



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

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

Case No. and Project Name: RZ-20-40-3, Grace VAR Construction, LLC Property Rezoning

Applicant: Vishwanauth Seepersaud

Owner: Grace VAR Construction LLC – Vishwanauth Seepersaud

Requested Action: Amend Planned Commercial (CP) Ordinance #1994-63 to allow C-1 recreational uses (specifically, video games) and remove beauty and flower gift shop use.

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

Case Manager: Heather N. Croney, Planner

PZB Recommendation:

Subject Property Information

Size: .35 +/- Acres

Location: 33202 CR 473, Leesburg, FL 34788

Alternate Key No.: 1811295

Future Land Use Category: Urban Medium Density

Existing Zoning District: Planned Commercial (CP) – Ordinance #1994-63

Proposed Zoning District: Planned Commercial District (CP)

Joint Planning Area/ISBA: Leesburg Interlocal Service Boundary Area (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Residential Professional (RP)	Residential	Single Family Dwelling
South	Urban Medium	Light Industrial (LM)	Street, Convenience Store & Gas Station	California Street, 473 Food Mart, LLC
East	Urban Medium	Urban Residential (R-6)	Residential, Accessory Structures	Single Family Dwelling
West	Urban Medium	Planned Commercial (CP) and Mobile Home Rental Park (RMRP)	Highway, Single Family Residential, Mini Warehouse/Self Storage	CR 473, 473 Self Storage and Molokai Mobile Home Park

- Summary of Analysis -

The subject property, identified by Alternate Key Number 1811295, is located on the northeast corner of the County Road 473/ California Street intersection, in the unincorporated Leesburg area. The Applicant seeks to amend Planned Commercial (CP) Ordinance #1994-63 to allow C-1 recreational uses (specifically, video games) and remove beauty and flower gift shop use. Data from the Property Appraisers' Office indicates the current existence of a non-residential 11,931-square-foot building. This building is currently unoccupied. The Office of Planning and Zoning does not have a site plan on record for this property. The current Planned Commercial zoning pursuant to Ordinance #1994-63, allows a beauty shop, flower gift shop use, as well as professional offices and retail convenience uses. This property is designated as Urban Medium Density Future Land Use (FLU). The application proposes an electronic game room use. The application specifies that the use will consist of 28 computers and screen [sic] and 28 seats. The application indicates the hours of operation will be Monday through Saturday from 10:00 am – 12:00 am and Sunday 12:00 pm to 6:00 pm. At any given time there will NOT be more than 25 persons in the building at once.

- 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 statement of the proposed use electronic game room use, referenced under the Summary of Analysis, is consistent with LDR Chapter II, Definitions, which states that the purpose of the "CP" Planned Commercial District is to provide for any commercial land use currently available in any other commercial district and to provide for any commercial land use for which no provision is made elsewhere in these regulations. The request is consistent with LDR Table 3.01.03, which allows commercial recreation 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 subject parcel is designated as Urban Medium Density Future Land Use pursuant to the Future Land Use Map contained in the 2030 Comprehensive Plan. The request and use are consistent with Comprehensive Plan Policy I-1.3.3, Urban Medium Density Future Land Use Category, which permits commerce uses to include services and retail trade as allowed pursuant to Policy I-1.3.10 commercial activities within the urban future land use series. Policy I-1.3.10, Commercial Activities within the Urban Future Land Use Series, states that "Commercial" shall include commercial, retail, office, limited light industrial uses and other uses commonly associated with these activities. Similar to a computer rental/arcade game room use, this use can be categorized as a commercial use. This proposed use can as serve as entertainment for the nearby residential.

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

The proposed use is consistent with the surrounding land uses. "Attachment B – Nearest Commercial Zoning" shows the distance from this property to the nearest other commercial-zoned properties. To the west of the subject property, 114 feet away, there is a CP-zoned property that is a self-storage warehouse. Located 765 feet northwest of the subject property as well as 1,205 feet southwest of this subject property, there is also existing CP zoning.

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

There does not appear to be a commercial rezoning trend within the immediate surrounding area over the last five years.

