

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING & ZONING BOARD
January 2, 2013



BOARD OF COUNTY COMMISSIONERS
January 22, 2013

PH #2-13-5 Hunter Rezoning	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item #2
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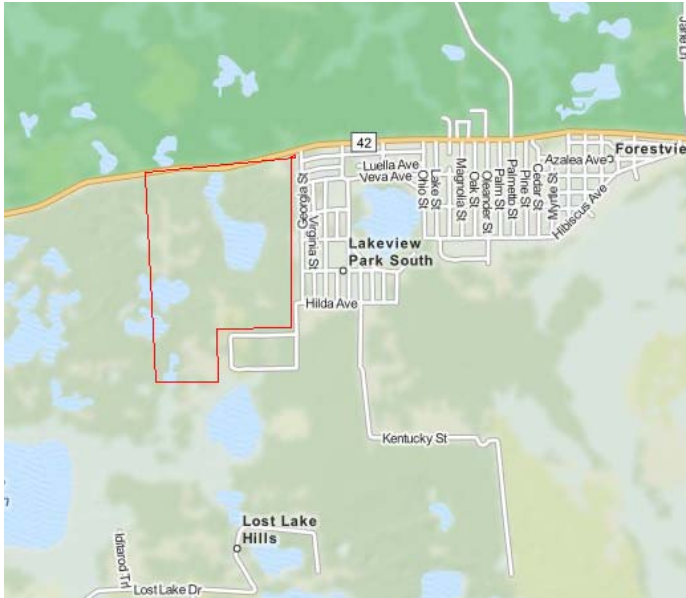
Owner: Fred C. Hunter ("Owner")

Applicant: Martha Hunter Formella ("Applicant")

Requested Action: Rezone property from Agriculture (A) to Ranchette District (RA).

- Site Location & Information -

Approximate site location outlined in **RED**



Site Visit : December 18, 2012

Sign Posted: December 18, 2012 (2 posted)

Size	200 +/- acres	
Location	Paisley area, CR 42, west of Georgia Ave	
Alternate Key #'s	1784417 and 2698446	
Future Land Use	Rural (1 du/ 5 ac)	
	Existing	Proposed
Zoning District	A	RA
Density	1 du/5 ac	1 du/5 ac
Impervious Surface Ratio	0.30 (Policy I-1.4.4)	0.10 max (LDR Section 3.02.06)
Floor Area Ratio	0.10 (LDR Section 3.02.06)	0.10
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Private Well and Septic	
Road Classification	CR 42-major	
Flood Zone/ FIRM Panel	Zone X/Panel 125 07/3/02	
Commissioner District	5 (Cadwell)	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural/ Conservation	Agriculture	Ocala National Forest/large tract residential	
South	Rural	Agriculture	Large tract residential/ Timber	Property to south owned by owner of this application
East	Rural	R-7	Mobile Home Park	
West	Conservation	Agriculture	Seminole State Forest	Owned by DEP

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed rezoning request.

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone property from Agriculture (A) to Ranchette District (RA) in order to obtain a residential zoning district to satisfy a mortgage lender. Agricultural uses allowed in the RA zoning district include non-intensive agriculture, horse-breeding farms and roadside farm stands, general agricultural uses are prohibited. The subject property consists of 200 +/- acres and is located in the Paisley area, along SR 42, west of Georgia Avenue. The property is currently contains one single family residence, one detached garage, and a boat dock.

The RA zoning request is consistent with Comprehensive Plan Policy I-1.4.4 as agricultural and residential uses are allowable in the Rural Future Land Use Category (FLUC). The proposed rezoning is also consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits some agricultural and residential uses in the RA Zoning District.

- Analysis -

(LDR Section 14.03.03 *Standards for Review*)

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

The proposed rezoning is consistent with the Land Development Regulation (LDR) as seen in Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits some agricultural and residential uses in the RA Zoning District. The proposed RA district provides a transitional area between the adjacent residential areas and the more rural areas.

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

The RA zoning request is consistent with Comprehensive Plan Policy I-1.4.4 as agricultural and residential uses are allowable in the Rural Transition Future Land Use Category (FLUC).

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

The subject property is surrounded by low density residential uses and vacant rural lands. Rezoning the property to RA is consistent with the intention of the Rural FLUC and serves as a transition between the adjacent residential areas and the more rural areas. The proposed rezoning is generally consistent with the land use patterns in the area.

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

Although there has been no recent rezonings in the area, the Applicant indicated that the mortgage lender would like the property to have a residential zoning district. The density will not change, however general agriculture uses will no longer be allowed to take place on the property.

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;

No additional demands on public facility capacity or levels of service are anticipated by the proposed rezoning. .

Water/Sewage - There is no central water and sewer available to this property. The existing home is services by a private well and septic system.

Fire and Emergency Services - The subject parcel is approximately 2.0 miles from Lake County Fire Station 13 (closest fire station), located at 25250 County Road 42, Paisley.

