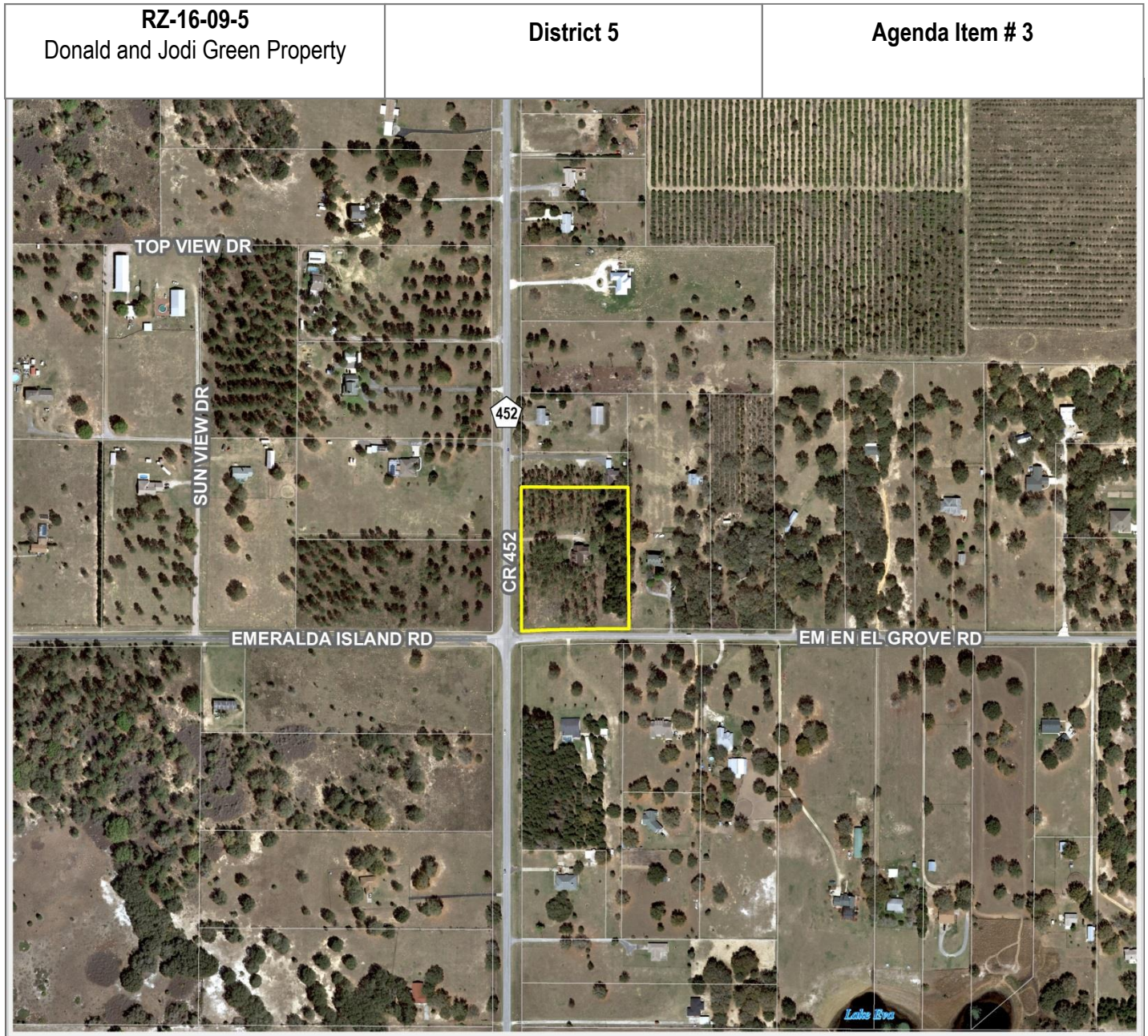


LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING AND ZONING BOARD  
April 27, 2016



BOARD OF COUNTY COMMISSIONERS  
May 17, 2016



**Requested Action:** Rezone 4.05 +/- acres from Rural Residential (R-1) to Agriculture (A) in order to expand an existing apiary and agriculture operations.

