

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

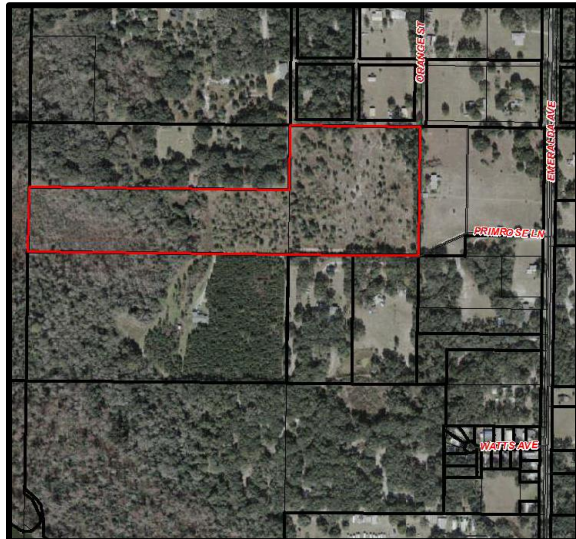
PH # 21-14-5 Volner Rezoning	Case Manager: Michele Janiszewski, Planner	Agenda Item #3
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Owners/Applicants: Kristin and Alfred Volner (the "Owners")

Requested Action: The Property Owner is requesting to rezone a 20.4 +/- acre parcel from Mixed Residential ("RM") to Agriculture ("A").

- Site Location and Information -

Subject property shown in **red**



Size	20.4 +/- Acres	
Location	West of Primrose Lane, north of County Road 44 and west of Emeralda Avenue	
Alternate Key	1387442	
Future Land Use (FLU)	Rural Transition (One dwelling unit per 5 acres)	
	Existing	Proposed
Zoning District	Mixed Residential (RM)	Agriculture (A)
Impervious Surface Ratio (ISR)	50% Max. (Comp Plan)	10% Max. (LDR)
Floor Area Ratio (FAR)	0.5 Max (LDR)	0.1 Max (LDR)
Open Space	35% (Comp Plan)	35% (Comp Plan)
Joint Planning Area	N/A	
Utility Area	N/A	
Site Utilities	Well and Septic	
Road Type	Private Easement	
Flood Zone / FIRM Panel	X & AE/ Panel 0195E	
Commissioner's District	5- Commissioner Cadwell	

Site Visit: July 24, 2014
Sign Posted: July 24, 2014

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	A	Single family residence, vacant land, and agriculture lands	
South	Rural Transition	A & CFD	Single family residences on large lots, agriculture land, church	Agriculture land is classified as Agricultural by the Lake County Property Appraiser
East	Rural Transition	A	Single family residence on a large lot	
West	Rural	A	Agriculture land	

STAFF RECOMMENDATION: Staff recommends **Approval** of the request to rezone from Mixed Residential (“RM”) to Agriculture (“A”).

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

In 1990, the subject property was rezoned to Mixed Residential (RM) from Agriculture (A) by Ordinance #77-90. The RM zoning allows for a single-family residential home district in an urban area, along the boundaries of any municipality which might logically be expected to expand and annex, or be able to provide urban convenience and facilities.

The present owners are now requesting to rezone the property back to Agriculture as there has been no development trend toward urban character in the surrounding land uses. The agriculture rezoning request would allow the placement of a barn to house farm animals on the property. Farm animals are not permitted in the current RM zoning district. The proposed Agriculture zoning is consistent with the surrounding properties in the area.

- Standards of Review and Analysis -

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

The rezoning application is consistent with Land Development Regulation’s (LDR) Table 3.01.03 *Schedule of Permitted and Conditional Uses* which states that residential and agriculture land uses are permitted within the Agriculture Zoning District.

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

The subject property is designated within the Rural Transition Future Land Use Category (FLUC) which allows residential density of one dwelling unit per five (5) net acres. Agriculture uses are also permitted within the Rural Transition FLUC in accordance with Comprehensive Plan Policy I-1.4.5 *Rural Transition Future Land Use Category*. The proposed barn to house farm animals on the property is consistent with the future land use.

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

As stated above, the proposed rezoning will allow for agriculture uses which are permitted within the Rural Transition FLUC, per Comprehensive Plan Policy I-1.4.5 *Rural Transition Future Land Use Category*.

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

The Applicant desires to develop the subject property with a house and a barn for farm animals that are not permitted within the current RM zoning district. The proposed rezoning will be consistent with the Comprehensive Plan Policy I-1.4.5 *Rural Transition Future Land Use Category*. The surrounding properties are zoned Agriculture and contain uses which are consistent with the uses the Applicant is requesting,

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;

No public facility impacts are anticipated by this rezoning request.

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

Although there are wetlands on the property, LDR Section 6.01.04(A) (1) requires all structures and impervious surfaces to be setback 50 feet from the jurisdictional wetland line and LDR Section 6.01.04(A) (2) requires all septic tank drain fields to be setback a minimum of 100 feet from the jurisdictional wetland line. Any future development activity will require a flood zone determination to ensure that the proposed development will not be impacted by the flood zone on the property. An environmental assessment will be required through the building permit application process.

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

No information was contained in the application to indicate whether 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;

Currently, the subject property is zoned Mixed Residential (RM) and is surrounded by properties zoned Agriculture. Rezoning the subject property Agriculture (A) would make the property consistent with the surrounding properties and create a logical zoning pattern in the area.

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-1.4.5 *Rural Transition Future Land Use Category*, which states agriculture and residential uses are permitted on properties within the Rural Transition Future Land Use Category.
2. The proposed uses, residence and barn to house farm animals, are consistent with LDR Section 3.01.03 for permitted uses within the Agriculture zoning district.
3. The subject property is consistent with the Agriculture zoning district's density requirement specified in LDR Section 3.02.06.

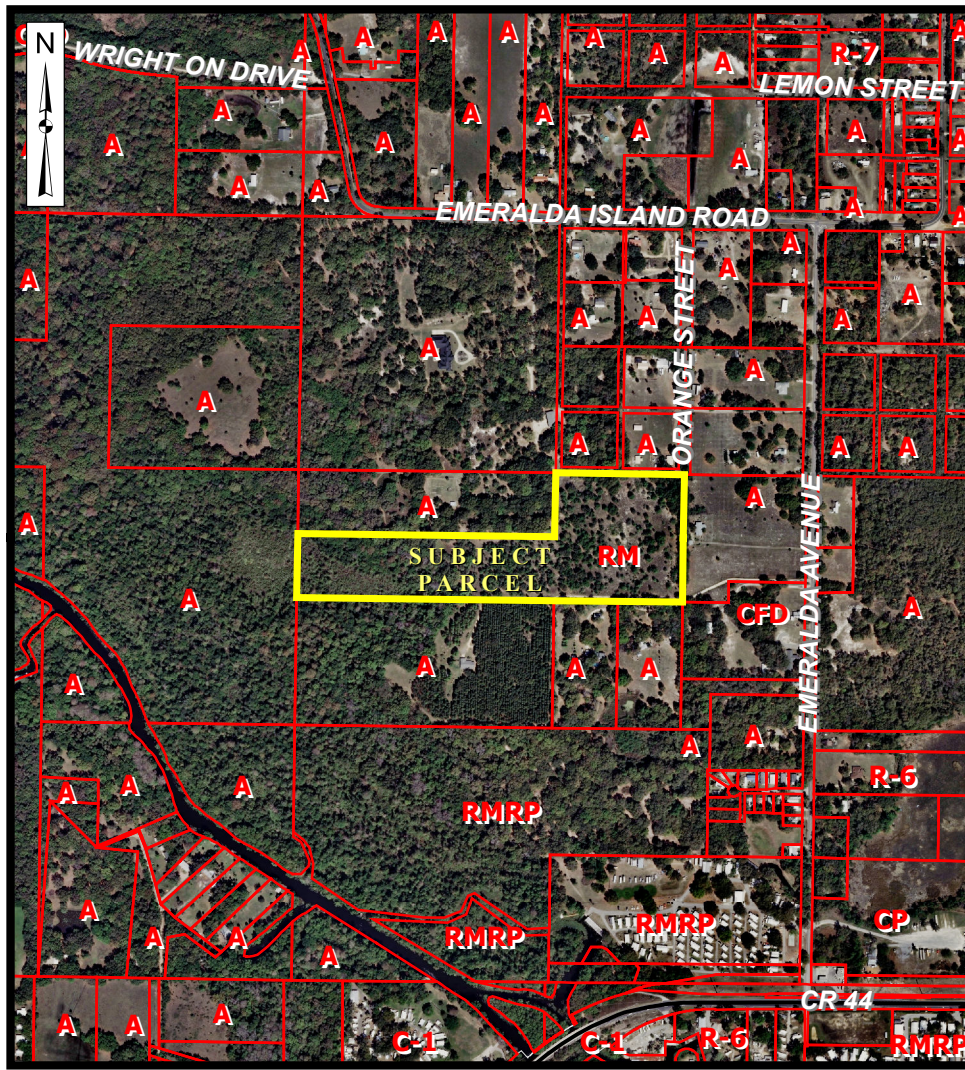
Based on these findings of fact, staff recommends **Approval** to rezone the subject property from Mixed Residential ("RM") to Agriculture ("A").

