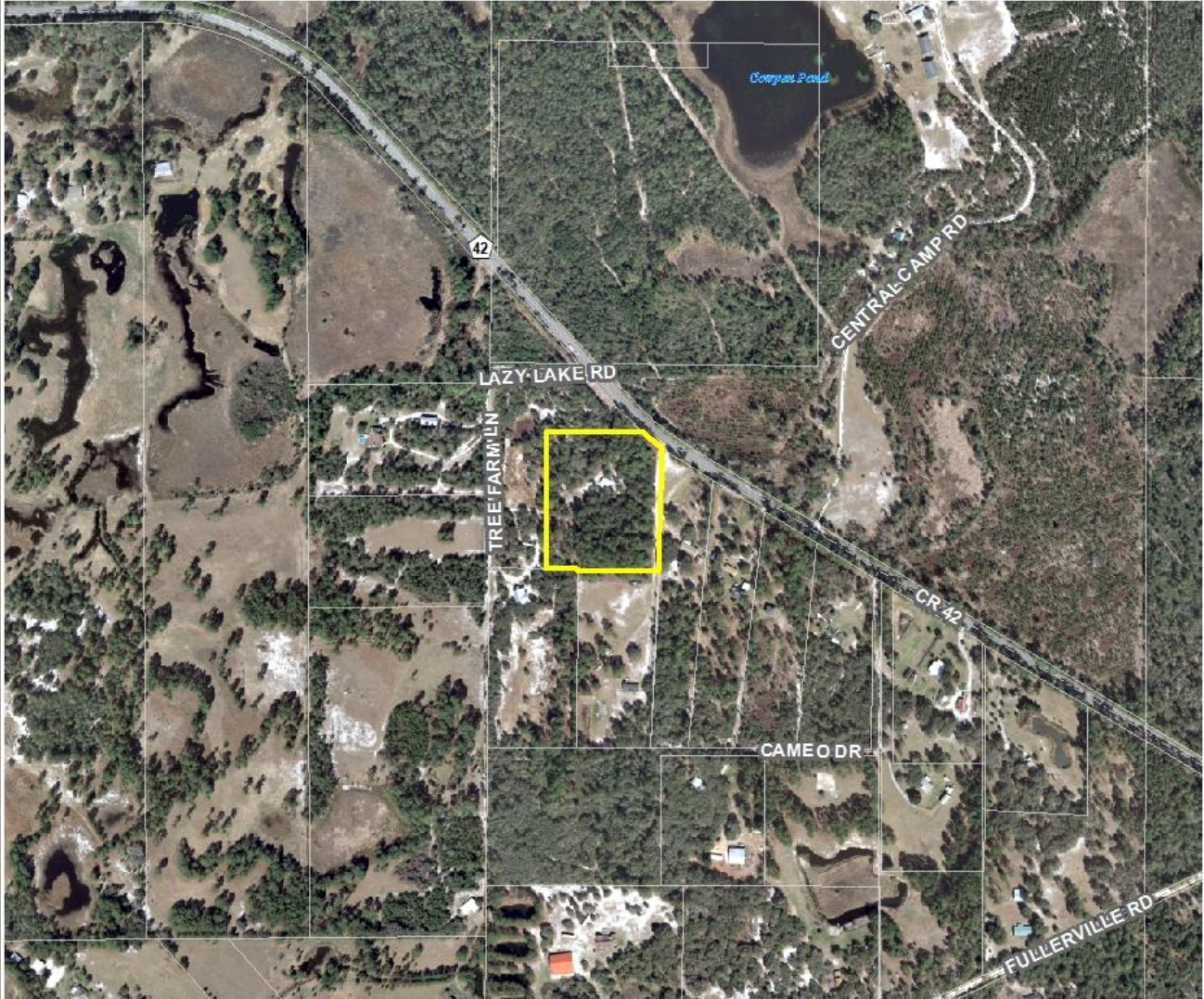


LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING & ZONING BOARD
November 30, 2016



BOARD OF COUNTY COMMISSIONERS
December 20, 2016

RZ-16-29-5 Hutson-Baker Property Rezoning	Commissioner District 5 Blake	Agenda Item #1
		

Requested Action: Rezone property from Mixed Home Residential (RM) to Agriculture (A) to undertake General Agriculture uses on the property.

