



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): July 9, 2019  
Board of County Commissioners (BCC): July 30, 2019

Case No. and Project Name: RZ-19-10-5, Mullins Property

Applicant: Lydia Mullins

Owner: Krystal Locklear

Requested Action: Rezone approximately 2.28 +/- acres from Agriculture (A) to Rural Residential (R-1) to facilitate a future Minor Lot Split application.

Staff Determination: Staff recommends approval of the rezoning application.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

### Subject Property Information

Size: 2.28 +/- net acres (no wetlands or water bodies on subject property)

Location: 1330 Lake View Street, Lady Lake, Florida 32159

Alternate Key No.: 1650810

Future Land Use: Urban Low Density

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area: Lady Lake

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Lady Lake	Lady Lake	Lake View Street	Residential use (First Baptist Church of Lady Lake) north of Lake View Street
South	Lady Lake	Lady Lake	Wildwood Street	Residential use south of the street
East	Urban Low Density	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Urban Low Density	Agriculture (A)	Residential	Single-Family Dwelling Unit

### Staff Analysis

The Applicant is requesting to rezone vacant undeveloped property from Agriculture (A) to Rural Residential (R-1) to facilitate the future submittal of a Minor Lot Split application. The property is designated as Urban Low Density (UL) future land use, which allows a maximum density of four (4) dwelling units per net acre. Pursuant to Land Development Regulations (LDR) Section 14.11.01.D.2, parcels created through the Minor Lot Split process must meet the density requirements of both the zoning district, and the future land use category. While the proposed lot split would be consistent with the density required by the UL future land use, the parcel does not currently meet the density requirement of the Agriculture (A) zoning district, which is one (1) dwelling unit per five (5) net

acres. As the current zoning of the property is non-conforming to the future land use and currently vacant and undeveloped, any future development of the property must conform with the future land use. As such, the proposed rezoning to R-1 will result in zoning conformance with the UL future land use.

Pursuant to LDR Table 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, the maximum density of the Rural Residential (R-1) zoning district is one (1) dwelling unit per one (1) net acre. The density of the proposed Rural Residential (R-1) zoning district is more consistent with the FLUC than the Agriculture (A) zoning district.

### **Standards for Review (LDR Section 14.03.03)**

#### **A. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

The proposed R-1 zoning request is consistent with the UL future land use, and the allowable residential density.

#### **B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.**

The rezoning application is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows single-family residential uses within the Rural Residential (R-1) zoning district.

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

As previously stated, the proposed rezoning is consistent with the land uses permitted by the proposed zoning district and existing UL future land use. The parcels surrounding the subject property are developed with residential and agricultural land uses. Nearby parcels are located within the jurisdictional boundaries of the Town of Lady Lake. These nearby properties are developed at higher densities than what is proposed by the rezoning request.

#### **D. Whether there have been changed conditions that justify an amendment.**

There is no evidence of development trends of property rezoning in this area over the past 5 years. The property owners intend to split the parcel and develop the property with residential uses consistent within the current UL future land use. This rezoning application would result in development like the surrounding residential uses.

#### **E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, 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 Town of Lady Lake has provided documentation indicating that water and sanitary sewer services are not available to the subject property (Attachment A). A permit for well and septic services through the Department of Health (DOH) will be required with a future residential building permit.

##### Schools

Lake County School Board reviewed the application and did not indicate any anticipated impacts on schools, or opposition to the request.

##### Parks

The subject property is located on Lake View Street, further west of Arlington Avenue than where the Gardenia Trail will run.

##### Solid Waste

No adverse impacts are anticipated to current Solid Waste capacity levels.

##### Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #52) is located approximately 0.6 miles from the site. The second-responder station, Station #53, is located 2.7 miles from the site.

##### Transportation Concurrency

No adverse impacts are anticipated for transportation.

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

No adverse impacts to the natural environment are anticipated, however, a tree removal permit will be required prior to removal of any trees in association with future development, pursuant to LDR Section 9.02.02. Pursuant to Comp. Plan Policy III.3.2.14, Mitigation for Designated Species, mitigation for species, including relocations, shall be permitted in Lake County only if consistent with applicable State and Federal regulations. If species mitigation is permitted, the County shall require written proof that onsite or offsite mitigation activities have occurred or are scheduled prior to site development

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

The application did not contain any information regarding the impact on property values.

