



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): February 1, 2023
Board of County Commissioners (BCC): March 7, 2023

Case No. and Project Name: RZ-22-29-5, Light Point Farm

Applicant: Richard Lisboa and Juvenal Fausto Lisboa

Owner: Richard Lisboa and Juvenal Fausto Lisboa

Requested Action: Rezone approximately 35.14 +/- acres from Rural Residential (R-1) to Agriculture (A) to accommodate agricultural uses.

Staff Determination: Staff finds the rezoning amendment to be consistent with the LDR and Comprehensive Plan.

Case Manager: Jacob Geisler, Planner

PZB Recommendation:

Subject Property Information

Size: 35.14 +/- gross acres

Location: 37920 Ricker Drive, in the unincorporated Lady Lake area.

Alternate Key No.: 1281873

Current Future Land Use: Rural (Attachment "A")

Current Zoning District: Rural Residential (R-1) (Attachment "B")

Proposed Zoning District: Agriculture (A)

Flood Zones: N/A

Joint Planning Area / ISBA: Town of Lady Lake Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: Emeralda Marsh Rural Protection Area (RPA)

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Rural Residential (R-1)	Residential	Vacant Tract of Land
South	Rural	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit
East	Rural	Agriculture (A)	Agriculture Pasture and Residential	Residential Building used for Agricultural Purposes and Single-Family Dwelling Unit
West	Rural	Rural Residential (R-1)	Agriculture and Residential	Vacant Agriculture Tract of Land and Single-Family Dwelling Unit

Staff Analysis

The subject property, identified by Alternate Key Number 1281873, contains a cumulative 35.14 +/- gross acres, is zoned Rural Residential (R-1), and is designated with a Rural Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 37920 Ricker Drive, in the unincorporated Lady Lake area of Lake County. The subject property is currently undeveloped. The parcel is located within flood zones “A” and “X” and there are wetlands on the property as depicted on the survey (Attachment “C”).

The applicant seeks to rezone the property from Rural Residential (R-1) to Agriculture (A) to allow for the sale of ornamental plants from the property. Pursuant to Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, Plant Nurseries, General Agriculture and Non-Intensive Agriculture uses (the proposes agriculture uses) are permitted within the Agriculture (A) zoning district.

Table 1. Existing and Proposed Development Standards.						
	Zoning District	Allowable Development Program	Proposed Development Program	Maximum Impervious Surface Ratio	Minimum Open Space	Building Height
Existing	Rural Residential (R-1)	One dwelling unit per 5 net acres and a Conditional Use Permit for a Plant Nursery	N/A	0.30	N/A	40 Feet
Proposed	Agriculture (A)	One dwelling unit per 5 net acres	Permitted Use for a Plant Nursery	0.10	N/A	40 Feet

The subject parcel is located within the Town of Lady Lake ISBA; therefore, the rezoning application was sent to the Town of Lady Lake for a determination of consistency with their regulations. The Town of Lady Lake did not identify any comments or objections to the request.

Standards for Review (LDR Section 14.03.03)

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 Plant Nurseries, General Agriculture and Non-Intensive Agriculture uses within the Agriculture (A) zoning district.

Pursuant to LDR Section 3.00.02(C), the purpose of the Agricultural district is to provide a method whereby parcels of land which are most suited to agricultural usage may be classified and preserved for this purpose. Agriculture is a major industry of the County; therefore, it is the intent of this district to: provide long term means for preventing further encroachment upon agricultural enterprises; to encourage agricultural pursuits by preserving good soils and agricultural areas from subdivision development or commercial and industrial construction. The proposed use is consistent with the purpose and intent of the Agriculture (A) zoning district.

Pursuant to Lake County’s 2030 Comprehensive Plan Policy I-5.3.1, the purpose and importance of the Emerald Marsh Rural Protection Area (RPA) is for “private land use largely characterized by agrarian and equestrian-oriented activities that represent a valuable part of the history, culture, and lifestyle of rural Lake County.” The proposed use is consistent with the purpose and importance of the Emerald Marsh Rural Protection Area (RPA).