Owner: Nila A. Baker (Hutson)

Applicants: Nila A. Baker (Hutson) and Jason Baker

- Site Location and Information -

Size	5.77 acres
Location	North of Central Camp Road and adjacent to County Road 42 in the Lake Mack area
Alternate Key #	1598788
Future Land Use	Rural
Existing Zoning District	Mixed Home Residential (RM)
Proposed Zoning District	Agriculture (A)
Joint Planning Area	NA

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Mixed Residential (RM)	Single Family Residence	Adjacent to County Road 42
South	Rural	Agriculture (A)	Single Family Residence	
East	Rural	Agriculture (A)	Single Family Residence	
West	Rural	Mixed Residential (RM)	Single Family Residence	

- 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:

- Analysis -

LDR Section 14.03.03 (Standards for Review)

The Applicant is requesting to rezone property identified as Alternate Key Number 1598788 from Mixed Home Residential (RM) to Agriculture (A). The property is currently developed with a single family residence, storage shed, and chicken coop. The approximately 5.77 acre property is generally located north of Central Camp Road and adjacent to County Road 42 in the Lake Mack area. The property is designated with the Rural Future Land Use Category (FLUC). The Agriculture rezoning is being requested to undertake General Agricultural uses on the property. The Applicant plans to establish a family owned and operated Shiitake mushroom farm on the property.

The property is located within the Wekiva-Ocala Rural Protection Area. The Wekiva-Ocala RPA is intended to preserve rural density, character, and lifestyles, and to protect the ecological integrity of public and private lands associated with the Ocala National Forest, Wekiva-Ocala Greenway, and St Johns River.

The proposed Agriculture rezoning is consistent with Comprehensive Plan (Comp Plan) Policy I-1.4.4 Rural Future Land Use Category which is established "...to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits." The Agriculture zoning district permits residential uses and General Agriculture uses, including livestock and farm structures. The Agriculture zoning district and the Rural FLUC both require a minimum density of five (5) net acres. The subject property contains 5.77 acres and is consistent with the required density for Agricultural zoning and Rural FLUC.

- 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 applicant has plans establish a small family owned and operated farm on which they can grow Shiitake mushrooms. The proposed rezoning application is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which specifies that a Single Family Dwelling Unit and General Agriculture uses are permitted within the Agriculture (A) Zoning District. Per the LDR the Agriculture zoning district requires a minimum of five acres. The property is consistent with the required minimum density.

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

The Agriculture rezoning request is consistent with Comprehensive Plan Policy I-1.4.1, *Rural Future Land Use Series*, as residential and agricultural uses are allowable within the Rural Future Land Use Category (FLUC). The proposed Agriculture zoning district is consistent with the minimum required density of the Rural FLUC.

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

The proposed rezoning application does not create any inconsistent land uses in the area and is consistent with the existing use of the property.

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

The current zoning of the property, Mixed Home Residential, does not permit General Agriculture. In order for the new owners of the property to establish a Shiitake mushroom farm on the property it must be rezoned to Agriculture.

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 subject property has individual well and septic.

Schools - The rezoning of this property will result in negligible impacts on public facilities.

Fire and Emergency Services - The subject parcel is approximately 5 miles from Lake County Fire Station 13 (closest fire station), located at 25250 County Road 42, Paisley.

Transportation - No adverse transportation impacts are expected from this rezoning.

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

The proposed rezoning would not have adverse impacts on the natural environment. The Agriculture zoning district will only allow residential and agricultural uses on the property.

