



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): March 3, 2021  
Board of County Commissioners (BCC): March 23, 2021

Case No. and Project Name: RZ-20-35-4, B & B Properties Rezoning

Applicant: "Bill" William Feikert

Owner: B & B Properties, William and Barbara Feikert

Requested Action: Rezone Mobile Home Rental Park (RMRP), Urban Residential (R-6), Residential Professional (RP), and Light Industrial (LM) to Planned Commercial (CP) to address non-conforming zoning to facilitate an additional storage building. The application seeks a central sewer connection waiver within the Urban Future Land Use Series.

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

Case Manager: Heather N. Crony, Planner

PZB Recommendation:

### Subject Property Information

Size: 10 +/- Acres

Location: 1025 Bay Road, Mount Dora, FL 32757

Alternate Key No.: 1409900

Future Land Use Category: Urban High Density

Existing Zoning District: Mobile Home Rental Park (RMRP), Urban Residential (R-6), Planned Industrial (MP), and Light Industrial (LM)

Proposed Zoning District: Planned Commercial District (CP)

Joint Planning Area/ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban High	Mobile Home Rental Park (RMRP)	Mobile Home Park	Single Family Residential
South	Urban High	Heavy Industrial (HM)	Highway, Commercial	W Old US Hwy 441, Adjoining Auto Repair Shop
East	Urban High	Urban Residential (R-6) and Light Industrial (LM)	Street, Residential	Bay Road, Adjoining Single Family Residential
West	Urban High	Urban Residential (R-6) and Residential Professional (RP)	Vacant	Vacant Residential

**- Summary of Analysis -**

The subject property is located on the northwest corner of Old US Hwy 441/Bay Street intersection, in the unincorporated Mount Dora area. The Applicant seeks to establish a Planned Commercial (CP) zoning district on a parcel identified by Alternate Key Numbers 1409900, to accommodate for a showroom and office for K & A Construction, a storage building and workshop, and a caretakers residence. The Applicant provided the following description statement of the proposed use: *"construction of an additional storage building"*.

The subject parcel is zoned Mobile Home Rental Park (RMRP), Urban Residential (R-6), Planned Industrial (MP), and Light Industrial (LM). The MP zoning is pursuant to Ordinance 1994-85 and the R-6 zoning is pursuant to Ordinance 1967-25. This property is designated as Urban High Density Future Land Use Category (FLUC), and is located within the Old 441 Major Commercial Corridor as identified in Comprehensive Plan (Comp Plan) Policy I-1.3.10.6.

The application also includes a waiver request to the central sewer system connection requirement per LDR Section 6.12.01(B) and Comp Plan Policy IX-3.1.2 (Attachment "B"). Approval of the waiver will allow the use of an individual septic tank system on the property for the proposed commercial activities.

**- 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 Applicant's description of current uses and 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 personal self-service storage facilities. The request is consistent with LDR Table 3.01.03, which allows retail, office, warehouse, and residential uses within the Planned Commercial (CP) zoning district.

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

The request and use are consistent with Comprehensive Plan Policy I-1.3.4, Urban High Density Future Land Use Category, which permits residential, office uses, and commerce uses. Commerce uses shall include commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities, pursuant to Comprehensive Plan Policy I-1.3.10, Commercial Activities within the Urban Future Land Use Series.

**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 parcels located south and east of the subject parcel are currently zoned as Light Industrial, and property to the west is zoned Residential Professional (RP) and undeveloped. Land uses for the parcels located to the north and east allow for and currently contain single family residential.

**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 Residential and Industrial.

**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 City of Mount Dora has indicated that central sewer is not available to the subject parcels (Attachment "C"). Therefore, a septic tank will be used and shall be consistent with the Florida Department of Health Regulations, as amended. This application includes a request to the BCC to consider a waiver to the central sewer system connection requirements per LDR Section 6.12.01(B) and Comp Plan Policy IX-3.1.2 (Attachment "B"). Approval of the waiver will allow the use of an individual septic tank system on the property for the proposed commercial activities.

Office of Public Safety

Lake County Fire Rescue Station #27 is located less than seven (7) miles from the subject property at 19212 State Road 44, in Eustis, 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 commercial activities to include a showroom and office for K & A Construction, a storage building and workshop, and a caretaker's residence. 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.

