



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): February 7, 2024  
Board of County Commissioners (BCC): March 5, 2024

Case No. and Project Name: PZ2023-120, Alco Road Property Rezoning

Owner/Applicant: Theresa Broman

Requested Action: Rezone approximately 10.11 +/- acres from Planned Commercial District (CP) to Agriculture District (A).

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

Case Manager: Shari Holt, Planner

PZB Recommendation:

### Subject Property Information

Size: 10.11 +/- acres (gross)

Location: Alco Rd, Astor

Alternate Key No.: 1356954

Future Land Use: Rural (Attachment "A")

Existing Zoning District: Planned Commercial District (CP) (Attachment 'B')

Proposed Zoning District: Agriculture District (A) (Attachment 'C')

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area Overlay District

### 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	Agriculture (A)	Residential	Single-Family Residence
South	Rural	Agriculture (A)	Vacant	Vacant Residential
East	Conservation	Agriculture (A)	Conservation	Ocala National Forest
West	Conservation	Agriculture (A)	Conservation	Ocala National Forest

### **Staff Analysis**

The subject property comprises 10.11 +/- acres, is identified by Alternate Key Number 1356954, and is located on Alco Road in the Astor area. The subject parcel is vacant and within a Planned Commercial District (CP) in accordance with Ordinance #51-88 (Attachment "D"). The property is also designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan.

The Applicant is requesting to rezone the property from a Planned Commercial District (CP) to an Agriculture District (A) in order to use the property as a single-family residence with agriculture uses (Attachment "D"). Land Development Regulation (LDR) Section 3.01.02 (B)(1), *Classification of Uses*, defines General Agriculture as the keeping, grazing or feeding of livestock and animals; feedlots; croplands; aquaculture; silviculture; apiaries; honey extracting; and buildings which are an accessory use to these agricultural uses. This category of uses does not include processing or distribution of plants for agricultural products and supplies when not an accessory use in conjunction with the agricultural operation. The proposed request is consistent with the Comprehensive Plan and LDRs, as residential and agriculture uses are consistent with the Rural FLUC and allowable within the A zoning district. The rezoning request to Agriculture (A) zoning district from Planned Commercial (CP) zoning district removes the commercial uses which were allowed pursuant to Ordinance # 51-88.

### **Standards for Review (LDR Section 14.03.03)**

#### **A. Whether the proposed amendment is in conflict with any applicable provisions of the Code.**

The rezoning request is consistent with LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which states that single-family dwelling units and agriculture uses are permitted within the Agriculture (A) zoning district. The rezoning request is consistent with the maximum density for the Agriculture (A) zoning district of one (1) dwelling unit per five (5) acres, as specified by LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Restrictions*. The proposed agriculture uses are a permitted use within the Agriculture (A) zoning district, pursuant to LDR 3.01.03, *Schedule of Permitted and Conditional Uses*. LDR Section 3.01.02(B)(1) defines General Agriculture as "keeping, grazing or feeding of livestock and animals; feedlots; croplands; aquaculture; silviculture; apiaries; honey extracting; and buildings which are an accessory use to these agricultural uses. This category of uses does not include processing or distribution of plants for agricultural products and supplies when not an accessory use in conjunction with the agricultural operation.

#### **B. Whether the proposed amendment is consistent with all elements of the Comprehensive Plan.**

The rezoning request to Agriculture (A) zoning district is consistent with Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, which allows residential and agriculture uses. The rezoning request to Agriculture (A) zoning district is consistent with the maximum density specified by Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*. Pursuant to Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, residential uses are permitted within the FLUC at a maximum density of one (1) dwelling unit per five (5) net buildable acres. The rezoning request to Agriculture (A) zoning district is also consistent with Comprehensive Plan Objective I-5.2, *Wekiva-Ocala Rural Protection Area*, which is intended to preserve rural density, character and lifestyles, and to protect the ecological integrity of public and private lands associated with the Ocala National Forest, Wekiva-Ocala Greenway, and St. Johns River.

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

The proposed rezoning request to Agriculture (A) zoning district for single-family residential and non-intensive agriculture uses are consistent with the adjacent neighboring properties. The proposed uses are consistent with the surrounding land uses, which are residential agricultural and conservation.

#### **D. Whether there have been changed conditions that justify an amendment.**

The rezoning has been requested as the owner desires to build a single-family dwelling with agricultural uses.

