



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): May 5, 2021
Board of County Commissioners (BCC): May 25, 2021

Case No. and Project Name: RZ-21-10-5, Southern Brotherhood Property Rezoning

Owner: Doc Elijah Kirby Jr.

Applicant: Brenda McKenzie

Requested Action: Amend Ordinance #2007-6 by establishing a new ordinance to allow office and private club 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: 0.45 +/- acres (gross)

Location: 31604 Jay Street, Eustis

Alternate Key No.: 1537673

Future Land Use: Wekiva River Protection Area A-1-20 Sending Area

Existing Zoning District: Planned Commercial (CP)

Proposed Zoning District: Planned Commercial (CP)

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva River Protection Area 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	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Vacant Land	Undeveloped
South	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Vacant Residential	Undeveloped
East	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Residence, Jay Street and SR 44 intersection
West	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Residence and Spruce Lake

Staff Analysis

The application seeks to amend Ordinance #2007-6 by establishing a new ordinance to allow office and private club uses within an existing 832 square-foot non-residential structure. The subject property comprises 0.45 +/- acres, is identified by Alternate Key Number 1537673, and is located at 31604 Jay Street in the Eustis area. The property is also designated as Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan, and is currently developed with office and private club uses.

The proposed request is consistent with the Comp Plan and Land Development Regulations (LDR), as office and private club uses are allowed within the FLUC and proposed zoning district. It must be noted that this rezoning is being submitted to address a code violation notice (Case No. 2021010226).

Standards for Review (LDR Section 14.03.03)

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

The request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which states that office and private club uses are permitted within the CP zoning district. LDR Section 3.01.02(F)(1), *Classification of Uses*, defines Club, Private or Country use as “an establishment providing meeting, recreation, or social facilities for a private or non-profit organization, primarily for the use of members and their guests.”

Pursuant to Land Development Regulations (LDR), 3.00.02, Purpose and Intent of District, the intent of the Planned Commercial (CP) 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 intent of this zoning district is to establish "CP" districts individually under approved site plans, submitted either at the initial rezoning stage or prior to the actual Development of the property, and conditions necessary to promote the general welfare and to secure economic and coordinated Land Use.

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

The request is consistent with Comprehensive Plan Policy I-3.2.2, *Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category*, which allows Rural Support uses. Pursuant to Comp Plan Policy I-1.4.7, Rural Support uses “are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas.”

The subject parcel is located within the Pine Lakes Rural Support Corridor. Pursuant to Comprehensive Plan Policy I-1.4.7.2, *Rural Support Corridors*, the Pine Lakes Rural Support Corridor includes parcels of State Road 44 located within the Pine Lakes plat identified in Plat Book 12 Page 67 and parcels east of SR 44 located within 650 feet north of Oak Avenue as shown on the Future Land Use Map.

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

The amendment to the existing CP zoning district is consistent with LDR Section 3.01.03, which allows office and private club uses within the CP zoning district.

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

The amendment to the ordinance has been requested as the owner received a notice of code violation for building without a permit. The owner was building a stage/grandstand structure for the club. However, a private club is not included as a permitted use under Ordinance #2007-6. The Applicant has provided the following statement as justification for the amendment request: “*This has been used as social club for years!*” Planning and Zoning records show a prior site plan approval on February 2, 2008 for General Retail and Professional Office use. However, Planning and Zoning records do not show a change of use for a social club.

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

Well and septic will require permitting through DOH-Lake. The new development may require additional facilities upon permitting.

Schools

The school district does not have any comments for this rezoning project.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #15 is located at 40601 Palm in Eustis, approximately 0.2 miles from the subject property. This facility 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 development review process, at such time that any future improvements are proposed.

Transportation Concurrency

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

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

This property has been disturbed by previous urban development. However, an environmental statement from the property owner or applicant will be requested with the submittal of the development application prior to commencement of the new use. Should evidence of any endangered, threatened, or special concern species be discovered, the developer/owner should cease construction and pursue permits from the appropriate agency.

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 amendment 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 proposed rezoning would not disrupt the existing orderly and logical development pattern of the area; the subject parcel is already zoned for general retail and professional office.