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 subject property will be served by the City of Leesburg for central water and sewage.

Office of Public Safety

Fire Station #71, located less than 1.5 miles of the subject property at 11305 Park Avenue, Leesburg, and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the site plan 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

All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

Sidewalks will be required per Land Development Regulations Commercial Design Standards, as amended.

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

This property has been disturbed by previous urban development. However, an environmental statement from the property owner will be requested with the submittal of the future development application.

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 will not alter the existing orderly development pattern of the area.

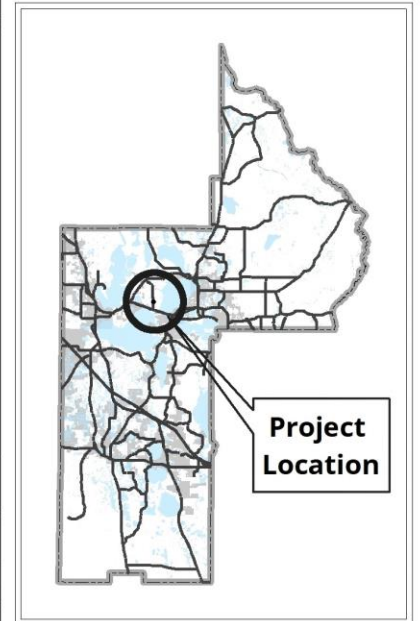
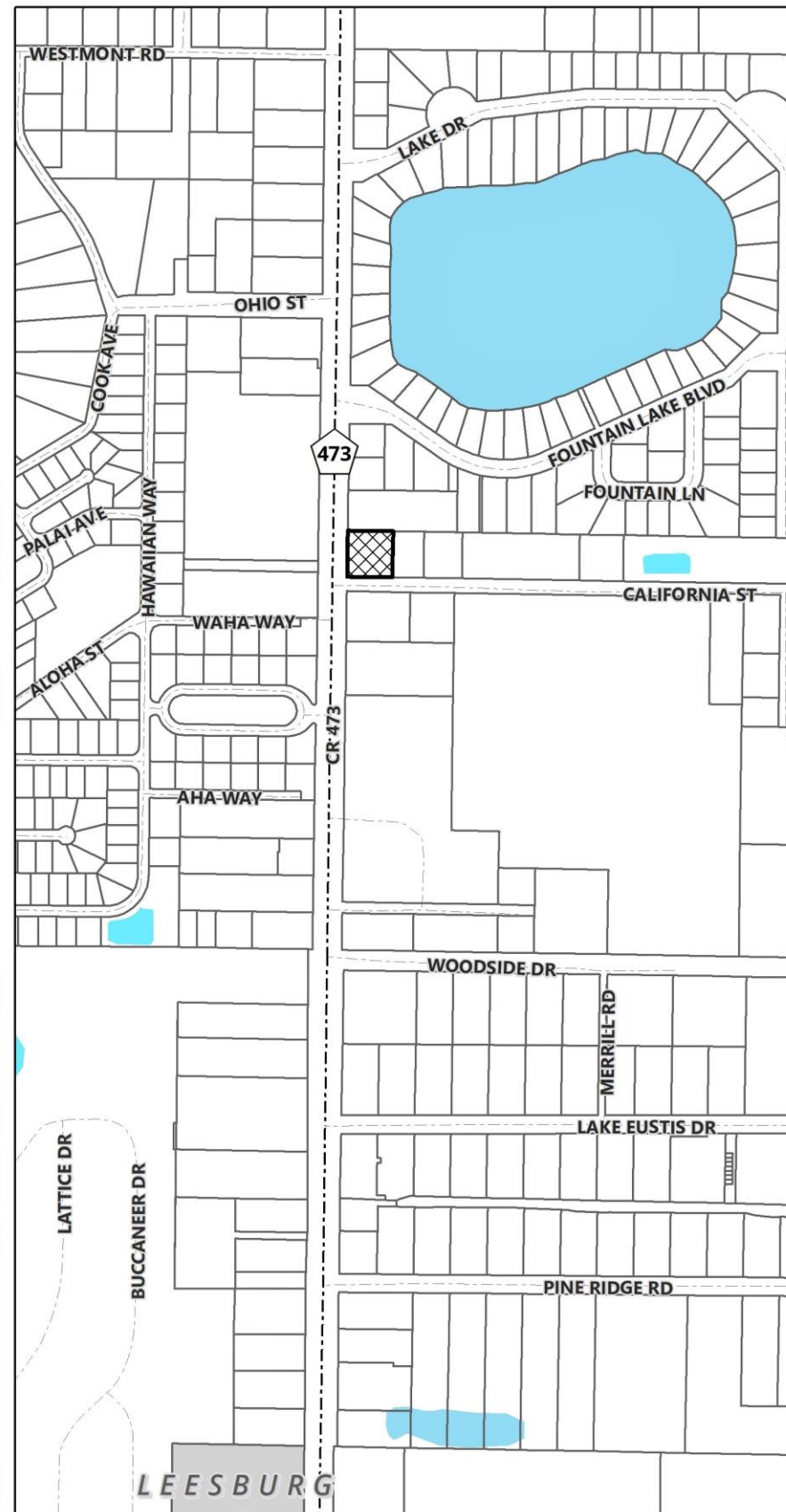
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

