

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
 March 7, 2012



BOARD OF COUNTY COMMISSIONERS
 March 27, 2012

PH # 8-12-5 Smith Rezoning	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 3
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Owners and Applicants: Dallas Bryan and Tina Smith (the "Applicant")

Requested Action: Change 40-acre property from Rural Residential (R-1) to Agriculture (A) to conduct general agricultural uses.

Site Location and Information



Size	40+/- acres	
Location	Eustis Area, North of Orlando Hills subdivision, south of Deer Park subdivision S 23, T18S, R27E	
Alternate Key Number	3838862	
Future Land Use	Rural	
Existing Zoning District	Rural Residential (R-1)	
Zoning District	Current	Proposed
Density	1 du/ acre	1 du/5 acres
FAR	.20	.10
ISR	.30	.10
Joint Planning Area	N/A	
Utility Area	N/A	
Site Utilities	Individual well, septic system	
Road District	local	
Flood Zone / FIRM Panel	Zones X and A/Panel 240 7/3/02	
Commissioner's District	District 5-Cadwell	

Site Visit(s): February 14, 2012
 Sign(s) Posted: February 14, 2012

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Vacant residential subdivision	Deer Park Subdivision
South	Rural	Agriculture (A)	Rural Residential subdivision	Orlando Hills Subdivision
East	Rural	Agriculture (A)	Vacant/undeveloped land	wetlands
West	Rural	Agriculture (A)	Rural Residential subdivision	Orlando Hills Subdivision

Summary of Staff Determination

STAFF RECOMMENDATION: Staff recommends **APPROVAL**, based on findings of facts, to rezone the 40-acre property from Rural Residential (R-1) to Agriculture (A).

ZONING BOARD RECOMMENDATION:

Summary of Analysis

The Applicant is requesting to rezone a 40-acre property from Rural Residential (R-1) to Agriculture (A). The future land use is Rural, which allows the Agriculture Zoning District. Changing the zoning of the property to Agriculture will make the property consistent with the Rural Future Land Use Category (FLUC). The vast majority of the parcels in the area have zoning districts inconsistent with the Rural FLUC. The prevailing uses in this area are rural residential and agricultural uses. This rezoning request will reconcile the zoning with the existing Future Land Use Categories.

Analysis

(According to the Lake County Development Regulations, Section 14.03.03, Standards for Review)

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

The Applicant seeks to rezone the property in order to conduct general agriculture activities. General agriculture is permitted in the Agriculture Zoning District and is defined as "Establishments for the keeping, grazing or feeding of livestock and animals; feedlots; croplands; silviculture; apiaries, honey extracting; and buildings which are an accessory use to these agriculture uses". The proposed zoning is allowed in the Rural Future Land Use Category according to Table 3.00.03 of the Land Development Regulations.

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

This property is located within the Rural FLUC. Policy 1-1.4.4 of the Comprehensive Plan allows agriculture and residential uses within the Rural FLUC. Comprehensive Plan Policy I-1.4.1 *Elements of Rural Character* describes development within the Rural FLUC as "Individual parcels that are generally equal to or larger than five (5) acres in size." The proposed rezoning is consistent with the Rural FLUC.

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

The proposed rezoning is consistent with the surrounding land uses within the area. The surrounding area includes a mix of permitted low intensity agriculture uses and large acre residential tracks with non-intensive agriculture uses.

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

The conditions of the area have not changed. However, the zoning districts assigned to the area are not reflective of the uses and/or the assigned Future Land Use Category.

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 significant change in the intensity of use on the property is anticipated.

The site will be served by an on-site individual well and septic system.

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

Although the property contains wetlands, no wetland impacts are anticipated by this rezoning.

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

No information has been submitted to indicate that the proposed rezoning would adversely affect the property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The surrounding development pattern is a mix of agriculture and residential development. The proposed rezoning will not affect the existing development patterns for the area. In fact, the proposed rezoning will make the property consistent with the surrounding uses as well as the current and proposed future land use for this area. This request is a continuation of the agriculture/residential development pattern for the area.

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

The proposed rezoning would be 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.

