

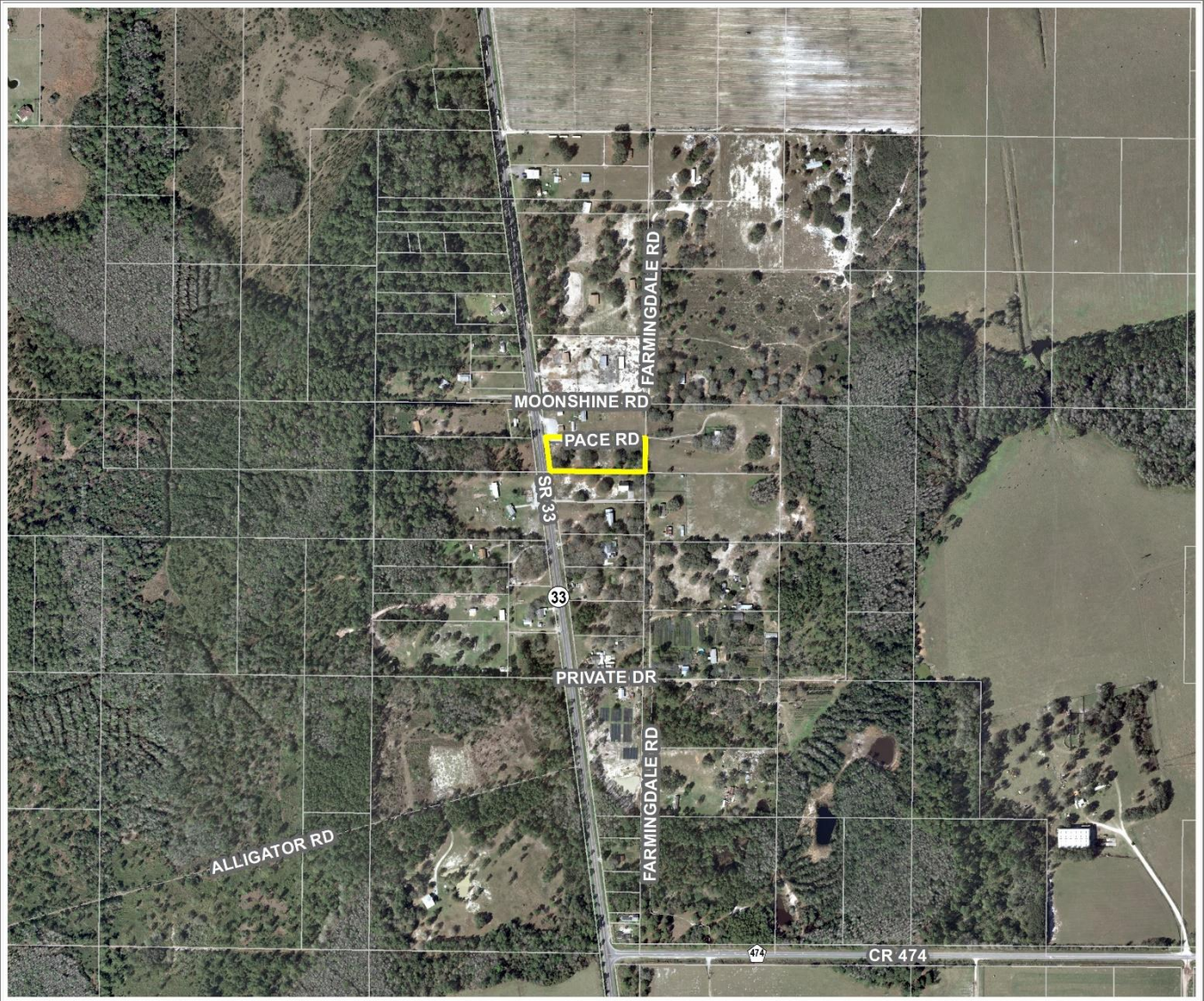
LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING & ZONING BOARD  
November 29, 2017



BOARD OF COUNTY COMMISSIONERS  
December 19, 2017

<p><b>RZ-17-19-1</b> Hardt Property</p>	<p><b>Commission District 1</b> <b>Sullivan</b></p>	<p><b>Agenda Item #1</b></p>
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**Requested Action:** Rezone 1.75 +/- acres from Neighborhood Commercial (C-1) to Rural Residential District (R-1).