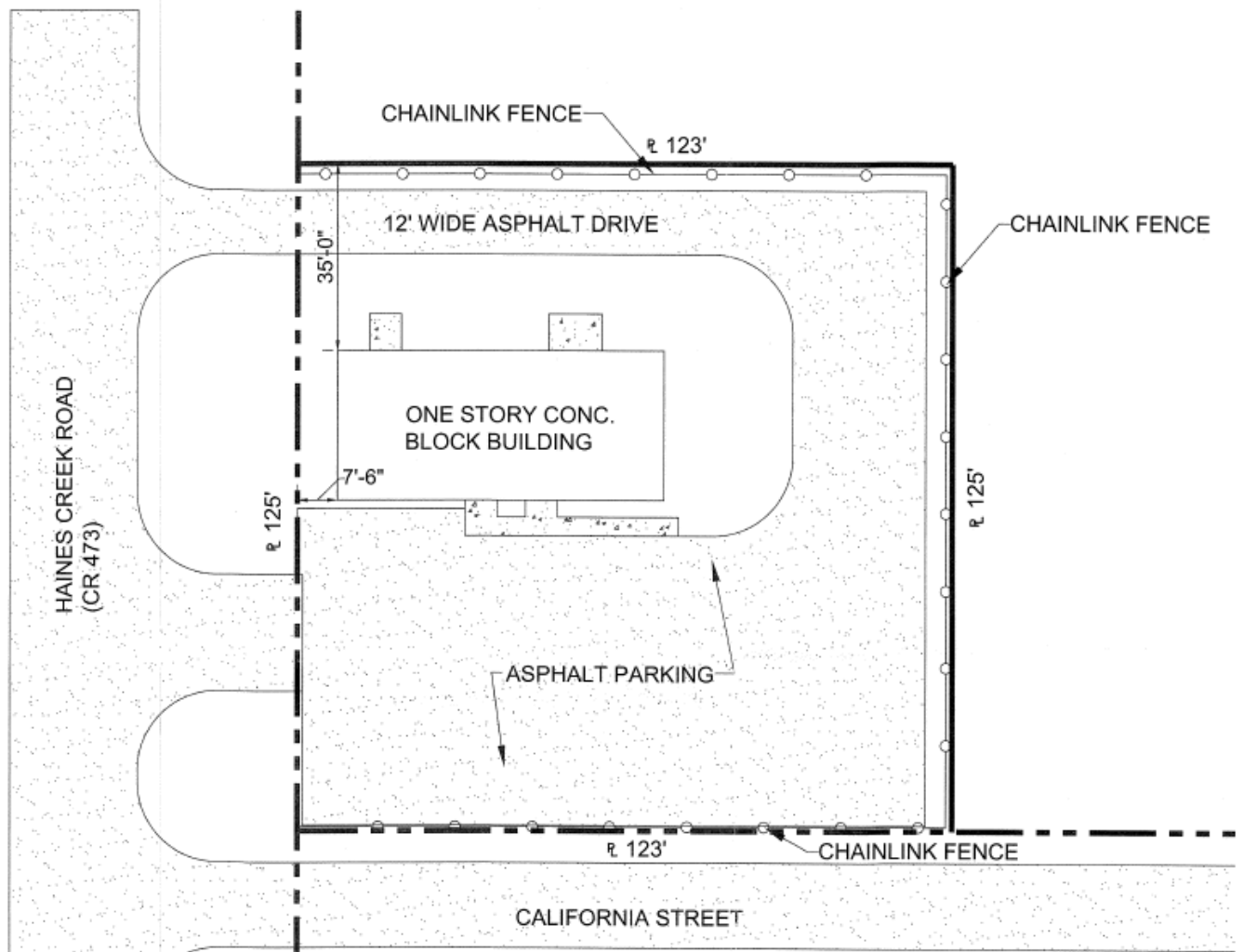
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A

