



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): March 1, 2023
Board of County Commissioners (BCC): April 4, 2023

Case No. and Project Name: RZ-22-24-4, Swanson Chudeusz Property

Applicant: Daniel Swanson

Owner: Daniel Swanson and Jan Amelia Chudeusz

Requested Action: Rezoning approximately 3.00 +/- acres from Agriculture (A) to Medium Residential District (R-3) to accommodate the creation of three (3) lots.

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

Case Manager: Bobby Howell, AICP Director, Office of Planning & Zoning

PZB Recommendation:

Subject Property Information

Size: 3.00 +/- Acres

Location: 13941 Donovan Lane, in the Grand Island area

Alternate Key No.: 1212812

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

Existing Zoning District: Agriculture (Attachment "B")

Proposed Zoning District: Medium Residential District (R-3)

Joint Planning Area/ISBA: Eustis Joint Planning Area (JPA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Agriculture	Vacant	Vacant
South	Urban Low	Agriculture	Residential	Single Family Dwelling Units on multiple lots
East	Urban Low	Agriculture	Residential	Large agriculture tract of land with a single-family unit
West	Urban Low	Agriculture and R-1 (Rural Residential)	Residential	Single Family Dwelling Units on multiple lots

The subject parcel is comprised of 3.00 +/- acres, is currently zoned Agriculture (A), and is designated as Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The property is located within the Eustis JPA. The parcel is developed with a single-family dwelling unit and accessory structures. Specifically, the subject parcel is located at 13941 Donovan Lane, in the Grand Island area of unincorporated Lake County. According to GIS maps, the parcel is not located within a flood prone area and there are no wetlands on the parcel.

The applicant requests to rezone the subject parcel from Agriculture (A) to Medium Residential District (R-3) to accommodate the creation of three (3) lots. The Concept Plan (Attachment "C") depicts the proposed lots. The applicant has provided a project narrative (Attachment "D") detailing the request. According to County zoning maps, the R-3 zoning district is located to the southeast of the subject property in the Raintree Harbor subdivision. To the west are properties zoned R-1 (Rural Residential) in the South Lake Yale Shores subdivision and a property that is zoned Agriculture.

The application also requests a waiver to the central water and sewer system connection requirements pursuant to LDR Section 6.12.01(A) and (B); Comprehensive Plan Policy IX-2.2.2 and IX-3.1.2 (Attachment "X"). Approval of the waiver will allow continuation of an on-site septic system which has been permitted by the Florida Department of Health/Florida Department of Environmental Protection (DEP). However, the proposed ordinance contains a condition that the parcel shall connect to a central sewer system when the service becomes available.

Table 1. Existing and Proposed Development Standards.									
	Zoning District	Maximum ISR	ISR	Minimum Open Space	Open Space	Maximum Floor Area Ratio	Floor Area Ratio	Maximum Building Height	Building Height
Existing	A	10%	3%	35%	N/A	Comp Plan Does Not Specify	N/A	40-Feet	N/A
Proposed	R-3	55%	N/A	35%	N/A	Comp Plan Does Not Specify	N/A	40-Feet	N/A

The subject parcel is located within the City of Eustis JPA. The application was provided to the City of Eustis for review and the City of Eustis had no objections and provided the following comments: "The City of Eustis does not object to the rezoning of the subject property (AK 1212812) from Agriculture to R-3, wholly located in unincorporated Lake County. The City of Eustis will require annexation and utility agreements, if it is determined that subsequent development will require City utilities."

- 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 request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows residential uses within the R-3 zoning district.

The Concept Plan is consistent with LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, which allows a parcel within the R-3 zoning district to be developed at a density of three (3) dwelling units per acre. The Concept Plan depicts the proposed lots with a maximum density of one (1) dwelling unit per acre. If the applicant seeks to create three lots, they will be required to go through the subdivision process as detailed in the Land Development Regulations.

The request is consistent with LDR Section 3.00.02, *Purpose and Intent of Districts*, which allows for low and medium intensity single-family residential usage in an urban area.