**General Location:** Intersection of CR 452 and Em-En-El Grove Road.

**Owner:** Donald and Jodi Green (the "Owners")

**Applicant:** Donald and Jodi Green (the "Applicants")

**- Site Location & Information -**

<b>Size</b>	4.05 +/- acres
<b>Location</b>	Intersection of CR 452 and Em-En-El Grove Road.
<b>Alternate Key #</b>	3501101
<b>Future Land Use</b>	Rural
<b>Existing Zoning District</b>	Rural Residential (R-1)
<b>Proposed Zoning District</b>	Agriculture (A)
<b>Joint Planning Area</b>	none

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Rural	Rural Residential (R-1)	Single Family Residence	
<b>South</b>	Rural	Agriculture (A)	Single Family Residence	Adjacent to Em-En-El Grove Road and Rural Support Intersection
<b>East</b>	Rural	Agriculture (A)	Single Family Residence	
<b>West</b>	Rural	Agricultural Residential (AR) and Rural Residential (R-1)	Single Family Residence and Vacant Residential	Adjacent to CR 452 and Rural Support Intersection

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** to rezone the subject property from Rural Residential (R-1) to Agriculture (A).

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The rezoning request is to rezone 4.05 +/- acres of property from Rural Residential (R-1) to Agriculture (A) in order to expand an existing apiary and blueberry operation and to produce other fruits and vegetables. The property is located at the intersection of CR 452 and Em-En-El Grove Road in an area designated as Rural future land use.

A 1994 deed recorded in Book 1338, Page 132, grants to Lake County 1.09 +/- acres of the original parcel for public right-of-way (Attachment 1). The property granted to the County by the deed increased the public right-of-way along Em-En-El Grove Road to 33 feet from the centerline. Comprehensive Plan Policy I-7.1.2 states that, "Common law vesting is generally found to exist when an applicant proves that the owner of a project or parcel of land, acting in good faith upon some act or omission of the County, has made a substantial change in position or has incurred such extensive obligations or expenses that it would be inequitable and unjust to destroy the right to develop or to continue development of the property." By dedicating over an acre of the property for public right-of-way the property owners have met the definition of Comprehensive Plan Policy I-7.1.2 and the property is entitled to common law vesting. Although the property is less than five acres, which is required for density within the Agriculture zoning, the property meets the definition of common law vesting and therefore is permitted to be rezoned from Rural Residential (R-1) to Agriculture (A).

The proposed rezoning of the property to Agriculture zoning is consistent with the Rural FLUC which requires a minimum of one (1) dwelling unit per five (5) net acres and allows agricultural uses. The existing residential use and the existing apiary on the property are allowed within the Agriculture Zoning District. The Agriculture rezoning request and proposed agricultural uses of the property are consistent with Comprehensive Plan Policy I-5.3.1, regarding the Importance of the Emerald Marsh Rural Protection Area, which states that, "...private land use is largely characterized by agrarian and equestrian-oriented activities that represent a valuable part of the history, culture, and lifestyle of rural Lake County."

**- 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 application is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which specifies that a Single Family Dwelling Unit and General Agriculture uses are permitted in the Agriculture (A) Zoning District. The purpose of the district is to provide a method whereby parcels of land which are most suited to agricultural usage may be classified and preserved for this purpose. Agriculture is a major industry of the County; therefore it is the intent of this district to: provide long term means for preventing further encroachment upon agricultural enterprises; to encourage agricultural pursuits by preserving good soils and agricultural areas from subdivision Development or commercial and industrial Construction.

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

The Agriculture rezoning request is consistent with Comprehensive Plan Policy I-1.4.1, Rural Future Land Use Series, as residential and agricultural uses are allowable in the Rural Future Land Use Category (FLUC). Rezoning the property to Agriculture (maximum density of one dwelling unit per five net acres) is also consistent with the maximum allowed density within the Rural FLUC of one dwelling unit per five net acres.

