



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): November 26, 2019
Board of County Commissioners (BCC): December 17, 2019

Case No. and Project Name: RZ-19-26-1, Caswell Property Rezoning

Applicant: Jeffery Caswell

Owner: James P. Caswell Jr. and Herma White

Requested Action: Rezone 5.05 +/- acres from Agriculture (A) zoning to Rural Residential (R-1) zoning to facilitate the submission of a future lot split application to subdivide the subject property into two (2) parcels.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.05 +/- acres

Location: Adjacent to Green Valley Road in the Leesburg area.

Alternate Key No.: 1172187

Future Land Use: Urban Medium Density

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: Leesburg ISBA

Overlay Districts: None

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|------------------|------------------|------------------------------|---|
| North | City of Leesburg | City of Leesburg | Agricultural and Residential | City of Leesburg |
| South | Urban Medium | Agriculture (A) | Residential | Single-Family Dwelling Unit and adjacent to Green Valley Road |
| East | Urban Medium | Agriculture (A) | Residential | Single-Family Dwelling Unit |
| West | Urban Medium | Agriculture (A) | Residential | Single-Family Dwelling Unit |

Staff Analysis

The subject property, identified as Alternate Key Number 1172187, contains approximately 5.05 +/- acres and is zoned Agriculture (A) with an Urban Medium Density Future Land Use designation. The Applicant has requested to rezone the subject property from Agriculture (A) to Rural Residential (R-1) in order to facilitate the submittal of a future lot split application to subdivide the subject property into two (2) parcels, a 4.05 +/- acre parcel and a 1 +/- acre parcel, as depicted in the Concept Plan (Attachment "A"). The rezoning is necessary in order to create the desired two (2) parcels as the existing Agriculture zoning district has a minimum acreage requirement of at least five (5) acres per dwelling unit whereas, the proposed R-1 zoning district has a minimum acreage requirement of at least one (1) acre per dwelling unit. Although the Urban Medium Density FLUC allows a maximum density of seven (7) dwelling units per one (1) net acre, the Owner does not desire to develop the subject property at the maximum density allowed within the category.

Standards for Review (LDR Section 14.03.03)

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

The Urban Medium Density FLUC allows a maximum density of seven (7) dwelling units per net acre and the proposed R-1 zoning district allows a maximum density of one (1) dwelling unit per one (1) net acre. The existing Agriculture zoning allows a maximum density of one (1) dwelling unit per five (5) net acres; the density allowed within the proposed R-1 zoning district is more consistent with the maximum density allowed within the Urban Medium Density FLUC.

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

The subject property contains 5.05 +/- acres which is consistent with the minimum acreage required pursuant to Land Development Regulations Section 3.02.06 which states that the Rural Residential (R-1) zoning district must contain at least one (1) acre. The rezoning request is consistent with LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, which states that single family dwelling units are permitted within the R-1 zoning district.

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

The proposed R-1 zoning district allows residential uses consistent with the adjacent residential uses allowed within the surrounding Agriculture (A), Residential Professional (RP), and Mixed Residential District (R-7) zoning districts. The non-intensive agricultural uses allowed within the proposed R-1 zoning district are allowed within the immediately adjacent Agriculture zoned properties.

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

The Applicant has requested the rezoning to facilitate the submittal of a future lot split application to subdivide the subject property into two (2) parcels, containing 4.05 +/- acres and 1 +/- acres. In order to split the lot into the desired parcels a rezoning is necessary as the current Agriculture zoning does not allow for the creation of a lot which is less than five (5) acres in size.

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 will be serviced by private well and septic.

Schools

Lake County Schools provided a statement indicating that there were no comments regarding the proposed rezoning as it will not result in a density increase.

Parks

The proposed rezoning is not anticipated to adversely impact parks.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Fire and Emergency Services

The closest Lake County Fire Rescue Station (LCFR Station #59) is located less than 5 miles from the property.

Transportation Concurrency

The proposed rezoning is not anticipated to adversely affect the surrounding road network or Level of Service.

