

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING and ZONING BOARD
June 6, 2012



BOARD OF COUNTY COMMISSIONERS
June 26, 2012

PH # 22-12-1 Vasser Rezoning	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 4
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Owners and Applicants: Douglas L. and Elizabeth Vasser (the "Owner")

Requested Action: Rezone a 5.32-acre property from Urban Residential (R-6) to Rural Residential (R-1) in order to conduct non-intensive agricultural uses.

Site Location and Information

Approximate site location shown in red



Site Visit(s): May 16, 2012
Sign(s) Posted: May 16, 2012

Size	5.32+/- acres	
Location	Leesburg Area, northeast of the intersection of Lewis Court and Selman Road S 20, T19S, R24E	
Alternate Key Number	1809711	
Future Land Use/ FLU Density	Urban Low / 4 du/ acre max.	
Existing Zoning District	Urban Residential (R-6)	
	Current	Proposed
Density	6 du/ acre	1 du/1 acres
FAR	.40	.20
ISR	.55	.30
Joint Planning Area	N/A	
Utility Area	Leesburg	
Site Utilities	Individual well, septic system	
Road District	local	
Flood Zone / FIRM Panel	Zones X and Zone A/Panel 308 - 7/3/2002	
Commissioner's District	District 1-Hill	

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Rural Residential (R-1)	Residential, Non-Intensive Agriculture	Rezoned from R-6 (7-6-10)
South	Urban Low	Agriculture (A)	Residential	
East	City of Leesburg	PUD	Vacant	PUD zoning permits single-family detached with Ag, uses
West	Urban Low	Agriculture (A)	Residential	

Summary of Staff Determination

STAFF RECOMMENDATION: Staff recommends **APPROVAL**, based on findings of facts, to rezone the 5.32-acre property from Urban Residential (R-6) to Rural Residential (R-1)

ZONING BOARD RECOMMENDATION:

Summary of Analysis

The Owners of the subject property are requesting to rezone their property from the Urban Residential District (R-6) to Rural Residential (R-1) non-intensive agriculture uses on the 5.32-acre property. The subject property is located in the Leesburg area, northeast of Lewis Court and north of Selman Road. The property is designated as Urban Low Future Land Use Category (FLUC).

The request is also consistent with Policy 1-1.3.2, *Urban Low Density Future Land Use Category*, which allows a maximum of one (1) to a maximum of four (4) dwelling units per acre for land within the Urban Low Future Land Use Category.

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 non-intensive agriculture activities. Non-intensive agriculture is permitted in the R-1 Zoning District. The proposed rezoning is consistent with the Land Development Regulations (LDR) as demonstrated in Section 3.00.03 that permits R-1 Zoning in the Urban Low FLUC. Non-Intensive agricultural uses are allowed in the R-1 Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

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

The proposed rezoning is consistent with Comprehensive Plan Policy 1-1.3.2 that allows agricultural and residential uses within the Urban Low FLUC. This land use category allows a maximum of four (4) dwelling units per acre.

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

The 4.6 acre property to the north is zoned R-1 with non-intensive agriculture uses. To the east is a 40-acre vacant parcel located within the city limits of Leesburg. The properties to the south and west are zoned Agriculture; however these lots are all less than the required 5 acres. The properties to the south have residential uses with an average size of 2 acres. The requested rezoning to R-1 is consistent with the existing uses in the area.

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

The Board approved a similar rezoning on the north adjoining property on July 6, 2010. The Ordinance (#2010-31) rezoned a 4.6 acre property from R-6 to Rural-Residential (R-1).

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;

The proposed rezoning would decrease the potential density of the property from a maximum of four (4) dwelling units per acre to a maximum of one dwelling unit per one acre and therefore would decrease the potential impacts on public facilities.

The site will be and is currently 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;

The property contains wetlands and is partially located within the 100-year flood zone. Rezoning the property from R-6 to R-1 will allow less dwelling units on the property, therefore decreasing the threat on the wetlands and construction in the floodplain.

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

No indication 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 rural 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 development pattern for this area and would bring the zoning into compliance with the Comprehensive Plan. 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 Planning & Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

The Board approved a similar rezoning on the north adjoining property on July 6, 2010. The Ordinance (#2010-31) rezoned a 4.6 acre property from R-6 to Rural-Residential (R-1).

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

1. The request is consistent with Comprehensive Plan Policy-1-1.3.2, which allows agriculture and residential uses in the Urban Low Future Land Use Category.
2. This request is consistent with LDR Tables 3.00.03 and 3.01.03, which allows non-intensive agriculture/residential uses in the Rural Residential (R-1) 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-

ORDINANCE #2012-XX
Vasser Property Rezoning
PH #22-12-1

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

WHEREAS, Douglas L. and Elizabeth Vasser (the "Applicant") has submitted a rezoning petition to rezone property from Urban Residential (R-6) to Rural Residential (R-1) and;

WHEREAS, the property consists of approximately 5.32+/- acres located in the Leesburg area, located at 1301 Selman Road in Section 20, Township 19 South, Range 24 East, Lake County, Florida, lying within Alternate Key Number 1809711, more particularly described as follows:

LEGAL DESCRIPTION: S 208.75 FT OF N 418.75 FT OF E 1110 FT OF NE 1/4 OF NW ¼
ORB 2695 PG 1751

WHEREAS, the subject property is located within the Urban Low 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 #22-12-1 on the 6th day of June, 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 26th day of June, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & 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 Urban Residential (R-6) to Rural Residential (R-1) 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.

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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, Chairman

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney