

LAKE COUNTY PLANNING AND ZONING DIVISION
FUTURE LAND USE AMENDMENT STAFF REPORT

PLANNING AND ZONING BOARD
July 6, 2016



BOARD OF COUNTY COMMISSIONERS
July 26, 2016

<p>FLU-16-06-5 Menagias Property</p>	<p>Commissioner District 5 Cadwell</p>	<p>Agenda Item #1</p>
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Requested Action: Amend the Future Land Use Map (FLUM) on approximately 2.02 +/- acres, located north of Dexter Road and along the St. John's River from the Conservation Future Land Use Category, which does not allow residential uses, to the Rural Future Land Use Category, which allows a maximum density of one (1) dwelling unit per five (5) net acres.

Owner: Elias Menagias (the "Owner")

Applicant: Lake County Planning and Zoning Division (the "Applicant")

- Site Location & Information -

Size	2.02 +/- acres
Location	North of Dexter Road and along the St. John's River
Alternate Key No.	1358001
Future Land Use	Conservation
Zoning District	Agriculture (A)
Proposed Land Use	Rural
Joint Planning Area/ ISBA	NA
Overlay Districts	Wekiva-Ocala River Protection Area

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Conservation	Agriculture (A)	Single Family Residences on large lots	
South	Rural	Mixed Home Residential (RM)	Single Family Residences	Dexter Estates, recorded in PB 18, PG 48
East	NA	NA	St. John's River	St. John's River
West	Rural and Conservation	Agriculture	Single Family Residences on large lots	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request to amend the Future Land Use Category on 2.02 +/- acres from Conservation FLUC to Rural FLUC by amending the 2030 Future Land Use Map.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject property, described as Alternate Key (AK) number 1358001, consisting of approximately 2.02 gross acres, is located north of Dexter Road and along the St. John's River. The property was created through Family Density Exception (FDE) 2008-0014. The Family Density Exception allowed for recognition of the property on Lake County's Zoning Map and granted the property a Lot of Record determination. The 2008 FDE application shows that the property was developed with a 1,025 square foot house constructed in 1936.

With the adoption of the 2030 Comprehensive Plan, the subject property was designated as part of the Conservation Future Land Use Category (FLUC). Per Policy I-1.5.1 *Conservation Future Land Use Category*, the Conservation FLUC is for "property managed for the permanent protection of natural resources, including but not limited to open water bodies, wildlife habitat, wetlands, and aquifer recharge...The Conservation Future Land Use Category may include privately-owned property only if such land is protected in perpetuity by conservation easement held by a public agency or private non-profit conservation entity." The property is currently privately owned; however, there are no known conservation easements affecting the property. Single family residences are not a permitted use within this FLUC.

The applicant is proposing to amend the Future Land Use Map by changing the FLUC from Conservation to Rural in order to place a single family residence on the property. In 2015 the property owner obtained a building permit (Building Permit No. 2015090679) to demolish the single family residence, metal shed, and wood shed. The building permit was approved at final inspection on March 31, 2016. Since the property is not publicly-owned conservation lands or privately-owned with a conservation easement, there is no justification to keep this property designated as part of the Conservation FLUC so staff is recommending to amend the FLUM to designate this property as Rural FLUC.

- Analysis -

LDR Section 14.02.03 (Standards for Review)

A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.

The proposed map amendment is consistent with the Comprehensive Plan as noted in the analysis above. There is an existing development pattern in this immediate area, and the proposed amendment would be logical as the parcels to the south and southwest are designated with the Rural FLUC.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

Per Policy I-1.4.4 *Rural Future Land Use Category*, single family residences are permitted within the Rural FLUC at a density of one (1) dwelling unit per five (5) net acres. The subject property is only 2.02 acres and would not meet the Rural FLUC density but does meet the criteria for an exception to the density requirements as outline in Policy I-7.1.3 *Existing Lot Exception for Density*. The property meets criteria E. which states that,

There shall be an exception to the density requirements to this Comprehensive Plan for any lot for which a final Lot of Record determination was completed and approved by Lake County, in accordance with terms and conditions of such approval in place prior to the adoption of this plan. A dwelling unit and accessory uses thereto may be permitted on the lot.

The property was given a Lot of Record determination with the approval of FDE 2008-0014 and is therefore granted an exception to the density requirements of the Rural FLUC established in Policy I-1.4.4.

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

The property had been developed with a single family residence and associated uses until 2015. The owner wants to replace the structures with a single family residence.

