



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): March 2, 2022  
Board of County Commissioners (BCC): April 5, 2022

Case No. and Project Name: RZ-21-33-4, Peninsula Trucking Facility

Owner: Duane H Gossett, Joyce Gossett, and Deep Blue Land LLC

Applicant: Tim Hoban

Requested Action: Amend Community Commercial District (C-2) Ordinance #3-81 and amend Planned Industrial (MP) Ordinances #39-87 and #44-87, from MP and C-2 to MP to establish a new MP ordinance to allow limited light industrial uses. Including a waiver consideration request to LDR 9.10.03 Mount Plymouth-Sorrento Commercial Design Standards.

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

Case Manager: Marellys Moreno, CRA Coordinator

PZB Recommendation:

### Subject Property Information

Size: 11.51 +/- acres

Location: 31547 County Road (CR) 437, Sorrento

Alternate Key No.: 1754402, 1734991, and 1681596

Future Land Use Category: Mount Plymouth-Sorrento Main Street Future Land Use Category (Attachment "A")

Existing Zoning District: Planned Industrial (MP) and Community Commercial (C-2) (Attachment "B")

Proposed Zoning District: Planned Industrial (MP)

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Mount Plymouth-Sorrento Community Redevelopment Area (CRA) and Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount Plymouth-Sorrento Main Street	Urban Residential (R-6)	Vacant	Undeveloped. Former railroad track area.
South	Mount Plymouth-Sorrento Main Street	Planner Commercial (CP), Community Commercial (C-2), and Neighborhood Commercial (C-1)	Commercial and vacant commercial	Office, commercial undeveloped lots, general commercial, and night club
East	Mount Plymouth-Sorrento Main Street	Planner Commercial (CP)	Office	Large tract for office use
West	Mount Plymouth-Sorrento Main Street	Community Commercial (C-2)	Vacant Commercial	Undeveloped

**- Summary of Analysis -**

The subject 11.51 +/- acres are comprised of parcels identified by Alternate Key Numbers 1754402, 1734991, and 1681596, are designated with a Mount Plymouth-Sorrento Main Street Future Land Use Category (FLUC), located within the Mount Plymouth-Sorrento Community Redevelopment Area (CRA) and located within the Mount Plymouth-Sorrento CRA and Wekiva Study Area (WSA). Alternate Key Numbers 1754402 and 1734991 are zoned Planned Industrial (MP) and is currently being used as offices in conjunction with a trucking facility. Alternate Key Number 1681596 is zoned Community Commercial (C-2) and is undeveloped. The subject properties are generally located in the northwest corner of the intersection of State Road (SR) 46 and CR 437, in the Sorrento area.

Ordinance #3-81 allows Alternate Key Number 1681596 to be utilized for Community Commercial (C-2) uses, including automotive repair uses (Attachment "C"). While Ordinance #39-87 (Attachment "D") and Ordinance #44-87 (Attachment "E") currently allow Alternate Key Numbers 1734991 and 1754402 to be utilized for Light Industrial (LM) and Heavy Industrial (HM), except for the following uses:

- a. Veterinary hospitals and clinics and kennels.
- b. Retail food and beverage sales establishments such as restaurant, taverns, bars, and lounges.
- c. Sale, retail mechanical repair of new and used vehicles.
- d. Automobile graveyard and junkyard.

The Applicant is requesting to amend Community Commercial District (C-2) Ordinance #3-81 and amend Planned Industrial (MP) Ordinances #39-87 and #44-87, from MP and C-2 to MP to establish a new MP ordinance to allow limited light industrial uses. The owner wishes to expand the Peninsula Trucking facilities to the adjacent parcel located on the west side to add a building to repair the vehicles associated with their business. As previously stated, the subject properties are located within the Mount Plymouth-Sorrento CRA and are designated as Mount Plymouth-Sorrento Main Street FLUC. Pursuant to Comprehensive Plan Policy I-3.2.6, light industrial uses activities are limited to those without off-site impacts and takes place primarily within an enclosed building. The subject parcel is considered existing nonconforming as the use for a trucking facility was adopted prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011).

On December 7, 2021, the proposed rezoning request and concept plan was presented to the CRA Advisory Committee for review (Attachment "F"). The CRA Advisory Committee stated that access to the proposed MP parcel could be located on CR 437, and the proposed buildings could be in the rear of the lot. However, the architectural design for the proposed building must be in accordance with LDR Section 9.10.03, Mount Plymouth-Sorrento Community Redevelopment Area Commercial Design Standards.

The application includes a request to the Board of County Commissioners (BCC) to consider a waiver to LDR Section 9.10.03, Mount Plymouth-Sorrento Community Redevelopment Area Commercial Design Standards. On January 25, 2022, a vacation petition was submitted by the applicant to the Department of Public Works. The vacation petition must be approved prior to site plan approval.

**- Analysis -**

Land Development Regulations Section 14.03.03 Standards for Review.

**A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;**

The proposed request is consistent with LDR Section 3.01.02 and LDR Section 3.01.03, which allows automotive repair and trucking facilities within the MP zoning district.

The application is inconsistent with LDR Section 1.08.03. Nonconforming Uses, which states that uses previously existing, prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) are allowed, unless there is an expansion, change, enlargement, or alteration of a use, which increases its nonconformity in any way.

The proposed request is inconsistent with LDR Section 1.08.02 Continuation of Nonconforming Development which states that minor expansions to uses or structures nonconforming to the Comprehensive Plan may be made to meet regulatory requirements so long as the expansion does not exceed ten (10) percent of the nonconforming use or structure.

The ten (10) percent shall be based on the use or structure as it existed on September 22, 2011.

The concept plan is inconsistent with LDR Section 9.10.03 because the proposed expansion exceeds thirty-five percent (35%) of the square footage of the existing structures, the project must adhere to the Mount Plymouth-Sorrento Commercial Design Standards. A waiver request was submitted for the Board's consideration so that the development authorized herein shall not be required to adhere to the Mount Plymouth-Sorrento Commercial Design Standards.

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

The subject parcel is designated with a Mount Plymouth-Sorrento FLUC and is located within the Mount Plymouth-Sorrento Community Redevelopment Area.

The subject parcel is considered existing nonconforming as the use for a trucking facility was adopted prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011).

The proposed building is consistent with Comprehensive Plan Policy I-3.2.6 Mount Plymouth-Sorrento Main Street Future Land Use Category as it is intended for automotive repair of the vehicles associated to their business, and is planned to be enclosed in the north, south, and west side, leaving the east side open for the garage bays. Pursuant to Comprehensive Plan Policy I-3.2.6, light industrial uses require a conditional use permit; provided, however that such uses are limited to those without off-site impacts and that take place within an enclosed building.