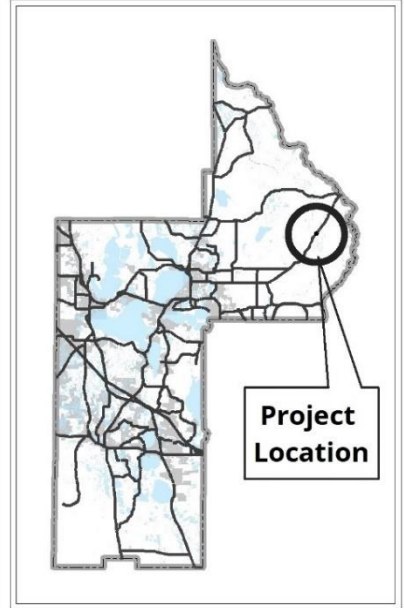
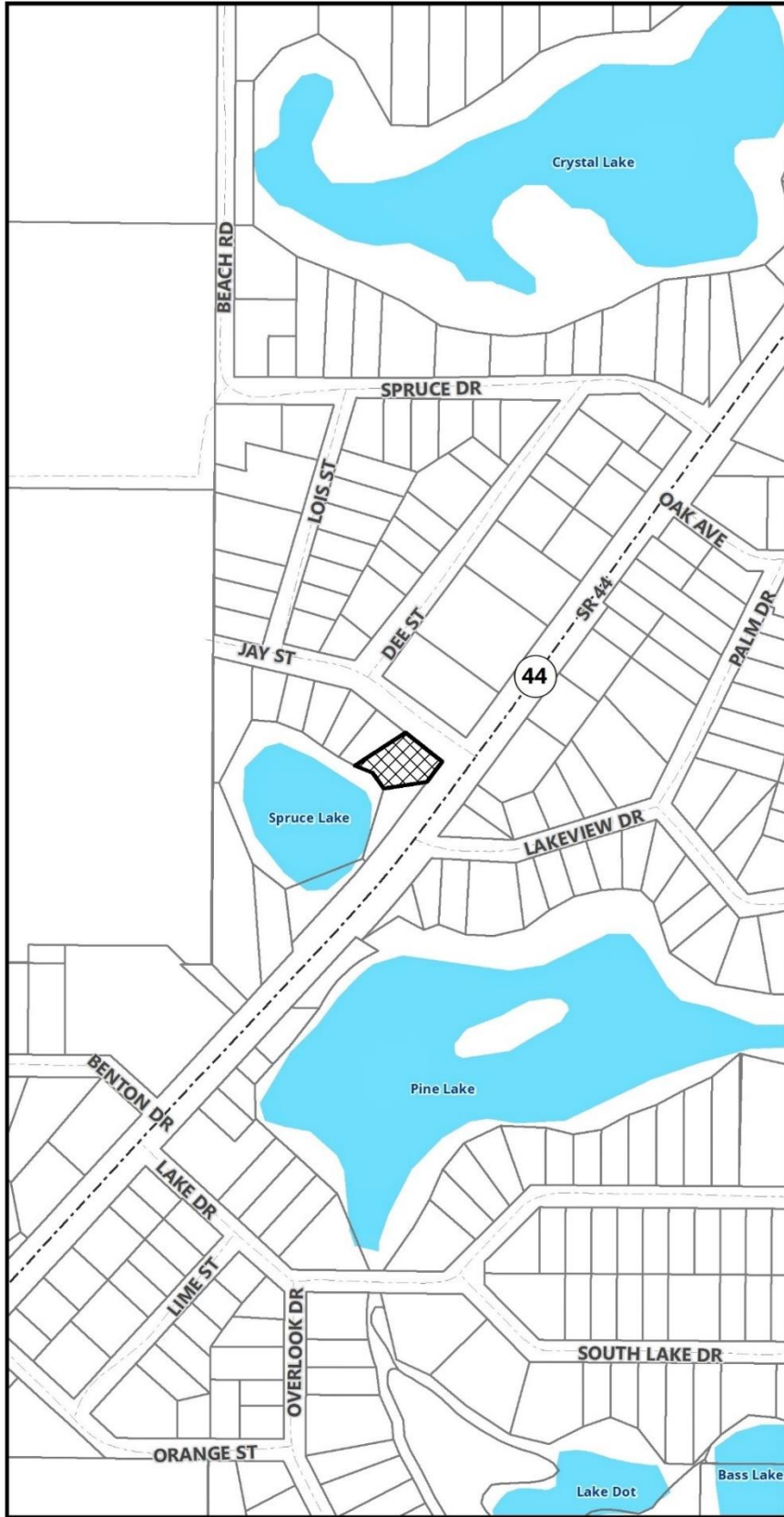
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The request is in harmony with the general intent of the Comprehensive Plan and the 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.