D. Whether there have been changed conditions that justify an amendment.

Development patterns to the south and southwest of the subject property are single family residential with Rural FLUC.

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

Goal I-1, Purpose of the Future Land Use Element, establishes the goals of the Future Land Use Element, one of which is to provide for the efficient allocation of public facilities and services concurrent with the impacts of development and in compliance with adopted level of services.

Transportation

Staff is not requiring a Traffic Study since this applicant has de minimis impacts on transportation demands. The property was previously developed with a single family residence and the proposed amendment will only allow for the addition of one single family dwelling residence on the property.

Schools

The proposed amendment will only allow for one single family residence to be located on the property and therefore will have de minimis impacts on schools. The property owners are replacing a single family residence which has been demolished.

Parks

Per Comprehensive Plan Policy VII-1.4.3 *Level of Service*, the adopted level of service is four (4) acres of park land (developed or undeveloped) per 1000 people in unincorporated Lake County. There are currently 3,800 acres of park lands in unincorporated Lake County and there are roughly 300,000 people, leaving plenty of capacity for the proposed increase in density.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #10) is located approximately 3.15 miles from the site.

Water and Sewer

The property is currently developed with a well and septic system. The owner would need to obtain all necessary well and septic permits from the Florida Department of Health when applying to place a single family residence on the property.

Solid Waste

The County's adopted level of service for solid waste is one (1) day a week garbage pickup and one (1) day a week recycling pickup. The five-year capital improvement schedule for solid waste shows that with existing landfill cells and additional land available and permitted through an FDEP Environmental Resource Permit, there is disposal capacity through 2030.

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

Any new development will be required to meet all Comprehensive Plan and Land Development Regulations requirements to protect the environment.

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

There is no indication that there will be any adverse effects on the property values.

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

The subject property is surrounded by the Conservation and Rural FLUC to the north, south, and west. The proposed map amendment will change the property's FLUC from Conservation to Rural, which allows for a density of one (1) dwelling per five net acres. The density that is permitted within the proposed Rural FLUC is consistent with the surrounding residential properties. The amendment will result in an orderly and logical development pattern, as required by Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*.

I. Whether the proposed amendment would be consistent with or advance the public interest, and is in harmony with the purpose and interest of these regulations.

The amendment is consistent with the interest of the public and these regulations.

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

1. The application is consistent with CP Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*, which requires an orderly and logical development patten between FLUC; and
2. The proposed uses are consistent with Policy I-1.4.4 *Rural Future Land Use Category*, which allows residential uses; and
3. The proposed amendment is consistent with Policy I-7.1.3 *Existing Lot Exception for Density*, which grants the subject property an exception to the density requirements of the Rural FLUC; and

Based on these findings of fact, staff recommends **APPROVAL** of the request to amend the Future Land Use Category on 2.02 +/- acres from Conservation FLUC to Rural FLUC by amending the 2030 Future Land Use Map.

