



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): September 4, 2024
Board of County Commissioners (BCC): October 1, 2024

Case No. and Project Name: PZ2024-023, Farm Project

Applicant / Owner: Thomas R. Alex

Requested Action: Rezone approximately 2.32+/- acres from Agriculture (A) and Rural Residential District (R-1) District to Rural Residential District (R-1) to facilitate a family density exception application and develop the newly created parcels in accordance with the R-1 zoning district.

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

Case Manager: Shari Holt, Planner I

PZB Recommendation:

Subject Property Information

Size: 2.32 +/- acres

Location: 18018 East Apshawa Road, Clermont

Alternate Key No.: 1302781

Future Land Use Category: Rural Transition (Attachment "A")

Existing Zoning District: Agriculture (A) and Rural Residential District (R-1) (Attachment "B")

Proposed Zoning District: Rural Residential District (R-1) (Attachment "C")

JPA/ISBA: South Lake Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residential
South	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residential
East	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residential
West	Rural	Agriculture (A)	Right-of-Way / Agriculture	East Apshawa Road / Ornamental Nursery

– Summary of Analysis –

The subject property comprises 2.32 +/- acres, identified by Alternate Key Number 1302781, and located at 18018 East Apshawa Road in the Clermont area of unincorporated Lake County. The subject parcel is zoned Agriculture (A) and Rural Residential (R-1), designated with a Rural Transition Future Land Use Category (FLUC), and situated within the City of Minneola Interlocal Service Boundary Agreement Area (ISBA). The parcel was developed with a Multi-Family Dwelling Unit in 1935 and accessory structures in 1949. The subject parcel is the only parcel that has split zoning

The Applicant desires to rezone the subject parcel from Agriculture (A) and Rural Residential District (R-1) to Rural Residential District (R-1) to allow the parcel to be subdivided through the family density exception process to create two (2) lots and develop the parcels in accordance with the R-1 zoning district. The existing Multi-Family Dwelling Unit will be converted into a Single-Family Dwelling Unit and the newly created parcel the family member will be developed as the family member's homestead.

The subject parcel is located within the City of Minneola ISBA; and on June 19, 2024, the application was provided to City of Minneola for review and the City of Minneola had no comments to the request.

The Applicant provided a Project Narrative and justification for the rezoning request as shown on Attachment "D".

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 rezoning request is consistent with LDR Section 3.00.02(G), Purpose and Intent of Districts, which defines the purpose of the Rural Residential (R-1) district as, "*the purpose of this district is to provide a transition between agricultural and Conservation Areas and the more urban residential communities. It is intended to Permit the Development of single-family homes in an environment that is compatible with the surrounding natural resources.*"

The proposed request is consistent with LDR Table 3.01.03, which allows for single-family dwelling units within the R-1 zoning district.

The Applicant has provided the following statement, "*It is currently multi-family. But after lot split, both will become single family.*"

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

The subject property is designated with a Rural Transition FLUC, and the request is consistent with the Comprehensive Plan Policy I-1.4.5 which allows for residential uses.

The request is also consistent with Comprehensive Plan Policy I-1.2.10, *Creation of Parcels for Family Members*, which permits development to tracts of land in the rural areas for the use of family member as their primary residences. Any parcel of land created through this provision shall contain a minimum of one (1) net 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 LDR Table 3.01.03, which specify the allowance of single-family dwelling units within the R-1 zoning district. The proposed request is consistent with the Rural Transition FLUC, which typically allows for residential uses.

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

The Applicant seeks a rezoning to the Rural Residential District (R-1) for consistency with the surrounding properties.

The Applicant has provided the following statement in the Project Narrative (Attachment "D"), "*Property is located*

around existing residential homes and will better suit the community.”

- 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 City of Minneola provided documentation stating that water and sewer are not available to the subject parcel (Attachment “E”). Septic tank and well systems will be required and shall be consistent with the Florida Department of Health Regulations – Florida Department of Environmental Protection, as amended.

The Applicant has provided the following statement in their Project Narrative, *“The property will be on a well and septic system and will require no additional capacity on public facilities other than a new power source.”*

Parks and Recreation

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

Public Safety

Lake County Fire Station #85 is located approximately 6 miles from the subject property at 18018 East Apshawa Road, Clermont, 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 request is not anticipated to adversely impact the standard Level of Service (LOS) for transportation.