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-1.3.2, *Urban Low Density Future Land Use Category*, which allows residential uses and residential development at a maximum density of four (4) dwelling units per net buildable acre. The application seeks to rezone the subject parcel from Agriculture (A) to Medium Residential District (R-3) to accommodate the creation of three (3) lots.

The Concept Plan demonstrates consistency with Comprehensive Pan Policy I-1.3.2, which depicts the proposed lots with a maximum density one (1) dwelling unit per acre.

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

The proposed request is consistent with the surrounding uses as the adjoining parcels are developed with residential uses. The Urban Low Density FLUC allows residential uses with a maximum density of four (4) dwelling units per net buildable acre, and LDR Section 3.01.03 allows single family dwelling uses within the R-3 zoning district.

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

The proposed request is consistent with the surrounding uses as the adjoining parcels are developed with residential uses. The request is consistent with the Urban Low Density FLUC, which allows residential development at a maximum density of four (4) dwelling units per net buildable acre, and with LDR Section 3.01.03, which allows single family dwelling uses within the R-3 zoning district.

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;

Schools

No adverse impacts are anticipated on schools as this is de minimis in nature.

Parks

No adverse impacts are anticipated on parks as this is de minimis in nature.

Water and Sewer

City of Eustis has provided documentation (Attachment "E") indicating that water and sewer services are not available since the utility infrastructure is not within 300-feet (water) and is not within 1000-feet (sewer) of the subject parcel.

Therefore, the subject parcels will be serviced by an individual well and on-site septic system consistent with the Florida Department of Health Regulations, Florida Department of Environmental Protection (DEP), 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.

Solid Waste

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

Office of Public Safety

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

Transportation Concurrency

The request is not anticipated to adversely affect road service as this is de minimis in nature.

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

No adverse impact to the natural environmental is anticipated as the subject parcel is currently developed with a single-family

dwelling unit and accessory structures. Should the rezoning be approved, a tree removal permit application will be required to ensure tree protection in accordance with LDR Section 9.02.00. Additionally, all environmental resources will be addressed through the development review process.

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

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

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

The proposed rezoning will not disrupt the existing orderly, logical development pattern in the area. The adjoining parcels are development with residential uses.