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

The request is consistent with Comprehensive Plan Policy I-1.2.8, which states that agricultural uses shall be recognized as a suitable use of property within all Future Land Use Categories (FLUCs).

The request is consistent with the Comprehensive Plan Policy I-1.4.4, FLUC, which is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits. The Rural FLUC allows agricultural, and forestry uses.

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

The proposed uses are consistent with the surrounding uses. The adjoining parcels are developed with agricultural and residential uses.

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

The applicant desires to reactivate the previous agricultural use. The proposed request is consistent with the Rural FLUC. The request is consistent with Comprehensive Plan Policy I-1.2.8, which states that agricultural uses shall be recognized as a suitable use of property within all Future Land Use Categories (FLUCs).

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.

Any future development of this property will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewage

Central water and sewer utilities are not available to this property. (Attachment "D"). The subject parcel will be serviced by an individual well and septic system consistent with the regulations of the Florida Department of Health, as amended. However, the proposed ordinance contains a condition that the parcel shall connect to central water and sewer when the services become available, in accordance with the Comprehensive Plan and LDR, as amended.

Schools

The proposed rezoning is not anticipated to adversely impact schools.

Parks

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

Solid Waste

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

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #54) is located less than 6 miles from the subject property and will provide advanced life support if an emergency on the property demands the service.

Transportation Concurrency

The request is not anticipated to adversely impact the standard Level of Service (LOS) for adjacent roadways.

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

The property is currently undeveloped with mature trees and crops such as Podocarpus, Kumquats, Cinnamon Trees, different species of Ferneries, and other kind of ornamental plants. The rezoning will not have any direct impact on the remaining natural vegetation or wildlife.

Should the rezoning be approved, an environmental statement 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 and nearby land uses are low-density residential and agricultural in nature. The proposed rezoning request will be compatible with the existing low-density development. The proposed request will not disrupt the existing orderly, logical development pattern in the area as the surrounding parcels are developed with agricultural and residential uses.

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

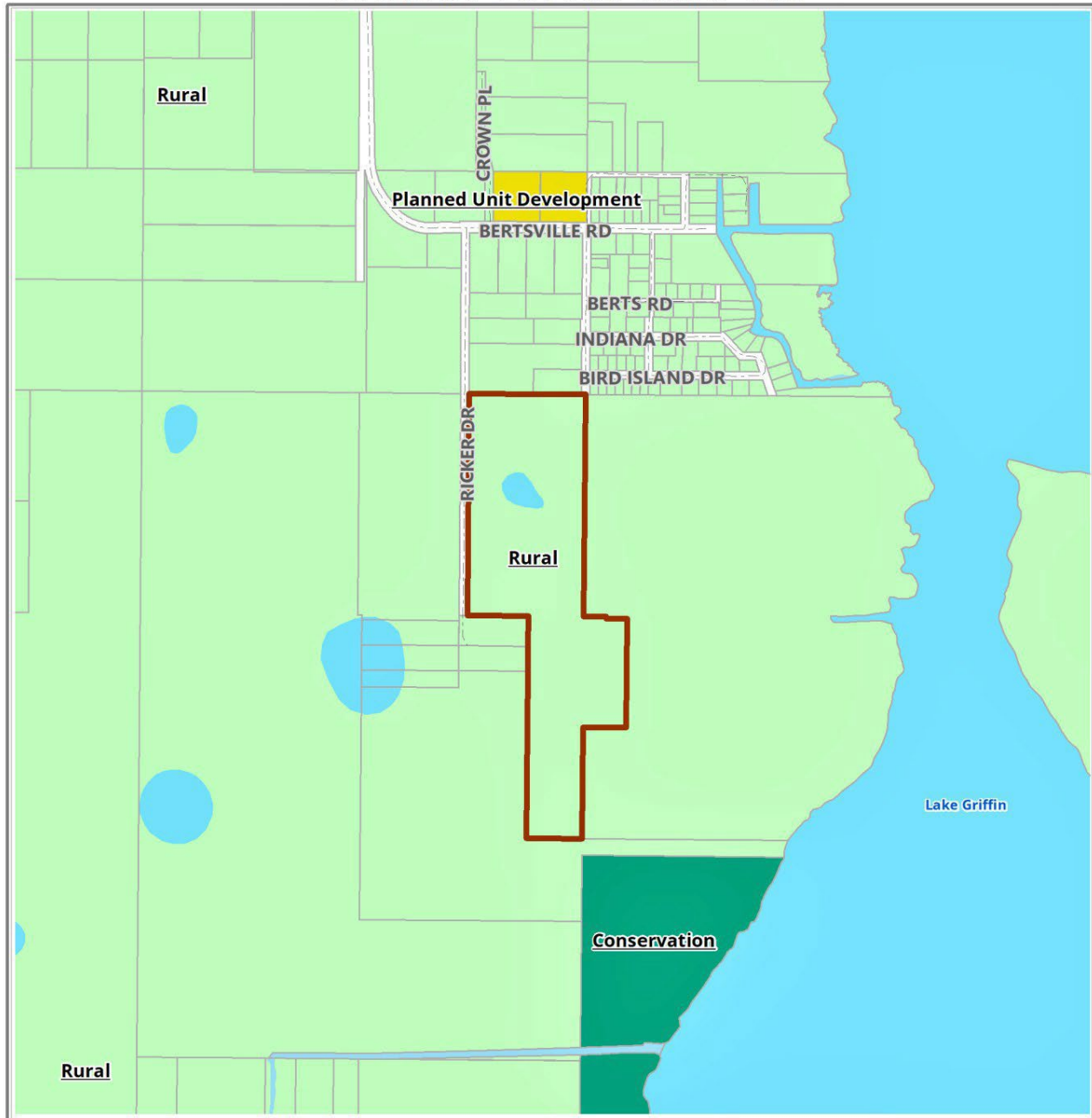
The request is in harmony with the general intent of the Comprehensive Plan and LDR, as stated in Sections A through H above.