**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The adjacent properties are zoned Agriculture (A), however, nearby properties are developed at higher densities than that which has been proposed. Therefore the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

**I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

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.

**ATTACHMENT A. TOWN OF LADY LAKE UTILITY DETERMINATION**



Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA  
352-751-1500 FAX 352-751-1510 www.ladylake.org

Public Works Department - Physical location: 136 Skyline Drive, Lady Lake, Florida 32159  
Phone # 352-751-1526 FAX: 352-751-1595

Date: 4-10-19

Lake County Environmental Health  
P.O. Box 1305  
Tavares, Florida 32778  
Fax: (352) 253-6133 Ph: (352) 253-6130

RE: **Water and/or Sewer Physical Availability**

Requested by: Lydia Mullins

Location: 1330 Lakeview St. Lady Lake

Attention Permitting Technician:

The Town of Lady Lake does  or does not  currently have residential water service  or commercial water service  physically available to the above referenced property.

The Town of Lady Lake does  or does not  currently have residential sewer service  or commercial sewer service  physically available to the above referenced property.

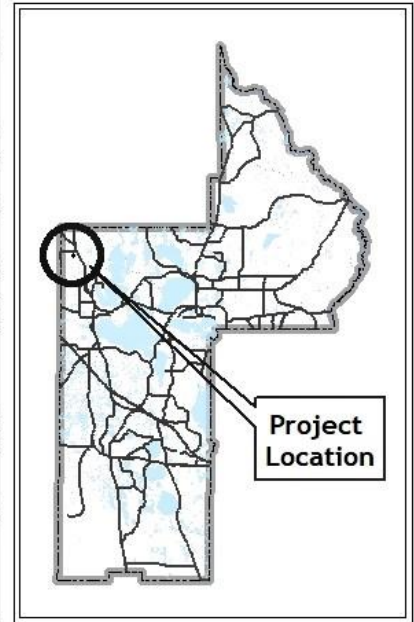
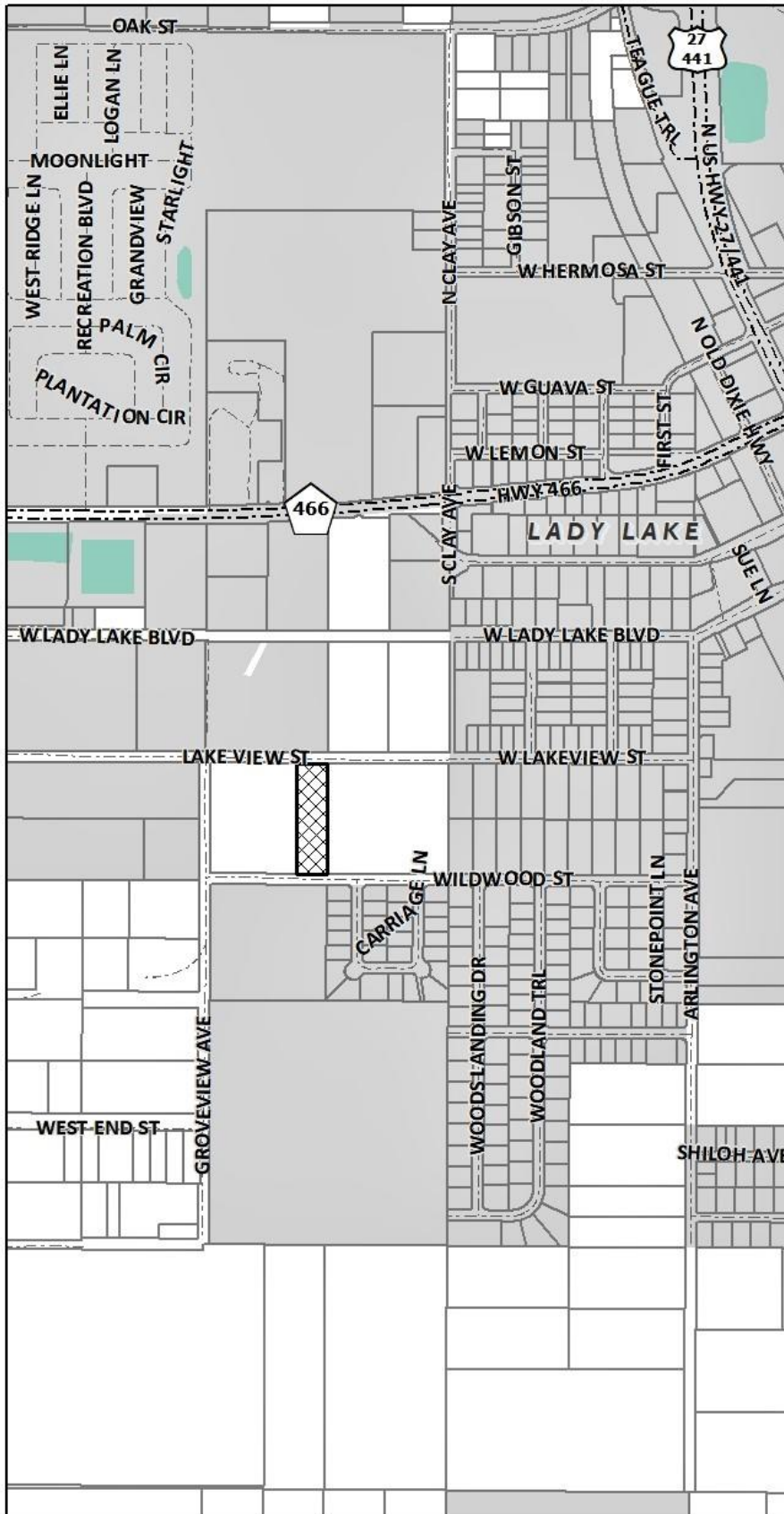
If residential/commercial water or sewer service is physically available or once service becomes physically available, connection to our water or sewer lines may be required per the Land Development Regulations.

