

# **TOWN COMMISSION MEETING AGENDA ITEM**

## **TOWN OF LADY LAKE, FLORIDA**

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### **AGENDA ITEM TITLE**

Ordinance 2018-48 (First Reading) — An Ordinance of the Town of Lady Lake, Florida, Granting a Special Exception Use on Certain Property Being Approximately 1.405 Acres located at the Northwest Corner of the Intersection of Hwy 466 and Rolling Acres Road, Requesting to Incorporate the Convenience Store with Fuel Operations Land Use within the Heavy Commercial (HC) Zoning District Classification (Alternate Key 1770611).

### **AGENDA ITEM ID**

20180335

### **DEPARTMENT**

Growth Management

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### **STAFF RECOMMENDED MOTIONS**

Staff recommends approval of Ordinance 2018-48 - An Ordinance of the Town of Lady Lake, Florida, Granting a Special Exception Use on Certain Property Being Approximately 1.405 Acres located at the Northwest Corner of the Intersection of Hwy 466 and Rolling Acres Road, Requesting to Incorporate the Convenience Store with Fuel Operations Land Use within the Heavy Commercial (HC) Zoning District Classification (Alternate Key 1770611).

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### **SUMMARY**

Applicant, Creighton Construction Management, has submitted a Special Exception Use (SEU) requesting to incorporate the Convenience Store with Fuel Operations Land Use within the Heavy Commercial (HC) Zoning Classification, use on certain property located at the Northwest Corner of the Intersection of Hwy 466 and Rolling Acres Road.

On October 15, 2018, the applicant submitted a New Major Site Plan application to construct a 3,485 gross square foot (GSF) convenience store with fuel operations and a 980 gross square foot (GSF) Car Wash. The convenience store proposes to include, but is not limited to, the retail sale of fresh prepared sandwiches, breakfasts, and other meals,

coffee and other specialty drinks, groceries, tobacco products, beer and wine, car care products, sundries, pre-packages food items, lottery tickets, surcharge free ATM services, outdoor propane tank storage and sales, and a maximum of eight dispenser islands with a total of 16 fueling positions for regular, plus, premium, ethanol free gasoline, and diesel fuel.

Of the entire approximate 4.07 parcel, the proposed development will only cover the approximate 1.405 acres located at the south end of the parcel while the rest of the parent parcel will remain primarily undeveloped only featuring a shared retention pond area and access drive.

The present zoning of the property is Heavy Commercial (HC), which permits the construction of the convenience store; however, in order to establish the fueling operations on the same premises a Special Exception Use (SEU) is required as per Chapter 5, Section 4, m), 2), l), of the Land Development Regulations. The applicant has stated that their due diligence and market analysis show a need for a service station at this location in that there are no fueling stations along this section of Highway 466 corridor nor along Rolling Acres Road providing retail goods and fair priced gasoline to passing-by customers on their way to a destination.

The subject property lies in Section 18, Township 18 South, Range 24 East, Lady Lake Florida, and is comprised of six separate parcels, which the applicant intends to purchase for the construction of the convenience store with fuel operations. Upon buildout, the facility will occupy the footprint of nearly the entire block, aside from the oil change facility located on the southeast corner.

The Future Land Use and Zoning Classifications of the subject parcel and the adjacent properties are as follows:

**FUTURE LAND USE**

SUBJECT PROPERTY: Commercial General Retail Sales and Services (RET)

**FUTURE LAND USE OF ADJACENT PROPERTIES**

Direction	Future Land Use Designation
North	Other Institutional Facilities (OIF)
East	ROW/Commercial Tourist (CT)
South	ROW/Commercial General Retail Sales and Services (RET)

Direction	Future Land Use Designation
West	Commercial General Retail Sales and Services (RET)

## ZONING

SUBJECT PROPERTY: Heavy Commercial (HC)

### ZONING OF ADJACENT PROPERTIES

Direction	Zoning Designation
North	Public Facilities District (PFD)
East	ROW/Commercial Tourist (CT)
South	ROW/Heavy Commercial (HC)
West	Planned Commercial (CP)

According to the Land Development Regulations, Chapter 6, Section 2, g), 10):

10) Convenience stores with fuel operations. (SEU in LC). A special exception may be granted under the following conditions, including but not limited to:

A) The proposed site shall front on an arterial or collector roadway.

B) When allowed in a LC zone:

1. The proposed site shall be at least one acre in size.
2. Buffer Class "C" shall be provided adjacent to residential uses.

C) When allowed in HC zone:

1. The propose site shall be at least one-half acre in size.
2. Buffer Class "C" shall be provided adjacent to residential uses.
3. Canopies must maintain a 50-foot setback from Highway 27/441.

In addressing the conditions as required under Chapter 6, Section 2, g), 10) C), the proposed property exceeds the minimum size requirement of one-half acre by providing a total area of 1.405 acres for the development. There are no adjacent residential uses; therefore, a Buffer Class “C” is not required.

Comments:

The applicant must still obtain approval for the site plan under separate application prior to the commencement of any construction associated with the convenience store and fueling operations.

Any waivers or variances in association with the project shall be considered at the time the site plan is being considered by the Town Commission.

The applicant has properly addressed the review criteria for the Special Exception Use as outlined in the Land Development Regulations, Chapter 6, Section 2, g), 10), C),

Under the proposed Special Exception Use (SEU) ordinance, in addition to the 3,485 gross square foot (GSF) convenience store with fuel operations, the applicant is specifically proposing also a 980 gross square foot (GSF) Car Wash. The convenience store proposes to include, but is not limited to, the retail sale of fresh prepared sandwiches, breakfasts, and other meals, coffee and other specialty drinks, groceries, tobacco products, beer and wine, car care products, sundries, pre-packages food items, lottery tickets, surcharge free ATM services, outdoor propane tank storage and sales, and a maximum of eight dispenser islands with a total of 16 fueling positions for regular, plus, premium, ethanol free gasoline, and diesel fuel.

The proposed hours of operation are 24 hours a day, seven days a week.

The Special Exception Use (SEU) application was received on Monday, October 15, 2018, and has been reviewed and determined to be complete. The application is ready for consideration by the Town Commission.

Notices to inform the surrounding property owners (12) within 150 feet of the property proposed by the SEU request were mailed Thursday, November 8, 2018. The property was posted on Thursday, November 8, 2018.

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**PAST ACTIONS**

The Technical Review Committee found that Ordinance 2018-48 was ready for transmittal to the Town Commission.

The Planning and Zoning Board does not review Special Exception Use applications.

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**FISCAL IMPACT**

None.

**FUNDING ACCOUNT**

None.

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**PUBLIC HEARING DATES**

The Town Commission is scheduled to consider Ordinance 2018-48 for second and final reading on December 3, 2018.

wat/nvs