None.

Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Sending Area A-1-20

NAME: SOUTHERN BROTHERHOOD SOCIAL CLUB PROPERTY **DISTRICT: 5**
CASE NUMBER: RZ-21-10-5
LOCATION (S-T-R): 08-18-29
REQUEST: PLANNED COMMERCIAL (CP) TO PLANNED COMMERCIAL (CP)
UPDATE ORDINANCE



CURRENT ZONING



Zoning Legend

- A
- C-2
- CP
- CFD

NAME: SOUTHERN BROTHERHOOD SOCIAL CLUB PROPERTY
CASE NUMBER: RZ-21-10-5
LOCATION (S-T-R): 08-18-29
REQUEST: PLANNED COMMERCIAL (CP) TO PLANNED COMMERCIAL (CP)
UPDATE ORDINANCE

DISTRICT: 5



ORDINANCE #2021-XX
Southern Brotherhood Property
RZ-21-10-05

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

WHEREAS, Brenda McKenzie (the “Applicant”) submitted a rezoning application on behalf of Doc Elijah Kirby Jr. (the “Owner”) to amend Planned Commercial (CP) Ordinance #2007-6 by establishing a new Planned Commercial (CP) ordinance to allow office and private club uses; and

WHEREAS, the subject property consists of approximately 0.45 +/- acres, is located at 31604 Jay Street, in the Eustis area of unincorporated Lake County, in Section 08, Township 18, Range 29, identified by Alternate Key Number 1537673, and more particularly as legally described below:

LOTS 7 AND 8, BLOCK J, PINE LAKES, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE THEREOF, AS RECORDED IN PLAT BOOK 12, PAGES 67 AND 68, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY OF STATE ROAD 44, AS CONVEYED IN OFFICIAL RECORDS BOOK 21, PAGE 599, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

WHEREAS, the subject property is located within the Wekiva River Protection Area A-1-20 Sending Area Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, on the 3rd day of January 2007, the Lake County Board of County Commissioners approved CP (Planned Commercial) Ordinance #2007-6 to amend CP Ordinance #29-82 with professional office and general retail uses; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-21-10-05 on the 5th day of May 2021, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 25th day of May 2021; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning & Zoning Board, staff report, 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.

WHEREAS, the approval of this ordinance shall replace and supersede CP Ordinance #2007-6; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the property described herein, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to show the Planned Commercial (CP) district in accordance with Exhibit “A” of this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will

1 take precedence. The adoption of this Ordinance shall revoke and replace previous CP
2 Ordinance #2007-6.

3 **A. Land Uses.**

- 4 a. Professional Office.
5 b. Private Club.

6 Accessory uses may be approved by the County Manager or designee. Any other use of the
7 property will require approval of an amendment to this Ordinance by the Board of County
8 Commissioners.

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

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

12 **C. Development Standards/Design Criteria.** Any future redevelopment must adhere to
13 commercial design standards in accordance with the Comprehensive Plan and Land
14 Development Regulations (LDR), as amended.

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

16 **E. Parking Requirements.** Off-street parking must be provided in accordance with the
17 Comprehensive Plan and LDR, as amended.

18 **F. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be
19 in accordance with the LDR, as amended.

20 **G. Environmental Requirements.** Environmental resources shall be protected in accordance
21 with the Comprehensive Plan and LDR, as amended.

22 **H. Noise Compliance.** Prior to commencement of the new uses, the future development must
23 demonstrate compliance with noise protection provisions of the LDR, as amended.

24 **I. Commercial Design Standards.** Any future redevelopment must be in accordance with
25 the LDR, as amended.

26 **J. Stormwater Management.**

- 27 1. The stormwater management system shall be designed in accordance with all
28 applicable Lake County and St. Johns River Water Management District (SJRWMD)
29 requirements, as amended.
30 2. The developer shall be responsible for any flood studies required for developing the site
31 and comply with FEMA, Comprehensive Plan and Land Development Regulations, as
32 amended. Any development within the floodplain as identified on the FEMA maps will
33 require compensating storage.

