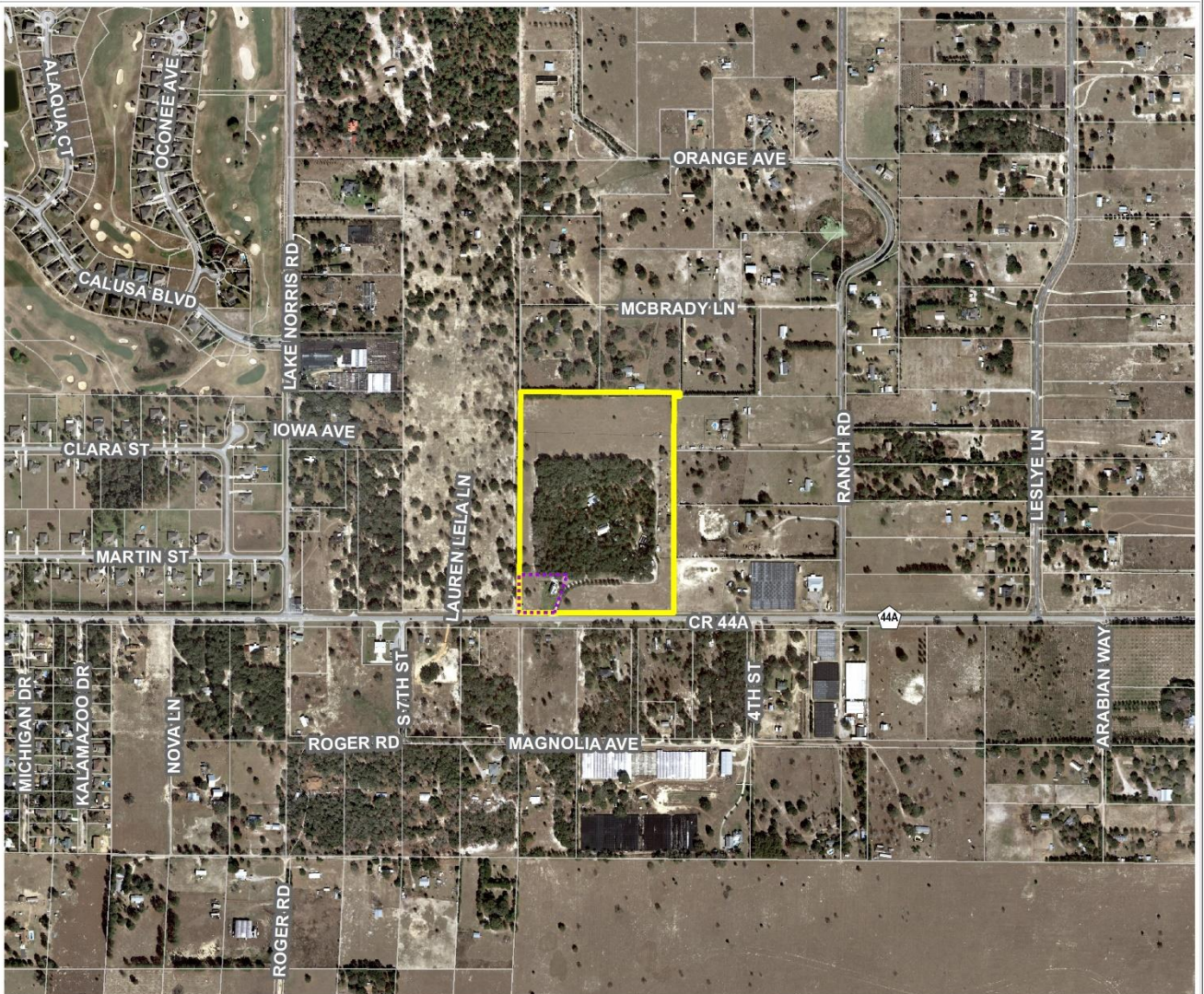


LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING & ZONING BOARD
October 4, 2017



BOARD OF COUNTY COMMISSIONERS
October 24, 2017

RZ-17-14-5 Fredricks Property Rezoning	Commission District 5 Blake	Agenda Item #1
		

Requested Action: Rezone approximately 1.4 acres of Community Facility District (CFD) zoned property to Agriculture zoning District (A).

