

**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS**  
**PETITION TO REZONE PROPERTY**

**PLANNING & ZONING BOARD**  
 April 3, 2013



**BOARD OF COUNTY COMMISSIONERS**  
 April 23, 2013

<b>PH #6-13-1 Buckner Rezoning</b>	<b>Case Manager:</b> Jennifer M. Cotch, Environmental Specialist	<b>Agenda Item # 1</b>
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**Owner:** Don M. Buckner (the "Owner")

**Applicant:** Ted Wicks, PE (the "Applicant")

**Requested Action:** Rezone the property from Urban Residential (R-6) to Light Industrial (LM) for light industrial uses.

- Site Location & Information -



Approximate site location outlined in **RED**

Site Visit March 8, 2013

Sign Posted March 19, 2013 (2 posted)

<b>Size</b>	1.07 +/- acres	
<b>Location</b>	Okahumpka area, West of SR 33 North of CR 42	
<b>Alternate Key #'s</b>	1295157	
<b>Future Land Use</b>	Regional Office	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	R-6	LM
<b>Impervious Surface Ratio (LDR 3.02.06)</b>	0.55	0.70
<b>Floor Area Ratio (LDR 3.02.06)</b>	0.40	1.0
<b>Joint Planning Area</b>	N/A	
<b>Utility Area:</b>	Leesburg	
<b>Site Utilities</b>	City of Leesburg sewer and private well	
<b>Road Classification</b>	SR 33-Major collector	
<b>Flood Zone/ FIRM Panel</b>	Zones X & A/Panel 460 12/18/12	
<b>Commissioner District</b>	1 (Sullivan)	

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium	Urban Residential (R-6)		
South	Regional Office	Light Manufacturing (LM)	Light Manufacturing	
East	Industrial	Heavy Manufacturing (HM)	Manufacturing	Rogers Industrial Park
West	Urban Low	Urban Residential (R-6)	Residential	

- 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 R-6 to Light Industrial (LM) to allow industrial uses, which will make the zoning of the property compliant with the Regional Office future land use category. The vacant subject property consists of 1.07 +/- acres and is located in the Oklahumpka area, West of SR 33 and North of CR 48. The Applicant plans to aggregate this property with the land he owns to the south. That property is approximately 9.52 acres and zoned LM with active manufacturing uses. Rezoning the R-6 property to LM will make the property consistent with the Regional Office Future Land Use Category.

- 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 LM rezoning is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits light industrial and several other types of industrial uses in the LM Zoning District. The proposed rezoning will make the property consistent with the Regional Office Future Land Use Category. The current R-6 zoning is not compliant with the Regional Office future land use, which was implemented when the Lake County 2030 Comprehensive Plan went into effect on September 22, 2011.

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

The LM zoning request is consistent with Comprehensive Plan Policy I-1.3.6, entitled "Regional Office Future Land Use Category". Among other permitted uses, this future land use category allows light industrial uses such as manufacturing, wholesale trade, transportation, communications, electric, gas and sanitary services. Light industrial activities are limited to those without off-site impacts and take place primarily within an enclosed building.

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

The subject property is surrounded by LM zoning to the south and west and Heavy Industrial (HM) zoning to the east. The property to the east is within the Industrial Future Land Use Category. The property to the north is zoned R-6 and located within the Urban Medium Future Land Use Category.

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

Prior to the 2030 Comprehensive Plan (Comp Plan) becoming effective in 2011, the property was designated as Urban Expansion future land use, which allowed residential uses. At this time, the Applicant seeks to rezone the property in order to conduct industrial uses similar to those that already take place on property he owns to the south and the west, which is zoned LM.

**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/Sewage - The City of Leesburg has stated they have the ability to provide sewer service, but not water. Therefore, the potable water needs will be served by the existing on-site well.

Fire and Emergency Services - The subject parcel is approximately 4 mile from Lake County Fire Station 82, located at 24939 U.S. Highway 27, Leesburg.

F. Transportation- A transportation study and mitigation will be assessed at the time of site plan review pursuant to the LDR requirements.

G. **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. However, an Environmental Assessment will be required with a development application. In addition, a tree removal permit will be required prior to clearing the property for development.

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

There is no evidence that the proposed rezoning would adversely affect property values in the area.

I. **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.

J. **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 will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

K. **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 proposed rezoning and found:

1. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits light industrial uses in the LM Zoning District.
2. The request is consistent with Comprehensive Plan Policy I-1.3.6 ("Regional Office Future Land Use Category"), as light industrial uses are allowable and the request conforms to the general land use criteria and activities of the Regional Office Future Land Use Category.

