



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

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

Case No. and Project Name: RZ-20-04-4 Great Corners LLC – Smalley Property Rezoning

Applicant: Jerry Smalley

Requested Action: Amend and replace Ordinance #1984-50 to rezone 1.09 +/- acres of property from Urban Residential (R-6) to Planned Commercial (CP), and incorporate 0.40 +/- acres, to allow convenience-retail with gasoline sales, and car wash uses; and to include a waiver request to the rear parking requirement.

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: 1.49 +/- acres (total)

Location: Northwest corner of the State Road 46 / County Road 437 intersection, in the Sorrento area.

Alternate Key No.: 1681626, 2608749, 1681634, and 2687894

Future Land Use: Mount Plymouth-Sorrento Main Street

Existing Zoning District: Planned Commercial (CP) and Urban Residential (R-6)

Proposed Zoning District: Planned Commercial (CP)

Joint Planning Area / ISBA: N/A

Overlay Districts: Mount Plymouth-Sorrento and Wekiva

**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	Planned Industrial (MP)	Industrial	Undeveloped
South	Mt. Plymouth-Sorrento Main Street	Community Commercial (C-2)	Pasture and wooded	Undeveloped
East	Mt. Plymouth-Sorrento Main Street	Planned Commercial (CP)	Vacant Commercial	Undeveloped
West	Mt. Plymouth-Sorrento Main Street	Neighborhood Commercial (R-6)	Night Club/Bar	Commercial

### Staff Analysis

The subject properties are identified by Alternate Key Numbers 1681626, 2608749, 1681634, and 2687894. Alternate Key Numbers 2608749, 1681634, and 2687894 comprise 1.09 +/- acres, and are zoned Urban Residential (R-6); Alternate Key Number 1681626 comprises 0.40 +/- acres, and is zoned Planned Commercial (CP). The subject properties are generally located in the northwest corner of the intersection of State Road 46 and County Road 437, in the Sorrento area. Ordinance #1984-50 currently allows Alternate Key Number 1681626 to be utilized for the sale and display of satellite T.V. equipment. The R-6 zoning district is described in LDR Section 3.00.02, and allows for medium density single-family residential and multifamily housing.

The Applicant is requesting to rezone 1.09 +/- acres of property from Urban Residential (R-6) to Planned Commercial (CP) to create a Planned Commercial zoning district of a combined 1.49 +/- acres, and replace Ordinance #1984-50 with a new ordinance to allow convenience-retail with gasoline sales, and car wash uses. The subject properties are located within the Mt. Plymouth-Sorrento Community Redevelopment Area (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 proposed rezoning application was submitted concurrent with a proposed future land use text amendment application (CP-20-02-4) to amend Comprehensive Plan Policies I-2.1.4 and I-2.1.13, to allow alternative design standards within the Mount Plymouth-Sorrento Main Street Future Land Use Category. The proposed future land use text amendment was presented to the PZB on April 29, 2020 and to the Board of County Commissioners (BCC) on May 19, 2020, which voted to approve the transmittal of the proposed map amendment to the Florida Department of Economic Opportunity (DEO). DEO responded to the proposed amendment on July 2, 2020, with a letter indicating that they had no objections or comments regarding the proposed amendment. Tentatively, the proposed future land use text amendment and proposed rezoning will be presented to the Board of County Commissioners on September 29, 2020.

### 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 Future Land Use Category.

#### **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 general automotive service station/convenience store and car wash uses within the Planned Commercial (CP) zoning district.

As previously stated, this rezoning application seeks to amend and replace Ordinance #1984-50 with a new ordinance to allow the proposed uses and rezone AK #2608749, AK #1681634, and AK #2687894 to Planned Commercial (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 industrial land uses. 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 a convenience store, gas station, and car wash, which are not currently allowed by Ordinance #1984-50 or the R-6 zoning district. The rezoning has been requested as the owner desires to change land uses allowed in association with Ordinance #1984-50, and to include additional land within the Planned Commercial (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. However, depending on the intensity of the proposed use, the well may need to be permitted through the Department of Environmental Protection (DEP). The wastewater generated by the car wash will be permitted through DEP.

