



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): June 2, 2021
Board of County Commissioners (BCC): June 22, 2021

Case No. and Project Name: RZ-21-09-3, Griffin and Howard Property Rezoning

Applicant/Owner: Deirdre K. Griffin and Daniel D. Howard

Requested Action: Rezone approximately 1.51 +/- acres from Planned Commercial (CP) (via Ordinance 1999-51) and Mobile Home Rental Park (RMRP) to Rural Residential (R-1) to reconcile the non-conformity between the existing residential use and the zoning district.

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

Case Manager: Heather N. Croney, Planner

PZB Recommendation:

Subject Property Information

Size: 1.51 +/- Acres

Location: generally located south of US Highway 441, on Anglers Ave. and Holloway Dr., in the unincorporated Leesburg area.

Alternate Key No.: 1811856 and 3916348

Future Land Use Category: Urban Medium

Existing Zoning District: Planned Commercial (CP), via Ordinance 1999-51, comprising the northwestern portion of the property and Mobile Home Rental Park (RMRP) comprising the southern portion.

Proposed Zoning District: Rural Residential (R-1)

Joint Planning Area/ISBA: Leesburg Interlocal Service Boundary Area (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Leesburg city limits	Leesburg city limits	Commercial retail and restaurants	commercial use
South	N/A	N/A	N/A	Lake Harris
East	Urban Medium	Mobile Home Rental Park (RMRP)	Residential	Holloway Dr., Lake Harris Hideaway Mobile Home Park
West	Urban Medium	Planned Commercial (CP)	Residential	Anglers Ave., Boathouses and Docks

- Summary of Analysis -

The application seeks to rezone the subject property, identified by Alternate Key #s 1811856 and 3916348, from Planned Commercial (CP) (via Ordinance 1999-51) and Mobile Home Rental Park (RMRP) to Rural Residential (R-1) to reconcile the existing non-conformity between the residential use of the property and the zoning district. This property currently has two zoning districts; Planned Commercial (CP), comprises the northwestern portion and Mobile Home Rental Park (RMRP) comprises the southern portion. In 1999 the BCC approved Ordinance #1999-51 for Angler’s Resort, to allow for future expansion and renovation of an existing fish resort/camp, to include the following uses: hotel/motel, resort and conference facilities, marina, restaurant and accessory retail/commercial uses including retail shops, bait shop, watercraft rentals and charters, boat tours, and other tourism related activities. Currently, the property is developed with a single family residential dwelling unit, two utility buildings, and a carport/pole shed. as shown on Attachment “A”. This rezoning does not seek any new uses or structures but will facilitate a more accurate representation of the current uses on the property.

The rezoning request is consistent with all applicable provisions of the Code and elements of the Comprehensive Plan.

- 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 rezoning request and current use is consistent with LDR Section 3.00.02, Purpose and Intent of Districts, which states that the purpose of the Rural Residential (R-1) zoning district is to provide a transition between agricultural and Conservation Areas and the more urban residential communities. It is intended to permit the development of single-family homes in an environment that is compatible with the surrounding natural resources. The property is currently developed with a single family residential dwelling unit, two utility buildings, and a carport/pole shed.

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 request 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, as specified by LDR Section 3.02.06, of one (1) dwelling unit per net acre. This parcel is currently about 1.51 acres, which is consistent with the residential density of the R-1 zoning district specified by LDR Section 3.02.06, which requires a parcel to have a minimum of an acre to have a dwelling unit on it.

Additionally, the rezoning request is consistent with LDR Section 3.01.02.A.1, *Classification of Uses*, which defines residential uses to include a single-family dwelling unit.

LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, states that the R-1 zoning district allows uses to

include a single-family dwelling unit.

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-1.3.3, Urban Medium Density Future Land Use Category (FLUC), which allows residential density of up to seven (7) dwelling units per net buildable acre. The subject parcel is currently about 1.51 acres. The Urban Medium Density FLUC allows for residential uses as a typical use. The subject property currently contains a single-family dwelling unit and associated accessory structures.

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

The development to the east of the subject property is the Lake Harris Hideaway Mobile Home Park, a residential mobile home park, with a zoning classification of Mobile Home Rental Park (RMRP). Further north of the subject property, the property is in the Leesburg city limits, and, pursuant to the Lake County Property Appraisers' (LCPA) website there is commercial development along the north side of US Highway 441. The land use to the west of the subject property is zoned Planned Commercial (CP) per Ordinance #1999-51, Angler's Resort. Pursuant to the LCPA website, the property to the west is developed with two boathouses and docks. Lake Harris is located to the South of the subject property.

