



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

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

Case No. and Project Name: RZ-20-32-5 Perkins Property Rezoning

Owners/Applicants: Paul & Irene Perkins

Requested Action: Rezone approximately 19.7 +/- acres of property from Rural Residential (R-1) to Agriculture (A) zoning for residential and agriculture use.

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: 19.7 +/- acres (gross)

Location: 37601 Burhans Road, in the Eustis area.

Alternate Key No.: 1102073

Future Land Use: Rural

Existing Zoning District: Rural Residential (R-1)

Proposed Zoning District: Agriculture (A)

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area and Wekiva Study Area

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Rural Residential (R-1)	Vacant Residential	Undeveloped
South	Rural	Rural Residential (R-1)	Residential	One (1) undeveloped parcel and Six (6) parcels with single-family dwelling units
East	Rural	Rural Residential (R-1)	Agriculture	Two (2) large agriculture tracts
West	Rural	Rural Residential (R-1)	Vacant Residential	Undeveloped

Staff Analysis

The subject property comprises 19.7 +/- acres, is identified by Alternate Key Number 1102073, and zoned Rural Residential (R-1). The subject property is generally located northwest of the intersection of Bill Collins Road and Burhans Road, in the Eustis Area.

The Applicant is requesting to rezone the property from Rural Residential (R-1) to Agriculture (A) zoning for residential and agriculture use. The subject property currently has a single-family dwelling unit, a barn/metal storage building, and is used for hay production and cattle. The proposed request is consistent with the Comprehensive Plan and Land Development Regulations (LDR) as hay production and cattle are allowed within Future Land Use Category (FLUC) and proposed 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 rezoning application and proposed agriculture use for hay production and cattle is consistent with LDR Section 3.00.02, which states that the intention of the Agriculture (A) zoning district is to provide a method whereby parcels of land which are most suited to agricultural usage may be classified and preserved for this purpose.

Pursuant to LDR Section 3.01.02(B)(2), Classification of Uses – Agricultural Uses, general agriculture is defined as the keeping, grazing or feeding of livestock and animals; feedlots; croplands; and buildings which are an accessory use to these agricultural uses.

The requested rezoning application and proposed use are also consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows general and non-intensive agricultural uses within the Agriculture (A) zoning district.

Additionally, based on the parcel acreage, the proposed rezoning request is consistent with the one (1) dwelling unit per five (5) net buildable acres maximum density allowed pursuant to LDR Section 3.02.06.

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

The request and use are consistent with all applicable elements of the Comprehensive Plan. The subject parcel is designated with a Rural FLUC, which typically allows agriculture and residential uses.

The rezoning request and proposed hay production and cattle use is consistent with Comprehensive Plan Objective I-5.2, Wekiva-Ocala Rural Protection Area, which seeks to preserve the rural density, character, and lifestyles, and to protect the ecological integrity of public and private lands associated within the Ocala National Forest, Wekiva-Ocala Greenway, and St. Johns River areas of Lake County. The request is to rezone to the Agriculture (A) zoning district, which is a low density zoning district, and the request to have hay production and cattle on the property is fitting to the rural character and lifestyles that the Wekiva-Ocala RPA seeks to preserve.

The request is also consistent with Comprehensive Plan Objective I-3.1, Designation of the Wekiva River Protection Area and Wekiva Study Area, which seeks to preserve and protect lands within the Wekiva River Protection Area and Wekiva Study Area as natural resources of critical state and regional importance.

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

The surrounding parcels are zoned R-1 and developed with single-family dwelling units as well as non-intensive agriculture uses. The proposed request is consistent with the existing adjoining parcel uses as the intent is to use the parcel for hay production and cattle.

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

The owner wishes to establish bona fide agriculture uses on the property to establish a farm in conjunction with the existing single-family residential structure. As previously stated, the request and proposed use are consistent with the surrounding uses, as the adjoining parcels are developed with residential and non-intensive agriculture 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 septic tank and well for the property shall be consistent with the Florida Department of Health regulations, and permitting.

Schools

The school district does not have any comments on this rezoning application.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #21, located at 19212 State Road 44 in Eustis, is approximately five (5) miles from the subject property. This facility will provide advanced life support should an emergency situation on the property demand this service.

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 rural development. However, an environmental statement from the property owner will be requested with the submittal of the future agriculture or 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 agriculture uses on varying tract sizes. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