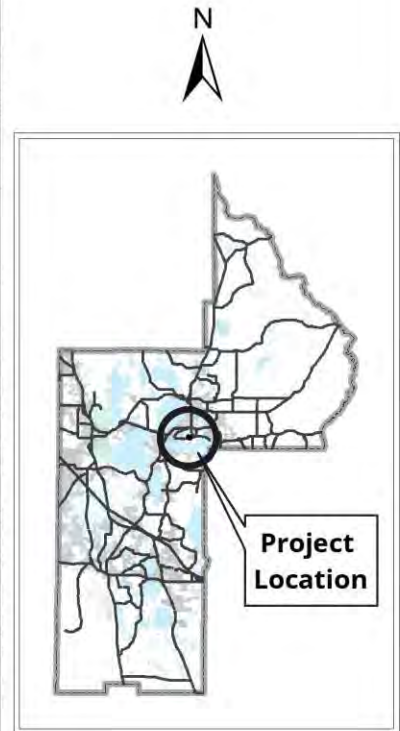
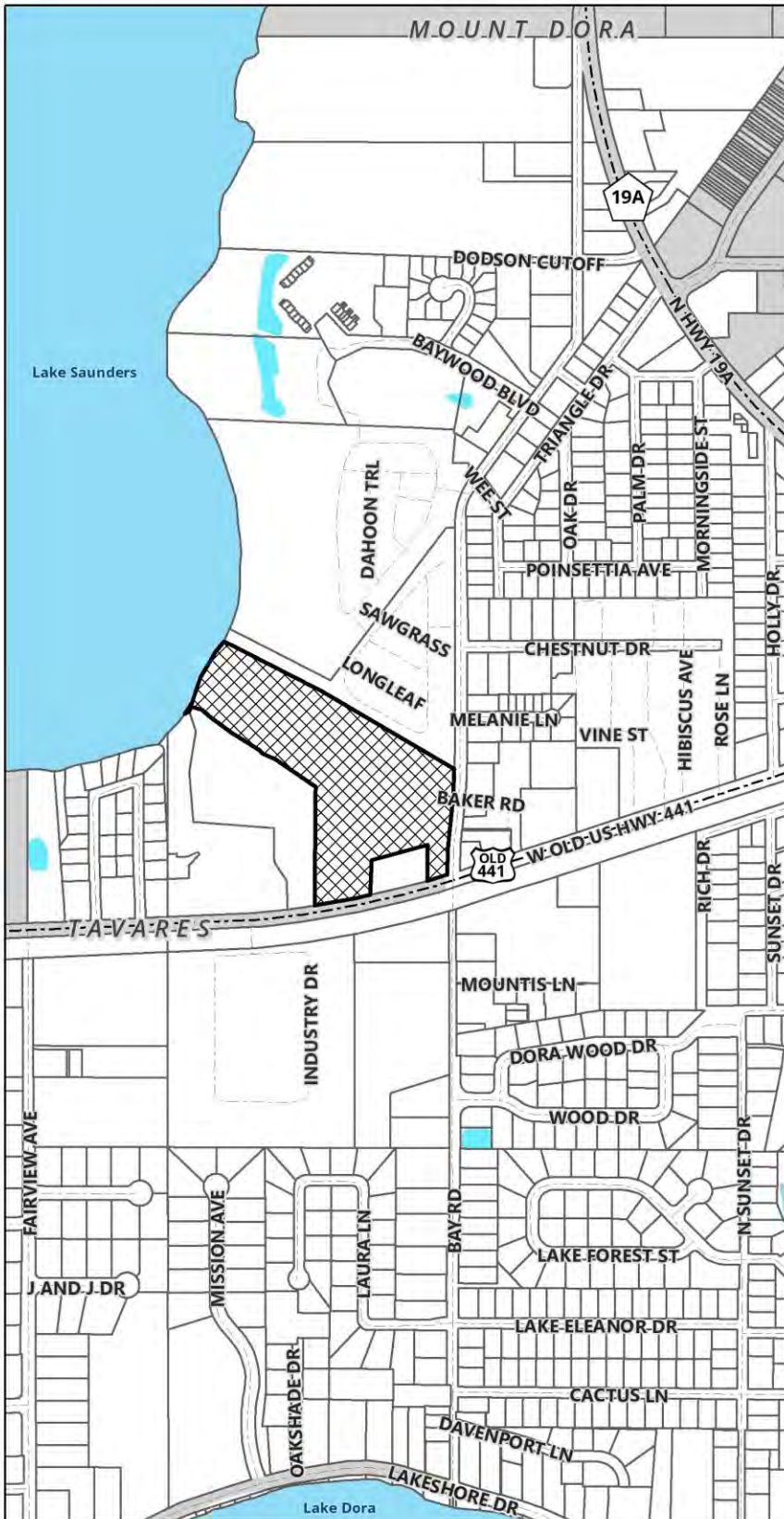
**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

