

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

Planning and Zoning Board  
August 6, 2014



Board of County Commissioners  
August 26, 2014

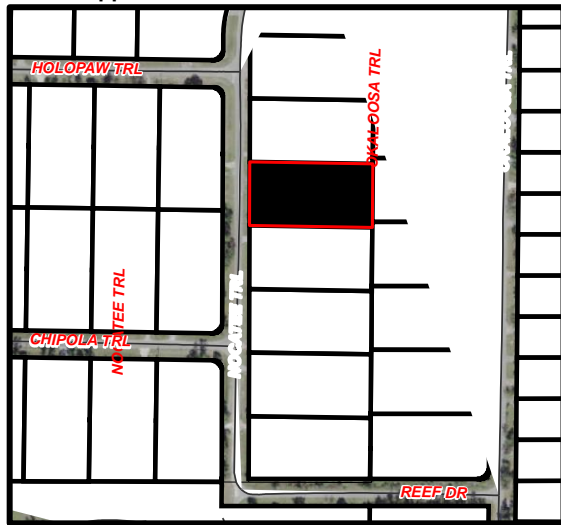
<b>PH # 22-14-4</b> Schehr Rezoning	<b>Case Manager:</b> Michele Janiszewski, Planner	<b>Agenda Item #2</b>
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**Owners/Applicants:** Richard Allen Schehr (the "Property Owner")

**Requested Action:** Rezone 1.1 +/- acre Planned Commercial (CP) zoned property to Rural Residential (R-1) and revoke CP Ordinance #18-83 on a property.

### - Site Location and Information -

Approximate site location shown in red



**Site Visit:** July 25, 2014

**Sign Posted:** July 25, 2014 - (X Signs)

<b>Size</b>	1.1 +/- Acres	
<b>Location</b>	East of Nocatee Trail, between Holopaw Trail and Reef Drive	
<b>Alternate Key</b>	1696046	
<b>Future Land Use (FLU)</b>	Wekiva River Protection Area A-1-40 Sending Area (One dwelling unit per 40 acres)	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	Planned Commercial (CP)	Rural Residential (R-1)
<b>Impervious Surface Ratio (ISR)</b>	20% Max. (Comp Plan)	20% Max. (Comp Plan)
<b>Floor Area Ratio (FAR)</b>	2.0 Max (LDR)	0.2 Max (LDR)
<b>Open Space</b>	50% (Comp Plan)	50% (Comp Plan)
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Site Utilities</b>	Well and Septic	
<b>Road Type</b>	Local	
<b>Flood Zone / FIRM Panel</b>	X/ Panels 0075F, 0045F, 0425E	
<b>Commissioner's District</b>	4-Campione	

### Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	A-1-40 Sending Area	Agriculture (A)	Single Family Residences	
South	A-1-40 Sending Area	A	Single Family Residences	
East	A-1-40 Sending Area	R-1	Single Family Residences	
West	A-1-40 Sending Area	A	Single Family Residences	

**STAFF RECOMMENDATION:** staff recommends **Approval** of the rezoning request and revocation of CP Ordinance #18-83

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

In 1981 the Lake County Board of County Commissioners (the "Board") approved Conditional Use Permit (CUP) #762-4 to allow a fire house, incidental structures, and a caretaker's residence on the subject property. In 1983, the property was rezoned to Planned Commercial (CP) by Ordinance #18-83 to allow a fire house, incidental structures, and a caretaker's residence.

The property had a single wide mobile home that was recently removed so the property is currently vacant. The current Property Owner would like to put a single-family residence on the property but is unable to do so because the property's CP zoning ordinance does not permit single family residences. The Property Owner is requesting to downzone the property to Rural Residential (R-1), in order to place a single family residence on the property and to make the property conforming to the surrounding properties.

**- Standards of Review and Analysis -**

**A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

The proposed rezoning is not in conflict with any applicable provisions of these regulations and is consistent with LDR Table 3.02.06 *Density, Impervious Surface, Floor Area, and Height Requirements* which states that the minimum lot size for the R-1 zoning district is one acre. The proposed use of the property is consistent with LDR Section 3.00.02 *Purpose and Intent of Districts* which describes the intent of the R-1 zoning district and LDR Table 3.01.03 *Schedule of Permitted and Conditional Uses* which states that single family residences are permitted in the R-1 zoning district.

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

The proposed rezoning to R-1 is consistent with Comprehensive Plan Policy I-3.2.1 *Wekiva River Protection Area A-1-40 Sending Area Future Land Use Category* which states that residential uses are permitted within the A-1-40 Sending Area FLUC. Although the property does not meet the residential density requirement of Comprehensive Plan Policy I-3.2.1, the property meets the criteria for a lot of record, detailed in Comprehensive Plan Policy I-7.1.3 *Existing Lot Exception for Density*, so the property would be granted a building site upon approval of a lot of record determination.

Although the property is surrounded by Agriculture zoning on three sides, the proposed R-1 zoning is more consistent with the size of the property. The Agriculture zoning district requires 5 acres per dwelling unit but the property is 1.1 +/- acres. Since the R-1 zoning district only requires one acre

per dwelling unit, R-1 zoning was determined to be more suitable for the subject property. Additionally, this zoning is more indicative of the character and size of the surrounding residential lots.

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

The proposed single family residence is consistent with Comprehensive Plan Policy I-3.2.1 *Wekiva River Protection Area A-1-40 Sending Area Future Land Use Category* which states that residential land uses are permitted within the A-1-40 Sending Area FLUC.

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

The Applicant desires to place a single-family residence on the property which is not a permitted land use in CP ordinance #18-83 and is a permitted use within the R-1 zoning district.

**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;**

There are no public facility impacts anticipated by this rezoning. Public facility impacts will be re-assessed during the review of the building permit application to situate the residential structure. Central utilities are not available to this property and the property was previously served by a well and septic system when there was a single wide trailer on the property. The nearest fire station is Lake County Fire Rescue #39 and is equipped with a life support fire truck.

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

There is no indication that the proposed rezoning will result in any adverse impacts on the natural development. There are no wetlands for flood zones on the property.

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

There is no indication that the rezoning will adversely affect 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 would result in a logical development pattern in the area. The subject property is surrounded by single family residences with similar zoning districts.

**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 not be in conflict with the public interest and would be in harmony with the purpose and intent of these Regulations.

**J. Any other matters that may be deemed appropriate by the Lake County Planning and Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

Not at this time.

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

1. The proposed rezoning application is consistent with Comprehensive Plan *Policy I-3.2.1 Wekiva River Protection Area A-1-40 Sending Area Future Land Use Category*, which states that residential uses are a permitted use in the future land use category.
2. The proposed rezoning application is consistent with Comprehensive Plan Policy I-7.1.3 regarding Existing *Lot Exception for Density* for residential development
3. The proposed uses for the subject property are consistent with LDR Section 3.01.03 for permitted uses within the Rural Residential (R-1) zoning district.
4. The proposed rezoning is consistent with LDR Section 3.00.02 (G) *Purpose and Intent of Districts* which describes the intent of the R-1 zoning district.
5. The subject property is 1.06 +/- acres which is consistent with LDR Table 3.02.06 *Density, Impervious Surface, Floor Area, and Height Requirements* which states that properties in the R-1 zoning district are required to be at least one acre.

Based on these findings of fact, staff recommends **Approval** to rezone the subject property Rural Residential (R-1) and to revoke CP Ordinance #18-83.

**WRITTEN COMMENTS FILED:**

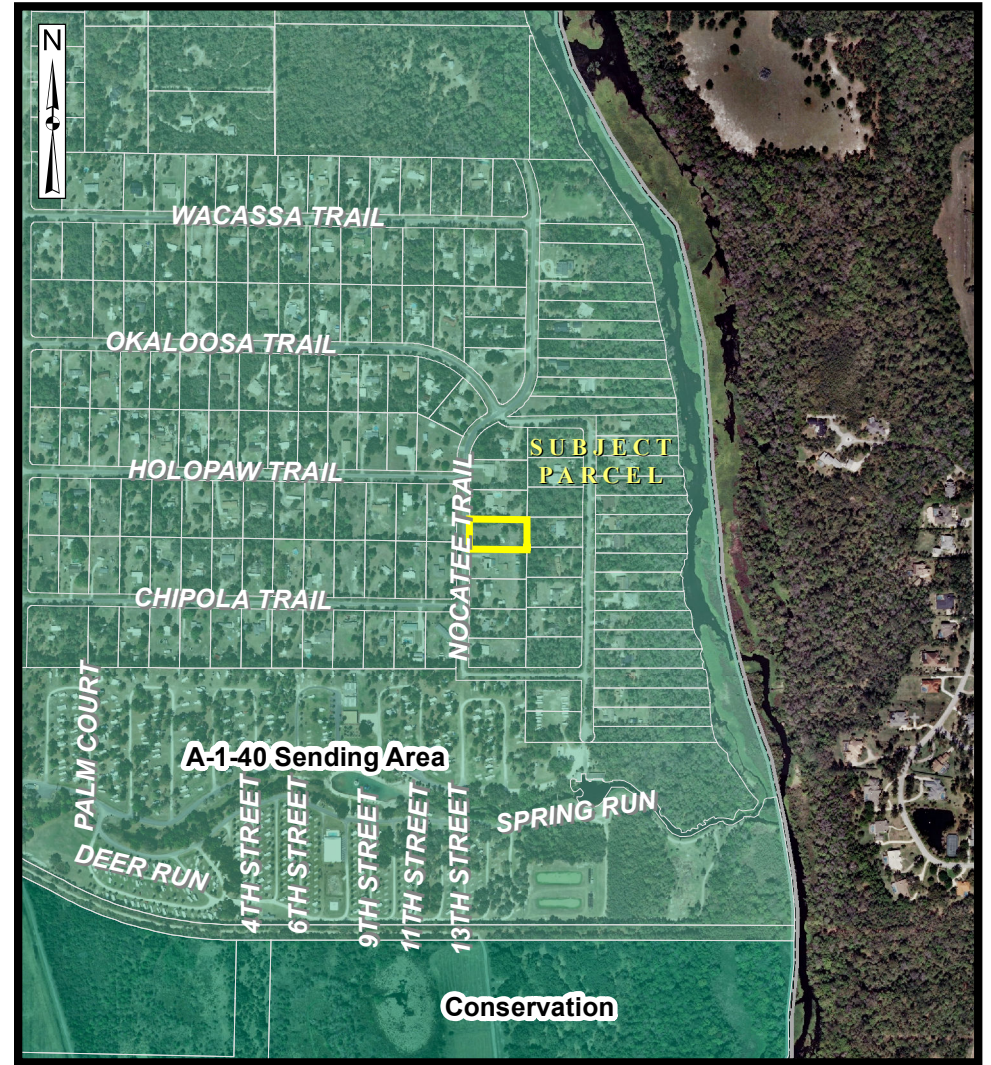
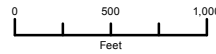
**Support: -0-**

**Concern: -0-**

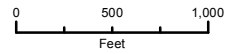
**Opposition: -0-**



**CURRENT ZONING**



**CURRENT 2030 FUTURE LAND USE**



**SCHEHR REZONING**

**CASE NO.**  
PH# 22-14-4

**CASE LOCATION:**  
33-19-29

**REQUESTING:**  
Planned Commercial (CP)  
TO Rural Residential (R-1)

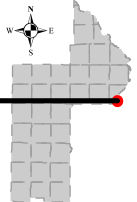
- ZONING**
- LAND USE**
- SUBJECT PARCEL**

**DATASOURCES:**

Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel, make no warranty as to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

**MAP COMPOSITION:**  
JANUARY, 2008



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**ORDINANCE #2014-XX**  
**Schehr Property Rezoning**  
**PH #22-14-4**

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

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**WHEREAS**, Richard Allen Schehr (the "Property Owner") has requested to rezone the property from Planned Commercial (CP) Ordinance 18-83 to Rural Residential (R-1), to include revocation of Planned Commercial (CP) Ordinance 18-83; and

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**WHEREAS**, the subject property consists of 1.1+/- acres and is generally located east of Nocatee Trail, between Holopaw Trail and Reef Drive in the Wekiva River Protection Area, in Section 33, Township 19 South, Range 29 East, with Alternate Key Number 1696046, and more particularly described below:

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**LEGAL DESCRIPTION:**

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Lot 19 of the Wekiva River Acres Subdivision as recorded in Plat Book 18, Page 49, Lake County Public Records, Lake County, Florida.

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**WHEREAS**, the subject property is located within the Wekiva River Protection Area A-1-40 Sending Area Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

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**WHEREAS**, Planned Commercial (CP) Ordinance 18-83 will be revoked and superseded and replaced with this Ordinance upon adoption of this Ordinance.

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PH #22-14-4 on August 6, 2014, 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 26, 2014; and

**WHEREAS**, 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

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

**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, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Planned Commercial (CP) to Rural Residential (R-1) and revoke CP Ordinance 18-83 in accordance with this Ordinance.

**Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be required to submit applications for and receive necessary final development order approvals as

1 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
2 applications for final development orders shall meet all submittal requirements and comply with  
3 all County codes and ordinances, as amended.  
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5 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
6 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
7 affect the validity of the remaining portions of this Ordinance.

8 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to  
9 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance  
10 with Section 125.66, Florida Statutes.  
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12 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

13 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

14 FILED with the Secretary of State \_\_\_\_\_, 2014.

15 EFFECTIVE \_\_\_\_\_, 2014.  
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18 BOARD OF COUNTY COMMISSIONERS  
19 LAKE COUNTY, FLORIDA  
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22 JIMMY CONNER, Chairman

23 **ATTEST:**

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25 NEIL KELLY, Clerk of the  
26 Board of County Commissioners  
27 Lake County, Florida

28 **APPROVED AS TO FORM AND LEGALITY**

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30 SANFORD A. MINKOFF, County Attorney

# ATTACHMENT #1

ORDINANCE # 18-83

WHEREAS, the Lake County Planning and Zoning Commission did, on the 27th day of April, 1983 review petition #47-83-4, a request to approve the preliminary site plan for a CP (Planned Commercial) zoning district on property generally located in the Wekiva River Area: From SR 46 and Wekiva River Road (DR 4-4298) proceed S on Wekiva River Road to Chipola Trail; E on Chipola Trail to Nocatee; north on Nocatee approx. 300' to property lying E of road. (28/33-19-29) and more particularly described as: Lot 19, Wekiva River Acres S/D.

AND, after giving notice of hearing on petition for site plan approval (including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 10th day of May, 1983, and

WHEREAS, the Lake County Board of County Commissioners reviewed said petition, the recommendation of the Lake County Planning and Zoning Commission, and any comments, favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure or alter the land in any manner within the boundaries of the above described land, without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate Governmental Agencies.

BOARD OF COUNTY COMMISSIONERS  
JAMES C. WAINMAN, CLERK  
LAKE COUNTY, FLORIDA

MAY 18 10 32 AM '83

FILED



# ATTACHMENT #1

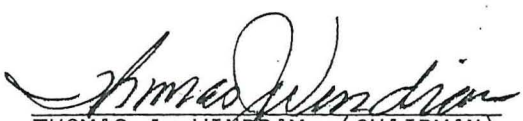
2. This rezoning shall inure to the benefit of and shall constitute a covenant running with the land and the terms, conditions and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set out.
3. The approval is for the following land use only:
  - a) The land included in this ordinance is to be utilized for:
    1. Fire station to house fire fighting equipment.
    2. Any structure incidental to the fire station as approved by the Planning and Zoning Coordinator.
    3. A mobile home as a caretakers residence.
  - b) The land use shall be conditioned by the approved site plan maintained in the Zoning Department subject to the following performance conditions:
    - 1) Warning signs shall be placed on the highway to warn of the presence of the fire station.
    - 2) All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
    - 4) After the completion of the proposed facilities as provided herein, the subject property shall not be used for any other purpose unless specifically authorized by the Planning and Zoning Commission, unless the proposed use meets every requirement of the CP (Planned Commercial) zone existing on the property.
    - 5) The transfer of ownership of lease of any or all the property described in Ordinance #18-83 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Commercial District established by Ordinance #18-83 and agrees to be bound

# ATTACHMENT #1

by these conditions. The purchaser or lessee may request change from existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

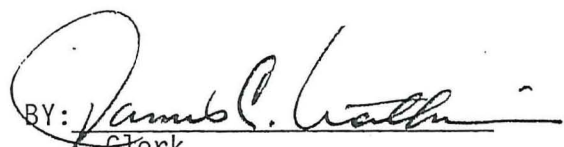
DONE AND RESOLVED by the Lake County Board of County Commissioners on the 10th day of May, 1983 A.D.

STATE OF FLORIDA )  
:  
COUNTY OF LAKE )

  
THOMAS J. WINDRAM (CHAIRMAN)  
Board of County Commissioners

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on 5-10-83 as the same appears on record of County Commissioners Minute Book 32 page 123.

James C. Watkins  
Clerk of the Circuit Court  
and Ex-Official Clerk of the  
Board of County Commissioners  
Lake County, Florida

BY:   
Clerk