Map of Subject Property



Attachment "A" — Concept Plan



SITE PLAN
SCALE: 1"=200'-0"



INDICATES ASPHALT AREAS



INDICATES CONCRETE AREAS



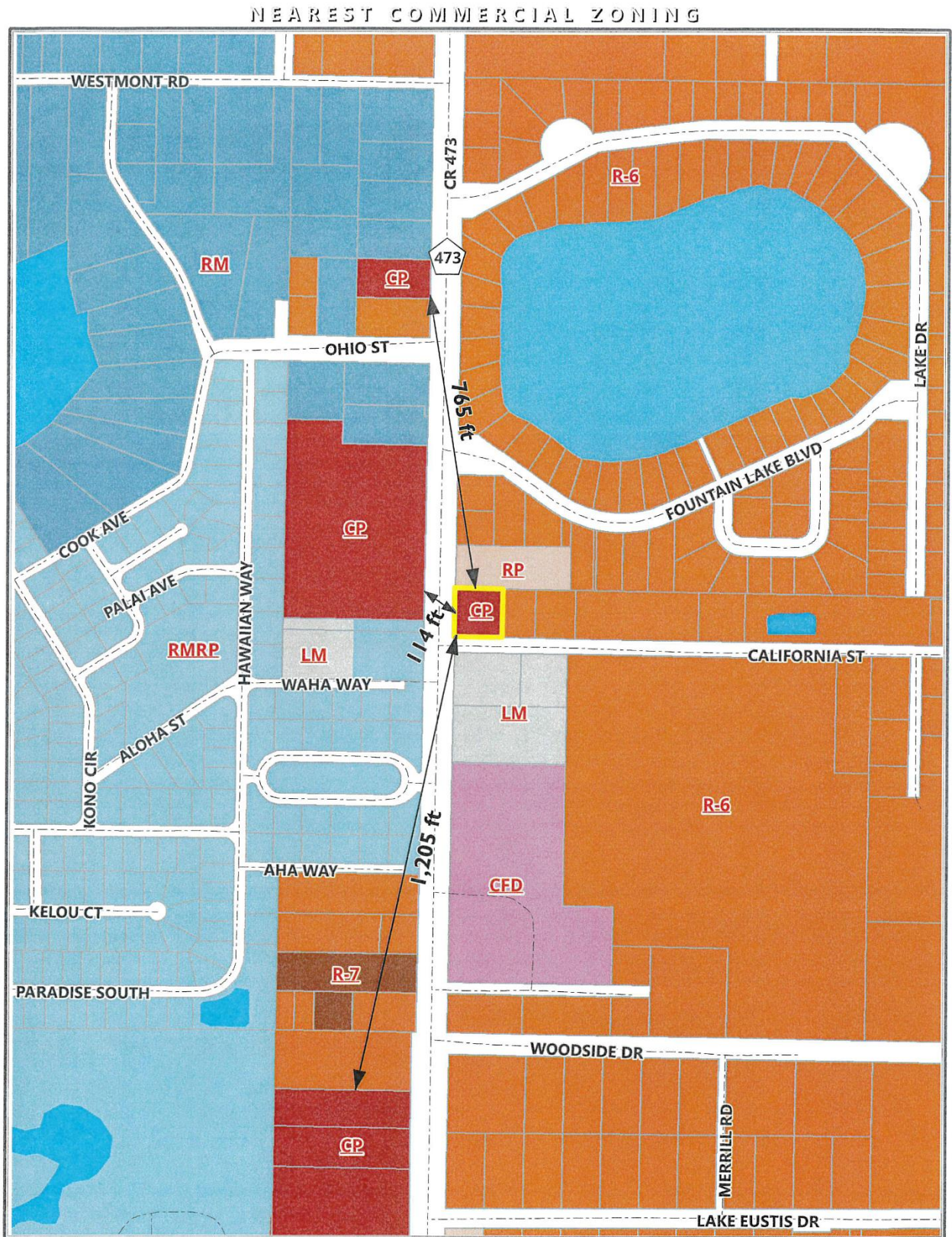
INDICATES CHAINLINK FENCE

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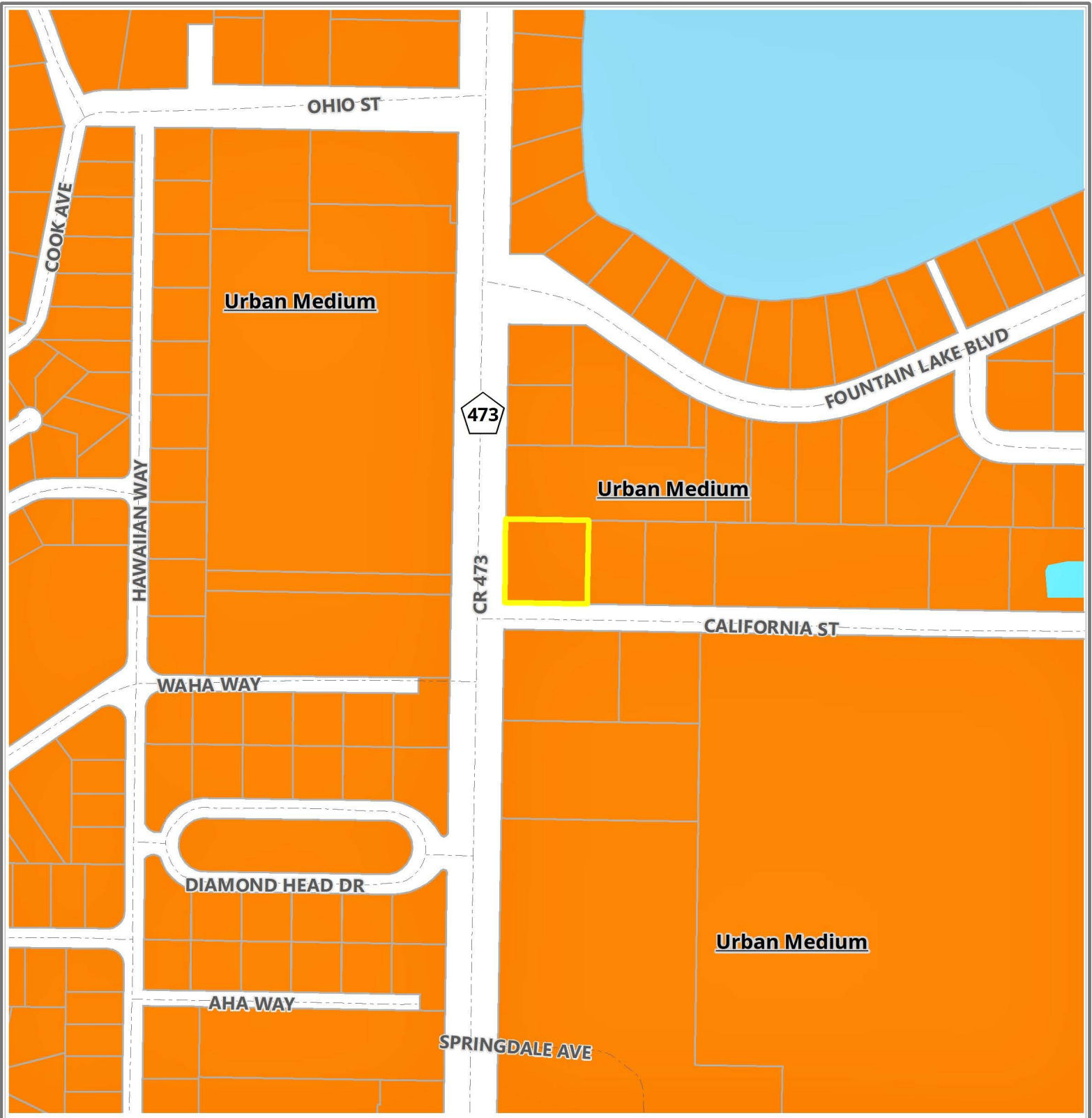


