

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

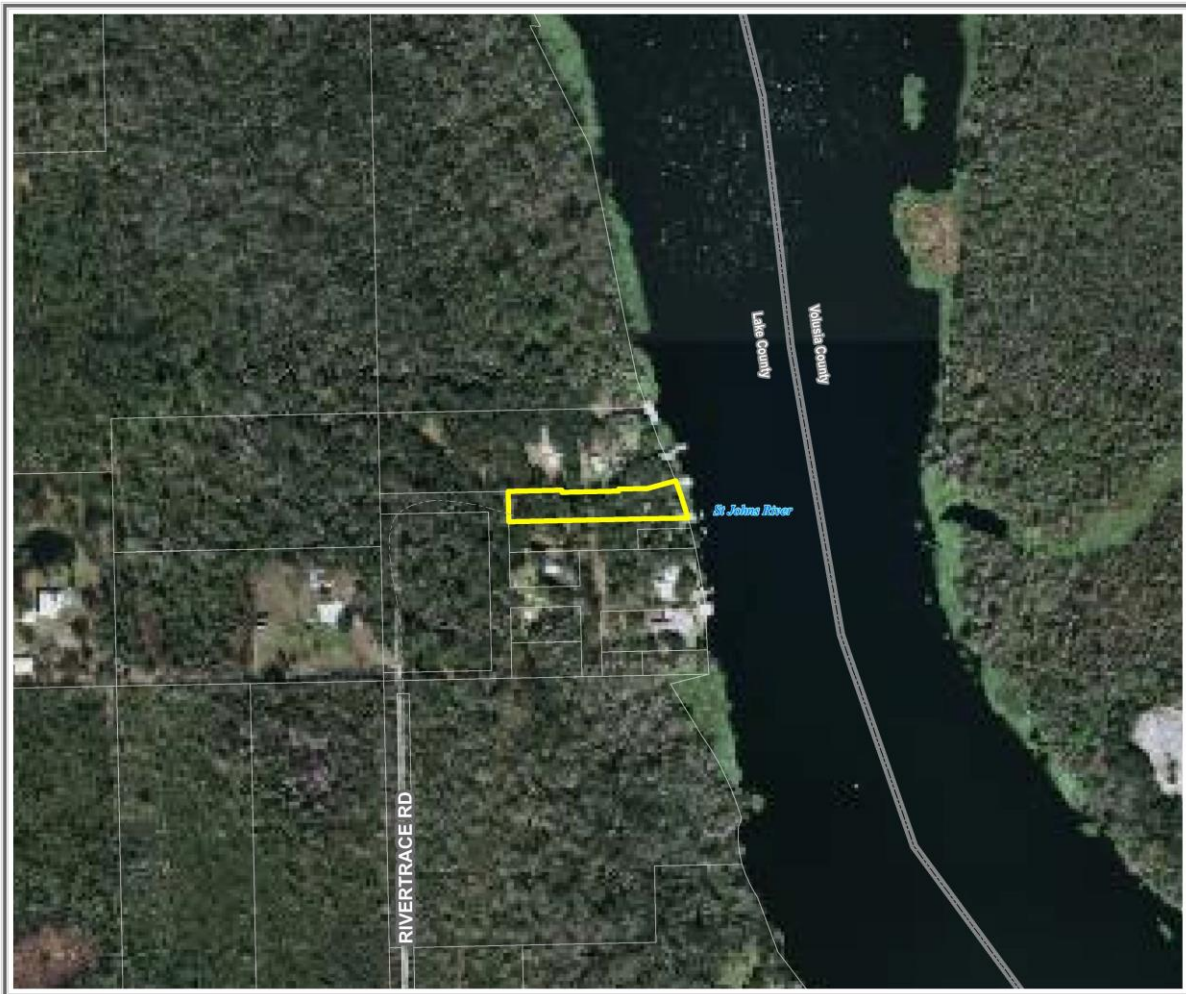


LAKE COUNTY  
FLORIDA

PLANNING AND ZONING BOARD  
July 6, 2016

BOARD OF COUNTY COMMISSIONERS  
July 26, 2016

FLU-16-07-5 Moore-Fisher Property	Commissioner District 5 Cadwell	Agenda Item #2
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**Requested Action:** Amend the Future Land Use Map (FLUM) on approximately 0.74 +/- acres, located east of Rivertrace 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:** Gregory A. Moore and Judith Fisher (the "Owners")