However, the rezoning request is inconsistent with Comprehensive Plan Policy I-3.2.6 Mount Plymouth-Sorrento Main Street Future Land Use Category. The rezoning to the MP district satisfies the requirement for a land use regulatory instrument, in lieu of a conditional use permit but the overall truck yard use of the property cannot comply with the enclosed building requirement.

The rezoning request is consistent with Policy I-2.1.9 Preservation of Tree Canopy which states that where mature native trees exist, land use and design requirements shall minimize the impact to the existing trees and tree canopy. Additionally, Policy I-2.1.9 promotes the use of trees along roadways and within all new development.

On the other hand, the rezoning request is inconsistent with Policy I-2.1.4 Design Standards for the Mount Plymouth-Sorrento Main Street Future Land Use Category. Comprehensive Plan Policy I-2.1.4 requires that structures present a traditional storefront face and entrance to SR 46. Policy I-2.1.4 also states that "alternative design deviated from the standards stated above may be considered with approval from the Board of County Commissioners if the applicant demonstrates the purposes of this Policy will be or has been achieved by other means, or if strict application of these requirements will create a substantial hardship. Substantial hardship means a demonstrated economic, technological, legal or other type of hardship affecting the development of the property." The applicant submitted a statement of justification in which it is mentioned that "it is economically infeasible" to adhere to Mount Plymouth-Sorrento Design standards, and it is suggested by the applicant to provide a landscape buffer that will visually block the view of the property from SR 46 (Attachment "G").

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

The rezoning request is inconsistent with the land uses permitted by the proposed zoning district and existing FLUC. The parcels surrounding the subject property are developed with office and commercial land uses. The subject property lies within the Mount Plymouth-Sorrento CRA.

The owner seeks to include automotive repair uses on the west portion of the property (AK #1681596) for vehicles associated with their business. Ordinance #3-81 allows Alternate Key Number 1681596 to be utilized for automotive repair uses. However, Ordinance #39-87 and Ordinance #44-87 currently allow parcels identified by Alternate Key Numbers 1734991 and 1754402 to be utilized for Light Industrial (LM) and Heavy Industrial (HM), except for mechanical repair uses, among others.

The rezoning request is consistent with Land Development Regulations (LDR) Section 3.01.03, which allows Automotive Repair within the MP zoning district.

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

The owner wishes to expand the Peninsula Trucking facilities to the adjacent parcel located on the west side to repair the vehicles associated with their business. The rezoning amendment has been requested as the owner desires to change land uses allowed in association with Ordinance #39-87 and Ordinance #44-87, and to include additional land within the MP district.

**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

Well and septic will require permitting through Florida Department of Health. The increase in the loading bay area may require an increase in septic sizing.

Parks and Recreation

No adverse impacts are anticipated on parks.

Public Safety

Lake County Fire Rescue Station #39 is located at 31431 Walton Heath in Sorrento, approximately 1.1 miles from the site. 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.

Solid Waste

The request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of CR 437 is "C" with capacity of 790 trips in the peak direction; Wolf Branch Road to SR 46 is currently operating at a v/c "C" eighty three percent (83%) of its capacity during the peak period. This project will be generating one hundred (100) peak hour trips in which fifty-two (52) trips will affect the peak direction.

A Tier 1 Traffic Impact Analysis will be required with any development application.

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

Should the rezoning be approved, all sensitive resources will be addressed through the development application review and approval process. New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended, for natural resource protection and mitigation. The required environmental assessment (EA) must 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 identifies 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 not disrupt the existing orderly and logical development pattern of the area; the eastern portion of the property is already zoned MP. Landscape buffers are required adjacent to the MP zoned parcels; and the ordinance includes landscaping conditions in accordance with the LDR, as amended. To further mitigate any adverse effects to adjoining parcels, a noise study will be required at the time of development application submittal.

**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 Comprehensive 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.**

This application includes a request to the Board of County Commissioners (BCC) to consider a waiver to LDR Section 9.10.03, Mount Plymouth-Sorrento Community Redevelopment Area Commercial Design Standards.

On December 7, 2021, the proposed rezoning request and concept plan was presented to the CRA Advisory Committee for review (Attachment "F"). The CRA Advisory Committee stated that access to the proposed MP parcel could be located on CR 437, and the proposed buildings could be in the rear of the lot. However, the architectural design for the proposed building must be in accordance with LDR Section 9.10.03, Mount Plymouth-Sorrento Community Redevelopment Area Commercial Design Standards.

On January 25, 2022, a vacation petition was submitted by the applicant to the Department of Public Works. Subsequently, the Applicant amended his application to request that "no Certificate of Completion or Certificate of Occupancy shall be issued to Peninsula Trucking until the Lake County BCC has made a final decision on Peninsula Trucking's ROW Vacation Application."

Approval of the rezoning request should be contingent upon BCC approval of the requested waiver. The vacation petition should also be approved prior to site plan approval.