- 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, all sensitive resources will be addressed 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.

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

The Applicant has provided the following statement, *“The rezoning will allow for a family lot split, and the new parcel will have a new residence. This will make the property values higher for surrounding homes.”*

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area.

- 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**

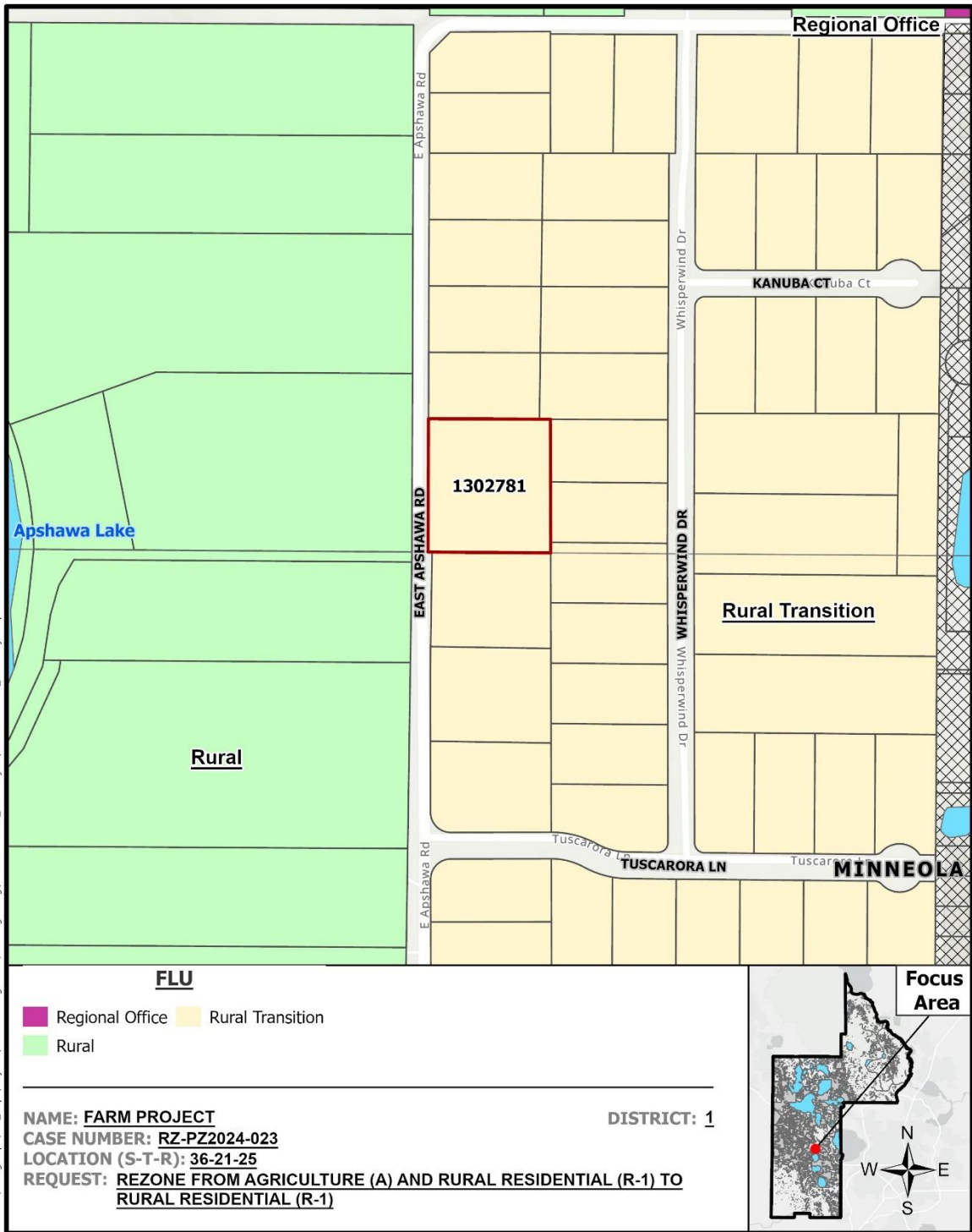
The request is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

- 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.**

N/A.

