

LAKE COUNTY PLANNING AND ZONING DIVISION
REZONING STAFF REPORT

PLANNING & ZONING BOARD
November 29, 2017



BOARD OF COUNTY COMMISSIONERS
December 19, 2017

<p>RZ-17-18-1 Boykin Property</p>	<p>Commission District 1 Sullivan</p>	<p>Agenda Item #2</p>
--	--	------------------------------



Requested Action: Rezone 5.25 +/- acres from Neighborhood Commercial (C-1) to Agriculture (A).

Owners: Jeffrey S. Boykin, Kenneth C. Boykin, and M. Kenneth Boykin (the "Owners")

Applicant: Julia Faye Rogers (the "Applicant")

- Site Location & Information -

Size	5.25 acres
Location	Intersection of State Road 33 and County Road 561, in the Clermont area
Alternate Key #	2782510
Future Land Use	Green Swamp Core Conservation
Existing Zoning District	Neighborhood Commercial (C-1)
Proposed Zoning District	Agriculture (A)
Overlay District	Green Swamp Area of Critical State Concern

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Green Swamp Core Conservation	Agriculture (A)	Residence	Single-Family Dwelling Unit
South	N/A	N/A	Intersection of Roads	Intersection of State Road 33 and County Road 561
East	N/A	N/A	County Road	County Road 561
West	N/A	N/A	State Road	State Road 33

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval** of the request to rezone 5.25 +/- acres from Neighborhood Commercial (C-1) to Agriculture (A).

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject 5.25-acre property is identified by Alternate Key Number 2782510 and located at the intersection of State Road 33 and County Road 561, 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 Agriculture (A). This rezoning request would accommodate the Owners' desire for future residential and agricultural 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 Agriculture (A) Zoning District is consistent with the maximum density specified by the Lake County Code of Ordinances, Appendix E, Land Development Regulations (LDR), Table 3.02.06, of one (1) dwelling unit per five (5) net acres. Pursuant to the LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, single family dwelling units and agriculture uses are permitted within the Agriculture (A) zoning district.

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

The applicants intended use of the property for residential and agriculture uses is consistent with Comprehensive Plan Policy 1-4.2.5, Green Swamp Core/Conservation Future Land Use Category (FLUC). Although Policy 1-4.2.5, Green Swamp Core/Conservation Future Land Use Category, allows single family residences at a maximum density of one (1) dwelling unit per twenty (20) net acres, on June 12, 1984, Lot Approval #17-84 granted one residential site for the

subject property, which makes it consistent with the criteria for an exception to the density requirements as specified in Policy I-7.1.3, Existing Lot Exception for Density.

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 located to the north, west, and east. The proposed Agriculture (A) rezoning is to facilitate the issuance of a single-family dwelling unit and future agricultural uses is consistent with the surrounding land uses, which are residential and agricultural

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

Over the past 5 years, there has been no evidence of development trends of properties rezonings in this area. The property owners intend to develop the property with a single family dwelling unit consistent within the current Green Swamp Core Conservation Future Land Use category. This request would result in development similar to the surrounding existing Agriculture (A) zoning districts of residential and agriculture 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 or County Road 561.

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 three (3) miles from the subject property and has a response time of three (3) 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 Land Development Regulations (LDR) Section 3.00.02(B), Purpose and Intent of District, which describes the intent of the Agriculture (A) Zoning District.
2. 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 five (5) net buildable acres.
3. 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.
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.
5. The proposed rezoning is consistent with Comprehensive Plan Policy I-1.2.8, Agricultural and Equestrian Uses, which indicates that agriculture uses shall be recognized as a suitable use of property within all Future Land Use Categories.