#### **E. Whether, and the extent to which, the proposed amendment 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.

Schools

Four dwelling units or less are exempt from school concurrency review. The school district does not have further comments on this rezoning application.

Parks

No adverse impacts are anticipated on parks.

Solid Waste

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

Public Safety

Lake County Fire Rescue Station #10 is located at 23023 State Road 40 in Astor, approximately 2.5 miles from the subject property. This facility will provide advanced life support should an emergency on the property demand this service.

Transportation Concurrency

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

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

An environmental statement from the property owner will be requested with the submittal of the future residential building permit. Should evidence of any endangered, threatened, or special concern species be discovered, the developer/owner should cease construction and pursue permits from the appropriate agency.

Pursuant to LDR Section 6.01.04, *Development Near Wetlands and Waterbodies*, principal structures, buildings, and impervious surface, excluding water dependent structures shall be located at least fifty (50) feet from the Jurisdictional Wetland Line (JWL). A survey delineating the JWL will be required for future development.

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

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

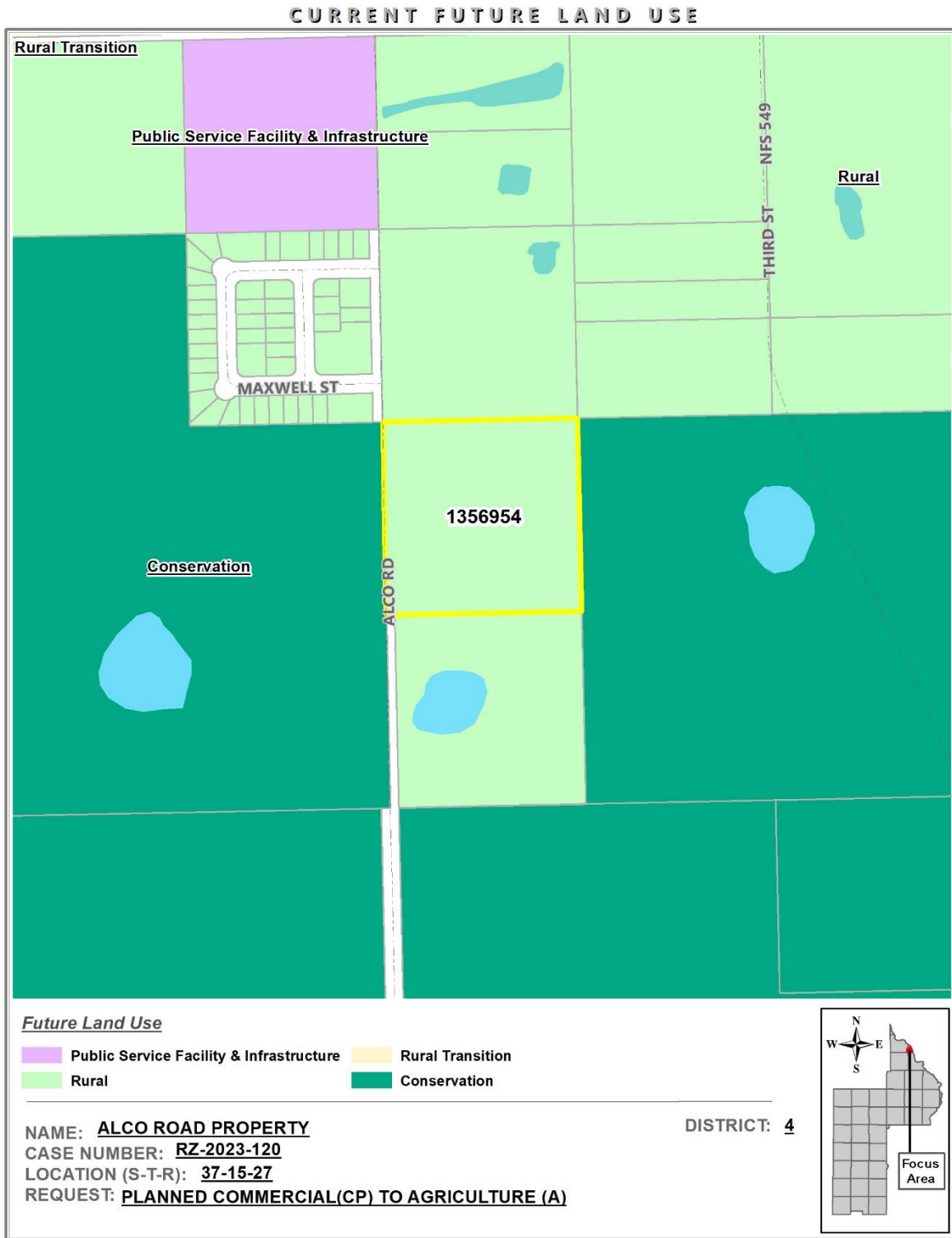
**I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.**