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.

None.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Future Land Use

- Planned Unit Development
- Rural
- Conservation

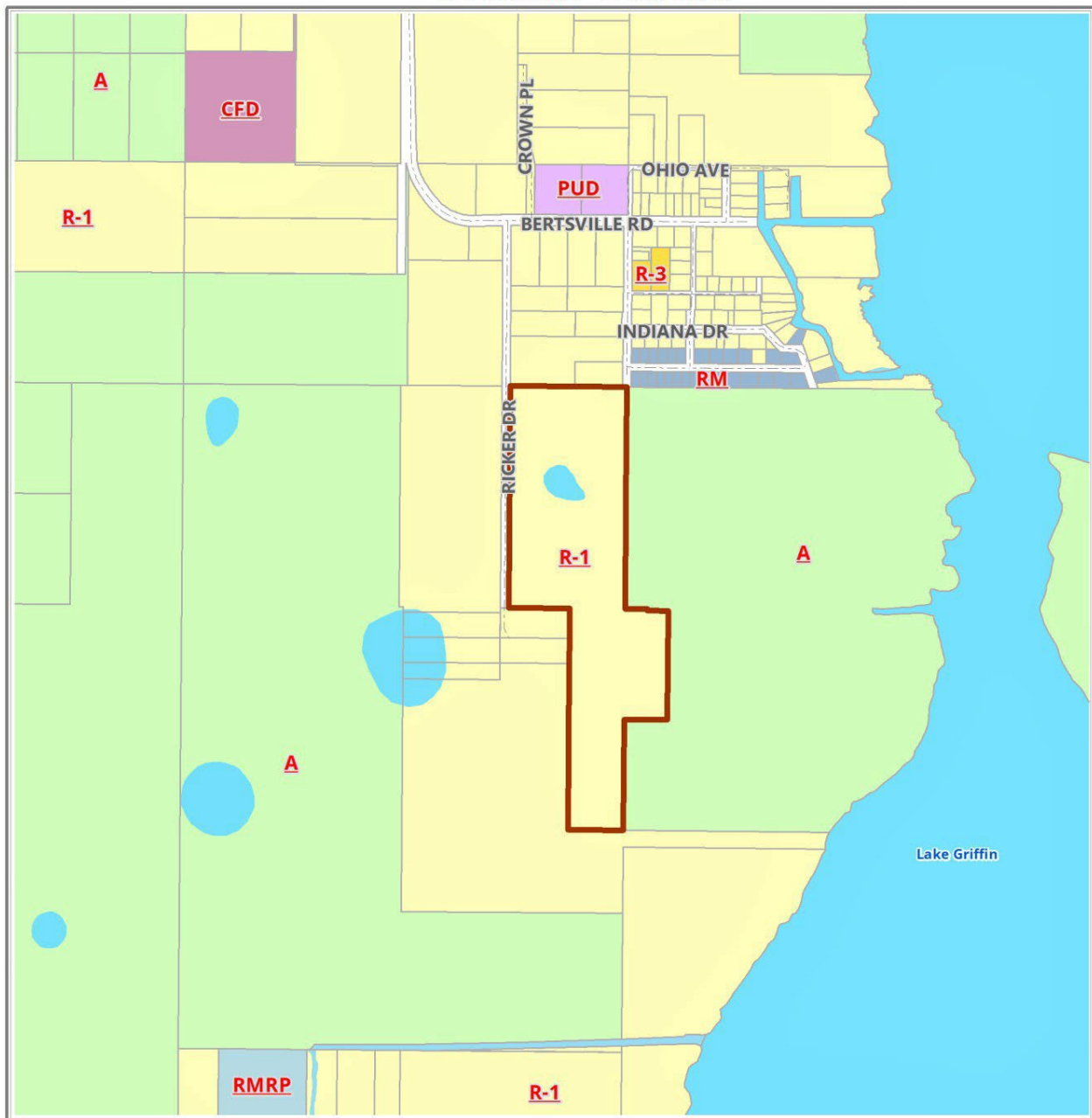
NAME: LIGHT POINT FARM PROPERTY
CASE NUMBER: RZ-22-29-5
LOCATION (S-T-R): 25-18-24
REQUEST: RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)

DISTRICT: 5



Attachment "B" – Zoning Map

CURRENT ZONING

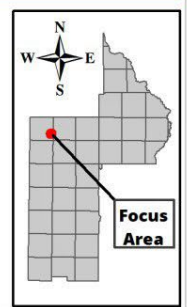


Zoning Legend

- A
- R-1
- R-3
- RMRP
- RM
- CFD
- PUD

NAME: **LIGHT POINT FARM PROPERTY**
CASE NUMBER: **RZ-22-29-5**
LOCATION (S-T-R): **25-18-24**
REQUEST: **RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)**

DISTRICT: **5**



Attachment "D" – Town of Lady Lake Utility Notification Request (Page 1 of 3)

3

To Robert
1-18-23

TOWN OF LADY LAKE Water/Sewer/Reuse Physical Availability

Work Order Date: 1-18-23

Residential-Single Family Commercial Subdivision PUD Other Unknown
Requested by: Lake County Planning & Zoning - Jacob Geisler
Owner: _____

Misc. Details:
Phone: 352-343-9641 Fax: _____ Email: jacob.geisler@lakecountyfl.gov
Location/Description: AK # 1281873 37920 Ricker Dr.

Is **WATER** physically available at site: ___ Yes No
Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.
Is Jack & Bore required: ___ Yes ___ No
Is Water Tap required: ___ Yes ___ No
Is Meter Installation required: ___ Yes ___ No

Misc. Information: _____
* Request Utility Availability Letter

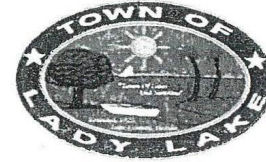
Is **SEWER** physically available at site: ___ Yes No
Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.
Is Jack & Bore required: ___ Yes ___ No
Is Sewer Tap required: ___ Yes ___ No
Misc. Information: _____

Is **REUSE** physically available at site: ___ Yes No
Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.
Is Jack & Bore required: ___ Yes ___ No
Is Water Tap required: ___ Yes ___ No
Is Meter Installation required: ___ Yes ___ No
Misc. Information: _____

