

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

**PLANNING & ZONING BOARD**  
 October 2, 2013



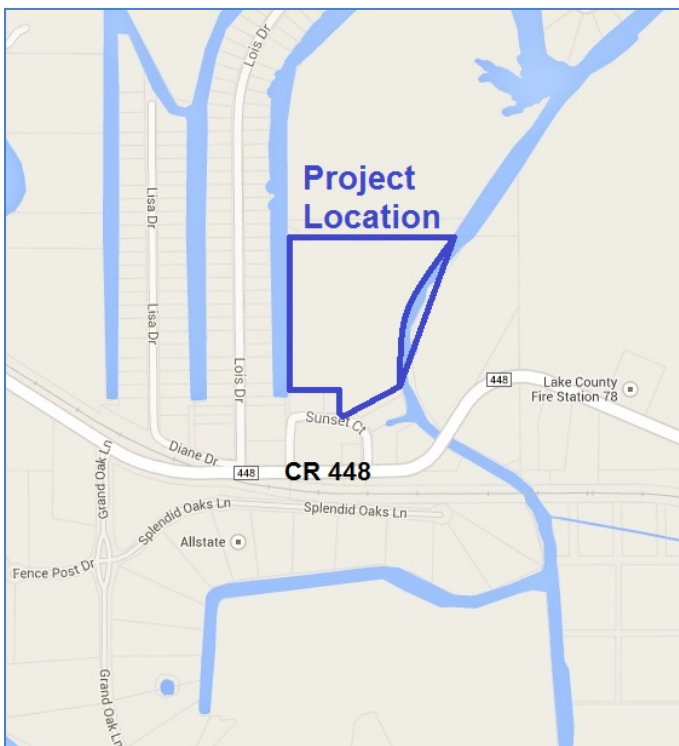
**BOARD OF COUNTY COMMISSIONERS**  
 October 22, 2013

<b>PH #20-13-3 Miller Property</b>	<b>Case Manager:</b> Melving Isaac, Planner	<b>Agenda Item #2</b>
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**Owner/Applicant:** Patricia B. & James F. Miller (the "Owner/Applicant")

**Requested Action:** Rezone property from Rural Residential (R-1) to Agriculture (A) to conduct agricultural uses.

- Site Location & Information -



<b>Size</b>	14.7 +/- acres	
<b>Location</b>	Tavares area, north of CR 448, Sunset Court intersection	
<b>Alternate Key #</b>	1441544	
<b>Future Land Use</b>	Rural Transition (1 du/5 ac)	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	R-1	A
<b>Density</b>	1 du/ac	1 du/5 ac
<b>Impervious Surface Ratio</b>	0.30 max	0.10 max
<b>Floor Area Ratio</b>	0.20	0.10
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Site Utilities</b>	Existing well and septic system	
<b>Road Classification</b>	CR 448 – Rural Minor Collector Sunset Court – Local	
<b>Flood Zone/ FIRM Panel</b>	(X,AE)/505	
<b>Commissioner District</b>	3 (Conner)	

**Approximate site location outlined in Blue**

**Site Visit**            September 19, 2013  
**Sign Posted**        September 19, 2013 (2 posted)

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Conservation	Agriculture (A)	Wetlands	
South	Rural Transition	Agriculture (A)	Residential	
East	Conservation	Agriculture (A)	Park, Wetlands	Property bordered by Apopka Canal and Lake County Jem Park on the east
West	Rural Transition	Agriculture (A)	Residential	Canal to the east and west

- Summary of Staff Determination -

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed rezoning request, as set forth in the attached Ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

- Summary of Analysis -

The Applicant is requesting to rezone property from Rural Residential (R-1) to Agriculture (A) in order to conduct agricultural uses as allowed in the Agriculture (A) Zoning District. The subject property consists of 14.7 +/- acres and is located in the Tavares area, north of CR 448, Sunset Court intersection. The property has an existing residence, storage buildings/sheds, a barn and a plant nursery.

The Agriculture (A) zoning request is consistent with Comprehensive Plan Policy I-1.4.5 as agricultural uses are allowable in the Rural Transition Future Land Use Category (FLUC). The proposed rezoning is also consistent with the LDR as seen in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits agricultural uses in the Agriculture (A) Zoning District.

- Analysis -

(LDR 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 Land Development Regulation (LDR) as seen in Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits agricultural uses in the Agriculture (A) Zoning District.

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

The Agriculture (A) zoning request is consistent with Comprehensive Plan Policy I-1.4.5 as agricultural uses are allowable in the Rural Transition Future Land Use Category (FLUC). Rezoning the property to Agriculture (A) is consistent with the purpose of the Rural Transition FLUC.