If you have any questions, please contact this office at the Public Works Department or call (352) 751-1526.

Very truly yours,

Butch Goodman  
Utility Supervisor

### SUBJECT PROPERTY



**ORDINANCE #2019-XX**  
**Mullins Property**  
**RZ-19-10-5**

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 **WHEREAS**, Krystal Locklear (the "Applicant"), on behalf of Lydia Mullins (the "Owner"), submitted  
4 an application to rezone approximately 2.28 +/- acres from Agriculture (A) to Rural Residential (R-1); and

5 **WHEREAS**, the subject property consists of approximately 2.28 +/- acres, and is generally located  
6 south of Lake View Street and East of Grove View Street in the unincorporated Lady Lake area of Lake  
7 County, Florida, in Section 20, Township 18, Range 24, identified by Alternate Key Number 1650810, and  
8 more particularly described below:

9 The East 1/2 of Lot 19 In Lee And Stevens Addition to Lady Lake, Florida, according to the plat  
10 thereof recorded In Plat Book 8, Page 11, Public Records of Lake County, Florida.

11 **WHEREAS**, the subject property is located within the Urban Low Density Future Land Use Category  
12 as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

13 **WHEREAS**, the property will be zoned Rural Residential (R-1) in accordance with the Lake County  
14 Zoning Regulations; and

15 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-19-10-5 on July 9,  
16 2019, after giving Notice of Hearing on petition for a change in the use of land, including notice that said  
17 petition would be presented to the Board of County Commissioners of Lake County, Florida, on July 30, 2019;  
18 and

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

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

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

26 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the  
27 subject property to Rural Residential (R-1).

28 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owners shall be  
29 required to submit applications for and receive necessary final development order approvals as  
30 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
31 applications for final development orders shall meet all submittal requirements and comply with  
32 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, 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 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 \_\_\_\_\_, 2019.

9  
10 FILED with the Secretary of State \_\_\_\_\_, 2019.

11  
12 EFFECTIVE \_\_\_\_\_, 2019.

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

16  
17 \_\_\_\_\_  
**LESLIE CAMPIONE, CHAIRMAN**

18 **ATTEST:**

19 \_\_\_\_\_  
20 **GARY J. COONEY, 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**