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

The application does not contain any information regarding the effect the proposed rezoning would have on 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 rezoning application would not result in a disorderly or illogical development pattern in the area. The rezoning is consistent with the properties to the east, south, and north-east which are zoned Agriculture with Rural FLUC and have single family residential uses. The properties to the west and north are zoned Mixed Home Residential (RM) with Rural FLUC and have single family residential uses.

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 application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

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.

None

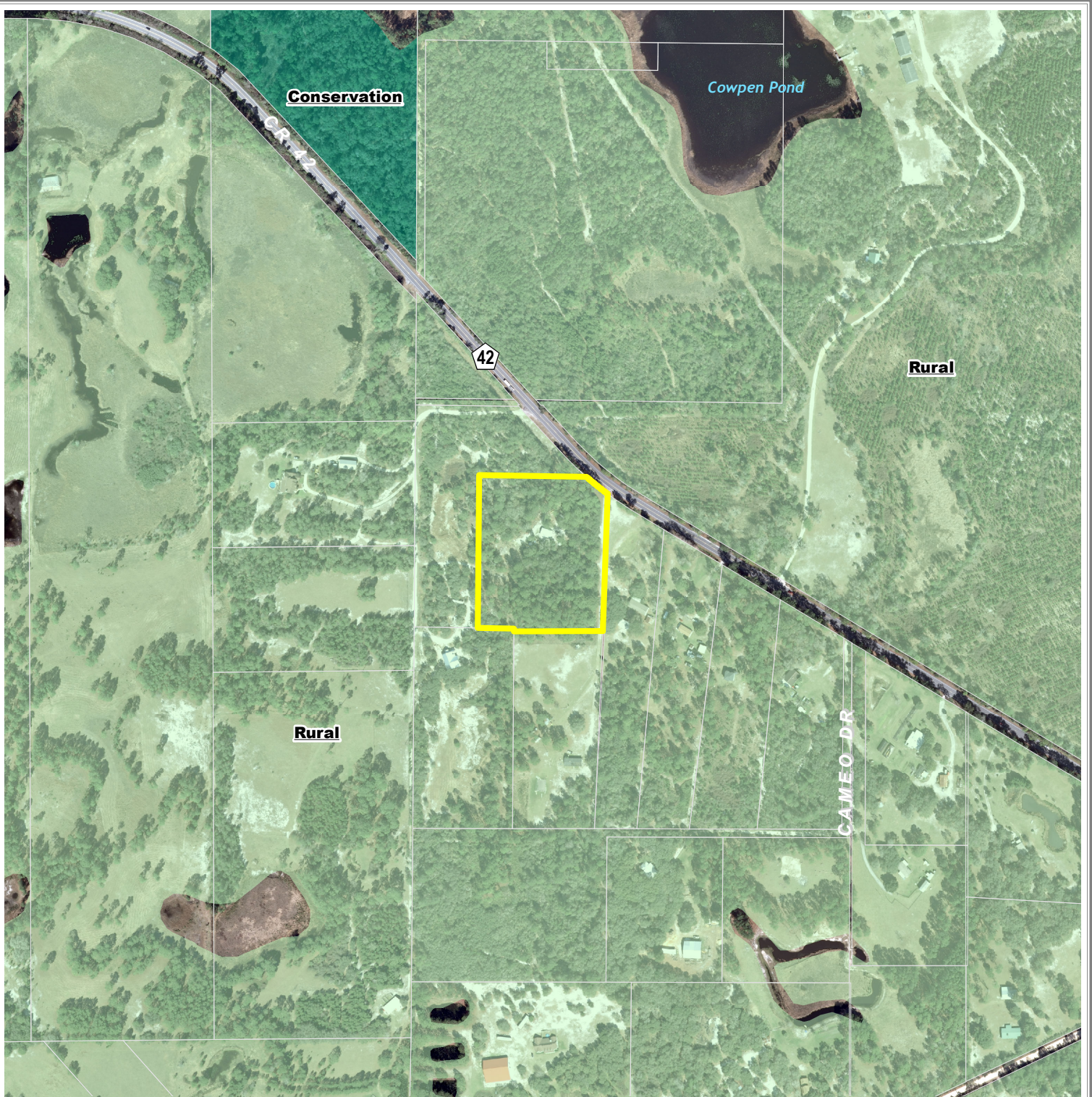
FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The request is consistent with Comprehensive Plan *Policy I-1.4.4 Rural Future Land Use Category Policy I-1.4.1* as residential and agricultural uses are allowable within the Rural Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits residential and agricultural uses in the Agriculture (A) Zoning District.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