Owners: Carol Fredricks and John Fredricks, Trustees (the "Owners")

Applicant: Rick Hartenstein, AICP, CPM (the "Applicant")

- Site Location & Information -

Size	Approximately 1.4 acres
Location	Eustis area, approximately 2 miles east of CR 439 on CR 44A
Alternate Key #	2997311
Future Land Use	Wekiva A-1-20 Receiving Area
Existing Zoning District	Community Facility District (CFD)
Proposed Zoning District	Agriculture (A)
Joint Planning Area	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Wekiva Receiving A-1-20	Agriculture (A)	Single-family residential (SFR)	Small Ag. acreage
South	Wekiva Receiving A-1-20	A	CR 44A	SFR on south-side of CR 44A
East	Wekiva Receiving A-1-20	A	SFR	Small Ag. acreage
West	Wekiva Receiving A-1-20	A	Agriculture subdivision	Vacated road access for SFR lots

- Summary of Staff Determination -

<p>STAFF RECOMMENDATION: Staff recommends Approval of the application to rezone 1.4 acres from Community Facility District (CFD) to Agriculture (A).</p> <p>PLANNING & ZONING BOARD RECOMMENDATION:</p>
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- Analysis -

LDR Section 14.03.03 (Standards for Review)

The Applicant is requesting to rezone approximately 1.4 acres from Community Facility District (CFD) to Agriculture (A). Previously, Ordinance No. 2015-9 rezoned the subject property from Agriculture (A) to Community Facility District (CFD) in-part due to a Code violation matter of conducting religious services without proper authorization. The property owners had converted an agriculture structure into a church building for family religious services only. However, community interest in the religious use had prompted the property owners to seek proper authorization in order to allow public access to the religious use and church building. The current request is presented to revert the property to its original Agriculture (A) zoning to allow for agriculture uses on the property and to convert the church building back to an agriculture storage structure, ceasing the use as a chapel.

- 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's request for Agriculture District (A) zoning is permitted within most Future Land Use Categories as specified in Land Development Regulations (LDR), Table 3.00.03, *Land Use-Zoning District Matrix*. LDR, Section 3.01.03, *Schedule of Permitted and Conditional Uses*, allows in the Agriculture (A) zoning district, General Agriculture uses, which include buildings that are an accessory use to the primary agricultural use.

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

The application request for Agriculture (A) zoning is consistent with Comprehensive Plan (Comp Plan) Policy I-3.2.3 for development within the Wekiva River Protection Area A-1-20 Receiving Area, which allows Agriculture uses. Furthermore, Comprehensive Plan Policy 1-3.3.12, recognizes agriculture as an important and necessary economic activity within Florida and Lake County, where adequate and appropriate land and water will be reserved for its continuance and conducted in compliance with appropriate Best Management Practices, and is recognized as a legitimate and productive use of lands within the Wekiva River Protection Area.

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

The proposed Agriculture (A) rezoning to facilitate agriculture uses on the property and to utilize a previous church building as an agriculture storage structure is not inconsistent with the surrounding land uses, which are agricultural and residential.

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

The use of an existing building on the property for a church, which required the current CFD zoning, will cease. Thus, the structure will therefore be utilized as an agriculture storage structure, which is an accessory use to primary agricultural uses on the property.

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 and Sewer

The proposed rezoning for less intense agriculture uses will not likely cause any adverse impacts to water and sewer capacity or level of service.

Schools

The proposed map amendment will likely have no impact on schools.

Parks

The rezoning will likely have no impact on any public facilities.

Transportation

No adverse impacts are anticipated to affect CR 44A.

Solid Waste

The proposed rezoning amendment will not likely cause any adverse impacts to the current solid waste capacity or level of service.

Fire and Emergency Services

Lake County Fire and Rescue Station #39, located in Sorrento, is the facility that will provide services to the property. Station #39 is less than five (5) miles from the subject property and has a response time of five (5) minutes or less.

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

The property has been previously disturbed with development. Although no adverse impacts are anticipated, any future development will require the submittal of an Environmental Assessment pursuant to the Land Development Regulations.

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 proposed rezoning would likely result in an orderly and logical 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 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.

N/A.

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

1. The proposed rezoning is consistent with Comprehensive Plan Policy 1-3.2.3, Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category, which allows agriculture uses and Comprehensive Plan Policy 1-1.2.8 Agriculture and Equestrian Uses which recognizes agricultural uses as a suitable use of property in all Future Land Use Categories.
2. The proposed rezoning is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for agriculture uses and LDR Table 3.00.03, *Land Use – Zoning District Matrix*