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

The prevailing use in this area is rural residential and agricultural uses with the exception of an adjacent western subdivision zoned Agriculture (A). This subdivision (Venetian Village) is separated from the property by a canal. The subject property is bordered by wetlands to north and by the Apopka Canal and Lake County Jem Park on the east. Rezoning the property to Agriculture (A) is consistent with the intention of the Rural Transition FLUC. The proposed rezoning is generally consistent with the land use patterns in the area.

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

The conditions of the area have not changed. There has been no rezoning in the area since 2006 where a property located to the east was rezoned to CFD for the Lake Jem Fire Station. However, all the surrounding properties are zoned Agriculture (A).

**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 additional demands on public facilities are anticipated by the proposed rezoning. The site is currently served by existing wells and septic system.

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

The property currently has an existing residence, storage buildings/sheds, a barn and a plant nursery. The property contains wetlands on the north. No information has been submitted to indicate that the proposed rezoning would result in significant adverse impacts on the natural environment.

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

The application does not contain any evidence that the proposed rezoning would 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;

The proposed rezoning would not be adverse to the orderly and logical development pattern of the area that currently exists.

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 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 Planning & Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

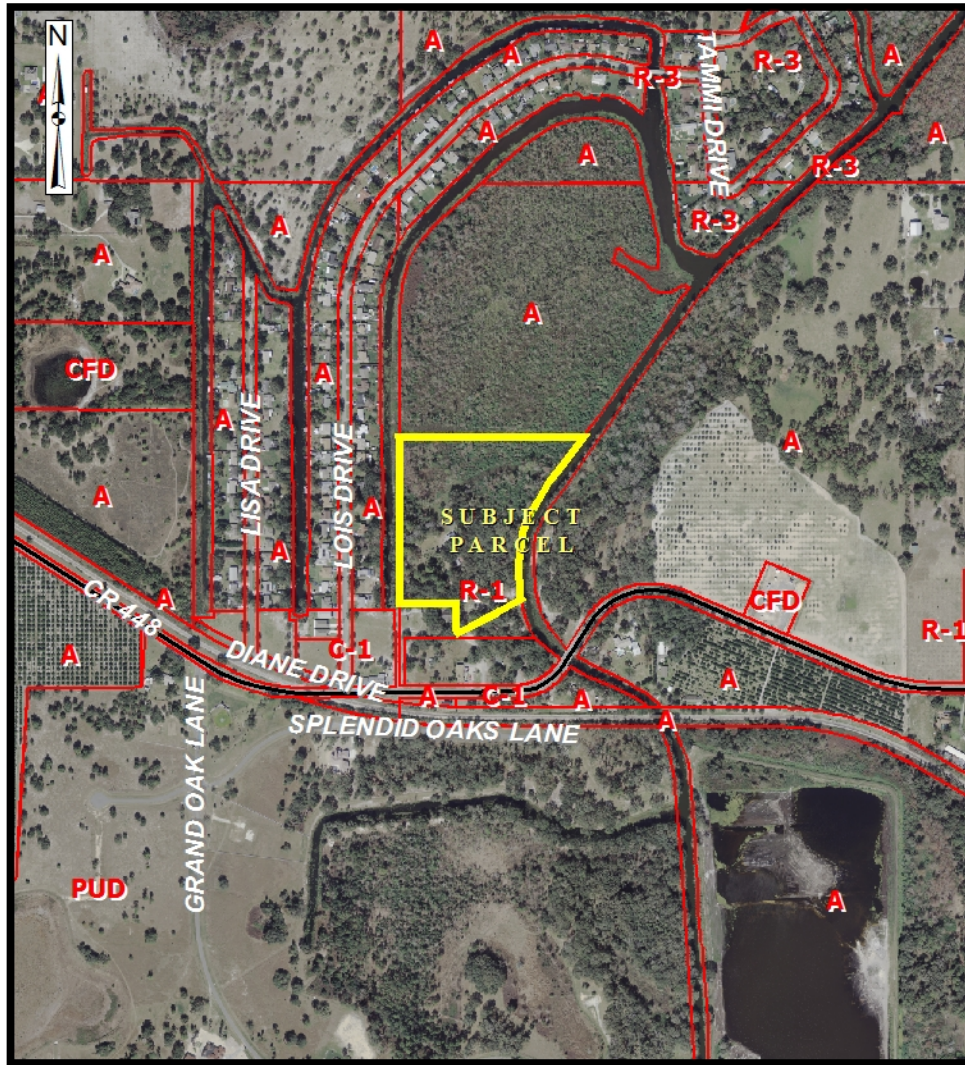
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan as seen in Policy I-1.4.5 as agricultural uses are allowable in the Rural Transition Future Land Use Category (FLUC), and the request conforms to the general land use criteria and activities of the Rural Transition FLUC.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits agricultural uses in the Agriculture (A) Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