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

**- Site Location & Information -**

<b>Size</b>	0.74 +/- acres
<b>Location</b>	East of Rivertrace Road and along the St. John's River
<b>Alternate Key No.</b>	1357926
<b>Future Land Use</b>	Conservation
<b>Zoning District</b>	Agriculture (A)
<b>Proposed Land Use</b>	Rural
<b>Joint Planning Area/ ISBA</b>	NA
<b>Overlay Districts</b>	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>
<b>North</b>	Conservation	Agriculture (A)	Single family Residence on large lot and large vacant agricultural lots	Manhattan Subdivision Section 29, PB 2, PG 27
<b>South</b>	Conservation	Agriculture (A)	Single family residences on small lots	Manhattan Subdivision Section 29, PB 2, PG 27
<b>East</b>	NA	NA	St. John's River	St. John's River
<b>West</b>	Rural and Conservation	Agriculture	Single family residences on large lots	Manhattan Subdivision Section 29, PB 2, PG 27

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the request to amend the Future Land Use Category on 0.74 +/- 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 1357926, consisting of approximately 0.74 gross acres, is located east of Rivertrace Road and along the St. John's River. The property meets the definition of a lot of record and there is an existing residence and residential accessory structures located on the property.

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 add an addition to their currently existing residence. 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 west 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 0.74 acres and would not meet the Rural FLUC density requirement but does meet the criteria for an exception to the density requirements as outlined in Policy I-7.1.3 *Existing Lot Exception for Density*.

*...If a lot, or combination of lots, meets one of the five (5) criteria listed below, an exception to the densities established by this Comprehensive Plan shall be granted:...*

*B. There shall be an exception to the density requirements of this Comprehensive Plan for a lot or combination of lots created through a subdivision approved by the Board of County Commissioners and recorded in the Public Records of Lake County in Plat Books 1 through 22 or lots created through one of the following Recognized Unrecorded Subdivisions... A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that each of the following requirements are met...*

*C. There shall be an exception to the density requirements of this Comprehensive Plan for lots or combination of lots described in Paragraphs A or B above but that do not meet the requirements contained therein. A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, if one of the following criteria is met:*

- The owner demonstrates that on March 2, 1993 such lot was owned by the owner or their predecessor in title and no contiguous lots were owned by the owner or their predecessor in title on that date;*

The subject property is included in the Manhattan subdivision which is recorded in Plat Book 2 of the Lake County Official Records but does not meet the other requirements stated in criteria B. However, according to tax records from March 2, 1993 the owner of the property at that time did not own any lots in title that were contiguous to the subject property. Therefore, the property satisfies criteria C and is considered a lot of record.

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

The property is currently developed with a single family residence and residential accessory structures. The owner would like to add an addition to the existing home.

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

The development pattern west of the subject property is single family residential with Rural FLUC. The development pattern south of the subject property is single family residential. The development patterns north of the subject property are single family residential and vacant agricultural lots.

**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 will have de minimis impacts on transportation demands. The property is already developed at the maximum density allowed within the Rural FLUC, one (1) a single family residence per five net acres. The property owner's will be adding an addition to the already existing residence.

Schools

The property is already developed at the maximum density allowed within the Rural FLUC, one (1) dwelling unit per five net acres. The property owner's will be adding an addition to the already existing residence. Therefore, the proposed map amendment will have a de minimis impact on schools.

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 2.84 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 single family residential with Rural FLUC to the west and southwest and is surrounded by single family residential with Conservation FLUC to the north and southeast. The proposed map amendment will change the property's FLUC from Conservation to Rural, which allows for a density of one (1) dwelling unit 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:

