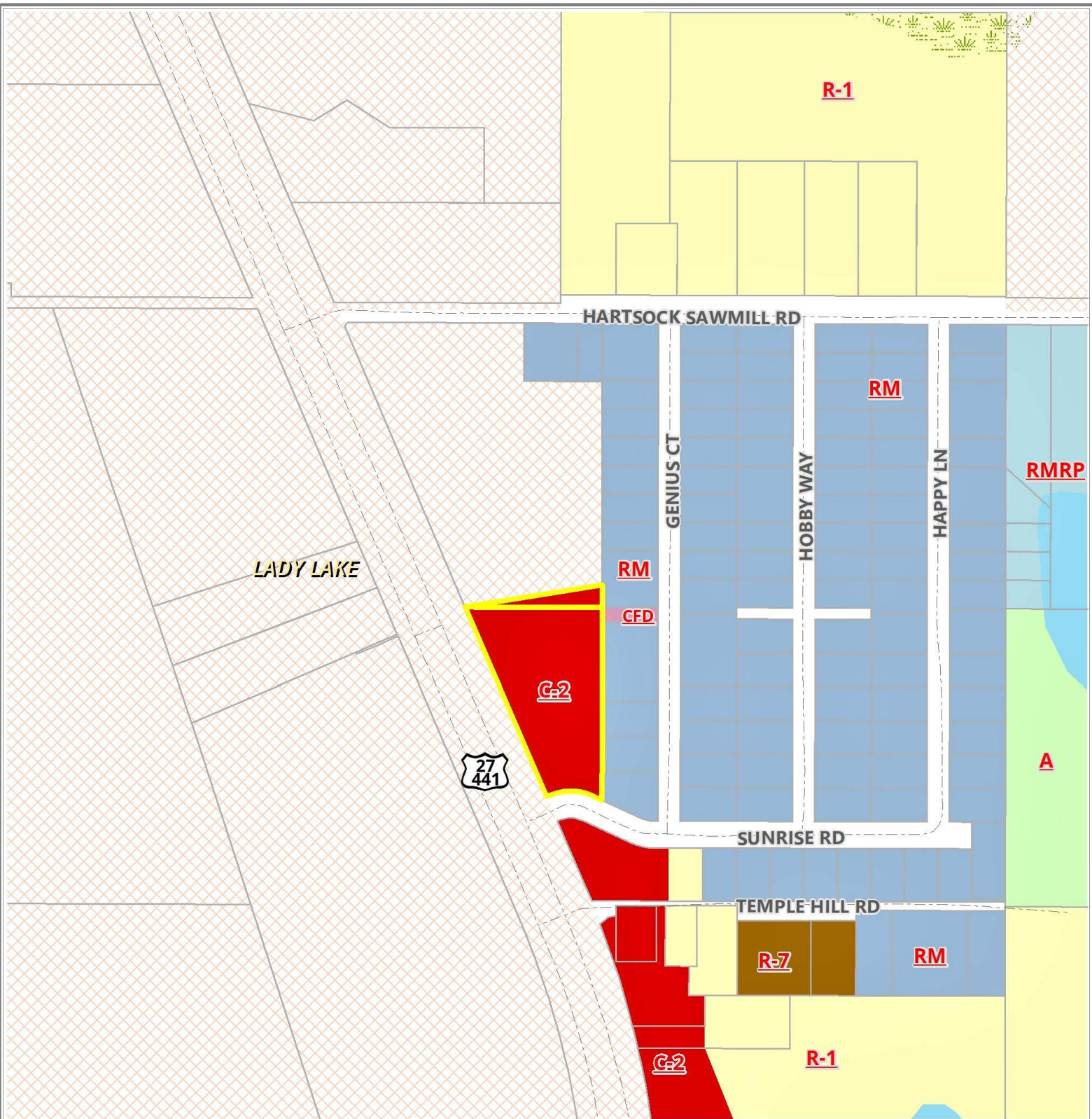
LOCATION (S-T-R): **28-18-24**

REQUEST: **COMMUNITY COMMERCIAL (C-2) TO PLANNED COMMERCIAL (CP)**





# CURRENT ZONING



## ZONING LEGEND

A R-1 R-7 RMRP RM C-2 CFD

NAME: **EWING IRRIGATION & LANDSCAPING PROPERTY**

DISTRICT: **5**

CASE NUMBER: **RZ-20-24-5**

LOCATION (S-T-R): **28-18-24**

REQUEST: **COMMUNITY COMMERCIAL (C-2) TO PLANNED COMMERCIAL (CP)**



**ORDINANCE #2020-XX**  
**Ewing Irrigation & Landscape Supply, Inc.**  
**RZ-20-24-5**

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

3 **WHEREAS**, Ewing Irrigation & Landscape Supply, Inc. (the “Applicant”) submitted a rezoning  
4 application on behalf of McComb Management, Inc. (the “Owner”), to rezone 2.39 +/- acres from  
5 Community Commercial District (C-2) to Planned Commercial District (CP) to accommodate light  
6 industrial activities in association with an irrigation and landscape supplier, to include outside  
7 storage; and