**K. Findings of Fact:** Staff has reviewed the application for the rezoning application requested and found:

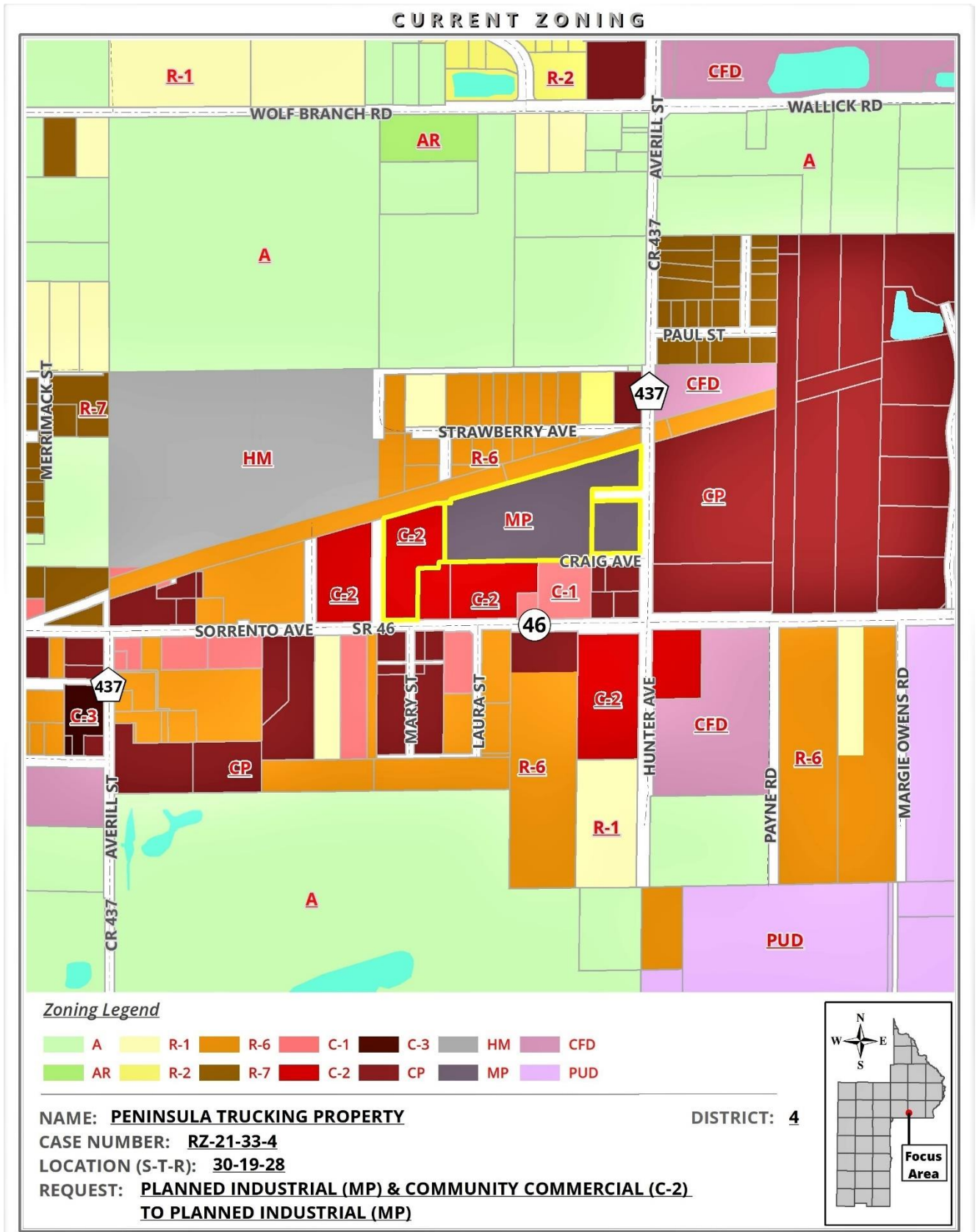
1. The subject parcel is considered existing nonconforming as the use for a trucking facility was adopted prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011).
2. The proposed building is consistent with Comprehensive Plan Policy I-3.2.6 Mount Plymouth-Sorrento Main Street Future Land Use Category which states that light industrial uses require a conditional use permit; provided, however that such uses are limited to those without off-site impacts and that take place within an enclosed building.
3. The rezoning request is inconsistent with Comprehensive Plan Policy I-3.2.6 Mount Plymouth-Sorrento Main Street Future Land Use Category. The rezoning to the MP district satisfies the requirement for a land use regulatory instrument, in lieu of a conditional use permit but the overall truck yard use of the property cannot comply with the enclosed building requirement.
4. The proposed amendment is inconsistent with Comprehensive Plan Policy I-2.1.4 Design Standards for the Mount Plymouth-Sorrento Main Street Future Land Use Category which requires that structures present a traditional storefront face and entrance to SR 46. However, Policy I-2.1.4 also states that "alternative design deviated from the standards stated above may be considered with approval from the Board of County Commissioners if the applicant demonstrates the purposes of this Policy will be or has been achieved by other means, or if strict application of these requirements will create a substantial hardship. Substantial hardship means a demonstrated economic, technological, legal or other type of hardship affecting the development of the property."
5. The rezoning request is consistent with Policy I-2.1.9 Preservation of Tree Canopy which states that where mature native trees exist, land use and design requirements shall minimize the impact to the existing trees and tree canopy. Additionally, Policy I-2.1.9 promotes the use of trees along roadways and within all new development.
6. The proposed request is consistent with LDR Section 3.01.02 and LDR Section 3.01.03, which allows automotive repair and trucking facilities within the MP zoning district.
7. The concept plan is inconsistent with LDR Section 9.10.03. which states that expansions that exceed thirty-five percent (35%) of the square footage of the existing structures must adhere to the Mouth Plymouth-Sorrento

Commercial Design Standards.

8. The proposed request is inconsistent with LDR Section 1.08.02 Continuation of Nonconforming Development which states that minor expansions to uses or structures nonconforming to the Comprehensive Plan may be made to meet regulatory requirements so long as the expansion does not exceed ten (10) percent of the nonconforming use or structure. The ten (10) percent shall be based on the use or structure as it existed on September 22, 2011.
9. The application is inconsistent with LDR Section 1.08.03. Nonconforming Uses which states that uses previously existing, prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) are allowed, unless there is an expansion, change, enlargement or alteration of a use, which increases its nonconformity in any way.



# Attachment "B"- Zoning District





# Attachment "C"- Ordinance #3-81 (Page 1 of 2)

## ORDINANCE #3-81

WHEREAS, the Lake County Planning and Zoning Commission did, on the 28th day of January, 1981, review certain applications for changes and revisions of the zoning of certain areas in Lake County, Florida, and after giving Notice of Hearings on applications for changes of Zoning Classification (including a notice that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 10th day of February, 1981), and

WHEREAS, the Lake County Planning and Zoning Commission did make recommendations on the changes as requested in the particular applications hereinafter setforth subject to the approval of the Board of County Commissioners, Lake County, Florida, and

WHEREAS, the Board of County Commissioners reviewed said applications, the recommendations of the Lake County Planning and Zoning Commission and any comments, favorable or unfavorable from the surrounding owners, at a Public Hearing duly advertised.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the zoning rules and regulations of Lake County be altered and amended as they pertain to the following described tracts of land in Lake County, Florida, to the classifications designated after each description and the zoning be altered and changed as follows:

FILED  
 FEB 24 8 56 AM '81  
 COUNTY CLERK AND ALSO  
 CLERK OF DISTRICT COURT  
 LAKE COUNTY  
 FLORIDA

### PUBLIC HEARING #11-81-4

**LEGAL DESCRIPTION:** Block 5 and Block 12 in Craig's Addition, as per Plat Book T, page 59, Public Records of Lake County, Florida; Section 30, Township 19 S, Range 28 E.