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 advised that a Tier 1 traffic study be completed prior to site plan approval.

**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.

**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.

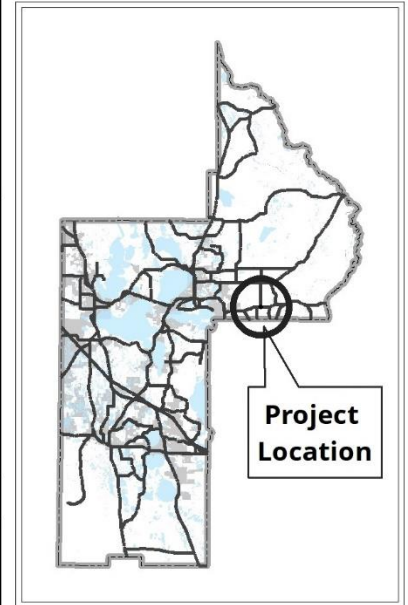
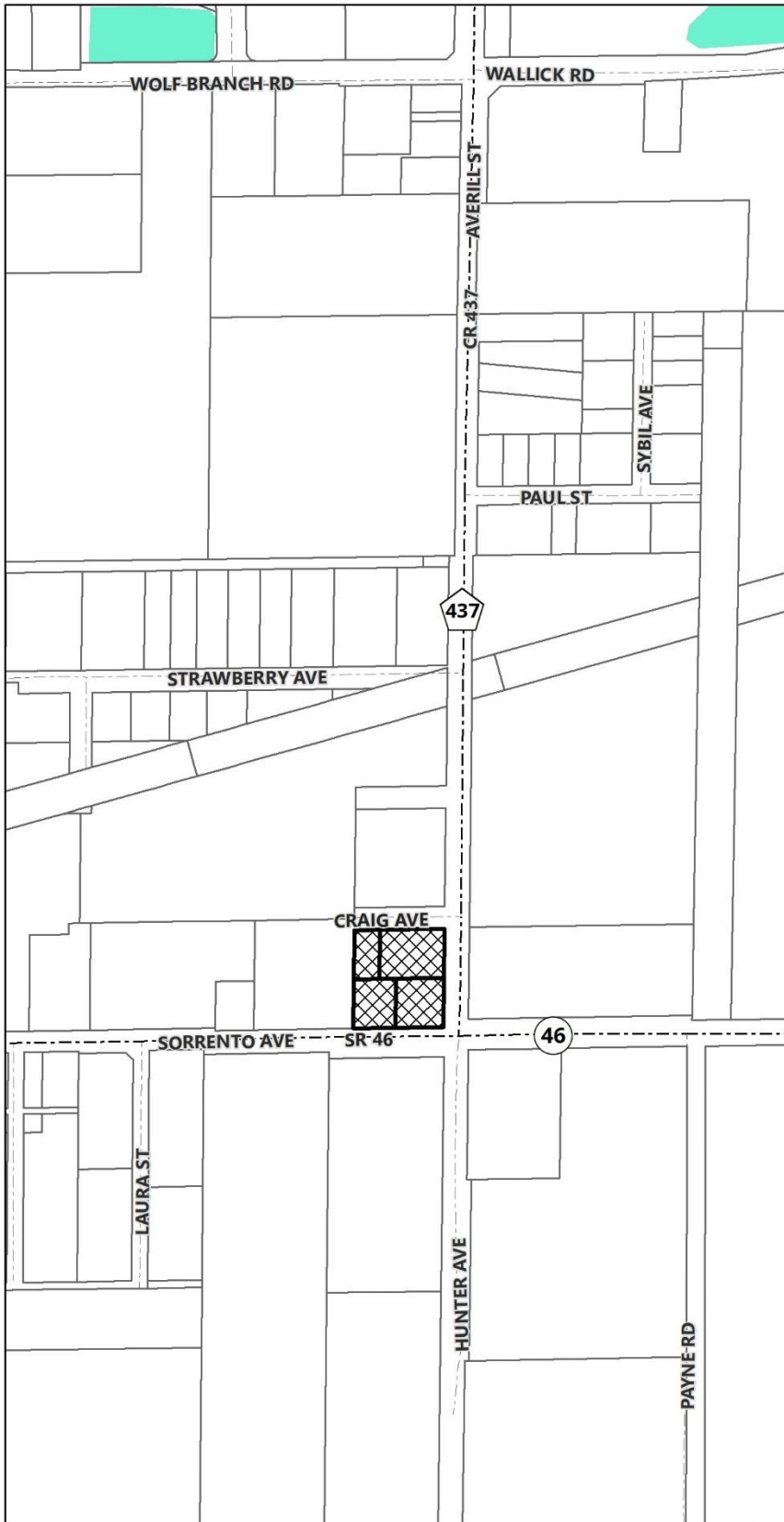
**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

