



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): January 5, 2022
Board of County Commissioners (BCC): February 1, 2022

Case No. and Project Name: RZ-21-29-3, Warren Life Estate Property

Owner: Paul D. Warren and Donna J. Warren

Applicant: Tyler S. Van Vorhees, Esquire

Requested Action: Rezone approximately 7.73 +/- acres from Urban Residential District (R-6) to Agriculture (A) for agriculture uses (plant and tree nursery).

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

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 7.73 +/- acres

Location: South of County Road 473 and County Road 44, in the Leesburg area

Alternate Key No.: 1388287

Future Land Use Category: Urban Low Density (Attachment "A")

Existing Zoning District: Urban Residential District (R-6) (Attachment "B")

Proposed Zoning District: Agriculture (A)

Joint Planning Area (JPA) / ISBA: City of Leesburg ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Urban Residential (R-6)	Residential	Bonfire MHP Common Element Area
South	Urban Low	Urban Residential (R-6) and Community Facility District (CFD)	Residential	Undeveloped Large Tract of Land
East	Urban Low	Urban Residential (R-6)	Residential	Undeveloped Large Tract of Land
West	Urban Low	Urban Residential (R-6)	Residential	Countryside Estates Residential Subdivision

- Summary of Analysis -

The application seeks to rezone the subject 7.73 +/- acres to Agriculture to accommodate agricultural uses (specifically, a plant and tree nursery). The subject 7.73 +/- acres are identified by Alternate Key Number 1388287 and located south of County Road 473 and County Road 44, in the Leesburg area of unincorporated Lake County. The subject parcel is zoned Urban Residential District (R-6) and designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan. The subject parcel is vacant and undeveloped.

The subject parcel is located within the City of Leesburg ISBA and the application was provided to the City of Leesburg to review. The City of Leesburg did not provide any comments or opposition to the request.

- 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 Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows a plant nursery within the Agriculture (A) zoning district.

The proposed use is consistent with the purpose and intent of the Agriculture (A) zoning district in accordance with LDR Section 3.00.02(C).

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

The request is consistent with Comp Plan Policy I-1.2.8, which states that agricultural uses shall be recognized as a suitable use of property within all FLUCs.

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

As previously stated, the Comp Plan Policy I-1.2.8 recognizes agricultural uses suitable within all FLUCs.

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 property shall be serviced by private well and on-site septic tank in accordance with the Florida Department of Health (DOH) – Lake County and Florida Department of Environmental Protection (FDEP).

Parks and Recreation

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

Public Safety

Lake County Fire Station #72 is located less than three (3) miles of the subject property at 12340 County Road 44, Leesburg, and 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.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of Radio Road – CR 44 to Morningside Drive is “C” with a 17% capacity and CR 473 – CR 44 to Fountain Lake Boulevard is “C” with a 54% capacity. The request is not anticipated to adversely impact the surrounding road network levels of service (LOS).

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, an environmental statement from the property owner will be requested with the submittal of the future residential building permit. New development will be required to meet all criteria specified by the Comprehensive Plan, and LDR, as amended.

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 residential uses. To increase compatibility between the proposed use and surrounding uses and to reduce impacts, a 25-foot setback will be required along all adjoining parcels owned by others.

