



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

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

Case No. and Project Name: RZ-19-13-5, B. & V. Grover Property Rezoning

Applicant: David Clutts, P.E., Civil Engineering Solutions, Inc.

Owner: Paul Bryan, MGR, Grover & Virginia Bryan Real Estate Holdings, LLC

Requested Action: To rezone two parcels from Agricultural District (A) to Agricultural Residential District (AR)

Staff Determination: Staff recommends approval of the rezoning application.

Case Manager: Sandy Michel, Planner

PZB Recommendation:

Subject Property Information

Size: 10.2 (approx. 9.0 uplands) acres

Location: Located north of Rockingham Avenue, in the Umatilla area

Alternate Key No.: 1101930 and 1109167

Future Land Use: Urban Low (AK# 1101930) and Urban Medium (AK# 1109167) Density

Current Zoning District: Agricultural District (A)

Flood zone: "A" and "X"

Joint Planning Area/ ISBA: Umatilla ISBA

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Agricultural District (A)	Partially undeveloped/ vacant	Cropland and native vegetation about the northern property line
South	Urban Medium	Agricultural District (A)	undeveloped/ vacant	n/a
East	Rural Transition	Agricultural District (A)	Roger Giles Road	undeveloped/ vacant
West	Urban Medium	Agricultural District (A)	Surface water body	Lake Gibson

Staff Analysis

The subject 10.2 acre property is identified by Alternate Key Numbers 1101930 and 1109167. The properties are generally located along Roger Giles Road, in the Umatilla area. The properties are currently zoned Agricultural District (A) and is designated as Urban Low (AK# 1101930) and Urban Medium (AK# 1109167) Density Future Land Use. The properties are situated within the Umatilla ISBA.

The Applicant has requested to rezone two parcels from Agricultural District (A) to Agricultural Residential District (AR). The current zoning of the property is Agricultural District (A), the maximum density is 1 du/5 acres. The Applicant desires the properties to be rezoned for AR, the density for 1 du/ 5 acres.

Standards for Review (LDR Section 14.03.03)

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

The Applicant submitted the following statement as proof that the proposed amendment is consistent with all elements of the Comprehensive Plan; *“Two agricultural residential lots. AR zoning is proposed to allow a lot size of 1 DU/ 2 acres minimum. This will allow two buildable lots to be created from the parcel when considering net area available”*

The rezoning application for AR# 3751 is consistent with urban low and urban high density. The two parcels lie within two different future land use categories. The proposed request is consistent with Comprehensive Plan Policy I-1.3.4 regarding density in the Urban Low and Urban Medium Density Future Land Use Category. The northern parcel identified by AK #1101930, is designated as Urban Low, which allows residential density at a maximum density of four (4) dwelling units per net buildable acre. The southern parcel identified by AK #1109167, is designated as Urban Medium, which allows residential density at a maximum density of four (7) dwelling units per net buildable acre (Reference Attachment A). Reference the table below for both of these land use categories.

FUTURE LAND USE CATEGORY	DENSITY (1)	F.A.R. (INTENSITY)	I.S.R	OPEN SPACE	BUILDING HEIGHT (2)(5)
Urban Low Density	4 d.u./1 acre	0.25 to 0.35	0.60	25%	Note (3)
Urban Medium Density	7 d.u./1 acre	0.35 to 0.50	0.70	20%	Note (3)

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

The Applicant submitted the following statement as proof that the proposed amendment is not in conflict with any applicable provisions of the Code; *“The AR zoning district is compatible with the Urban Low (4 du’s /acre) and Urban Medium (7 du’s / acre) Future Land Use Categories. The proposed use and the AR zoning district is well below the allowed density of the most restrictive future land use.”*

The proposed rezoning is consistent with the LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, Reference the table below for both Agricultural District (A) and Agricultural Residential District (AR).

	Maximum Density ^{*1}	Maximum FAR ^{*2}	Maximum ISR ^{*3}	Height (feet)
A	1 DU/5 AC	.10	.10 ^{*4}	40
RA	1 DU/5 AC	.10	.10 ^{*4}	40
AR	1 DU/2 AC	.20	.25 ^{*4}	40

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 FLUC. The parcels surrounding the subject property are undeveloped agricultural land uses.