**Owners:** Kathleen Hardt and Tammy Hardt (the "Owners")

**Applicant:** Tammy Hardt (the "Applicant")

**- Site Location & Information -**

<b>Size</b>	1.75 +/- acres
<b>Location</b>	East of State Road 33, in the Clermont area
<b>Alternate Key #</b>	1305471
<b>Future Land Use</b>	Green Swamp Core Conservation
<b>Existing Zoning District</b>	Neighborhood Commercial (C-1) by Ordinance 37-81
<b>Proposed Zoning District</b>	Rural Residential (R-1)
<b>ISBA/JPA</b>	None

**- Land Use Table -**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Green Swamp Core Conservation	Agriculture	Residence	Single Family Dwelling Unit
<b>South</b>	Green Swamp Core Conservation	Rural Residential (R-1)	Residence	Single Family Dwelling Unit
<b>East</b>	Green Swamp Core Conservation	Agriculture	Residence	Single Family Dwelling Unit
<b>West</b>	N/A	N/A	Street	State Road 33

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **Approval** of the request to rezone approximately 1.75 acres from (C-1) to Rural Residential District (R-1).

**PLANNING & ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The subject 1.75-acre property is identified by Alternate Key Number 1305471 and located easterly of State Road 33, in the Clermont area. The property is currently zoned Neighborhood Commercial (C-1) and is designated by the Comprehensive Plan under the Green Swamp Core Conservation. The property is currently vacant and undeveloped.

The Applicant is requesting to rezone the property from Neighborhood Commercial (C-1) to Rural Residential (R-1) to accommodate their desire for future residential development.

**- 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 the Rural Residential (R-1) Zoning District is consistent with LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, as single family dwelling units and agriculture uses are permitted within the Rural Residential (R-1) zoning district. Land Development Regulations (LDR) Table 3.02.06, Density, Impervious Surface, Floor Area and Height Requirements, allows single family residences at a maximum density of one (1) dwelling unit per one (1) net buildable acre.

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

The Owners intended use of the property for residential use is consistent with Comprehensive Plan Policy I-4.2.5, Green Swamp Core/Conservation Future Land Use Category (FLUC). Although Comprehensive Plan Policy I-4.2.5, Green Swamp Core/Conservation Future Land Use Category, allows a single family residences at a maximum density of one (1) dwelling unit per twenty (20) net buildable acres, the subject property would be consistent with the criteria for an Existing Lot Exception for Density as specified in Comprehensive Plan Policy I-7.1.3(C).

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

The proposed rezoning application proposes development consistent with the adjacent neighboring properties. The proposed Rural Residential (R-1) rezoning to facilitate for future residential development use is consistent with the surrounding land uses, which are residential.

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

There is no evidence of development trends of property rezoning in this area over the past 5 years. The property owners intend to develop the property with a single family dwelling unit consistent within the current Rural Future Land Use category. This request would result in development similar to the surrounding existing Rural Residential (R-1) zoning districts of residential and non-intensive agricultural uses.

**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

A permit for well and septic services through the Department of Health (DOH) will be required with a future residential building permit.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on any public facilities.

Transportation

No adverse impacts are anticipated to affect State Road 33.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Fire and Emergency Services

Lake County Fire and Rescue Station #110, located at 6234 County Road 561 in Clermont, is the facility that will provide services to the property. Station #110 is less than five (5) miles from the subject property and has a response time of seven (7) minutes or less.

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

Although adverse impacts are not anticipated, any future development will require the submittal of an environmental assessment pursuant to the LDR, as amended.