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

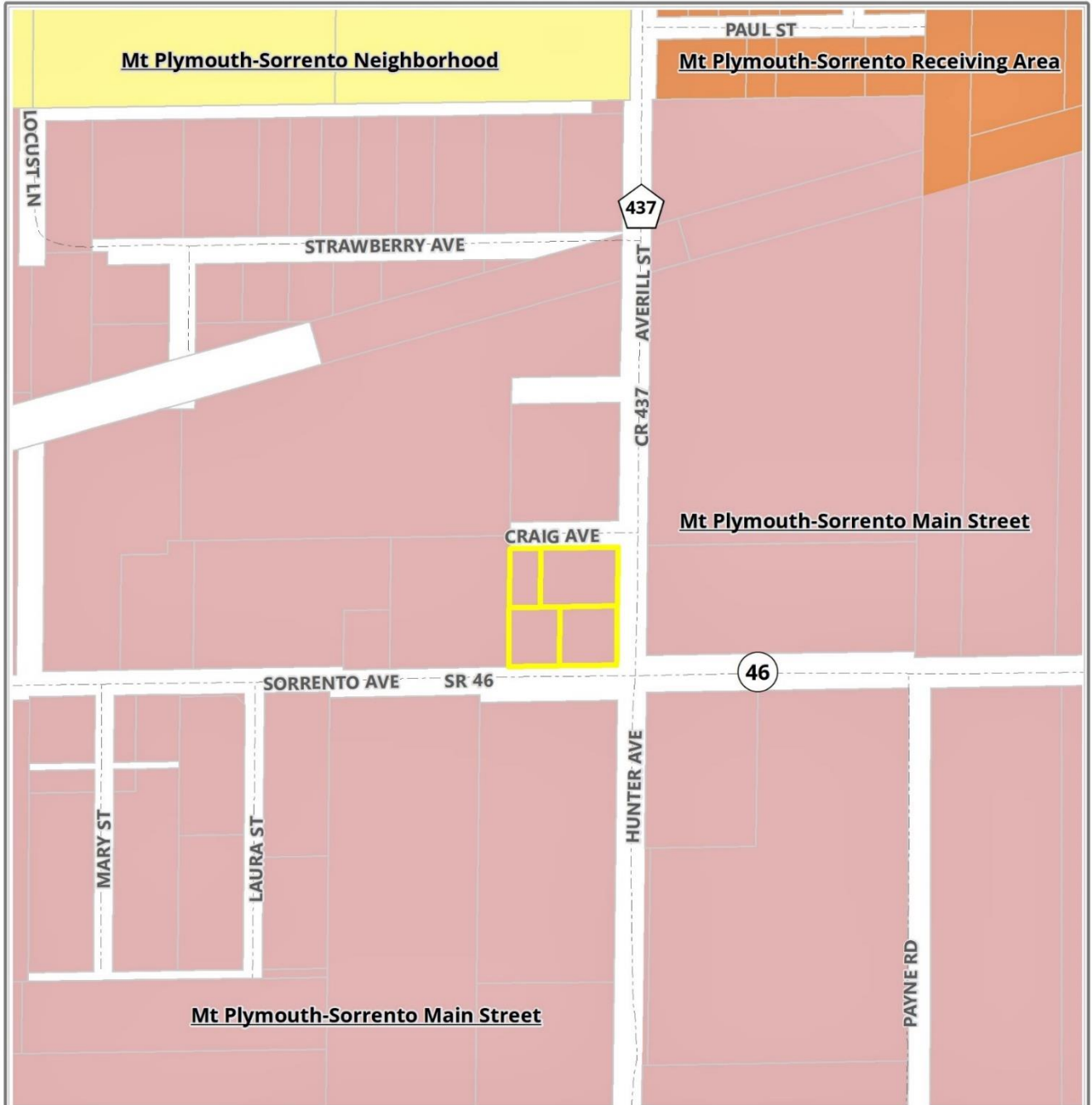
**I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