The proposed amendment will not be contrary to the purpose and interest of Lake County's Regulations as stated in Sections A through H above and is in harmony with the general intent of the Comprehensive Plan.

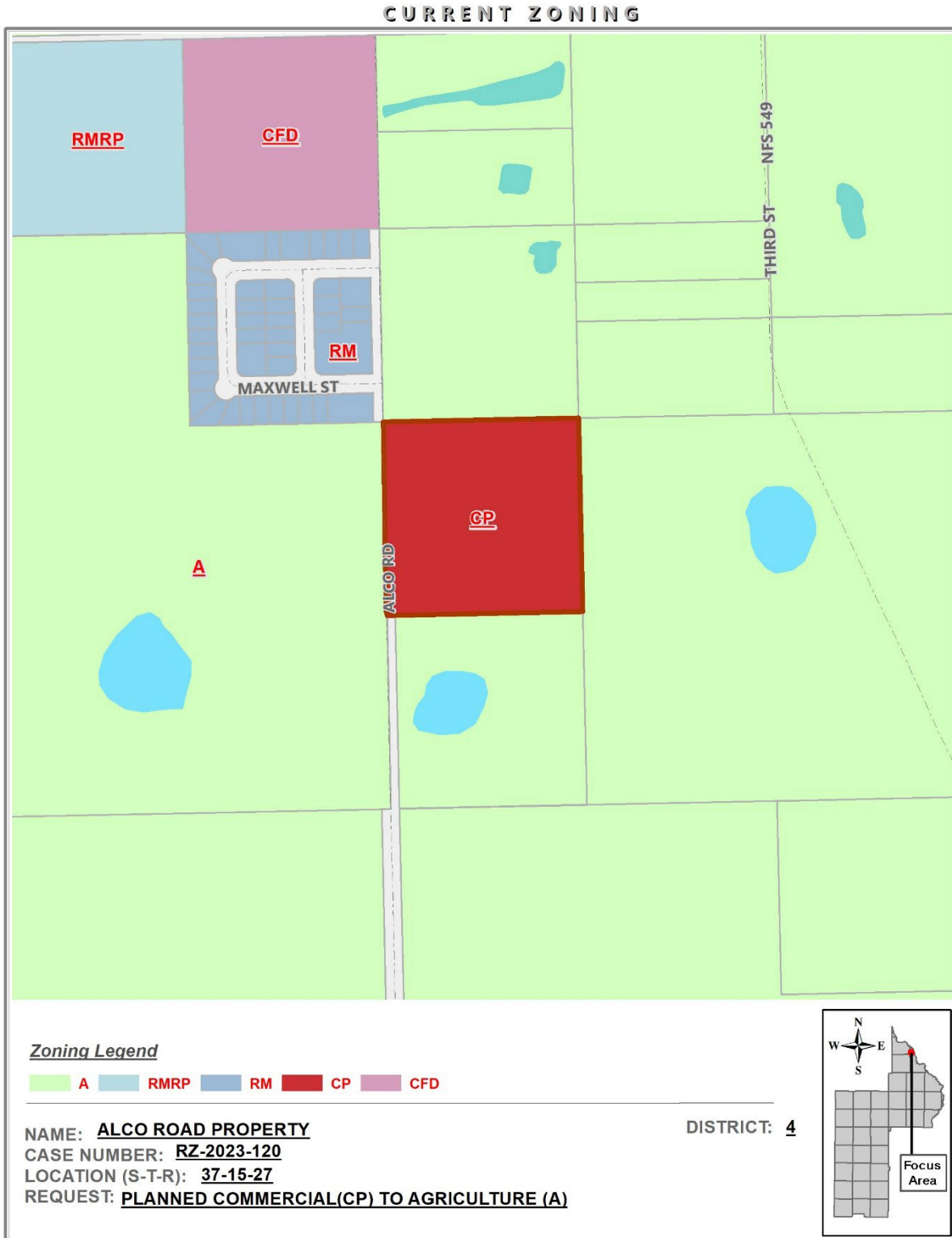
**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