**CHANGE IN ZONING CLASSIFICATION:** Rezoning from R-1-7 (Urban Residential) to C-2 (Community Commercial). (3.2 acres)

### PUBLIC HEARING #2-81-4

**LEGAL DESCRIPTION:** Parcel 10, Deerwood Farms, an unrecorded plat covering property located in Section 25, Township 19 S, Range 28 E, and further described as follows: From the center section corner of Section 25, Township 19 S, Range 28 E, run N 00 degrees 28 minutes 46 seconds E along the North-South center section line, a distance of 2403.58 ft. to a point on the S'ly R/W line of SR 46; thence S 54 degrees 29 minutes 24 seconds E along said S'ly R/W line, a distance of 61.06 ft. for a P.O.B.; thence continue S 54 degrees 29 minutes 24 seconds E a distance of 545.08 ft.; thence S 00 degrees 28 minutes 46 seconds W, parallel with said North-South center section line, a distance of 520.71 ft.; thence S 89 degrees 54 minutes 46 seconds W, parallel with the East-West center section line of said Section 25, a distance of 446.36 ft.; thence N 00 degrees 28 minutes 46 seconds E, parallel with said North-South center section line, a distance of 838.01 ft. to the P.O.B.

# Attachment "C" - Ordinance #3-81 (Page 2 of 2)

ORDINANCE #3-81

Page Two

CHANGE IN ZONING CLASSIFICATION: Rezoning from A (Agricultural) to AR (Agricultural-Residential). (6.96 acres)

PUBLIC HEARING #7-81-1

LEGAL DESCRIPTION: The N 185 ft. of the W 265 ft. of the E 430 ft. of the NE¼ of the SE¼ of the NW¼; Section 8, Township 19 S, Range 24 E.

CHANGE IN ZONING CLASSIFICATION: Rezoning from A (Agricultural) to RR (Rural Residential). (1.18 acres)

PUBLIC HEARING #10-81-2

LEGAL DESCRIPTION: The NW¼ of the NE¼ of Section 29, Township 19 S, Range 24 E, Lake County, Florida, lying S of SR 44, LESS the E 276.00 ft., ALSO LESS the following: Beginning at the intersection of the S'ly R/W of Hwy. 44 and the W line of the NW¼ of the NE¼ of said Section 29, run S 67 degrees 40 minutes 48 seconds E along said S'ly R/W 393.94 ft. to a concrete monument marking the P.C. of a curve concave to the N and having a radius of 3869.83 ft.; run thence E'ly along said curve a distance of 38.28 ft. to a concrete monument; thence S 12 degrees 28 minutes 42 seconds W 315.24 ft. to a concrete monument; thence N 67 degrees 34 minutes 55 seconds W to the W line of aforesaid NW¼ of the NE¼; thence N'ly along said W line to the P.O.B. ALSO, the SW¼ of the NE¼ of Section 29, Township 19 S, Range 24 E, Lake County, Florida, LESS the N 324.94 ft. of the E 276.0 ft., ALSO LESS the following: Beginning at the SE corner of said SW¼ of the NE¼ run 0 degrees 19 minutes 03 seconds E along the E line of said SW¼ of the NE¼ a distance of 445.44 ft. to the centerline of a 40 foot Drainage Easement; thence S 51 degrees 26 minutes 37 seconds W along said centerline of said Easement to the S line of aforesaid SW¼ of the NE¼; thence E'ly along said S line to the P.O.B.

CHANGE IN ZONING CLASSIFICATION: Rezoning from LM (Light Manufacturing, Warehousing, Research or Professional) and R-1-7 (Urban Residential) to M-1 (Heavy Industrial). (43 ± acres)

DONE AND RESOLVED by the Board of County Commissioners on February 10, 1981,

A.D.

STATE OF FLORIDA )

  
GLENN C. BURHANS, "CHAIRMAN"  
Board of County Commissioners

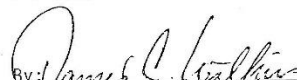
COUNTY OF LAKE )

I HEREBY CERTIFY that the foregoing instrument is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on February 10, 1981, as the same appears on record in County Commissioners Minute Book \_\_\_\_\_ page \_\_\_\_\_.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 1981.

James C. Watkins

Clerk of the Circuit Court  
Ex-Official Clerk of the Board of  
County Commissioners, Lake County,  
Florida.

By:   
CLERK

# Attachment "D"- Ordinance #39-87 (Page 1 of 5)

## Ordinance #39-87

Aug 13 9 48 PM '87  
 FILED  
 BOARD OF COUNTY COMMISSIONERS  
 JAMES W. WALTON, CLERK  
 LAKE COUNTY, FLORIDA

WHEREAS, the Lake County Planning and Zoning Commission did, on the 24th day of June, 1987, review petition #80-87-4, a request to approve the preliminary site plan to MP (Planned Industrial) zoning district for offices and light manufacturing uses on property generally located in the Sorrento area: Property lying on the W side of C-437 approximately 300 ft. N of SR 46. The property is more particularly described as:

LEGAL DESCRIPTION: Lots 2 through 15, Blk. 9, Craig's Addition to Sorrento, Sec. 30, Twp. 19S, Rge. 28E.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 14th day of July, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

## Attachment "D"- Ordinance #39-87 (Page 2 of 5)

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: The MP (Planned Industrial) facility shall mean and include the total of the following:
  1. All LM (Light Manufacturing) and M-1 (Heavy Industrial) uses are permitted with the following exceptions:
    - a. Veterinary hospitals and clinics and kennels as described by Section 611.11 (c) of the Lake County Zoning Ordinance.
    - b. Retail food and beverage sales establishments such as restaurant, Taverns, bars and lounges.
    - c. Sale, retail and mechanical repair of new and used vehicles as described by Section 610.11 (p) of the Lake County Zoning Ordinance.
    - d. Automobile graveyard and junkyard, as listed in Section 611.13 of the Lake County Zoning Ordinance.
  2. The applicant must have a final site plan approved by the Lake County Site Plan Advisory Committee. The site plan must conform to all County codes and ordinances.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
  - A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

## Attachment "D"- Ordinance #39-87 (Page 3 of 5)

- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Development Coordination upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

## Attachment "D"- Ordinance #39-87 (Page 4 of 5)

E. The transfer of ownership or lease of any or all of the property described in Ordinance #39-87 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the MP (Planned Industrial) established by Ordinance #39-87, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

## Attachment "D"- Ordinance #39-87 (Page 5 of 5)

ORD#39-87

DONE AND RESOLVED by the Lake County Board of County Commissioners on  
the 14th day of July, 1987, A.D.

STATE OF FLORIDA )

:

COUNTY OF LAKE )

  
THOMAS J. WINDRAM, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an  
Ordinance adopted by the Board of County Commissioners in regular  
session on July 14, 1987 as the same appears on record of  
County Commissioners Minute Book 35 Page 415.

