



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): November 4, 2020
Board of County Commissioners (BCC): November 10, 2020

Case No. and Project Name: RZ-20-28-5, Clifton Property Rezoning Amendment

Applicant: Brian Guyer

Owner: Richard Clifton, Trustee

Requested Action: Rezoning a portion of Public Facility District (PFD) approved under Ordinance 1985-82 consisting of 9.63+/- acres to Agriculture (A).

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

Case Manager: Steve K. Greene, AICP, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 9.63 +/- acres

Location: Along State Road 44, north of Brantley Branch Road, in the Eustis area.

Alternate Key No.: 3880854

Future Land Use: Wekiva River Protection Area Sending Area A-1-20 (Wekiva Sending Area)

Current Zoning District: Public Facility District (Community Facility District) (via Ordinance #1985-82)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA), Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva Sending Area (A-1-20)	Agriculture (A)	Agricultural	Portion of cleared pasture acreage
South	A-1-20	Community Facility District (CFD)	Vacant	Undeveloped and vacant
East	A-1-20	A	Agricultural	Portion of cleared pasture acreage
West	A-1-20	A	Agricultural residential	Residential dwelling with Agricultural uses

Staff Analysis

This rezoning application proposes to rezoning 9.63+/- acres contained within a Public Facilities District (PFD) approved under Ordinance 1985-82 to Agriculture (A) zoning to accommodate agricultural and residential uses rather than the cemetery uses specified by the PFD ordinance. Currently, Ordinance 1985-82 comprises approximately 18.87-acres, consisting of two (2) parcels (AK #3880854 and AK #2777435) shown by Attachment "A". The 9.63-acre portion (Alternate Key #3880854), subject to this rezoning, is currently undeveloped and vacant. The proposed rezoning of this acreage to Agriculture (A) is consistent with the current Wekiva Sending Area A-1-20 future land use, which allows agricultural and residential uses.

Standards for Review (LDR Section 14.03.03)

A. Whether the proposed amendment conflicts with any applicable provisions of the Code.

As previously indicated, this rezoning application seeks to rezone 9.63-acres of the PFD zoning district established by Ordinance 1985-82, to Agriculture (A) to accommodate agricultural and residential uses. This proposed use is consistent with the Wekiva Sending Area A-1-20 future land use. Currently, Ordinance 1985-82 allows for a cemetery use on approximately 18.87-acres. A development application for the cemetery use has not been submitted to the Office of Planning and Zoning. The proposed agricultural use is consistent with LDR Section 3.00.02, which specifies that the intention of the Agriculture (A) zoning district is to identify land areas most suited to agricultural usage and land preservation purposes.

Lastly, based on the parcel acreage, the proposed request for the Agriculture (A) zoning is consistent with the maximum density allowed pursuant to LDR Section 3.02.06, which is 1 residential dwelling per 5 net acres.

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

The Wekiva Sending Area A-1-20 Future Land Use Category (FLUC) allows for the proposed agricultural and residential uses; the acreage of the subject property is non-conforming to the maximum residential density of the FLUC, which is one (1) dwelling unit per twenty (20) net acres. In order to accommodate residential development of the property and to resolve the non-conforming residential density, a Lot of Exception for Density must be approved prior to the issuance of a residential zoning permit and building permit. Pursuant to Comp Plan Policy I-7.1.3, the Applicant must demonstrate the initial parcel was legally created by a warranty deed recorded in the County records prior to May 20, 1981.

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

The proposed rezoning is consistent with the existing and proposed land uses of the parcel. The parcel is currently vacant and undeveloped forest acreage.

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

Although there have not been any rezonings in the area within the past 17 years, the property owner does not desire to develop this portion of the parcel for cemetery use as specified in PFD Ordinance 1985-82.

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

No impacts are anticipated.

Transportation

No impacts are anticipated.

Fire Services

The closest Lake County Fire Rescue Station (LCFR Station #15) is located 3.8-miles from the Clifton property, with a minimum of two (2) firefighters.

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

Currently, the parcel is undeveloped and forested acreage. Prior to any development, an environmental assessment will have to be undertaken to ensure that any endangered, threatened, or species of special concern are properly protected and mitigated in accordance with the regulations of the appropriate jurisdictional permit agencies, consistent with the resource protection provisions specified within LDR Chapter 6.