N/A

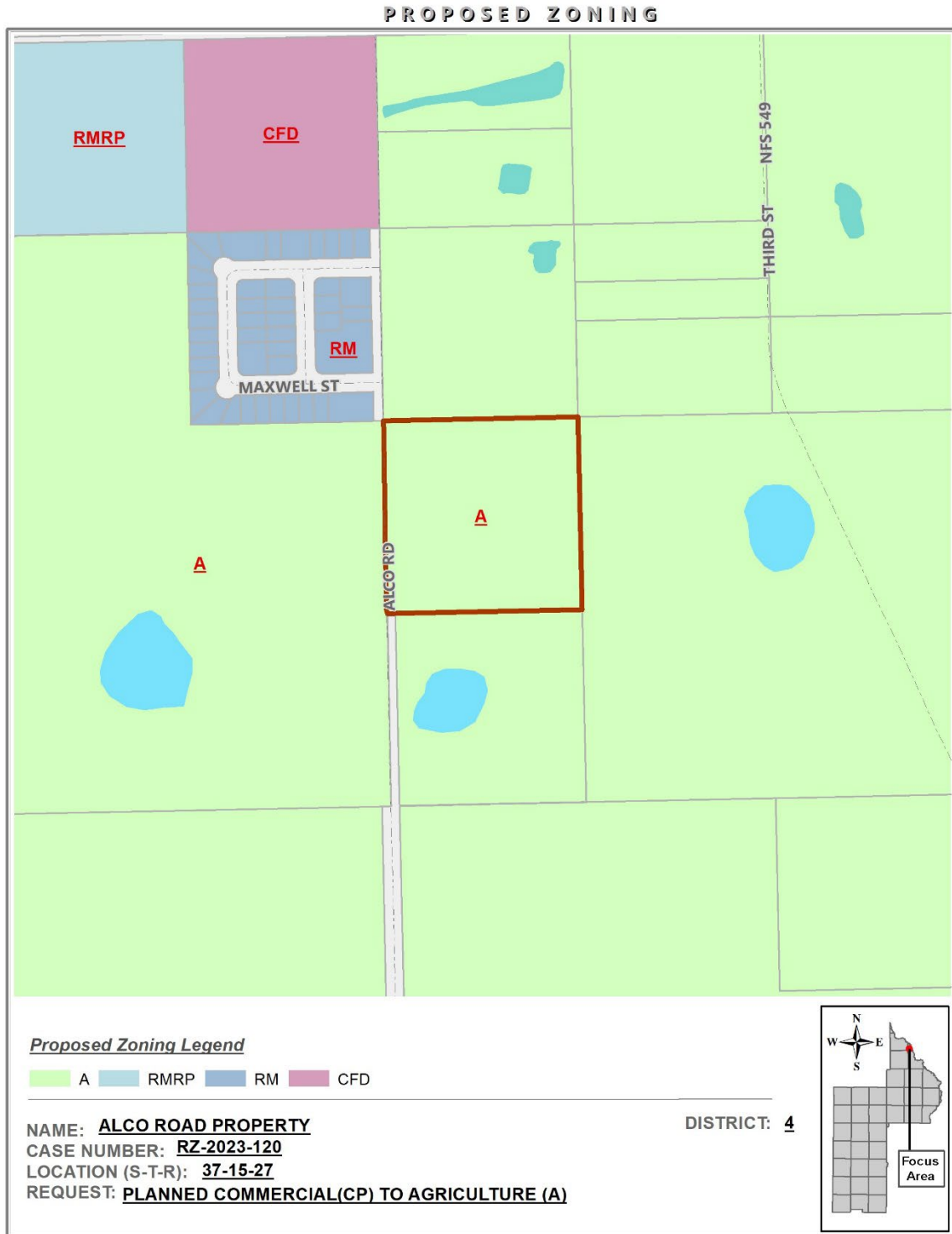
# Attachment "A" – Future Land Use Map



# Attachment "B" – Existing Zoning Map



# Attachment "C" – Proposed Zoning Map



## Attachment "D" – Ordinance #51-88 (Page 1 of 4)

Ordinance #51-88

FILED  
AUG 5 9 02 AM '88  
COUNTY CLERK  
LAKE COUNTY, FLORIDA

WHEREAS, the Lake County Planning and Zoning Commission, on the 29th day of June, 1988, review petition #90-88-5, a request to approve the preliminary site plan to CP (Planned Commercial) zoning district for nursery wholesale and retail plant broker and lawn care and residence on property generally located in the Astor area - Property lying E of Alco Rd. (DRS-9587) & S of SR 40. The property is more particularly described as:

LEGAL DESCRIPTION: N 1/2 of Lot 25, Sec. 10, Manhattan, Sec. 37, Twp. 15, Rge. 17E.