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

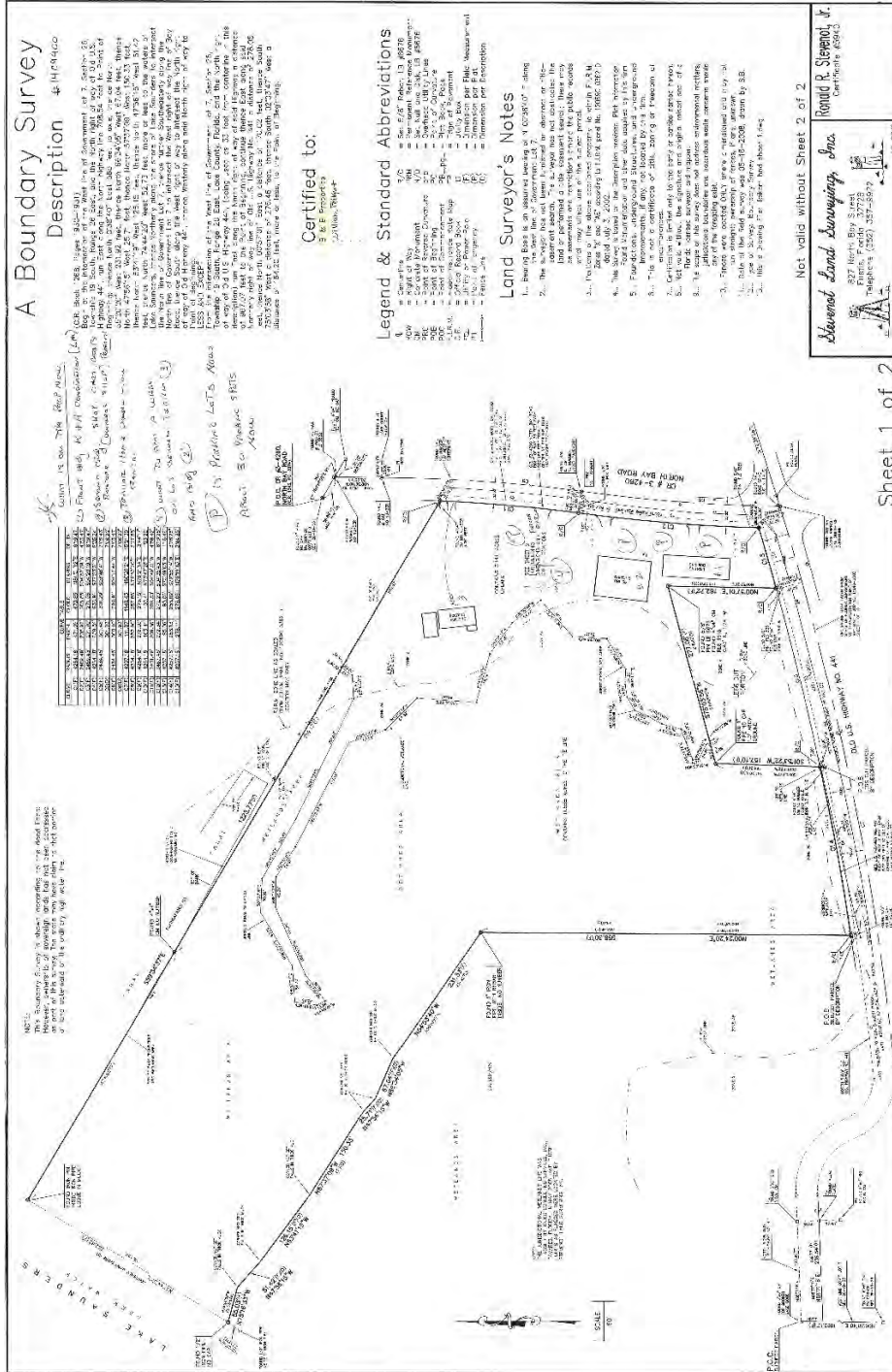
**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

The application includes a request to the BCC to consider a waiver to the 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 Sewer Waiver Request

**Bill & Barb FEIKERT\*\*\*B & B PROPERTIES LLP**  
**33725 Lakeshore Drive Tavares, FL 32778**  
**FEI # 65-0183310**

**352-742-8038**

[feikertinc@aol.com](mailto:feikertinc@aol.com)

*LAKE COUNTY*

~~CITY OF MOUNT DORA  
Planning & Development  
510 N. Baker Street  
Mount Dora, FL 32757~~

*JANUARY 21, 2021*

Attention: Shelby Eldridge, Planner

RE: AK1409900  
Application for Rezoning

I agree to waive my rights to hook up to the Mount Dora City Sewer System because there is no sewer system available near my property which is located at the corner of 04441 and Bay Road - Mount Dora, Florida.

Sincerely,

  
William Feikert

# Attachment "C" — City of Mount Dora Utility



## Department of Growth Management

### Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

**The applicant is proposing the following:**

Single-Family Dwelling \_\_\_\_\_ Multi-Family Units \_\_\_\_\_ Duplex \_\_\_\_\_ Commercial  RZ 20-35-4  
 Administrative Lot Split \_\_\_\_\_ Commercial Project \_\_\_\_\_ Rezoning

**Legal description:** Section 26 Township 19 Range 26 Alt Key # 140 9900

Subdivision M | B Lot \_\_\_\_\_ Block \_\_\_\_\_ Additional Legal attached

Hook up to Central Sewage \_\_\_\_\_ within 1,000 feet of the above described property.  
(is or is not)

Hook up to Central Water \_\_\_\_\_ within 300 feet of the above described property.  
(is or is not)

The City of Mt. Dora, will provide immediate hook up to this property for:

Central Sewage: Yes \_\_\_\_\_ No  Central Water: Yes  No \_\_\_\_\_  
 Will the connection to the central sewage system be via a \_\_\_\_\_ gravity line or a \_\_\_\_\_ force main/pump?

**Wellfield Protection:**

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is \_\_\_\_\_ or is not  within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature \_\_\_\_\_

Print Name and Title: Paul M. Lahr City Engineer Date 1/25/31

Please return this completed form to the Lake County Planning & Community Design via facsimile to (352) 343-9767, or email it to [zoning@lakecountyfl.gov](mailto:zoning@lakecountyfl.gov).

To be completed by County staff:	Staff Name: <u>Sheila Short</u>
Date Received: _____	Address #: <u>AR # 4234</u> Project Name: <u>B : B Properties</u>

# CURRENT FUTURE LAND USE



## ***FUTURE LAND USE LEGEND***

 Regional Office  Urban High

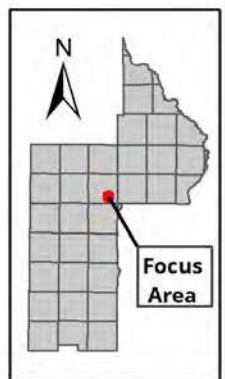
**NAME: B & B PROPERTIES - FEIKERT PROPERTY**

**DISTRICT: 4**

**CASE NUMBER: RZ-20-35-4**

**LOCATION (S-T-R): 26-19-26**

**REQUEST: MOBILE HOME RENTAL PARK (RMRP), LIGHT INDUSTRIAL (LM), PLANNED INDUSTRIAL (MP), URBAN RESIDENTIAL (R-6) TO PLANNED COMMERCIAL (CP)**





