



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

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

Case No. and Project Name: RZ-21-34-4, Deneault-Fox Property

Applicant/Owner: Lisa Deneault-Fox

Requested Action: Request to rezone 0.17 +/- acres from Neighborhood Commercial (C-1) to Rural Residential (R-1) zoning district to accommodate the existing residential use.

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

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 0.17 +/- Acres

Location: 1525 Old Eustis Road, in the Mount Dora area

Alternate Key No.: 1261911

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

Existing Zoning District: Neighborhood Commercial (C-1) (Attachment "B")

Proposed Zoning District: Rural Residential (R-1)

Joint Planning Area/ISBA: City of Mount Dora Joint Planning Area (JPA)

Overlay Districts: Wekiva Study Area (WSA)

Corridor: US 441 Major Commercial Corridor

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Planned Commercial (CP)	Commercial	Commercial property for auto sales/storage
South	Urban Low Density	Right-of-Way, Rural Residential (R-1)	Street and Commercial	Old Eustis Road R-O-W
East	Urban Low Density	Neighborhood Commercial (C-1)	Commercial	1-Story Office Building
West	Urban Low Density	Neighborhood Commercial (C-1)	Vacant	Undeveloped parcel

– Summary of Analysis –

The application seeks to rezone the subject parcel from Neighborhood Commercial (C-1) to Rural Residential (R-1) to accommodate the existing residential use. The property is developed with a 7,385-square foot building, which previously housed a yoga studio business. Should the rezoning be approved, the Applicant seeks to continue their use of the building as their primary residence. A change of use from a yoga studio to single-family residence will be required if the rezoning is approved.

The subject 0.17 +/- acre property, identified by Alternate Key Number 1261911 is designated as Urban Low Density Future Land Use Category (FLUC); and located within the US 441 Major Commercial Corridor, and the Wekiva Study Area. The subject parcel is located within the Revised Plat of Lake Gertrude Court (Attachment “C”), in the Mount Dora area of unincorporated Lake County. Currently, the parcel is developed with an existing residential structure.

The subject parcel is located within the City of Mount Dora Joint Planning Area; the application was provided to the City of Mount Dora for review, and the City of Mount Dora had no comments or objections 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 Applicant’s request for the R-1 Zoning District is consistent with the maximum density specified by LDR Section 3.02.06, of one (1) dwelling unit per acre. 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.

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

The request for R-1 Zoning District is consistent with Comp Plan Policy I-1.3.2, Urban Low Density FLUC, which allows residential uses at a maximum density of four (4) dwelling units per net buildable acre.

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

The request and proposed development are consistent with the surrounding uses. The parcels adjoining the subject property are either vacant or an existing commercial use. The parcels across the Old Eustis Road right-of-way are developed with single-family dwelling units, which are not used in conjunction with a business.

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

As previously stated, the request and proposed use are consistent with the surrounding uses, as the parcels immediately across the Old Eustis Road right-of-way are developed with single-family dwelling units, which are not used in conjunction with a business and facilitate mostly residential uses.

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

Currently, the subject parcel is serviced by an existing well and septic system. The City of Mount Dora provided documentation confirming capacity to service the project with central water service (Attachment “D”). Should the subject parcel be redeveloped, the proposed project will be required to connect to public utilities, in accordance with the Comprehensive Plan and LDR, as amended.

Office of Parks and Recreation

The request is not anticipated to adversely impact park capacity.

Office of Public Safety

Lake County Fire Rescue Station #27 is located less than three (3) miles of the subject property at 19212 SR 44, Eustis, and will provide advanced life support should an emergency on the property demand this service.

Schools

The request is not anticipated to adversely impact school capacities.

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 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 proposed request will not disrupt the existing orderly, logical development pattern in the area as the surrounding parcels are developed with single-family dwelling units (residential uses).

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 proposed development impact on property values.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern.

The proposed residential use is consistent with the purpose and intent of the R-1 zoning district and the Urban Future Land Use Series.

