



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): March 3, 2021
Board of County Commissioners (BCC): March 23, 2021

Case No. and Project Name: RZ-21-01-05, Ramirez Property Rezoning

Owner/Applicant: Carol Ramirez

Requested Action: Rezone approximately 11.55 +/- acres from Community Facility District (CFD) to Rural Residential District (R-1).

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: 11.55 +/- acres (gross)

Location: 26340 Blue Moon Rd, Paisley

Alternate Key No.: 1596190

Future Land Use: Rural

Existing Zoning District: Community Facility District (CFD)

Proposed Zoning District: Rural Residential District (R-1)

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection 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	Ranchette (RA)	Residential	Single-Family Residence
South	Rural	Community Facility District (CFD)	Vacant Church	Owners of this property have an ongoing Major Site Plan Application for the development of a religious retreat facility.
East	Rural	Ranchette (RA)	Residential	Single-Family Residence
West	Rural	Rural Residential (R-1)	Residential and Agricultural	Single-Family Residence

Staff Analysis

The subject property comprises 11.55 +/- acres, is identified by Alternate Key Number 1596190, and is located on Blue Moon Road in the Paisley area. The subject parcel is vacant and represents a portion of the 52.2-acre CFD zoning district authorized by Ordinance #2016-49, which includes AK #1596190, AK #1596181, and AK #1312426. The property is also designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan.

The Applicant is requesting to rezone 11.55 +/- acres of the CFD to Rural Residential (R-1) zoning for residential development. Wicks Engineering Services, Inc. submitted a Major Site Plan Application in 2020 to develop a religious retreat facility on AK #1596181 and AK #1312426. Approval of this request will reduce the acreage of the CFD zoning district authorized by Ordinance #2016-49. The Office of Planning and Zoning will require an amendment to this ordinance to coincide with any future development application submitted for the remaining portion of the CFD zoning district.

The proposed request is consistent with the Comp Plan and Land Development Regulations (LDR), as residential uses are allowed within the FLUC and proposed zoning district.

Standards for Review (LDR Section 14.03.03)

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

The rezoning application is consistent with LDR Section 3.01.03, which states that single-family dwelling units are permitted within the R-1 zoning district.

The request is consistent with the maximum density for the R-1 zoning district of one (1) dwelling unit per net acre, as specified by LDR Section 3.02.06. Non-Intensive Agriculture uses are a permitted use within the Rural Residential (R-1) zoning district, pursuant to LDR Table 3.01.03, Schedule of Permitted and Conditional Uses. LDR Section 3.01.02 defines Non-intensive Agriculture as “the milking, feeding, or sheltering of farm animals or growing of supplemental food supplies for the domestic, non-commercial use of the families living on the land. Exotic animals are not included in this classification.”

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

The request is consistent with Comp Plan Policy I-1.4.4, Rural FLUC, which allows residential uses.

The proposed request to rezone the subject property to R-1 is consistent with the maximum density specified by Comp Plan Policy I-1.4.4, Rural FLUC. Pursuant to Comp Plan Policy I-1.4.4, Rural Future Land Use Category, residential uses are permitted within the FLUC at a maximum density of one (1) dwelling unit per five (5) net buildable acres.

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

The request and proposed use are consistent with the surrounding uses. It appears that single-family residential and agriculture are the predominant uses of the abutting parcels. The proposed residential request is consistent with the existing uses of the adjoining parcels.

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

The rezoning has been requested as the owner desires to build a single-family dwelling with the option for a non-commercial farm for personal use. As previously stated, the request and proposed use are consistent with the surrounding uses, as most adjoining parcels are developed with residential and agricultural 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

Four dwelling units or less are exempt from school concurrency review. The school district does not have further comments on this rezoning application.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Public Safety

Lake County Fire Rescue Station #13 is located at 25250 County Road 42 in Paisley, approximately 3.5 miles from the subject property. This facility will provide advanced life support should an emergency on the property demand this service.

Transportation Concurrency

The request is not anticipated to adversely impact the roadways standard Level of Service (LOS).

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

An environmental statement from the property owner will be requested with the submittal of the future 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.

Pursuant to LDR Section 6.01.04, principal structures, buildings, and impervious surface, excluding water dependent structures shall be located at least fifty (50) feet from the jurisdictional wetland line. A survey delineating the Jurisdictional Wetland Line (JWL) will be required for future development.