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

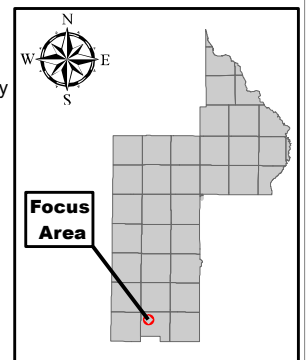
- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento 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 | |

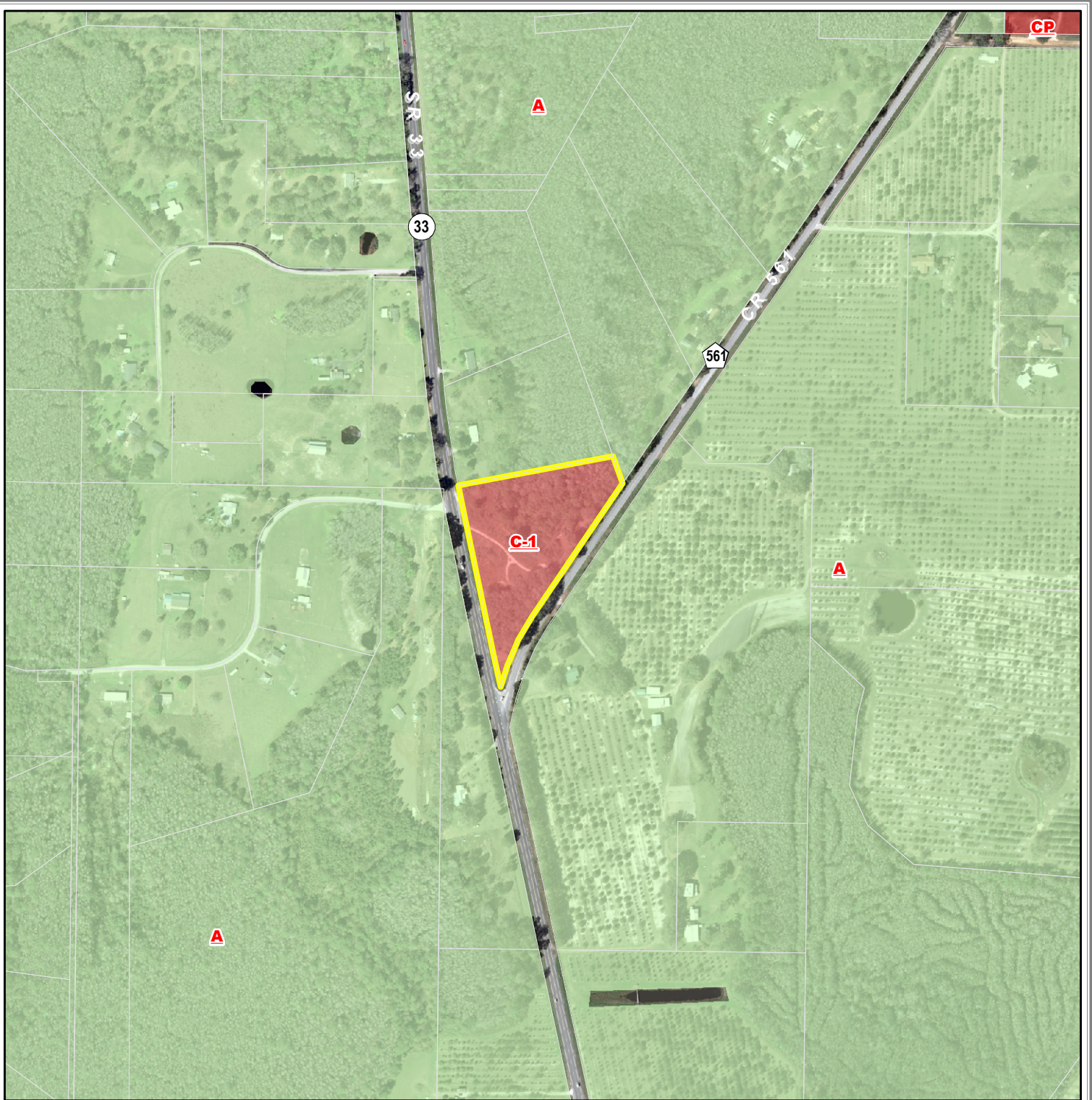
NAME: BOYKIN PROPERTY

CASE NUMBER: RZ-17-18-1

LOCATION (S-T-R): 08-24-25

REQUEST: NEIGHBORHOOD COMMERCIAL TO AGRICULTURE

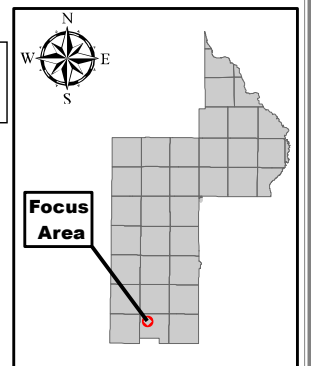




ZONING LEGEND

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: BOYKIN PROPERTY
CASE NUMBER: RZ-17-18-1
LOCATION (S-T-R): 08-24-25
REQUEST: NEIGHBORHOOD COMMERCIAL TO AGRICULTURE



**ORDINANCE #2017-XX
BOYKIN PROPERTY
RZ-17-18-1**

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

WHEREAS, Julia Faye Rogers (the "Applicant") submitted an application on behalf of Jeffrey S. Boykin, Kenneth C. Boykin and M. Kenneth Boykin (the "Owners") to rezone the subject property from Neighborhood Commercial (C-1) to Agriculture (A); and

WHEREAS, the subject property consists of approximately 5.25 acres located at the intersection of State Road 33 and County Road 561 located in the Leesburg Area, in Section 31, Township 19 South, Range 25 East, identified by Alternate Key Number 2782510, and more particularly as described below:

FROM THE S.E. CORNER OF THE NW 1/4 OF THE NE 1/4 OF SEC. 8, TWP. 24S., RGE. 25E., LAKE COUNTY, FLORIDA, RUN S 87°56'22"E., 396.48 FT.; THENCE S 35°59'40"W., 1771.73 FT.; THENCE S 35°46'17"W., 168.27 FT. TO APPOINT ON THE NORTHWESTERLY 66 FT. RIGHT-OF-WAY OF HIGHWAY NO. C-561 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID P.O.B., RUN S 35°46'17"W, ALONG SAID R/W 601.82 FT. TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 608.0 FT.; RUN THENCE SOUTHWESTERLY ALONG THE SAID R/W 200.11 FT.; THENCE S 16°54'49"W., 62.18 FT. TO THE EASTERLY R/W OF HWY. NO. C33.; THENCE N 10°39'48"W. 543.73 FT. TO THE BEGINNING OF A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 5677.88 THENCE S 80°30'36"E., 567.75 FT.; THENCE S 18°10'43"E., 104.00 FT. TO THE P.O.B.