Case Manager: Christine Rice, Planner

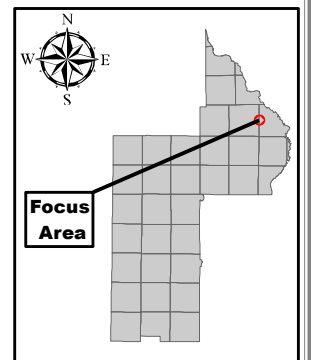
WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-

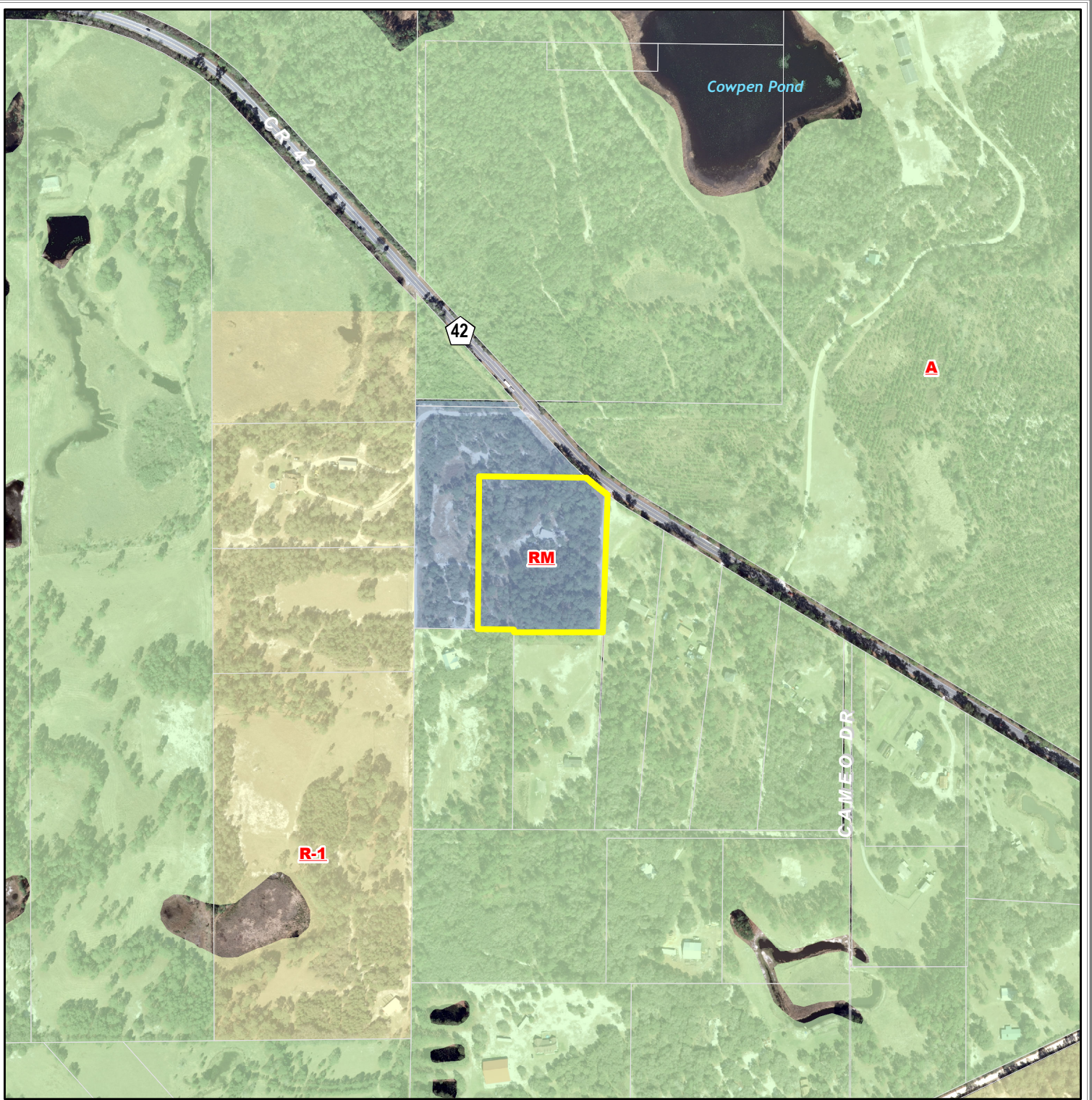


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: HUTSON
CASE NUMBER: RZ-16-29-5
LOCATION (S-T-R): 18-17-29
REQUEST: MIXED HOME RESIDENTIAL TO AGRICULTURE

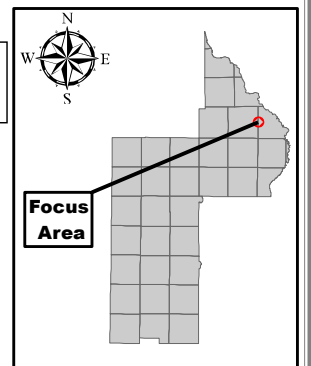




ZONING LEGEND

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

NAME: HUTSON
CASE NUMBER: RZ-16-29-5
LOCATION (S-T-R): 18-17-29
REQUEST: MIXED HOME RESIDENTIAL TO AGRICULTURE



ORDINANCE #2016-XX
Hutson-Baker Property
RZ-16-29-5

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

WHEREAS, Nila A. Hutson and Jason Baker ("Applicants") on behalf of Nila A. Hutson ("Property Owner") have submitted an applicaton to rezone approximately 5.77 acres of property from Mixed Home Residential (RM) to Agriculture (A); and

WHEREAS, the subject property consists of approximately 5.77 acres, and is generally located in the Lake Mack area, in Section 18, Township 17 South, Range 29 East, identified by Alternate Key Number 1598788, and more particularly described below:

LEGAL DESCRIPTION:

Section 18, Township 17 South, Range 29 East. From the Northwest corner of the Southwest 3, run South 250 feet, East 230 feet for the Point of Beginning, run South 550 feet, East 130 feet, South to a point 1814.88 feet North to the South line of Section, North 89° 42' 16" East 319.8 feet, North 1 ° 56' 23" East to the South right-of-way line of State Road 42, Northwesterly along said right-of-way to a point 250 feet South of the North line of the Southwest 3, West to Point of Beginning, as per the Public Records of Lake County, Florida.

WHEREAS, the subject property is located within the Rural Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the property will be zoned Agriclutlure (A) in accordance with the Lake County Zoning Regulations; and

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-16-29-5 on November 30, 2016, 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 December 20, 2016; 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 to Agriculture (A).

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 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.

1 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
2 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
3 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 send a
5 copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section
6 125.66, Florida Statutes.

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

8 ENACTED this _____ day of _____, 2016.

9
10 FILED with the Secretary of State _____, 2016.

11
12 EFFECTIVE _____, 2016.

13
14 BOARD OF COUNTY COMMISSIONERS
15 LAKE COUNTY, FLORIDA

16 _____
17 , 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 MELANIE MARSH, COUNTY ATTORNEY