



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): April 29, 2020  
Board of County Commissioners (BCC): May 19, 2020

Case No. and Project Name: RZ-20-06-3 Bitter-Warren Property Rezoning

Applicant: Lake County Office of Planning and Zoning

Owner: Randall J. and Deidre P. Bitter/Paul D. and Donna J. Warren Life Estate

Requested Action: Amend Ordinance #5-93 to rezone property from Community Facility District (CFD) to Urban Residential (R-6).

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

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

PZB Recommendation:

### Subject Property Information

Size: 9.89 +/- acres

Location: Along Poe Street, east of Radio Road, in Leesburg area

Alternate Key No.: 3501161 & 3895920

Future Land Use: Urban Low Density

Current Zoning District: Community Facility District (CFD)

Flood Zone: TBD

Joint Planning Area / ISBA: Leesburg 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 Low (UL)	Urban Residential (R-6)	Residential	Undeveloped
South	UL	Agriculture (A)	Pasture and wooded	Undeveloped
East	UL	Community Facility District (CFD)	Residential	Undeveloped
West	UL	R-6	Residential development	Single-Family Residence

### Staff Analysis

The Office of Planning and Zoning submits this rezoning application to correct a scrivener's error in the legal description of Community Facility District (CFD) Ordinance #5-93 to accommodate the current property owner's (Bitter) desire to construct a single-family dwelling. Ordinance #5-93 was approved to allow religious worship uses, but inadvertently rezoned more acreage than was intended for CFD zoning. In 2015, staff discovered that the CFD ordinance was intended to rezone only 9.95-acres, identified by Alternate Key Number (AK #) 1388309 (Reference Attachment "A"). Due to the scrivener's error within the legal description of the ordinance, 9.89-acres west of AK #1388309 were inadvertently rezoned to CFD as well. The western acreage is identified by AK #3895920 and AK #3501161. The current property owner cannot construct the desired single-family dwelling, as the current CFD zoning prohibits residential uses. Therefore, this rezoning seeks to correct the CFD zoning district by reducing the CFD zoning district to AK #1388309, and to rezone AK #3895920 and AK #3501161 to Urban Residential (R-6) to accommodate future residential use.

### Standards for Review (LDR Section 14.03.03)

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

As previously stated, this rezoning application seeks to correct a scrivener's error in the legal description of the Community Facility District (CFD) Ordinance #5-93 to accommodate the current property owner's (Bitter) desire to construct a single-family dwelling. This application will rezone AK #3895920 and AK #3501161 from CFD to Urban Residential (R-6) to accommodate future residential use.

Regarding correcting the scrivener's error associated with AK #1388309, the rezoning application is consistent with LDR Section 3.01.03, Schedule of Permitted and Conditional Uses, which allows religious uses within the CFD zoning district.

The rezoning of AK 3895920 and AK #3501161 to Urban Residential (R-6) does not conflict with the LDR. To accommodate the proposed residential development, the current CFD zoning on these properties must be rezoned to a residential zoning district. This is consistent with LDR Section 3.01.02 and 3.01.03, which establish zoning districts for residential uses.

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

The proposed rezoning amendment is consistent with the Urban Low Density Future Land Use designation of the subject properties. Pursuant to Comprehensive Plan Policy I-1.3.2, residential uses and religious organization uses are permissible within the Urban Low Density Future Land Use Category.

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

The currently vacant and undeveloped CFD zoned properties (AK #3895920 and AK #3501161) are inconsistent with the proposed residential use of the property. To accommodate the proposed residential use of the property, the Applicant seeks to rezone the properties to a residential zoning district. In this case, the Planning and Zoning Staff recommend Urban Residential (R-6) zoning for the properties, which is consistent and compatible with the western and northern zoned properties.

**D. Whether there have been changed conditions that justify rezoning.**

Both the scrivener's error discovered by Staff, and the current property owner's desire for residential zoning to accommodate his intent for a single-family dwelling, warrant the proposed rezoning. It must also be stated that the eastern property, which is the main CFD zoned property, has never developed CFD uses since it was rezoned in 1993.

**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 served by potable well and septic tank in accordance with the Florida Department of Health permit regulations.

#### Schools

No adverse impacts are anticipated on schools.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts anticipated to current solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #71, located at 11305 Park Avenue in Leesburg, approximately 2.6 miles from the property, will provide fire services.