# CURRENT ZONING



## Zoning Legend

 R-1	 RP	 RM	 LM	 MP
 R-6	 RMRP	 CP	 HM	 CFD

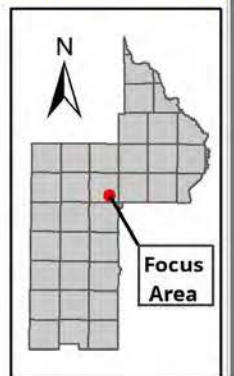
NAME: **B & B PROPERTIES - FEIKERT PROPERTY**

DISTRICT: **4**

CASE NUMBER: **RZ-20-35-4**

LOCATION (S-T-R): **26-19-26**

REQUEST: **MOBILE HOME RENTAL PARK (RMRP), LIGHT INDUSTRIAL (LM), PLANNED INDUSTRIAL (MP), URBAN RESIDENTIAL (R-6) TO PLANNED COMMERCIAL (CP)**





1           **A. Utility Connection Waivers.** The requested waiver from the Central Sewer  
2           Service System connection requirement pursuant to LDR Section 6.12.01(B) and  
3           Comprehensive Plan Policy IX-3.1.2 for development within the Urban Future  
4           Land Use Series is hereby granted until such time as the service becomes  
5           available, in accordance with the Comprehensive Plan and LDR, as amended.

6           **B. Permitted Land Uses.**

7           1. Commercial uses to include:

8                     a. Showroom and office for construction company

9                     b. Storage building workshop

10          2. Caretakers residence

11          3. Accessory uses directly associated with the above uses may be approved by  
12          the County Manager or designee.

13          Any other use of the site not specified above will require approval of an  
14          amendment to this Ordinance by the Board of County Commissioners.

15          **C. Open Space, Impervious Surface Ratio, and Building Height.** Open Space,  
16          impervious surface ratio, and building height shall be in accordance with the  
17          Comprehensive Plan and LDR, as amended.

18          **D. Setbacks.**

19          1. Principal structures, structures, buildings, and impervious surface, excluding  
20          water dependent structures, shall be located at least 50 feet from the  
21          jurisdictional wetland line as delineated on a survey.

22          2. Setbacks shall be in accordance with the LDR, as amended.

23          **E. Parking Requirements.** Off-street parking must be provided in accordance with  
24          the LDR, as amended.

25          **F. Environmental Requirements.**

26          1. An environmental assessment dated within six (6) months of the site plan  
27          submittal will need to be submitted showing the presence of vegetation, soils,  
28          threatened and endangered species that may exist on the site. Any state  
29          permitting or mitigation will be required before development can commence.

30          2. Wetlands within a project shall remain undeveloped and protected in  
31          perpetuity using a conservation easement, or similar recorded and legally  
32          binding instrument that runs with the land and establishes the conditions and  
33          restrictions on the use. The Conservation Easement shall be recorded prior  
34          to or in conjunction with site plan approval.

35          3. Environmental resources shall be protected in accordance with the  
36          Comprehensive Plan and LDR, as amended.  
37