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 Receiving Area
- Mt Plymouth-Sorrento Neighborhood

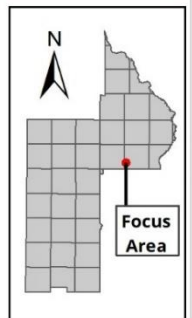
**NAME: GREAT CORNERS PROPERTY**

**DISTRICT: 4**

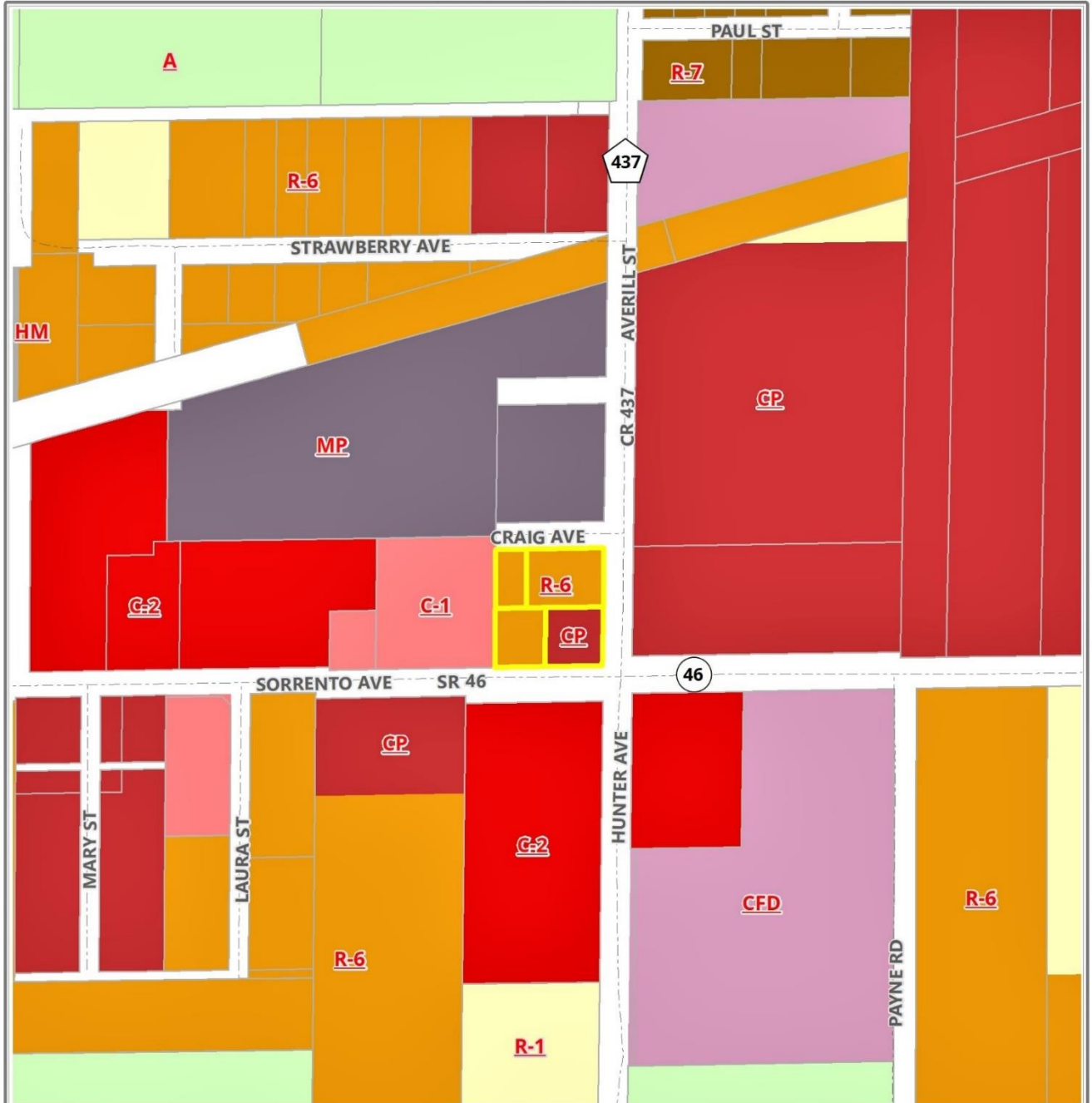
**CASE NUMBER: RZ-20-04-4**

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

**REQUEST: PLANNED COMMERCIAL (CP) & URBAN RESIDENTIAL (R-6) TO  
PLANNED COMMERCIAL (CP)**



**CURRENT ZONING**



**ZONING LEGEND**

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<span style="display:inline-block; width:15px; height:15px; background-color:#fff2cc; border:1px solid black;"></span> R-1	<span style="display:inline-block; width:15px; height:15px; background-color:#d4b886; border:1px solid black;"></span> R-7	<span style="display:inline-block; width:15px; height:15px; background-color:#e74c3c; border:1px solid black;"></span> C-2	<span style="display:inline-block; width:15px; height:15px; background-color:#95a5a6; border:1px solid black;"></span> HM	<span style="display:inline-block; width:15px; height:15px; background-color:#d9ead3; border:1px solid black;"></span> CFD

**NAME: GREAT CORNERS PROPERTY**

**DISTRICT: 4**

**CASE NUMBER: RZ-20-04-4**

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**REQUEST: PLANNED COMMERCIAL (CP) & URBAN RESIDENTIAL (R-6) TO  
PLANNED COMMERCIAL (CP)**



1 **ORDINANCE #2020-XX**

2 **Great Corners LLC – Smalley Property Rezoning**

3 **RZ-20-04-4**

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

7 **WHEREAS**, Jerry Smalley, Great Corners LLC (the "Applicant"), submitted an application to amend  
8 and replace Ordinance #1984-50 to rezone 1.09 +/- acres of property from Urban Residential (R-6) to Planned  