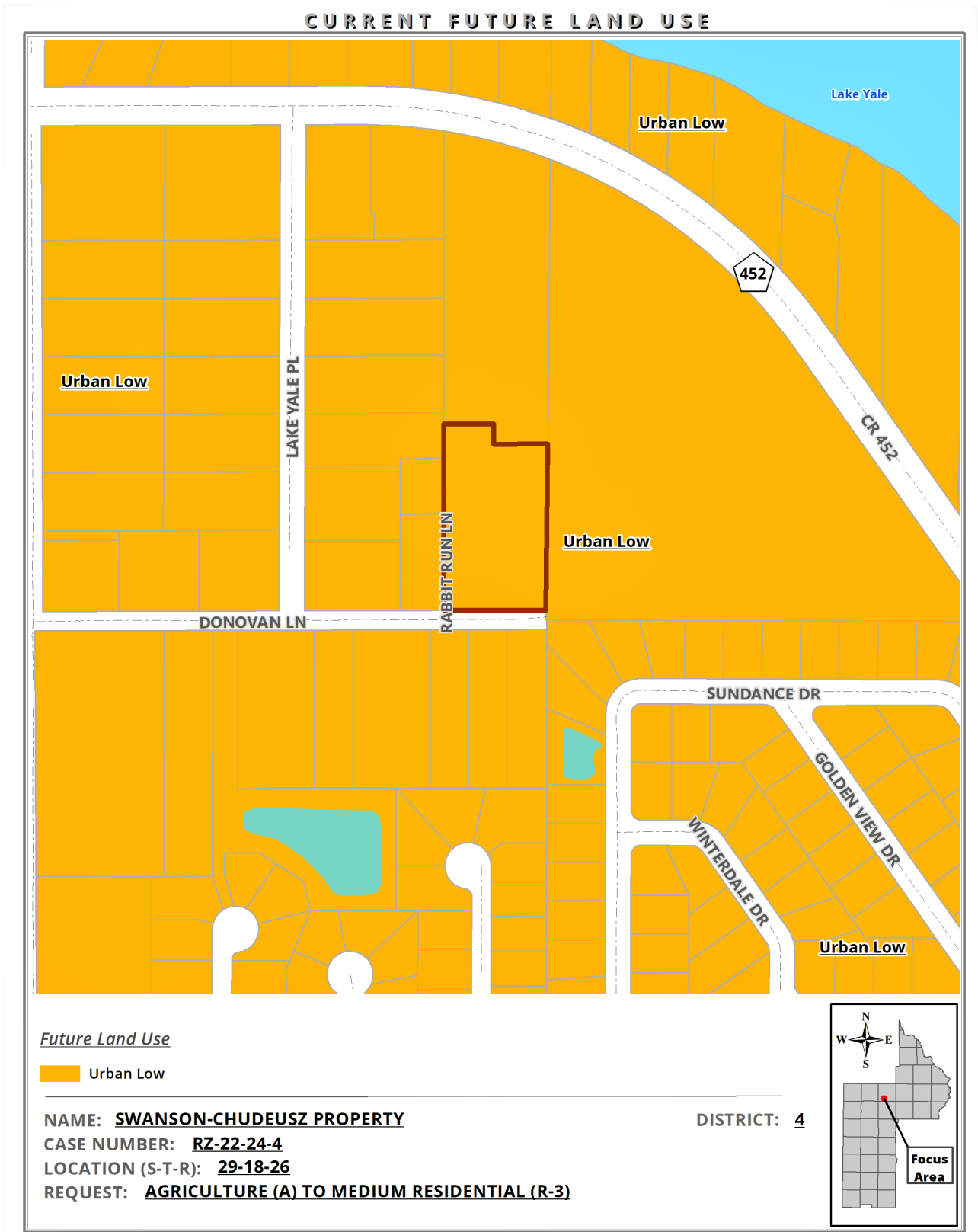
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

