### LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

## PETITION TO REZONE PROPERTY

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



BOARD OF COUNTY COMMISSIONERS August 18, 2015

RZ-15-15-3
<b>Judith S. Farley Family Trust</b>

Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner

Agenda Item #3

**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)

Size	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)		
Location	South Astatula area on CR 561 at 23624 CR 561		
Alternate Key #	2870672		
	Industrial (existing)		
Future Land Use	ture Land Use Rural (proposed)		
	Lake Apopka Basin Overlay District		
	Existing	Proposed	
Zoning District	НМ	Α	
Impervious Surface	0.80 max	0.10 max	
Ratio (ISR)	(Comprehensive Plan)	(LDR)	
Floor Area Ratio (FAR)	1.0 max (Comprehensive Plan)	Not Specified	
Joint Planning Area	N/A		
Utility Area:	N/A		
Site Utilities	Well and Septic Tank		
Road Classification	CR 561 - Rural Principal Arterial - Other		
Flood Zone/ FIRM Panel	X & A / 12069C0505E Effective 12/18/2012		
Commissioner District	3 (Conner)		

#### **Land Use Table**

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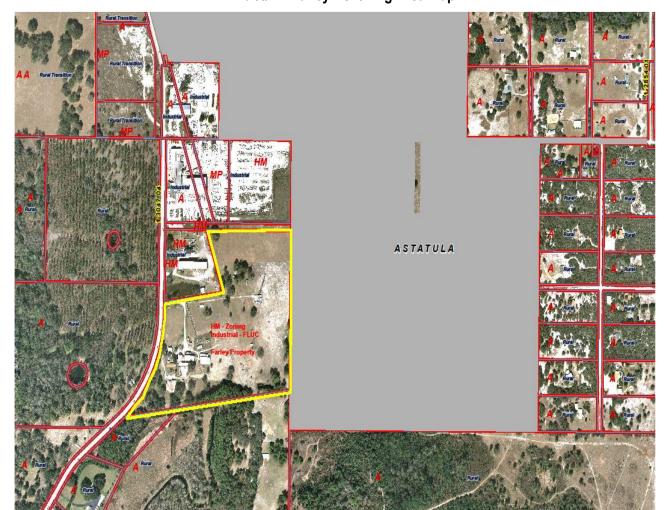


Exhibit #2 - Farley Rezoning Area Map

#### 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.

<u>Transportation</u> - 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.

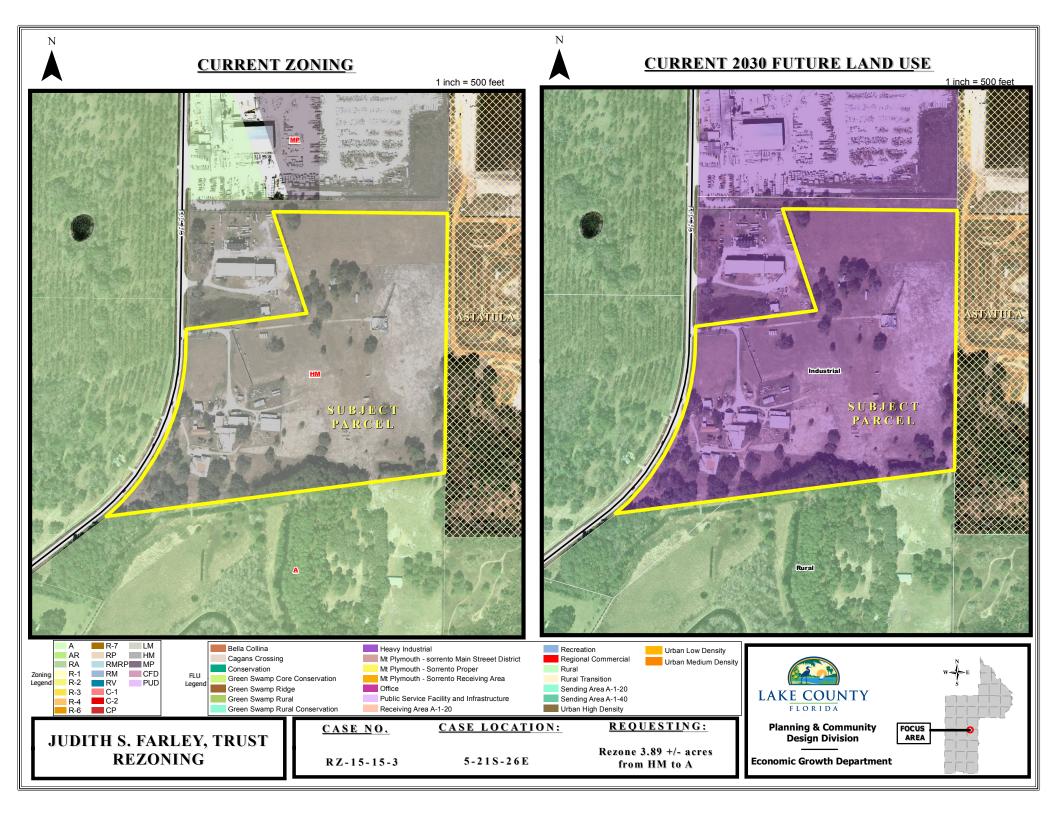
N/A.

#### **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-



#### ORDINANCE #2015-XX Judith S. Farley Family Trust RZ-15-15-3

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

WHEREAS, Steven C. Vaughn, Jr. (the "Applicant") made a request to rezone property from Heavy Industrial (HM) to Agriculture (A) to allow agriculture and Single-Family Residential (SFR) uses on behalf of his client, 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"); and

WHEREAS, the parent parcel, an industrial site, consists of 39.58 +/- acres zoned HM, and 3.89 +/- acres is being rezoned to A by separate instrument, leaving 35.69 +/- acres to retain HM zoning; and

**WHEREAS**, this ordinance amends the legal description for the HM Zoning District by removing the 3.89 +/- acres being rezoned to A; and

**WHEREAS**, the subject property consists of 35.69 +/- acres and is generally located in the south Astatula area, on the east side of CR 561, in Section 5, Township 21 South, Range 26 East, being a portion of Alternate Key Number 2870672, and more particularly described below:

#### 17 **LEGAL DESCRIPTION:**

That part of Government Lots 2 and 3 in Section 5, Township 21 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the intersection of the North line of said Government Lot 2 with the Easterly line of the abandoned right of way of the Seaboard Coast Line Railroad, run North 89°59'34" East along the North line of said Government Lot 2 a distance of 430.55 feet; thence South 00°00'26" East 713.93 feet; thence South 89°59'34" West 675.72 feet to a point on the Easterly line of the right of way of State Road No. 561; thence Southerly along the Easterly line of said right of way 60 feet; thence North 89°59'34" East 453.74 feet to the Westerly line of said abandoned railroad right of way and the point of beginning of this description. From said point of beginning run South 19°22'26" East along the Westerly line of said abandoned right of way 558.33 feet; thence South 81°43'01" West 649.02 feet to a point on the Easterly line of the right of way of State Road No. 561, said point being hereby designated as Point "A". Begin again at the point of beginning and run North 89°59'34" East a distance of 890.61 feet to a point on the East line of said Government Lot 2; thence South 0°04'33" West along said East line of Government Lot 2 a distance of 1349.73 feet, more or less, to a point that is 333.96 feet North of the Southeast corner of said Government Lot 2; thence South 82°09'35" West, (Actually South 82°13'12" West) a distance of 1108.21 feet to a 5/8" iron rod labeled LB 6676; thence North 08°00'25" East a distance of 248.15 feet to a 5/8" iron rod labeled LB 6676; thence North 81°59'35 West a distance of 253.95 feet to a 5/8" iron rod labeled LB 6676; thence North 18°26'47" West a distance of 64.40 feet to a 5/8" iron rod labeled LB 6676; thence North 19°02'06" West a distance of 106.51 feet to a 5/8" iron rod labeled LB 6676; thence North 1512'29" West a distance of 60.00 feet to a 5/8" iron rod labeled LB 6676, on the Easterly right of way line of County Road No. 561, said point being on a curve concave to the Northwest from which a radial line bears North 75°15'53" West and having a radius of 1198.34 feet; thence Northerly along said right of way line and arc of said curve a distance of 301.83 feet through a central angle of 14°25'53" and a chord bearing of North 07°31'10" East to a 5/8" iron rod labeled LB 6676 at the point of tangency; thence North 00°18'14" East along said Easterly right of way line a distance of 82.44 feet to Point "A" and the terminus of this description.

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1 2 3	and within	<b>IEREAS</b> , the subject property is located within the Industrial Future Land Use Category (FLUC), the Lake Apopka Basin Overlay District as shown on the Lake County Comprehensive Pland Use Map (FLUM); and	
4 5 6 7 8	considered +/- acres of the propose	IEREAS, a Small-Scale Comprehensive Plan FLUM Amendment application is being concurrent with this rezoning application to change the FLUC from Industrial to Rural on 3.89 the parent parcel, and this Heavy Industrial zoning ordinance is contingent upon the approval of ed Rural FLUC amendment FLU-2015-01-3 for the 3.89 +/- acre portion of the property being om the Industrial FLUC and HM Zoning District; and	
9 10 11 12	<b>WHEREAS</b> , the Lake County Planning & Zoning Board reviewed Petition RZ-15-15-3 on July 29, 2015, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on August 18, 2015; and		
13 14 15	the Lake Co	<b>IEREAS</b> , the Board of County Commissioners reviewed said petition, the recommendations of bunty Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from nd surrounding property owners at a public hearing duly advertised; and	
16 17		<b>IEREAS</b> , upon review, certain terms pertaining to the development of the above described we been duly approved; and	
18 19 20	Florida, tha	<b>W THEREFORE, BE IT ORDAINED</b> by the Board of County Commissioners of Lake County, the Land Development Regulations of Lake County, Florida, be altered and amended as they be above subject property, subject to the following terms:	
21 22 23	Section 1.	<b>Terms:</b> The County Manager or designee shall amend the boundary of the Heavy Industrial (HM) Zoning District on the Official Zoning Map to reflect the removal of $3.89 + /-$ acres from the parent industrial site Heavy Industrial (HM) Zoning District in accordance with this Ordinance.	
24 25 26 27 28	Section 2.	<b>Development Review and Approval:</b> Prior to the issuance of any permits, the Owner shall be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.	
29 30 31	Section 3.	<b>Severability:</b> 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.	
32 33 34	Section 4.	<b>Filing with the Department of State.</b> The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.	
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ENACTED this	day of
	-
FILED with the Secreta	ry of State
EFFECTIVE	
	BOARD OF COUNTY COMMISSIONERS
	LAKE COUNTY, FLORIDA
	JIMMY CONNER, Chairman
ATTEST:	
NEIL KELLY, Clerk of the	
Board of County Commission	ers
Lake County, Florida	
APPROVED AS TO FORM AND	LEGALITY

# ORDINANCE #2015-XX Judith S. Farley Family Trust RZ-15-15-3

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**WHEREAS**, the subject property consists of 3.89 +/- acres and is generally located in the south Astatula area, on the east side of CR 561, in Section 5, Township 21 South, Range 26 East, being a portion of Alternate Key Number 2870672, and more particularly described below:

13 **LEGAL DESCRIPTION:** 

That part of Government Lots 2 and 3 in Section 5, Township 21 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the intersection of the North line of said Government Lot 2 with the the Easterly line of the abandoned right of way of the Seaboard Coast Line Railroad, run North 89°59'34" East along the North line of said Government Lot 2 a distance of 430.55 feet; thence South 00°00'26" East 713.93 feet: thence South 89°59'34" West 675.72 feet to a point on the Easterly line of the right of way of State Road No. 561; thence Southerly along the Easterly line of said right of way 60 feet; thence North 89°59'34" East 453.74 feet to the Westerly line of said abandoned railroad right of way; thence continue North 89°59'34" East a distance of 890.61 feet to a point on the East line of said Government Lot 2; thence South 0°04'33" West along said East line of Government Lot 2 a distance of 1349.73 feet, more or less, to a point that is 333.96 feet North of the Southeast corner of said Government Lot 2; thence South 82°09'35" West, (Actually South 82°13'12" West) a distance of 1108.21 feet tp a 5/8" iron rod labeled, LB 6676, said iron rod being the Point of Beginning of this description: thence continue South 82°09'35" West, (Actually South 82°13'12 West) a distance of 81.63 feet to a 1/2" iron rod, no identification; thence continue South 82°09'35" West. (Actually South 82°07'54" West) a distance of 574.71 feet to a point on the Easterly right of way line of said County Road No. 561, said point being on a curve concave to the Northwest from which a radial line bears North 41°39'28" West and having a radius of 1198.34 feet and a chord bearing of North 31°32'20" East; thence Northeasterly along said right of way line 702.89 feet, through a central angle of 33°36'25" to a 5/8" iron rod labeled LB 6676; thence departing said right of way line run thence South 15°12'29" East a distance of 60.00 feet to a 5/8" iron rod labeled LB 6676; thence South 19°02'06 East a distance of 106.51 feet to a 5/8" iron rod labeled LB 6676; thence South 18°26'47" East a distance of 64.40 feet to a 5/8" iron rod labeled LB 6676; thence South 81°59'35" East a distance of 253.95 feet to a 5/8" iron rod labeled LB 6676: thence South 08'00'25" West a distance of 248.15 feet to the Point of Beginning.

**WHEREAS**, the subject property is located within the Industrial Future Land Use Category (FLUC), and within the Lake Apopka Basin Overlay District as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, a Small-Scale Comprehensive Plan FLUM Amendment application is being considered concurrent with this rezoning application to change the FLUC from Industrial to Rural, and this

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1 2	Agriculture zoning ordinance is contingent upon the approval of the proposed Rural FLUC amendment FLU-2015-01-3 for this property; and			
3 4 5 6	WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-15-15-3 on July 29 2015, after giving Notice of Hearing on petition for a change in the use of land, including notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on August 18 2015; and			
7 8 9	<b>WHEREAS</b> , the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and			
10 11		<b>IEREAS</b> , upon review, certain terms pertaining to the development of the above described ve been duly approved; and		
12 13 14	<b>NOW THEREFORE, BE IT ORDAINED</b> 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, subject to the following terms:			
15 16 17	Section 1.	<b>Terms:</b> The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Heavy Industrial (HM) to Agriculture (A) in accordance with this Ordinance.		
18 19 20 21 22	Section 2.	<b>Development Review and Approval:</b> Prior to the issuance of any permits, the Owner shall be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.		
23 24 25	Section 3.	<b>Severability:</b> 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.		
26 27 28	Section 4.	<b>Filing with the Department of State.</b> The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.		
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1	Section 5. Effective Date. This O	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 6		BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA	
7 8		JIMMY CONNER, Chairman	
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12	ATTEST:		
13 14	NEIL KELLY, Clerk of the		
15 16	Board of County Commissioners Lake County, Florida		
17	APPROVED AS TO FORM AND L	EGALITY	
18 19	SANFORD A. MINKOFF, County A	Attornev	