

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

**LAKE COUNTY ZONING BOARD**  
July 6, 2011



**BOARD OF COUNTY COMMISSIONERS**  
July 26, 2011

<b>PH #13-11-3</b> Olmstead Rezoning	<b>Case Manager:</b> Jennifer M. Cotch, Environmental Specialist	<b>Agenda Item # 1</b>
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**Owner:** Peggy E. Reithel (the "Owner")

**Applicant:** Kenneth Olmstead (the "Applicant")

**Requested Action:** Rezone property from Mixed Home Residential (RM) to Agriculture (A) for the purpose of constructing a plant nursery with greenhouse.

**Site Location and Information**

Approximate site location shown in red



Site Visit(s): May 11, 2011  
Sign(s) Posted: June 14, 2011

Size	5 acres	
Location	Astatula area, South of SR 48 and East of CR 561 S 33, T20S, R26E	
Alternate Key Number	3256701	
Future Land Use	Current	Proposed (2030)
	Suburban	Rural
Existing Zoning District	Mixed Home Residential (RM)	
Zoning District	Current	Proposed
Density	8 du/ acre	1 du/5 acres
FAR	.50	.10
ISR	.65	.10
Joint Planning Area	Astatula	
Utility Area	Astatula	
Site Utilities	Individual well, septic system	
Road District	Local	
Flood Zone / FIRM Panel	Zone X /Panel 480	
Commissioner's District	District 3- Jimmy Conner	

**Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Suburban	A	Ornamental Nursery	None
South	Public Resource Lands/Town of Astatula	RM/Town of Astatula	Large acreage residential	None
East	Suburban	AR	Large acreage residential	None
West	Suburban	RM	Large acreage residential	None

## Summary of Staff Determination

**STAFF RECOMMENDATION:** Staff recommends **approval**, based on findings of facts, to rezone the 5-acre property from Mixed Home Residential (RM) to Agriculture (A).

**ZONING BOARD RECOMMENDATION:**

## Summary of Analysis

The Owner is requesting to rezone a 5-acre property from Mixed Home Residential (RM) to Agriculture (A). The prevailing use in this area is rural residential and agricultural uses. A vast majority of the parcels in the area, also zoned RM, have zoning districts not consistent with the Suburban Future Land Use Category (FLUC). This rezoning request will start the reconciliation process with the existing and proposed Future Land Use Categories. The surrounding area includes a mix of permitted low intensity agriculture uses, an ornamental nursery, and large acre residential tracks with non-intensive agriculture uses. The proposed rezoning is consistent with the existing and proposed surrounding land uses within the area.

### 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 to construct and operate a plant nursery on the property. A plant nursery is permitted in the Agriculture zoning district and is defined as “the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes”. Greenhouses are included in this classification, per Chapter 3.01.02 B8 of the Land Development Regulations. The proposed zoning is allowed in the Suburban Future Land Use Category according to Table 3.00.03 of the Land Development Regulations. The rezoning will also allow other activities permitted in the Agriculture zoning. The property and neighboring properties are consistent with these uses.

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

### Current Comprehensive Plan Analysis

The site is located within the Suburban FLUC (Map I-1, Future Land Use Map, Lake County).

The requested uses (existing and proposed) are allowed within the Suburban FLUC as seen in the *Plan Policies 1-1.6 Function of Future Land Use Categories, Urban Area and Policy 1-1.15 (3), Land Use Activities within the Land Use Categories*. The proposed use is also consistent with Policy 1-1.6: Function of Future Land Use Category that says the Suburban Area is to “allow for the continuation of existing agriculture uses”. In addition, *Objective 11-2: Enhance and Encourage a*

*Sustainable Agriculture Industry:* Lake County shall maintain programs which are designed to enhance the opportunity for sustainable agricultural pursuits.

**For Information Only (2030 Comprehensive Plan Analysis)**

On May 25, 2010, the Board of County Commissioners adopted the 2030 Planning Horizon Comprehensive Plan (the "New Plan"). This analysis is provided for informational purposes only as the New Plan is currently under appeal and has yet to be found effective by the Florida Department of Community Affairs. This property will be within the Rural FLUC (2030 Future Land Use Map). The associated 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." Additionally, Policy 1-1.4.4 will allow agriculture and residential uses within the Rural FLUC. The proposed rezoning would be consistent with the proposed 2030 Rural FLUC.

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

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

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

The conditions of the area have not changed. There have been no rezonings in the area since the adoption of the Official Zoning Map in 1987. However, the zoning districts assigned to the area are not reflective of the existing 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;**

No significant change in the intensity of use on the property is anticipated. The site 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;**

None.