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 agricultural uses on varying tract sizes. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

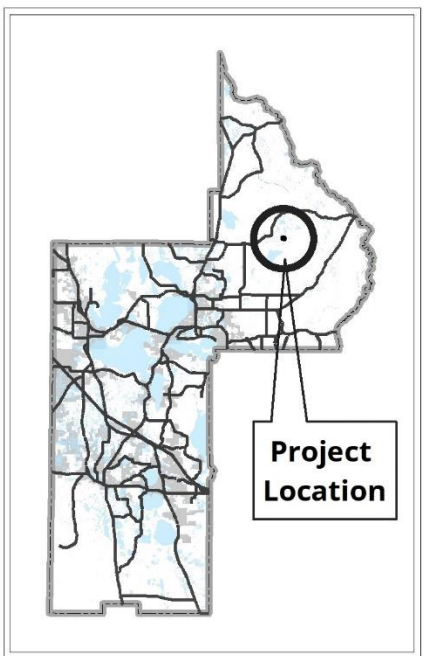
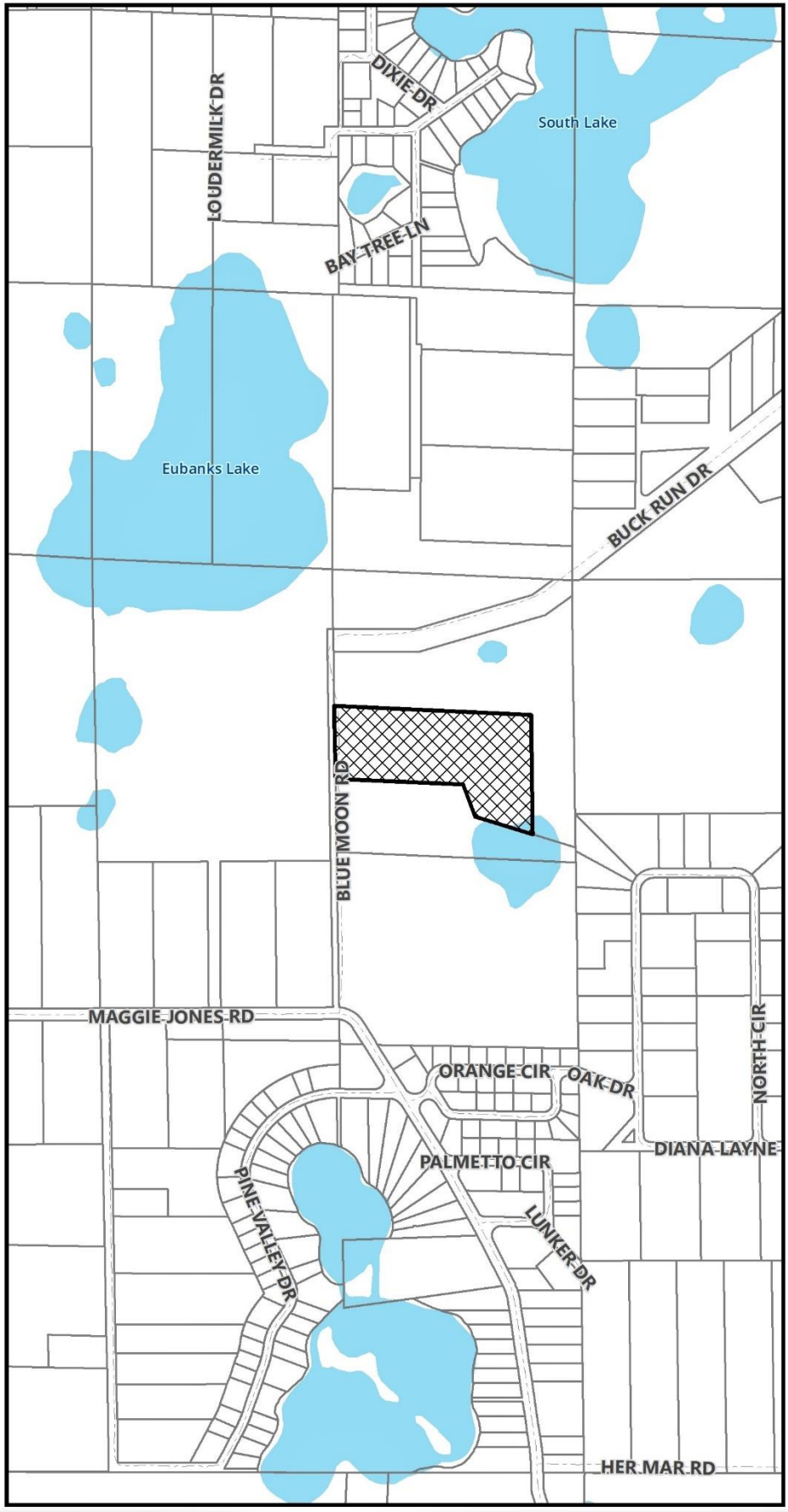
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

