



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): September 2, 2020  
Board of County Commissioners (BCC): September 29, 2020

Case No. and Project Name: RZ-20-23-4 Mount Plymouth-Sorrento Medical Center Rezoning

Applicant: Adler Labossiere

Owner: Ady's Marketplace LLC

Requested Action: Rezone 2.1 +/- acres from Neighborhood Commercial (C-1) and Planned Commercial (CP) to Planned Commercial (CP), by replacement of Ordinance #2008-47, to allow limited Neighborhood Commercial (C-1) and Community Commercial (C-2) uses

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

Case Manager: Marellys Moreno, CRA Coordinator

PZB Recommendation:

### Subject Property Information

Size: 2.1 +/- acres (total)

Location: Northeast of the State Road 46 / County Road 437 intersection, in Sorrento.

Alternate Key No.: 1681511 and 1681553

Future Land Use: Mount Plymouth-Sorrento Main Street

Existing Zoning District: Planned Commercial (CP) and Neighborhood Commercial (C-1)

Proposed Zoning District: Planned Commercial (CP)

Joint Planning Area / ISBA: N/A

Overlay Districts: Mount Plymouth-Sorrento CRA and Wekiva Study Area

### Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Mt. Plymouth-Sorrento Main Street	Urban Residential (R-6)	Recreational	Area planned for the Lake Wekiva Trail Segment 2
South	Mt. Plymouth-Sorrento Main Street	Neighborhood Commercial (C-1) and Urban Residential (R-6)	Commercial and Vacant Residential	Service Shop, Bank, Vacant Residential
East	Mt. Plymouth-Sorrento Main Street	Urban Residential (R-6)	Residential and Community Facility	Single-Family Dwelling, Church
West	Mt. Plymouth-Sorrento Main Street	Mixed Residential (R-7)	Vacant Residential	Vacant Residential

**Staff Analysis**

The subject properties are identified by Alternate Key Numbers 1681511 and 1681553. Alternate Key Number 1681511 comprises 1.4 +/- acres which are zoned C-1, and 0.39 +/- acres which are zoned CP; Alternate Key Number 1681553 comprises 0.31 +/- acres, and is zoned CP. The subject properties are generally located northeast of the intersection of the State Road 46 / County Road 437 intersection, in the Sorrento area. Ordinance #2008-47 allows Alternate Key Number 1681553 and the northeast portion of Alternate Key Number 1681511 to be utilized for automotive service station/convenience store, banking, personal care service, professional office, restaurant-general, retail-convenience, retail-general, self-service laundry, and day care center uses. The C-1 zoning district is described in LDR Section 3.00.02, and allows limited retail services of a convenience nature, serving a rural community or residential neighborhood.

The Applicant is requesting to rezone 1.4 +/- acres of property from C-1 to CP, to create a CP zoning district of 2.1 +/- acres, and replace Ordinance #2008-47 with a new ordinance which allows for limited C-1 and C-2 uses. The subject properties are located within the Mount Plymouth-Sorrento Community Redevelopment Agency (CRA) and are designated as Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Pursuant to Comprehensive Plan Policy I-3.2.6, commerce uses are permissible in the FLUC.

The rezoning proposal to include medical services as a new use, and the concept plan was presented to the CRA Advisory Committee on August 18, 2020 for feedback. The CRA Advisory Committee had no objections to the proposed rezoning.

**Standards for Review (LDR Section 14.03.03)**

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

Pursuant to Comprehensive Plan Policy I-3.2.6, commerce uses are permissible within the Mount Plymouth-Sorrento Main Street FLUC.

**B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.**

The rezoning application is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows medical services, automotive service station/convenience store, banking, personal care service, professional office, restaurant-general, retail-convenience, retail-general, self-service laundry, and day care center uses within the CP zoning district.

As previously stated, this rezoning application seeks to amend and replace Ordinance #2008-47 with a new ordinance to allow the proposed uses, and rezone AK #1681511 and AK #1681553 to CP, which does not conflict with the LDR.

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

The proposed rezoning is consistent with the land uses permitted by the proposed zoning district and existing FLUC. As depicted in the Current Zoning Map, the parcels surrounding the subject property are developed with commercial and residential land uses. Additionally, the parcel is adjacent to the Lake Wekiva Trail Segment 2. The subject property lies within the boundary of the Mount Plymouth-Sorrento CRA.