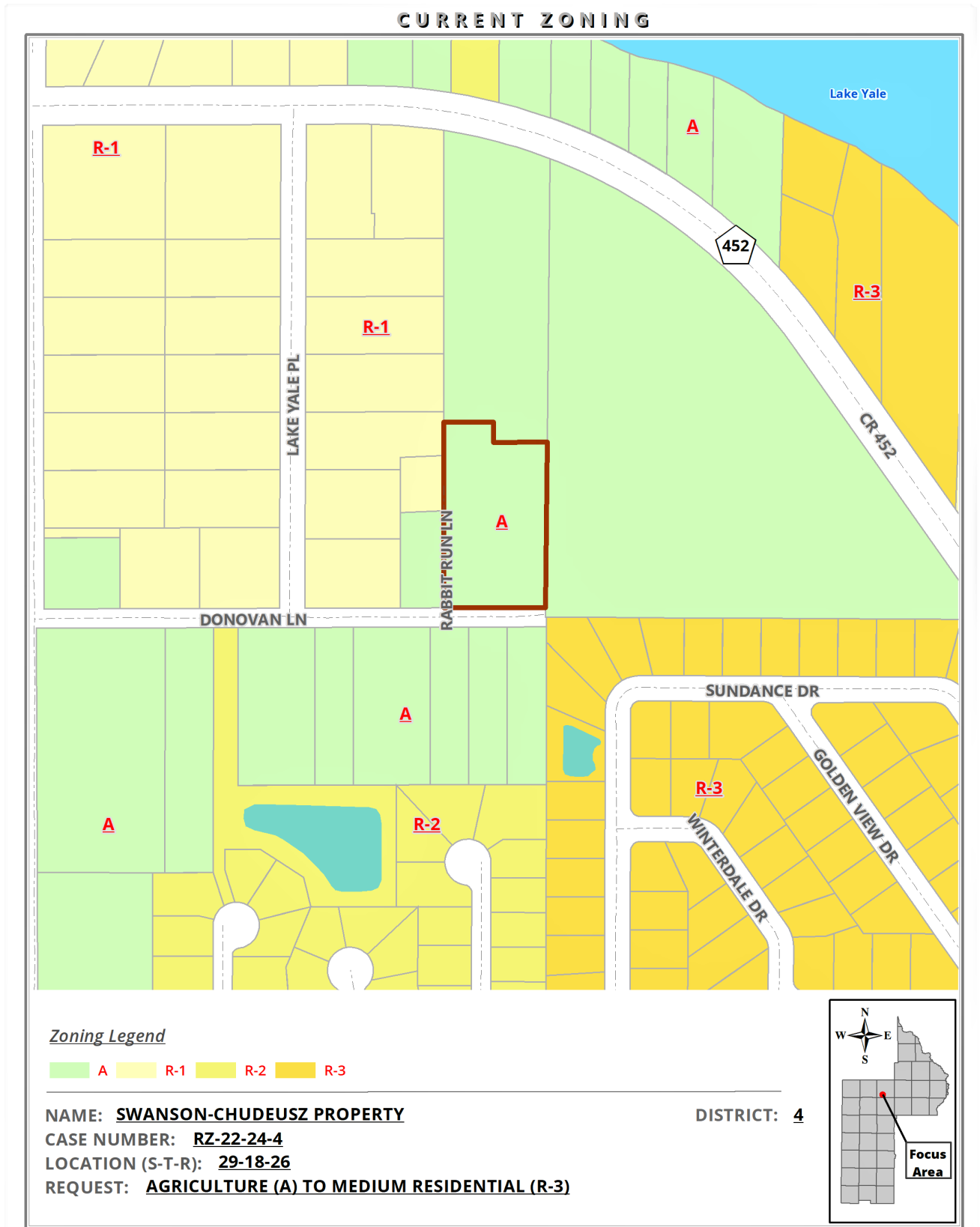
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The application includes a request to the Board of County Commissioners (BCC) to consider a waiver to the central water and central sewer system connection requirements. Staff must emphasize that approval of this rezoning is contingent upon BCC approval of the waiver to connection requirements.