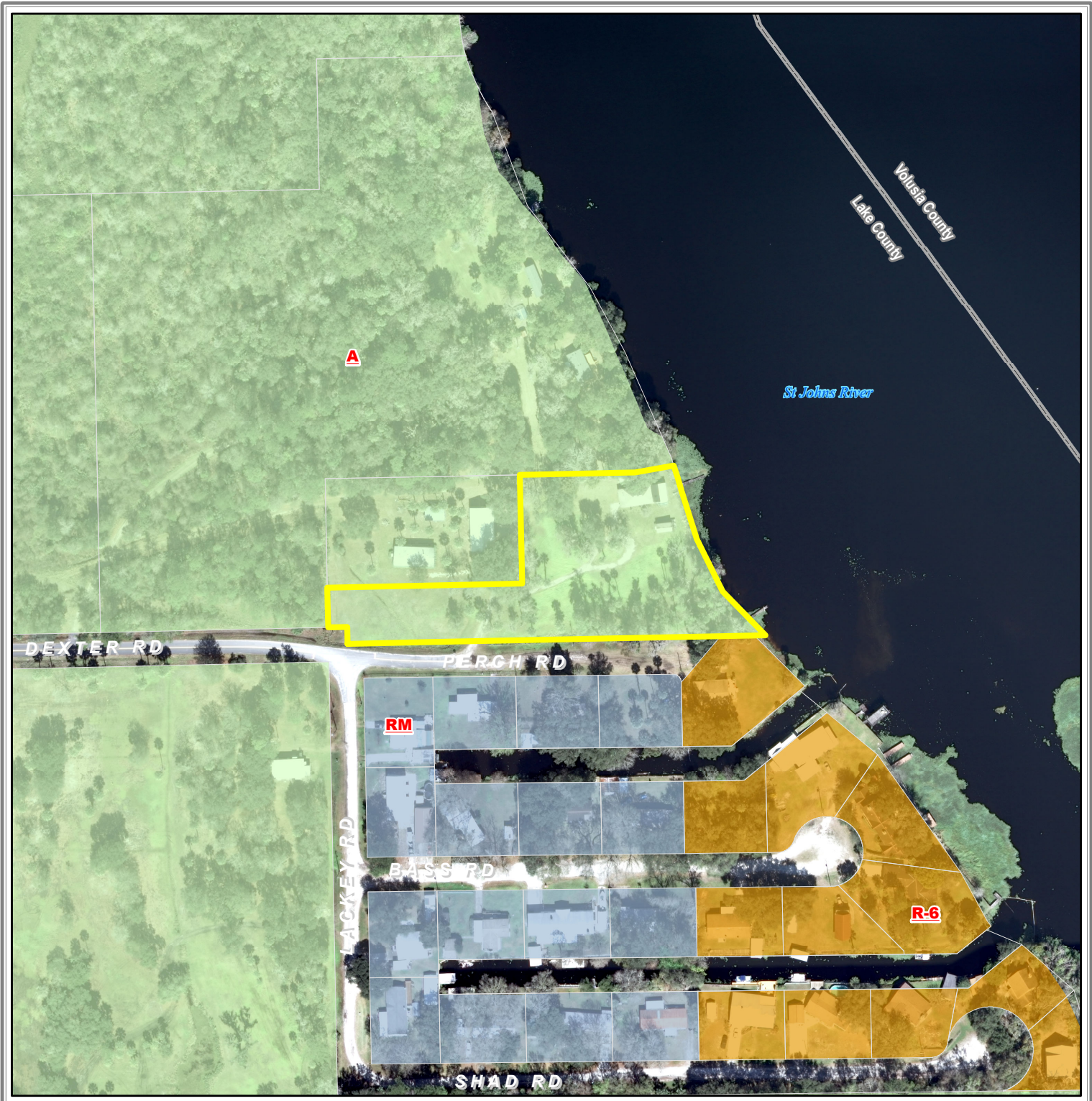
Case Manager: Michele Janiszewski, Planner

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

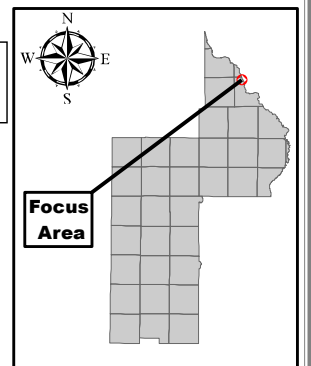
Opposition: -0-



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: **MENAGIAS**
CASE NUMBER: **FLU-16-06-5**
LOCATION (S-T-R): **37-15-27**
REQUEST: **CONSERVATION TO RURAL**

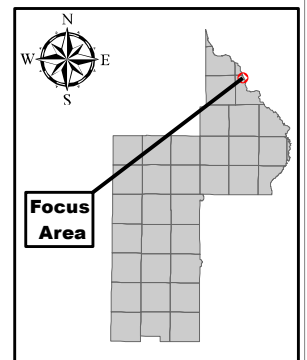




FUTURE LAND USE LEGEND

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| 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 | |

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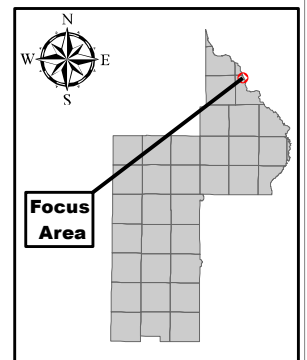




FUTURE LAND USE LEGEND

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| 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 | |

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**TRANSMITTAL ONLY
ORDINANCE 2016--XX
FLU-2016-06-5
Menagias Property**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM CONSERVATION FUTURE LAND USE CATEGORY TO RURAL FUTURE LAND USE CATEGORY FOR PROPERTY LOCATED NORTH OF PERCH ROAD, ALONG THE ST. JOHN'S RIVER, DESCRIBED WITH ALTERNATE KEY NUMBER 1358001, AS SHOWN IN EXHIBIT A; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and land development regulation in the State of Florida; and