- 1                               4. A tree removal permit is required prior to the removal of any trees consistent  
2                               with the criteria of the LDR, as amended.
- 3                               **G. Landscaping, Buffering, and Screening.** All new development must provide  
4                               landscaping, buffering, and screening in accordance with the LDR, as amended.
- 5                               **H. Noise.** Noise impacts must be in accordance with noise protection of the LDR,  
6                               as amended.
- 7                               **I. Transportation.**
- 8                               1. All access management shall be in accordance with the Comprehensive Plan  
9                               and LDR, as amended.
- 10                              2. The developer shall submit a required traffic impact analysis and provide  
11                              appropriate mitigation as required pursuant to the LDR, as amended.
- 12                              3. Sidewalks will be required per the Commercial Design Standards in the LDR,  
13                              as amended.
- 14                              **J. Stormwater Management.**
- 15                              1. The stormwater management system shall be designed in accordance with  
16                              all applicable Lake County and St. Johns River Water Management District  
17                              (SJRWMD) requirements, as amended.
- 18                              2. The developer shall be responsible for any flood studies required for  
19                              developing the site and comply with FEMA, Comprehensive Plan and LDR,  
20                              as amended. Any development within the floodplain as identified on the  
21                              FEMA maps will require compensating storage.
- 22                              **K. Utilities.** The development shall be serviced by septic tank consistent with the  
23                              Florida Department of Health Regulations, as amended. However, the  
24                              development shall connect to central sewer when services become available, in  
25                              accordance with the Comprehensive Plan and LDR, as amended.
- 26                              **L. Lighting.** Exterior lighting must be in accordance with the LDR, as amended, and  
27                              consistent with Dark-Sky Principles.
- 28                              **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 29                              **N. Concurrency Management Requirements.** Any development must comply with  
30                              the Lake County Concurrency Management System, as amended.
- 31                              **O. Development Review and Approval.** Prior to the issuance of any permits, the  
32                              Owner shall submit a development application for site plan review generally  
33                              consistent with the Conceptual Plan attached as Exhibit "B" for review and  
34                              approval in accordance with the Comprehensive Plan and LDR, as amended.
- 35                              **P. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific  
36                              references in this Ordinance to the Florida Statutes, Florida Administrative Code,  
37                              Lake County Comprehensive Plan and LDR shall include any future amendments  
38                              to the Statutes, Code, Plans, or LDR.

1    **Section 2.    Conditions.**

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

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

12           **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running  
13           with the land and the terms, conditions, and provisions of this Ordinance, and will  
14           be binding upon the present Owner and any successor, and will be subject to  
15           each and every condition in this Ordinance.

16           **D.** The transfer of ownership or lease of any or all of the property described in this  
17           Ordinance must include in the transfer or lease agreement, a provision that the  
18           purchaser or lessee is made good and aware of the conditions established by this  
19           Ordinance and agrees to be bound by these conditions. The purchaser or lessee  
20           may request a change from the existing plans and conditions by following  
21           procedures contained in the LDR, as amended.

22           **E.** The Lake County Code Enforcement Special Master will have authority to enforce  
23           the terms and conditions set forth in this ordinance and to recommend that the  
24           ordinance be revoked.

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

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

1 Section 5. Effective Dates. This Ordinance will become effective as provided by law.  
2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
3 FILED with the Secretary of State \_\_\_\_\_, 2021.  
4 EFFECTIVE \_\_\_\_\_, 2021.

5  
6 BOARD OF COUNTY COMMISSIONERS  
7 LAKE COUNTY, FLORIDA  
8 \_\_\_\_\_  
9 SEAN M. PARKS, 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

1

## Exhibit "A" — Legal Description

(O.R. Book 1268, Pages 1930–1931)

Begin at the intersection of the West line of Government Lot 7, Section 26, Township 19 South, Range 26 East, and the North right of way of Old U.S. Highway 441, run East along the North highway line 708.54 feet to Point of Beginning; thence North 0°38'40" East 565 feet to axle, thence North 55°20'20" West 231.92 feet, thence North 66°34'05" West 67.04 feet, thence North 47°56'15" West 25.71 feet, thence North 57°37'09" West 150.33 feet, thence North 53°41'19" West 126.15 feet, thence North 47°56'15" West 51.42 feet, thence North 74°44'20" West 52.73 feet, more or less to the waters of Lake Saunders, thence Northerly along the shore of Lake Saunders to intersect the North line of Government Lot 7, thence further Southeasterly along the North line of Government Lot 7 to intersect the West right of way line of Bay Road, thence South along the West right of way to intersect the North right of way of Old Highway 441, thence Westerly along said North right of way to Point of Beginning.

LESS AND EXCEPT

From the intersection of the West line of Government Lot 7, Section 26, Township 19 South, Range 26 East, Lake County, Florida, and the North right of way of Old U.S. Highway 441, (being used as 33 feet from centerline in this description) run East along the North right of way of said Highway a distance of 967.07 feet to the Point of Beginning, continue thence East along said Northerly right of way line of Old U.S. Highway No. 441 a distance of 278.05 feet, thence North 00°57'01" East a distance of 170.02 feet, thence South 75°03'58" West a distance of 276.46 feet, thence South 02°03'47" West a distance of 164.20 feet, more or less, to the Point of Beginning.

2