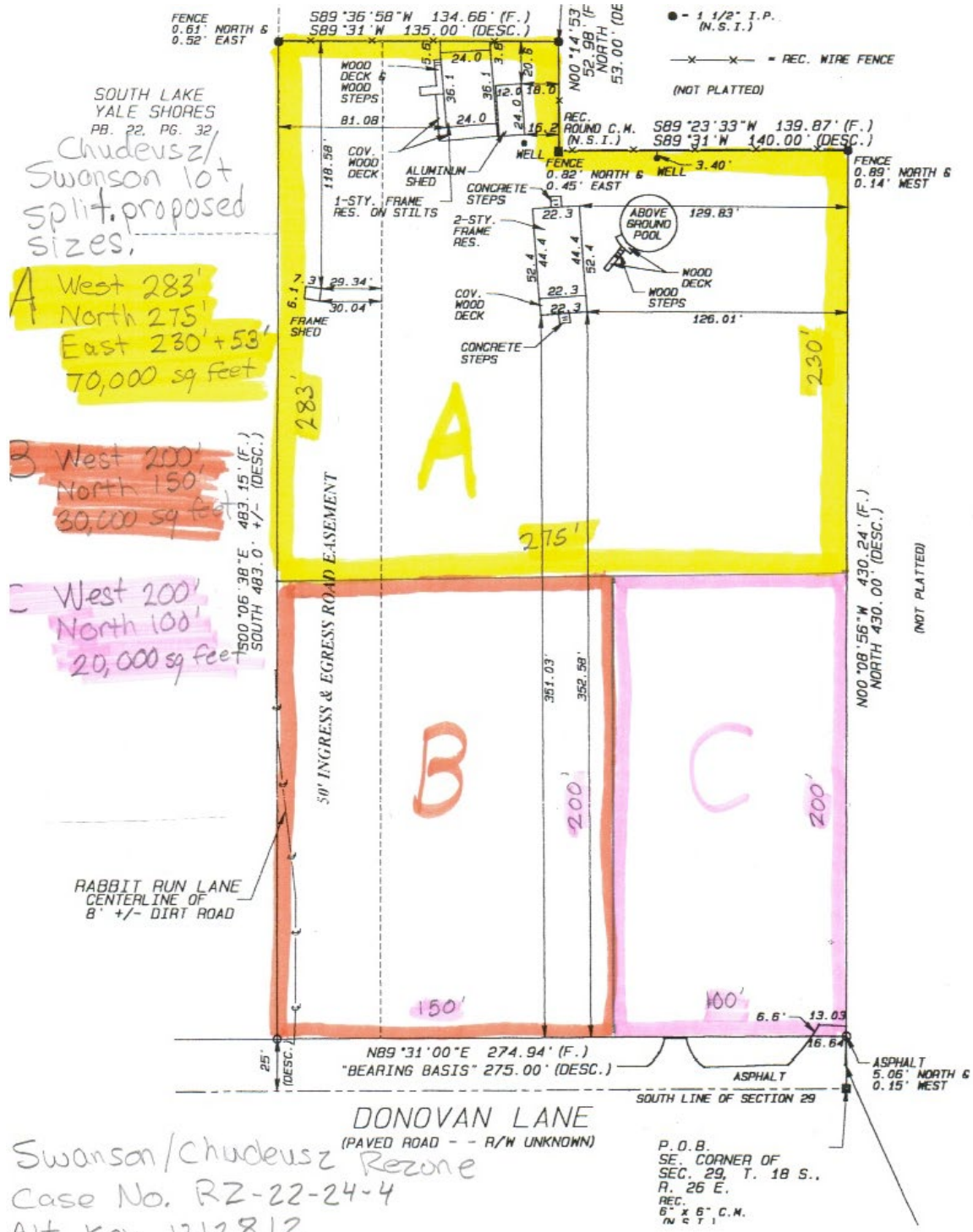
Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map



Attachment "C" - Conceptual Plan



Swanson/Chudeusz Rezone
 Case No. RZ-22-24-4
 Alt Key 1212812
 Project 2022080015
 Application Request No. 4993

Attachment "D" – Project Narrative

Swanson/Chudeusz Lot Split Project Narrative

Currently our residence in Grand Island is situated on a lot that is 3.036 acres. It is zoned agricultural. Properties around ours are zoned A, R-1, and R-3. The future land use designation is Urban Low. We would like to have our property rezoned to allow us to create two additional lots. This rezoning is not in conflict with any applicable provisions of the Land Development Code and is consistent with all elements of the Comprehensive Plan.

The south boundary of our property is 275 feet fronting Donovan Lane which is a paved county road. Neighboring lots have 100 feet fronting Donovan Lane. Dividing our property is consistent with the changing land use in our area as well as the Comprehensive Plan for Lake County.

The addition of two residences at this location would not create any excessive demand on public facilities. Duke energy provides electric service. Property owners provide well and septic in our area. The natural environment of the area would not be significantly impacted.

Creating new residences should have a positive effect on property values in the area. The addition of two additional lots also serve to ensure the character of our neighborhood by creating lots comparable to other established lots on Donovan Lane and avoiding possible future development that could be more dense.

My wife and I have lived on Donovan Lane for 30 years. My wife's family has owned our current residence since the 1970's. We have seen our area transform from agricultural to residential over the years. Though we miss living on a dirt road surrounded by orange groves we understand the appeal of having a smaller footprint to care for. If our area were still out in the country we would most likely sell and move to downsize. However, we have the unique opportunity to downsize and stay in our neighborhood that has grown up around us. Our vision is to build a smaller home for ourselves as well as one next door for my mother. This would not impact the environment of our current home which would retain enough land to maintain its rural feel. It would also serve to hopefully preserve the house into the future. Our house has stood on the property for 100+ years and is most likely the oldest home in Grand Island. We believe our proposed project allows us to use our land in our best interests as well as serves the best interest of our community.