**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 proposed rezoning will not affect the existing development patterns for the area. In fact, the proposed rezoning will make the property consistent with the current and proposed uses for this area as indicated in the Comprehensive Plan. The surrounding development pattern is a mix of agriculture and residential development. 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.**

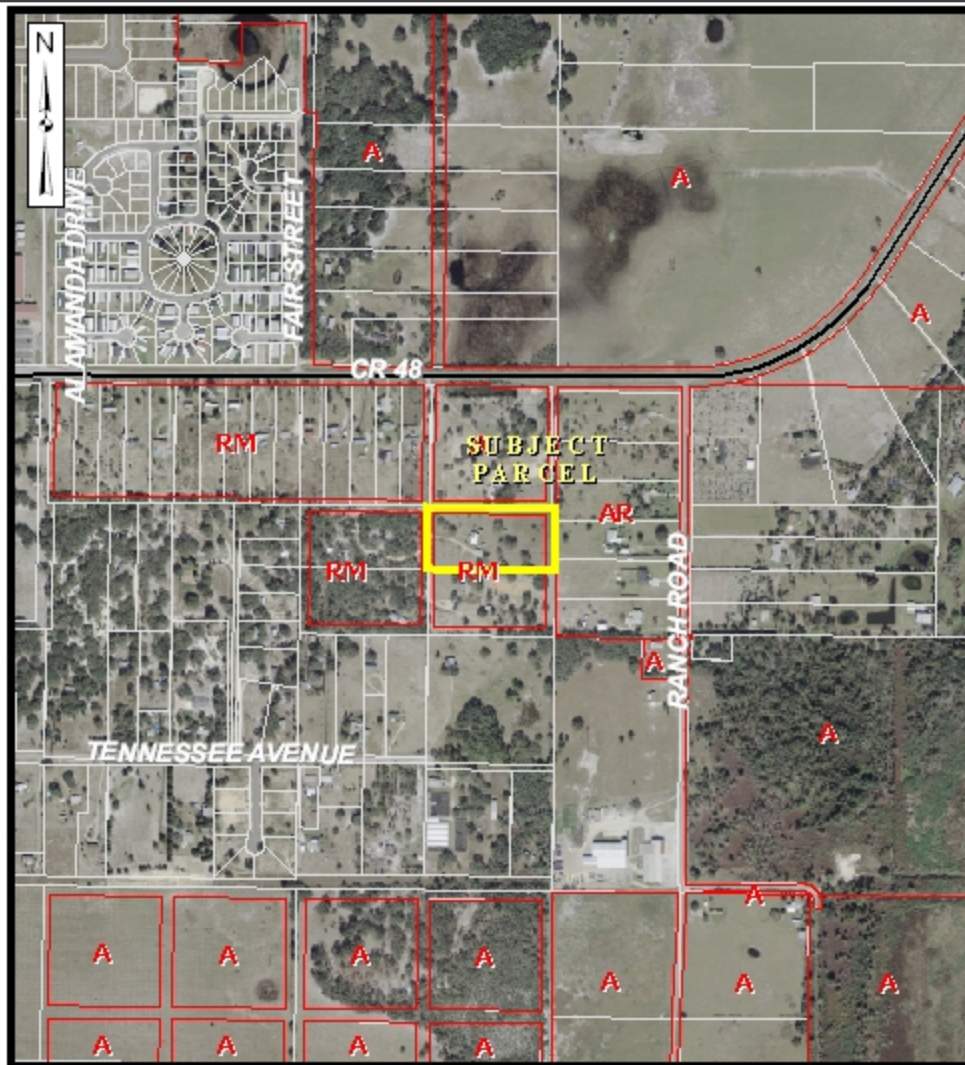
N/A

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

1. The rezoning request is consistent with Comprehensive Plan Policies 1-1.6 and 1-1.15: 3, which allow agriculture and residential uses in the Suburban Future Land Use Category.
2. This rezoning request is consistent with LDR Tables 3.00.03 and 3.01.03, which allows agriculture/residential uses in the Agriculture Zoning District.