JAMES C. WATKINS  
Clerk of the Circuit Court  
and Ex-Official Clerk of the  
Board of County Commissioners  
Lake County, Florida

BY:   
CLERK

# Attachment "E"- Ordinance #44-87 (Page 1 of 6)

## Ordinance #44-87

WHEREAS, the Lake County Planning and Zoning Commission did, on the 29th day of July, 1987, review petition #90-87-5, a request to approve the preliminary site plan to MP (Planned Industrial) zoning district on property generally located in the Sorrento area: Property N of SR 46 on W side of C-437. The property is more particularly described as:

FILED  
 JUL 30 1987  
 CLERK OF COUNTY COMMISSIONERS  
 LAKE COUNTY, FLORIDA

LEGAL DESCRIPTION: Parcel 1: Begin at the SW corner of Blk. 11, CRAIG'S ADDITION TO SORRENTO, FLORIDA, according to the plat thereof as recorded in Plat Bk. 1, pg. 59, Public Records of Lake County, Florida, for a P.O.B.; thence run N'y along the W line of said Blk. 11 and a N'y extension of said W line to a point on the S r/w line of the Seaboard Coastline Railroad; thence run NE'y along said S r/w line of the Seaboard Coastline Railroad to a point on the E line of Blk. 24; thence run S'y along the E line of Blk. 24 to the SE corner of Blk. 24; thence run W'y along the S line of Blk. 24 to the SE corner of Lot 1, Blk. 24; thence run S'y along a S'y extension of the E line of Lot 1, Blk. 24 to the NE corner of Lot 16, Blk. 9; thence run S'y along the E lines of Lots 16 and 1, Blk. 9, to the SE corner of Lot 1, Blk. 9; thence run S'y along a S'y extension of the E line of Lot 1, Blk. 9 to a point in the center of Craig Ave.; thence run W'y along the c/l of Craig Ave. to a point on a S'y extension of the E line of Lot 3, Blk. 10; thence run N'y along said S'y extension of the E line of Lot 3, Blk. 10 to the SE corner of Lot 3, Blk. 10; thence run W'y along the S line of Blk. 10 to the SW corner of Blk. 10; thence run W'y along a W'y extension of the S line of Blk. 10 to the SE corner of Blk. 11; thence run W'y along the S line of Blk. 11 to the P.O.B.; all being in CRAIG'S ADDITION TO SORRENTO, FLORIDA as recorded in Plat Bk. 1, pg. 59, Public Records of Lake County, Florida. Parcel 2: Lots 2, thru 15, inclusive, Blk. 9, CRAIG'S ADDITION TO SORRENTO, A subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Bk. 1, pg. 59, Public Records of Lake County, Florida, in Sec. 30, Twp. 19S, Rge. 28E, and, any property abutting the N and S boundaries of the above described property that may have been abandoned by the Board of County Commissioner, Lake County, Florida, if any.



## Attachment "E"- Ordinance #44-87 (Page 2 of 6)

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 11th day of August, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

## Attachment "E"- Ordinance #44-87 (Page 3 of 6)

- f. ~~Terms:~~ The MP (Planned Industrial) facility shall mean and include the total of the following:
1. All LM (Light Manufacturing) and M-1 (Heavy Industrial) uses are permitted with the following exceptions:
    - a. Veterinary hospitals and clinics and kennels as described by Section 611.11 (c) of the Lake County Zoning Ordinance.
    - b. Retail food and beverage sales establishments such as restaurant, Taverns, bars and lounges.
    - c. Sale, retail mechanical repair of new and uses vehicles as described by 610.11 (p) of the Lake County Zoning Ordinance.
    - d. Automobile graveyard and junkyard, as listed in Section 611.13 of the Lake County Zoning Ordinance.
  2. Conditions as altered and amended which pertain to the above tract of land shall mean:
    - A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.

## Attachment "E" - Ordinance #44-87 (Page 4 of 6)

- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Development Coordination upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

## Attachment "E"- Ordinance #44-87 (Page 5 of 6)

E. The transfer of ownership or lease of any or all of the property described in Ordinance #44-87 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the MP (Planned Industrial) established by Ordinance #44-87, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

## Attachment "E"- Ordinance #44-87 (Page 6 of 6)

DONE AND RESOLVED by the Lake County Board of County Commissioners on  
the 11th day of August, 1987, A.D.

STATE OF FLORIDA )


:

COUNTY OF LAKE )

  
THOMAS WINDRAM, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an  
Ordinance adopted by the Board of County Commissioners in regular  
session on August 11, 1987 as the same appears on record of  
County Commissioners Minute Book 35 Page 456.

JAMES C. WATKINS  
Clerk of the Circuit Court  
and Ex-Official Clerk of the  
Board of County Commissioners  
Lake County, Florida

BY:   
CLERK



## Attachment "G"- Waiver Request (Page 1 of 3)

**Timothy P. Hoban, P.A.**  
**Attorney at Law**  
**2752 Dora Ave.**  
**Tavares, FL 32778**  
**Phone (352) 343-1444**  
**Fax (352) 343-2118**  
**e-mail Tim@AppleTitleLTD.com**

**12/9/21 - REVISED**

Re: Rezoning of Peninula Trucking Facility – ALT Keys 1754402, 1681596 & 1734991

The existing buildings in ALT Key 1754402 were built in 1978 prior to the adoption of the Lake County Comprehensive Plan and Zoning Ordinance 44-87. It is economically infeasible, repeat, economically infeasible to retrofit the existing buildings to adhere to LDR 9.10.03 (Mt. Plymouth-Sorrento Community Redevelopment Area Commercial Design Standards).

Policy I-2.1.4 (Design Standards for Mt. Plymouth-Sorrento Main Street) (First Part - Design Standards) and LDR 9.10.03 (Commercial Design Standards) both directly conflict with Policy I-2.1.9 (Preservation of Tree Canopy) and LDR 9.09 Noise Protection Standards.

If Policy I-2.1.4 (First Part - Design Standards) and LDR 9.10.03 are adhered to, then the consequences will be as follows:

1. A DOT curb cut will be obtained which will reduce the level of service on SR 46.
2. Truck traffic will be added to SR 46 that does not need to be added to SR 46.
3. An entrance and new parking lot will be seen from SR 46.
4. The Truck Repair Building must be moved closer to SR 46 AND will be seen by the drivers on SR 46.
5. 10-15 specimen oak trees will be destroyed.
6. The side of a Truck Repair Building, even adhering to Design Standards, will NEVER be as pleasing to the eye as a 200+ foot landscape buffer that preserves 10-15 specimen oak trees.
7. SR 46, in the Mt. Plymouth-Sorrento area, will one day look like US 441 in Tavares.

