



COMPREHENSIVE PLAN AMENDMENT  
STAFF REPORT  
OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): January 2, 2020  
Board of County Commissioners (BCC): January 28, 2020

Case No. and Project Name: FLU-19-05-1 RR & Sons Ventures Property

Applicant: Christopher J. Shipley, Shipley Law Firm

Owner: RR & Sons Ventures, Ltd., L.L.L.P.

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category on approximately ten (10) acres from Regional Office to Rural.

Staff Determination: Staff finds the application consistent with the Comprehensive Plan and Land Development Regulations.

Case Manager: Michele Janiszewski, AICP, Chief Planner

PZB Recommendation:

**Subject Property Information**

Size: 10 gross acres (no wetlands present on the subject property)

Location: Heavens Hill Lane, Clermont

Alternate Key No.: 1027772 & 1411530

Future Land Use: Regional Office

Proposed Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Minneola ISBA

Overlay Districts: Lake Apopka Basin Overlay District

**Adjacent Property Land Use Table**

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Minneola	City of Minneola	Undeveloped	Timber and non-agriculture acreage
South	Regional Office	Agriculture (A)	Residential	Single Family Residences on large lots
East	Regional Office	Agriculture (A)	Residential	Single Family Residences on large lots
West	Rural	Agriculture (A)	Residential	Single Family Residences on large lots

### **Staff Analysis**

The subject property contains a total of ten (10) acres and is located north of County Road 561A on Heavens Hill Lane in the Minneola area. The subject property is comprised of two (2), five (5) acres lots created by Lot Line Deviation 2010-0017. The subject property was designated as Regional Office with the adoption of the 2030 Comprehensive Plan in 2010. The Regional Office Future Land Use Category (FLUC) allows limited multi-family residential uses as part of a mixed use development but does not allow single-family residences. Prior to the adoption of the 2030 Comprehensive Plan, the property was designated as Suburban which allowed residential development at a base density of one (1) dwelling unit per five (5) net acres.

The Property Owner wishes to develop the property with single family residences instead of office uses. Since the Regional Office FLUC explicitly does not allow single-family residences, the property owner applied to amend the Future Land Use Map to change the designation of the subject property to Rural FLUC. If this amendment is approved, each lot would be able to be developed with a single-family residence and would not be able to be further subdivided.

### **Standards for Review (LDR Section 14.03.03)**

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

The amendment is consistent with Comprehensive Plan Policy I-1.4.1 Elements of Rural Character, which states that the character of future development within the Rural Future Land Use Series shall be compatible and consistent parcels that are generally equal to or larger than five (5) acres in size. Both properties are five (5) acres in size and are seeking to be developed with single-family residences. The amendment is consistent with Policy I-1.4.4 Rural Future Land Use Category which states that "Rural Future Land Use Category is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits." The subject property is zoned Agriculture (A), so the Rural FLUC would be consistent with the current zoning district of the subject property.

The proposed amendment is consistent with all other elements of the Comprehensive Plan.

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

The proposed amendment is consistent with the current zoning of the subject property (Agriculture) which is consistent with the Land Development Regulations and the intended use of the property. The Applicant is seeking to develop the subject property with single-family residences (one residence on each of the two (2), five (5) acre lots).

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

The amendment will accommodate the development of the subject property with single-family residences. Single family residences are not permitted within the Regional Office FLUC.

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

The adoption of the 2030 Comprehensive Plan designated the subject property as Regional Office FLUC. The Property Owner wishes to sell the lots for residential purposes which is consistent with the surrounding area.

#### **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.**

There are no anticipated adverse impacts on public facilities identified at this time. The amendment would facilitate the construction of two (2) single-family residences which is a de minimis impact on public facilities, infrastructure and services.

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

All future development will need to adhere to the Land Development Regulations and Comprehensive Plan, as amended.

**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.**

The subject property is situated between the Regional Office FLUC and the Rural FLUC. The property north of the subject property is located within the City of Minneola, and is designated as Mixed-use, low-density development on their Future Land Use Map, and is zoned Residential Planned Unit Development.

