



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): September 1, 2021
Board of County Commissioners (BCC): October 5, 2021

Case No. and Project Name: RZ-21-13-5, Brucelas-Burch Property

Owners/Applicants: Tisha T. and Sharon L. Brucelas-Burch

Requested Action: Rezone approximately 5.0 +/- acres from Rural Residential District (R-1) to Agriculture (A).

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

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.0 +/- acres

Location: 19844 Wiygul Road, Umatilla

Alternate Key No.: 3827730

Future Land Use: Rural Transition

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

JPA/ISBA: N/A

Overlay/Rural Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Vacant	Vacant Large Tract of Land
South	Rural Transition	Rural Residential (R-1)	Residential Subdivision	Lake Dalhousie Estates
East	Rural Transition	Rural Residential (R-1)	Residential	Large Tract of Land with Single-Family Dwelling Unit
West	Rural Transition	Rural Residential (R-1)	Residential	Large Tract of Land with Single-Family Dwelling Unit

- Summary of Analysis -

The application seeks to rezone approximately 5.0 +/- acres from Rural Residential District (R-1) to Agriculture (A) to facilitate future conditional use approval of a dog training and kennel operation. The subject 5 +/- acre parcel is identified by Alternate Key Number 3827730; the parcel is zoned Agriculture (A) and is part of the Rural Transition Future Land Use Category (FLUC). The proposed operation is allowed conditionally within the Rural Transition FLUC. The parcel was originally created through the family lot split in 2004 (FDE #2004-023 Tract "B"). The subject parcel is developed with a single-family residence, detached garage, and three (3) woodsheds.

On April 15, 2021, the Owners were cited for a dog training operation without the proper approvals (Code Case No. 2021040137). To satisfy the code case for the dog training operation and kennel. The Owners inquired with Planning and Zoning about the dog training operation and kennel. However, staff explained that the parcel would need to be rezoned from Rural Residential District (R-1) to Agriculture (A), and a variance would be needed for the after-the-fact kennel which does not meet the required 200-foot setback from the western and eastern property lines.

On August 12, 2021, the Board of Adjustments (BOA) approved a variance request (VAR-21-38-5) to allow a proposed kennel building to be setback 198-feet from the western and eastern property lines.

This rezoning request is submitted in conjunction with a conditional use permit application for the approval of a dog training operation and kennel.

- 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 proposed request is consistent with LDR Section 3.02.06, which states that the maximum density for properties zoned Agriculture (A) is one dwelling unit per 5 acres.

The subject parcel is developed with a single-family dwelling unit; the proposed request is consistent with LDR Section 3.01.03, which allows single-family dwelling units.

The proposed rezoning request was submitted with a conditional use permit that requests approval of a dog training operation and kennel; the proposed request is consistent with LDR Section 3.01.03, which allows a kennel conditionally on parcels zoned Agriculture.

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

The request is consistent with Comprehensive (Comp) Plan Policy I-1.4.5, Rural Transition Future Land Use Category (FLUC), which allows residential uses within the FLUC at a density of one dwelling unit per five net acres.

The proposed rezoning request was submitted with a conditional use permit application that requests approval of a dog training operation and kennel; the proposed request is consistent with the Rural Transition FLUC, which allows animal services conditionally.

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

The subject 5.0 +/- acre parcel is consistent with the Rural Transition FLUC and adjacent parcel density.

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

There is no evidence of development trends of property rezoning in this area over the past five (5) years. The owners intend to continue to reside on the subject parcel (residential use) and obtain conditional approval to allow a dog training operation and kennel.

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 will be served by a private well and septic tank which will be permitted through the Florida Department of Health (DOH).

Parks and Recreation

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

Public Safety

Lake County Fire Station #20 is located less than six (6) miles from the subject property at 37711 State Road 19, Umatilla, and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the site plan review process, should the rezoning request be approved by the Board.

Solid Waste

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

Transportation Concurrency

The request is not anticipated to adversely impact transportation levels of service.

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

Should the rezoning be approved, all sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, including an environmental assessment (EA) of the property. The EA shall identify the presence of natural resources and specify protection and necessary mitigation of any endangered or threatened wildlife, flora and/or fauna, to include those that are species of special concern.

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 surrounding development pattern is indicative of low-density residential area. The proposed rezoning is consistent with the Rural Transition FLUC density and Agriculture (A) zoning district maximum density, both of which allow one dwelling unit per 5 net acres.