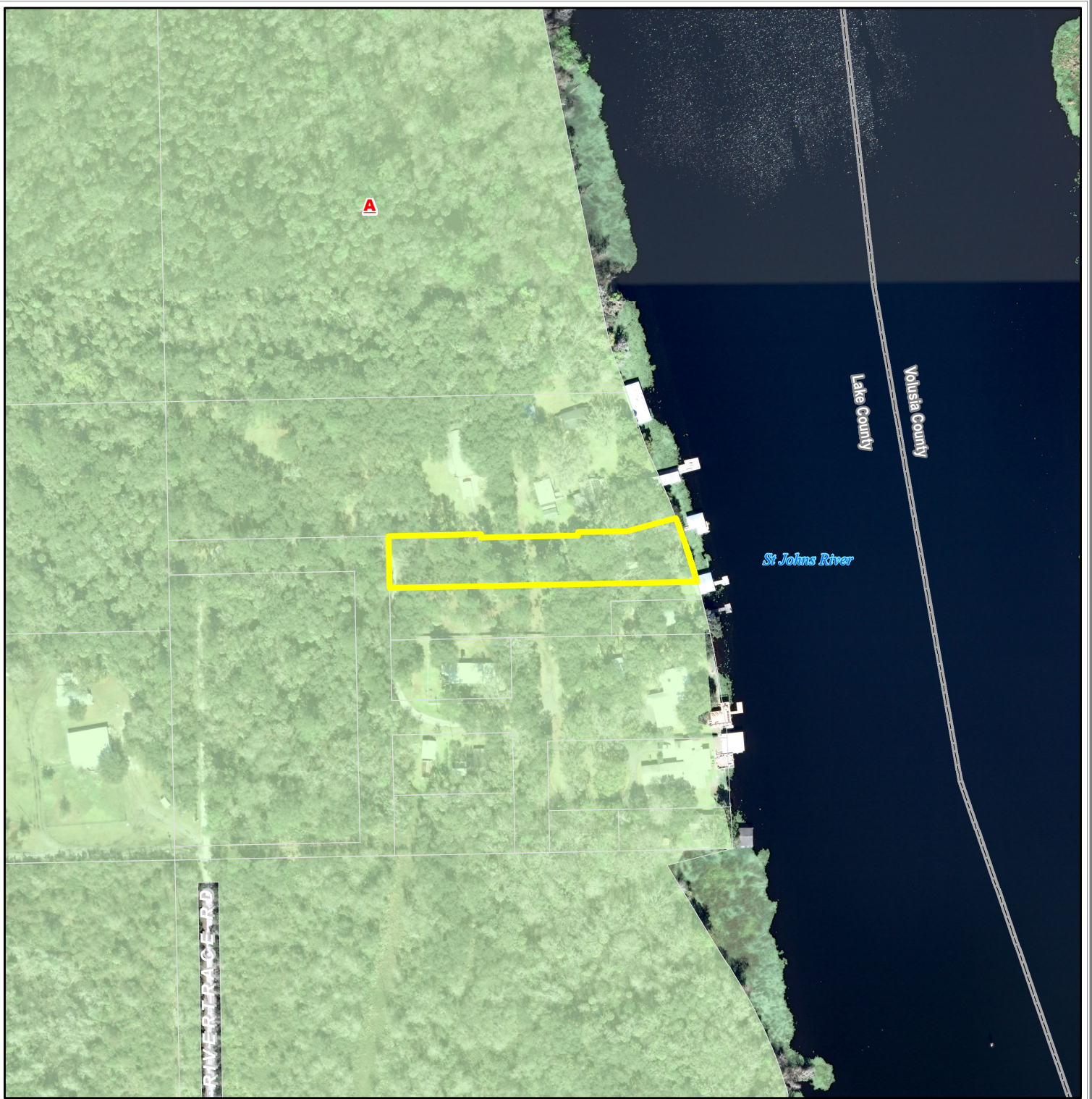
1. The application is consistent with CP Goal I-1, and Policy I-1.1.3, *Direct Orderly, Compact Growth*, which requires an orderly and logical development patten between FLUC.
2. The proposed uses are consistent with Policy I-1.4.4 *Rural Future Land Use Category*, which allows residential uses.
3. The 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.

Based on these findings of fact, staff recommends **APPROVAL** of the request to amend the Future Land Use Category on 0.74 +/- acres from Conservation FLUC to Rural FLUC by amending the 2030 Future Land Use Map.

**Case Manager:** Christine Rice, Planner

**WRITTEN COMMENTS FILED:**                      **Supportive: -0-**                      **Concern: -0-**                      **Opposition: -0-**

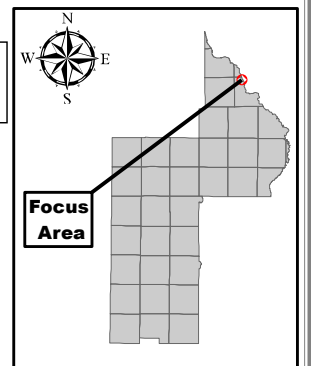




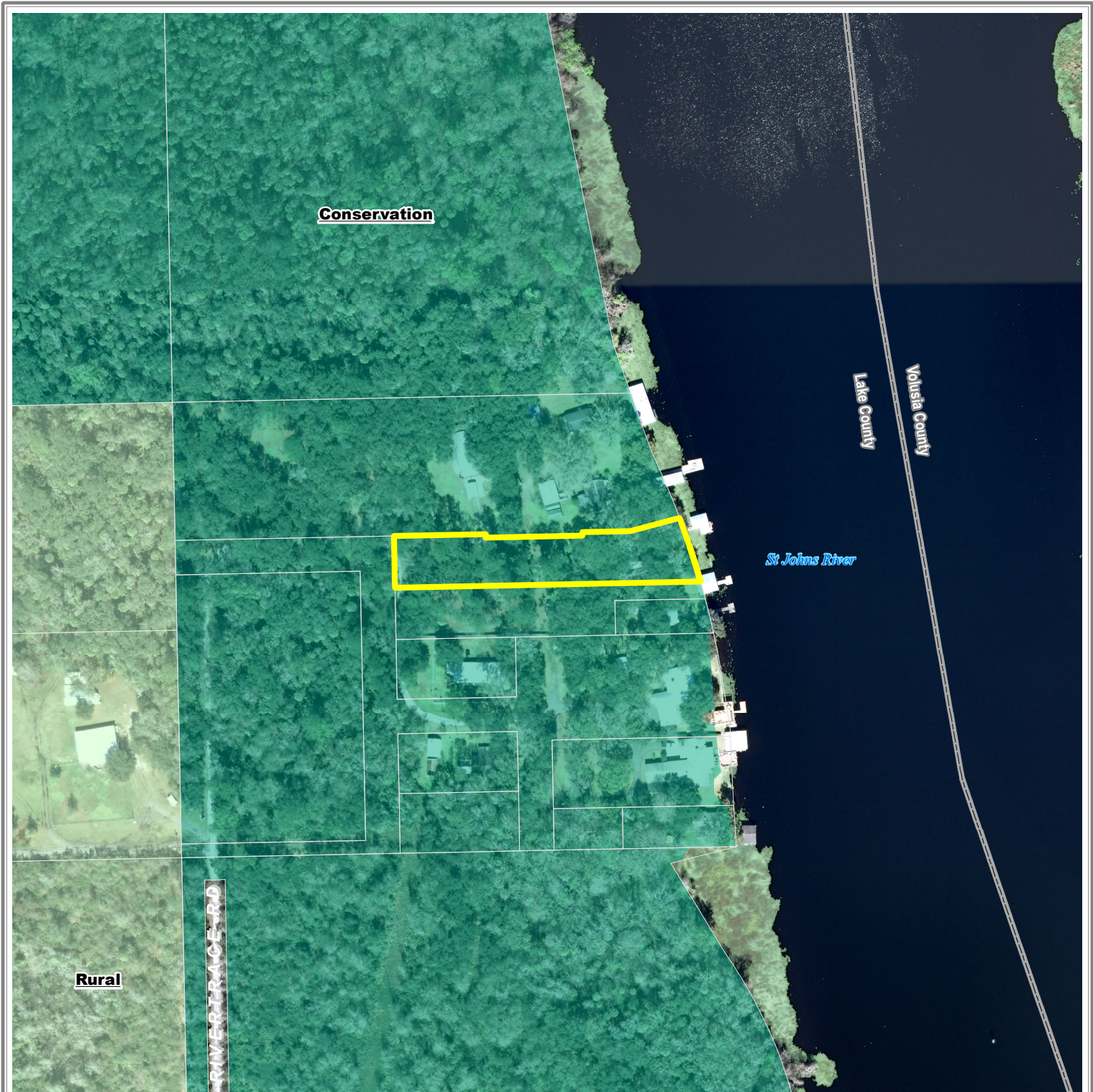
**ZONING LEGEND**

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: MOORE & FISHER**  
**CASE NUMBER: FLU-16-07-5**  
**LOCATION (S-T-R): 37-15-27**  
**REQUEST: CONSERVATION TO RURAL**



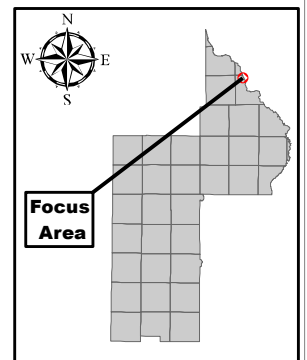




**FUTURE LAND USE LEGEND**

- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| 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  |                      |

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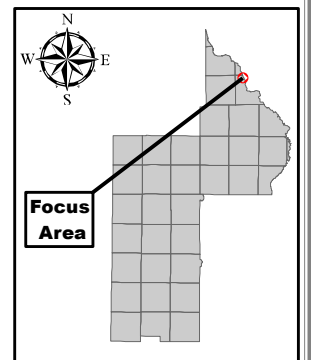




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| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20 |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40 |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | Urban High Density  |                      |

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1 TRANSMITTAL ONLY  
2 ORDINANCE 2016--XX  
3 FLU-2016-07-5  
4 Moore-Fisher Property  
5

6 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,  
7 FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE  
8 FUTURE LAND USE MAP FROM CONSERVATION FUTURE LAND USE CATEGORY TO RURAL  
9 FUTURE LAND USE CATEGORY FOR PROPERTY LOCATED EAST OF RIVERTRACE ROAD,  
10 ALONG THE ST. JOHN'S RIVER, DESCRIBED WITH ALTERNATE KEY NUMBER 1357926, AS  
11 SHOWN IN EXHIBIT A; PROVIDING FOR PUBLICATION AS REQUIRED BY SECTION  
12 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
13 AN EFFECTIVE DATE.

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

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

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

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

26 WHEREAS, on the 22<sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan  
27 became effective; and

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

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

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

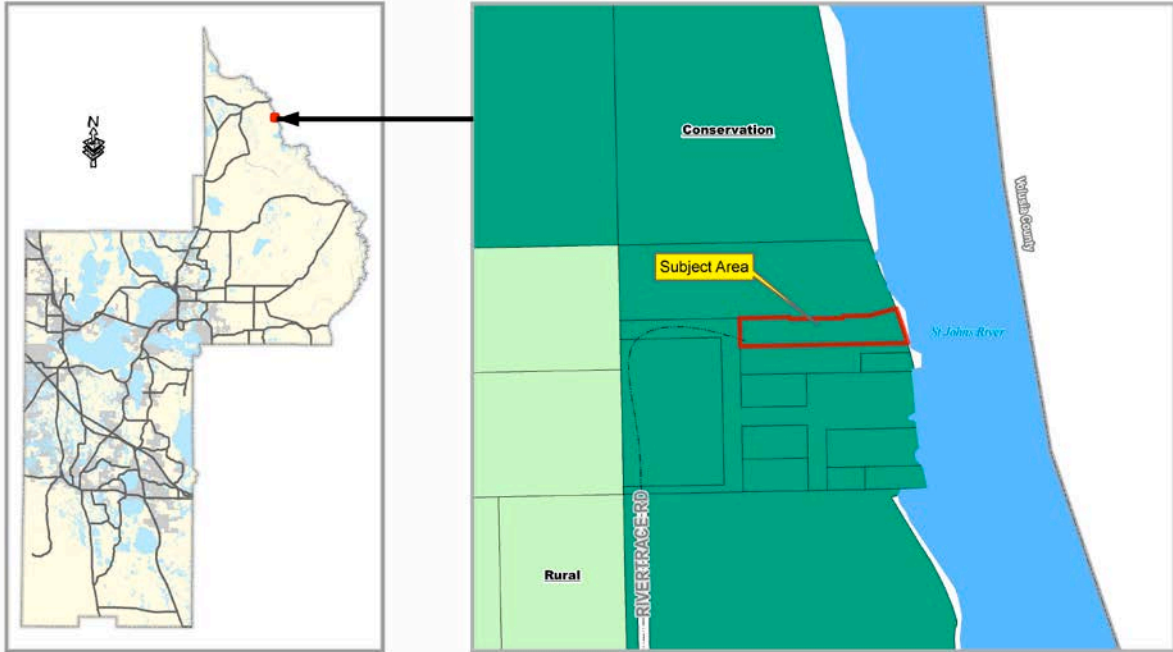
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EXHIBIT A  
FLU-2016-07-5



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**A parcel in the MAP OF MANHATTAN, Section 29, Plat Book 2, Page 13, Public Records of Lake, County, Florida, described as follows:**

**MANHATTAN, Section 29, South 75 feet of the North 275 feet of the South one-half of Lot 24, less the West 317 feet and less the South 5 feet of the North 205 feet of the East 140 feet of the West 590 feet of the South one-half of Lot 24; Beginning 660 feet East of the Southwest corner of the North 200 feet of the South one-half of Lot 24, run North 75 degrees East 50 feet to river, Southerly along river 12 feet to the South line of the North 200 feet of the South one-half of Lot 24, West to point of beginning.**

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