AND, after giving Notice of Hearing on petition for site plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 12th day of July, and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, 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 and conditions pertaining to the development of the above described property have been duly approved, and

1

## Attachment "D" – Ordinance #51-88 (Page 2 of 4)

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: The CP (Planned Commercial) facility shall mean and include the total of the following:
  - A. Land Use

Use of the property is limited to retail and wholesale plant sales and nursery, a lawn care service and one residence.
  - B. Permitting

Prior to the issuance of any permits, the applicant shall submit final site plan as approved by the Lake County Site Plan Advisory Committee. The site plan shall comply with submittal requirements and conform to all County codes and ordinances.
2. Conditions as altered and amended which pertain to the above tract of land shall mean:
  - A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
  - B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Development Coordination upon obtaining the permits required from the other appropriate governmental agencies.
  - C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.



## Attachment "D" – Ordinance #51-88 (Page 3 of 4)

- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in Ordinance #51-88 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the CP (Planned Commercial) established by Ordinance #51-88, and agree to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

## Attachment "D" – Ordinance #51-88 (Page 4 of 4)

DONE AND RESOLVED by the Lake County Board of County Commissioners on  
the 12th day of July, 1988, A.D.

STATE OF FLORIDA )

)

COUNTY OF LAKE )

  
GLENN C. BURDICK, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an  
Ordinance adopted by the Board of County Commissioners in regular  
session on July 12, 1988 as the same appears on record of  
County Commissioners Minute Book 31 Page 3-58.

JAMES C. WATKINS  
Clerk of the Circuit Court  
and Ex-Official Clerk of the  
Board of County Commissioners  
Lake County, Florida

BY:   
CLERK

## Project Narrative (Page 1 of 2)

### Project Narrative

- a. The proposed rezoning request is not in conflict with the Land Development Code according to **APPENDIX A LOCAL LAWS: CHAPTER I GENERAL PROVISIONS & CHAPTER II DEFINITIONS.**
- b. The proposed rezoning application is consistent with elements in the 2030 LAKE COUNTY COMPREHENSIVE PLAN – Updated 5/9/2023
  - **Policy I-1.3.10.6 Criteria for Commercial Corridors** (pgs 40-41)  
*Astor Park - from Baker Road (Altoona) south to County Road 44 and County Road 44A.*

Parcel is located southwest of this corridor.
  - **Policy I-1.4.7.2 Rural Support Corridors** (pgs 50-51)  
*Subject to further restrictions within the Land Development Regulations, the maximum aggregate floor area ratio 13 for primary structures in all Rural Support Corridors other than the Astor Park Rural Support Corridor shall not exceed 0.10, and no single primary structure in any Rural Support Corridor shall exceed 10,000 square feet.*

The primary structure will be a residential home that will not exceed 3,000 square feet.
  - **Policy I-1.4.3 Purpose of the Rural Future Land Use Series & Policy I-1.4.4 Rural Future Land Use Category** (pg 42-43)