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DN: cn=Thomas P. McKeon, o=McKeon Engineering & Associates, Inc., ou=McKeon Engineering & Associates, Inc., email=tmckeonPE@gmail.com, c=US
Reason: I have reviewed this document
Date: 2025.11.05 01:54:00 -0500

Attachment "B" — Nearest Commercial Zoning



CURRENT FUTURE LAND USE



Future Land Use

 Urban Medium

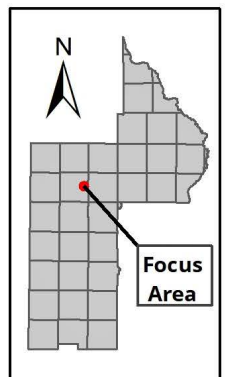
NAME: **GRACE VAR CONSTRUCTION PROPERTY**

DISTRICT: **3**

CASE NUMBER: **RZ-20-40-3**

LOCATION (S-T-R): **13-19-25**

REQUEST: **PLANNED COMMERCIAL (CP) TO PLANNED COMMERCIAL (CP)
WITH COMMERCIAL RECREATION USES**



CURRENT ZONING



Zoning Legend

R-6 RP RMRP RM CP LM CFD

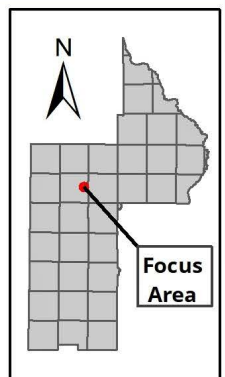
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ORDINANCE #2021-XX
Grace VAR Construction, LLC
RZ-20-40-3

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

WHEREAS, Vishwanauth Seepersaud (the “Applicant”) submitted a rezoning application on behalf of Grace VAR Construction, LLC (the “Owner”), to amend Planned Commercial (CP) Ordinance #1994-63 to allow C-1 recreational uses (specifically, video games) and remove beauty and flower gift shop use ; and

WHEREAS, the subject property consists of approximately 0.35 +/- acres located generally located on the east side of County Road 473, in the Leesburg area, in the Leesburg area of unincorporated Lake County, in Section 13, Township 19, Range 25, consisting of Alternate Key Number 1811295, and more particularly described below:

LEGAL DESCRIPTION: EXHIBIT “A” – ATTACHED

WHEREAS, the Lake County Planning and Zoning Board did review Petition RZ-20-40-3 on the 3rd day of March 2021, after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 23rd day of March 2021; and

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

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

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

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

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

A. Permitted Land Uses.

1. Commercial uses to include:
 - a. commercial recreation

- 1 b. video games
- 2 c. Hours of operation: Monday through Saturday, 10:00 am – 12:00
- 3 am and Sunday 12:00 pm to 6:00 pm.
- 4 d. Video game use shall adhere to state law regarding gambling.

5 2. Accessory uses directly associated with the above uses may be approved by

6 the County Manager or designee.