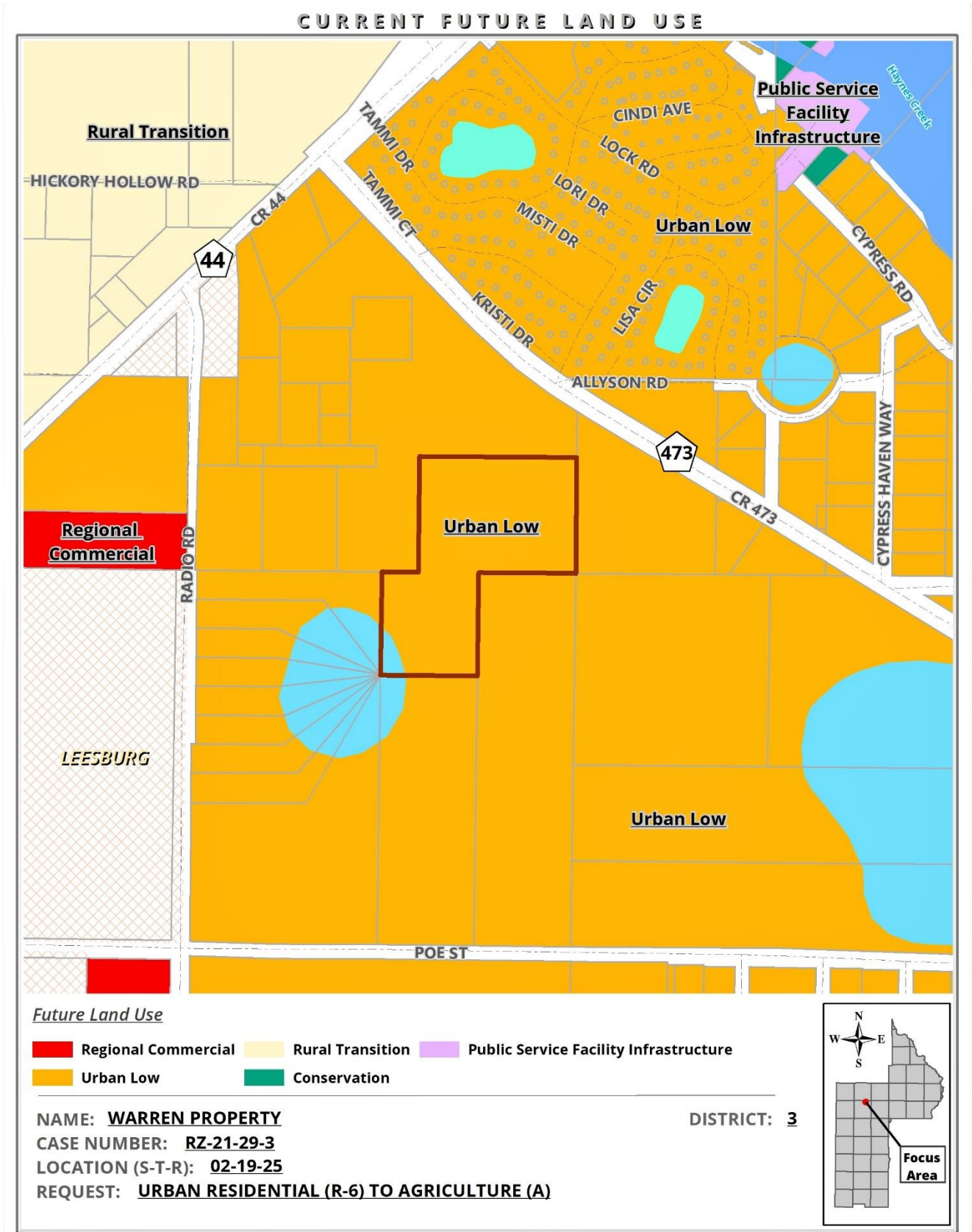
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

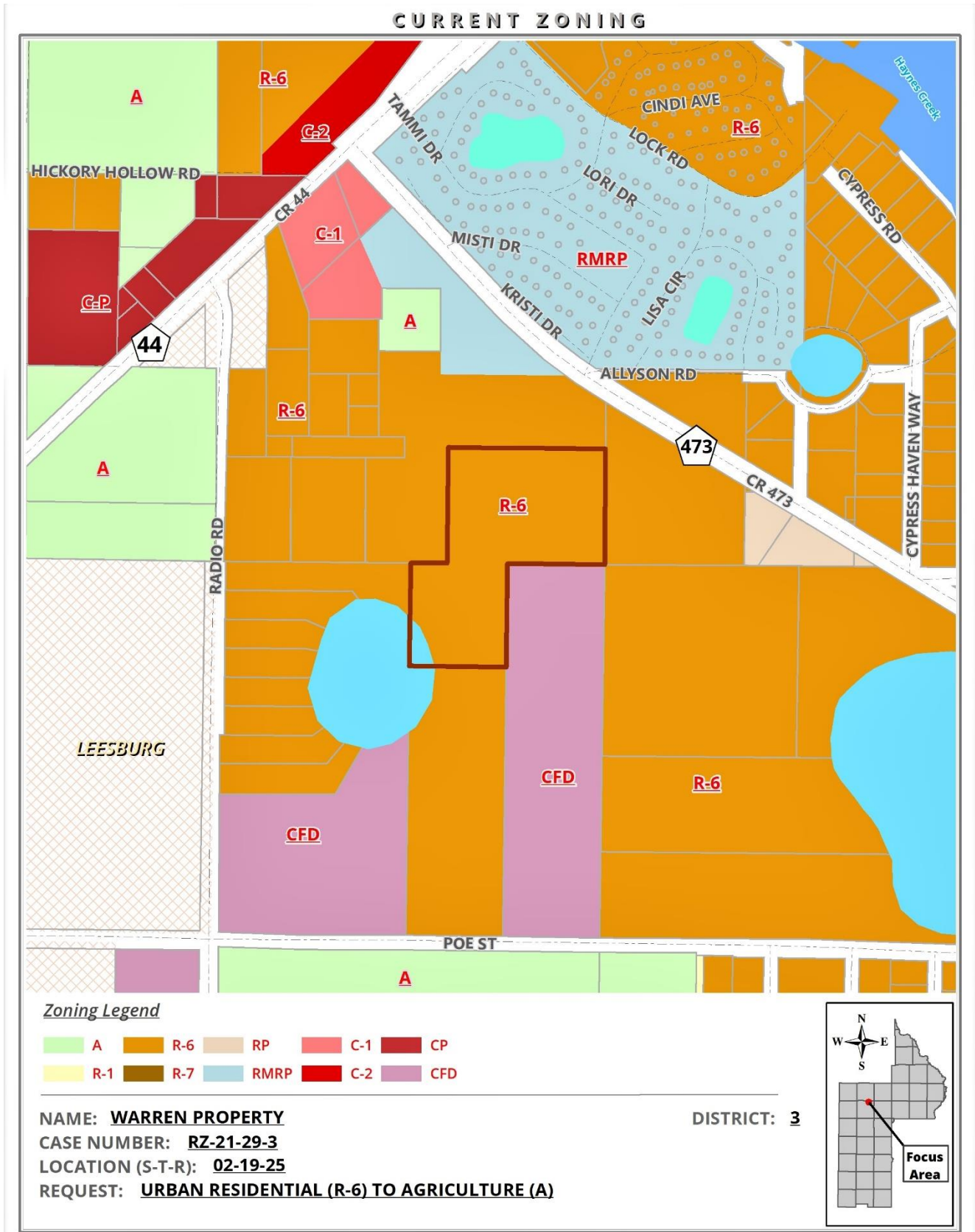
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

None.