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

No information has been submitted to indicate that the proposed rezoning would result in significant adverse impacts on the natural environment. Rezoning the property from A to RA will retain the 1du/5ac density and will no longer allow general agriculture uses, which will likely decrease the threat on the natural environment.

G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;

The application does not contain any evidence that the proposed rezoning would adversely affect property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not be adverse to the orderly and logical development pattern of the area that currently exists.

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 proposed rezoning would be in harmony with the general intent of the Comprehensive Plan and LDR.

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

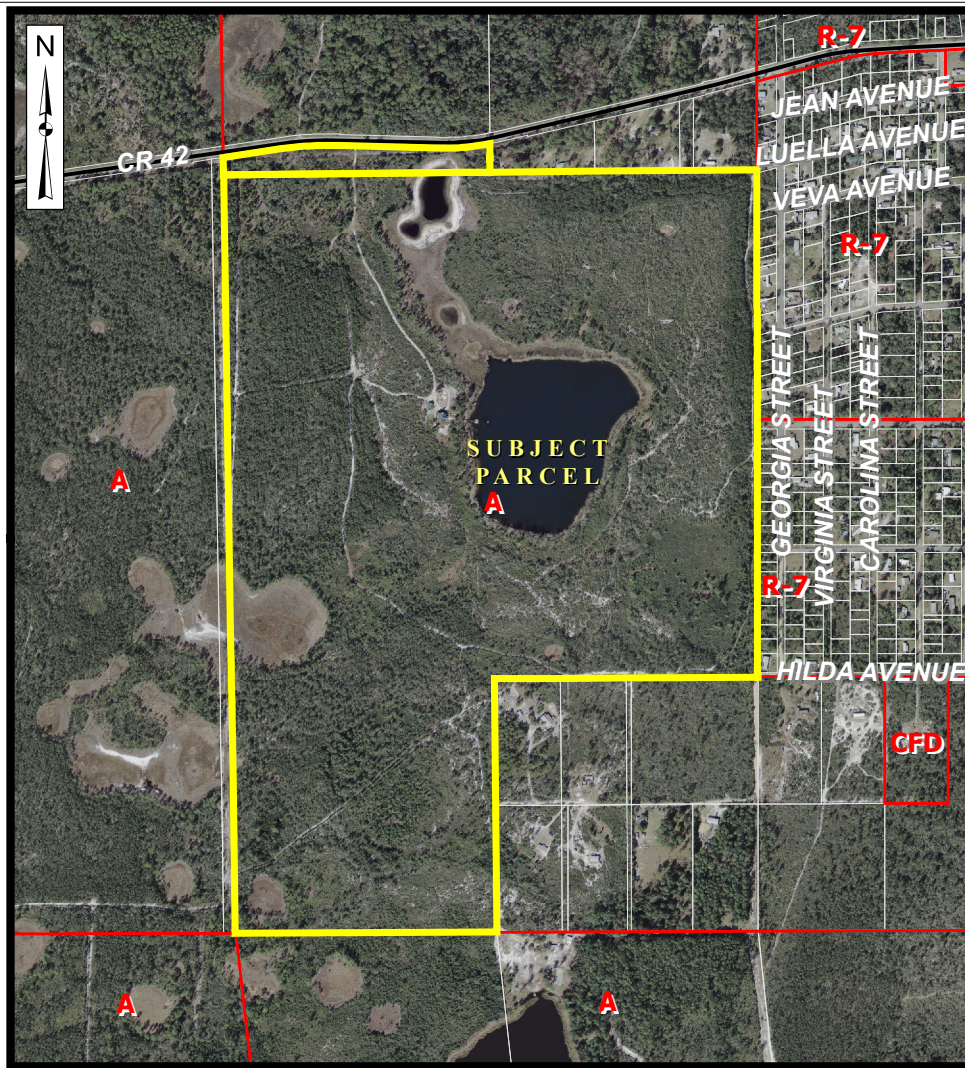
N/A.

FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

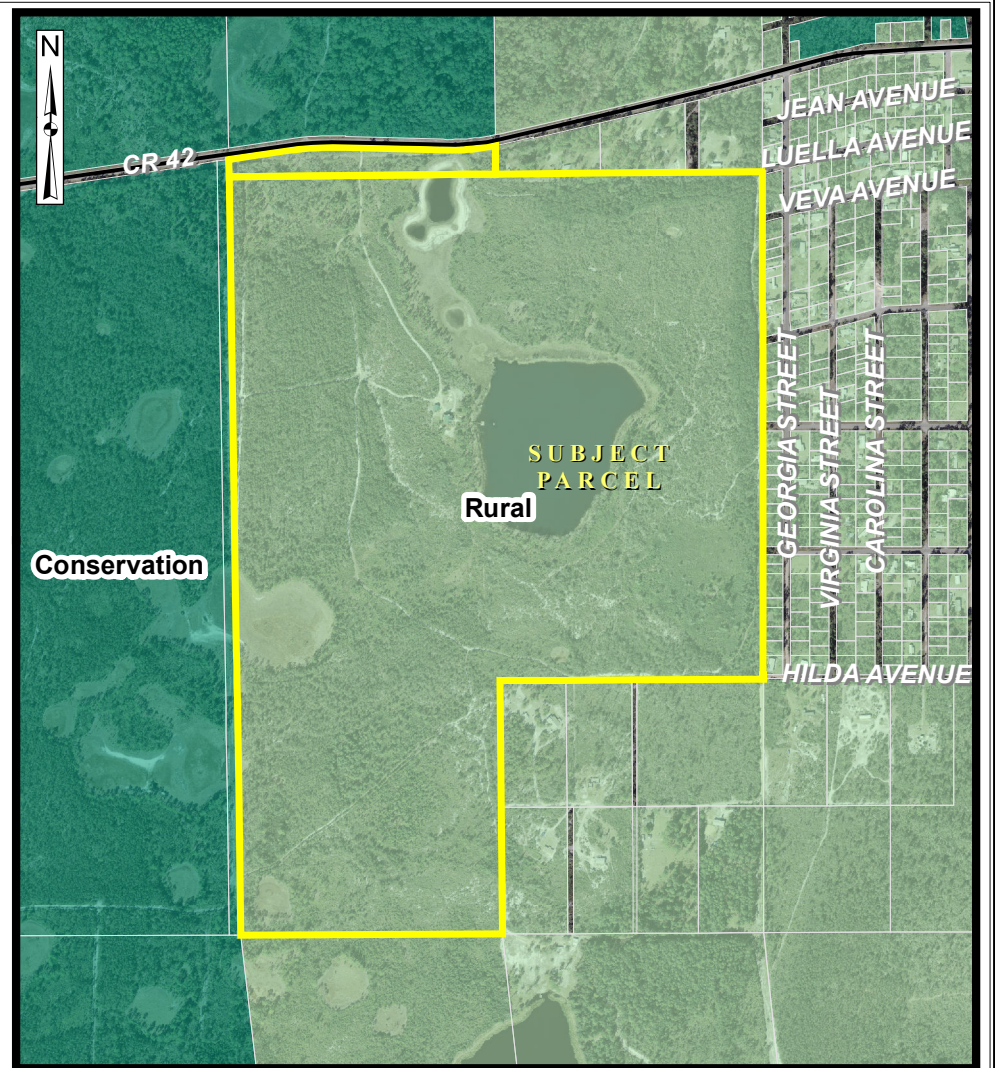
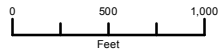
1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.4.4 as agricultural and residential uses are allowable, and the request conforms to the general land use criteria and activities of the Rural Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits some agricultural and residential uses in the RA Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL**.

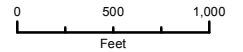
WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-



CURRENT ZONING
AGRICULTURE



2030 FUTURE LAND USE
RURAL



HUNTER REZONING

CASE NO.
PH# 2-13-5
CASE LOCATION:
15-17-28
REQUESTING:
Rezone from A to RA

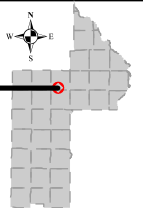
 **ZONING**
 **LAND USE**
 **SUBJECT PARCEL**

DATASOURCES:

Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.
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MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA



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ORDINANCE #2013-XX
Hunter Rezoning
PH #2-13-5

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

WHEREAS, Martha Hunter Formella (the "Applicant") made a request on behalf of Fred C. Hunter (the "Owner") to rezone property from Agriculture (A) to Ranchette District (RA); and

WHEREAS, the subject property consists of 200 +/- acres and is generally located in the Paisley area, south of County Road 42, east of Georgia Avenue, in Section 15, Township 17 South, Range 28 East, lying within Alternate Key Numbers 1784417 and 2698446, and more particularly described below:

LEGAL DESCRIPTION:

The NW ¼ of the NW ¼ lying south of CR 42 in S15, T17S, R28E, Lake County, Florida and;
The SW ¼ of the SW ¼ of N1/2 of the SW ¼ of S15, T17S, R28E, Lake County, Florida, lying south of CR 42, and; That portion of the S ½ of the NW ¼ of S15, T17S, R28E, lying South of CR 42.

WHEREAS, the subject property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition PH #2-13-5 on January 2, 2013, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on January 22, 2013; and

WHEREAS, the Board of County Commissioners reviewed said 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; 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 above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Agriculture to Ranchette District (RA) in accordance with this Ordinance.

Section 2. Development Review and Approval: Prior to the issuance of any permits, the Owner shall be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

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

4 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

5 ENACTED this _____ day of _____, 2013.

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7 FILED with the Secretary of State _____, 2013.

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9 EFFECTIVE _____, 2013.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, Chairman

15 **ATTEST:**

16 _____
17 NEIL KELLY, Clerk of the
18 Board of County Commissioners
19 Lake County, Florida

20 **APPROVED AS TO FORM AND LEGALITY**

21 _____
22 SANFORD A. MINKOFF, County Attorney