C:\Users\mmoreno\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\16BDJW19\Peninsula Trucking Rezoning 2021.12.09.docx

1 of 3

## Attachment “G”- Waiver Request (Page 2 of 3)

8. Requiring windows on the north, west and south sides of the Truck Repair Building will allow noise to escape the Building.

Immediately to the West of ALT Key 1681596 and North of SR 46, the trees and bushes provide such a tall and thick vegetative screen that people driving on SR 46 cannot see more than 5-10 feet into the property.

These native trees and bushes require NO irrigation and NO fertilizer and produce NO fertilizer runoff.

Policy I-2.1.4 (Second Part - Alternative Design) specifically permits alternative designs that achieve the purposes of Policy I-2.1.4 (First Part - Design Standards) to be approved by the BCC.

Hence, Peninsula Trucking Facility requests that our Concept Plan be:

- Approved pursuant to Policy I-2.1.4 (Second Part - Alternative Design).
- Granted a waiver from the entire LDR 9.10.03 (Commercial Design Standards).
- Be required to have a landscape buffer that will visually block any drivers on SR 46 from seeing our Truck Repair Building.

If Policy I-2.1.9 (Preservation of Tree Canopy) and Policy I-2.1.4 (Second Part - Alternative Design) are adhered to AND the BCC approves our Concept Plan, then the consequences would be as follows:

1. 10-15 specimen oak trees will be saved.
2. No DOT curb cut would be required. Hence, there will be no reduction of the level of service and no additional truck traffic on SR 46.
3. The area noted as “proposed parking” on our Concept Plan (parking lot expansion) will only be able to be seen from the back door of the Dollar General Store immediately to our southeast.
4. By permitting the Truck Repair Building to have a 200+ foot side yard setback from SR 46, then:
  - West - the Building rear will only be seen by squirrels since the native trees and bushes are so tall and thick.
  - North – the North side of the Building (facing the abandoned railroad) will only be seen by squirrels since, again, the native trees and bushes are so tall and thick.

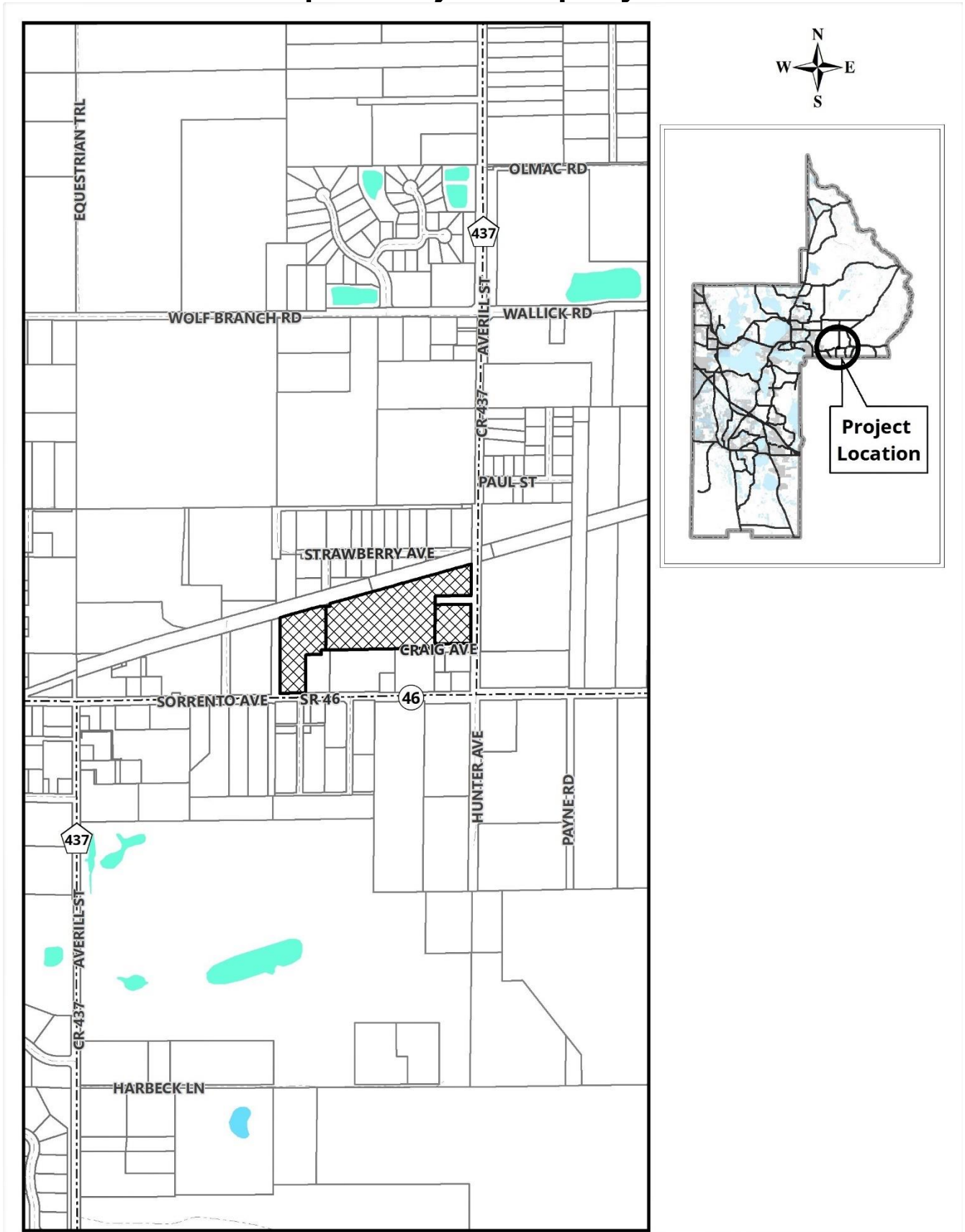


## Attachment “G”- Waiver Request (Page 3 of 3)

- East – the garage bays will only be seen by our employees who are inside the fenced and gated Peninsula Trucking Facility.
  - South - the South side of the Building (facing SR 46) will have a landscaped 200+ foot buffer that will visually block any drivers on SR 46 from seeing our Truck Repair Building.
5. The location of the Truck Repair Building over 200 feet from SR 46 will ensure that no persons (except our employees) will be able to see our Building. This is the reason that we are requesting a waiver from the entire LDR 9.10.03 (Commercial Design Standards).
  6. No windows on the west, north and south sides of the Building will lessen/eliminate noise going west, north and south. The noise will only be heard by the employees who are inside the fenced and gated Peninsula Trucking Facility. (Fans may be necessary on the west, north and south sides of the Building for the health of our employees.)