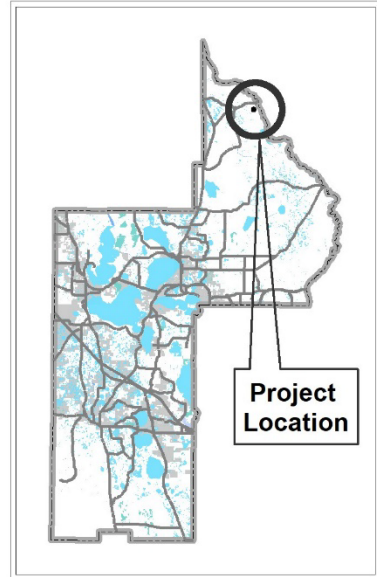
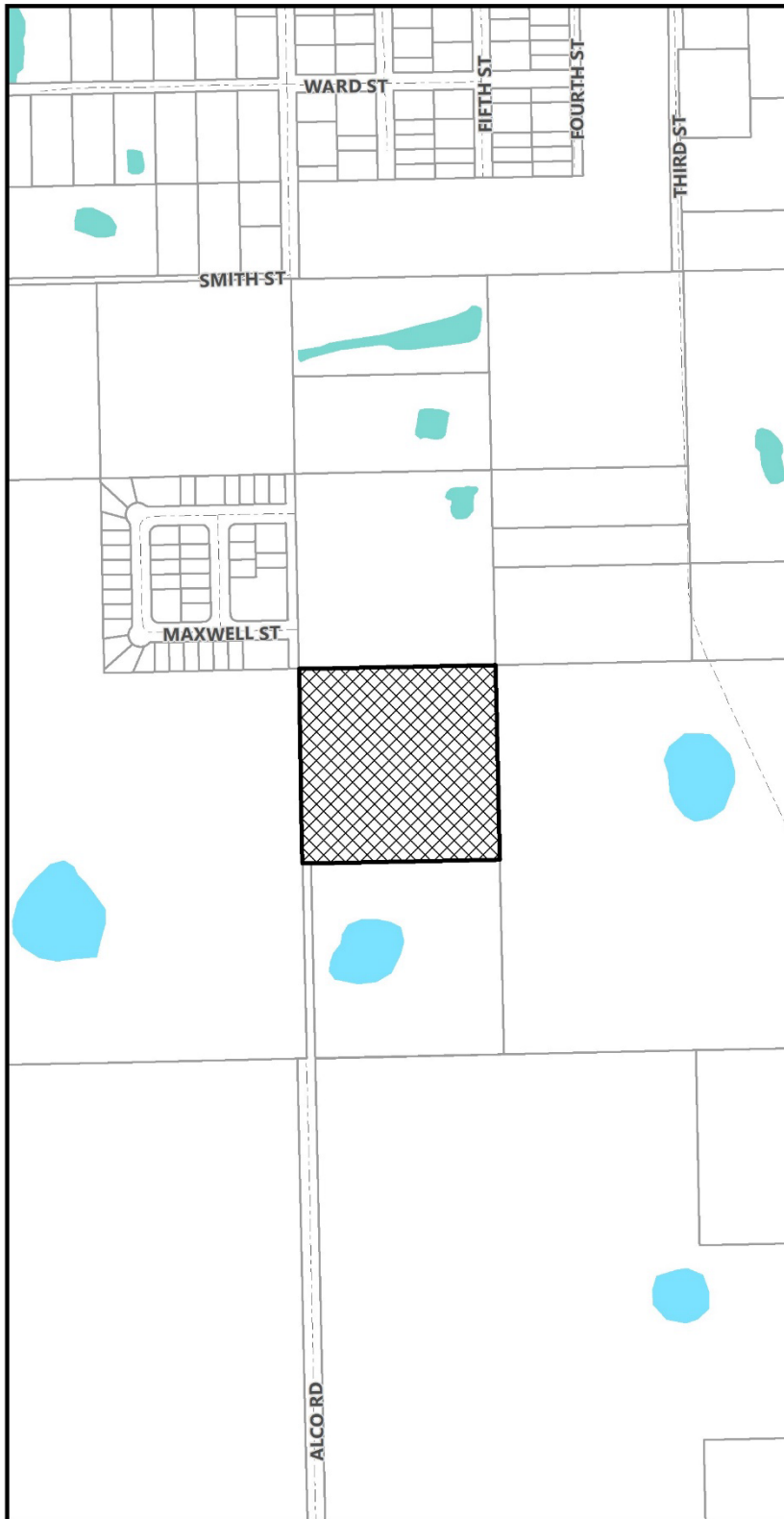
Supporting the Rural Land Use and proposed Agriculture rezoning, our plans are to subsistence farm by raising chickens for eggs and insect control, goats for milk and land maintenance, and eventually a couple head of cattle and/or a pig for meat.
  - **Policy I-1.5.1 Conservation Future Land Use Category** (pgs 49-50)