The proposed rezoning is consistent with existing and proposed nearby land uses, which similarly include single family dwelling units, as stated above in a breakdown of the surrounding property development. This rezoning request would correct the non-conforming zoning of the property, which contains an existing single family residential dwelling unit, two utility buildings, and a carport/pole shed. The rezoning request is to rezone from Planned Commercial (CP) (via Ordinance 1999-51) and Mobile Home Rental Park (RMRP) to Rural Residential (R-1), which would reflect the current use of the property. A change in the use of the property is not indicated by the rezoning application.

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

As previously stated, this rezoning application seeks to reconcile the non-conformity between the residential use and zoning district. The applicant provided the following information to depict changed conditions that justify this rezoning request: Single family home is not RMRP and is not CP. Requesting a corrected zoning to represent current use R-1.

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 property is currently serviced by a potable water well and septic. No adverse impacts are anticipated by the proposed rezoning.

Office of Public Safety

In the event of a fire emergency at this facility, Lake County Fire Rescue Station #71 is located less than three (3) miles from the subject property at 11305 Park Avenue, Leesburg. Station #71 can provide advanced life support should an emergency on the property demand this service.

Solid Waste

The rezoning is not anticipated to adversely impact solid waste capacities or levels of 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 rezoning would result in significant adverse impacts on the natural environment;

The subject property is lakefront and currently developed with urban uses. Any new development will be required to meet all environmental protection provisions specified by the Land Development Regulations (LDR) and Comprehensive Plan.

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

No information was included 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.

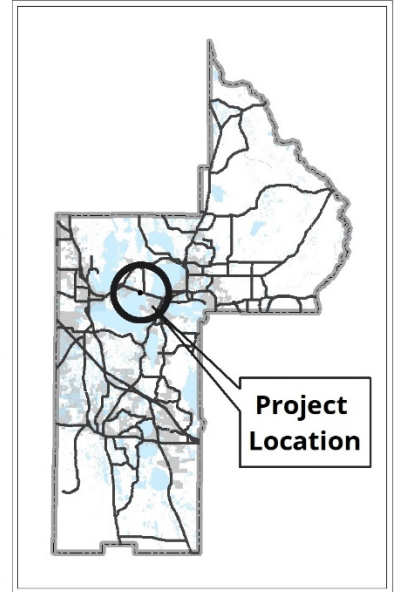
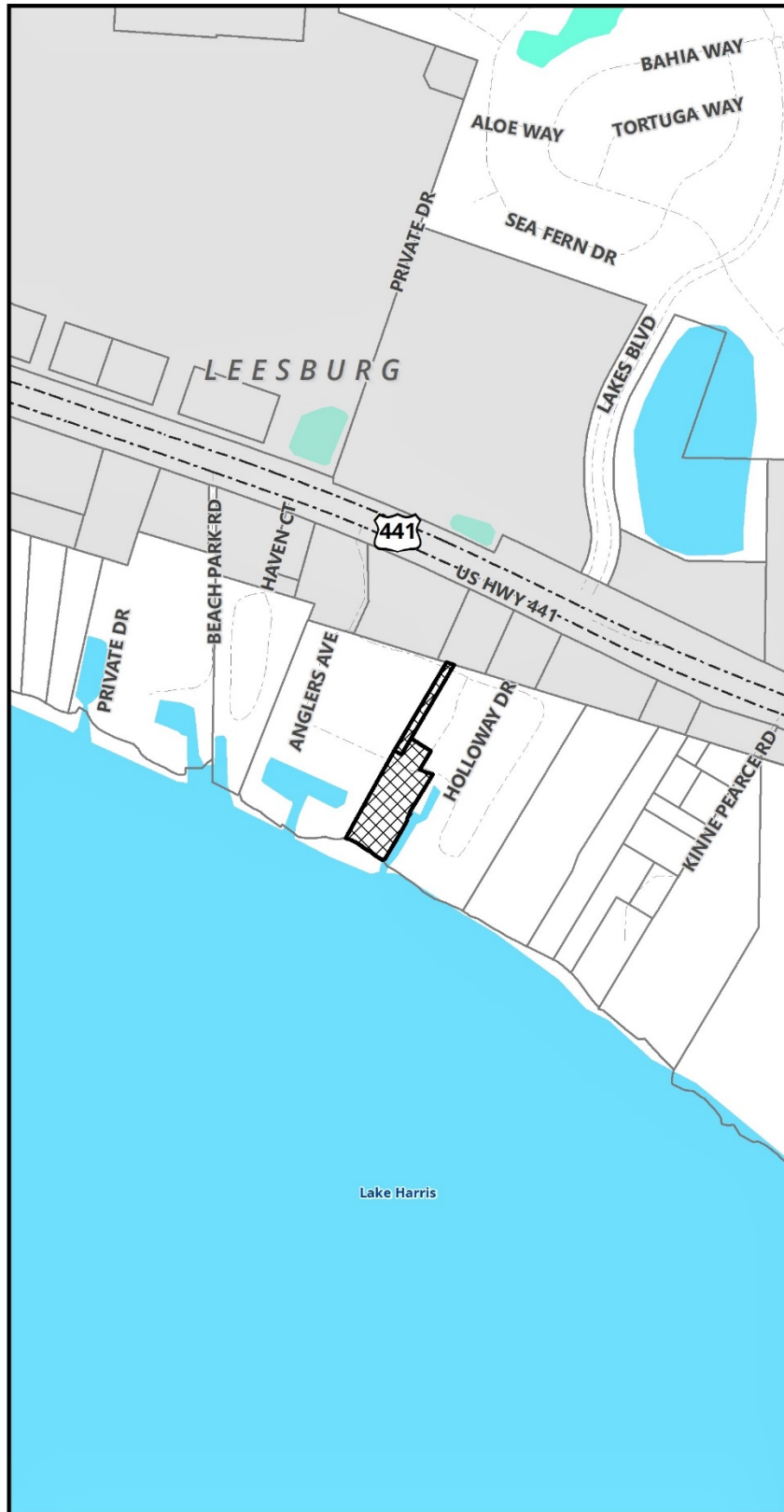
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations 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