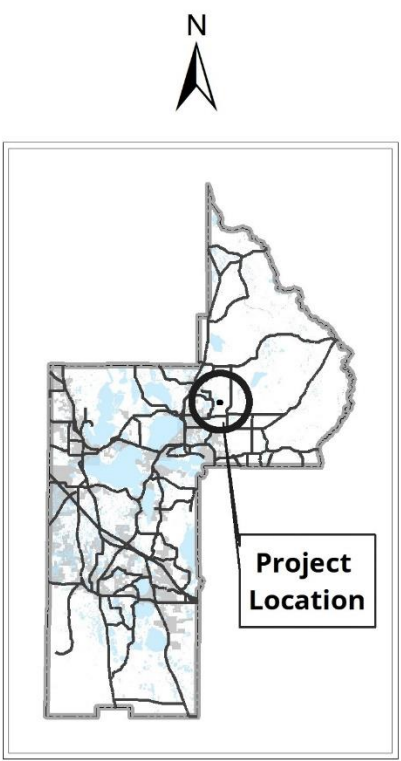
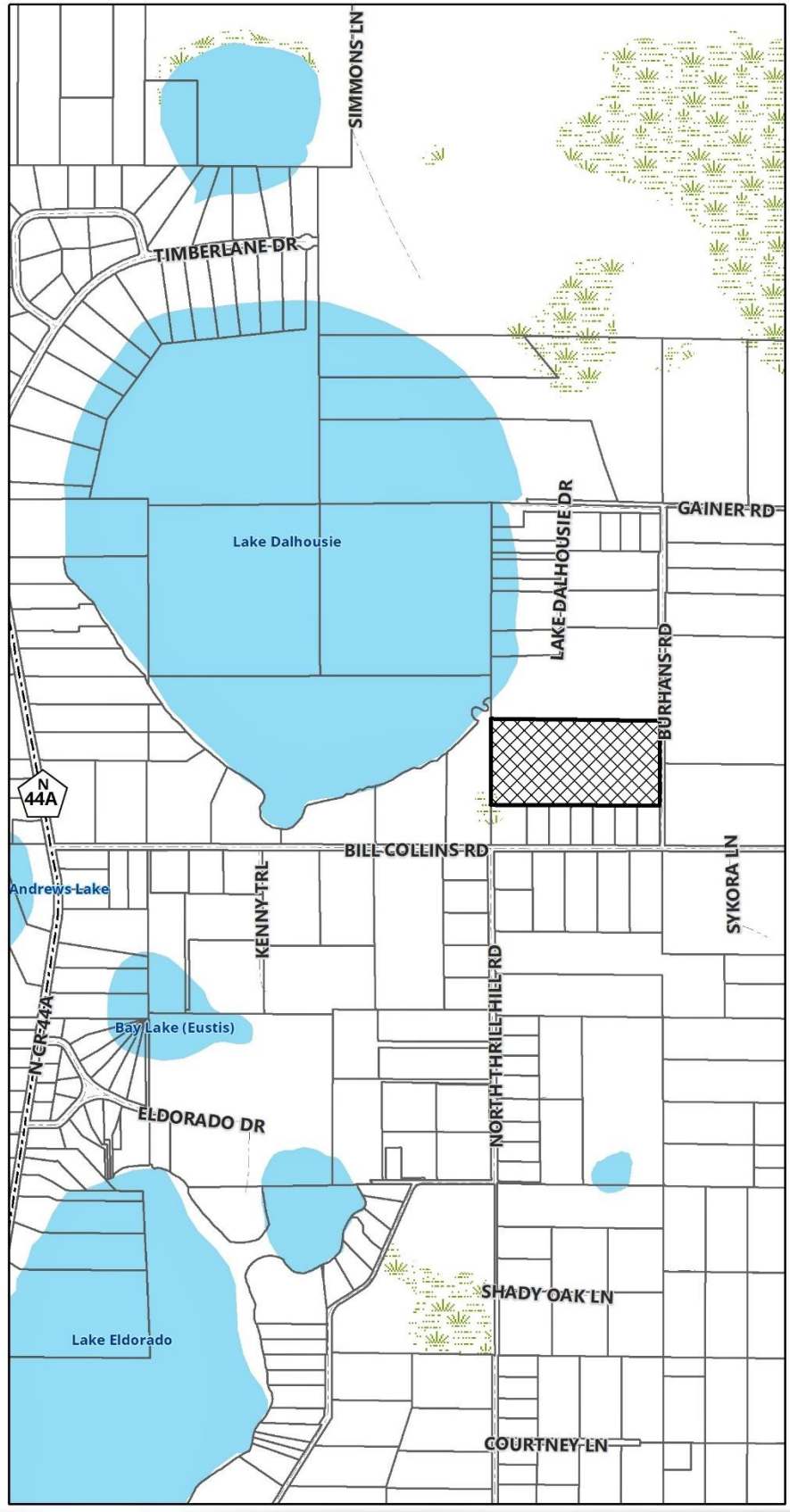
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

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.

None.