We are adamant about permanently protecting the property's designated wetlands.
- c. The proposed rezoning to Agriculture is much more consistent with both existing and proposed land uses along Alco Road. The current Planned Commercial designation does not align with any surrounding designations in the area, as shown in the Land Use Map sections attached.
- d. The condition that changed is we want to build our last home, subsistence farm, watch our grandkids enjoy a little piece of natural Florida, and retire on this property. The proposed Agriculture rezoning fits this endeavor far more accurately than the Planned Commercial ordinance approved in 1988 that never came to fruition.
- e. The demand on public facilities if rezoned to agriculture would be minimal as it will be a single-family home, eventually housing a small amount of poultry and livestock. None of which would become a burden on local utilities, the surrounding environment or public safety agencies. This compared to a landscape company and retail/wholesale plant business that would absolutely increase traffic, the demand on drainage, depletion of water supply, increase solid waste, as well as the likelihood of utilizing public safety agencies more often.

## Project Narrative (Page 2 of 2)

- f. The natural environment would be impacted as minimally as possible, preserving the designated wetlands and only developing the uplands needed to build a modest single-family home, accessory dwelling building and eventually, poultry and livestock housing.
- g. It is undetermined if the surrounding property values would change due to the proposed zoning change. While commercial zoning designations can increase property values, due to the limited use specified in the ordinance, it has not increased property values in this instance since it was never developed.
- h. The proposed rezoning would adhere to and follow an orderly development pattern, starting with an accessory dwelling building to reside in while building a custom single-family home. Housing for poultry and livestock would follow.
- i. The proposed rezoning application for Agriculture would serve public interest by preserving the natural state of the almost 10-acre property and align with the surrounding land use.

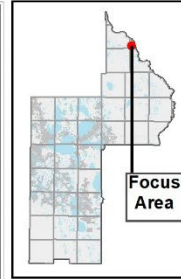
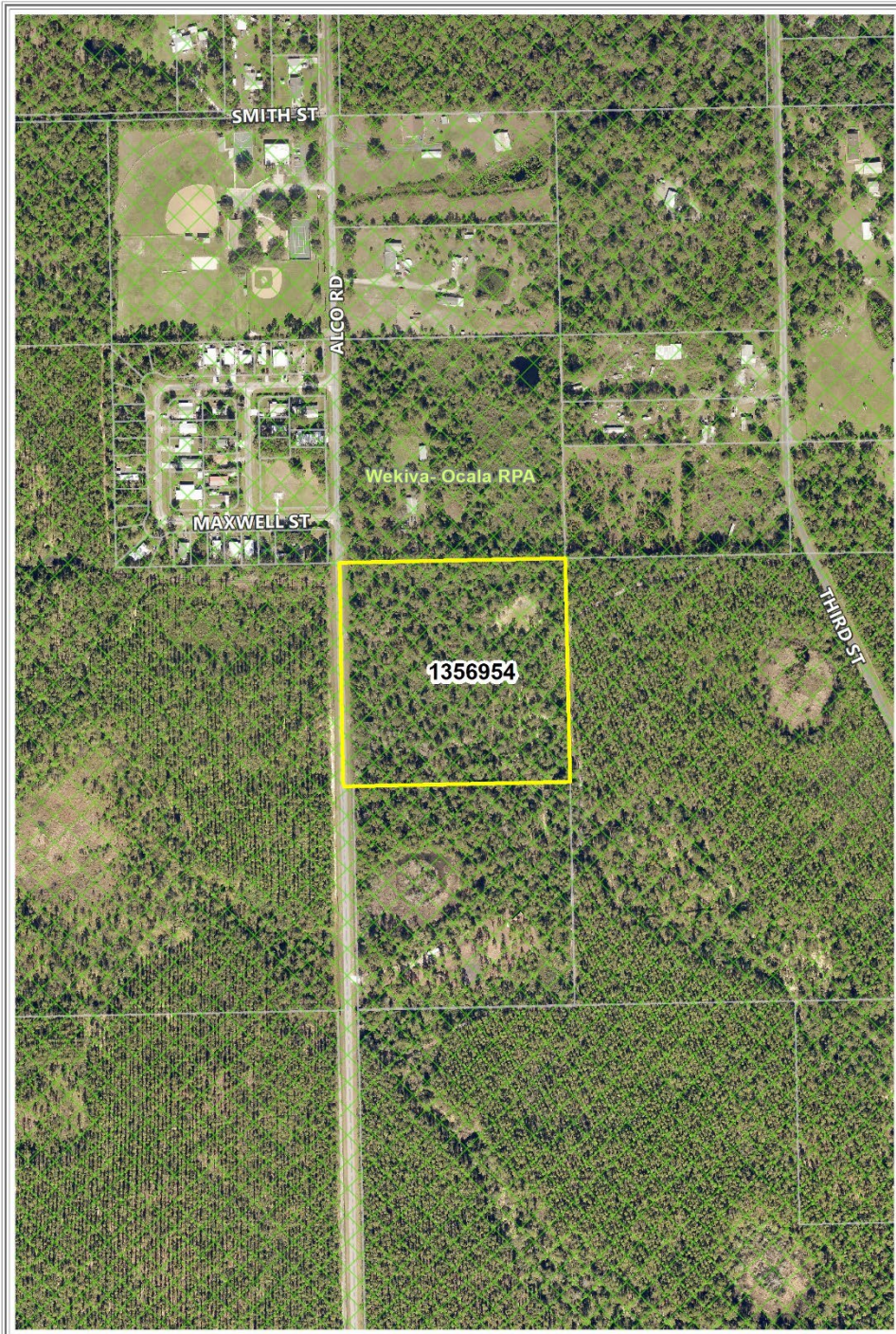
# Map of Subject Property