**D. Whether there have been changed conditions that justify an amendment.**

The owner wishes to develop the property with medical services, which is not currently allowed by Ordinance #2008-47 or the C-1 district. The rezoning has been requested as the owner desires to change land uses allowed in association with Ordinance #2008-47, and to include additional land within the CP development area.

**E. 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 owner is proposing to use a private well and septic system for the proposed development. The proposed well and septic system will need to be permitted with DOH –Lake. The owner must identify building use/tenants to determine sewage flow and system sizing. If there is an existing septic tank/drain field on the property an existing septic system evaluation is required, with possible septic system upgrade needed.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current solid waste capacity levels.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #39) is located approximately 1 mile from the site.

Transportation Concurrency

Upon reviewing the rezoning application, the Public Works Department required the owner to submit a request for an Exemption from Full Transportation Concurrency Traffic Study memorandum.

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

Future development will require the submittal of an environmental assessment (EA) that is dated no more than six (6) months prior to the application submission date. The EA must describe the existence of any protected flora or fauna on the property, and must include the presence of wetlands and water bodies pursuant to the LDR, as amended.

Environmental Design Standards pursuant to Comprehensive Plan Policy I-2.1.8 states that the County shall require compliance with environmental design standards established for the Wekiva Study Area within the Mount Plymouth-Sorrento Planning Area.

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

The application does not contain any information regarding the effect of the proposed rezoning on property values in the area.

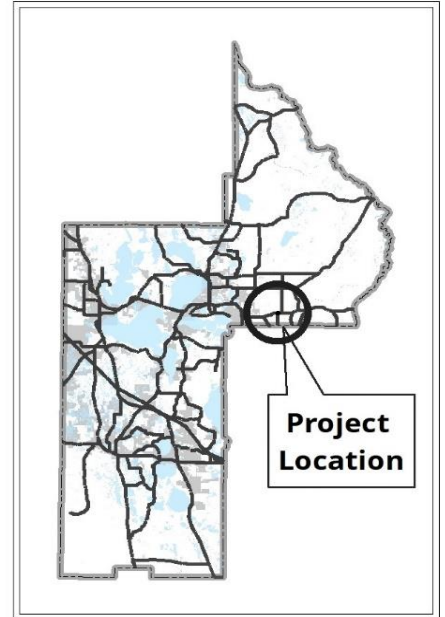
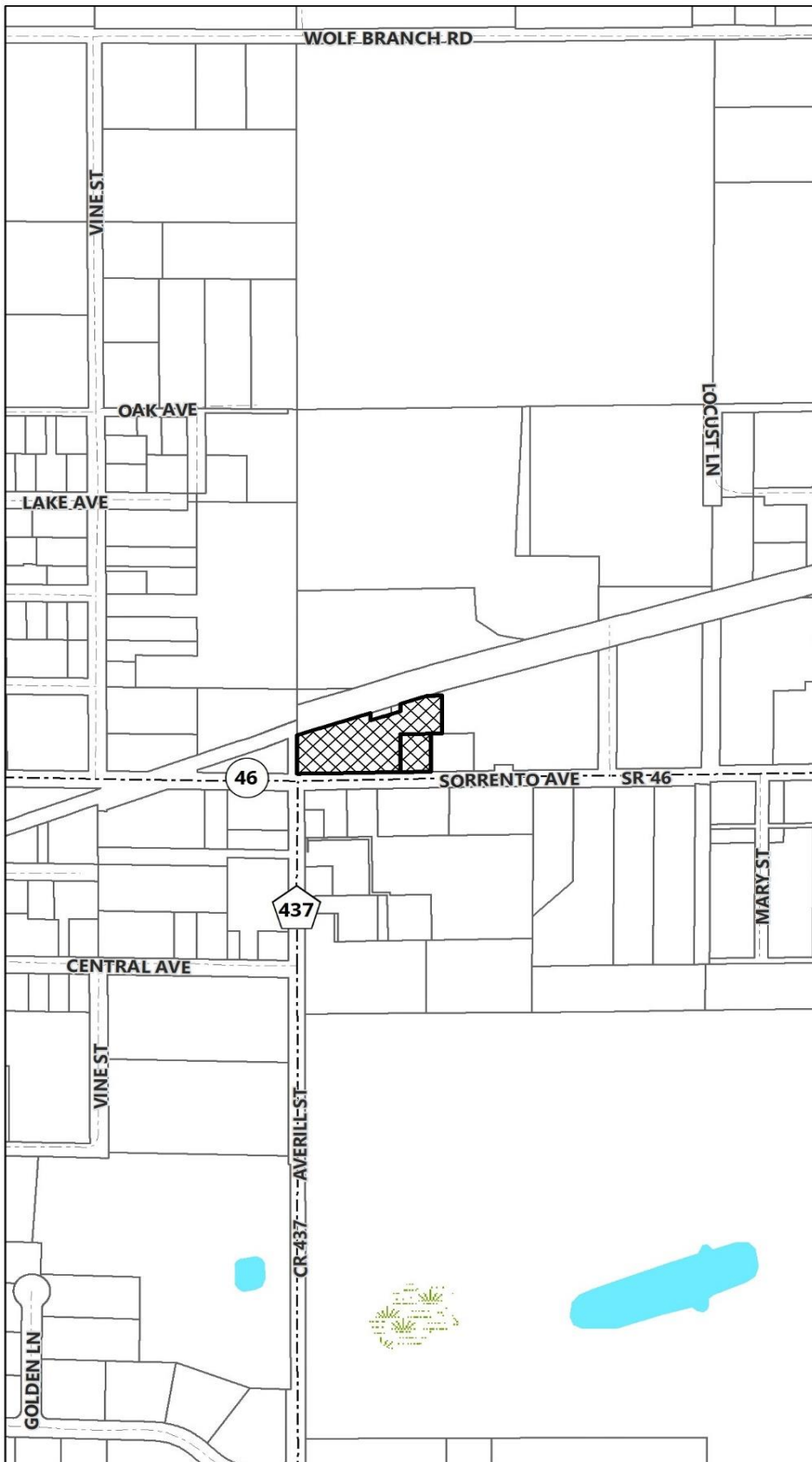
**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The surrounding properties are developed with residential, mixed residential, and commercial uses, on varying tract sizes. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

