

REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): October 6, 2021

Board of County Commissioners (BCC): November 2, 2021

Case No. and Project Name: RZ-21-25-5, Myers Property Rezoning

Owner/Applicant: James A. Myers

Requested Action: Rezone 14.2 +/- acres from Rural Residential (R-1) to Agriculture (A) to undertake agriculture

uses.

Staff Determination: Staff finds the rezoning consistent with the Comprehensive Plan and Land Development

Regulations (LDR).

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 14.2 +/- acres

Location: Along the northside of County Road 44-A, east of the Lake Burns Rd/CR 44A intersection, in

the Umatilla area.

Alternate Key No.: 2592087

Future Land Use: Rural Transition

Existing Zoning District: Rural Residential (R-1)

Proposed Zoning District: Agriculture (A)

Joint Planning Area / ISBA: N/A
Overlay Districts: N/A

Adjacent Property Land Use Table

Direction Future Land Use		<u>Zoning</u>	Existing Use	<u>Comments</u>	
North	Rural Transition	Rural Residential (R-1)	Residential	Single Family Residences	
South	Rural Transition	Rural Residential (R-1)	Residential, Vacant Land	Single-Family Residence south of North County Road 44-A	
East	Rural Transition	Rural Residential (R-1)	Vacant Land	Vacant residential land	
West	Rural Transition	Rural Residential (R-1)	Vacant Land	Lake Burns, vacant residential land	

Staff Analysis

The Applicant is requesting to rezone approximately 14.2 +/- acres of property from Rural Residential (R-1) to Agriculture (A) to facilitate construction of an agricultural building. It is the intent of the Applicant to raise cattle before building a residential structure. The subject property is identified by Alternate Key Number 2592087, and is located north of North County Road 44A, in the unincorporated Umatilla area of Lake County. The subject parcel is currently undeveloped.

The property is designated as Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Pursuant to Comprehensive Plan Policy I-1.4.5 *Rural Transition Future Land Use Category*, agricultural uses are typically allowed within the Rural Transition FLUC. The proposed request is consistent with the Comprehensive Plan and LDR.

Standards of Review

Land Development Regulations Section 14.030.03 Standards for Review.

A. Whether the proposed rezoning is consistent with all elements of the Comprehensive Plan.

The proposed rezoning is consistent with Comprehensive Plan Policy I-1.4.5, Rural Transition FLUC, which allows agricultural and residential uses.

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

The rezoning application is consistent with LDR Section 3.01.03, which states that residential uses and agricultural uses are permitted within the Agriculture (A) zoning district. The size of the subject property is consistent with the proposed Agriculture zoning district, which states the maximum density allowed shall be one (1) dwelling unit per five (5) net buildable acres, as specified by LDR Section 3.02.06.

C. Whether, and the extent to which, the proposed rezoning 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 uses are the predominant uses of the abutting parcels. The proposed agricultural and residential use request is consistent with the existing uses of the adjoining parcels.

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

The property owners intend to develop the property to include an agricultural equipment building to facilitate a cattle operation, prior to the construction of a single-family residence. The owner wishes to have the property rezoned because the R-1 zoning district does not allow for construction of an agricultural equipment building and other ancillary structures necessary to start a cattle operation before building a residential structure.

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 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.

Solid Waste

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

Public Safety

Lake County Fire Rescue Station #20 is located at 37711 SR 19 in Umatilla, approximately 5.6 miles from the subject property. This facility will provide life support services 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 rezoning would result in significant impacts on the natural environment.

The property is currently undeveloped. A tree removal permit application will be required prior the removal of any trees from the property in accordance with LDR Section 9.02.00. Also, an environmental statement/assessment will be required prior to any future development of the property.

Additionally, all environmental resources will be addressed through the development review process. Aerials show the property fronts a lake and contains wetlands. New development will be required to meet all resource protection provisions specified by the Conservation Element of the Comprehensive Plan and contained in LDR Chapter VI, Resource Protection Standards.