9 Commercial (CP), and incorporate 0.40 +/- acres, to allow convenience-retail with gasoline sales, and car  
10 wash uses; and

11 **WHEREAS**, the subject property consists of approximately 1.49 +/- acres, and is generally located  
12 in the northwest corner of the State Road 46 / County Road 437 intersection, in the unincorporated Sorrento  
13 area of Lake County, Florida, in Section 30, Township 19 South, Range 28 East, identified by Alternate Key  
14 Numbers 1681626, 2608749, 1681634, and 2687894, and more particularly described below:

15 **LEGAL DESCRIPTION – EXHIBIT "A"**

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

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

20 **WHEREAS**, the approval of this ordinance shall supersede and replace Ordinance #1984-50; and

21 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-20-04-4 on September  
22 2, 2020, after giving Notice of Hearing on petition for a change in the use of land, including notice that said  
23 petition was to be presented to the Board of County Commissioners of Lake County, Florida, on September  
24 29, 2020; and

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

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

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

32 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the  
33 subject property to Planned Commercial (CP). All uses specified must be generally consistent  
34 with the Concept Plan as shown in Exhibit "B" of this Ordinance. To the extent there are conflicts

1 between the Concept Plan and this Ordinance, the Ordinance will take precedence. Approval  
2 of this ordinance shall supersede and replace Ordinance #1984-50.