N/A

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

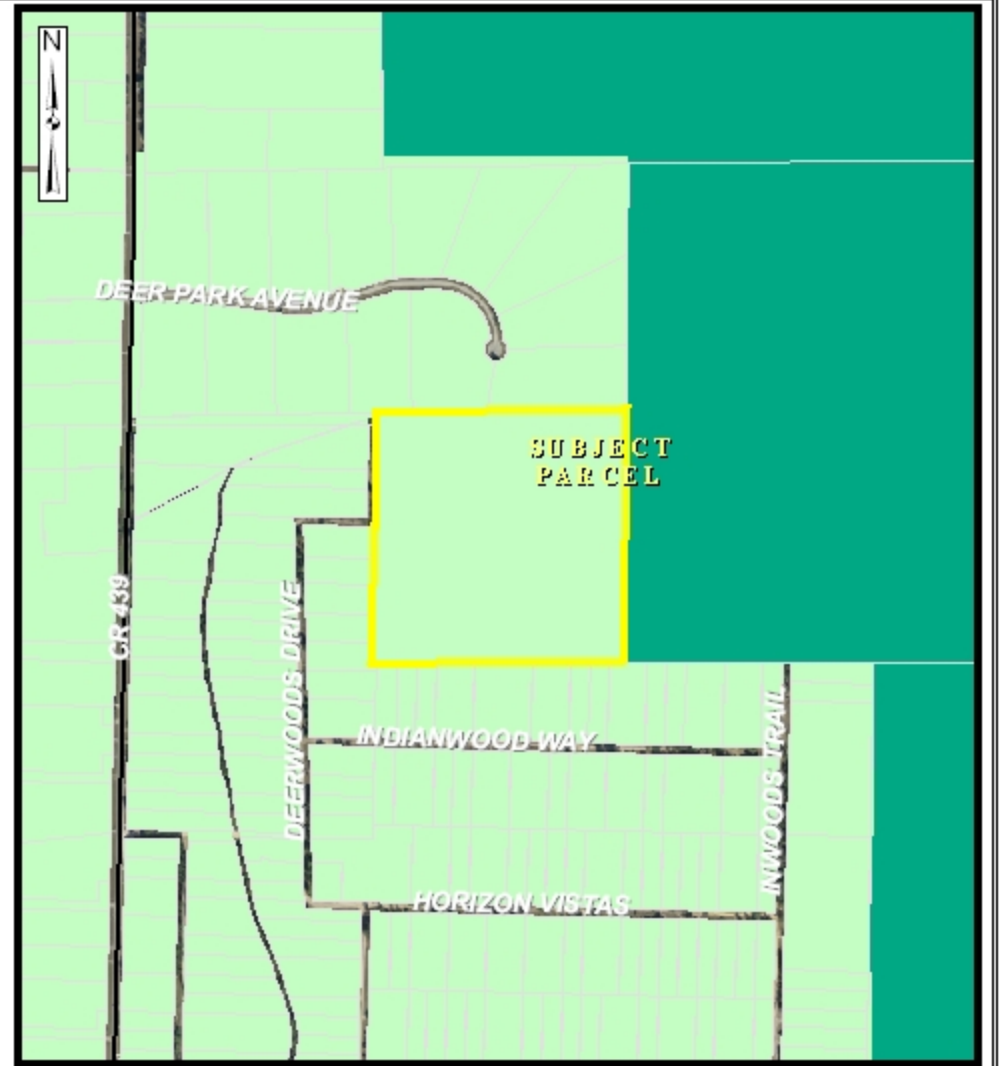
1. The request is consistent with Comprehensive Plan Policy-1.4, which allows agriculture and residential uses in the Rural Future Land Use Category.
2. This request is consistent with LDR Tables 3.00.03 and 3.01.03, which allows agriculture/residential uses in the Agriculture Zoning District.

Based on these findings of fact, Staff recommends **APPROVAL**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-



CURRENT ZONING
RURAL RESIDENTIAL (R-1)



ADOPTED FUTURE LAND USE
RURAL



SMITH REZONING

CASE NO.
 PH# 8-12-5
CASE LOCATION:
 23-18-27

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

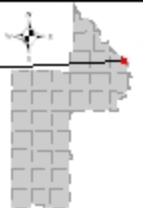
rezone from R-1 to Agriculture (A)

DISCLAIMER:

Lake County GIS Department, December, 2006 Aerial Image, Data Completion and Map production compliments of the Growth Management Department, Planning and Community Design.
 The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. It is intended to be accurate as to labeling, dimensions, contours, property boundaries, or placement or location of any map feature. Neither the Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by the user of this map.

MAP COMPOSITION:
 JANUARY, 2008

FOCUS AREA



ORDINANCE #2012-XX
Smith Property Rezoning
PH #08-12-5

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

WHEREAS, Dallas Bryan and Tina Smith (the "Applicant") has submitted a rezoning petition to rezone property from Rural Residential (R-1) to Agriculture (A) and;

WHEREAS, the property consists of approximately 40+/- acres located in the Eustis area, located south of Deer Park Avenue and on the east side of Deerwoods Drive in Section 23, Township 18 South, Range 27 East, Lake County, Florida, lying within Alternate Key Number 3838862, more particularly described as follows:

LEGAL DESCRIPTION:

The Southeast ¼ of the Northwest ¼ of Section 23, Township 18 South. Range 27 East, in Lake County, Florida.

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 Zoning Board reviewed petition PH #08-12-5 on the 7th day of March, 2012, after giving Notice of Hearing on a petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 27th day of March, 2012; and

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

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, as described in the Legal Description, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map from Rural Residential (R-1) to Agriculture (A) in accordance with this Ordinance.

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

Section 3. Development Review and Approval: Development shall comply with all County codes and ordinances, as amended.

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

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

ENACTED this _____ day of _____, 2012.

FILED with the Secretary of State _____, 2012.

EFFECTIVE _____, 2012.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, Chair

ATTEST:

NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney