

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

**PLANNING & ZONING BOARD**  
 July 29, 2015



**BOARD OF COUNTY COMMISSIONERS**  
 August 18, 2015

<b>RZ-15-15-3</b> <b>Judith S. Farley Family Trust</b>	<b>Case Manager:</b> Rick Hartenstein, AICP, CPM, Senior Planner	<b>Agenda Item #3</b>
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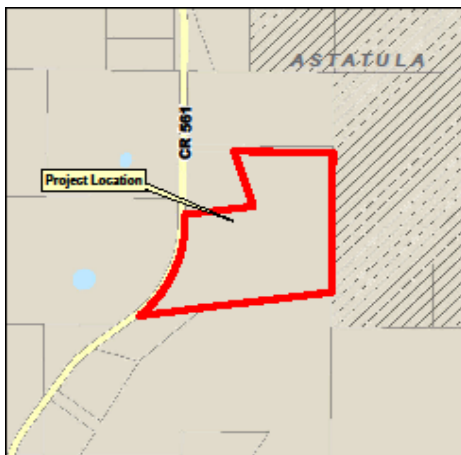
**Owner:** Robert Mark Farley and Arlie Bee Farley, Successor Co-Trustees of the Judith S. Farley Family Trust, and Robert Mark Farley and Arlie Bee Farley (the "Owner")

**Applicant:** Steven C. Vaughn, Jr. (the "Applicant")

**Requested Action:** Rezone 3.89 +/- acres from Heavy Industrial (HM) to Agriculture (A) to remove the single-family residential unit from the industrial site and amend the legal description of the HM zoned property (35.69 +/- acres).

**- Site Location & Information -**

Approximate site location outlined in Red



**Site Visit:** June 8, 2015

**Sign Posted:** June 8, 2015 (8 posted)

<b>Size</b>	39.58 +/- acres (entire property); 3.89 +/- acres (portion of property to be rezoned to A); 35.69 +/- acres (portion of property to retain HM zoning)	
<b>Location</b>	South Astatula area on CR 561 at 23624 CR 561	
<b>Alternate Key #</b>	2870672	
<b>Future Land Use</b>	Industrial (existing)	
	Rural (proposed)	
	Lake Apopka Basin Overlay District	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	HM	A
<b>Impervious Surface Ratio (ISR)</b>	0.80 max (Comprehensive Plan)	0.10 max (LDR)
<b>Floor Area Ratio (FAR)</b>	1.0 max (Comprehensive Plan)	Not Specified
<b>Joint Planning Area</b>	N/A	
<b>Utility Area:</b>	N/A	
<b>Site Utilities</b>	Well and Septic Tank	
<b>Road Classification</b>	CR 561 - Rural Principal Arterial - Other	
<b>Flood Zone/ FIRM Panel</b>	X & A / 12069C0505E Effective 12/18/2012	
<b>Commissioner District</b>	3 (Conner)	

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Industrial	Heavy Industrial (HM) & Planned Industrial (MP)	Manufacturing & Used Motor Oil Recycling Facility	Mack Concrete & Green Tech of Lake Co.
<b>South</b>	Rural	Agriculture (A)	Vacant Parcel & Single-Family Residential	None
<b>East</b>	Rural & Astatula City Limits	Agriculture (A) & Astatula City Limits	Amusement Commercial	Coyote Mud Park
<b>West</b>	Rural	Agriculture (A)	Agriculture & Single-Family Residential	None

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed rezoning request as set forth in the attached Ordinances. **Approval of the Heavy Industrial (HM) and Agriculture (A) ordinances are contingent upon the approval of the proposed Rural Future Land Use Category amendment FLU-2015-01-3.**

**PLANNING & ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The Applicant is requesting to rezone 3.89 +/- acres (yellow) from Heavy Industrial (HM) to Agriculture (A) so the Owner can remove the single-family residence (SFR) from the industrial site and combine this area with the property to the south 4.87 acres (green), creating an 8.76 +/- acre agricultural parcel with a SFR and redefining the industrial (HM) site as a 35.69 +/- acre parcel (purple/purple & black) as demonstrated on Staff Exhibit 1 below. The property (3.89 ac. - yellow) is currently part of the Farley Refrigeration Industrial Facility.



The subject property is located in the Heavy Industrial Zoning District and is currently designated with the Industrial Future Land Use Category (FLUC) and is within the Lake Apopka Basin Overlay District.

A Small-Scale Comprehensive Plan Future Land Use Map Amendment application to change the FLUC of the subject property (3.89 acres) from Industrial to Rural is being processed simultaneously. The Industrial FLUC does not allow SFR uses and currently the residence is recognized as a caretaker's residence for the industrial site. The proposed Agriculture (A) rezoning to allow SFR uses, is consistent with the proposed Rural FLUC. **Approval of this Heavy Industrial and Agriculture rezoning ordinances is contingent upon the approval of the proposed Rural FLUC amendment FLU-2015-01-3 for this property.**

The proposed rezoning request is consistent with the Comprehensive Plan which permits Agricultural and SFR uses in the proposed Rural FLUC. The rezoning request is also consistent with the Land Development Regulations (LDR), which permit Agricultural and SFR uses in the Agriculture (A) Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

**- Analysis -**

Land Development Regulations 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 is consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits agricultural and SFR uses in the Agriculture (A) Zoning District and industrial uses within the Heavy Industrial (HM) Zoning District.

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

The Agriculture zoning request is consistent with the proposed Rural FLUC as seen in the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, as agriculture and residential uses are allowable in the Rural FLUC.

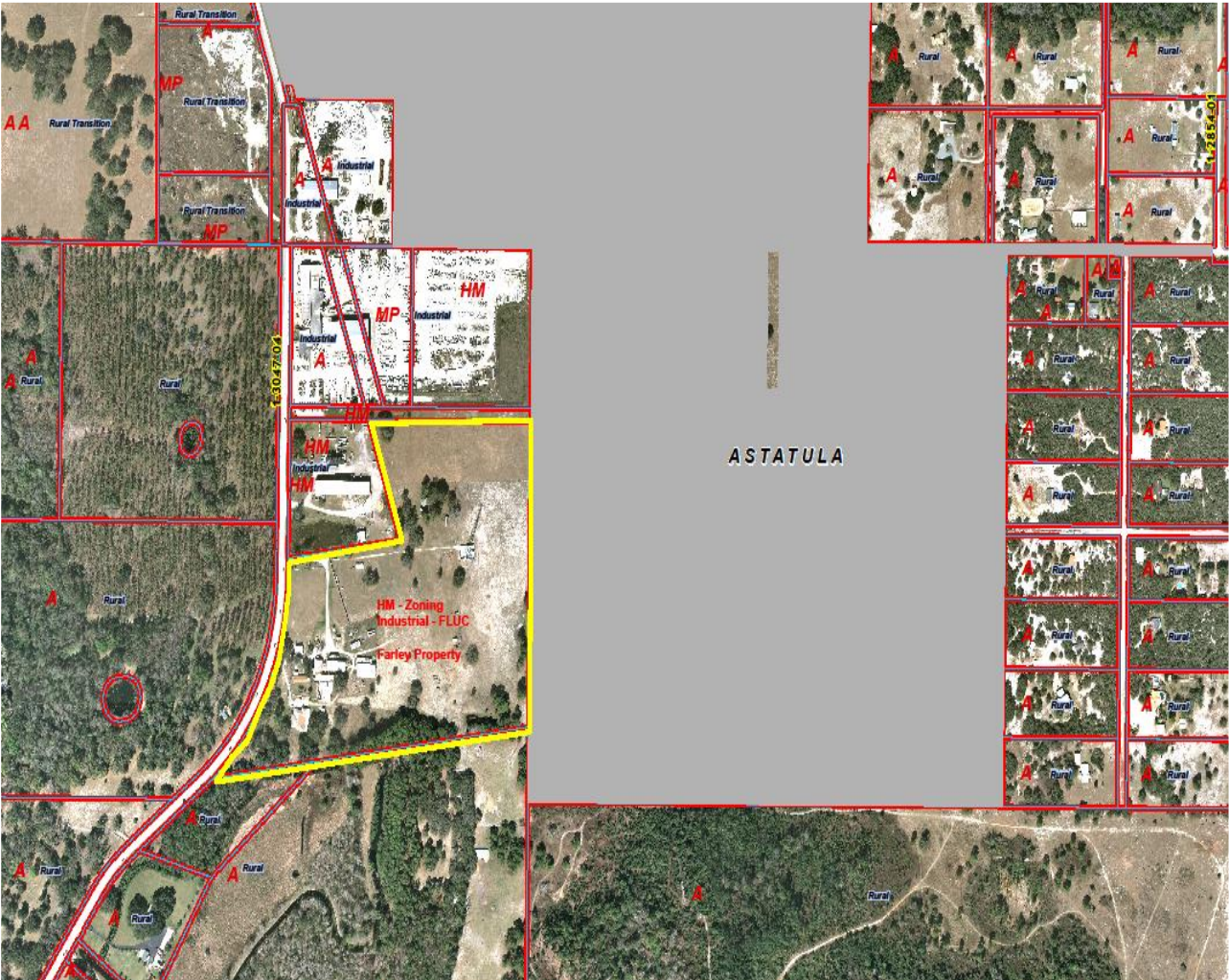
**C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;**

As shown on Exhibit #2 – Surrounding Area Map below, the property is situated within the Industrial FLUC and is adjacent to the Rural FLUC to the south. The property is surrounded by industrial, agriculture, Astatula Town Limits, and single-family residential uses. These uses include a Used-Oil Recycling Facility and Concrete Pipe Manufacturing Facility to the north, the Town Limits of Astatula to the east developed with a Commercial Amusement use (Coyote Mud Park) to the east; and agriculture and SFR uses to the south and west. The property is currently developed with a SFR unit serving as the caretaker’s residence for the existing industrial site. The owner intends to expand the industrial site by adding a warehouse building upon completion of the various processes stated above. Changing the zoning from industrial to agriculture (HM to A) and combining this property with the adjacent 4.87 acres will make the 3.89 acres proposed uses consistent with the zoning district and compatible to the existing uses in the surrounding area within the Rural FLUC.

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## Exhibit #2 – Farley Rezoning Area Map



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

The 2030 Comprehensive Plan designated this area with the Industrial FLUC to facilitate the existing industrial development and industrial uses in this area. The owner intends to develop/expand the industrial site by adding some warehousing to support the existing light industrial use (industrial/commercial refrigeration repair and service). When the attempt was made to obtain financing, the lender wanted the residential use separated from the industrial use. As stated above, it is necessary to change the property's (3.89 acres) future land use from Industrial to Rural, the zoning from industrial to agriculture (HM to A), which allows SFR uses, combine 4.87 acres to the south with the 3.89 acres to create a lot consistent with the Rural FLUC, and amend the site plan to remove the 3.89 acres and establish the proposed warehouse building within the industrial site.

**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 property will be served with private well and septic tank.

Transportation - Public Works Engineering has reviewed this application for any potential traffic impacts to CR 561 and has indicated that this project will have no adverse impacts related to the Level of Service (LOS) for CR 561.

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

The amendment will not result in a significant impact on the natural environment. The property contains a small amount of wetlands along the southern and southeastern boundaries of the project area. There is sufficient distance between the existing development and wetland areas for buffers to provide protection of the wetlands from any potential development impacts. Any proposed development will be required to meet all requirements of the Comprehensive Plan and the Land Development Regulations. A preliminary environmental assessment will be required during the site plan review and approval process to address any threatened, endangered, or species of special concern discovered prior to development.

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

There is no indication that there will be any adverse effects on the property values in the area. The subject property is developed and will continue to be utilized for the existing industrial and residential uses as proposed in this application.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area since the surrounding area is developed with a mix of industrial, agriculture and SFR develop and the request is consistent with this development pattern.

**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 will not be in conflict with the public interest and would be in harmony with the general intent of the Comprehensive Plan and LDR.

**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 proposed rezoning and found:

1. The Agriculture zoning request is consistent with the proposed Rural FLUC as seen in the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, as agriculture and SFR uses are allowable in the Rural FLUC.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits agriculture and SFR uses in the Agriculture Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance. **Approval of the Heavy Industrial and Agriculture ordinances will be subject to the approval of the proposed Rural FLUC amendment FLU-2015-01-3.**

**WRITTEN COMMENTS FILED:**

**Supportive: -0-**

**Concern: -0-**

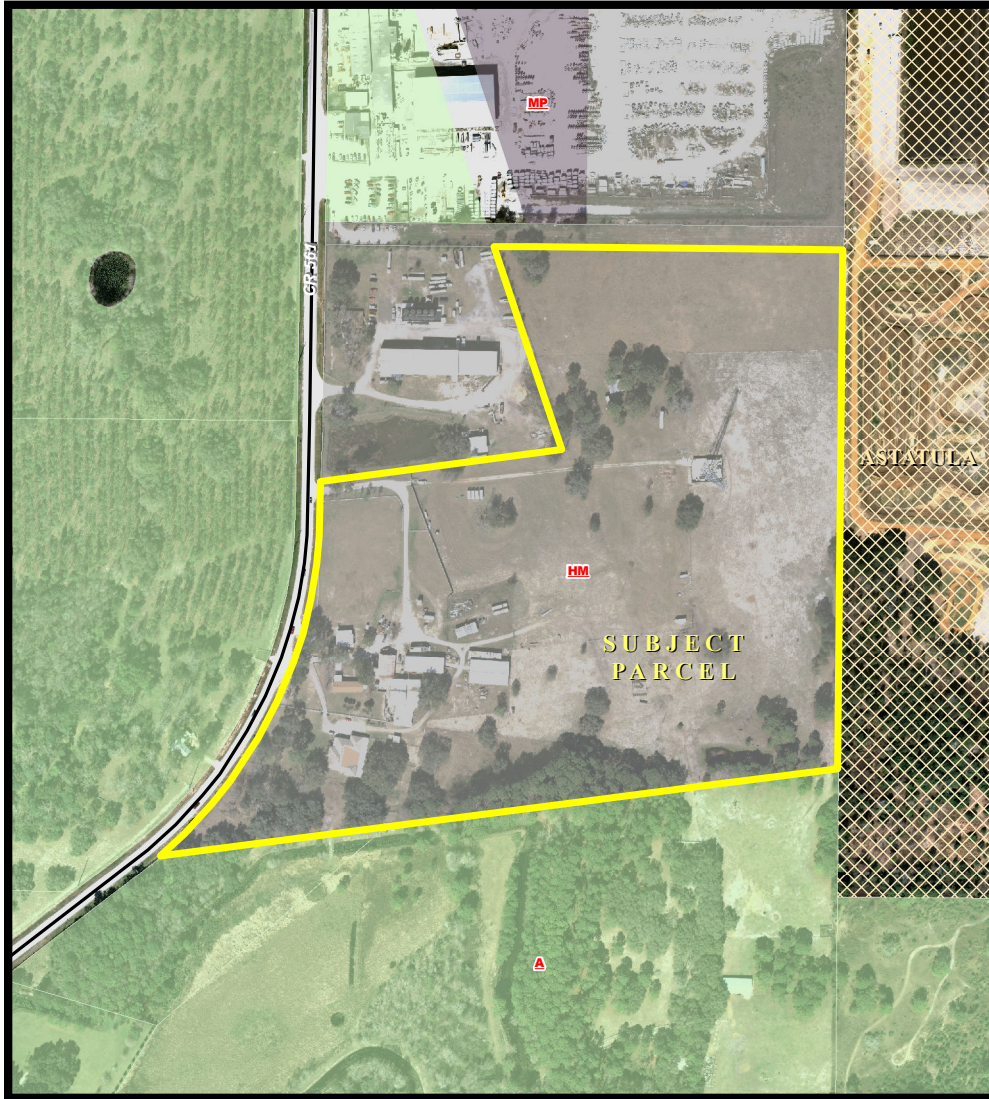
**Opposition: -0-**





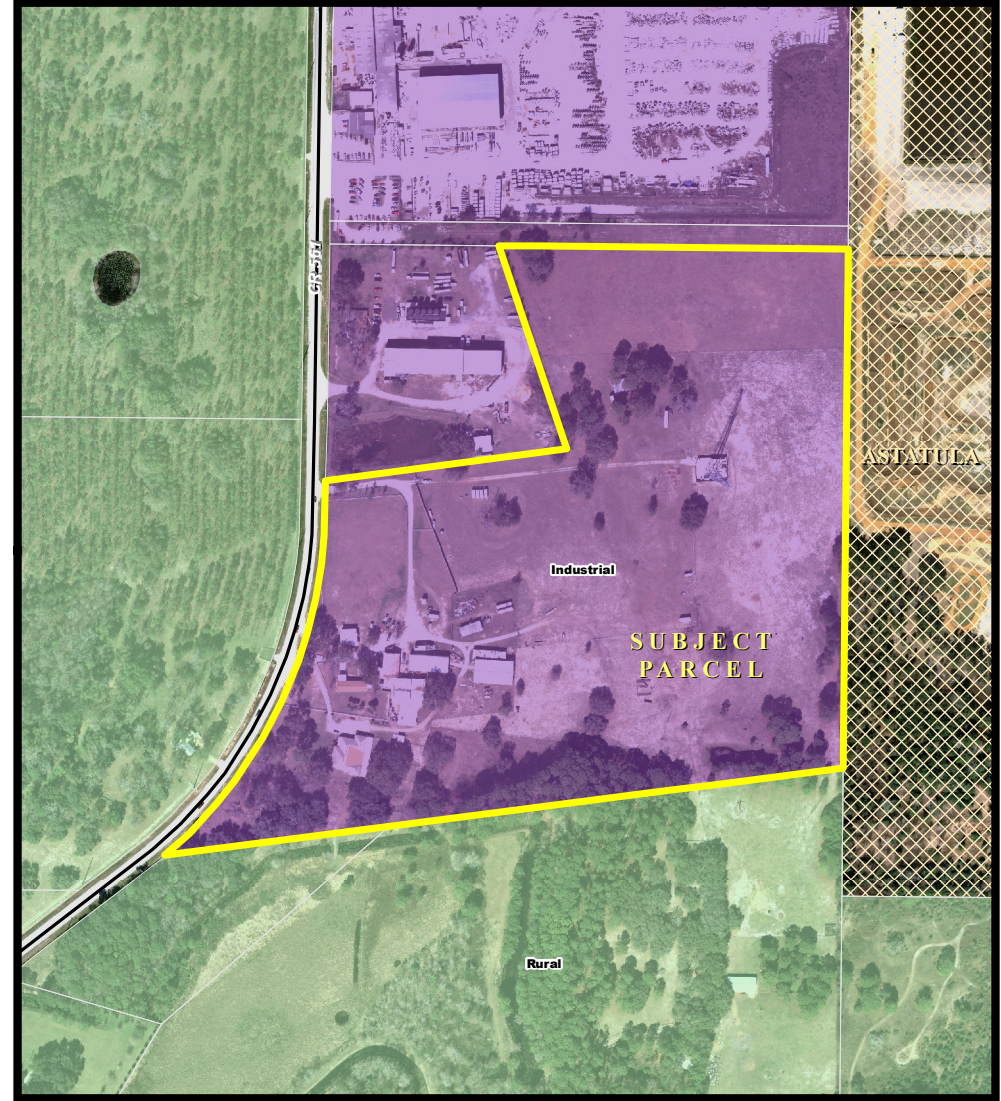
### CURRENT ZONING

1 inch = 500 feet



### CURRENT 2030 FUTURE LAND USE

1 inch = 500 feet



Zoning Legend

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

FLU Legend


Bella Collina	Heavy Industrial
Cagans Crossing	Mt Plymouth - Sorrento Main Street District
Conservation	Mt Plymouth - Sorrento Proper
Green Swamp Core Conservation	Mt Plymouth - Sorrento Receiving Area
Green Swamp Ridge	Office
Green Swamp Rural	Public Service Facility and Infrastructure
Green Swamp Rural Conservation	Receiving Area A-1-20

Recreation	Urban Low Density
Regional Commercial	Urban Medium Density
Rural	
Rural Transition	
Sending Area A-1-20	
Sending Area A-1-40	
Urban High Density	

**JUDITH S. FARLEY, TRUST  
REZONING**

**CASE NO. RZ-15-15-3**  
**CASE LOCATION: 5-21S-26E**

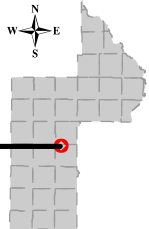
**REQUESTING:**  
Rezone 3.89 +/- acres  
from HM to A



**LAKE COUNTY  
FLORIDA**

Planning & Community  
Design Division

Economic Growth Department



**FOCUS AREA**









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

2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

3 **FILED** with the Secretary of State \_\_\_\_\_, 2015.

4 **EFFECTIVE** \_\_\_\_\_, 2015.

5 **BOARD OF COUNTY COMMISSIONERS**  
6 **LAKE COUNTY, FLORIDA**

7 \_\_\_\_\_  
8 **JIMMY CONNER, Chairman**

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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 **SANFORD A. MINKOFF, County Attorney**



1 Agriculture zoning ordinance is contingent upon the approval of the proposed Rural FLUC amendment  
2 FLU-2015-01-3 for this property; and

3 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-15-15-3 on July 29,  
4 2015, after giving Notice of Hearing on petition for a change in the use of land, including notice that said  
5 petition would be presented to the Board of County Commissioners of Lake County, Florida, on August 18,  
6 2015; and

7 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of  
8 the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from  
9 the public and surrounding property owners at a public hearing duly advertised; and

10 **WHEREAS**, upon review, certain terms pertaining to the development of the above described  
11 property have been duly approved; and

12 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
13 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they  
14 pertain to the above subject property, subject to the following terms:

15 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the  
16 subject property from Heavy Industrial (HM) to Agriculture (A) in accordance with this  
17 Ordinance.

18 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be  
19 required to submit applications for and receive necessary final development order approvals as  
20 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
21 applications for final development orders shall meet all submittal requirements and comply with  
22 all County codes and ordinances, as amended.

23 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
24 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
25 affect the validity of the remaining portions of this Ordinance.

26 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
27 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
28 with Section 125.66, Florida Statutes.

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

2 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

3 **FILED** with the Secretary of State \_\_\_\_\_, 2015.

4 **EFFECTIVE** \_\_\_\_\_, 2015.

5 **BOARD OF COUNTY COMMISSIONERS**  
6 **LAKE COUNTY, FLORIDA**

7 \_\_\_\_\_  
8 **JIMMY CONNER, Chairman**

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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 **SANFORD A. MINKOFF, County Attorney**