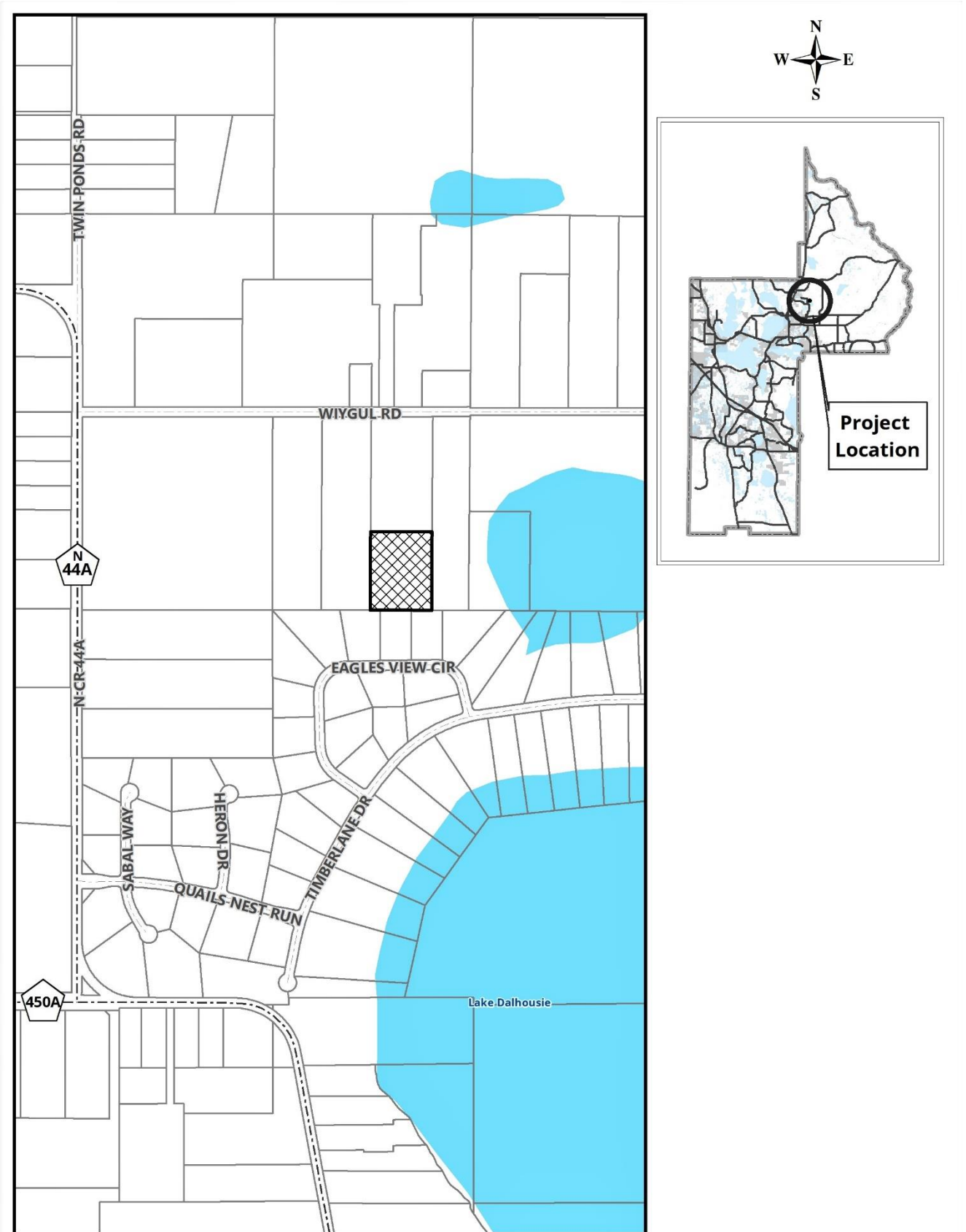
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