Transportation Concurrency

No adverse impacts are anticipated on the transportation network.

- F. Whether, and the extent to which, the proposed rezoning would result in significant impacts on the natural environment.**  
The property is bordered on the west by residential and non-residential development. Future residential development of the property is not expected to adversely impact the natural environment. The property owner will be required to submit an environmental statement that describes the existence of any protected flora or fauna on the property prior to the issuance of the residential zoning permit.
- G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area.**  
Not applicable.
- H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**  
As previously stated, the proposed R-6 zoning will be consistent with the existing zoning to the north and west. The proposed zoning is also consistent with the existing Urban Low Density future land use and will continue the existing orderly and logical development pattern in the area.
- I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**  
The proposed rezoning is consistent with the public interest, harmony and the long-term vision for Urban Low development in this area, consistent with the goals and objectives of the 2030 Comprehensive Plan.

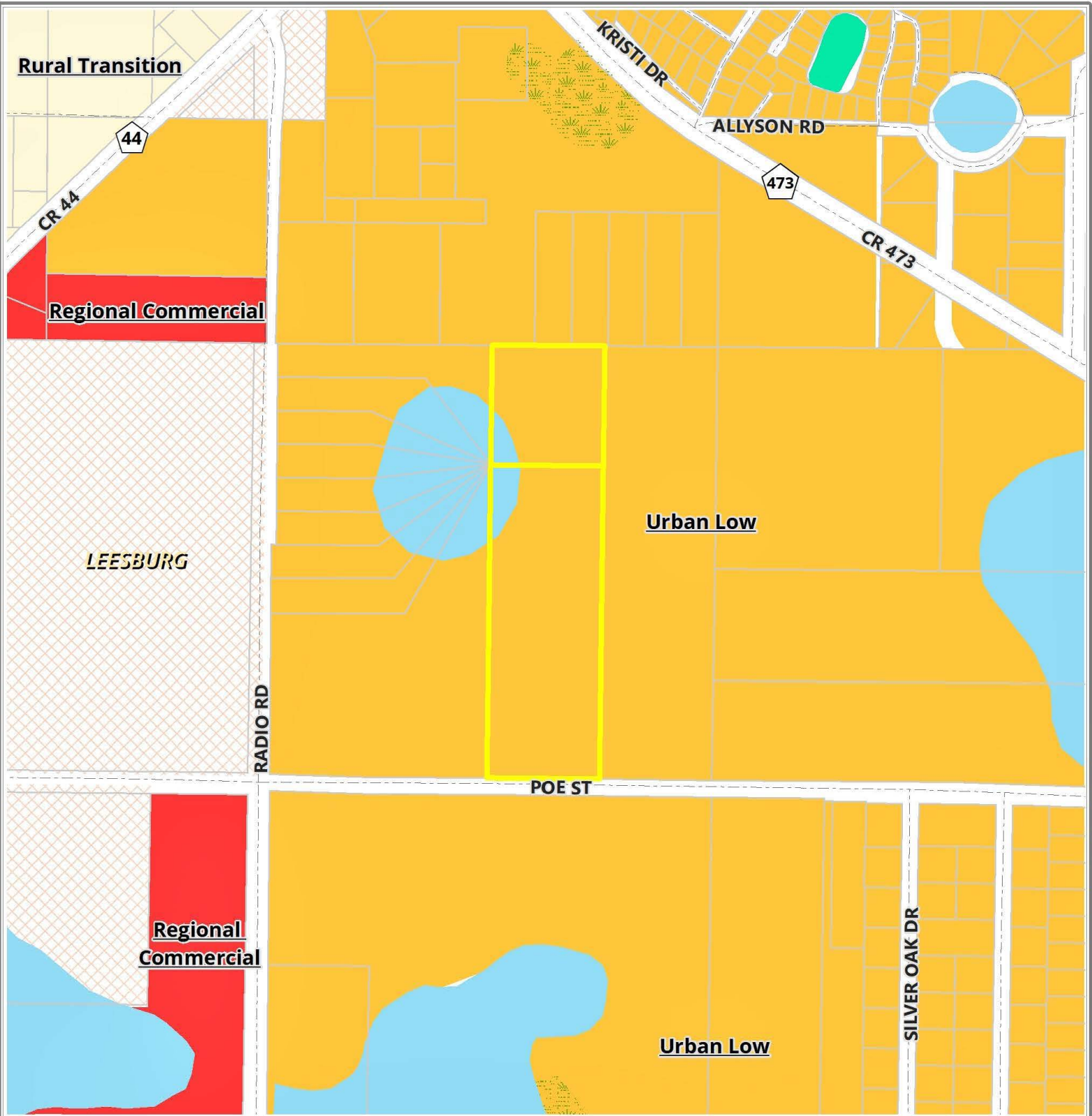


Attachment 1  
Ordinance # 1993-5 (5-93)



E 1/2 of NW 1/4  
of SW 1/4 of  
Sec 02 - Twp19S-Rge25E

# CURRENT FUTURE LAND USE



## **FUTURE LAND USE LEGEND**

- Regional Commercial
- Rural Transition
- Urban Low
- Public Service Facility Infrastructure

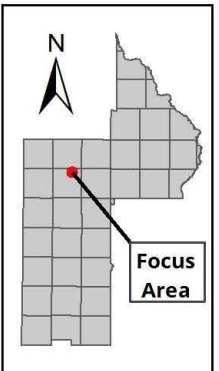
**NAME: WARREN & BITTER PROPERTY (STAFF INITIATED)**