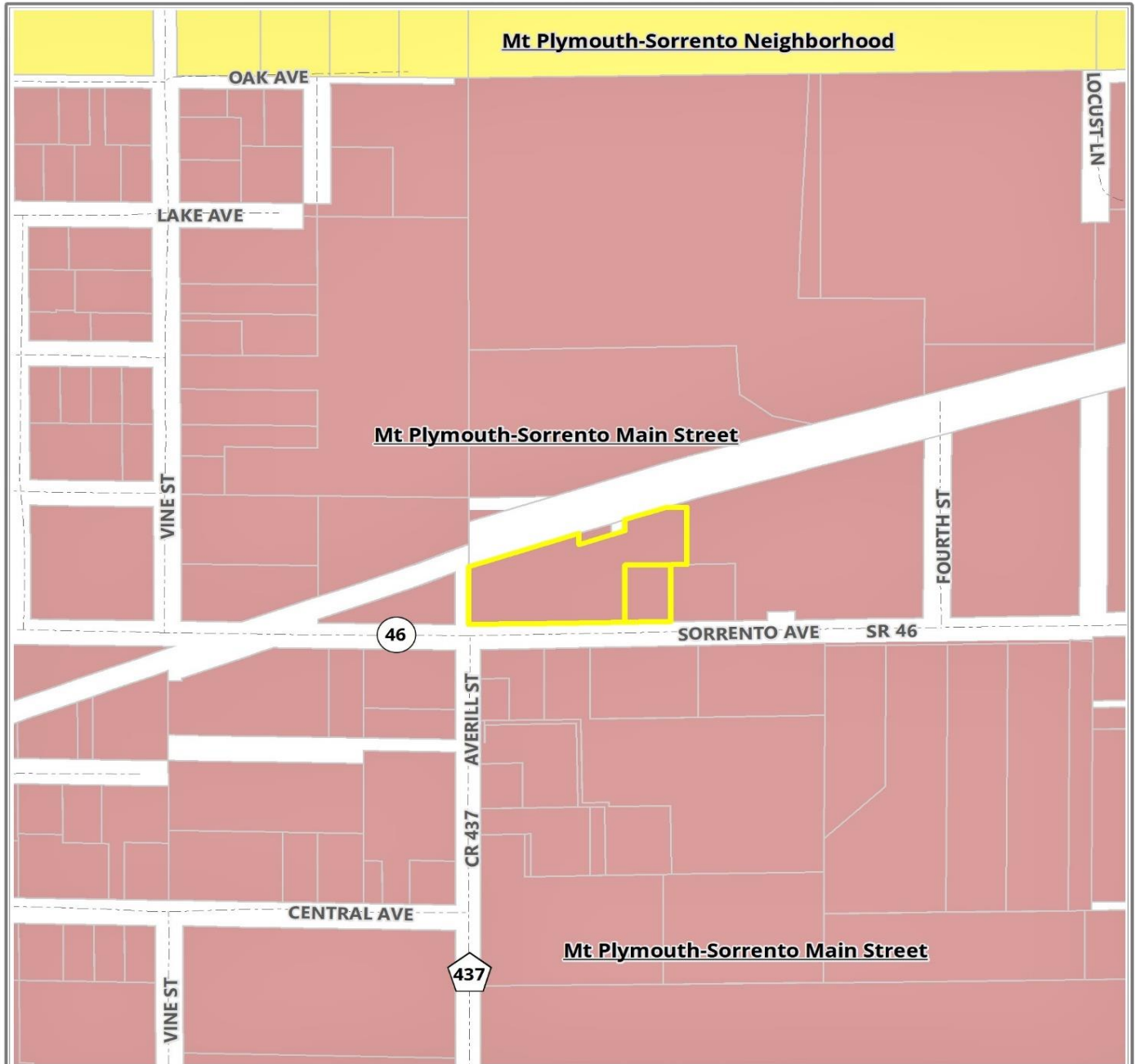
**I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