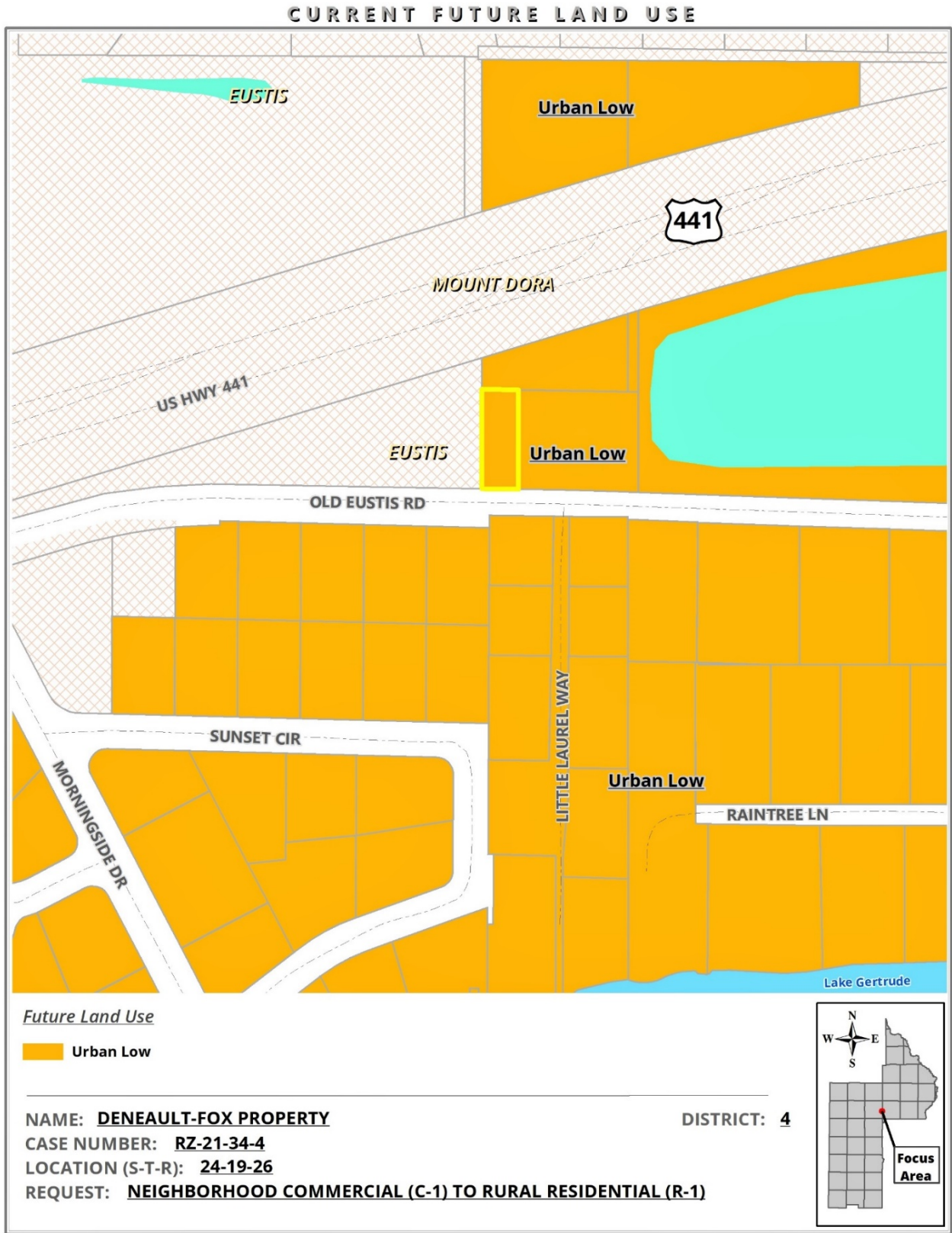
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations.

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.