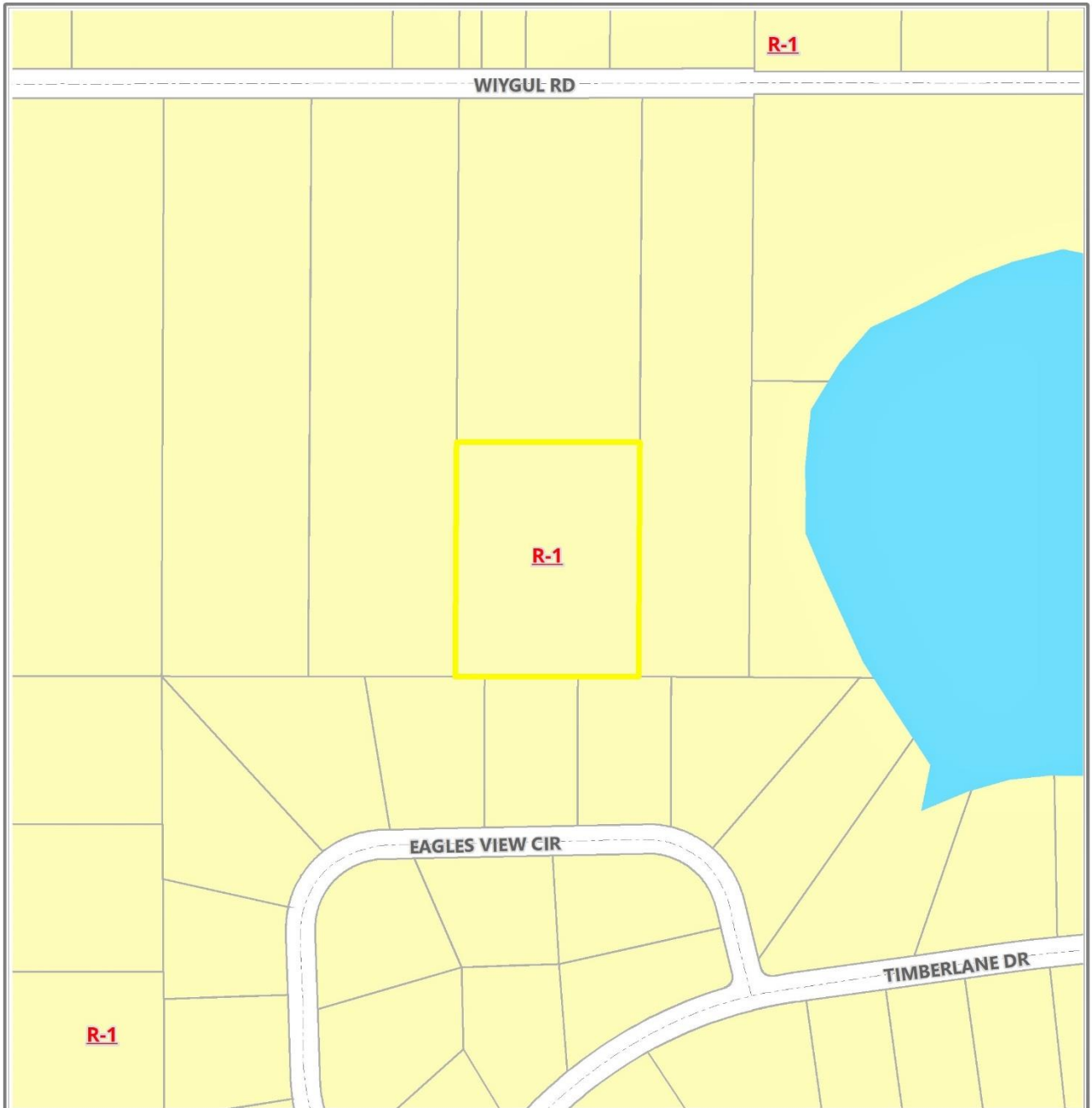
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

To date, three (3) e-mails of opposition and seven (7) e-mails of support have been received.

Map of Subject Property



CURRENT ZONING



Zoning Legend

 R-1

NAME: **BRUCELAS-BURCH PROPERTY**

CASE NUMBER: **RZ-21-13-5**

LOCATION (S-T-R): **20-18-27**

REQUEST: **RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)**

DISTRICT: **5**



ORDINANCE #2021-XX
BRUCELAS-BURCH PROPERTY
RZ-21-13-5

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

WHEREAS, Tisha T. and Sharon L. Brucelas-Burch (the “Owners” and the “Applicants”) submitted an application to rezone approximately 5.0 +/- acres from Rural Residential District (R-1) to Agriculture (A); and

WHEREAS, the subject property consists of approximately 5.0 +/- acres and located at 19844 Wiygul Road, in the Umatilla area of unincorporated Lake County, Florida, situated in Section 20, Township 18 South, Range 27 East, having Alternate Key Number 3827730, and more particularly described as:

The South 527.97 feet of the following described parcel: The West 412.50 feet to the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 18 South, Range 27 East, Lake County, Florida.

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

WHEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-21-13-5 on the 1st day of September 2021, after giving notice of the hearing on the petition for a change in zoning, including notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 5th day of October 2021; and

WHEREAS, the Board of County Commissioners reviewed the 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; and

WHEREAS, the approval of this ordinance shall supersede and replace any and all previous zoning ordinances on the subject property.

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 from Rural Residential (R-1) to Agriculture (A).

Section 2. Development Review and Approval: Prior to the issuance of any permits, the Owner shall submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders must meet all submittal requirements and comply with 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
2 invalid or unconstitutional by any court of competent jurisdiction, the holding will in no
3 way affect the validity 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
5 copy of this Ordinance to the Secretary of State for the State of Florida in accordance
6 with Section 125.66, Florida Statutes.

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

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

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

10 **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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18 **ATTEST:**

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

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

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30 **MELANIE MARSH, COUNTY ATTORNEY**