**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 does not disrupt the existing orderly, logical development 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; 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 proposed rezoning amendment and found:

1. The proposed rezoning is consistent with Comprehensive Plan Policy 1-4.2.5, Green Swamp Core/Conservation Future Land Use Category, which allows residential and agricultural uses.
2. The proposed rezoning is consistent with Land Development Regulations (LDR) Section 3.00.02(G) Purpose and Intent of District, which describes the intent of the Rural Residential (R-1) Zoning District.
3. The proposed rezoning is consistent with Land Development Regulations (LDR) Table 3.02.06, Density, Impervious Surface, Floor Area and Height Requirements, which allows single family residences at a maximum density of one (1) dwelling unit per one (1) net buildable acre.
4. The proposed rezoning is consistent with the LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for residential and agricultural uses and the 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:** Janie Barrón, Planner

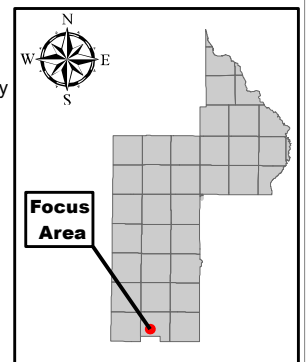
**WRITTEN COMMENTS FILED:** Supportive: -0-                      Concern: -0-                      Opposition: -0-

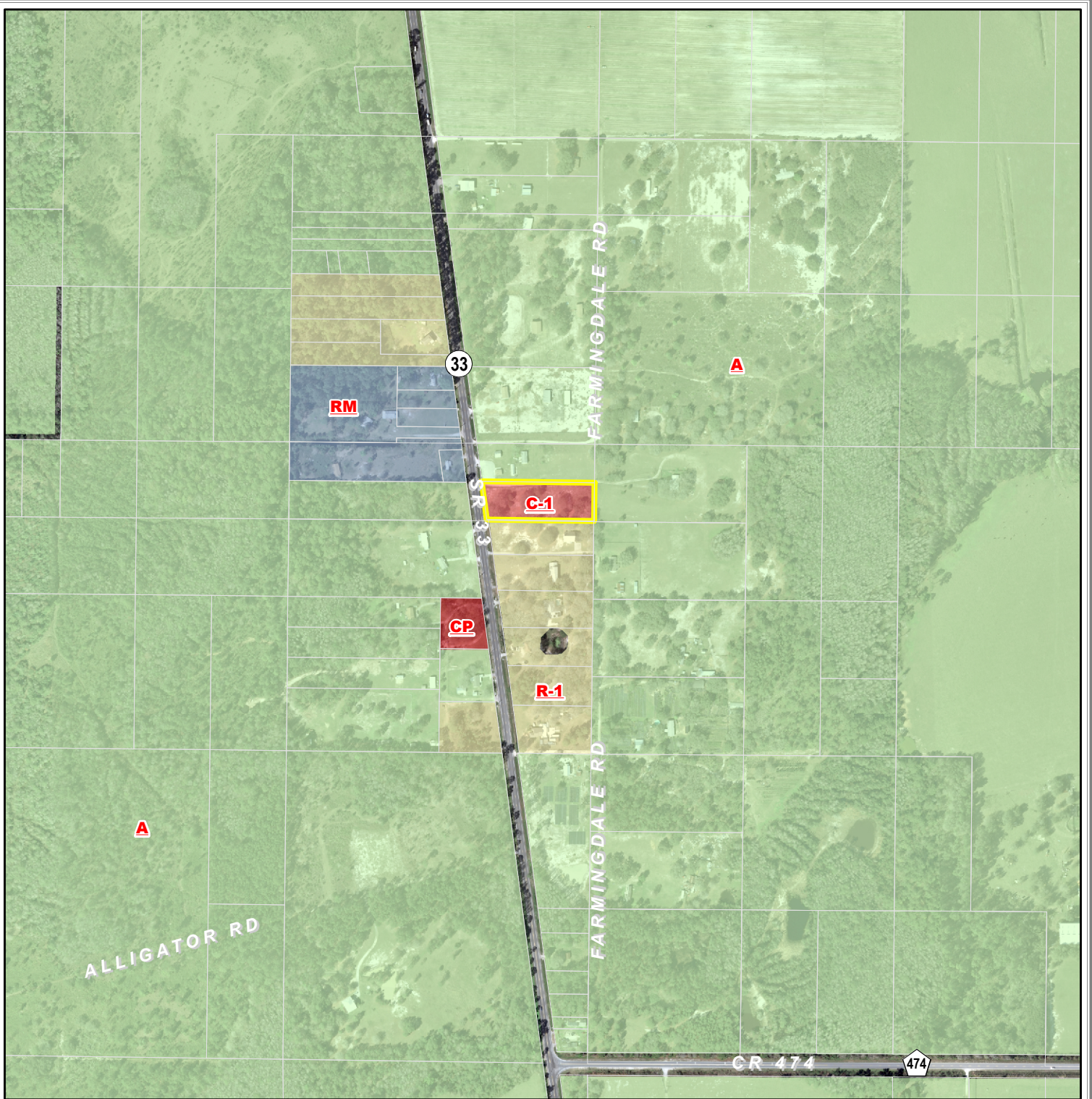


**FUTURE LAND USE LEGEND**

- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation               | Summer Bay           |
| Cagan Crossings                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| 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                      | South Lake Regional Park |                      |