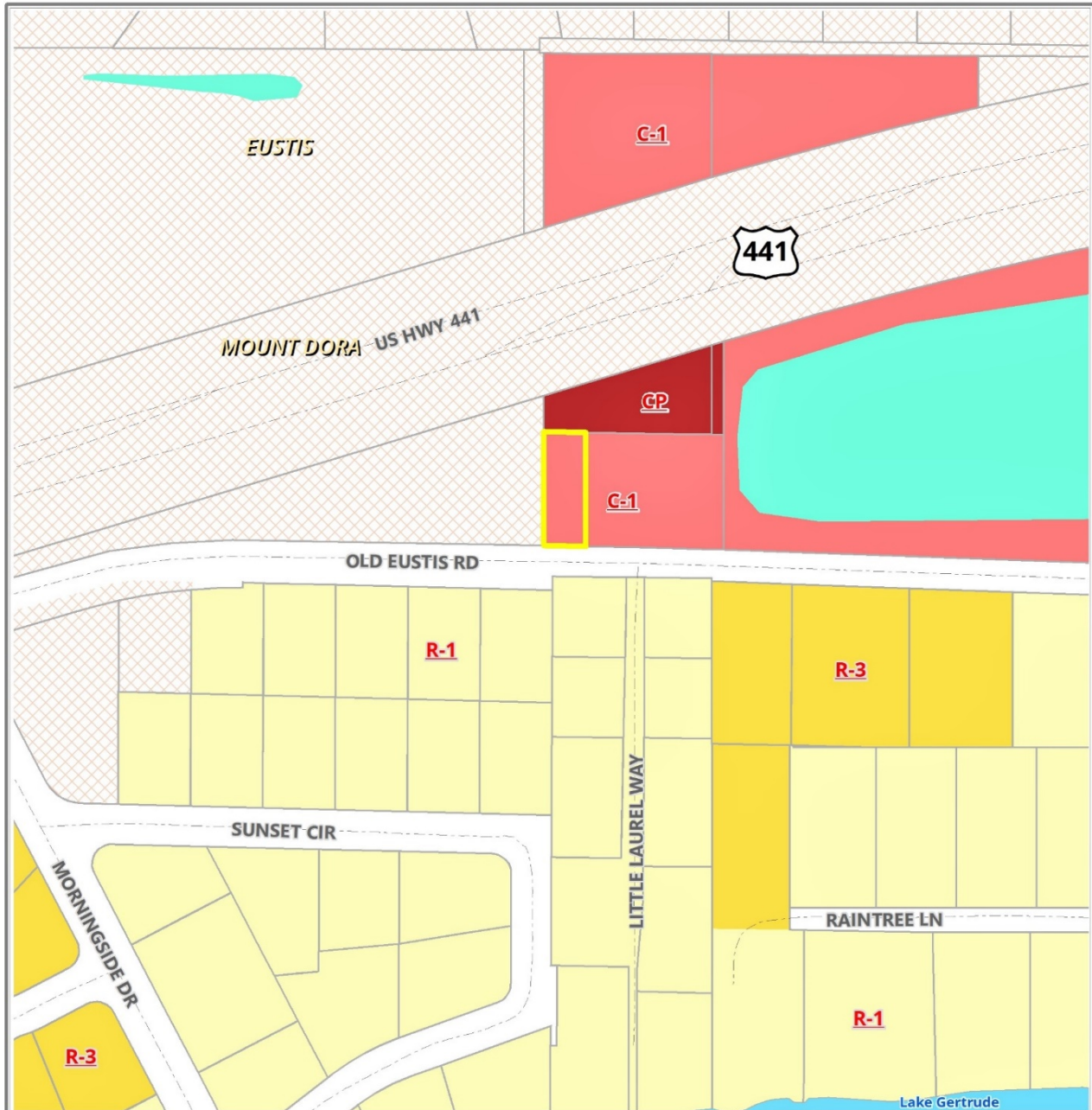
N/A

Attachment "A" – Future Land Use Category



Attachment "B" – Zoning District

CURRENT ZONING



Zoning Legend

R-1 R-3 C-1 CP

NAME: **DENEULT-FOX PROPERTY**

DISTRICT: **4**

CASE NUMBER: **RZ-21-34-4**

LOCATION (S-T-R): **24-19-26**

REQUEST: **NEIGHBORHOOD COMMERCIAL (C-1) TO RURAL RESIDENTIAL (R-1)**



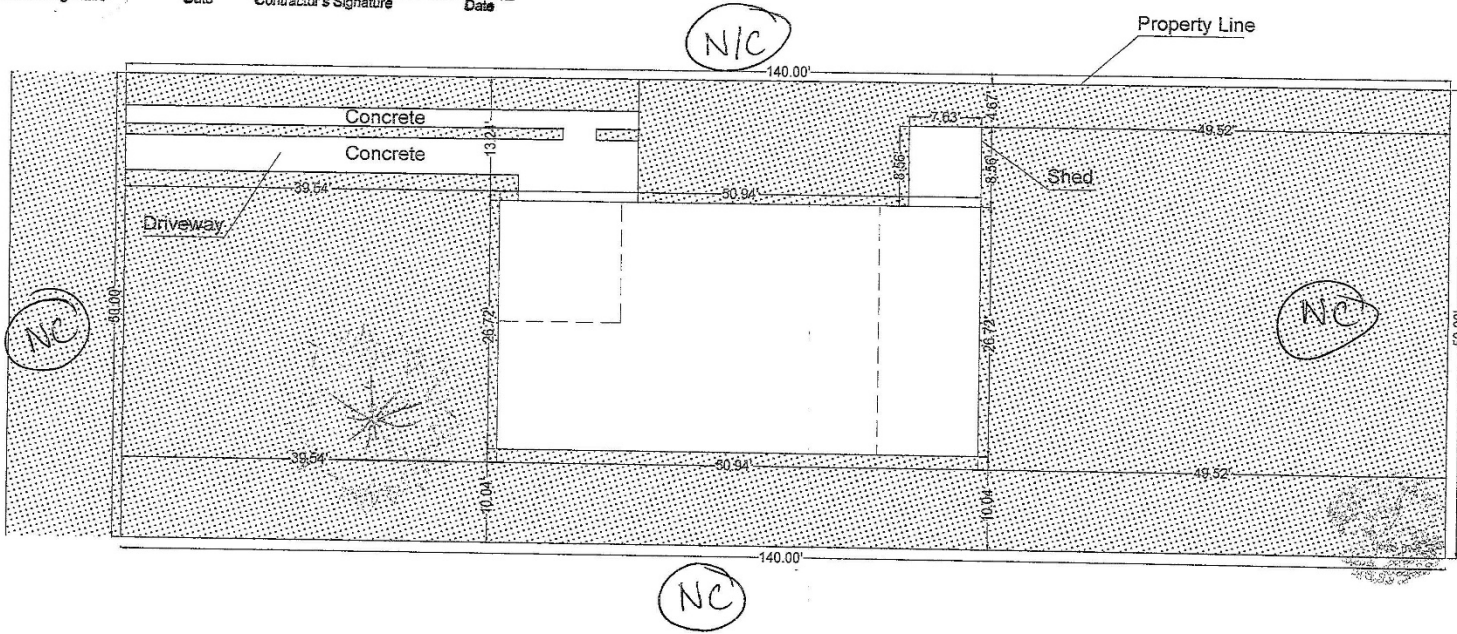
Attachment "C" - Concept Plan

Old Eustis Rd

NOTICE TO OWNER AND CONTRACTOR
 The issuance of a zoning clearance does not assure that the setbacks have been met or that the development does not encroach on an easement. The owners and/or contractor have the sole responsibility of compliance with setbacks and no encroachment of easement and are responsible for bringing the property into compliance. I hereby certify that the costs associated with meeting the setbacks or restoring easements are my responsibility. No grass (except Bahiagrass) can cover more than 60% of the previous lawn area and all grass must be irrigated separately.

ZONING R-1 HEALTH DEPT. _____ BUILDING _____

Laura Deneault-Fox
 Owner's Signature Date _____ Contractor's Signature Date _____



SitePlan
 1525 Old Eustis Rd
 Mt Dora, FL 32757
 Scale: 1"=10'

Attachment “D” – Utility Availability from City of Mount Dora (Page 1 of 2)

From: [Gaw, Christopher](#)
To: [Winkler, Ryan](#)
Subject: RE: Utility Notification Request | AK #1261911
Date: Friday, November 12, 2021 9:44:42 AM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ryan, ... please see responses in BLUE below.

