



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): July 1, 2020  
Board of County Commissioners (BCC): July 21, 2020

Case No. and Project Name: RZ-20-13-3, Markey Property Rezoning

Applicant: Greg Beliveau, LPG Urban & Regional Planners Inc.

Owner: Donald Lee & Jill L Markey, Trustees of the Inter Vivos Revocable Land Trust

Requested Action: Rezone approximately 0.184 +/- acres from Community Facility District (CFD) to Agriculture (A).

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

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

### Subject Property Information

Size: 0.184 +/- acres

Location: South of Bridges Road, and west of the Palatka River, in the Groveland area.

Alternate Key No.: 1810051

Future Land Use: Rural

Current Zoning District: Community Facility District (CFD) per Ordinance #2007-30-A

Proposed Zoning District: Agriculture (A)

Flood Zone: "A" and "X"

Joint Planning Area: Mascotte ISBA

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural and Conservation	Agriculture (A)	Residential and Agriculture	Single-family dwelling units on large agriculture tracts
South	Rural	Agriculture (A)	Residential and Agriculture	Single-family dwelling units on large agriculture tracts
East	Rural	Agriculture (A)	Sand Mine	MCUP 94A/1/1-2 across Palatka River
West	Rural	Agriculture (A)	Undeveloped	Large undeveloped agriculture tract

### **Staff Analysis**

The Applicant is requesting to rezone approximately 0.184 +/- acres from Community Facility District (CFD) to Agriculture (A). The 0.184 +/- acre subject property is a part of a 52 +/- acre parent tract (identified by Alternate Key Number 1810051) which is zoned Agriculture (A). The subject property is zoned CFD in accordance with Ordinance #2007-30-A, which allows for a family cemetery use; the application states that the subject parcel was never utilized as a cemetery, and the intention is to re-combine the subject property with the parent tract to facilitate a future sale and use of the property for agriculture purposes.

Both the subject property and parent tract are designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Pursuant to Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, agriculture and forestry are typically allowed uses in the FLUC.

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

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

The proposed agriculture use is consistent with uses typically allowed in the Rural FLUC, and the size of the property once reunited with the parent tract will not exceed the allowable residential density.

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

The rezoning application is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows general agriculture uses within the Agriculture (A) zoning district.

Pursuant to LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, the maximum allowable residential density of the Agriculture (A) zoning district is one (1) dwelling unit per five (5) net acres. Once reunited with the parent tract, the size of the property will not exceed the allowable residential density.

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

As previously stated, the proposed rezoning is consistent with the land uses permitted by the proposed zoning district and existing FLUC. The parcels are bordered by properties developed residential and agricultural land uses, with the exception of the property located to the east, which is developed with a sand mine use. All surrounding properties are zoned Agriculture (A).

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

There is no evidence of development trends of property rezoning in this area over the past 5 years. The property owners intend for the subject property to be re-combined with the parent tract and utilized for agricultural purposes; the rezoning has been requested to facilitate a future sale.

#### **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**

Should the parcel be developed with a residential use in the future, permits for a well and septic from the Department of Health may be required.

##### **Parks**

The request is not anticipated to adversely impact park capacity or levels of service.

##### **Solid Waste**

No adverse impacts are anticipated to current Solid Waste capacity levels.

Fire and Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #82) is located approximately 2.8 miles from the site.

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

No adverse impacts to the natural environment are anticipated.

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

The application did not contain any information regarding the 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.**