**NAME: HARDT PROPERTY**  
**CASE NUMBER: RZ-17-19-1**  
**LOCATION (S-T-R): 20-24-25**  
**REQUEST: NEIGHBORHOOD COMMERCIAL (C-1)**  
**TO RURAL RESIDENTIAL (R-1)**

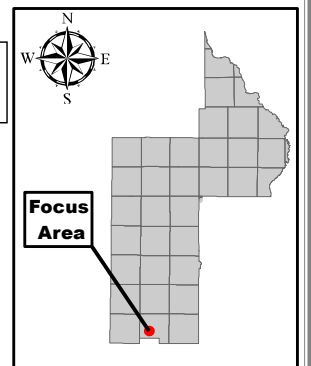




**ZONING LEGEND**

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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**ORDINANCE #2017-XX  
HARDT PROPERTY  
RZ-17-19-1**

1 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**  
2 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**  
3

4 **WHEREAS**, Tammy Hardt (the “Applicant”) submitted an application on behalf of Kathleen Hardt  
5 and Tammy Hardt (the “Owners”) to rezone the subject property from Neighborhood Commercial (C-1) to  
6 Rural Residential (R-1); and  
7

8 **WHEREAS**, the subject property consists of approximately 1.75 acres located east of State Road  
9 33 in the Clermont Area, in Section 20, Township 24 South, Range 25 East, identified by Alternate Key  
10 Number 1305471, and more particularly as described below:  
11

12 That part of the South 1/2 of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 20,  
13 Township 24 South, Range 25 East, Lake County, Florida, lying East of State Road No. 33 right of  
14 way. Subject to an easement over the Northernmost 15 feet of the above described property as set  
15 out in Official Records Book 819, Page 244, of the Public Records of Lake County, Florida.  
16

17 **WHEREAS**, the subject property is located within the Green Swamp Core Conservation Future  
18 Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

19 **WHEREAS**, the Applicant submitted a request to rezone the subject property from Neighborhood  
20 Commercial (C-1) to Rural Residential (R-1) in accordance with the Lake County Zoning Regulations; and

21 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-17-19-1 on the 29th  
22 day of November, 2017, after giving notice of a hearing for a change in the use of land, including a notice  
23 that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the  
24 19th day of December, 2017; and

25 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of  
26 the Lake County Planning & Zoning Board, staff report, and any comments, favorable or unfavorable, from  
27 the public and surrounding property owners at a public hearing duly advertised; and

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

30 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
31 Florida, that:

32 **Section 1. Terms.** The County Manager or designee shall amend the Official Zoning Map to rezone the  
33 subject property from Neighborhood Commercial (C-1) to Rural Residential (R-1).

34 **Section 2. Development Review and Approval.** Prior to the issuance of any permits, the Owners shall  
35 submit applications for and receive necessary final development order approvals as provided  
36 in the Lake County Comprehensive Plan and Land Development Regulations. The applications  
37 for final development orders must meet all submittal requirements and comply with all County  
38 codes and ordinances, as amended.

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, the holding will 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 is hereby directed forthwith to send a copy of  
5 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 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.

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16 **BOARD OF COUNTY COMMISSIONERS**  
17 **LAKE COUNTY, FLORIDA**

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20  
21 \_\_\_\_\_  
22 **TIMOTHY I. SULLIVAN, CHAIRMAN**

23 **ATTEST:**

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27 **NEIL KELLY, CLERK OF THE**  
28 **BOARD OF COUNTY COMMISSIONERS**  
29 **LAKE COUNTY, FLORIDA**

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31  
32 **APPROVED AS TO FORM AND LEGALITY:**

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35 \_\_\_\_\_  
36 **MELANIE MARSH, COUNTY ATTORNEY**