3 **A. Waivers.** The rear parking requirement pursuant to Land Development Regulations (LDR)  
4 Section 9.10.03(9)(b) is waived to allow parking on the side.

5 **B. Land Uses.**

- 6 1. Commercial-retail uses, including gasoline sales, and a car wash facility.  
7 2. Accessory uses may be approved by the County Manager or designee. Any other  
8 use of the property will require approval of an amendment to this Ordinance by the  
9 Board of County Commissioners.

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

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

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

16 **F. Parking Requirements.** Off-street parking, with the exception of the rear parking  
17 requirement, must be provided in accordance with the LDR, as amended.

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

20 **H. Environmental Requirements.**

- 21 1. An environmental assessment dated within six (6) months of the development  
22 application submittal will be required. The environmental assessment must specify  
23 the presence of vegetation, soils, and any threatened or endangered species that  
24 may exist on the site. Any State permitting or mitigation will be required before  
25 development can commence.  
26 2. Environmental resources shall be protected in accordance with the Comprehensive  
27 Plan and LDR, as amended.

28 **I. Noise Compliance.** Development shall comply with noise protection provisions of the LDR,  
29 as amended.

30 **J. Transportation:**

- 31 1. Applicant will be required to complete a Tier 1 traffic study prior to site plan approval.  
32 2. All access management shall be in accordance with the Comprehensive Plan and  
33 Land Development Regulations, as amended.  
34 3. Additional right-of-way will be required, and shall meet the requirements of both the  
35 County Road 437 Multimodal Study, and the Sorrento Avenue Plan.  
36 4. Sidewalks will be required per the Commercial Design Standards of the LDR, as  
37 amended.



1           **K. Stormwater Management.** The stormwater management system shall be designed in  
2           accordance with all applicable Lake County and St. Johns River Water Management District  
3           (SJRWMD) requirements; as amended.

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

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

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

11          **O. Bear Management.**

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

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

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

18          **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owners shall be  
19          required to submit applications for and receive necessary final development order approvals as  
20          provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
21          applications for final development orders shall meet all submittal requirements and comply with  
22          all County codes and ordinances, as amended.

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

26          **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of  
27          this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
28          125.66, Florida Statutes.

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

2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

3  
4 **FILED** with the Secretary of State \_\_\_\_\_, 2020.

5  
6 **EFFECTIVE** \_\_\_\_\_, 2020.

7  
8 **BOARD OF COUNTY COMMISSIONERS**  
9 **LAKE COUNTY, FLORIDA**

10 \_\_\_\_\_  
11 **LESLIE CAMPIONE, CHAIRMAN**

12 **ATTEST:**

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

17 **APPROVED AS TO FORM AND LEGALITY**

18 \_\_\_\_\_  
19 **MELANIE MARSH, COUNTY ATTORNEY**  
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### Exhibit "A" – Legal Description

LOTS 2, 3, 4, AND 5, LESS THE EAST 25 FEET OF SAID LOT 5, BLOCK 8, according to the plat of Craig's Addition to Sorrento, according to the plat thereof as recorded in Plat Book 1, Page 59 of the Public Records of Lake County, Florida,

AND

LOTS 9, 10, 11, 12, AND 13 IN BLOCK 8 IN CRAIGS ADDITION TO SORRENTO, LESS ROAD RIGHT OF WAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

LOTS 6, 7, 8, AND THE EAST 25 FEET OF LOT 5, BLOCK 8, CRAIG'S ADDITION TO SORRENTO, A SUBDIVISION IN LAKE COUNTY, FLORIDA, IN SECTION 30, TOWNSHIP 19 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. LESS THE RIGHT OF WAY FOR STATE ROAD 437 ON THE EAST SIDE THEREOF.