G. Whether, and the extent to which, the proposed rezoning 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 rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

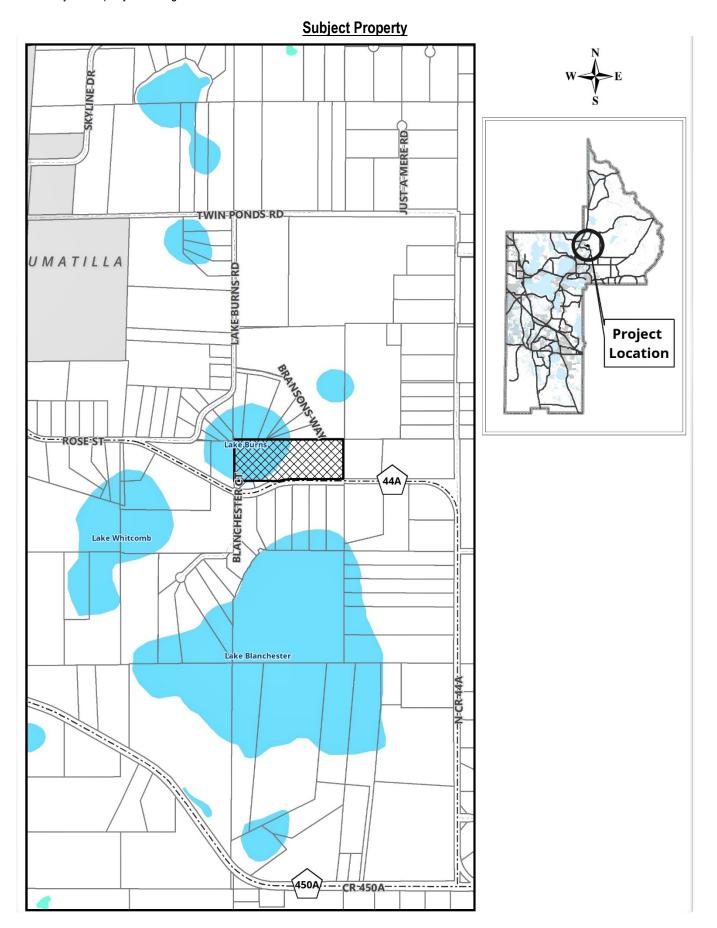
The surrounding properties are developed with residential and agricultural uses on varying tract sizes. Therefore, the proposed rezoning is not anticipated to disrupt the existing orderly, logical development pattern in the area.

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

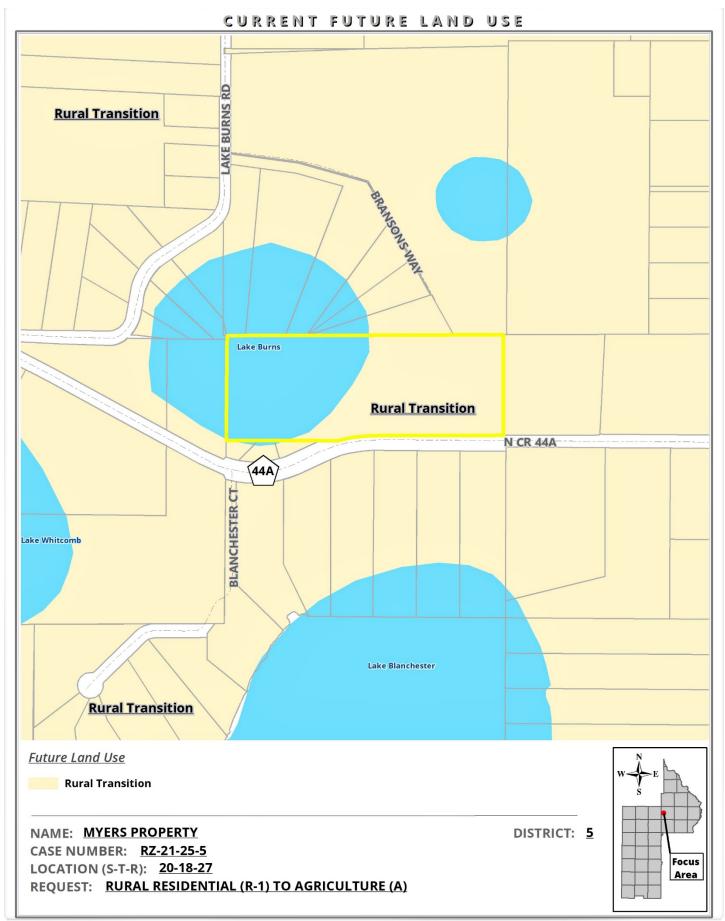
The proposed amendment will not be contrary to the purpose and interest of Lake County's regulations.

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.

N/A



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1		ORDINANCE #2021-XX						
1								
2		MYERS PROPERTY						
3		RZ-21-25-5						
4 5		N ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE AKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.						
6 7 8		WHEREAS, James A. Myers, (the "Applicant") submitted an application on behalf of James A. lyers and Lori Myers, (the "Owners") to rezone property from Rural Residential (R-1) to Agriculture (A); and						
9 10 11	Road 44A,	IEREAS , the subject property consists of approximately 14.2 acres located east of North County in the unincorporated Umatilla Area, in Section 20, Township 18 South, Range 27 East, y Alternate Key Number 2592087 and more particularly as described below:						
12 13		WHEREAS, the subject property is located within the Rural Transition Future Land Use Category s shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and						
14 15		IEREAS , the property will be rezoned to Agriculture (A) in accordance with the Lake County gulations; and						
16 17 18 19	WHEREAS , Lake County Planning and Zoning Board did review petition RZ-21-25-5 on the 6th day of October 2021, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 2nd day of November 2021; and							
20 21 22	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							
23 24		WHEREAS, upon review, certain terms pertaining to the development of the above-described property have been duly approved.						
25 26	NO Florida, tha	NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, lorida, that:						
27 28	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).						
29 30 31 32 33	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.						
34 35 36	Section 3.	Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.						

Ordinance #2021-XX Myers Property

1 2 3	Section 4.	•	Secretary of S	e. The clerk is hereby directed forthwith to State for the State of Florida in accordar	
4	Section 5.	Effective Date. This (Ordinance will	become effective as provided by law.	
5		ENACTED this	day of _		, 2021.
6 7		FILED with the Secretary of State			
8 9		EFFECTIVE			. 2021.
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. 3				OF COUNTY COMMISSIONERS COUNTY, FLORIDA	
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. 6 . 7					
. 8	SEAN M. PARKS, CHAIRMAN				
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21 22	ATTEST:				
:3					
:4 :5	GARY J. C	OONEY, CLERK OF T	 HE		
6		F COUNTY COMMISSION OF THE COUNTY OF THE COUNTY	ONERS		
?7 ?8	LAKE COL	JNTY, FLORIDA			
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34 35	MELANIE	MARSH, COUNTY ATT	ORNEY	_	

EXHIBIT A. Legal description. 1 2 NORTH 495 FEET OF THE NW 1/4 OF SECTION 20, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF 3 4 STATE ROAD S-44-A. 5 LESS THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE NE CORNER OF SAID NW 1/4, RUN NORTH 89°54'00" WEST ALONG THE 6 NORTH LINE OF SAID NW 1/7 A DISTANCE OF 865.60 FEET; THENCE SOUTH 03°17'51" 7 WEST 475.92 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE 8 ROAD S-44-A, THENCE EASTERLY AND SOUTHERLY ALONG SAID NORTHERLY RIGHT-OF 9 WAY LINE 981.24 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID NW 1/4 OF 10 SECTION 20. THENCE NORTH ALONG SAID EAST LINE OF THE NW 1/4 706.53 FEET. MORE 11 OR LESS, TO THE POINT OF BEGINNING. 12 ALSO LESS THE FOLLOWING DESCRIBED PARCEL: 13 COMMENCE AT THE NE CORNER OF THE NW 1/4, RUN NORTH 89°54'00" WEST ALONG 14 THE NORTH LINE OF SAID NW 1/4 A DISTANCE IF 865.60 FEET TO THE POINT OF 15 BEGINNING; THENCE CONTINUE NORTH 89°54'00" WEST ALONG SAID NORTH LINE 475.42 16 FEET: THENCE SOUTH 00°01'28" WEST 470.03 FEET. MORE OR LESS. TO THE NORTHERLY 17 18 RIGHT-OF-WAY LINE OF STATE ROAD S-44-A, THENCE SOUTH 89°49'32" EAST ALONG SAID RIGHT-OF-WAY 449.95 FEET: THENCE NORTH 03°17'51" EAST 475.92 FEET TO THE 19 POINT OF BEGINNING. 20