Subject Property



**CURRENT FUTURE LAND USE**



**FUTURE LAND USE LEGEND**

Mt Plymouth-Sorrento Main Street
  Mt Plymouth-Sorrento Neighborhood

**NAME: PLYMOUTH-SORRENTO MEDICAL CENTER PROPERTY**

**DISTRICT: 4**

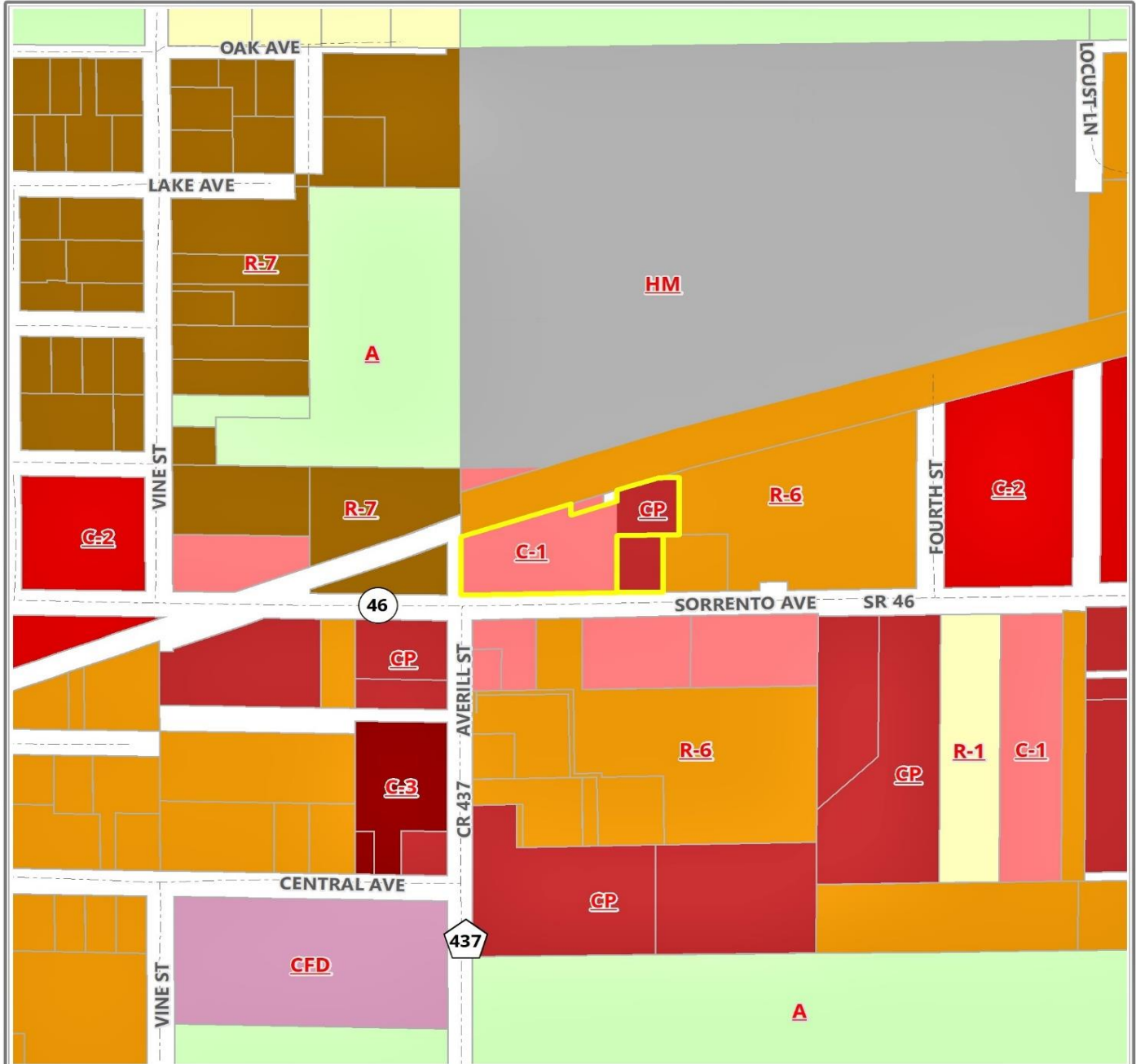
**CASE NUMBER: RZ-20-23-4**

**LOCATION (S-T-R): 30-19-28**

**REQUEST: NEIGHBORHOOD COMMERCIAL (C-1) & PLANNED COMMERCIAL (CP) TO PLANNED COMMERCIAL (CP)**



**CURRENT ZONING**



**ZONING LEGEND**

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<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> R-1	<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> R-7	<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> C-2	<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span> CP	<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> CFD

**NAME: PLYMOUTH-SORRENTO MEDICAL CENTER PROPERTY**

**DISTRICT: 4**

**CASE NUMBER: RZ-20-23-4**

**LOCATION (S-T-R): 30-19-28**

**REQUEST: NEIGHBORHOOD COMMERCIAL (C-1) & PLANNED COMMERCIAL (CP) TO PLANNED COMMERCIAL (CP)**



1 **ORDINANCE #2020-XX**

2 **Mount Plymouth-Sorrento Medical Center**

3 **RZ-20-23-4**

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

6 **WHEREAS**, Adler Labossiere, (the "Applicant"), submitted an application to amend and replace  
7 Ordinance #2008-47 to rezone 2.1 +/- acres from Neighborhood Commercial (C-1) and Planned Commercial  
8 (CP) to Planned Commercial (CP), to allow limited Neighborhood Commercial (C-1) and Community  
9 Commercial (C-2) uses; and

10 **WHEREAS**, the subject property consists of approximately 2.1 +/- acres, and is generally located  
11 northeast of the intersection of State Road 46 / County Road 437, in the unincorporated Sorrento area of  