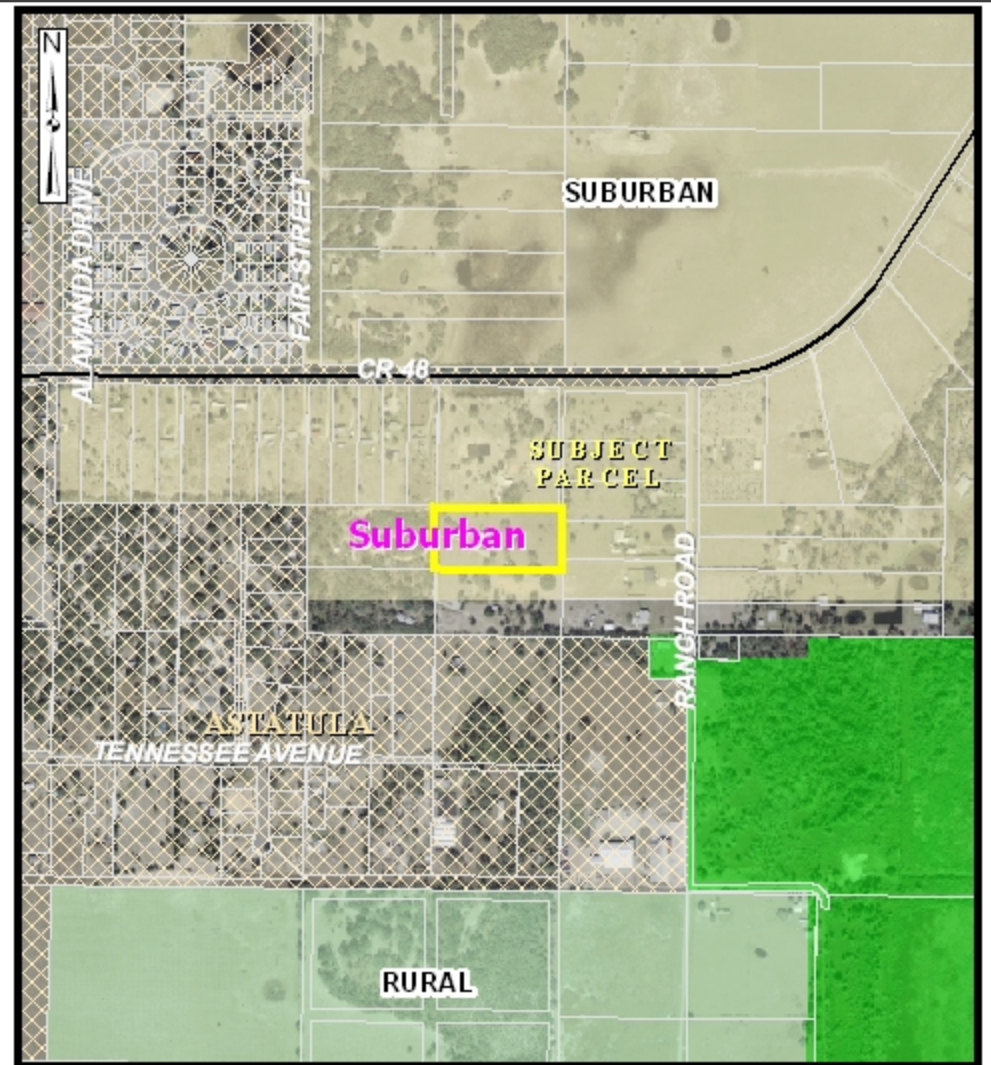
Based on these findings of fact, Staff recommends **approval**, as specified in the proposed ordinance.

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

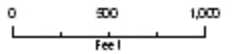


**CURRENT ZONING**

**MIXED HOME RESIDENTIAL (RM)**



**ADOPTED FUTURE LAND USE**



**OLMSTEAD REZONING**

**CASE NO.**  
PH# 13-11-3

**CASE LOCATION:**  
33-20-26

**RE QUE STING:**  
Mixed home residential to agriculture

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

**DISCLAIMER:**

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**MAP COMPOSITION**  
JANUARY 2005



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**ORDINANCE #2011-XX**  
**Olmstead Property Rezoning**  
**PH #13-11-3**

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

**WHEREAS**, Kenneth Olmstead (the "Applicant") has submitted a rezoning petition on behalf of Peggy E. Reithel (the "Owner") to rezone property from Mixed Home Residential (RM) to Agriculture (A) and;

**WHEREAS**, the property consists of approximately 5 acres located in the Astatula area, located south County Road 48 and on east of County Road 561 Section 33, Township 20 South, Range 26 East, Lake County, Florida, lying within Alternate Key Number 3256701, more particularly described as follows:

**LEGAL DESCRIPTION:** ASTATULA, N 1/2 OF LOT 8, BLK I, E 1/2 OF CLOSED UNNAMED STREET LYING W OF N 1/2 OF LOT 8, BLK I, UNNAMED CLOSED STREET LYING E OF N 1/2 OF LOT 8, BLK I, S 1/2 OF CLOSED MASSACHUSETTS AVE LYING N OF LOT 8, BLK I, AND N OF AFORE- MENTIONED CLOSED UNNAMED STREETS LYING E & W OF N 1/2 OF LOT 8, BLK I PB 1 PG 12 ORB 1597 PG 2086

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

**WHEREAS**, on May 25, 2010, the Lake County Board of Commissioners adopted the Lake County 2030 Comprehensive Plan and Future Land Use Map (FLUM) and upon the effective date of these documents pursuant to Chapter 163.3184, Florida Statutes, the Future Land Use Category (FLUC) for the property as described above will be Rural and the proposed rezoning is consistent with this category; and

**WHEREAS**, the Lake County Zoning Board reviewed petition PH #13-11-3 on the 6<sup>th</sup> day of July, 2011, 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 26<sup>th</sup> day of July, 2011; 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 above", subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map from Rural Mixed Home Residential (RM) 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.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

FILED with the Secretary of State \_\_\_\_\_, 2011.

EFFECTIVE \_\_\_\_\_, 2011.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
JENNIFER HILL, 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