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

The proposed rezoning application does not create any inconsistent land uses in the area and is consistent with the existing use of the property.

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

There have been no recent zoning changes in the surrounding areas, however, the owners of the subject property would like to expand their existing apiary and agricultural uses.

**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 subject property has individual well and septic.

Schools - The rezoning of this property will result in negligible impacts on public facilities.

Fire and Emergency Services - The subject parcel is approximately 4 +/- miles from Lake County Fire Station 524 (closest fire station), located at 6200 Lake Griffin Road, Lady Lake.

Transportation - No adverse transportation impacts are expected from this rezoning.

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

The parcel has been developed with a single family residence and an apiary.

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

The application does not contain any information regarding the effect the proposed rezoning would have on 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 rezoning application would not result in a disorderly or illogical development pattern in 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; and**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations 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.**

None

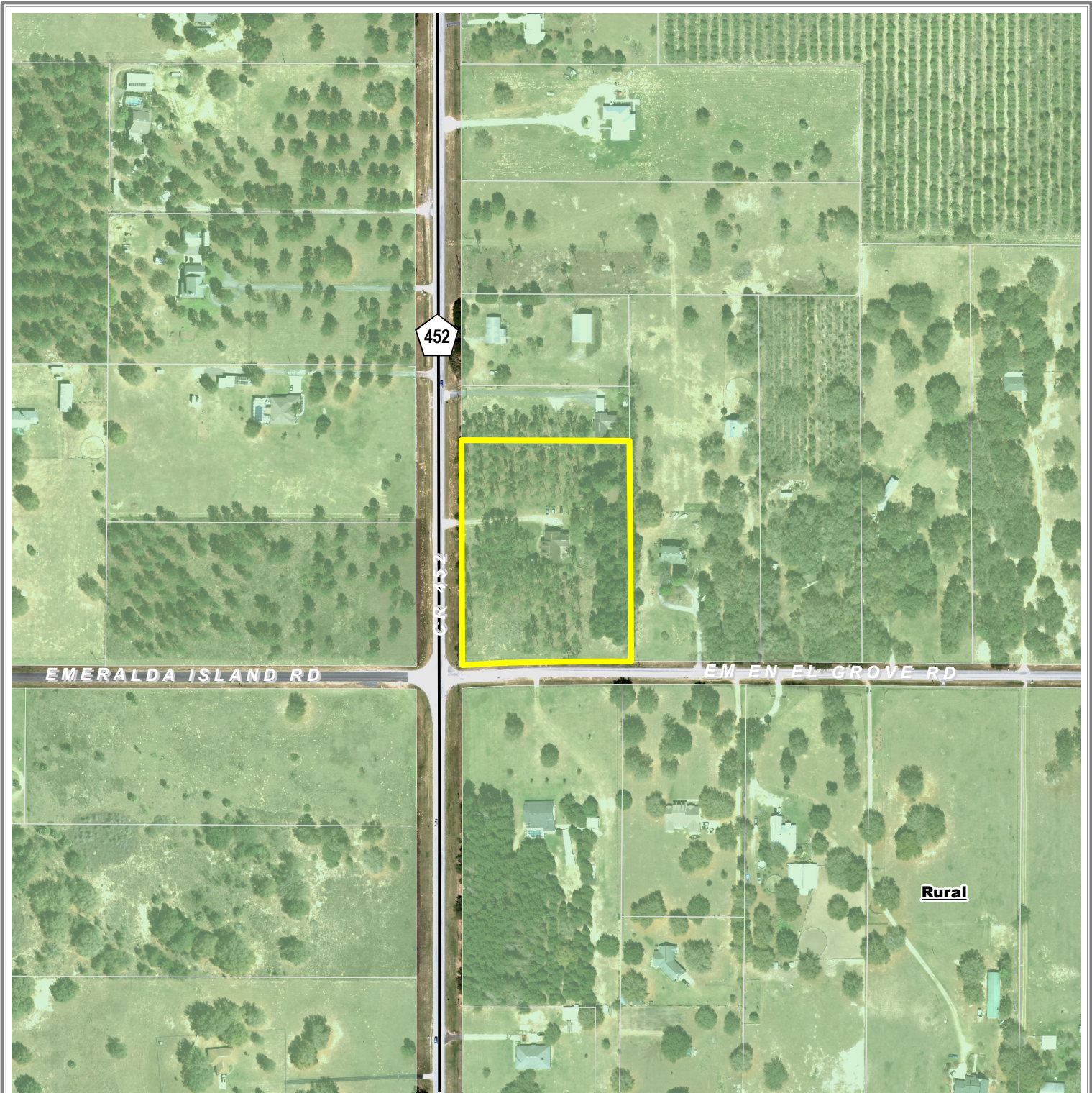
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.4.1 as residential and agricultural 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 residential and agricultural uses in the Agriculture (A) Zoning District.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