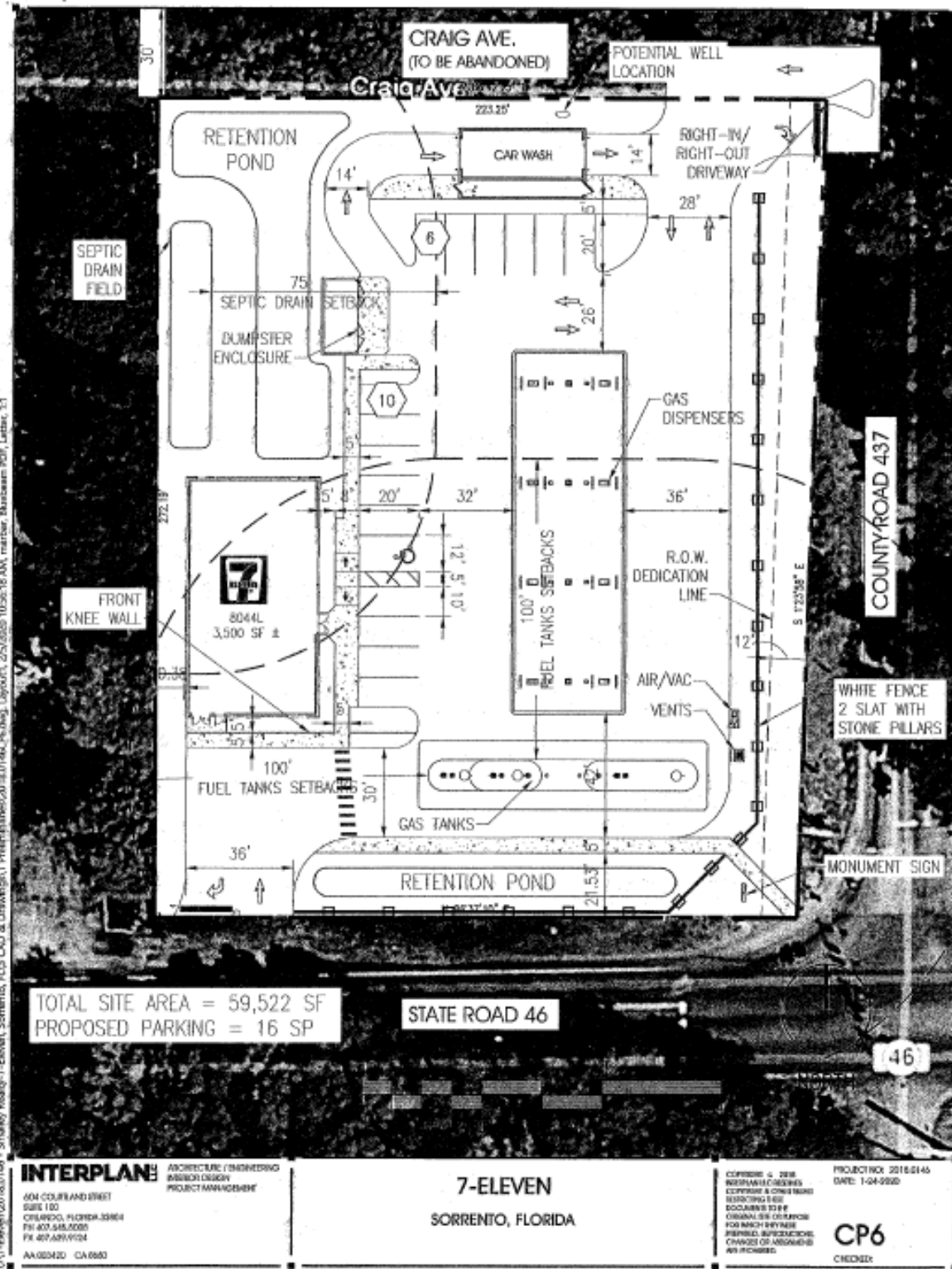
AND

LOTS 14 AND 15, BLOCK 8, according to the plat of Craig's Addition to Sorrento, according to the plat thereof as recorded in Plat Book 1, Page 59 of the Public Records of Lake County, Florida,

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Exhibit "B" – Concept Plan



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