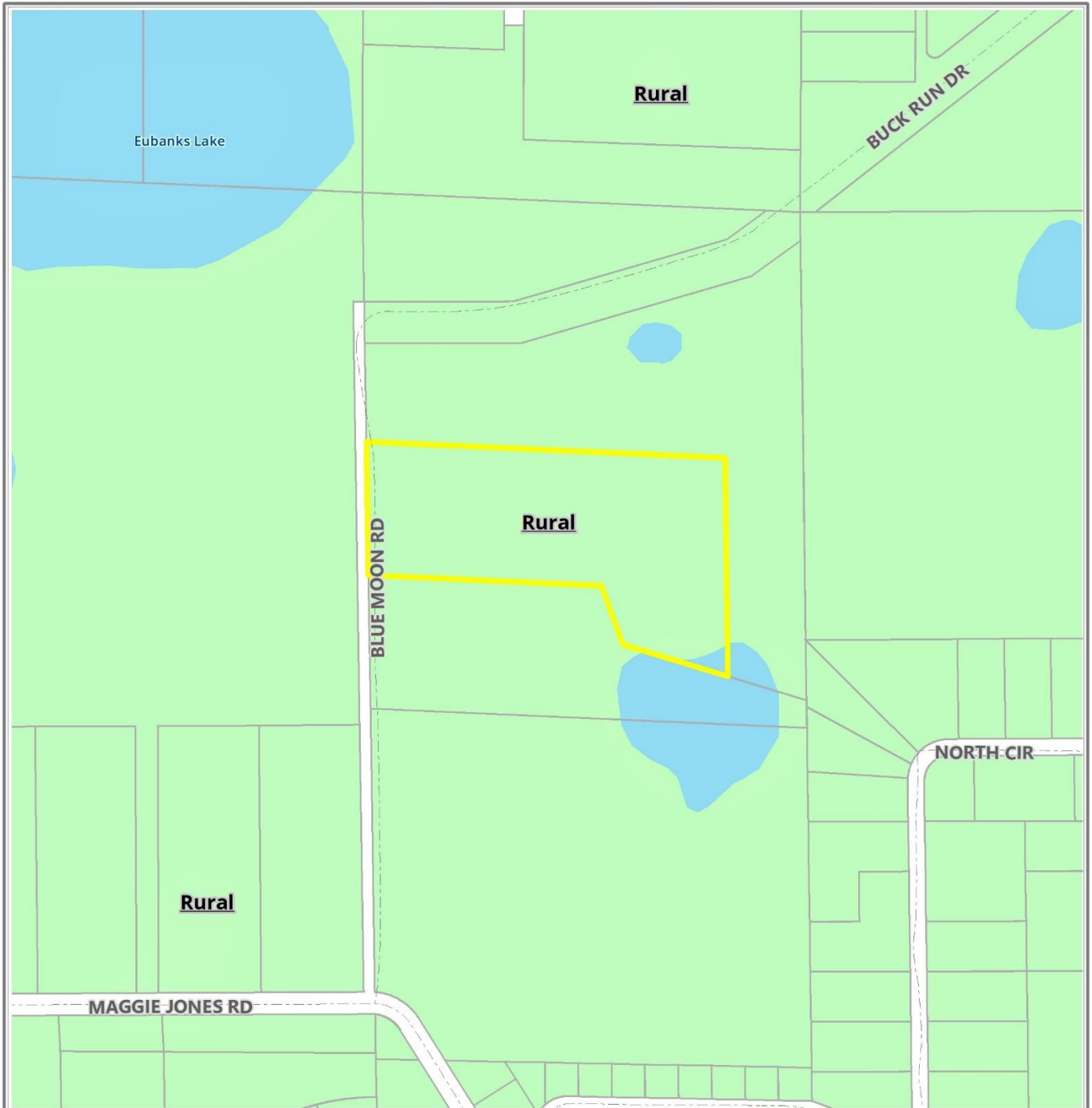
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The subject parcel is vacant, and it is part of the CFD zoning district authorized by Ordinance #2016-49, which includes AK #1596190, AK #1596181, and AK #1312426. Owners of AK #1596181 and AK #1312426 have an ongoing Major Site Plan Application to develop a religious retreat facility. Approval of this R-1 rezoning application will reduce the acreage of the CFD zoning district authorized by Ordinance #2016-49.

Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Rural

NAME: RAMIREZ PROPERTY

CASE NUMBER: RZ-21-01-5

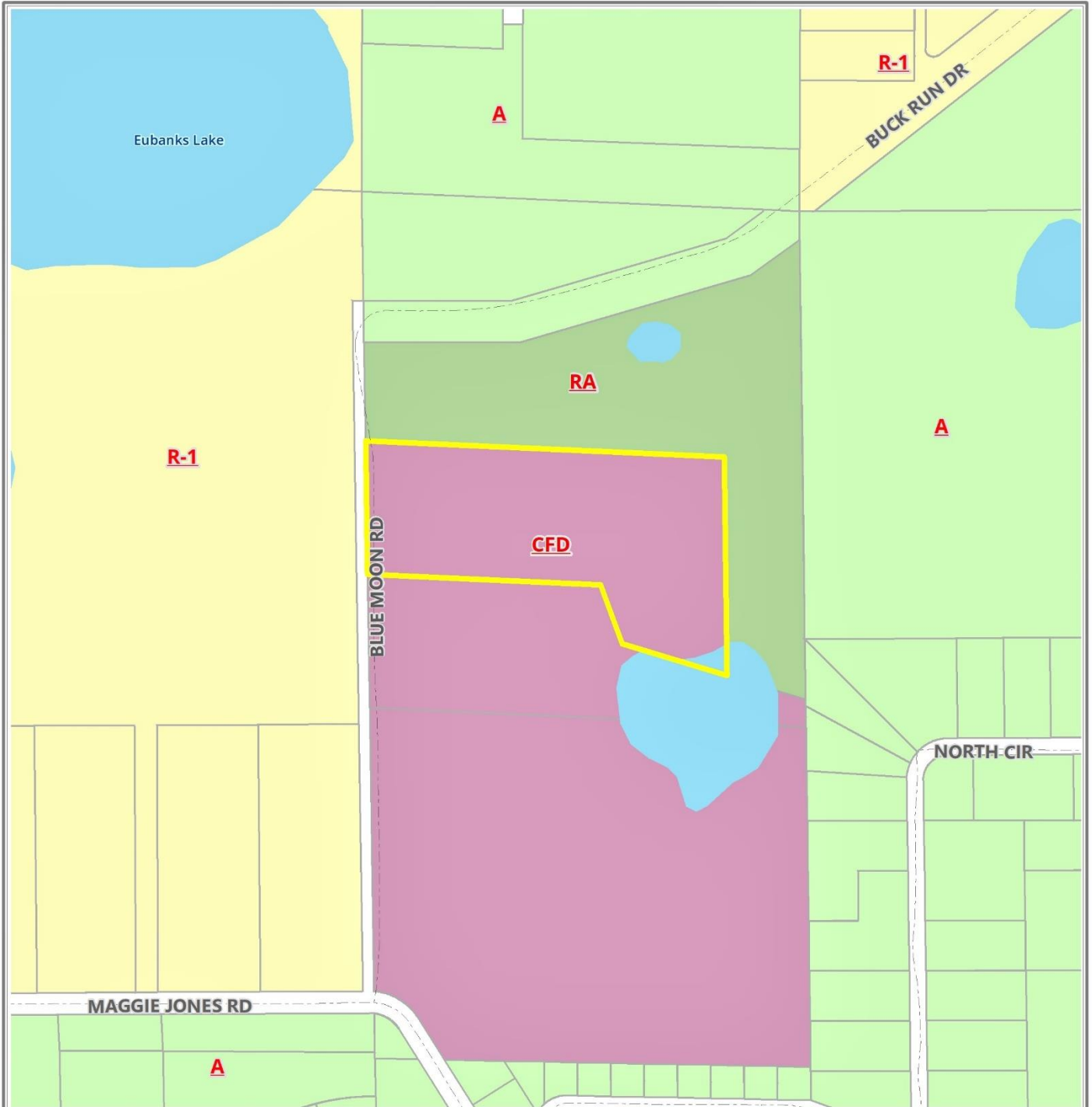
LOCATION (S-T-R): 33-17-28

REQUEST: COMMUNITY FACILITY DISTRICT (CFD) TO RURAL RESIDENTIAL (R-1)