**Christine Rice, Planner, Case Manager**

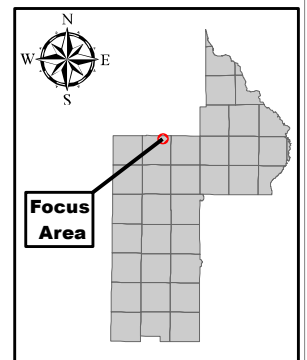
**WRITTEN COMMENTS FILED:                      Support: -0-                      Questions: -0-                      Opposition: -0-**

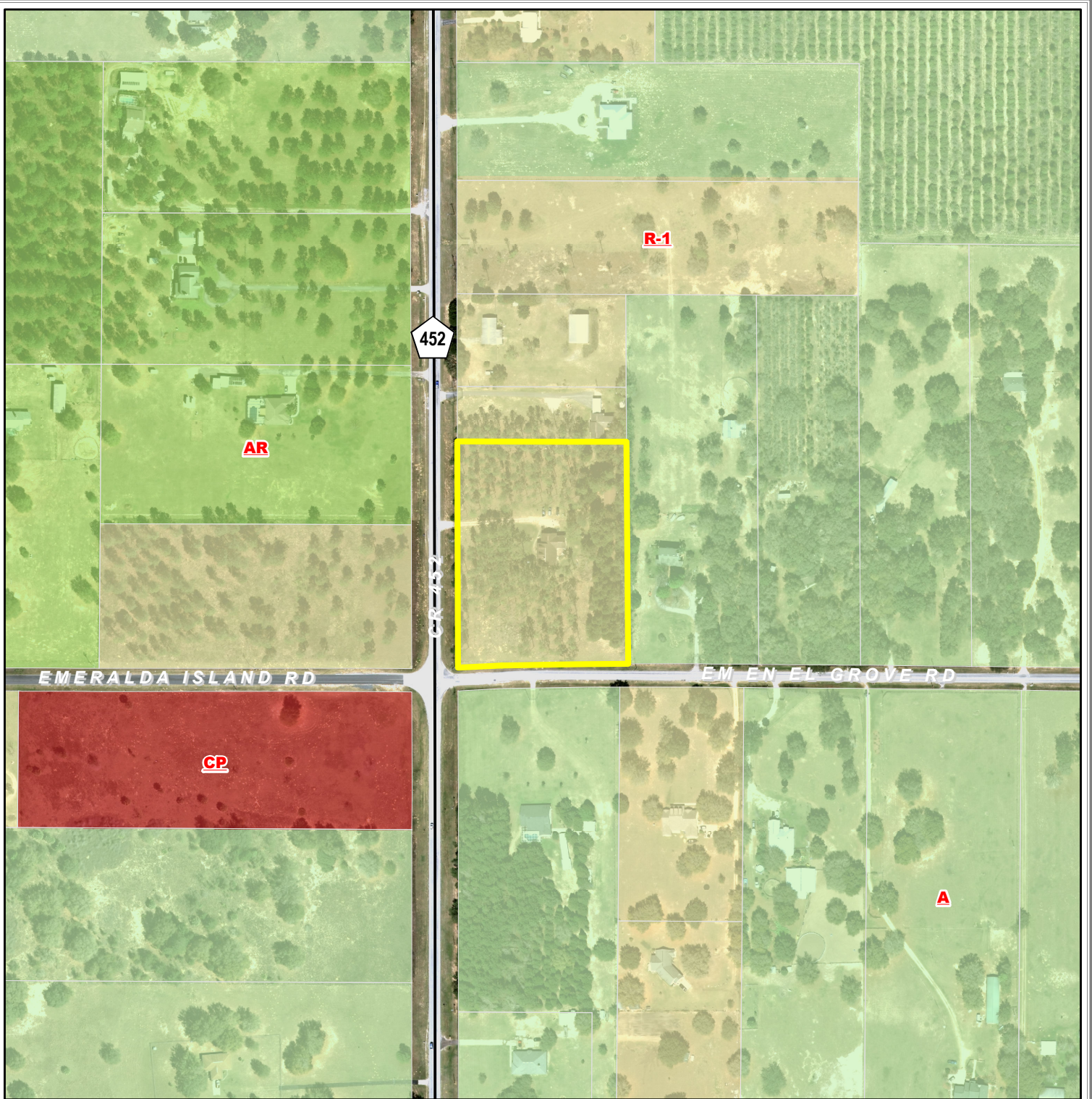


**FUTURE LAND USE LEGEND**

- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation          | Urban Low Density    |
| Cagans Crossing                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural               |                      |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition    |                      |
| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20 |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40 |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | Urban High Density  |                      |

**NAME: GREEN**  
**CASE NUMBER: RZ-16-09-4**  
**LOCATION (S-T-R): 02-18-25**  
**REQUEST: RURAL RESIDENTIAL TO AGRICULTURE**

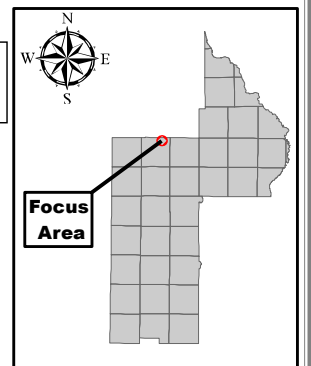




**ZONING LEGEND**

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

