



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): December 2, 2020
Board of County Commissioners (BCC): December 22, 2020

Case No. and Project Name: RZ-20-33-5 Merrill Property Rezoning

Owner/Applicant: J. Kent & Karen L. Merrill

Requested Action: Rezone approximately 2.78 +/- acres of property from Agriculture (A) to Rural Residential (R-1) zoning for residential development, to include waiver request to the central water and sewer utility connection requirement.

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

Case Manager: Marellys Moreno, CRA Coordinator

PZB Recommendation:

Subject Property Information

Size: 2.78 +/- acres (gross)

Location: 40744 Fletcher Road, in the Umatilla area

Alternate Key No.: 3241444

Future Land Use: Urban Medium Density

Existing Zoning District: Agriculture (A)

Proposed Zoning District: Rural Residential (R-1)

Joint Planning Area / ISBA: Umatilla ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium Density	Agriculture (A)	Residential	Single-family residential
South	Urban Medium Density	Agriculture (A)	Residential and Agriculture	One (1) parcel with a single-family dwelling unit and one (1) agriculture tract
East	Urban Medium Density	Rural Residential (R-1)	Residential	Single-family residential
West	Urban Medium Density	N/A	Lake	Lake Pearl

Staff Analysis

The subject property comprises 2.78 +/- acres, is identified by Alternate Key Number 3241444, zoned Agriculture (A), and is designated as Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan. The subject property is generally located northeast and northwest of the intersection of Webster Hill Road and Fletcher Road, in the Umatilla Area. Fletcher Road bisects the property with the predominant portion (2.08 +/- acres) on the east side of Fletcher Road.

The Applicant is requesting to rezone the property from Agriculture (A) to Rural Residential (R-1) zoning for residential development. The subject parcel currently has a single-family dwelling unit. The proposed request is consistent with the Comp Plan and Land Development Regulations (LDR) as residential uses are allowed within the FLUC and proposed zoning district.

The application also requests a waiver to the central water and sewer system connection requirements pursuant to LDR Section 6.12.01(A), LDR Section 6.12.01(B), Comp Plan Policy IX-2.2.2, and Comp Plan Policy IX-3.1.2 (Attachment "A").

The subject parcel is located within the City of Umatilla JPA. The application was provided to the City of Umatilla for review and the City of Umatilla had no comments or objections to the request.

The proposed rezoning application was submitted concurrent with a lot split application to create two (2) one (1) acre single-family lots.

Standards for Review (LDR Section 14.03.03)

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

The rezoning application is consistent with LDR Section 3.01.03, which states that single-family dwelling units are permitted within the R-1 zoning district.

As previously stated, the predominant portion of the property is located on the east side of Fletcher Road and comprises approximately 2.08 acres. The request is consistent with the maximum density for the R-1 zoning district of one (1) dwelling unit per net acre, as specified by LDR Section 3.02.06.

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

The request is consistent with Comp Plan Policy I-1.3.3, Urban Medium Density FLUC, which allows residential uses.

The proposed request to rezone the subject property to R-1 is consistent with the maximum density specified by Comp Plan Policy I-1.3.3, Urban Medium Density FLUC. Pursuant to Comp Plan Policy I-1.3.3, Urban Medium Density Future Land Use Category, residential uses are permitted within the FLUC at a maximum density of seven (7) dwelling units per net buildable acre.

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

The subject parcel abuts R-1 zoned property to the east. Agriculture zoned properties are located to the north and south of the subject property. It appears that single-family dwelling units are the predominant use of the abutting parcels. The proposed residential request is consistent with the existing uses of the adjoining parcels.

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

The rezoning has been requested as the owner desires to split the lot to create two (2) one (1) acre single-family lots. As previously stated, the request and proposed use are consistent with the surrounding uses, as the adjoining parcels are developed with residential and agricultural 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 City of Umatilla indicated that central water and sewer is not available to the subject parcel (Attachment "B"). Therefore, a septic tank and well will be used and shall be consistent with the Florida Department of Health regulations.