DISTRICT: 5



CURRENT ZONING



Zoning Legend

Light Green A Medium Green RA Yellow R-1 Purple CFD

NAME: **RAMIREZ PROPERTY**

CASE NUMBER: **RZ-21-01-5**

LOCATION (S-T-R): **33-17-28**

REQUEST: **COMMUNITY FACILITY DISTRICT (CFD) TO RURAL RESIDENTIAL (R-1)**

DISTRICT: **5**



ORDINANCE #2021-XX
Ramirez Property Rezoning
RZ-21-01-05

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**, Carol Ramirez (the “Owner” and “Applicant”) submitted an application to rezone
4 approximately 11.55 +/- acres from Community Facility District (CFD) to Rural Residential District (R-1); and

5 **WHEREAS**, the subject property consists of approximately 11.55 +/- acres, is located at 26340 Blue
6 Moon Road, in the Paisley area of unincorporated Lake County, in Section 33, Township 17, Range 28,
7 identified by Alternate Key Number 1596190, and more particularly as described in:

8 **EXHIBIT “A” – LEGAL DESCRIPTION**

9 **WHEREAS**, the subject property is located within the Rural Land Use Category as shown on the
10 Lake County Comprehensive Plan Future Land Use Map (FLUM); and

11 **WHEREAS**, the property will be rezoned to Rural Residential (R-1) in accordance with the Lake
12 County Zoning Regulations; and

13 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-21-01-5 on the 3rd day
14 of March 2021, after giving notice of a hearing for a change in the use of land, including a notice that the
15 petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 23rd day of
16 March 2021; and

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

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

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

24 **Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to rezone the
25 subject property to Rural Residential District (R-1).

26 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall
27 submit applications for and receive necessary final development order approvals as provided in
28 the Lake County Comprehensive Plan and Land Development Regulations, as amended. The
29 applications for final development orders must meet all submittal requirements and comply with
30 all County codes and ordinances, as amended.

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

34 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
35 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
36 125.66, Florida Statutes.

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

2 ENACTED this _____ day of _____, 2021.

3
4 FILED with the Secretary of State _____, 2021.

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6 EFFECTIVE _____, 2021.

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8 BOARD OF COUNTY COMMISSIONERS
9 LAKE COUNTY, FLORIDA

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13 SEAN M. PARKS, CHAIRMAN

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20 **ATTEST:**

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23 _____
24 **GARY J. COONEY, CLERK OF THE**
25 **BOARD OF COUNTY COMMISSIONERS**
26 **LAKE COUNTY, FLORIDA**

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29 **APPROVED AS TO FORM AND LEGALITY:**
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31
32 _____
33 **MELANIE MARSH, COUNTY ATTORNEY**

EXHIBIT "A" – LEGAL DESCRIPTION

1
2 From the Southeast corner of SE ¼ of NW ¼, Section 33, Township 17 South, Range 28 East, run North
3 0°45'12" West along the East line of E ½ of the NW ¼ of said Section 33 a distance of 983.96 feet, thence
4 North 87°26'46" West a distance of 1311.21 feet to a point on the West line of the E 1/2 of NW ¼, said
5 Section 33, thence North 0°52'32" West along said West line of E ½ of NW 1/4, Section 33, a distance of
6 400 feet for a Point of Beginning; continue thence North 0°52'32" West along said West line of E ½ of NW ¼
7 a distance of 400' feet thence South 87°26'46" East 1077.92 feet, thence run South 0°45'12" East parallel to
8 the East line of said E 1/2 of NW 1/4 of Section 33, a distance of 655.60 feet, thence North 73°03'29" West
9 328.88 feet, thence North 20°20'07" West 188.34 feet, thence North 87°26'46" West 700 feet to the Point of
10 Beginning.
11 Together with an easement for ingress and egress over and upon the West 33 feet of the E ½ of NW ¼;
12 and the East 33 feet of the W ½ of NW ¼, said Section 33, lying South of the Florida Power easement and
13 North of County Road.