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

Case Manager: Ken Johnson, Senior Planner

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

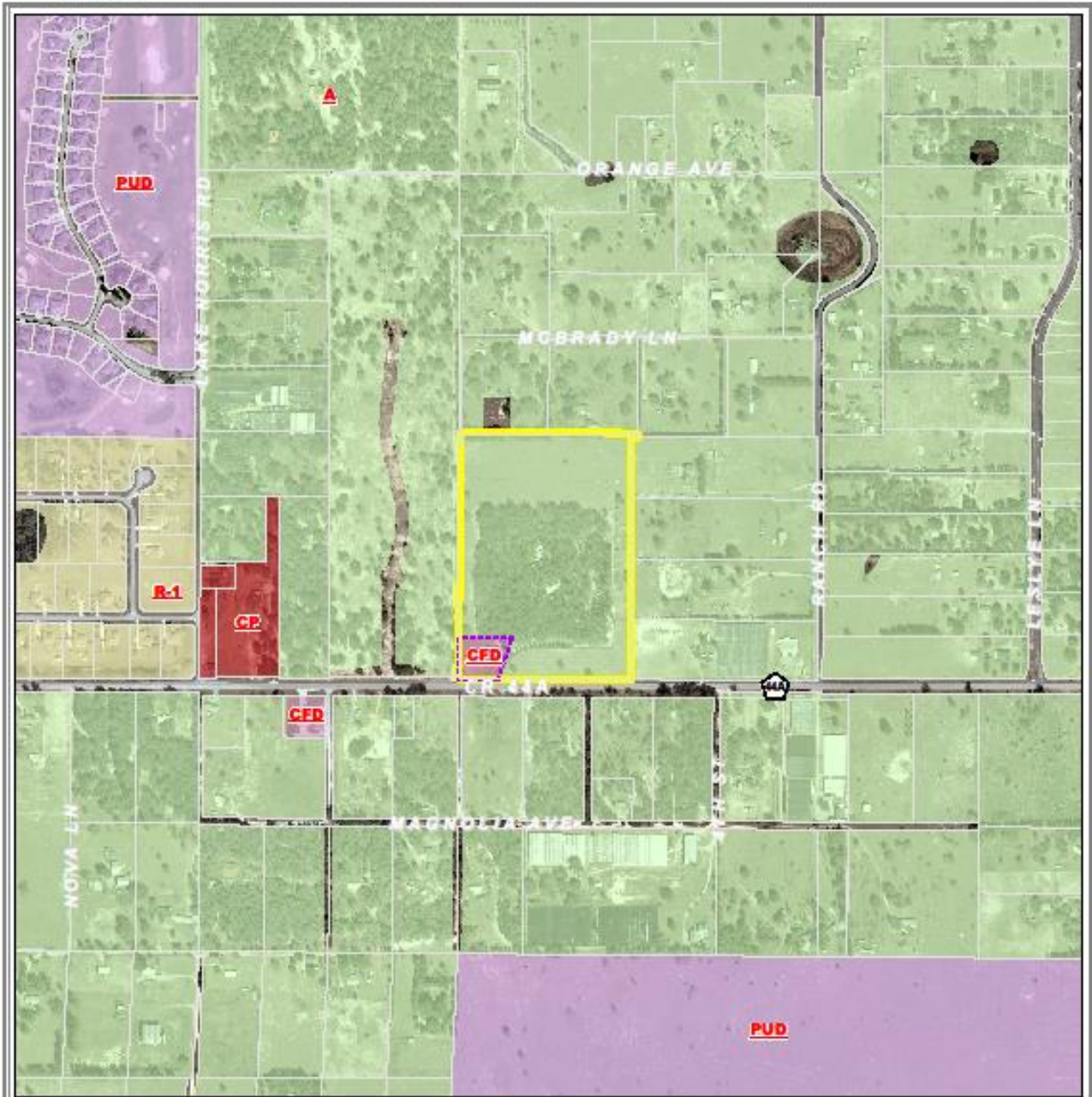


FUTURE LAND USE LEGEND

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

NAME: FREDRICKS PROPERTY
CASE NUMBER: RZ-17-14-5
LOCATION (S-T-R): 32-18-28
REQUEST: COMMUNITY FACILITY DISTRICT TO AGRICULTURE DISTRICT

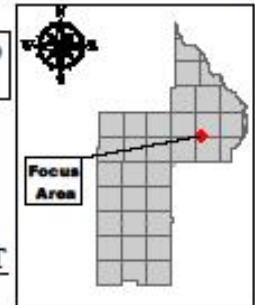




ZONING LEGEND

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	

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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, the holding will in no way affect the validity
3 of the remaining portions of this Ordinance.

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

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

8 ENACTED this _____ day of _____, 2017.

9
10 FILED with the Secretary of State _____, 2017.

11
12 EFFECTIVE _____, 2017.

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

16
17 _____
TIMOTHY I. SULLIVAN, 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**