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

The Applicant submitted the following statement as proof as whether or not there have been changed conditions that justify an amendment; *“Agricultural use mixed with Residential is retained by AR district similar to AG zoning. The AR zoning district is compatible with the Urban Low and Urban Medium FLU District but preserves agricultural lands per Comp. Plan Objective-1.2.”*

The Owner desires to rezone because the land development regulations specifies that the residential density is based on net density. The property owners intends to have a 1 unit/ 4-acres, which is below the FLU categories of these parcels.

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 subject property is serviced by individual well and septic system.

Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Fire and Emergency Services

The closest Fire Rescue Station (Umatilla Fire Department) is located less than two miles from the site on Roger Giles road, Umatilla FL.

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

Based on the Applicant desire for two residential uses, no adverse impacts to the natural environment are anticipated. However, an environmental assessment no older than 6 months required at the time of residential building permit submittal is required. The environmental assessment must indicate the presence of vegetation, soils, and wetlands, threatened and endangered species that may exist on the site. Any required State permitting or mitigation will be required before development can commence.

The parcel lies within flood zones “A” and “X”, pursuant to Land Development Regulations (LDR) Section 14.20.01, where buildable area exists out of the flood-prone area, development shall take place in that area.

G. Whether, and the extent to which, the proposed amendment 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.

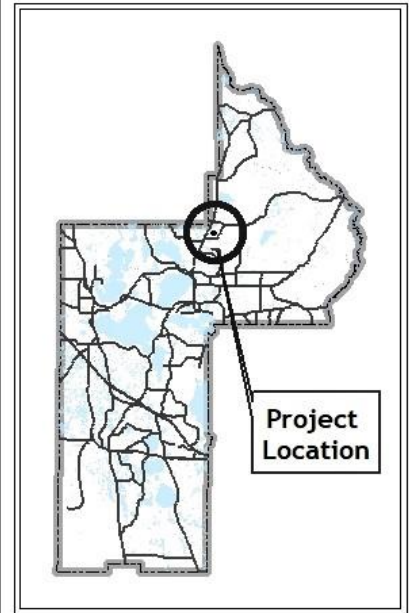
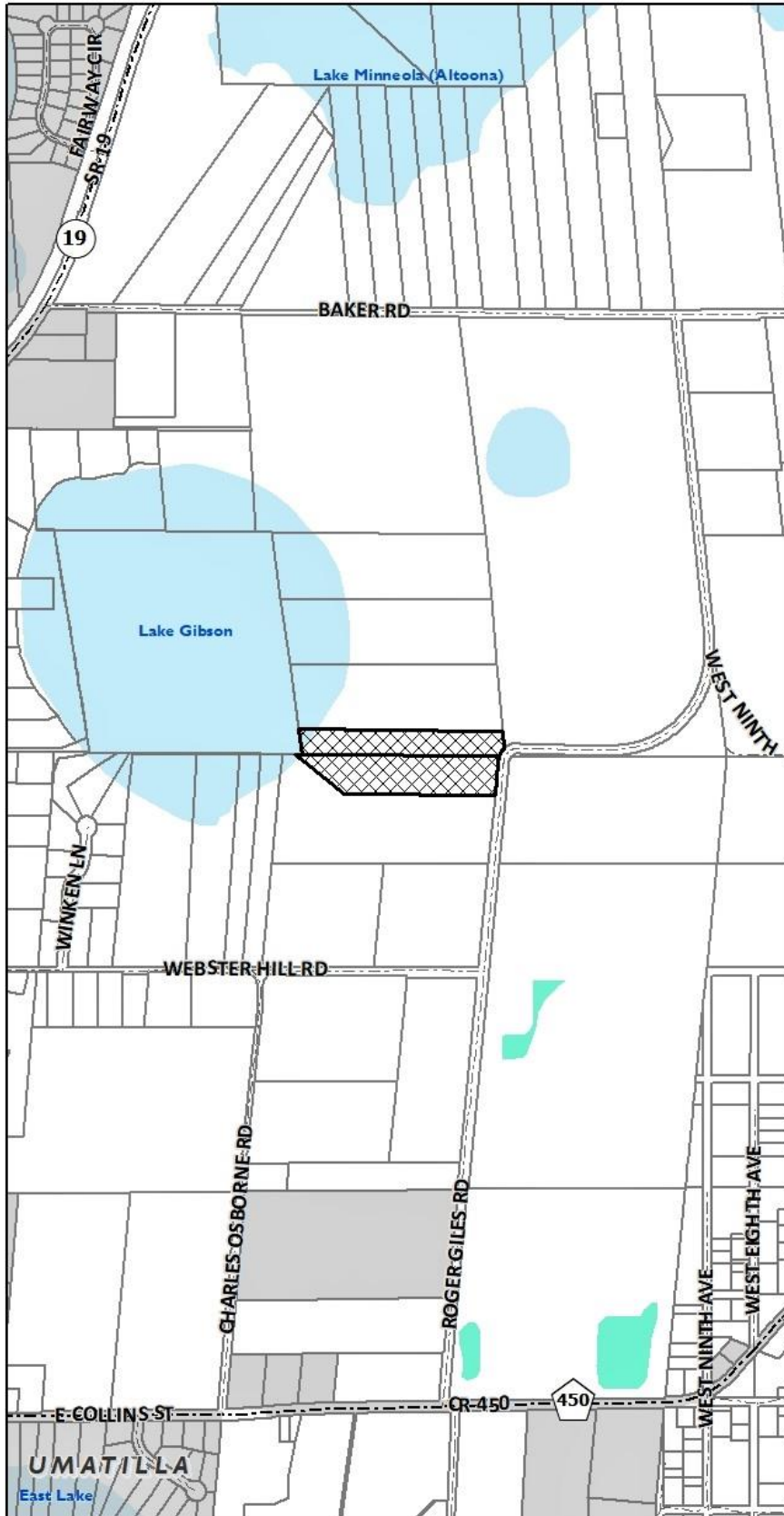
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The adjacent properties are zoned Agriculture (A), 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 amendment will be consistent with the purpose and interest of Lake County's regulations and Future Land Use.

Subject Property Map



**Ordinance #2019-XX
Bryan-Grover Property
RZ-19-13-5**

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

WHEREAS, David Clutts, P.E. (the "Applicant") submitted an application on behalf of Paul Bryan, MGR, Grover & Virginia Bryan Real Estate Holdings, LLC ("the Owner") submitted an application to rezone property from Agricultural District (A) to Agricultural Residential District (AR); and

WHEREAS, the subject properties consist of approximately 10.2 +/- acres generally located north of Rockingham Avenue, in the Umatilla area, in Section 6 & 7, Township 18 South, and Range 27 East, identified by Alternate Key Numbers 1101930 and 1109167, and more particularly as described in:

EXHIBIT "A" – LEGAL DESCRIPTION

WHEREAS, the subject property is located within the Urban Low (AK# 1101930) and Urban Medium (AK# 1109167) Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the property will be rezoned to Agricultural Residential District (AR) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-19-13-5 on the 9th day of July, 2019, 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 30th day of July, 2019; 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 properties to Agricultural Residential District (AR).

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

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

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

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

2 **ENACTED** this _____ day of _____, 2019.

3
4 **FILED** with the Secretary of State _____, 2019.

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6 **EFFECTIVE** _____, 2019.

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10 **BOARD OF COUNTY COMMISSIONERS**
11 **LAKE COUNTY, FLORIDA**

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15 **LESLIE CAMPIONE, CHAIRMAN**

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19 **ATTEST:**

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23 **GARY J. COONEY, CLERK OF THE**
24 **BOARD OF COUNTY COMMISSIONERS**
25 **LAKE COUNTY, FLORIDA**

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

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31 _____
32 **MELANIE MARSH, COUNTY ATTORNEY**

**EXHIBIT "A" –
LEGAL DESCRIPTION**

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SW 1/4 OF SE 1/4--LESS N 1165.89 FT & LESS FROM SE COR OF SW 1/4 OF SE 1/4, SAID POINT BEING 1257.14 FT W OF SE COR OF SEC, RUN W 55.80 FT TO CENTERLINE OF PRESENTLY EXISTING CLAYRD, THENCE RUN N 04-51-0 W TO NE COR OF SW 1/4 OF SE 1/4, SALONG E BOUNDARY OF SAID SW 1/4 OF SE 1/4 TO POB, ORB 4190 PG 1485

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11 **LAKE COUNTY, FLORIDA**

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25 **LAKE COUNTY, FLORIDA**

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32 **MELANIE MARSH, COUNTY ATTORNEY**

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