Daniel Swanson

Jan (Bebe) Chudeusz

RECEIVED

AUG 02 2022

Planning & Zoning

Attachment "E" – City of Eustis Utility Notification



Office of Planning and Zoning

Utility Notification

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.

The applicant is proposing the following:

Single-Family Dwelling Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning A to R-3

Legal description: Section 28 Township 18 Range 26 Alt Key # 1212812

Subdivision _____ Lot _____ Block _____ Additional Legal attached _____

Hook up to Central Sewage is not within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water is not within 300 feet of the above described property.
(is or is not)

The City of Eustis, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No Central Water: Yes _____ No
Will the connection to the central sewage system be via a _____ gravity line or a _____ force main/pump?

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.

This property is _____ or is not _____ within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature [Signature]

Print Name, Title and Entity: Michael Brisson, Project Manager Date 1/18/23

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff:	Staff Name: _____
Date Received: _____	Address #: _____ Project Name: _____

ORDINANCE 2023 _____
Swanson Chudeusz Property
RZ-22-24-4

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

WHEREAS, Daniel R. Swanson (the “Applicant”) submitted a rezoning application on behalf of Daniel R. Swanson and Jan Amelia Chudeusz (“the Owners”) to rezone approximately 3.00 +/- acres from Agriculture (A) to Medium Residential District (R-3) to accommodate the creation of three (3) lots; and

WHEREAS, the subject property consists of 3.00 +/- acres located at 13941 Donovan Lane in the Grand Island area of unincorporated Lake County, in Section 29, Township 18 South, Range 26 East, consisting of Alternate Key Number 1212812, more particularly described as:

BEG SE COR OF SEC RUN N 455 FT, W 140 FT, N 53 FT, W 135 FT, S 508 FT TO S LINE OF SEC, E TO POB (MORE PARTICULARLY DESCRIBED IN ORB 2055 PG 0903)

WHEREAS, the property subject to the request is located within the Urban Low Future Land Use Category (FLUC) 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-22-24-4 on the 1st day of March 2023, 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 4th day of April 2023; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, the 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 has 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 Agriculture (A) to Medium Residential District (R-3). Additionally, approval to waive the Central Water System connection pursuant to LDR Section 6.12.01(A), and Comprehensive Plan Policy IX-2.2.2; and Central Sewer Service System connection pursuant to LDR Section 6.12.01(B), and Comprehensive Plan Policy IX-3.1.2 for development located within the Urban Future Land Use Series is hereby granted until such time as the service becomes available, in accordance with the Comprehensive Plan and LDR, as amended.

1 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner
2 shall submit applications for and receive necessary final development order approvals
3 as provided in the Lake County Comprehensive Plan and Land Development
4 Regulations. The applications for final development orders must meet all submittal
5 requirements and comply with all County codes and ordinances, as amended.

6 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
7 invalid or unconstitutional by any court of competent jurisdiction, the holding will in no
8 way affect the validity of the remaining portions of this Ordinance.

9 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a
10 copy of this Ordinance to the Secretary of State for the State of Florida in accordance
11 with Section 125.66, Florida Statutes.

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

13 **ENACTED** this _____ day of _____, 2023.

14
15 **FILED** with the Secretary of State _____, 2023.

16
17 **EFFECTIVE** _____, 2023.

18
19 **BOARD OF COUNTY COMMISSIONERS**
20 **LAKE COUNTY, FLORIDA**

21
22
23
24 _____
25 **KIRBY SMITH, CHAIRMAN**

26
27 **ATTEST:**

28
29
30 _____
31 **GARY COONEY, CLERK OF THE**
32 **BOARD OF COUNTY COMMISSIONERS**
33 **LAKE COUNTY, FLORIDA**

34
35
36 **APPROVED AS TO FORM AND LEGALITY:**

37
38
39 _____
40 **MELANIE MARSH, COUNTY ATTORNEY**