Schools

The creation of 4 lots or less is exempt from school concurrency. Therefore, the creation of the two (2) lots would be exempt from review. No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts are anticipated to solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #14 is located at 18840 County Road 42 in Altoona, approximately 2.5 miles from the subject property. However, the nearest fire station is Umatilla Fire Station #17, located approximately 2 miles from the subject property at 1 Cassady Street, in Umatilla.

Since this particular property falls outside the city limits (unincorporated), it would be Lake County Fire Rescue's responsibility to provide advanced life support should an emergency situation on the property demand this service. The County and the City of Umatilla have a first responder agreement that dispatches the closest unit available.

Transportation Concurrency

The request is not anticipated to adversely impact the Level of Service (LOS) standards for roads.

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

This property has been disturbed by previous urban development. However, an environmental statement from the property owner will be submitted when the developer/owner applies for a residential building permit. Should evidence of any endangered, threatened, or special concern species be discovered, the developer/owner should cease construction and pursue permits from the appropriate agency.

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 of the proposed rezoning 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 surrounding properties are developed with residential and agricultural uses on varying tract sizes. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

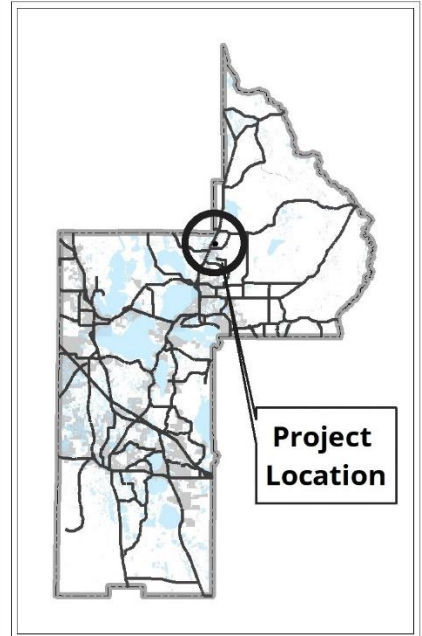
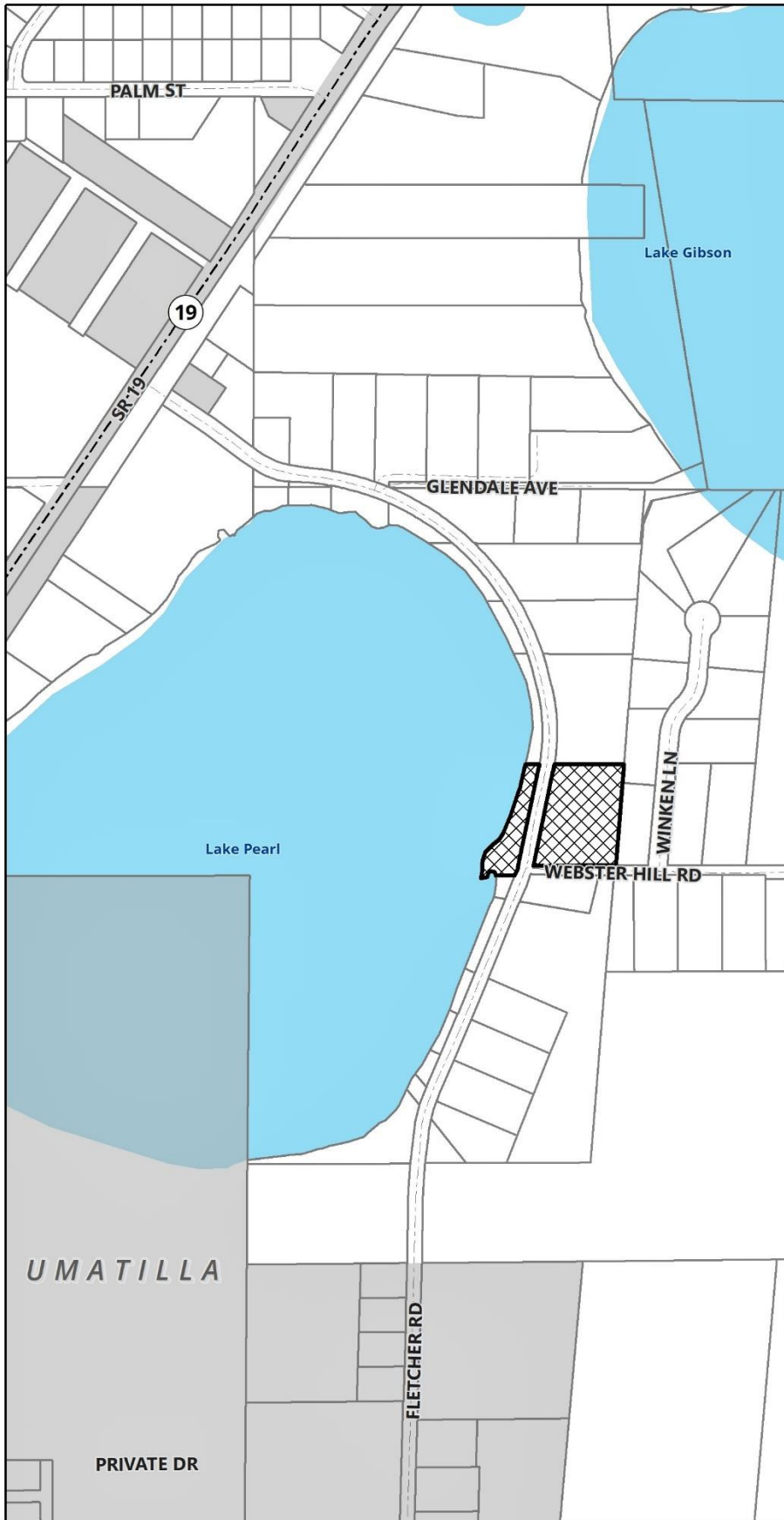
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

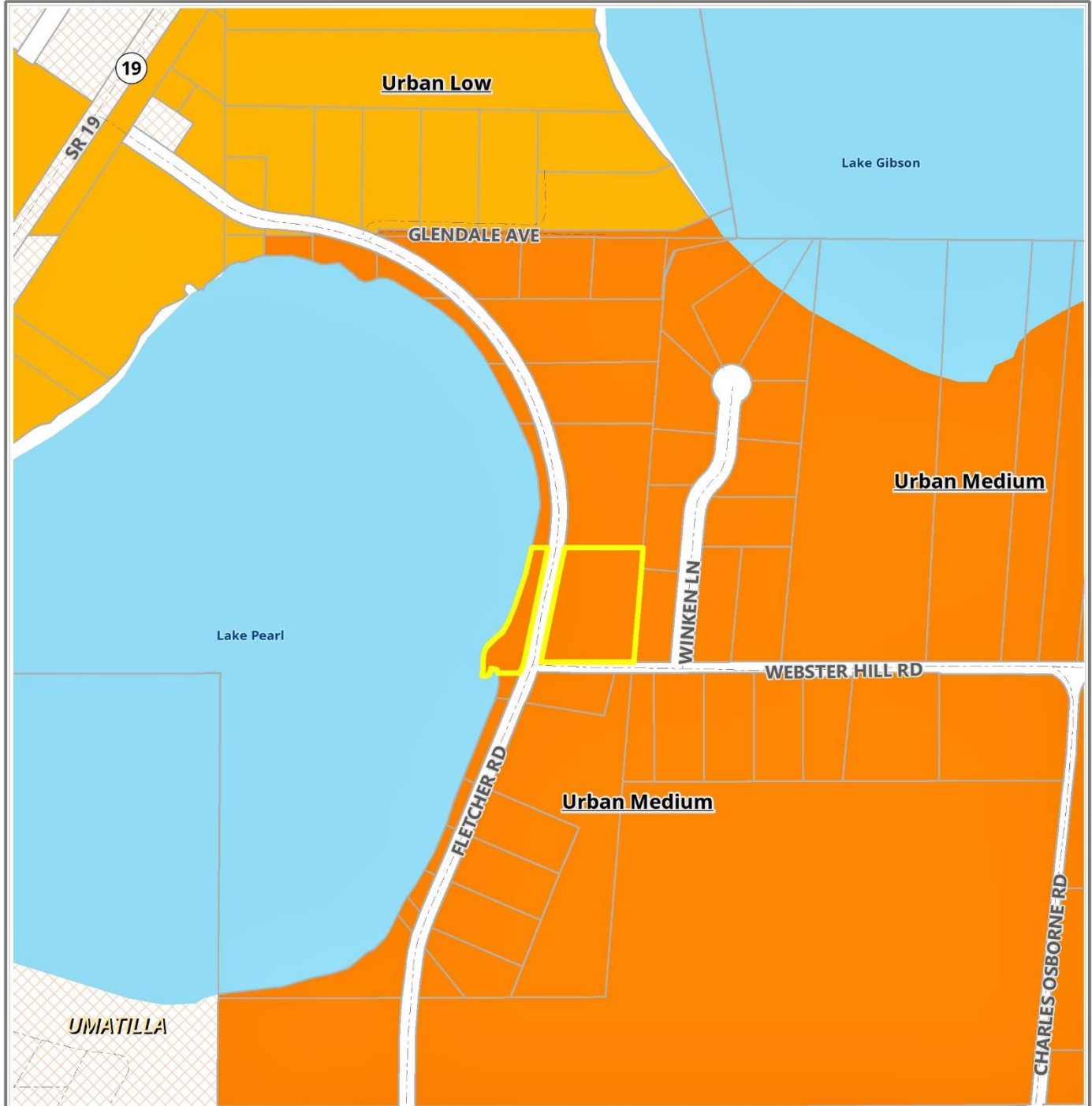
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

This application includes a request to the Board of County Commissioners (Board) to waive the central water and central sewer system connection requirements. Staff must emphasize that approval of this rezoning is contingent upon Board approval of the waiver to connection requirements.

Subject Property



CURRENT FUTURE LAND USE

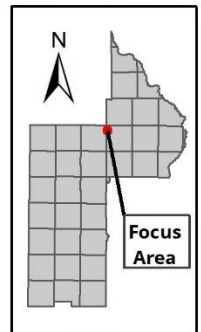


FUTURE LAND USE LEGEND

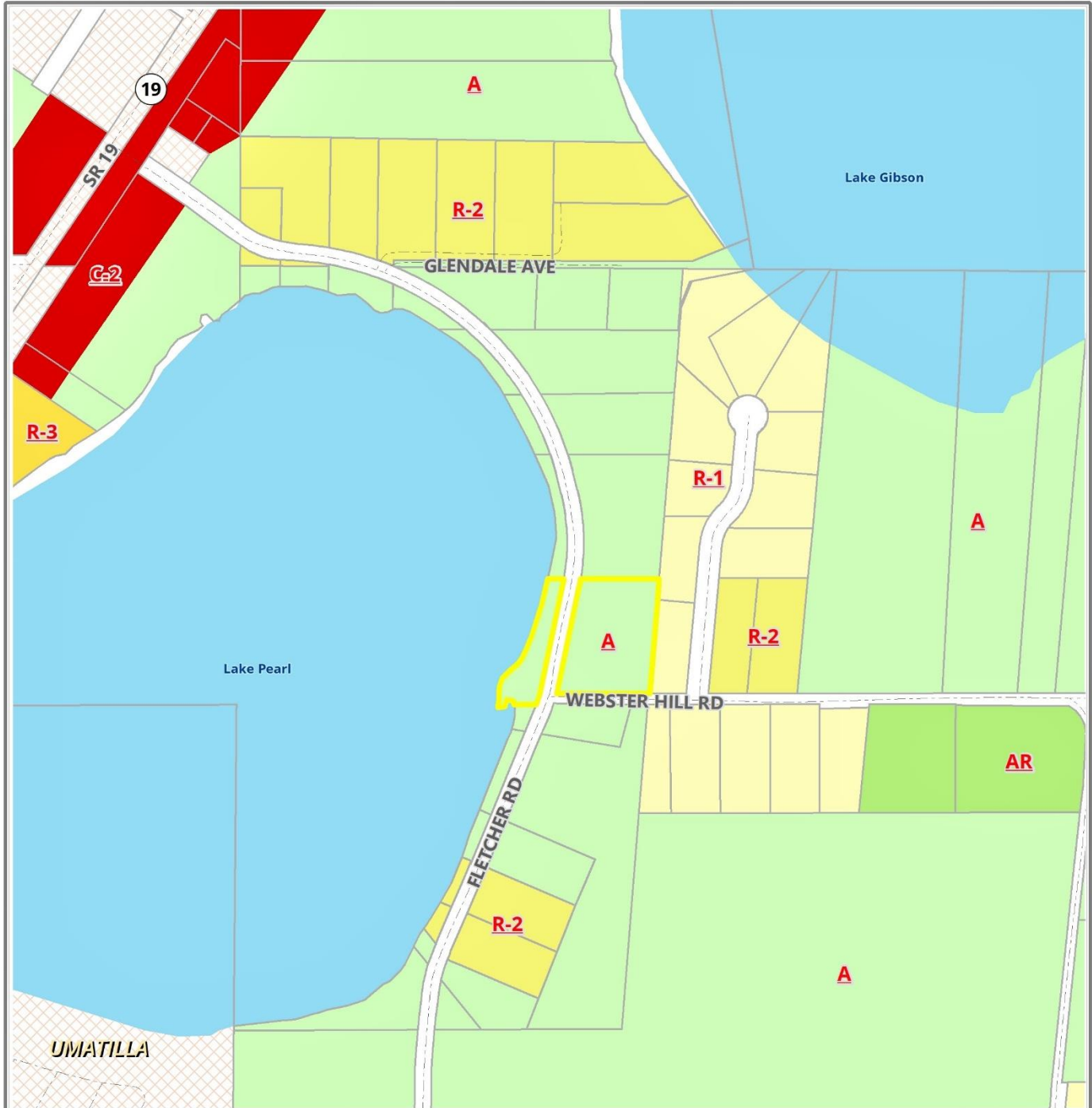
Urban Medium Urban Low

NAME: MERRILL PROPERTY
CASE NUMBER: RZ-20-33-5
LOCATION (S-T-R): 07-18-27
REQUEST: AGRICULTURE (A) TO RURAL RESIDENTIAL (R-1)

DISTRICT: 5



CURRENT ZONING

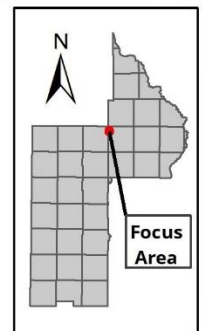


ZONING LEGEND

A AR R-1 R-2 R-3 C-2

NAME: **MERRILL PROPERTY**
CASE NUMBER: **RZ-20-33-5**
LOCATION (S-T-R): **07-18-27**
REQUEST: **AGRICULTURE (A) TO RURAL RESIDENTIAL (R-1)**

DISTRICT: **5**



Attachment "A" — Central Water and Sewer Waiver Request

RE: Merrill Rezoning (RZ-20-33-5)
Project 2020090024, Application Request No 4208
Alternate Key NO. 3241444

Dear Ms Moreno,

Please accept this justification letter for waiver consideration relating to the connection to Potable Water and Sanitary Sewer for the above referenced project.

The closest Potable Water is approximately 2735 linear feet away and Sanitary Sewer is approximately 4590 linear feet away from the property. By definition, water and sewer is not available and the City of Umatilla has already acknowledged the same by signing the Utility Notification Form previously submitted.

Please let me know if you have any further questions with regards to this waiver request.

Respectfully submitted,



Kent Merrill, Owner

Attachment "B" — City of Umatilla Water/Sewer Availability Inquiry



Office of Planning and Zoning

Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

The applicant is proposing the following:

Single-Family Dwelling _____ Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning _____

Legal description: Section 07 Township 18 Range 27 Alt Key # 3241444

Subdivision Glendale East Lot 9 Block _____ Additional Legal attached _____

Hook up to Central Sewage is not within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water is not within 300 feet of the above described property.
(is or is not)

The City of Umatilla, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No Central Water: Yes _____ No

Will the connection to the central sewage system be via a _____ gravity line or a _____ force main/pump?

Wellfield Protection:

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is _____ or is not within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature Aaron D. Mercer, MPA, AICP Digitally signed by Aaron D. Mercer, MPA, AICP Date: 2020.11.06 09:53:18 -0500'

Print Name and Title: Aaron Mercer, Public Works Dir. Date 11/06/20

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff: Staff Name: Marelys Moreno
Date Received: 11/06/2020 Address #: _____ Project Name: Merrill, Kent J & Karen J

ORDINANCE #2020-XX
Merrill Property Rezoning
RZ-20-33-5

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**, J. Kent and Karen L. Merrill (the “Owners” and “Applicants”) submitted an application to
4 rezone approximately 2.78 +/- acres from Agriculture District (A) to Rural Residential District (R-1); and

5 **WHEREAS**, the subject property consists of approximately 2.78 acres, is located northeast and
6 northwest of the intersection of Webster Hill Road and Fletcher Road, in the Umatilla area, in Section 7,
7 Township 18, Range 27, identified by Alternate Key Number 3241444, and more particularly as described in:

8 **EXHIBIT “A” – LEGAL DESCRIPTION**

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

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

13 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-20-33-5 on the 2nd day
14 of December 2020, after giving notice of a hearing for a change in the use of land, including a notice that the
15 petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 22nd day of
16 December 2020; and

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

20 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
21 property have been duly approved.

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

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

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

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

34 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
35 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
36 125.66, Florida Statutes.

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

2 ENACTED this _____ day of _____, 2020.

3
4 FILED with the Secretary of State _____, 2020.

5
6 EFFECTIVE _____, 2020.

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

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CHAIRMAN

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ATTEST:

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

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APPROVED AS TO FORM AND LEGALITY:

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MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A" – LEGAL DESCRIPTION

1
2 THAT PART OF LOT 9 IN GLENDALE SUBDIVISION, IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE
3 27 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 46, PUBLIC RECORDS OF LAKE COUNTY,
4 FLORIDA, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE: FROM THE NORTHWEST
5 CORNER OF SAID SECTION 7, RUN SOUTH 89°46'50" EAST ALONG THE NORTH LINE OF
6 GOVERNMENT LOT 1 (ACCORDING TO A SURVEY PLAT MADE BY BOWYER-SINGLETON &
7 DURDEN, INC., DATED MARCH 13, 1981, FILE NO. 14994), A DISTANCE OF 1327.68 FEET FOR A
8 POINT OF BEGINNING; THENCE SOUTH 04°26'42" WEST A DISTANCE OF 1307.46 TO A POINT ON
9 THE SOUTH LINE OF GOVERNMENT LOT 1 FOR THE POINT OF TERMINUS.
10 LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED LAND CONVEYED TO LAKE
11 COUNTY BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 696, PAGE 421, PUBLIC
12 RECORDS OF LAKE COUNTY, FLORIDA.
13 SUBJECT TO THE RIGHT OF WAY FOR COUNTY ROAD 5-7970.