**NAME: GREEN**  
**CASE NUMBER: RZ-16-09-4**  
**LOCATION (S-T-R): 02-18-25**  
**REQUEST: RURAL RESIDENTIAL TO AGRICULTURE**









1 Section 5. Effective Date. This Ordinance shall become effective as provided by law.

2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

3  
4 FILED with the Secretary of State \_\_\_\_\_, 2016.

5  
6 EFFECTIVE \_\_\_\_\_, 2016.

7  
8 BOARD OF COUNTY COMMISSIONERS  
9 LAKE COUNTY, FLORIDA

10 \_\_\_\_\_  
11 SEAN M. PARKS, CHAIRMAN

12 ATTEST:

13 \_\_\_\_\_  
14 NEIL KELLY, CLERK OF THE  
15 BOARD OF COUNTY COMMISSIONERS  
16 LAKE COUNTY, FLORIDA

17 APPROVED AS TO FORM AND LEGALITY

18 \_\_\_\_\_  
19 MELANIE MARSH, COUNTY ATTORNEY

94 75412

I.D. # 02-18-25-0100-024-00600  
Em-En-El Grove Rd. #5-8037; FMLS 94-83

This instrument prepared by:  
James A. Stivender, Jr., P.E./R.L.S.  
Lake County Public Services Dept.  
123 N. Sinclair Ave., Tavares, FL 32778

REC 13.00 RECEIVED FOR  
TF 2.00 EXCISE TAXES  
DOC. 1.70 JAMES C. WATKINS  
INT. 0 CLERK LAKE CO FL  
BY ✓ D.C.