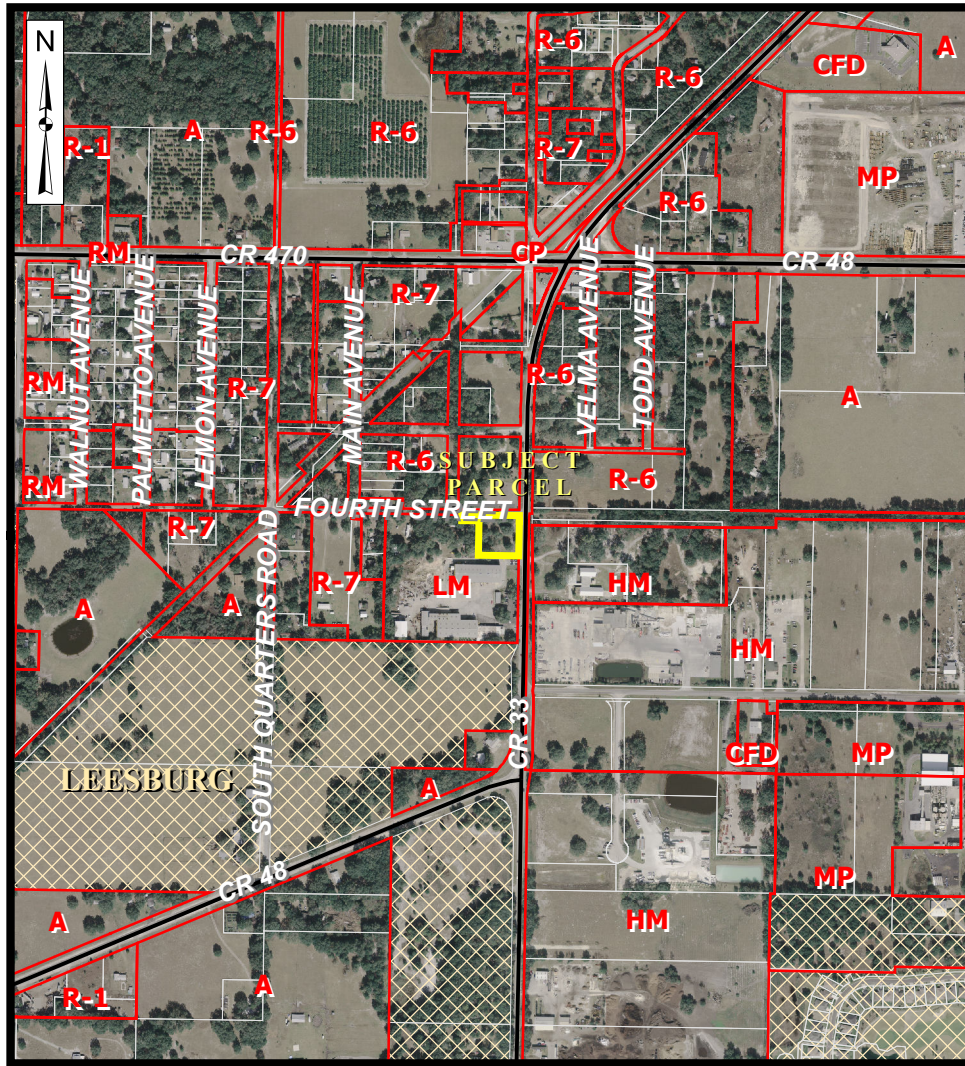
Therefore, based on these findings of fact, staff recommends **APPROVAL** of the attached Ordinance.