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

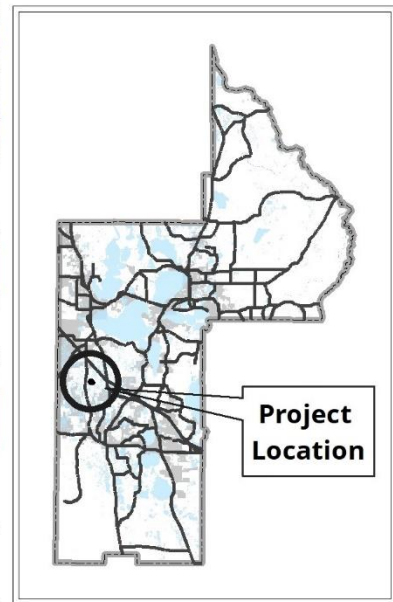
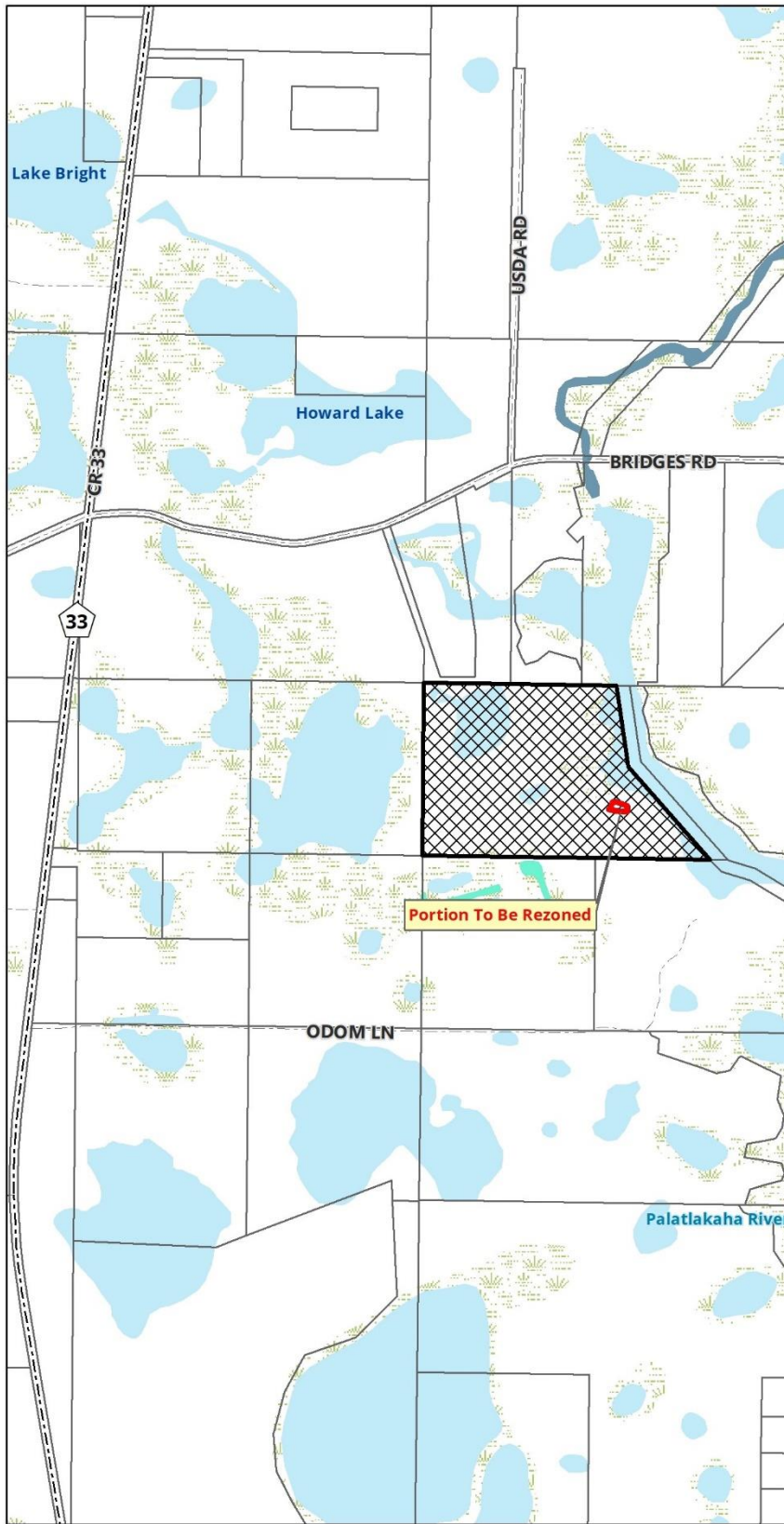
**I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