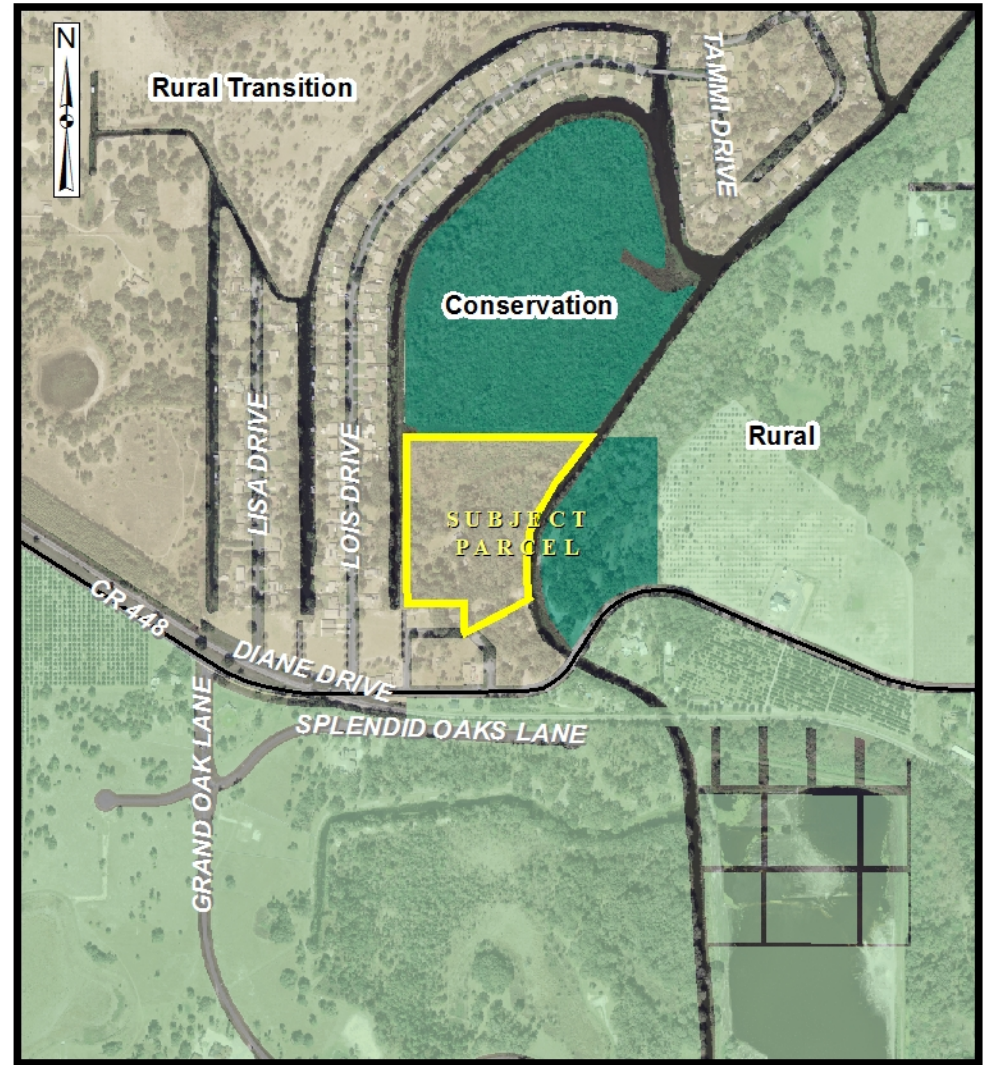
**WRITTEN COMMENTS FILED:**                      Supportive: -0-                      Concern: -0-                      Opposition: -0-





**CURRENT ZONING**

**RURAL RESIDENTIAL (R-1)**



**ADOPTED FUTURE LAND USE**

**RURAL TRANSITION**

**MILLER PROPERTY**

**CASE NO.**  
PH #20-13-3

**CASE LOCATION:**  
T20S, R26E, S14

**REQUESTING:**

Rezone property to Agriculture (A)

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

**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.

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**MAP COMPOSITION:**  
JANUARY, 2008

**FOCUS AREA**







1 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall be  
2 required to submit applications for and receive necessary final development order approvals as  
3 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
4 applications for final development orders shall meet all submittal requirements and comply with  
5 all County codes and ordinances, as amended.  
6

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

10 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

11 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

12  
13 FILED with the Secretary of State \_\_\_\_\_, 2013.

14  
15 EFFECTIVE \_\_\_\_\_, 2013.

16  
17 BOARD OF COUNTY COMMISSIONERS  
18 LAKE COUNTY, FLORIDA

19  
20 \_\_\_\_\_  
LESLIE CAMPIONE, Chairman

21 ATTEST:

22 \_\_\_\_\_  
23 NEIL KELLY, Clerk of the  
24 Board of County Commissioners  
25 Lake County, Florida

26 APPROVED AS TO FORM AND LEGALITY

27 \_\_\_\_\_  
28 SANFORD A. MINKOFF, County Attorney