800# 1538 PAGE 0132

**STATUTORY WARRANTY DEED**  
Section 689.02, Florida Statutes (Right of Way)

THIS INDENTURE, made this 16 day of December 1994, between  
O. DONALD GREEN and MAXINE GREEN, husband and wife  
995 Golden Isle Dr., Mt. Dora, FL 32757  
County of Lake, State of Florida,  
hereinafter referred to as "Grantor"; and

Lake County, a political subdivision of the State of  
Florida, 315 W. Main St., Tavares, FL 32778, as grantee.

WITNESSETH, that Grantor, for and in consideration, of the  
sum of ONE DOLLAR (\$1.00) and other good and valuable  
consideration, the receipt and adequacy of which are hereby  
acknowledged, has granted, bargained, sold, and conveyed to Lake  
County, its successors and assigns, the following described land,  
situate, lying, and being in Lake County, Florida:

AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED  
HEREIN

The intent of this deed is to increase right of  
way on Em-En-El Grove Road to 33 feet from centerline.

Grantor does hereby fully warrant the title to  
said land, and will defend the same against the lawful  
claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this  
instrument in the manner provided by law, on the day  
and year first above written, Signed, Sealed, and  
Delivered in our presence as witnesses:

Witnesses:

Grantor(s):

(1) Sign: Cindy L. Doe

O. Donald Green (Seal)

Print Name: Cindy L. Doe

O. DONALD GREEN

(2) Sign: Martin L Kahler

Print Name: MARTIN L KAHLER

RECORDED  
LAKELAND COUNTY  
Dec 30 2 03 PM '94  
CLERK CIRCUIT COURT

Witnesses:

Grantor(s):

(1) Sign: Cathy L. Doe

Maxine Green (Seal)

Print Name: Cathy L. Doe

MAXINE GREEN

(2) Sign: Martin L. Kahler

Print Name: Martin L. Kahler

State of Florida )  
County of Lake )

The foregoing instrument was acknowledged before me this 16  
day of December, 1994 by O. DONALD GREEN and MAXINE GREEN,  
husband and wife who are personally known to me or who have  
produced personally known as identification.

Shirley R. Dickens  
Notary Public (Signature)  
Print Name: SHIRLEY R. DICKENS  
Title or Rank:  
Serial Number (if any):  
My Commission Expires: Aug 28, 1995



SHIRLEY R. DICKENS  
MY COMMISSION # CC 132923 EXPIRES  
August 28, 1995  
BONDED THRU TROY FAIR INSURANCE, INC.

Green FMLS 94-83  
 Em-En-El Grove Rd. #5-8037

EXHIBIT "A"

A STRIP OF LAND OF EQUAL WIDTH 8 FEET WIDE OFF OF THE ENTIRE SOUTH SIDE OF THE FOLLOWING DESCRIBED PARCEL:

Commencing at the Northeast corner of Section 2, Township 18 South, Range 25 East, Lake County, Florida, run S.00°26'33"E. along the East line of said Section 2 a distance of 1267.39 feet; thence S.89°53'10"W., 3094.43 feet; thence S.00°21'01"E., 1304.14 feet; thence S.89°30'30"W., 443.27 feet to the East right of way of Highway No. 452; thence S.00°29'20"E. along said East right of way 699.70 feet to the Point of Beginning of this description; from said Point of Beginning, run N.89°36'26"E., 370.51 feet; South 00°59'46" E., 599.15 feet to County Road No. 5-8037, thence S.89°47'34"W., along said County Road 375.82 feet to the East right of way of Highway No. 452; thence N.00°29'20"W. along said East right of way 597.90 feet to the Point of Beginning.

Initials ODJ  
MSI

Date 12-16-94  
17-16-94

375.82  
 x 8  
 3,006.56