The area surrounding the subject property is comprised of undeveloped land and single-family residences on large lots. Allowing the properties to be developed under the Rural FLUC would be consistent with the surrounding development pattern.

**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.

# Subject Property.



**ORDINANCE 2020 - \_\_\_\_**  
**FLU-19-05-1**  
**RR & Sons Ventures Property**

1        **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY,**  
2        **FLORIDA; AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE**  
3        **FUTURE LAND USE MAP ON APPROXIMATELY TEN (10) ACRES LOCATED ON HEAVENS**  
4        **HILL LANE IN THE MINNEOLA AREA, AS DESCRIBED IN THIS ORDINANCE, FROM**  
5        **REGIONAL OFFICE TO RURAL FUTURE LAND USE CATEGORY; PROVIDING FOR**  
6        **PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING**  
7        **FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

8  
9        **WHEREAS,** Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal planning, and  
10        land development regulation in the State of Florida; and

11        **WHEREAS,** Section 125.01(1)(g), Florida Statutes, authorizes the Board of County Commissioners of Lake  
12        County to "[p]repare and enforce comprehensive plans for the development of the county"; and

13        **WHEREAS,** pursuant to Chapters 163 and 125, Florida Statutes, on the 25<sup>th</sup> day of May, 2010, the Board of  
14        County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan; and

15        **WHEREAS,** on the 22<sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan  
16        ("Comprehensive Plan") became effective; and

17        **WHEREAS,** Section 163.3184, Florida Statutes, sets forth the process for adoption of Comprehensive Plan  
18        Amendments; and

19        **WHEREAS,** on the 2<sup>nd</sup> day of January, 2020, this Ordinance was heard at a public hearing before the Lake  
20        County Planning & Zoning Board in its capacity as the Local Planning Agency; and

21        **WHEREAS,** on the 28<sup>th</sup> day of January, 2020, this Ordinance was heard at a public hearing before the Lake  
22        County Board of County Commissioners for adoption; and

23        **WHEREAS,** it serves the health, safety and general welfare of the residents of Lake County to adopt these  
24        amendments to the Lake County Comprehensive Plan;

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

26        **Section 1. Comprehensive Plan Future Land Use Map Amendment.** The 2030 Comprehensive Plan Future  
27        Land Use Map is hereby amended to change the Future Land Use Category for the subject property, described in  
28        Exhibit "A" attached and incorporated in this Ordinance, from Regional Office to Rural Future Land Use Category.

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30        **Section 2. Advertisement.** This Ordinance was advertised pursuant to Chapter 163, Florida Statutes, Section  
31        163.3184(11).

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

1       **Section 4. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged,  
2 shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment  
3 package is complete. If timely challenged, this amendment will become effective on the date the state land planning  
4 agency or the administration commission enters a final order determining this adopted amendment to be in compliance.  
5 No development orders, development permits, or land uses dependent on this amendment may be issued or  
6 commence before it has become effective. If a final order of noncompliance is issued by the administration commission,  
7 this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy  
8 of which resolution will be sent to the state land planning agency.

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11 ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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13 FILED with the Secretary of State \_\_\_\_\_, 2020.

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15 BOARD OF COUNTY COMMISSIONERS  
16 LAKE COUNTY, FLORIDA

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19 \_\_\_\_\_  
20 Leslie Campione, Chairman

21 ATTEST:

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24 \_\_\_\_\_  
25 Gary J. Cooney, Clerk of the  
26 Board of County Commissioners,  
27 Lake County, Florida

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29 Approved as to form and legality:

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33 Melanie Marsh  
34 County Attorney

Exhibit A. Legal Description.

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Parcel “A”

THE WEST 440.00 FEET OF THE NORTH 495.00 FEET OF THE SOUTH 990.00 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

Tax parcel identification number: 29-21-26-0003-000-00500

and

Parcel “B”

THE EAST 440.00 FEET OF THE WEST 880.00 FEET OF THE NORTH 495.00 FEET OF THE SOUTH 990.00 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF TOWNSHIP 29, TOWNSHIP 21 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

Tax parcel identification number: 29-21-26-0003-000-00300