**DISTRICT: 3**

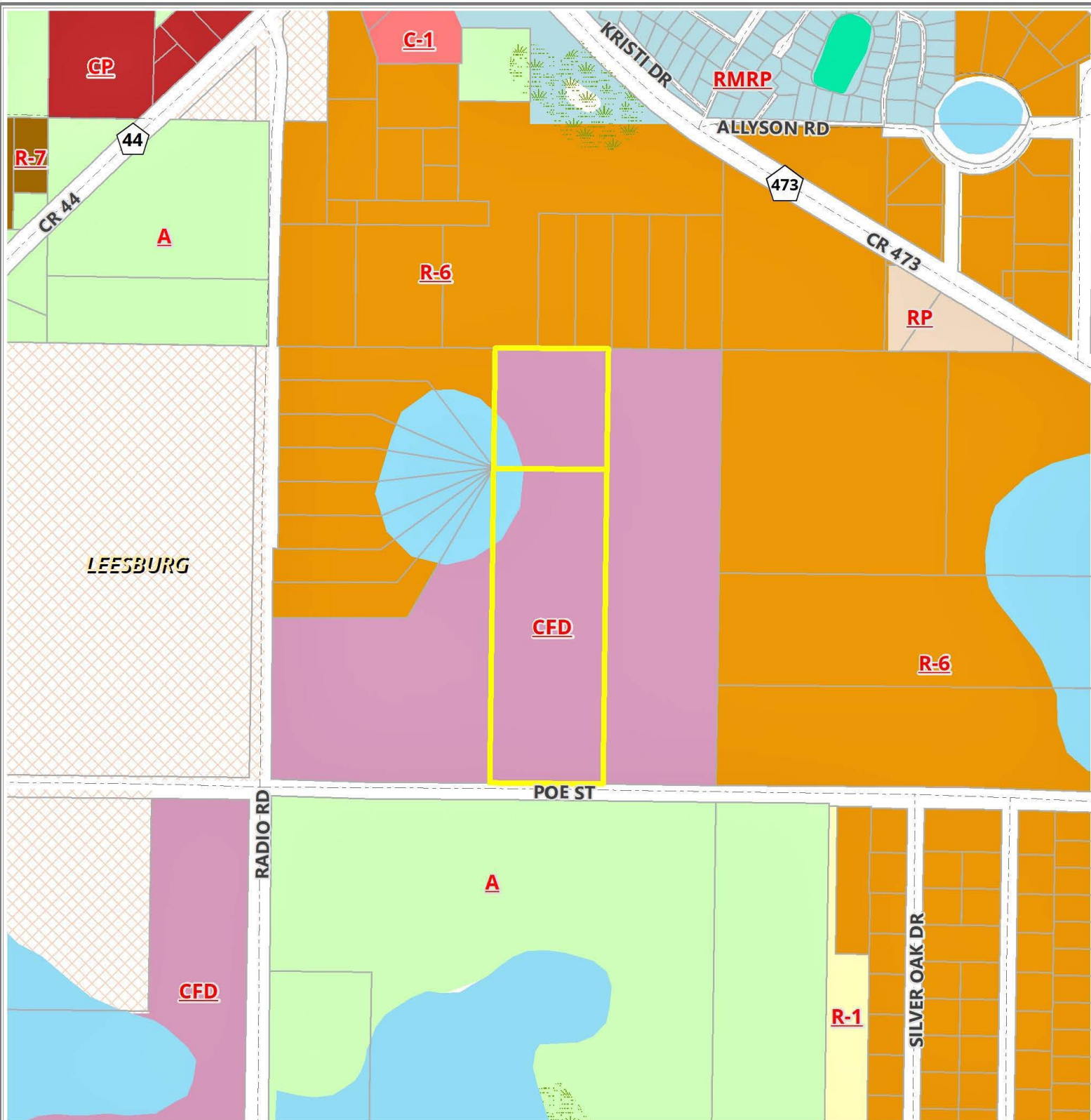
**CASE NUMBER: RZ-20-06-3**

**LOCATION (S-T-R): 02-19-25**

**REQUEST: COMMUNITY FACILITY DISTRICT (CFD) TO URBAN RESIDENTIAL (R-6)**



# CURRENT ZONING



## ZONING LEGEND

A R-1 R-6 R-7 RP RMRP C-1 CP CFD

NAME: **WARREN & BITTER PROPERTY (STAFF INITIATED)**

DISTRICT: **3**

CASE NUMBER: **RZ-20-06-3**

LOCATION (S-T-R): **02-19-25**

REQUEST: **COMMUNITY FACILITY DISTRICT (CFD) TO URBAN RESIDENTIAL (R-6)**



**ORDINANCE #2020-XX**  
**Bitter-Warren Property Rezoning**  
**RZ-20-06-3**

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**, Lake County Office of Planning and Zoning (the "Applicant"), submitted an application  
4 to rezone property from Community Facility District (CFD) zoning to Urban Residential (R-6) zoning to  
5 facilitate residential uses; and

6 **WHEREAS**, the subject property consists of two parcels comprising approximately 9.89 +/- acres,  
7 and is generally located along Poe Street, east of Radio Road, in the Leesburg area of Lake County, Florida,  
8 in Section 2, Township 19 South, Range 25 East, identified by Alternate Key Numbers 3501161 and 3895920,  
9 and more particularly described below:

10 Alternate Key #3501161 - W 1/2 OF E 1/2 OF NW 1/4 OF SW 1/4--LESS S 25 FT FOR RD  
11 R/W & LESS N 355 FT; ORB 5295 PG 897; and

12 Alternate Key #3895920 - N 355 FT OF W 1/2 OF E 1/2 OF NW 1/4 OF SW 1/4; ORB 4606  
13 PG 727 ORB 4945 PG 1947.

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