7 Any other use of the site not specified above will require approval of an

8 amendment to this Ordinance by the Board of County Commissioners.

9 **B. Open Space, Impervious Surface Ratio, and Building Height.** Open Space,

10 impervious surface ratio, and building height shall be in accordance with the

11 Comprehensive Plan and LDR, as amended.

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

13 **D. Parking Requirements.** Off-street parking must be provided in accordance with

14 the LDR, as amended.

15 **E. Environmental Requirements.**

16 1. Environmental resources shall be protected in accordance with the

17 Comprehensive Plan and LDR, as amended.

18 2. A tree removal permit is required prior to the removal of any trees consistent

19 with the criteria of the LDR, as amended.

20 **F. Landscaping, Buffering, and Screening.** Any future redevelopment of the

21 property must provide landscaping, buffering, and screening in accordance with

22 the LDR, as amended.

23 **G. Noise.** Noise impacts generated by the proposed use must be mitigated in

24 accordance with noise protection of the LDR, as amended.

25 **H. Transportation.**

26 1. All access management shall be in accordance with the Comprehensive Plan

27 and Land Development Regulations, as amended.

28 2. Sidewalks will be required per Land Development Regulations Commercial

29 Design Standards, as amended.

30 **I. Stormwater Management.**

31 1. The stormwater management system shall be designed in accordance with all

32 applicable Lake County and St. Johns River Water Management District

33 (SJRWMD) requirements, as amended.

34 2. The developer shall be responsible for any flood studies required for

35 developing the site and comply with FEMA, Comprehensive Plan and LDR, as

1 amended. Any development within the floodplain as identified on the FEMA maps
2 will require compensating storage.

3 **J. Utilities.** The subject property will be served by the City of Leesburg for central
4 water and sewage.

5 **K. Lighting.** Exterior lighting must be in accordance with the LDR, as amended, and
6 consistent with Dark-Sky Principles.

7 **L. Signage.** All signage must be in accordance with the LDR, as amended.

8 **M. Concurrency Management Requirements.** Any development must comply with
9 the Lake County Concurrency Management System, as amended.

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

14 **O. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific
15 references in this Ordinance to the Florida Statutes, Florida Administrative Code,
16 Lake County Comprehensive Plan and LDR shall include any future amendments
17 to the Statutes, Code, Plans, or LDR.

18 **Section 2. Conditions.**

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

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

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

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

39 **E.** The Lake County Code Enforcement Special Master will have authority to enforce

1 the terms and conditions set forth in this ordinance and to recommend that the
2 ordinance be revoked.

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

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

9 **Section 5. Effective Dates. This Ordinance will become effective as provided by law.**

10 **ENACTED** this _____ day of _____, 2021.
11 **FILED** with the Secretary of State _____, 2021.
12 **EFFECTIVE** _____, 2021.