**WRITTEN COMMENTS FILED:**

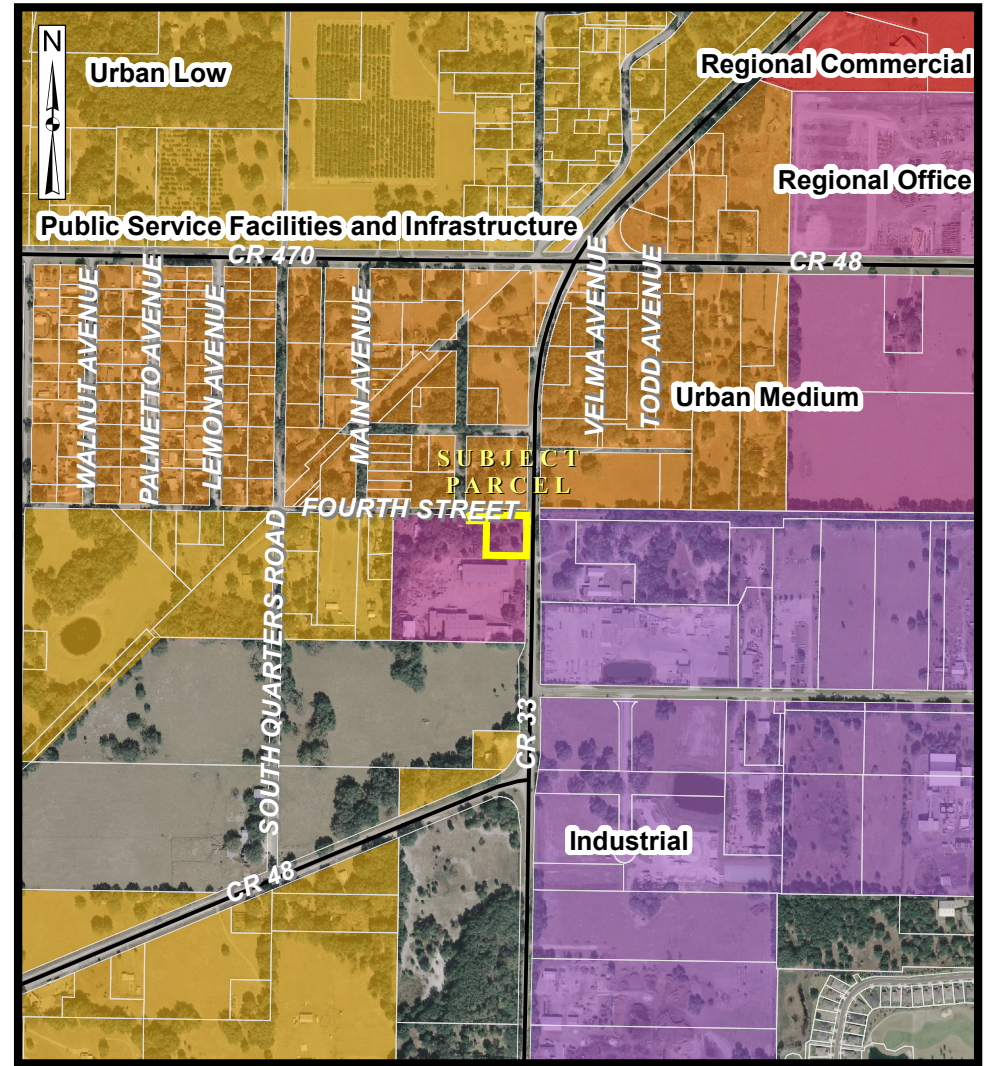
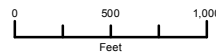
**Supportive: -0-**

**Concern: -0-**

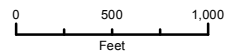
**Opposition: -0-**



**CURRENT ZONING**  
**URBAN RESIDENTIAL (R-6)**



**2030 FUTURE LAND USE**  
**REGIONAL OFFICE**



**BUCKNER REZONING**

**CASE NO.**  
PH# 06/13/1

**CASE LOCATION:**  
15-20-24

**REQUESTING:**  
Rezone from R-6 to LM

**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.

**MAP COMPOSITION:**  
JANUARY, 2008

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE 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 any user of this map.

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**ORDINANCE #2013-XX**  
**Don M. Buckner**  
**PH #6-13-1**

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

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**WHEREAS**, Ted Wicks, P.E. (the "Applicant") made a request on behalf of Don M. Buckner ("Owner") to rezone property from Urban Residential (R-6) to Light Industrial (LM) for industrial uses; and

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**WHEREAS**, the subject property consists of 1.07 +/- acres and is generally located in the Oklahumpka area, West of SR 33, North of CR 48, in Section 15, Township 20 South, Range 24 East, having Alternate Key Number 1295157, and more particularly described below:

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**LEGAL DESCRIPTION:** BEG IN SE 1/4 OF SW 1/4 AT INTERSECTION OF S LINE OF ACL RR & W LINE OF ST RD 33, RUN S 210 FT, W 210 FT, N 180 FT, W 90FT, N 30 FT TO RR, E ALONG RR 300 FT TO POB

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

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**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PH #6-13-1 on April 3, 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 April 23, 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 Urban Residential (R-6) to Light Industrial (LM) in accordance with this Ordinance.

**Section 2. Development Review and Approval:** If any development of the subject property is later proposed, the Owner shall be required to submit applications for and receive any necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. Any applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.

**Section 3. 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.

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

2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

3 FILED with the Secretary of State \_\_\_\_\_, 2013.

4 EFFECTIVE \_\_\_\_\_, 2013.

5 BOARD OF COUNTY COMMISSIONERS  
6 LAKE COUNTY, FLORIDA

7 \_\_\_\_\_  
8 LESLIE CAMPIONE, Chairman

9 ATTEST:

10 \_\_\_\_\_  
11 NEIL KELLY, Clerk of the  
12 Board of County Commissioners  
13 Lake County, Florida

14 APPROVED AS TO FORM AND LEGALITY

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16 SANFORD A. MINKOFF, County Attorney  
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