16 **WHEREAS**, the property will be zoned Urban Residential (R-6) in accordance with the Lake County  
17 Zoning Regulations; and

18 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-20-06-3 on April 29,  
19 2020, after giving Notice of Hearing on petition for a change in the use of land, including notice that said  
20 petition would be presented to the Board of County Commissioners of Lake County, Florida, on May 19,  
21 2020; and

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

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

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

29 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the  
30 subject property to Urban Residential (R-6).

31 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owners shall be  
32 required to submit applications for and receive necessary final development order approvals as  
33 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
34 applications for final development orders shall meet all submittal requirements and comply with  
35 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 \_\_\_\_\_, 2020.

9  
10 FILED with the Secretary of State \_\_\_\_\_, 2020.

11  
12 EFFECTIVE \_\_\_\_\_, 2020.

13  
14 BOARD OF COUNTY COMMISSIONERS  
15 LAKE COUNTY, FLORIDA

16  
17 \_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN

18 ATTEST:

19 \_\_\_\_\_  
20 GARY J. COONEY, CLERK OF THE  
21 BOARD OF COUNTY COMMISSIONERS  
22 LAKE COUNTY, FLORIDA

23 APPROVED AS TO FORM AND LEGALITY

24 \_\_\_\_\_  
25 MELANIE MARSH, COUNTY ATTORNEY