12 Lake County, Florida, in Section 30, Township 19 South, Range 28 East, identified by Alternate Key Numbers  
13 1681511 and 1681553, and more particularly described below:

14 **LEGAL DESCRIPTION – EXHIBIT "A"**

15 **WHEREAS**, the subject property is located within the Mt. Plymouth-Sorrento Main Street Future  
16 Land Use Category, as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

17 **WHEREAS**, the property will be zoned Planned Commercial (CP) in accordance with the Lake  
18 County Zoning Regulations; and

19 **WHEREAS**, the approval this ordinance shall supersede and replace Ordinance #2008-47; and

20 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-20-23-4 on September  
21 2, 2020, after giving Notice of Hearing on petition for a change in the use of land, including notice that said  
22 petition was presented to the Board of County Commissioners of Lake County, Florida, on September 29,  
23 2020; and

24 **WHEREAS**, on the Board of County Commissioners reviewed said petition, the recommendations  
25 of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from  
26 the public and surrounding property owners at a public hearing duly advertised; and

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

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

31 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the  
32 subject property to Planned Commercial (CP). All uses specified must be generally consistent  
33 with the Concept Plan as shown in Exhibit "B" of this Ordinance. To the extent where there are  
34 conflicts between the Concept Plan and this Ordinance, the Ordinance will take precedence.  
35 Approval of this ordinance shall supersede and replace Ordinance #2008-47.