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

The proposed rezoning is not expected to result in significant impacts on the natural environment. At the time of the lot split application submittal, a survey that depicts the flood-prone and wetland area will be required.

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

There is no indication that the amendment would have an adverse impact on property values.

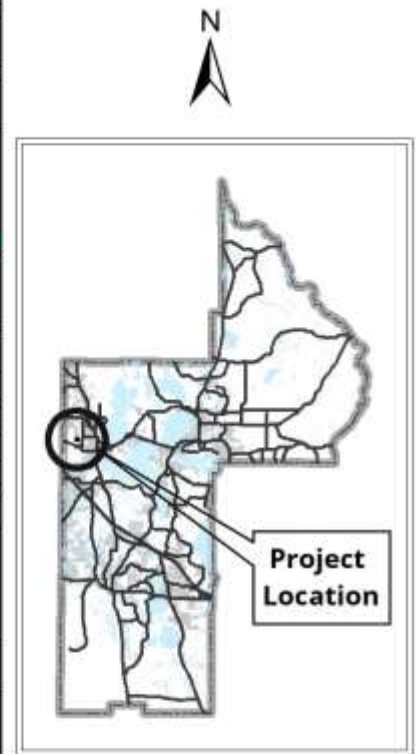
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

Although the subject property is bordered to the east, west, and south by Agriculturally zoned properties (one (1) dwelling per five (5) net acres), the properties to the south and east of the Agriculturally zoned properties are zoned Residential Professional (RP), which allows a maximum density of eight (8) dwelling units per one (1) net acre, and Mixed Residential District (R-7) which allows eight (8) dwelling units per one (1) net acre. The proposed R-1 zoning district is denser than the immediately adjacent surrounding properties but is less dense than the properties within the wider surrounding area.

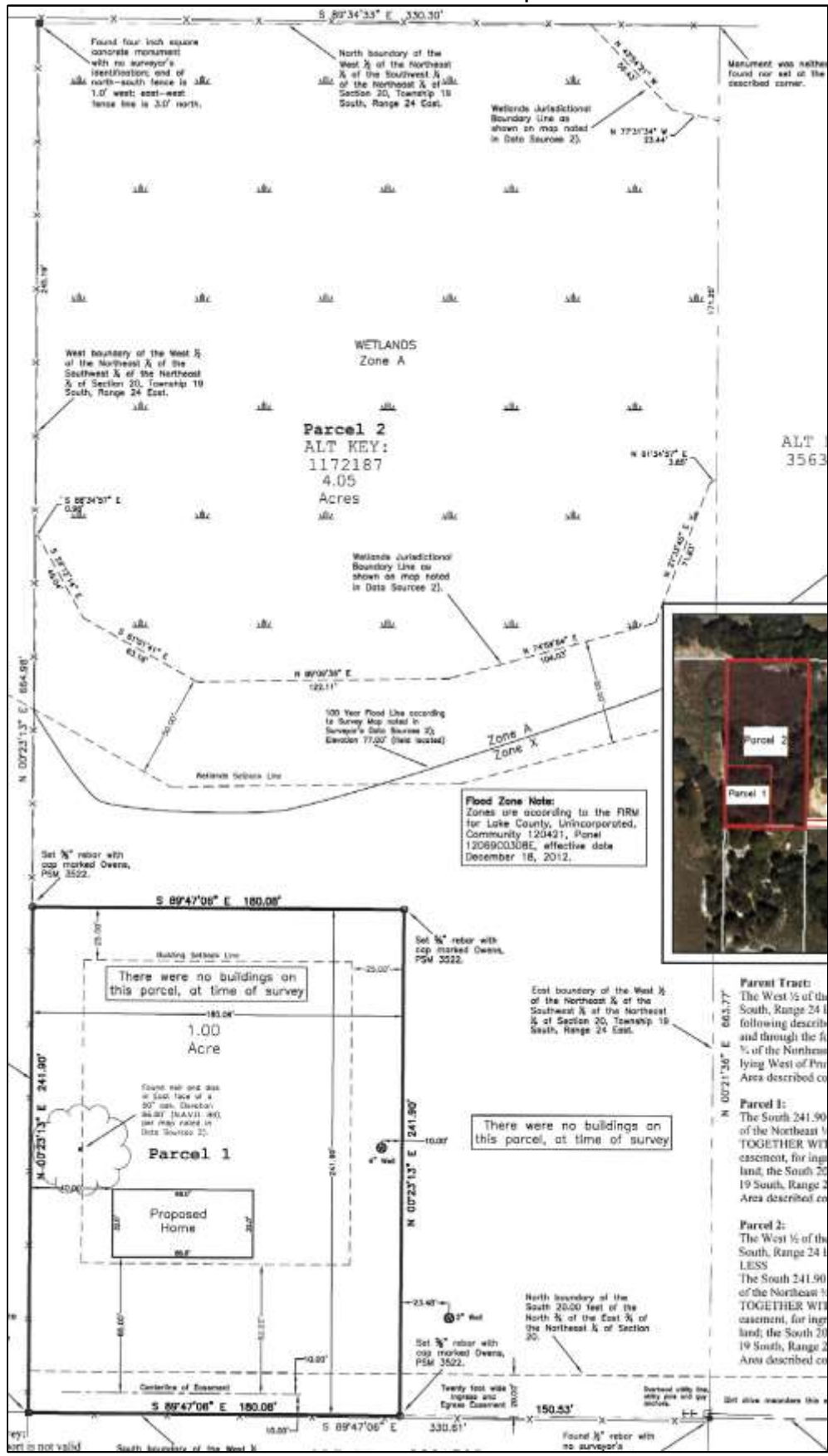
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will be consistent with the purpose and interest of Lake County's regulations.

Map of Subject Property



Attachment "A" – Concept Plan



**Ordinance #2019-XX
Caswell Property
RZ-19-26-1**

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 **WHEREAS**, Jeffrey Caswell (the "Applicant") has submitted an application on behalf of James P.
4 Caswell Jr. and Herma White (the "Owners") to rezone property identified as Alternate Key Number 1172187
5 from Agriculture (A) to Rural Residential (R-1) to facilitate the submittal of a future lot split application to
6 subdivide the subject property into two (2) parcels; and

7 **WHEREAS**, the subject properties consist of approximately 5.05 +/- acres located at 1701
8 Greenvalley Road in the Leesburg area, in Section 20, Township 19 South, Range 24 East, identified by
9 Alternate Key Number 1172187, and more particularly as described below (the "Property"):

10 The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township
11 19 South, Range 24 East, Lake County, Florida.

12 Together with and subject to the following described easement:

13 A 20 foot wide easement for ingress and egress lying over, upon and through the following described
14 parcel of land: The South 20 feet of the North 3/4 of the East 3/4 of the Northeast 1/4 of Section 20,
15 Township 19 South, Range 24 East, in Lake County, Florida, lying West of Pruitt Street.

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

18 **WHEREAS**, the properties will be rezoned to Rural Residential (R-1) in accordance with the Lake
19 County Zoning Regulations; and

20 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-19-26-1 on the 26th day
21 of November, 2019, after giving notice of a hearing for a change in the use of land, including a notice that the
22 petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 17th day of
23 December, 2019; and

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

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

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

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

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

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15
16 BOARD OF COUNTY COMMISSIONERS
17 LAKE COUNTY, FLORIDA

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22 LESLIE CAMPIONE, CHAIRMAN

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25 ATTEST:

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28 _____
29 GARY J. COONEY, CLERK OF THE
30 BOARD OF COUNTY COMMISSIONERS
31 LAKE COUNTY, FLORIDA

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33
34 APPROVED AS TO FORM AND LEGALITY:

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37 _____
38 MELANIE MARSH, COUNTY ATTORNEY