Chris.
 Chris Gaw, PE
 City of Mount Dora
 (352) 735-7151 x1823

From: Winkler, Ryan <rwinkler@lakecountyfl.gov>
Sent: Tuesday, November 9, 2021 3:17 PM
To: Gaw, Christopher <gawc@ci.mount-dora.fl.us>
Subject: Utility Notification Request | AK #1261911

**** This message originated outside of the City of Mount Dora network. Please think before you click. ****

Good afternoon,

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems by replying to this email with answers to the questions below. Please include any conditions that affect the availability of provision of service to this property.

Project Information	
Type	Rezoning
Case Name	Deneault-Fox
Case Number	RZ-21-34-4
Alternate Key of Subject Property	1261911
Utility Availability	
Is hook up to Central Sewage within 1,000 feet of the subject property?	YES
I hook up to Central Water within 300 feet of the above described property?	YES

Attachment “D” – Utility Availability from City of Mount Dora (Page 1 of 2)

Can the City provide immediate hook up to this property for Central Sewage?	NO
Can the City provide immediate hook up to this property for Central Water?	YES
If providing central sewage, will the connection to the central sewage system be via a gravity line or a force main/pump?	FM
Wellfield Protection	
To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.	
Is the property within 1,000 feet of an existing or future wellhead?	NO