Date Completed: 1-19-23 Completed by: [Signature]

BLANK WORD FORM Water-Sewer-Reuse Avail Update 03-2021.doc
(use this form for copies: ABLANKPDFFORMPRINTSBOXESWater-Sewer-ReuseAvailUpdate03-2021.pdf)

Attachment "D" – Town of Lady Lake Utility Notification Request (Page 2 of 3)



Municipal Complex, 409 Fennell Boulevard, Lady Lake, Florida 32159 USA
352-751-1500 FAX 352-751-1510 www.ladylake.org

Public Works Department – Physical location: 136 Skyline Drive, Lady Lake, Florida 32159
Phone # 352-751-1526 FAX: 352-751-1595

Date: 1-19-23

Lake County Environmental Health
P.O. Box 1305
Tavares, Florida 32778
Fax: (352) 253-6133 Ph: (352) 253-6130

RE: **Water and/or Sewer Physical Availability** *Owner: Fausto Juvenal*

Requested by: *Lake County Planning & Zoning / Jacob Heister*
Location: *AK # 1281873 37920 Ricker Dr., Lady Lake*

Attention Permitting Technician:

The Town of Lady Lake **does** or **does not** currently have **residential water service** or **commercial water service** physically available to the above referenced property.

The Town of Lady Lake **does** or **does not** currently have **residential sewer service** or **commercial sewer service** physically available to the above referenced property.

If residential/commercial water or sewer service is physically available or once service becomes physically available, connection to our water or sewer lines may be required per the Land Development Regulations.

If you have any questions, please contact this office at the Public Works Department or call (352) 751-1526.

Very truly yours,

Butch Goodman
Utility Supervisor

8. Utility Service and Availability (Water/Sewer) and Water/Sewer Availability Ask Form - Lady Lake - Revised 2/17/2012.doc

Attachment "D" – Town of Lady Lake Utility Notification Request (Page 3 of 3)



Attachment “E” – Narrative Statement (Page 1 of 3)

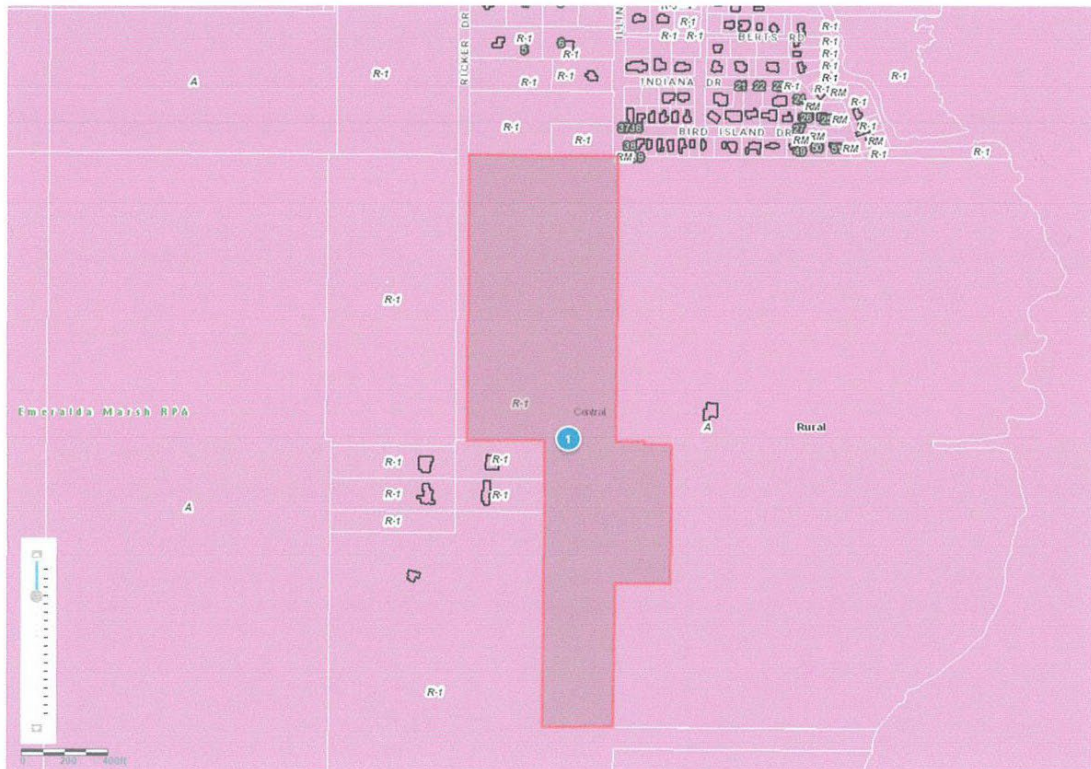
Project Narrative.

