



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): January 6, 2021
Board of County Commissioners (BCC): January 26, 2021

Case No. and Project Name: RZ-20-34-4, Dilday Property

Owner/Applicant: Rodney J. Dilday

Requested Action: Rezone the subject property from Medium Residential District (R-3) and Agriculture (A) to Medium Residential District (R-3).

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

Case Manager: Heather N. Croney, Planner

PZB Recommendation:

Subject Property Information

Size: 5.33 +/- Gross Acres

Location: On the east side of CR 452, on the west side of Lake Yale, in the Grand Island area

Alternate Key No.: 3840589

Future Land Use Category: Urban Low Density

Existing Zoning District: Medium Residential (R-3) and Agriculture (A)

Proposed Zoning District: Medium Residential (R-3)

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Residences
South	Urban Low Density	Medium Residential (R-3)	Residential	Single-Family Residences
East	N/A	N/A	Wetlands	Lake Yale
West	Urban Low Density	Agriculture (A), Medium Residential (R-3)	Right-of-Way and Residential	CR 452 and Single-Family Residences

- Summary of Analysis -

The application seeks to rezone approximately 5.33 +/- acres from the Medium Residential Zoning District (R-3) and the Agriculture (A) Zoning District to the Medium Residential Zoning District (R-3) to facilitate a future minor lot split application. The parcel currently has two zoning district designations, so this application seeks to have just one zoning district for the property which is consistent with surrounding zoning districts and development. The subject parcel is generally located on the east side of CR 452, on the west side of Lake Yale, in the Grand Island area.

The property is designated as the Urban Low Density Future Land Use Category (FLUC). Per the rezoning application, the property is currently developed with a storage building. The current property owner purchased the subject property on July 7, 2005, and if the rezoning is approved, the property owner intends to do a minor lot split to make the subject parcel into two residential lots, each consisting of about two and one-half (2.5) acres.

The subject parcel was created through a minor lot split in 2005 (MLS #2005-008) pursuant to LDR Section 14.11.01(D)(1), which allows the creation of two lots from a legally created parcel. Prior to the lot split approval, the parent parcel comprised approximately 10.39 +/- acres. The resulting lot split now identifies two (2) parcels (Alternate Key Numbers 3840589 and 3875749). As LDR Section 14.11.01(D)(1) allows only one minor lot split of a parcel, any future lot splitting will require the approval of a variance application with sufficient justification pursuant to LDR Section 14.11.01(D)(1).

In the event of a future lot split application, the Public Works Department may call for a shared/joint driveway off of CR 452 to be utilized for access to the parcel(s).

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The parcel currently has two zoning district designations, so this application seeks to have just one zoning district for the property which is consistent with surrounding zoning districts and development. Additionally, the rezoning seeks to accommodate a future lot split to place a dwelling unit on each new parcel. The request is consistent with LDR Section 3.01.03, which states that single-family dwelling units are permitted within the R-3 zoning district.

The request is consistent with the maximum density for the R-3 zoning district, as specified by LDR Section 3.02.06, of three (3) dwelling units per net acre. This parcel is currently about 5.33 acres. Based on the rezoning application, each prospective future parcel will contain a minimum of 2.5 +/- acres, which is consistent with the residential density of the R-3 zoning district specified by LDR Section 3.02.06, which requires a parcel to have a minimum of a third of an acre (0.33 acres) or 14,520 square feet to have a dwelling unit on it.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The proposed rezoning is consistent with Comprehensive Plan (Comp Plan) Policy I-1.3.2, Urban Low Density FLUC, which allows residential density of up to four dwellings per net buildable acre. The subject parcel is currently about 5.33 acres.

The rezoning application specifies each prospective parcel, should they apply for a lot split, will contain a minimum of approximately two and one-half (2.5 +/-) acres, which is consistent with the Urban Low Density FLUC density allowance.

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

The development to the south of the subject property is a residential subdivision with a zoning classification of R-3. The parcels immediately north of the subject property are zoned Rural Residential (R-1) and have single-family residential usage. To the west, there is an agriculture-zoned property with a single-family dwelling unit on it. Generally speaking, the surrounding properties are zoned for, and developed, with single-family dwellings consistent with the proposed R-3 rezoning.