34 **K. Transportation.**

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

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

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

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

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

5 **P. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or
6 Developer shall be required to submit a development application for review and approval in
7 accordance with the Comprehensive Plan and LDR, as amended.

8 **Section 2. Conditions.**

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

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

17 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the
18 land, and the terms, conditions, and provisions of this Ordinance will be binding upon the
19 present Owners and any successor, and will be subject to each and every condition set out
20 in this Ordinance.

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

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

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

31 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
32 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
33 125.66, Florida Statutes

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

2 **ENACTED** this _____ day of _____, 2021.

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4 **FILED** with the Secretary of State _____, 2021.

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6 **EFFECTIVE** _____, 2021.

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

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SEAN M. PARKS, CHAIRMAN

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ATTEST:

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**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

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APPROVED AS TO FORM AND LEGALITY:

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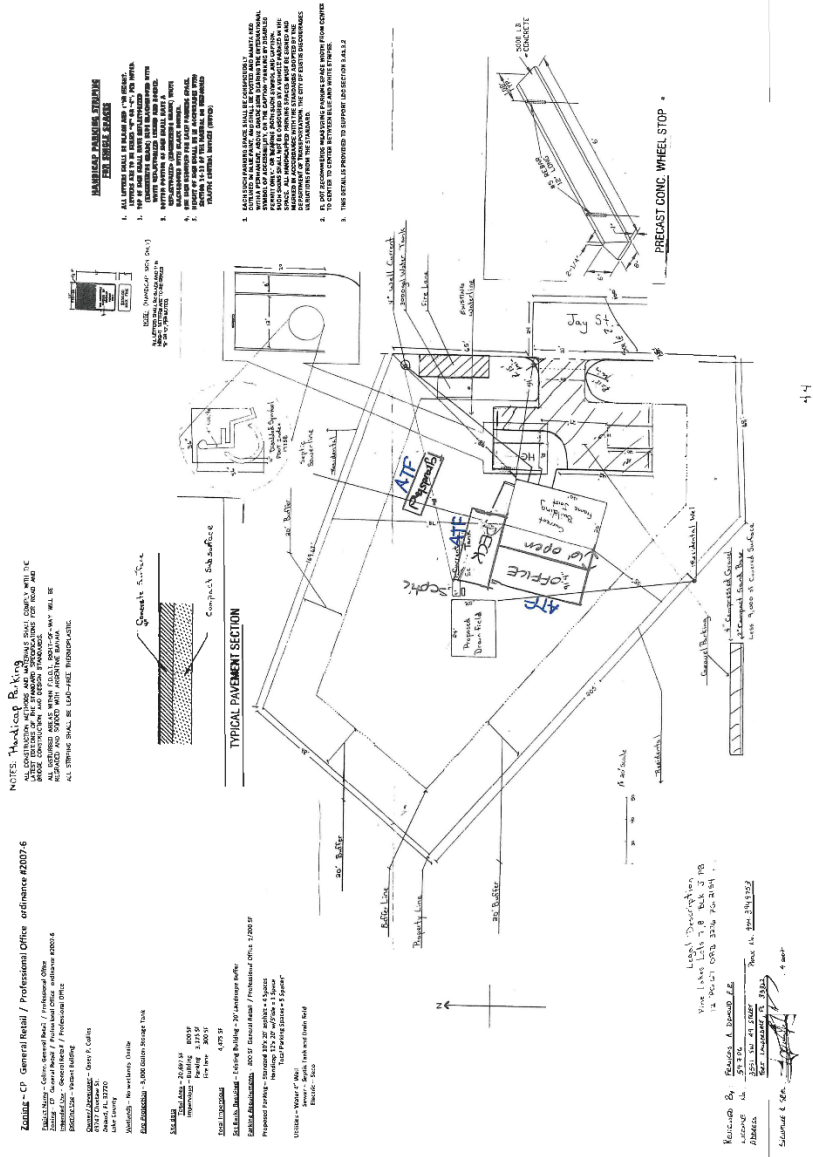
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MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" - Concept Plan

SOUTHERN BROTHERHOOD
SOCIAL CLUBS



4-4