8 **WHEREAS**, the subject property consists of approximately 2.39 +/- acres located along US  
9 441 / US Highway 27, in the Lady Lake area of unincorporated Lake County, in Section 28, Township  
10 18 South, Range 24 East, consisting of Alternate Key Numbers 1254574 and 2765267, and more  
11 particularly described in Exhibit “A”; and

12 **WHEREAS**, the property is located within the Urban Medium Density Future Land Use  
13 Category; and

14 **WHEREAS**, on the 13th day of November 1967, the Board of County Commissioners (BCC)  
15 approved Resolution #14-67 to allow parcels described within Public Hearing #49-67 to be rezoned  
16 Commercial (C-2) and Residential (R-1-A) to Commercial (C-2) and Mobile Home Park Subdivision  
17 (R-3); and

18 **WHEREAS**, all remaining conditions of Resolution #14-67 shall remain in full force and effect;  
19 and

20 **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-20-24-5 on  
21 the 7th day of October 2020, after giving notice of the hearing on the petition for change in zoning,  
22 including notice that the petition would be presented to Board of County Commissioners of Lake  
23 County, Florida, on the 27th day of October 2020; and

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

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

30 **WHEREAS**, the approval of this ordinance shall supersede and replace any, and all previous  
31 zoning ordinances on the subject properties.

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

34 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map  
35 in accordance with this Ordinance. The uses of the property will be limited to those  
36 uses specified in this Ordinance and generally consistent with the Conceptual Plan  
37 attached as Exhibit “B”. To the extent there are conflicts between Exhibit “B” and this  
38 Ordinance, this Ordinance will take precedence.

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- A. Waivers.**
  - 1. Central Water Service System Requirements pursuant to LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2.
  - 2. Central Sewer Service System Requirements pursuant to LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2.
  
- B. Permitted Land Uses.**
  - 1. Light industrial activities associated with an irrigation and landscape supplier, to include outdoor storage.
  - 2. Accessory uses directly associated with the above uses may be approved by the County Manager or designee.

Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.
  
- C. Specific Conditions:**
  - 1. Outside storage of materials shall be screened so that they are not visible from the right-of-way or adjacent parcels.
  - 2. Soil-like materials that generate dust shall be located in three-sided walled enclosures that are a minimum of 10-feet in height. Enclosure shall be consistent with commercial design standards in accordance with LDR Section 9.10.00.
  - 3. Parking surfaces may be grass or other pervious material.
  
- D. Open Space, Impervious Surface Ratio, and Building Height.** Open Space, impervious surface ratio, and building height shall be in accordance with the Comprehensive Plan and LDR, as amended.
  
- E. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.
  
- F. Parking Requirements.** Off-street parking must be provided in accordance with the LDR, as amended.
  
- G. Environmental Requirements.**
  - 1. An environmental assessment dated within six (6) months of the site plan submittal will need to be submitted showing the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any state permitting or mitigation will be required before development can commence.
  - 2. Environmental resources shall be protected in accordance with the Comprehensive Plan and LDR, as amended.
  
- H. Landscaping, Buffering, and Screening.** All new development must provide landscaping, buffering, and screening in accordance with the LDR, as amended.
  
- I. Noise.** Compliance must be in accordance with the LDR, as amended.

1           **J. Transportation.** All access management will be in accordance with the  
2           Comprehensive Plan and LDR, as amended.

3           **K. Stormwater Management.**

4           1. The stormwater management system shall be designed in accordance with  
5           all applicable Lake County and St. Johns River Water Management District  
6           (SJRWMD) requirements, as amended.

7           2. The developer shall be responsible for any flood studies required for  
8           developing the site and comply with FEMA, Comprehensive Plan and LDR,  
9           as amended. Any development within the floodplain as identified on the  
10          FEMA maps will require compensating storage.

11          **L. Utilities.** The development shall be serviced by well and septic tank consistent  
12          with the Florida Department of Health Regulations, as amended. However, the  
13          development shall connect to central potable water and central sewer when  
14          services become available, in accordance with the Comprehensive Plan and  
15          LDR, as amended.