WRITTEN COMMENTS FILED:

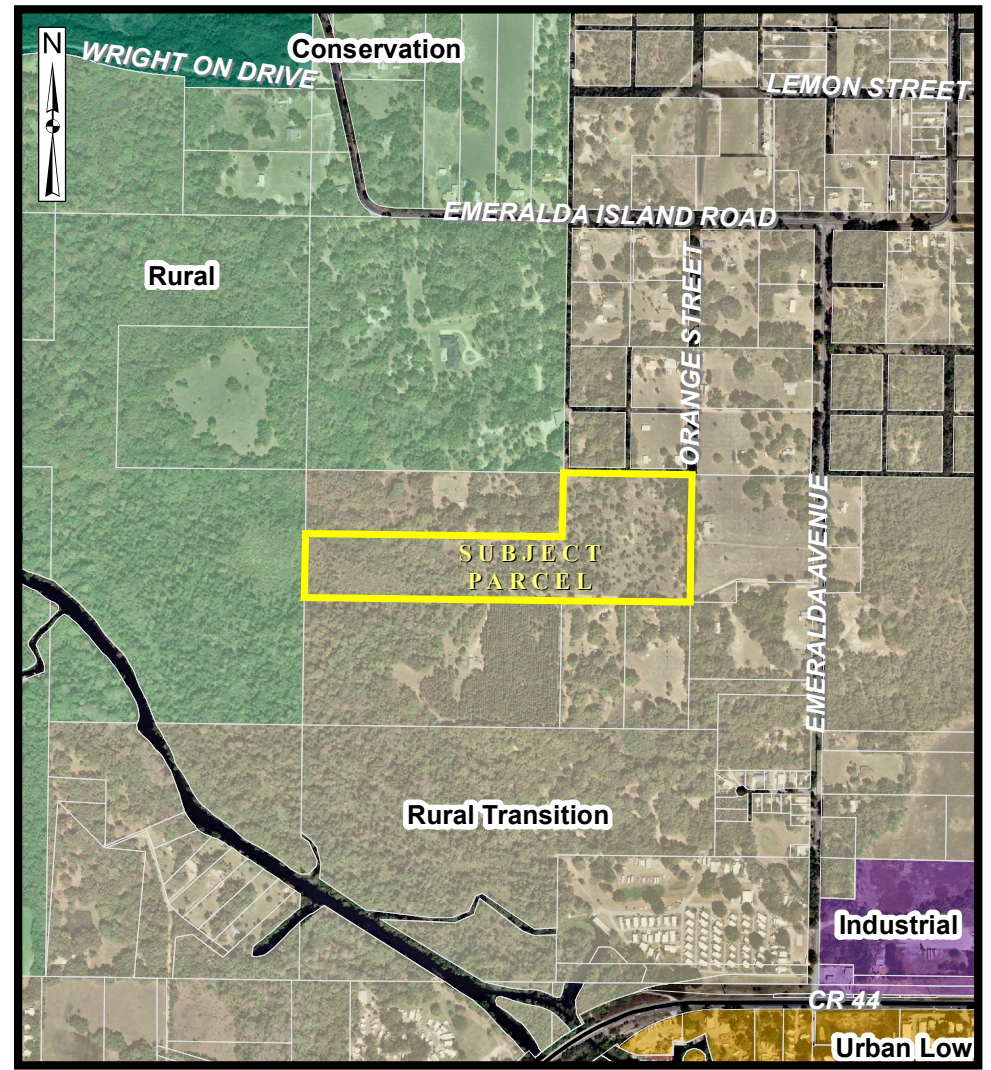
Support: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
"RM" MIXED HOME RESIDENTIAL



CURRENT 2030 FUTURE LAND USE
RURAL TRANSITION

**VOLNER
 REZONING**

CASE NO.
 PH# 21-14-5

CASE LOCATION:
 35-18-25

REQUESTING:
 Mixed Residential (RM)
 To Agriculture (A)

ZONING (Red outline)

LAND USE (Pink outline)

SUBJECT PARCEL (Yellow outline)

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

MAP COMPOSITION:
 JANUARY, 2008

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FOCUS AREA

LAKE COUNTY FLORIDA

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

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

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

8 **ENACTED** this _____ day of _____, 2014.

9
10 **FILED** with the Secretary of State _____, 2014.

11
12 **EFFECTIVE** _____, 2014.

13
14 **BOARD OF COUNTY COMMISSIONERS**
15 **LAKE COUNTY, FLORIDA**

16
17 _____
JIMMY CONNER, Chairman

18 **ATTEST:**

19 _____
20 **NEIL KELLY, Clerk of the**
21 **Board of County Commissioners**
22 **Lake County, Florida**

23 **APPROVED AS TO FORM AND LEGALITY**

24 _____
25 **SANFORD A. MINKOFF, County Attorney**