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**A. Land Uses.**

- 1. Limited Neighborhood Commercial (C-1) and Community Commercial (C-2) uses, to include day care use.  
The following uses are excluded:
  - a. Adult Use
  - b. Automotive Repair
  - c. Commercial Amusement
  - d. Motel/Hotel
  - e. Marina
  - f. Recreation Commercial
  - g. Restaurant Fast Food
  - h. Self-Service Storage (personal warehouse)
  - i. Theaters
  - j. Truckyard
  - k. Automotive/Boat/Recreational Vehicular (RV) Sales, including ATV and motorcycles
  - l. Wholesale and Warehouse Distribution
- 2. Accessory uses may be approved by the County Manager or designee. Any other use of the property will require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height.** Impervious Surface Ratio, Floor Area Ratio, Open Space, and Building Height shall be in accordance with the Comprehensive Plan and LDR, as amended.

**C. Development Standards/Design Criteria.** Development shall adhere to commercial design standards in accordance with the Comprehensive Plan and LDR, as amended.

**D. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.

**E. Parking Requirements.** Off-street parking must be provided in accordance with the Comprehensive Plan and LDR, as amended, unless a waiver is granted by the Board of County Commissioners.

**F. Landscaping, Buffering, and Screening.** All new development must provide landscaping in accordance with the LDR, as amended.

**G. Environmental Requirements.**

- 1. An environmental assessment dated within six (6) months of the development application submittal will be required. The environmental assessment must specify the presence of vegetation, soils, and any threatened or endangered species that may exist on the site. Any State permitting or mitigation will be required before development can commence.



1                                   2. Environmental resources shall be protected in accordance with the Comprehensive  
2                                   Plan and LDR, as amended.

3                   **H. Noise Compliance.** Development shall comply with noise protection provisions of the LDR,  
4                   as amended.

5                   **I. Transportation:**

6                                   1. The site improvements will need to accommodate the Sorrento Ave CRA  
7                                   improvement plan.

8                                   2. Sidewalks will be required per the Commercial Design Standards and LDR, as  
9                                   amended

10                                  3. All access management shall be in accordance with the Comprehensive Plan and  
11                                  LDR, as amended.

12                   **J. Stormwater Management.** The stormwater management system shall be designed in  
13                   accordance with all applicable Lake County and St. Johns River Water Management District  
14                   (SJRWMD) requirements; as amended.

15                   **K. Floodplain Management.** The Owners will be responsible for any flood studies required for  
16                   developing the site and to comply with Federal Emergency Management Agency (FEMA)  
17                   regulations, the Comprehensive Plan, and the LDR. Any development within the floodplain  
18                   as identified on the FEMA maps will require compensating storage.

19                   **L. Lighting.** Exterior lighting must be in accordance with the LDR, as amended, and consistent  
20                   with Dark-Sky Principles.

21                   **M. Signage.** All signage must be in accordance with the LDR, as amended.

22                   **N. Utilities.** The use of a private well and a septic tank system to provide service needs will be  
23                   permitted by the Florida Department of Health (DOH).

24                   **O. Bear Management.**

25                                  1. Property owner shall be required to keep garbage secure by using bear-resistant  
26                                  garbage containers, modifying regular cans to be bear-resistant, or keeping cans in  
27                                  a secured location.

28                                  2. Property owners shall not have bird and wildlife feeders that are not modified to  
29                                  exclude bears.

30                                  3. Lake County shall have the right, but not the obligation, to enforce such provisions.

31                   **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owners shall be  
32                   required to submit applications for and receive necessary final development order approvals as  
33                   provided in the Lake County Comprehensive Plan and LDR. The applications for final  
34                   development orders shall meet all submittal requirements and comply with all County codes and  
35                   ordinances, as amended.

36                   **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
37                   unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
38                   of the remaining portions of this Ordinance.

1 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of  
2 this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
3 125.66, Florida Statutes.

4 **Section 5. Effective Date.** This Ordinance will become effective as provided by law.

5 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

6  
7 FILED with the Secretary of State \_\_\_\_\_, 2020.

8  
9 EFFECTIVE \_\_\_\_\_, 2020.