# Aerial Map of Subject Property



RZ-2023-120  
Alco Road Property



Planned Commercial(CP)  
To  
Agriculture(A)



ORDINANCE 2024-\_\_\_\_\_  
Alco Road Rezoning  
PZ2023-120

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 10.00 +/- ACRES FROM PLANNED COMMERCIAL (CP) DISTRICT TO AGRICULTURE (A) DISTRICT FOR PROPERTY LOCATED AT ALCO ROAD, IN THE ASTOR AREA OF UNINCORPORATED LAKE COUNTY, IDENTIFIED AS ALTERNATE KEY NUMBER 1356954, AND LEGALLY DESCRIBED IN EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Theresa Broman (the “Applicant” and “Owner”) submitted a rezoning application to rezone approximately 10.11 +/- acres from Planned Commercial (CP) District to Agriculture (A) District to support the development of a single-family residence and non-intensive agriculture uses; and

**WHEREAS**, the subject property consists of approximately 10.11 +/- acres, is located at Alco Road in the Astor area of unincorporated Lake County, is in Section 07, Township 15, Range 27, consisting of a portion of Alternate Key Number 1356954, and more particularly described as:

**The North 1/2 of Lot 25, Section 10, Map of Manhattan, according to the map or plat thereof as Recorded in Plat Book 2, Page 13, Public Records of Lake County, Florida**

**WHEREAS**, the property subject to the request is located within the Rural Future Land Use Category (FLUC) 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**, on July 12, 1988, the Board of County Commissioners of Lake County, Florida, approved CP Ordinance #51-88 for nursery wholesale, retail plant broker, lawn care service and residence; and

**WHEREAS**, the Lake County Planning and Zoning Board did review Petition PZ2023-120 on the 7th day of February 2024, after giving notice of a hearing for change in the use of land, including notice that the petition would be presented to Board of County Commissioners of Lake County, Florida, on the 5th day of March 2024; 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 have been duly approved.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that:

1     **Section 1. Terms.** The County Manager or designee shall amend the Official Zoning Map to rezone the  
2     subject property from Planned Commercial District (CP) to Agriculture (A). Ordinance #51-88  
3     and all previously approved ordinances will be superseded and replaced upon the adoption of  
4     this new ordinance.

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

11  
12    **Section 3. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid  
13    or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the  
14    validity of the remaining portions of this Ordinance.

15  
16    **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of  
17    this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
18    125.66, Florida Statutes.

19  
20    **Section 5. Effective Date.** This Ordinance shall become effective upon recordation in the public records of  
21    Lake County, Florida. The Applicant shall be responsible for all recording fees.

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23            **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

24  
25            **FILED** with the Secretary of State \_\_\_\_\_, 2024.

26  
27            **EFFECTIVE** \_\_\_\_\_, 2024.

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

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32                                    \_\_\_\_\_  
33                                    **KIRBY SMITH, CHAIRMAN**

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35    **ATTEST:**

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38    **GARY COONEY, CLERK OF THE**  
39    **BOARD OF COUNTY COMMISSIONERS**  
40    **LAKE COUNTY, FLORIDA**

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

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45    \_\_\_\_\_  
46    **MELANIE MARSH, COUNTY ATTORNEY**