D. Whether there have been changed conditions that justify a rezoning;

There is no evidence of changed conditions in the past five years to justify a rezoning.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, 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 parcels will be served by private well and septic tank and will require permitting through the Florida Department of Health (DOH) prior to residential occupancy.

Parks and Recreation

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

Public Safety

The nearest fire station is Fire Station #72, located within about three (3) miles of the subject property at 12340 County Road 44, in Leesburg. This station will provide advanced life support should an emergency on the property demand this service.

Solid Waste

The request is not anticipated to adversely impact solid waste capacities or levels of service.

Schools

Four units are exempt from school concurrency review.

Transportation Concurrency

Public Works recommends that should the rezoning be approved, any future development of the parcel for two separate dwellings will include a shared/joint driveway off of CR 452 for access to the site.

The proposed rezoning is not anticipated to adversely impact the surrounding road network or level of service (LOS) capacities.

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

The subject property includes about 1.69 +/- acres of wetlands. The property is generally located on the east side of County Road 452, on the west side of Lake Yale, in the Grand Island area. Should the rezoning be approved, an environmental statement from the developer/property owner will be requested with the submittal of the future residential building permit.

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

There is no information within the application that specifies impacts on property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

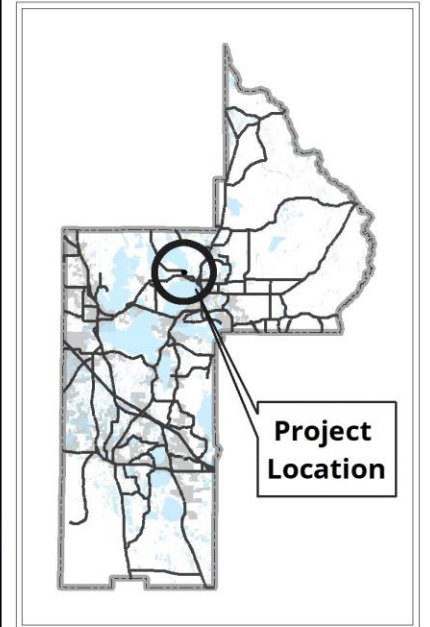
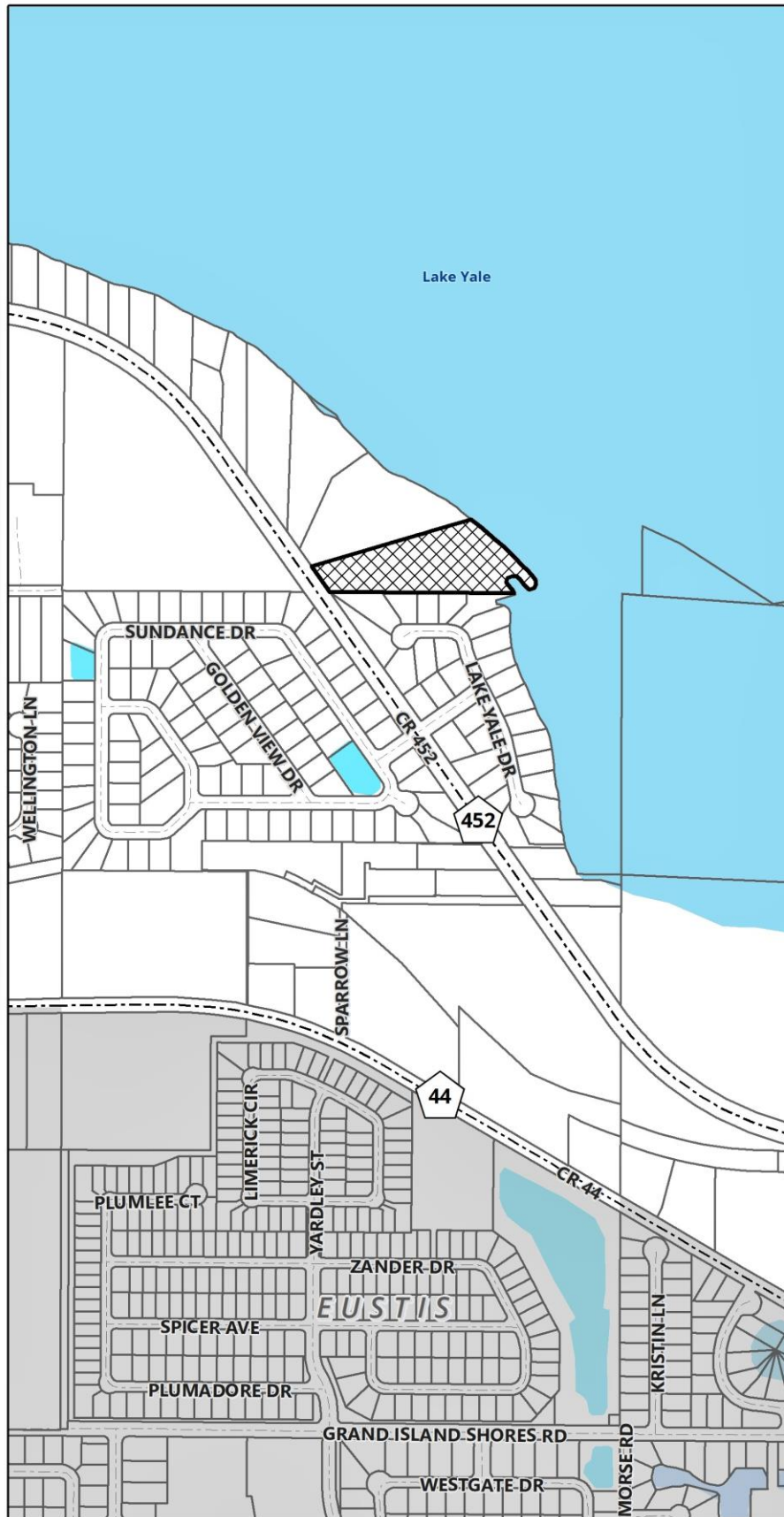
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The request 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.

None.

Map of Subject Property



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

- Urban Low
- Rural Transition

NAME: **DILDAY PROPERTY**
CASE NUMBER: **RZ-20-34-4**
LOCATION (S-T-R): **28-18-26**
REQUEST: **MEDIUM RESIDENTIAL (R-3) & AGRICULTURE (A) TO MEDIUM RESIDENTIAL (R-3)**

DISTRICT: **4**



CURRENT ZONING

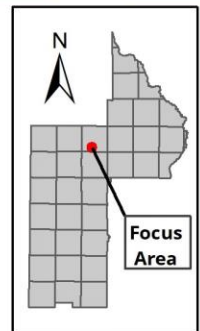


ZONING LEGEND

A R-1 R-2 R-3 CP HM

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1 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
2 Ordinance to the Secretary of State for the State of Florida in accordance with Section
3 125.66, Florida Statutes.

4 **Section 5. Effective Dates. This Ordinance will become effective as provided by law.**

5 **ENACTED** this _____ day of _____, 2021.

6 **FILED** with the Secretary of State _____, 2021.

7 **EFFECTIVE** _____, 2021.

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

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SEAN M. PARKS, CHAIRMAN

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15 **ATTEST:**

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

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23 **APPROVED AS TO FORM AND LEGALITY:**

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MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" — Legal Description

THAT PART OF GOVERNMENT LOTS 6 AND 7 IN SECTION 28, TOWNSHIP 18 SOUTH, RANGE 26 EAST IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 7 AND RUN S.89°45'30"E. ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 7 A DISTANCE OF 1264.65 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 452; SAID RIGHT-OF-WAY BEING 100 FEET IN WIDTH; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, CONTINUE S.89°45'30"E. ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 7 AND ALONG THE SOUTH LINE OF THE AFOREMENTIONED GOVERNMENT LOT 6 A DISTANCE OF 870 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY WATER'S EDGE OF LAKE YALE: SAID POINT HEREBY DESIGNATED AS POINT "A"; RETURN TO THE POINT OF BEGINNING AND RUN N.35°16'30"W. ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 452 A DISTANCE OF 150.00 FEET; THENCE N.73°33'24"E. 749 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED SOUTHWESTERLY WATER'S EDGE OF LAKE YALE; THENCE SOUTHEASTERLY ALONG AND WITH SAID SOUTHWESTERLY WATER'S EDGE OF LAKE YALE TO INTERSECT THE AFOREMENTIONED POINT "A". SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.

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