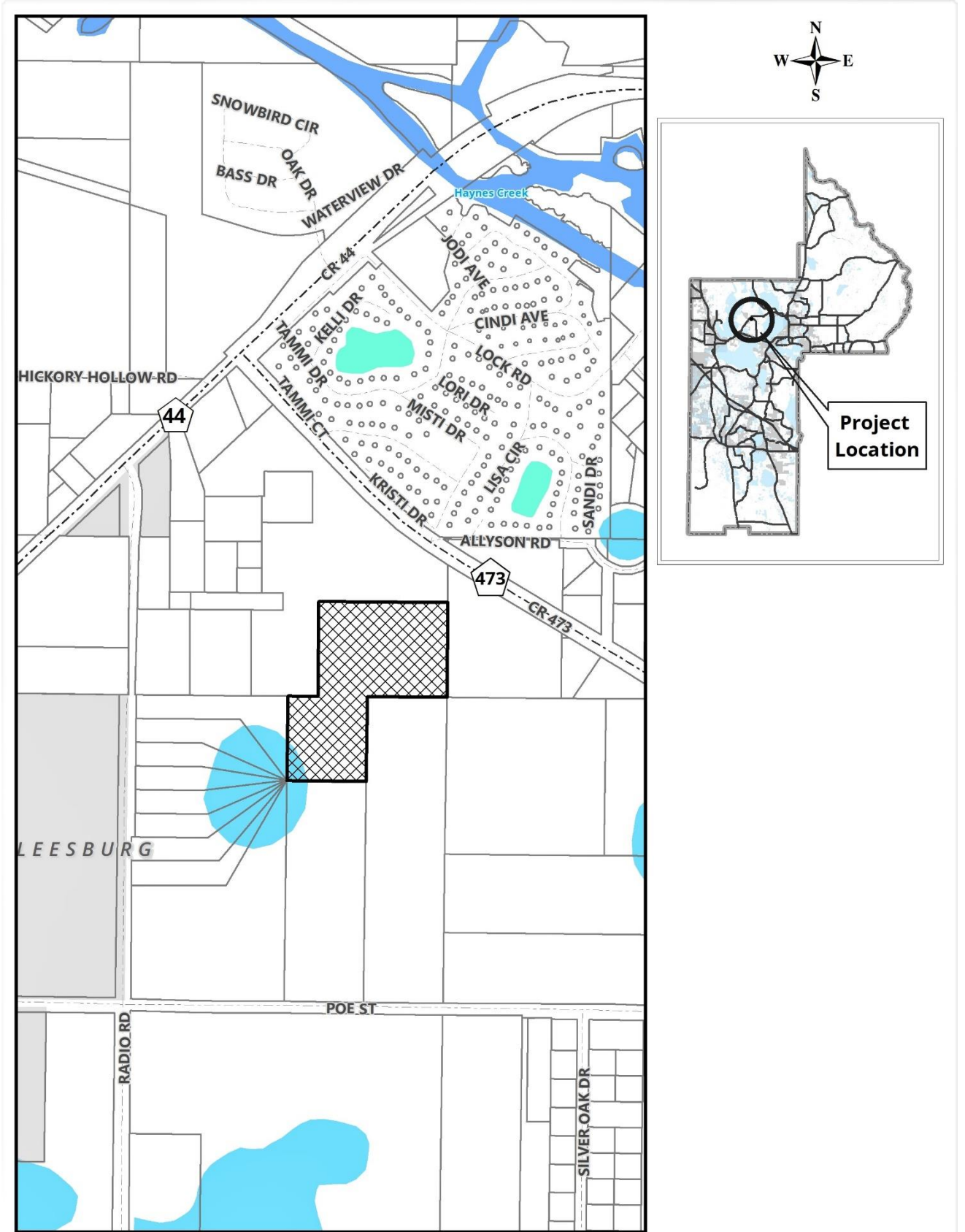
Attachment "A" – Future Land Use Map



Attachment "B" – Zoning District Map



Map of Subject Property



ORDINANCE #2022-XX
WARREN LIFE ESTATE PROPERTY
RZ-21-29-3

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

WHEREAS, Tyler S. Van Vorhees, Esquire (the “Applicant”) submitted an application on behalf of Paul D. Warren and Donna J. Warren (the “Owners”) to rezone approximately 7.73 +/- acres from Urban Residential District (R-6) to Agriculture (A); and

WHEREAS, the subject property consists of approximately 7.73 +/-acres located south of County Road 473 and County Road 44 in the Leesburg Area, in Section 02, Township 19 South, Range 25 East, identified by Alternate Key Number 1388287, and more particularly as described below:

The East 544.33 Feet of the South 400 Feet of the Southwest 1/4 of the Northwest 1/4, and the North 355 Feet of the West 1/2 of the East 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 2 Township 19 South Range 25 East ORB 1199 PG 520-523 ORB 1221 PG 1236 ORB 4606 PG 727 ORB 4945 PG 1947 1956

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

WHEREAS, the property will be rezoned to Agriculture (A) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-21-29-3 on the 5th day of January 2022, 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 1st day of February 2022; 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.

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 Urban Residential District (R-6) 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 invalid or
2 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
3 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 copy of
5 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
6 125.66, Florida Statutes.

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

8 **ENACTED** this _____ day of _____, 2022.

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10 **FILED with the Secretary of State** _____, 2022.

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12 **EFFECTIVE** _____, 2022.

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

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20 **SEAN M. PARKS, CHAIRMAN**

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23 **ATTEST:**

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27 **GARY COONEY, CLERK OF THE**
28 **BOARD OF COUNTY COMMISSIONERS**
29 **LAKE COUNTY, FLORIDA**

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

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35 _____
36 **MELANIE MARSH, COUNTY ATTORNEY**