**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.**

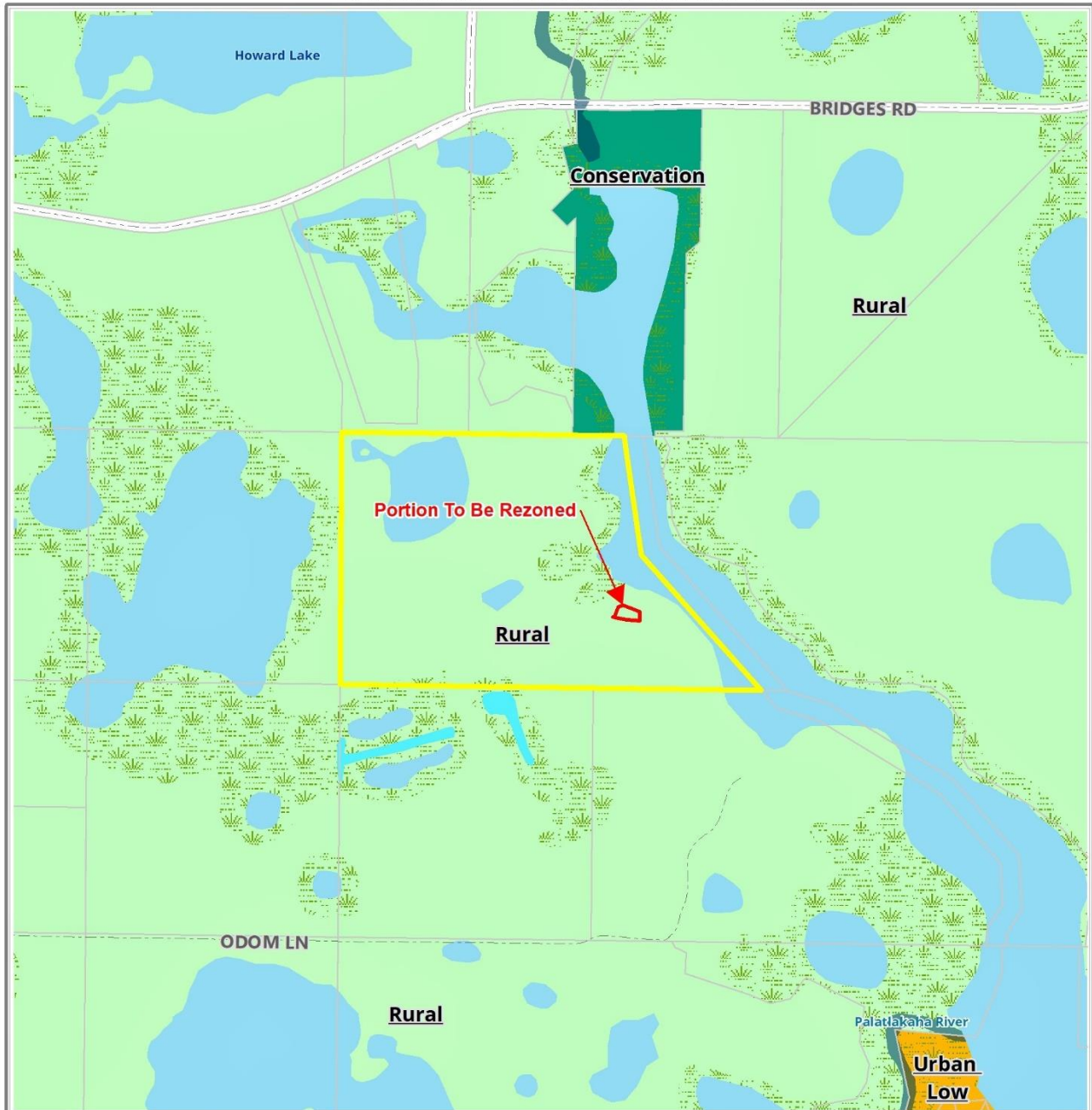
N/A.