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

WHEREAS, the Applicant submitted a request to rezone the subject property from Neighborhood Commercial (C-1) to Agriculture (A) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-17-18-1 on the 29th day of November, 2017, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 19th day of December, 2017; and

WHEREAS, the Board of County Commissioners reviewed the 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:

Section 1. Terms. The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Neighborhood Commercial (C-1) to Agriculture (A).

Section 2. Development Review and Approval. Prior to the issuance of any permits, the Owners shall submit applications for and receive necessary final development order approvals as provided

1 in the Lake County Comprehensive Plan and Land Development Regulations. The applications
2 for final development orders must meet all submittal requirements and comply with all County
3 codes and ordinances, as amended.

4 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the
6 validity of the remaining portions of this Ordinance.

7 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
8 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
9 125.66, Florida Statutes.

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

11 ENACTED this _____ day of _____, 2017.

12
13 FILED with the Secretary of State _____, 2017.

14
15 EFFECTIVE _____, 2017.

16
17

18
19 BOARD OF COUNTY COMMISSIONERS

20 LAKE COUNTY, FLORIDA

21

22

23 _____

24 TIMOTHY I. SULLIVAN, CHAIRMAN

25

26 **ATTEST:**

27

28

29 _____

30 NEIL KELLY, CLERK OF THE

31 BOARD OF COUNTY COMMISSIONERS

32 LAKE COUNTY, FLORIDA

33

34

35 **APPROVED AS TO FORM AND LEGALITY:**

36

37

38 _____

39 MELANIE MARSH, COUNTY ATTORNEY