Thank you,

RYAN WINKLER

Planner

OFFICE OF PLANNING & ZONING

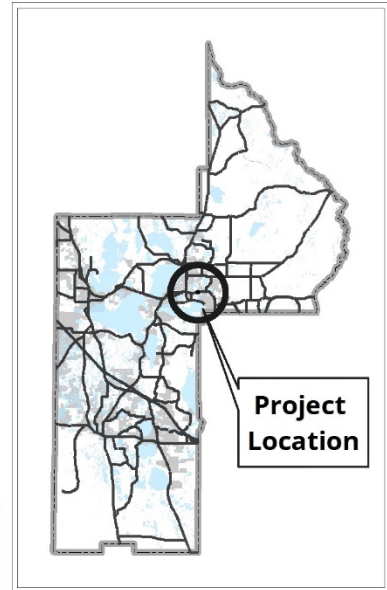
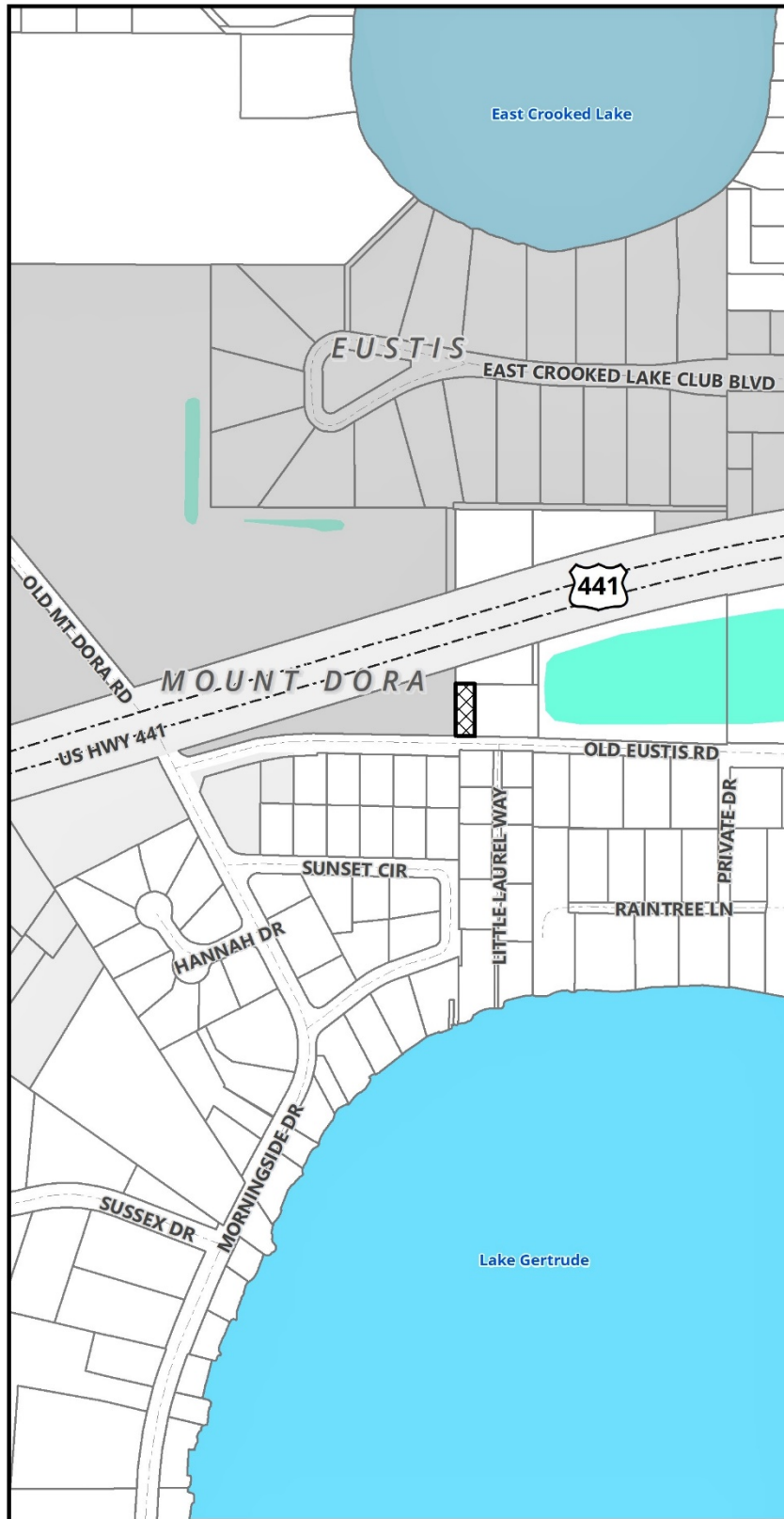
A 315 W. Main Street, Tavares, Florida

P 352-343-9641 | **F** 352-343-9767

E rwinkler@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.
Your email communications may be subject to public disclosure.

Map of Subject Parcel



ORDINANCE #2022-XX
Deneault-Fox Property
RZ-21-34-4

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

WHEREAS, Lisa Deneault-Fox (the “Owner” and the “Applicant”) submitted a rezoning application to rezone 0.17 +/- acres from Neighborhood Commercial District (C-1) to Rural Residential District (R-1) to accommodate the existing residential use; and

WHEREAS, the subject property consists of approximately 0.17 +/- acres, located at 1525 Old Eustis Road, in the Mount Dora area of unincorporated Lake County, in Section 24, Township 19 South, Range 26 East, consisting of Alternate Key Number 1261911 and more particularly described:

Lot 11, Block D, Gertrude Court, according to the map or plat thereof, as recorded in Plat Book 8, Page(s) 8, of the Public Records of Lake County, Florida.

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 Lake County Planning and Zoning Board did review Petition RZ-21-34-4 on the 5th day of January 2022 after giving notice of the hearing on the petition for change in zoning, including notice that the petition would be presented to 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 and Zoning Board 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 all previous zoning ordinances on the subject properties.

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 Lake County Zoning Map to rezone the subject property from Neighborhood Commercial District (C-1) to Rural Residential District (R-1).

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, as amended. The applications for final development orders must meet all submittal requirements and comply with all County codes and ordinances, as amended.

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.

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 _____, 2022.

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

7 **EFFECTIVE** _____, 2022.

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

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SEAN PARKS, CHAIRMAN

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15 **ATTEST:**

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

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

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MELANIE MARSH, COUNTY ATTORNEY

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