Subject Property



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

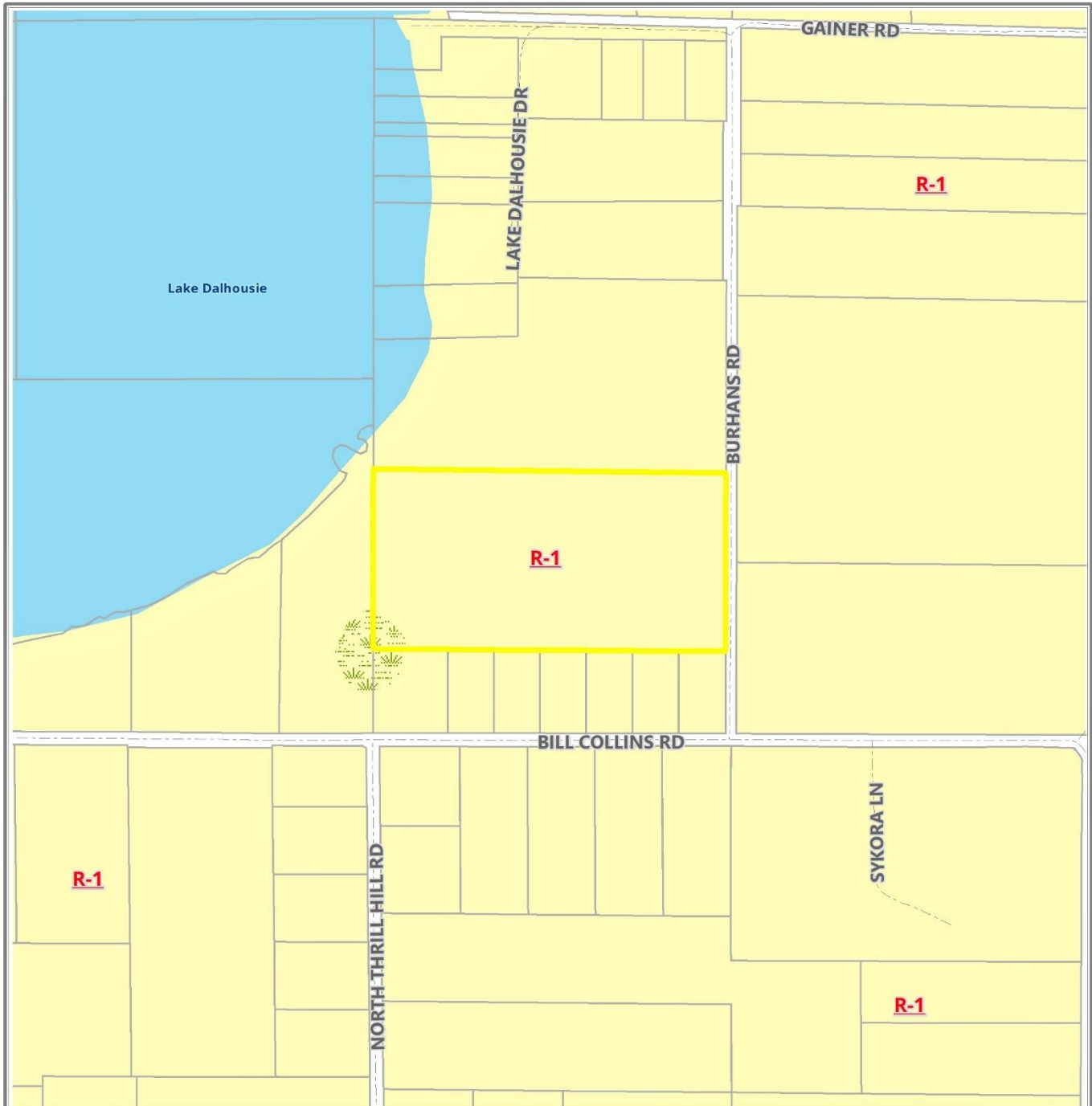
Green Rural Yellow Rural Transition

NAME: **PERKINS PROPERTY**
CASE NUMBER: **RZ-20-32-5**
LOCATION (S-T-R): **28-18-27**
REQUEST: **RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)**


DISTRICT: **5**



CURRENT ZONING



ZONING LEGEND

 R-1

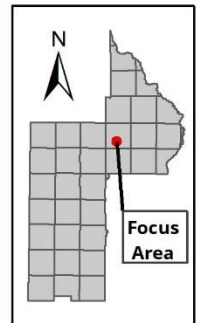
NAME: PERKINS PROPERTY

CASE NUMBER: RZ-20-32-5

LOCATION (S-T-R): 28-18-27

REQUEST: RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)

DISTRICT: 5



ORDINANCE #2020-XX
Perkins Property Rezoning
RZ-20-32-5

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

WHEREAS, Paul and Irene Perkins (the “Owners” and “Applicants”) submitted an application to rezone approximately 19.7 +/- acres from Rural Residential District (R-1) to Agriculture District (A); and

WHEREAS, the subject property consists of approximately 19.7 acres, is located northwest of the intersection of Burhans Road and Bill Collins Road, in the Eustis area, in Section 28, Township 18, Range 27, identified by Alternate Key Number 1102073, and more particularly as described in:

EXHIBIT “A” – LEGAL DESCRIPTION

WHEREAS, the subject property is located within the Rural 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-20-32-5 on the 2nd day of December 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 22nd day of December 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 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.

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.

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

ENACTED this _____ day of _____, 2020.

FILED with the Secretary of State _____, 2020.

EFFECTIVE _____, 2020.

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

CHAIRMAN

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A" – LEGAL DESCRIPTION

The South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4, less the East 20 feet thereof; and the North 1/2 of the South 1/2 of the Southwest 1/4 of the Northeast 1/4, less the East 20 feet thereof, all in Section 28, Township 18 South, Range 27 East, Lake County, Florida.

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