13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **LAKE COUNTY, FLORIDA**

16 _____
17 **SEAN M. PARKS, CHAIRMAN**

18 **ATTEST:**

19
20
21 _____
22 **GARY J. COONEY, CLERK OF THE**
23 **BOARD OF COUNTY COMMISSIONERS**
24 **LAKE COUNTY, FLORIDA**

25
26 **APPROVED AS TO FORM AND LEGALITY:**

27
28 _____
29 **MELANIE MARSH, COUNTY ATTORNEY**

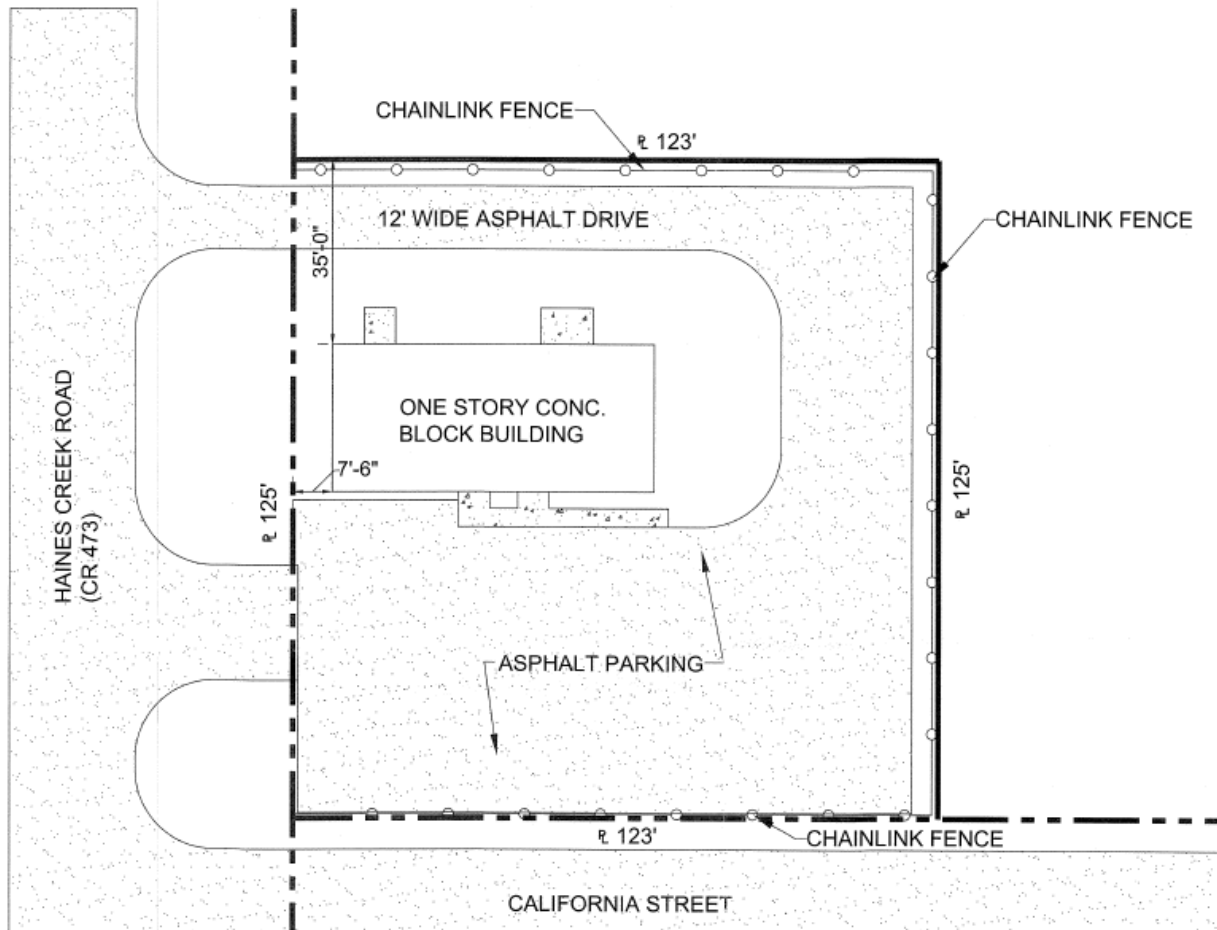
Exhibit "A" – Legal Description

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BEG ON E LINE OF HAINES CREEK RD 447 FT E & 1015.60 FT N OF
SW COR OF SEC FOR POB, RUN E 123 FT, N 125 FT, W 123 FT, S
125 FT TO POB--LESS S 25 FT FROM CENTERLINE OF CALIFORNIA ST
& LESS BEG AT 440 FT E & 1025.6 FT N OF SW COR OF SEC, RUN E
25 FT & PT A, RETURN TO POB, RUN N 25 FT, SE'LY TO PT A FOR
RD R/W--
ORB 5494 PG 407

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Exhibit "B" – Concept Plan



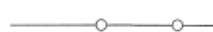
SITE PLAN
 SCALE: 1"=200'-0"



INDICATES ASPHALT AREAS



INDICATES CONCRETE AREAS



INDICATES CHAINLINK FENCE

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 Reason: I have reviewed this document
 Date: 2022.11.06 01:04:06 -0500

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