### Map of Subject Property



# Future Land Use Map

## CURRENT FUTURE LAND USE

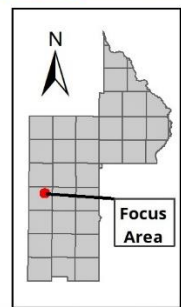


### FUTURE LAND USE LEGEND

Urban Low Rural Conservation

NAME: **MARKEY PROPERTY**  
CASE NUMBER: **RZ-20-13-3**  
LOCATION (S-T-R): **11-21-24**  
REQUEST: **COMMUNITY FACILITY DISTRICT (CFD) TO AGRICULTURE (A)**

DISTRICT: **3**





# Zoning Map

## CURRENT ZONING



### ZONING LEGEND

A    CFD    PUD

NAME: **MARKEY PROPERTY**

CASE NUMBER: **RZ-20-13-3**

LOCATION (S-T-R): **11-21-24**

REQUEST: **COMMUNITY FACILITY DISTRICT (CFD) TO AGRICULTURE (A)**

DISTRICT: **3**



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**ORDINANCE #2020-XX**

**Markey Property Rezoning**

**RZ-20-13-3**

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

**WHEREAS**, Greg Beliveau, of LPG Urban & Regional Planners Inc. (the “Applicant”), submitted an application on behalf of Donald Lee and Jill L Markey, Trustees of the Inter Vivos Revocable Land Trust (the “Owners”) to rezone approximately 0.184 +/- acres from Community Facility District (CFD) to Agriculture (A); and

**WHEREAS**, the subject property consists of approximately 0.184 +/- acres, and is generally located south of Bridges Road, and west of the Palatklaha River in the unincorporated Groveland area of Lake County, Florida, in Section 11, Township 21 South, Range 24 East, identified by Alternate Key Number 1810051, and more particularly 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 zoned Agriculture (A) in accordance with the Lake County Zoning Regulations; and

**WHEREAS**, the approval this ordinance shall supersede and replace any and all previous zoning ordinances on the properties, including Ordinance #2007-30 and Ordinance #2007-30-A; and

**WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-20-13-3 on July 1, 2020, after giving Notice of Hearing on petition for a change in the use of land; and

**WHEREAS**, on the 21st day of July 2020 the Board of County Commissioners reviewed said 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 (A). Approval this ordinance shall supersede and replace any and all previous zoning ordinances on the properties, including Ordinance #2007-30 and Ordinance #2007-30-A.

1 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owners shall be  
2 required to submit applications for and receive necessary final development order approvals as  
3 provided in the Lake County Comprehensive Plan and Land Development Regulations. The  
4 applications for final development orders shall meet all submittal requirements and comply with  
5 all County codes and ordinances, as amended.

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

9 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of  
10 this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
11 125.66, Florida Statutes.

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

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

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

15 EFFECTIVE \_\_\_\_\_, 2020.

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BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, CHAIRMAN

23 **ATTEST:**

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

28 **APPROVED AS TO FORM AND LEGALITY**

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MELANIE MARSH, COUNTY ATTORNEY



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**EXHIBIT "A" – LEGAL DESCRIPTION**

Commence at the West  $\frac{1}{4}$  corner of Section 11, Township 21 South, Range 24 East, Lake County, Florida; thence run S  $89^{\circ}54'38''$  E along the South line of the Northwest  $\frac{1}{4}$  of Section 11 for a distance of 634.85 feet; thence run S  $00^{\circ}12'39''$  E for a distance of 30.00 feet; thence run S  $89^{\circ}54'38''$  E parallel to the South line of the Northwest  $\frac{1}{4}$  of said Section 11 for a distance of 176.57 feet; thence run S  $03^{\circ}11'00''$  E for a distance of 617.96 feet; thence run S  $67^{\circ}30'29''$  E for a distance of 158.64 feet; thence run S  $42^{\circ}08'57''$  E for a distance of 255.50 feet; thence run S  $75^{\circ}33'11''$  E for a distance of 270.36 feet to the Point of Beginning; thence run N  $22^{\circ}16'46''$  E for a distance of 53.29 feet; thence run N  $71^{\circ}19'48''$  E for a distance of 25.94 feet; thence run S  $70^{\circ}42'30''$  E for a distance of 94.14 feet; thence run S  $00^{\circ}43'58''$  W for a distance of 49.58 feet; thence run N  $86^{\circ}35'56''$  W for a distance of 70.83 feet; thence run N  $77^{\circ}02'19''$  W for a distance of 70.65 feet to the Point of Beginning.

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Containing 0.184 acres, more or less.