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

The rezoning application does not contain any information regarding an adverse impact on property values.

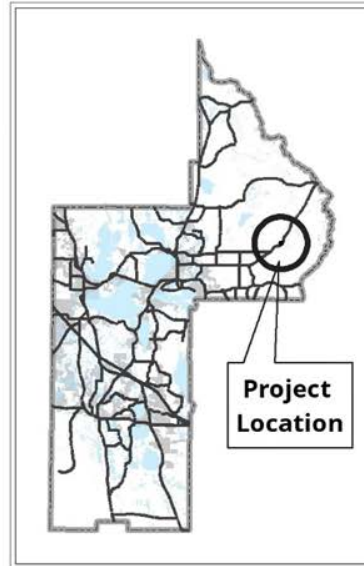
H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed rezoning amendment will not result in a disorderly or illogical development pattern of the existing agricultural and low-density residential uses.

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 amendment is consistent with the purpose and intent of the Land Development Regulations.

Subject Property

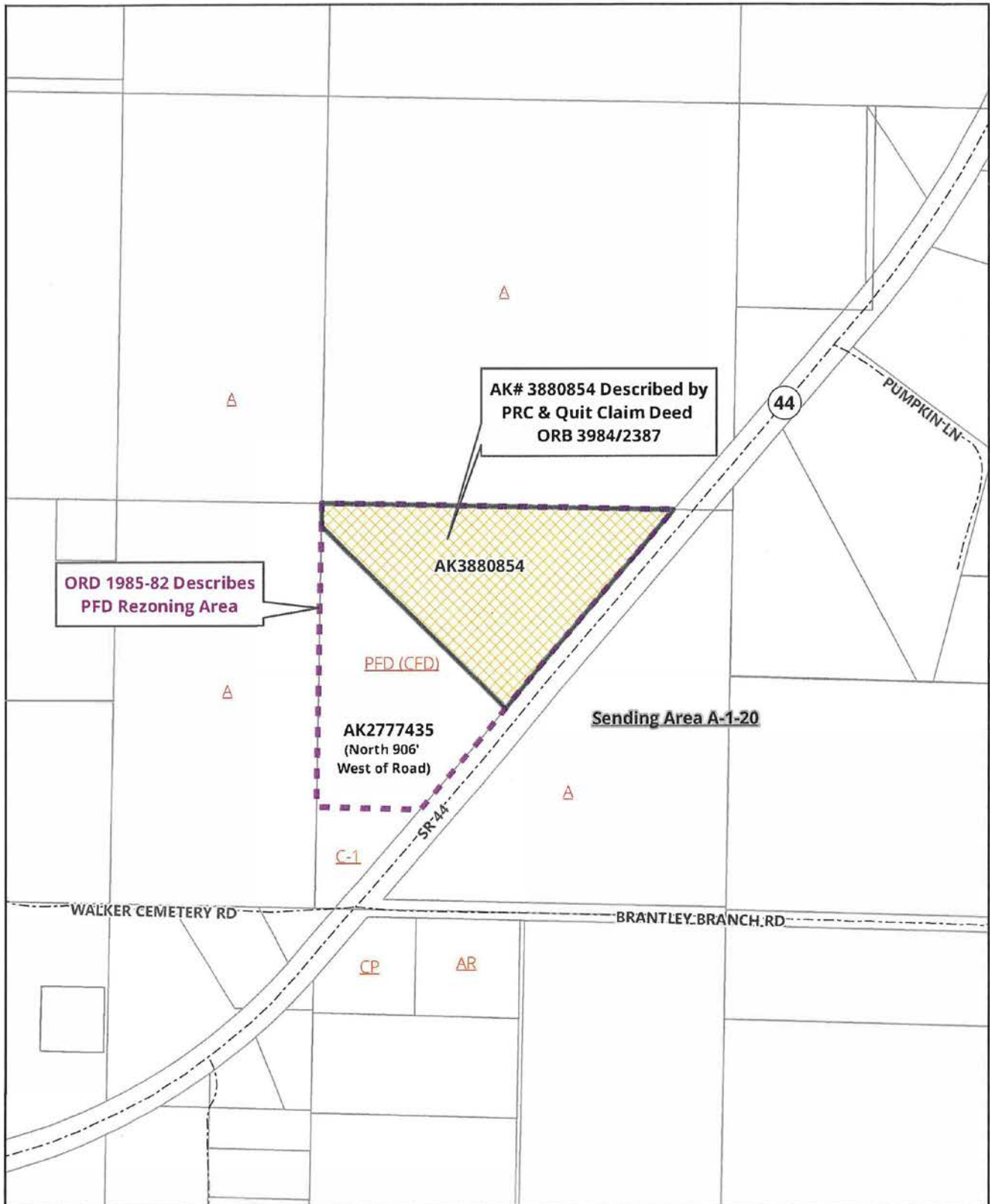




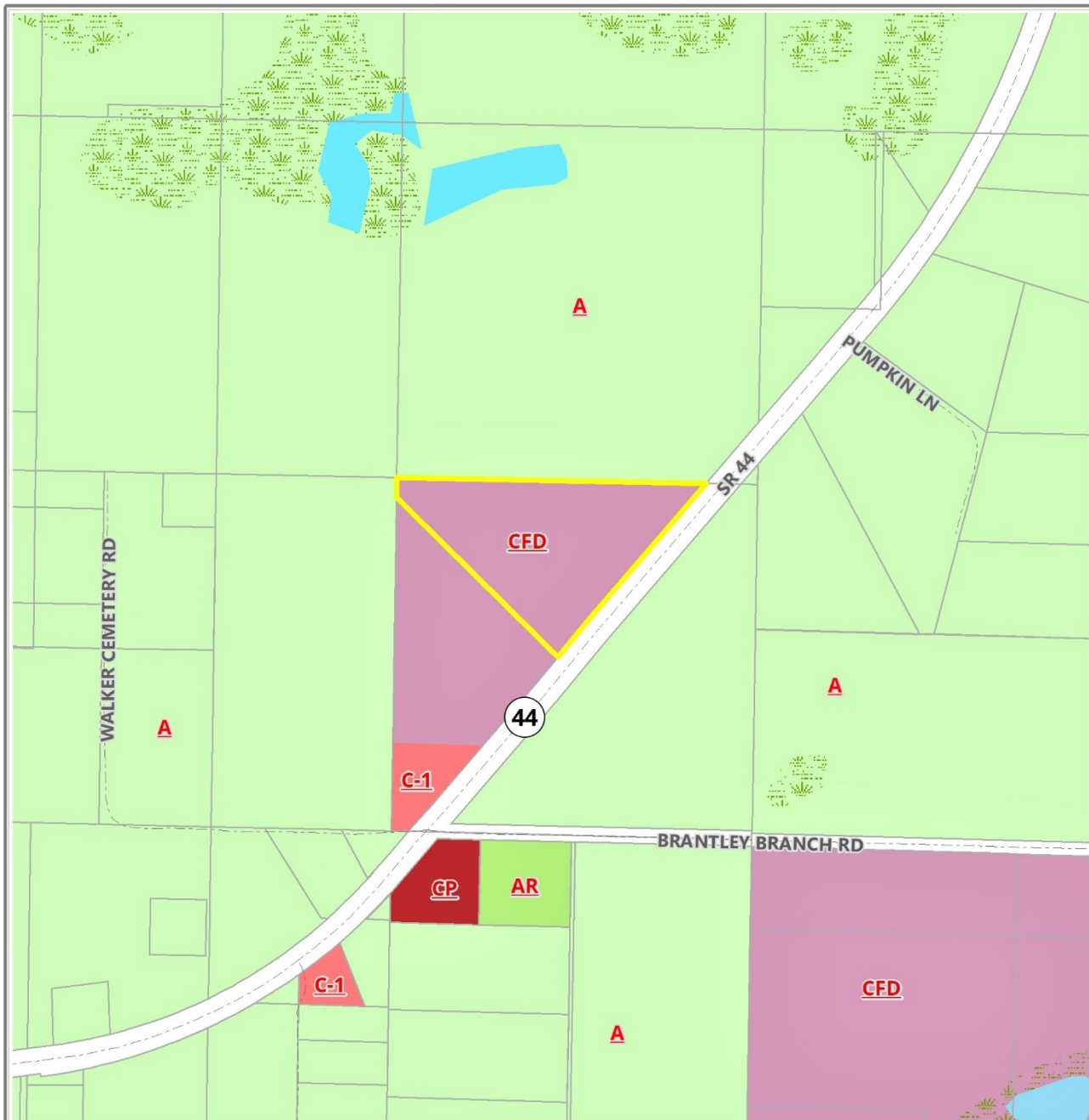
ATTACHMENT-1

Clifton Rezone RZ-20-28-5
(CFD to A)
AK# 3880854

N
1 inch = 400 feet



CURRENT ZONING

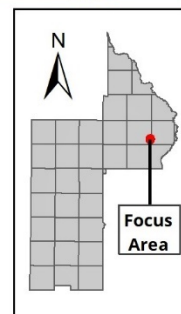


ZONING LEGEND

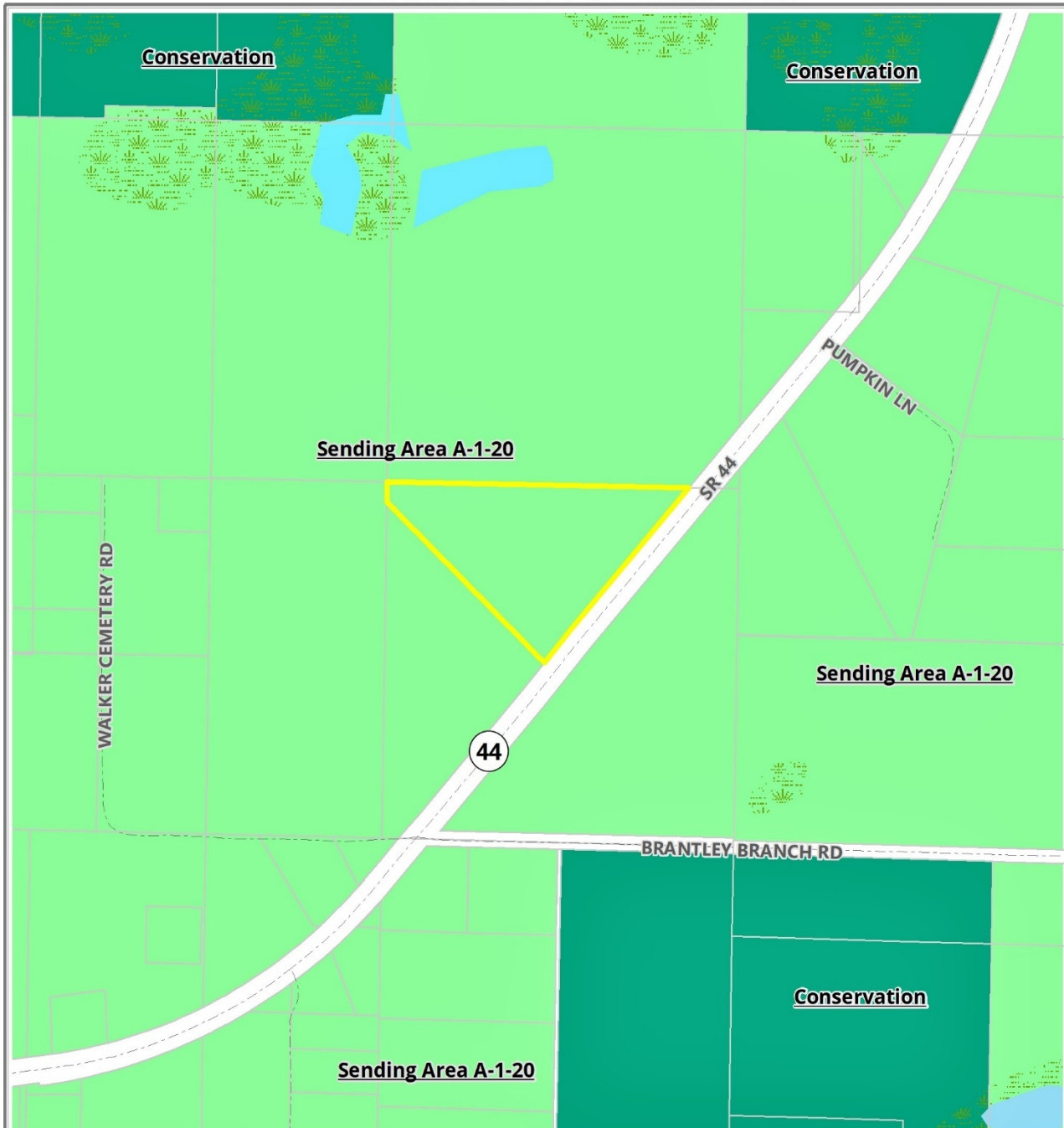
A AR C-1 CP CFD

NAME: **CLIFTON PROPERTY**
CASE NUMBER: **RZ-20-28-5**
LOCATION (S-T-R): **25-18-28**
REQUEST: **COMMUNITY FACILITY DISTRICT (CFD) TO AGRICULTURE (A)**

DISTRICT: **5**



CURRENT FUTURE LAND USE

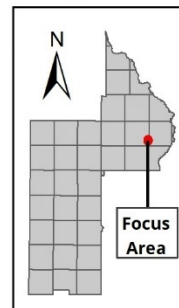


FUTURE LAND USE LEGEND

 Conservation  Sending Area A-1-20

NAME: CLIFTON PROPERTY
CASE NUMBER: RZ-20-28-5
LOCATION (S-T-R): 25-18-25
REQUEST: COMMUNITY FACILITY DISTRICT (CFD) TO AGRICULTURE (A)

DISTRICT: 5



ORDINANCE #2020-XX
CLIFTON PROPERTY REZONING
RZ-20-28-5

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

WHEREAS, Brian Guyer (the "Applicant") submitted an application on behalf of Richard Clifton, Trustee (the "Owner") to rezone 9.63 +/- acres from Public Facility District (PFD) approved under Ordinance 1985-82 to Agriculture District (A); and

WHEREAS, the property subject to rezoning consists of approximately 9.63 acres, located along State Road 44, north of Brantley Branch Road, in the Eustis area, in Section 25, Township 18, Range 28, identified by Alternate Key Number 3880854, and more particularly as described in:

EXHIBIT "A" – LEGAL DESCRIPTION

WHEREAS, the subject property is located within the Wekiva River Protection Area Sending Area A-1-20 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 Agriculture District (A) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-20-28-5 on the 4th day of November 2020, 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 10th day of November 2020; 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.

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, as described in Exhibit "A", to Agriculture District (A).

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.

1 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
2 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
3 125.66, Florida Statutes.

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

5 ENACTED this _____ day of _____, 2020.

6
7 FILED with the Secretary of State _____, 2020.

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9 EFFECTIVE _____, 2020.

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11 BOARD OF COUNTY COMMISSIONERS
12 LAKE COUNTY, FLORIDA

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17 LESLIE CAMPIONE, CHAIRMAN

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23 **ATTEST:**

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27 GARY J. COONEY, CLERK OF THE
28 BOARD OF COUNTY COMMISSIONERS
29 LAKE COUNTY, FLORIDA

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

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35 _____
36 MELANIE MARSH, COUNTY ATTORNEY

EXHIBIT "A" – LEGAL DESCRIPTION

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THAT PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA, LYING NORTH AND WEST OF STATE ROAD 44, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25, RUN THENCE SOUTH 00 DEGREE 51 MINUTES 26 SECONDS WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 74.50 FEET; THENCE SOUTH 45 DEGREES 33 MINUTES 55 SECONDS EAST A DISTANCE OF 846.65 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 44; THENCE NORTH 40 DEGREES 35 MINUTES 43 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 850.29 FEET TO THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE NORTH 88 DEGREES 55 MINUTES 52 SECONDS WEST ALONG SAID NORTH LINE A DISTANCE OF 1156.93 FEET TO THE POINT OF BEGINNING.