CURRENT FUTURE LAND USE



Future Land Use

Urban Medium Urban Low

NAME: GRIFFIN & HOWARD PROPERTY

DISTRICT: 3

CASE NUMBER: RZ-21-09-3

LOCATION (S-T-R): 23-19-25

REQUEST: PLANNED COMMERCIAL (CP) & MOBILE HOME RENTAL PARK (RMRP) TO RURAL RESIDENTIAL (R-1)



CURRENT ZONING



Zoning Legend

■ R-1 ■ RMRP ■ CP

NAME: GRIFFIN & HOWARD PROPERTY

DISTRICT: 3

CASE NUMBER: RZ-21-09-3

LOCATION (S-T-R): 23-19-25

REQUEST: PLANNED COMMERCIAL (CP) & MOBILE HOME RENTAL PARK (RMRP) TO RURAL RESIDENTIAL (R-1)



ORDINANCE #2021-XX
Griffin and Howard Property Rezoning
RZ-21-09-3

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**, Deirdre K. Griffin and Daniel D. Howard (the “Applicants” and the “Owners”)
4 submitted a rezoning application to rezone approximately 1.51 +/- acres from Planned Commercial (CP)
5 (via Ordinance 1999-51) and Mobile Home Rental Park (RMRP) to Rural Residential (R-1) to reconcile
6 the non-conformity between the existing residential use and the zoning district; and

7 **WHEREAS**, the subject property consists of approximately 1.51 +/- acres, is located at 10534
8 Holloway Drive, Leesburg, is in Section 23, Township 19, Range 25, consisting of Alternate Key Numbers
9 1811856 and 3916348, and more particularly described in “Exhibit “A” – Legal Description”:

10 **WHEREAS**, the property subject to the request is located within the Urban Medium Future Land
11 Use Category (FLUC) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM);
12 and

13 **WHEREAS**, the Lake County Planning and Zoning Board did review Petition RZ-21-09-3 on the
14 2nd day of June 2021, after giving notice of the hearing on the petition for change in zoning, including
15 notice that the petition would be presented to Board of County Commissioners of Lake County, Florida,
16 on the 22nd day of June 2021; and

17 **WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations
18 of the Lake County Planning and Zoning Board, the staff report and any comments, favorable or
19 unfavorable from the 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 **WHEREAS**, the approval of this ordinance shall replace and supersede Ordinance #1999-51.

23 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
24 Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as
25 they pertain to the property described herein, subject to the following terms:

26 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to
27 designate the property described in the above legal description in this Ordinance to Medium
28 Residential District (R-3). The adoption of this Ordinance shall revoke and replace Ordinance
29 #1999-51.