“Light Point Farm”

The land is zoned as R1, which is an old Farm abandoned for over 25 years, the project for these 35 acres lands it's to restore to a fully functional Farm, as already 70% of the land still have exotic edible fruits and ornamental plants, the new project intends to transform the current crops on a sustainable agroforestry / permaculture selling the ornamental plants and including edible species other than the already present.

The proposed Rezoning from “R1” (Residential Rural) to “A” (Agricultural) is consistent with the local ordinance and Future Rural Use Land, the main objective for the project is maintain and preserve the wildlife and wilderness.

Sustainable agriculture or permaculture practices on farms, forests, and ranches benefit wildlife by improving soil health, water quality, and plant diversity. And they also create profitable, productive agricultural land that is more resilient to drought, fire, and other natural disturbances.



Attachment “E” – Narrative Statement (Page 2 of 3)

- a. Whether the rezoning is in conflict with any applicable provisions of the Land Development Code.
RESPONSE: The request is consistent with the LDR Section 3.01.02.B.1, Sec. 3.01.02.B.2 and Sec. 3.01.02.B.9 which allows General Agriculture, Non-Intensive Agriculture and Plant Nurseries on 5 or more acres of land. The Agriculture Zoning request is consistent with the Rural Future Land Use and its being converted back to Agriculture from Rural Residential.
- b. How the application is consistent with all elements of the Comprehensive Plan.
RESPONSE: The request is consistent with the Comprehensive Plan I-1.4.4, Rural Future Land Use Category, which allows General Agriculture Non-Intensive Agriculture and a Plant Nursery and also will shelter the Use for Single Family Dwelling Unit in the near future in accordance with the Actual Zoning. The application seeks to Rezone from Rural Residential (R1) to Agriculture (A) to accommodate and continue the re-establishment of the Farm / Nursery.
- c. How the proposed rezoning is inconsistent with existing and proposed land uses.
RESPONSE: The proposed rezoning is inconsistent with the existing and proposed land uses Rural Residential (R1) since is not allowed General Agriculture, and the Non-Intensive Agriculture would only permit as 1 acre of the parcel being used for such purpose.
- d. A statement describing any changed conditions that would justify the rezoning.
RESPONSE: The condition that is changing after being deactivated the farm for a period around 25 to 30 years, we would like to reactivate the farm and them build a Single-Family Dwelling Unit as LDR Sec. 3.01.02.1.A.1 previewed as permitted.
- e. Description of how 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.
RESPONSE: Water and Sewer is not provided on the area, the development shall be server with an individual well and on-site septic system unless public service become available, in accordance with the Comprehensive Plan and LDR as amended. On-site septic and sewage service as applicable, must be permitted in accordance with the Florida Department of Health (DOH) – Lake County, Florida Department of Environmental Protection (DEP). Solid Waste the request is not anticipated to adversely impact the solid waste capabilities or levels of service. Office of Public Safety Lake County Fire Rescue Station #54 is located less than 6 miles of the subject property at 37920 Ricker Dr. Lady Lake FL 32159 and will provide advanced life support if an emergency on the property could demand the service. There are no negative impacts, including increased traffic, as a result of the requested rezone and future development of the subject property.
- f. Any impacts the rezoning application would affect the natural environment.
RESPONSE: The Property is currently undeveloped with mature trees and crops such, Podocarpus, Kumquats, Different Species of Ferneries, Cinamon Tree’s, and other kind of

Attachment “E” – Narrative Statement (Page 3 of 3)

ornamental plants. The rezoning will not have any direct impacts to the remaining natural vegetation or wildlife.