Imagine U.S. 441 in Tavares with 174 feet of dense trees and bushes and NOT having every square inch with asphalt and buildings.

# Map of Subject Property



ORDINANCE #2022-\_\_\_\_\_  
PENINSULA TRUCKING FACILITY  
RZ-21-33-4

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

**WHEREAS**, Tim Hoban, (the “Applicant”) submitted an application on behalf of Duane H. Gossett, Joyce Gossett, and Deep Blue Land LLC (the “Owners”) to amend Community Commercial District (C-2) Ordinance #81-3 and amend Planned Industrial (MP) Ordinances #39-87 and #44-87, from MP and C-2 to MP to establish a new MP ordinance to allow limited light industrial uses. This application also includes a waiver request to LDR 9.10.03 Mount Plymouth-Sorrento Commercial Design Standards; and

**WHEREAS**, the subject property consists of approximately 11.51 +/- acres, located at 31547 County Road 437, in the Sorrento area, in Section 30, Township 18 South, Range 28 East, identified by Alternate Key Numbers 1754402, 1734991, and 1681596 and more particularly as described in Exhibit “A” – Legal Description; and

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

**WHEREAS**, the property will be zoned Planned Industrial (MP) in accordance with the Lake County Zoning Regulations; and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-21-33-4 on the 2nd day of March 2022, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 5th day of April 2022; 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.

**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 to Planned Industrial (MP) in accordance with this Ordinance. All uses specified must be generally consistent with the Conceptual Plan as shown in Exhibit “B” of this Ordinance. To the extent there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance will take precedence. Ordinance #3-81, Ordinance #39-87, and Ordinance #44-87 and all previously approved ordinances will be superseded and replaced upon

1 the adoption of this new ordinance.

2 **A. Waivers.** A waiver is hereby granted so that the development authorized herein shall  
3 not be required to adhere to the Mount Plymouth-Sorrento Commercial Design  
4 Standards LDR 9.10.03.

5 **B. Land Uses.**

6 1. Limited Planned Industrial (MP) uses, except for:

7 a. Veterinary hospitals and clinics and kennels.

8 b. Retail food and beverage sales establishments such as restaurants,  
9 taverns, bars and lounges.

10 c. Automobile graveyard and junkyard.

11 d. Mining and Quarrying

12 2. Accessory Uses directly associated with the above uses may be approved by  
13 the County Manager or designee. Any other use of the site not specified above  
14 shall require approval of an amendment to this Ordinance by the Board of  
15 County Commissioners.

16 **C. Building Setbacks.** Building Setbacks shall be in accordance with the LDR, as  
17 amended.

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

21 **E. Landscaping, Buffering, and Screening.**

22 a. A 200-foot-wide landscape buffer along Sorrento Avenue shall be provided.  
23 The existing native vegetation shall be utilized as much as possible.

24 b. All other landscaping, buffering, and screening shall be in accordance with  
25 the Comprehensive Plan and LDR, as amended.

26 **F. Environmental Requirements.**

27 1. An environmental assessment dated within six (6) months of the development  
28 application submittal date will be required to demonstrate the presence of  
29 vegetation, soils, threatened and endangered species that may exist on the site.  
30 Any State permitting or mitigation will be required before development can  
31 commence compliance in accordance with the Comprehensive Plan and LDR, as  
32 amended.

33 2. Open space shall be in accordance with Comprehensive Plan, as amended.

34 **G. Noise.** Compliance must be in accordance with the LDR, as amended.

35 **H. Transportation.**

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

1                   2. Tier 1 Traffic Impact Analysis will be required with any development application  
2                   submittal.

3                   **I. Parking Requirements.** Parking shall be provided in accordance with the LDR, as  
4                   amended.

5                   **J. Stormwater Management.**

6                   1. The stormwater management system shall be designed in accordance with all  
7                   applicable Lake County and St. Johns River Water Management District  
8                   (SJRWMD) requirements, as amended.

9                   2. The Owner shall be responsible for any conducting any flood studies required for  
10                  developing the site and shall comply with applicable FEMA regulations, the  
11                  Comprehensive Plan and the Land Development Regulations, as amended. Any  
12                  development within the floodplain as identified on the FEMA maps will required  
13                  compensating storage

14                  **K. Signage.** All signage shall be accordance with the Comprehensive Plan and LDR,  
15                  as amended.

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

18                  **M. Fire Protection.** Fire Protection shall be in accordance with all applicable federal,  
19                  state, and local codes and/or regulations, as amended.

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

22                  **O. Concurrency Management Requirements.** Any development shall comply with the  
23                  Lake County Concurrency Management System, as amended.

24                  **P. Bear Management.**

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

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

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

32                  **Section 2. Conditions.**

33                  A. After establishment of the facilities as provided herein, the property shall only be used  
34                  for the purposes named in this ordinance. Any other proposed use must be  
35                  specifically authorized by the Board of County Commissioners.

36                  B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,  
37                  improve, move, convert, or demolish any building structure, or alter the land in any  
38                  manner within the boundaries of the above-described land without first obtaining the

1 necessary approvals, including site plan approval, in accordance with the Lake  
2 County Code, as amended, and obtaining the permits required from the other  
3 appropriate governmental agencies.

4 C. This Ordinance will inure to the benefit of and will constitute a covenant running with  
5 the land and the terms, conditions, and provisions of this Ordinance, and will be  
6 binding upon the present Owner and any successor, and will be subject to each  
7 condition in this Ordinance.

8 D. Construction and operation of the proposed use shall always comply with the  
9 regulations of this and other governmental permitting agencies.

10 E. The transfer of ownership or lease of any or all the property described in this  
11 Ordinance must include in the transfer or lease agreement, a provision that the  
12 purchaser or lessee is made aware of the conditions established by this Ordinance  
13 and agrees to be bound by these conditions. The purchaser or lessee may request a  
14 change from the existing plans and conditions by following procedures contained in  
15 the LDR, as amended.

16 F. The Lake County Code Enforcement Special Master will have authority to enforce  
17 the terms and conditions set forth in this ordinance and to recommend that the  
18 ordinance be revoked.

19 **Section 3. Development Review and Approval.** Prior to the issuance of permits, the Owner shall  
20 be required to submit a development application for any future expansion generally  
21 consistent with Exhibit "B" - Conceptual Plan, attached, for review and approval in  
22 accordance with the Comprehensive Plan and LDR, as amended.