WHEREAS, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County Commissioners of Lake County to "Prepare and enforce comprehensive plans for the development of the county"; and

WHEREAS, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

WHEREAS, on the 23rd day of July, 2010, the State of Florida Department of Community Affairs, now known as the Community Planning and Development Division of the Florida Department of Economic Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

WHEREAS, on the 22nd day of September, 2011, the Lake County 2030 Comprehensive Plan became effective; and

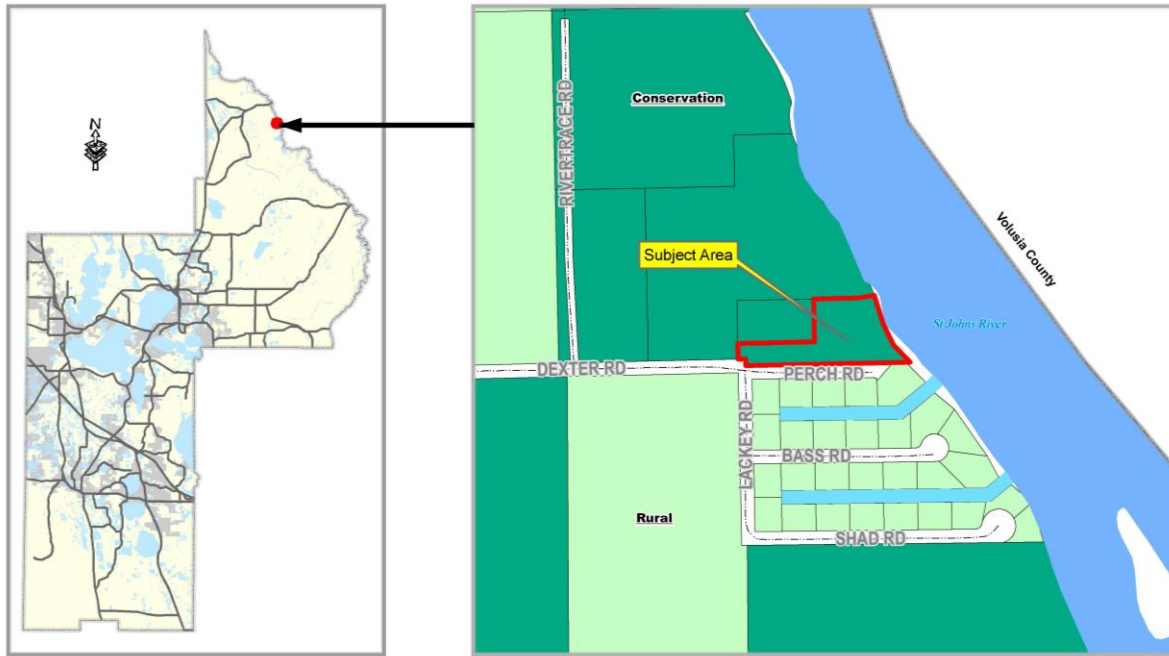
WHEREAS, Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan Amendments; and

WHEREAS, on the 6th day of July, 2016, this Ordinance was heard at a public hearing before the Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

WHEREAS, on the 26th day of July, 2016, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners; and

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**EXHIBIT A
FLU-2016-06-5**



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THE SOUTH PORTION OF LOT 26 IN SECTION 29, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 72 IN SECTION 21, THENCE NORTH 82.12 FEET; THENCE EAST 282.29 FEET, PARALLEL TO THE NORTH BOUNDARY OF LOT 71 IN SECTION 21, THENCE NORTH A DISTANCE OF 157.88 FEET, THENCE EAST 167.71 FEET TO THE ST. JOHNS RIVER; THENCE SOUTH ALONG SAID RIVER TO NORTH BOUNDARY LINE OF SAID LOT 71; THENCE WEST 641.00 FEET; TO THE POINT OF BEGINNING, RESERVING 50 FEET ON THE WEST END OF THE LOT FOR ROAD PURPOSES, ALL ACCORDING TO THE MAP OF MOSES E. LEVY GRANT, KNOWN AS MANHATTAN, AND RECORDED IN PLAT BOOK 2, PAGE 13 OF THE PUBLIC RECORDS OF LAKE COUNTY FLORIDA, BEING IN SECTIONS NUMBERED 37 AND 38, IN TOWNSHIPS 15 AND 16 SOUTH, RANGES 27 AND 28 EAST OF THE TALLAHASSEE MERIDIAN.

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