16          **M. Lighting.** Exterior lighting must be in accordance with the LDR, as amended, and  
17          consistent with Dark-Sky Principles.

18          **N. Signage.** All signage must be in accordance with the LDR, as amended.

19          **O. Concurrency Management Requirements.** Any development must comply with  
20          the Lake County Concurrency Management System, as amended.

21          **P. Development Review and Approval.** Prior to the issuance of any permits, the  
22          Owner shall submit a development application for site plan review generally  
23          consistent with the Conceptual Plan attached as Exhibit "B" for review and  
24          approval in accordance with the Comprehensive Plan and LDR, as amended.

25          **Q. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific  
26          references in this Ordinance to the Florida Statutes, Florida Administrative Code,  
27          Lake County Comprehensive Plan and LDR shall include any future amendments  
28          to the Statutes, Code, Plans, or LDR.

29          **Section 2. Conditions.**

30          **A.** After establishment of the facilities as provided in this Ordinance, the property  
31          identified in this Ordinance may only be used for the purposes identified in this  
32          Ordinance. Any other proposed use must be specifically authorized by the Board  
33          of County Commissioners.

34          **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair,  
35          remove, improve, move, convert, or demolish any building structure, add other  
36          uses, or alter the land in any manner within the boundaries of the above described  
37          land without first obtaining the necessary approvals in accordance with the Lake  
38          County Code, as amended, and obtaining the permits required from the other  
39          appropriate governmental agencies.

- 1                    **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running  
2                    with the land and the terms, conditions, and provisions of this Ordinance, and will  
3                    be binding upon the present Owner and any successor, and will be subject to  
4                    each and every condition in this Ordinance.
- 5                    **D.** The transfer of ownership or lease of any or all of the property described in this  
6                    Ordinance must include in the transfer or lease agreement, a provision that the  
7                    purchaser or lessee is made good and aware of the conditions established by this  
8                    Ordinance and agrees to be bound by these conditions. The purchaser or lessee  
9                    may request a change from the existing plans and conditions by following  
10                    procedures contained in the LDR, as amended.
- 11                   **E.** The Lake County Code Enforcement Special Master will have authority to enforce  
12                   the terms and conditions set forth in this ordinance and to recommend that the  
13                   ordinance be revoked.
- 14                   **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to  
15                   be invalid or unconstitutional by any court of competent jurisdiction, the holding will  
16                   in no way affect the validity of the remaining portions of this Ordinance.
- 17                   **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of  
18                   this Ordinance to the Secretary of State for the State of Florida in accordance with  
19                   Section 125.66, Florida Statutes.

1 **Section 5. Effective Dates. This Ordinance will become effective as provided by law.**  
2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
3 **FILED** with the Secretary of State \_\_\_\_\_, 2020.  
4 **EFFECTIVE** \_\_\_\_\_, 2020.

5  
6 **BOARD OF COUNTY COMMISSIONERS**  
7 **LAKE COUNTY, FLORIDA**

8 \_\_\_\_\_  
9 **LESLIE CAMPIONE, CHAIRMAN**

10 **ATTEST:**

11  
12  
13 \_\_\_\_\_  
14 **GARY J. COONEY, CLERK OF THE**  
15 **BOARD OF COUNTY COMMISSIONERS**  
16 **LAKE COUNTY, FLORIDA**

17  
18 **APPROVED AS TO FORM AND LEGALITY:**

19  
20  
21 \_\_\_\_\_  
22 **MELANIE MARSH, COUNTY ATTORNEY**

**Exhibit "A" — Legal Description**

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- Lot 42, less East 125 feet and less part of South of North right of way line of Sunrise Road, Hobby Hill, according to the map or plat thereof as recorded in Plat Book 14, Page(s) 52, Public Records of Lake County, Florida; and
- The North 50 feet of the South 380 feet of the East 136.42 feet of the West 302.84 feet of the SW 1/4 of NE 1/4 of Section 22, Township 19 South, Range 24, East, Public Records of Lake County, Florida; and
- The North 665 feet of the East 834 feet of the SE 1/4 of the SW 1/4, of Section 15, Township 19 South, Range 24 East, Lake County, Florida, lying Westerly of the Replat of Woodland Park Subdivision, less and except the South 24.18 feet, and less the highway right of way in the Public Records of Lake County, Florida; and
- Begin at the Southwest corner of Tract A, in Hobby Hill, First Addition, according to the Plat thereof recorded in Plat Book 18, Page 7, for the point of beginning, thence run East 305.05 feet to the Southwest corner of Lot 51, thence run North 50 feet along the West line of said Lot 51, thence run West back to the point of beginning.

**Exhibit "B" – Conceptual Plan**