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

RESPONSE: There is no information within the rezoning application that specifies the effects on the area property values.

- h. How the proposed rezoning would result in an orderly and logical development pattern.

RESPONSE: The proposed rezoning of the tract is consistent with adjacent properties on East and West of the property which remain Agricultural (A) and the surroundings still zoned as Rural Residential (R1). The surrounding and nearby land uses are low-density residential, agricultural in nature. The proposed rezone request will provide similar type land uses and will be compatible with the existing low-density development.

- i. How the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

RESPONSE: The request is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in the Sections A through H above.

1 **Section 5. Effective Date.** This Ordinance shall become effective as provided by law.

2
3 ENACTED this _____ day of _____, 2023.

4
5 FILED with the Secretary of State _____, 2023.

6
7 EFFECTIVE _____, 2023.

8
9
10 BOARD OF COUNTY COMMISSIONERS
11 LAKE COUNTY, FLORIDA

12
13
14
15 _____
16 Kirby Smith, Chairman

17
18 **ATTEST:**

19
20
21 _____
22 Gary J. Cooney, Clerk of the
23 Board of County Commissioners
24 Lake County, Florida

25
26
27
28 **APPROVED AS TO FORM AND LEGALITY**

29
30
31 _____
32 Melanie Marsh, County Attorney

1
2

Exhibit "A" – Legal Description

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF NORTHEAST (NE 1/4) OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 00 DEGREES 71 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF NORTHEAST QUARTER (NE 1/4) A DISTANCE OF 660.0 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 40 SECONDS EAST A DISTANCE OF 250.0 FEET; THENCE NORTH 00 DEGREES 71 MINUTES 10 SECONDS WEST A DISTANCE 650.0 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 40 SECONDS WEST A DISTANCE OF 125.0 FEET; THENCE NORTH 00 DEGREES 71 MINUTES 10 SECONDS WEST A DISTANCE OF 10.0 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 4 SECONDS WEST A DISTANCE OF 125.0 FEET TO THE P.O.B., AND

THE EAST 33 FEET OF THE WEST ONE-HALF (W 1/2) OF GOVERNMENT LOT 2 (SAID GOVERNMENT LOT 2 ALSO DESCRIBED AS THE NE 1/4 OF THE NW 1/4), ALL LYING AND BEING IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AND

THE EAST ONE-HALF (E 1/2) OF GOVERNMENT LOT 2 IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, AND

THE EAST ONE-QUARTER (E 1/4) OF GOVERNMENT LOT 5 IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24, EAST IN LAKE COUNTY, FLORIDA.

NOW BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF NORTHEAST (NE 1/4) OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; RUN THENCE SOUTH 00 DEGREES 07 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF NORTHEAST QUARTER (NE 1/4) A DISTANCE OF 660.0 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 40 SECONDS EAST A DISTANCE OF 250.0 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 10 SECONDS WEST A DISTANCE 650.0 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 40 SECONDS WEST A DISTANCE OF 125.0 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 10 SECONDS WEST A DISTANCE OF 10.0 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 4 SECONDS WEST A DISTANCE OF 125.0 FEET TO THE P.O.B., AND

THE EAST 33 FEET OF THE WEST ONE-HALF (W 1/2) OF GOVERNMENT LOT 2 (SAID GOVERNMENT LOT 2 ALSO DESCRIBED AS THE NE 1/4 OF THE NW 1/4), ALL LYING AND BEING IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA,

AND

THE EAST ONE-HALF (E 1/2) OF GOVERNMENT LOT 2 IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA,

AND

3

THE EAST ONE-QUARTER (E 1/4) OF GOVERNMENT LOT 5 IN SECTION 25, TOWNSHIP 18 SOUTH, RANGE 24, EAST, IN LAKE COUNTY, FLORIDA.

4