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

26 **Section 5. Filing with the Department of State.** The clerk is hereby directed forthwith to send a  
27 copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
28 with Section 125.66, Florida Statutes.

1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**  
2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
3  
4 **FILED** with the Secretary of State \_\_\_\_\_, 2022.  
5  
6 **EFFECTIVE** \_\_\_\_\_, 2022.

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

10  
11  
12 \_\_\_\_\_  
13 **SEAN M. PARKS, CHAIRMAN**

14  
15  
16  
17 **ATTEST:**

18  
19  
20 \_\_\_\_\_  
21 **GARY COONEY, CLERK OF THE**  
22 **BOARD OF COUNTY COMMISSIONERS**  
23 **LAKE COUNTY, FLORIDA**

24  
25  
26  
27 **APPROVED AS TO FORM AND LEGALITY:**

28  
29  
30 \_\_\_\_\_  
31 **MELANIE MARSH, COUNTY ATTORNEY**

1

**EXHIBIT "A" – LEGAL DESCRIPTION**

2

SORRENTO, CRAIG'S ADD BEG SW COR OF BLK 11, RUN N TO RR R/W NE'LY ALONG R/W TO NE'LY COR LOT 9, BLK 24, S TO SE COR OF BLK 24, W TO SE COR LOT 1, BLK 24 S TO CENTER OF CRAIG AVE, W'LY ALONG SAID CENTERLINE OF CRAIG AVE TO A POINT ON A S'LY EXTENTION OF W LINE OF LOT 1 BLK 11, N TO POB, E 1/2 OF VACATED SIXTH ST LYING W OF BLK 11 & S'LY EXTENTION TO CENTERLINE OF CRAIG AVE PB 1 PG 59 ORB 1333 PG 1777 ORB 3798 PG 2166 ORB 4050 PG 822

8

AND

9

SORRENTO, CRAIG'S ADD LOTS 2 TO 15 INCL BLK 9 PB 1 PG 59 ORB 1333 PG 1777 ORB 3798 PG 2166 ORB 4050 PG 822

10

11

AND

12

SORRENTO, CRAIG'S ADD BLK 5--LESS LTS 6 THRU 11 INCL--BLK 12 & W 1/2 OF VACATED SIXTH ST LYING E OF BLK 12 LYING S'LY EXTENSION TO CENTERLINE OF CRAIG AVE & VACATED CRAIG AVE LYING BETWEEN BLOCKS 5 & 12--LESS S 7 FT FOR RD R/W-- PB 1 PG 59 ORB 5321 PG 2204

13

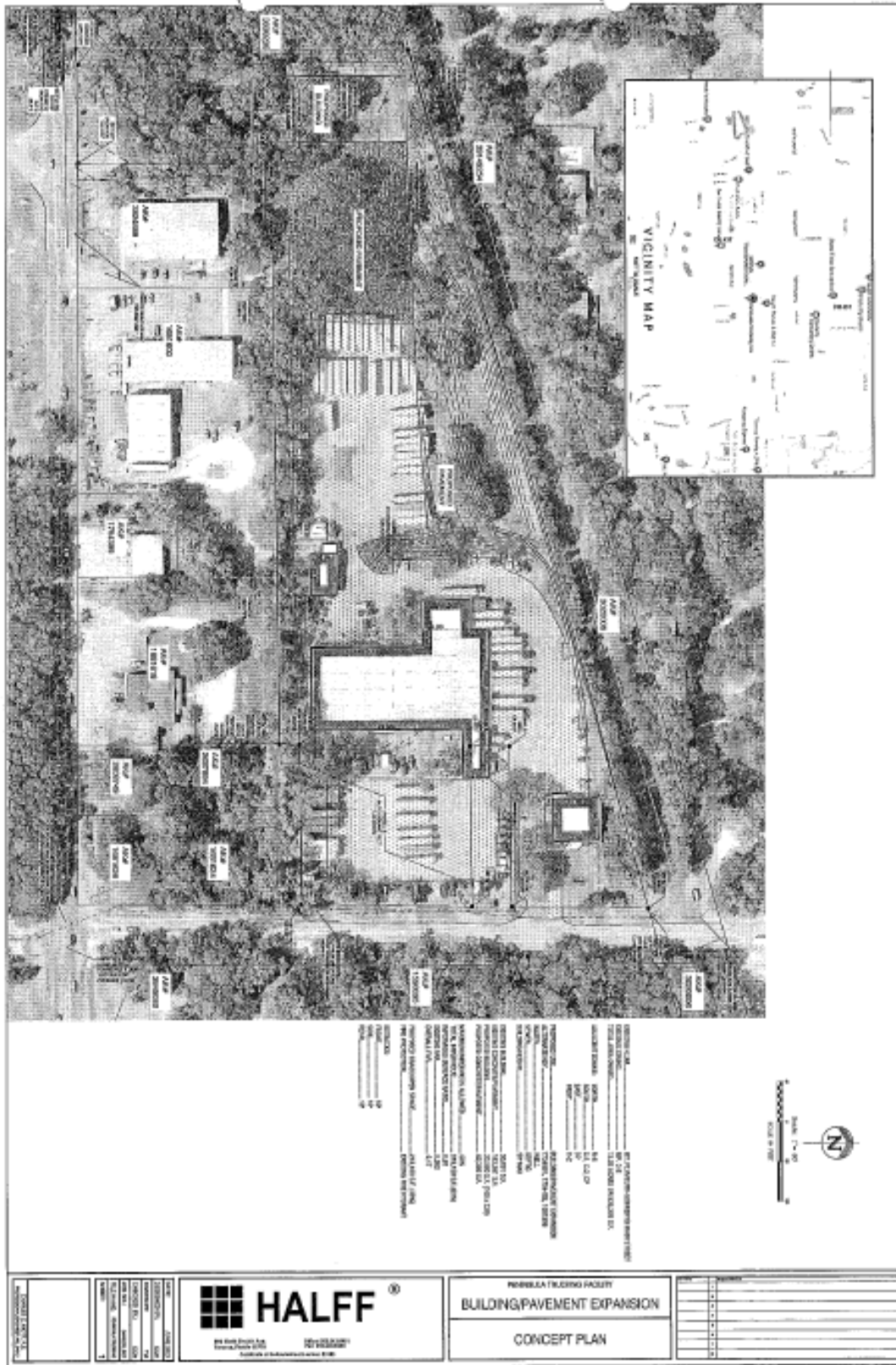
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1

**EXHIBIT "B" – CONCEPTUAL PLAN**



2