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**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

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\_\_\_\_\_  
**LESLIE CAMPIONE, CHAIRMAN**

15 **ATTEST:**

16 \_\_\_\_\_  
17 **GARY J. COONEY, CLERK OF THE**  
18 **BOARD OF COUNTY COMMISSIONERS**  
19 **LAKE COUNTY, FLORIDA**

20 **APPROVED AS TO FORM AND LEGALITY**

21 \_\_\_\_\_  
22 **MELANIE MARSH, COUNTY ATTORNEY**  
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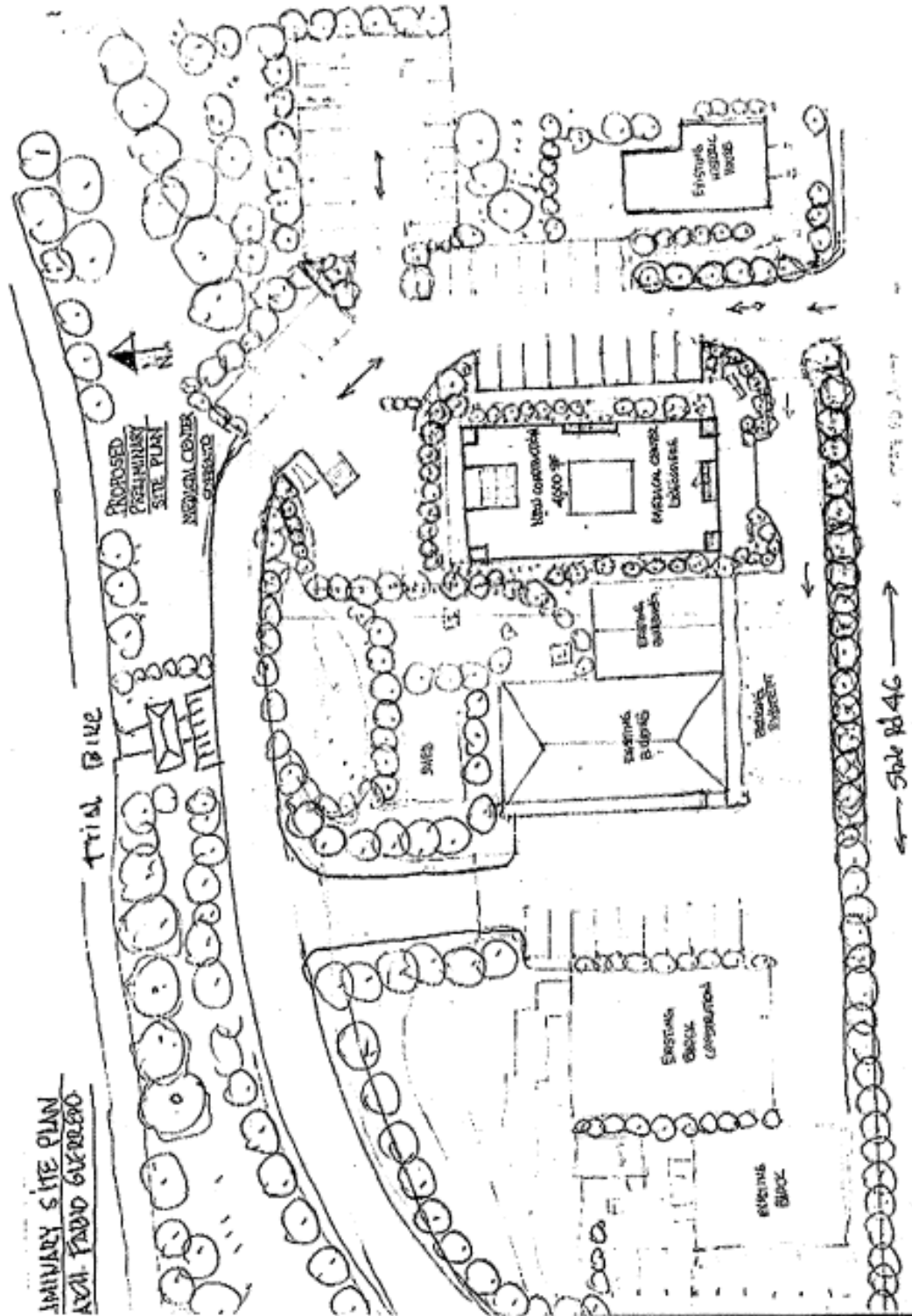
**Exhibit "A" – Legal Description**

**All of Block 1, and Lots 1, 2, 14, 15 and 16, Block 2, lying South of the Southerly right-of-way line of the Seaboard Coast Line Railroad and that portion of vacated Second Street and the East 1/2 of vacated Averill Street lying North of 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 thereof recorded in Plat Book 1, Page 59, Public Records of Lake County, Florida; (Less that portion for railroad).**

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Exhibit "B" - Concept Plan



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