30 **Section 2. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall
31 submit applications for and receive necessary final development order approvals as
32 provided in the Lake County.

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

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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9

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

12 _____
13 **SEAN M. PARKS, CHAIRMAN**

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15 **ATTEST:**

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18 _____
19 **GARY J. COONEY, CLERK OF THE**
20 **BOARD OF COUNTY COMMISSIONERS**
21 **LAKE COUNTY, FLORIDA**

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

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27 _____
28 **MELANIE MARSH, COUNTY ATTORNEY**

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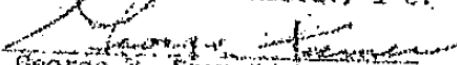
1 **Exhibit "A" – Legal Description**

2 **Alternate Key #3916348:**

From the East 1/4 corner of Section run South 89°47'30" West along North line of South 1/2 of Section a distance of 3045.50 feet, South 0°10'0" East 98.55 feet, South 71°33'0" East 354.40 feet, South 0°10'0" East 9 feet to Southerly right of way line of US Hwy 441, South 0°31'0" East 301.40 feet to a point on centerline of RR right of way, South 20°34'00" West 60.15 feet to Southerly right of way line of S.A.L. R.R. right of way, South 74°05'0" East along said Southerly right of way line 520.53 feet South 29°20'02" West 291.35 feet for Point of Beginning, continue South 29°20'02" West 63.50 feet, North 59°52'0" West 28.10 feet, South 27°58'0" West 170.30 feet, South 59°52'0" East 28 feet, South 27°31'30" West 172 feet to waters of lake & Point A, return to Point of Beginning, run South 58°08'40" East 80 feet, South 29°20'20" West 75.05 feet, South 72°25'10" East 46.81 feet, South 30°03'10" West 151.53 feet, South 51°32'12" East 3.23, South 30°35'17" West 17.78 feet, South 09°51'09" West 11.10 feet, South 29°01'50" West 148.41 feet, South 57°10'22" West to waters of lake Northwesterly along said waters of lake to Point A, all in Section 23, Township 19 South, Range 25 East, Lake County, Florida.

3 **Alternate Key #1811856:**

4 From the East 1/4 corner of Section 23, Twp. 19S., Rge. 25E., Lake County, Fla., run S. 89°47'16"W. along the East-West Mid Section line 2650.05 ft.; thence S. 0°21'54"E. 593.44 ft. to the Southerly r/w line of the S.C.L. Railroad; thence S. 74°05'00"E. along said Southeasterly r/w of S.C.L. Railroad 436.64 feet; thence S. 29°20'00"W. 291.35 ft. to the P.O.B. of this description. From said P.O.B. continue S. 29°20'00"W. 63.58 feet; thence N. 59°52'00"W. 28.10 ft.; thence S. 27°58'00"W. 170.30 ft.; thence S. 59°52'00"E. 28.0 ft.; thence S. 27°31'30"W. 170 ft., more or less, to the waters of Lake Harris and a point hereby designated as Point "A"; Return to the P.O.B. and run S. 59°08'40"E. 80.0 ft.; thence S. 29°20'00"W. 75.05 ft.; thence N. 88°28'00"E. 47.48 ft.; thence S. 29°52'50"W. 106.52 ft.; thence S. 60°07'10"E. 15.44 ft.; thence S. 30°46'19"W. to the waters of Lake Harris (last described line to be 3:0 ft. Southeasterly from and parallel to an existing seawall); run thence Northwesterly along and with waters of Lake Harris to intersect the aforementioned Point "A". The above described property subject to a 30.0 ft. easement for ingress and egress lying 15.4 ft. on each side of when measured at right angles thereto the following described centerline: From the above described P.O.B. run S. 74°05'00"E. along the Southerly r/w line of the S.C.L. Railroad 63.74 ft. to the centerline and the P.O.B. of this easement; From said P.O.B. run S. 26°38'27"W. 106.47 ft.; thence S. 15°40'57"W. 91.86 ft.; thence S. 33°43'41"W. 112.98 ft.; thence S. 29°20'00"W. 75.05 ft.; thence N. 88°28'00"E. 47.48 ft. to end of said Easement. Subject to all easements, r/w's and restrictions of record, if any.

5 "CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF."
GALILEY FARMER & ASSOC., INC.

George W. Farmer
Fla. Surveyor Reg. No. 1571

FOR: H.B. Holloway
J.O. 15226
March 24, 1978