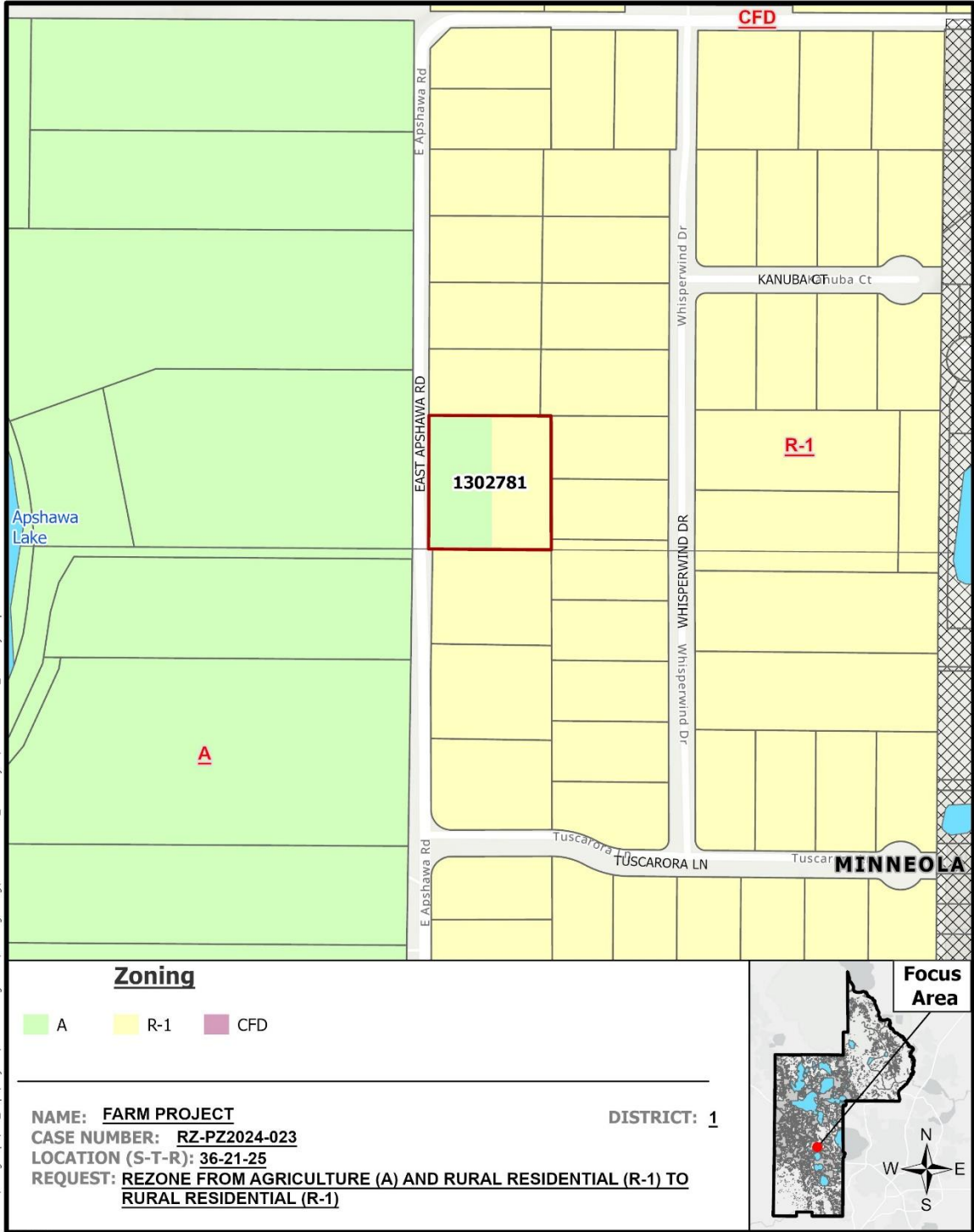
Attachment "A"- Future Land Use Category Map

CURRENT FUTURE LAND USE



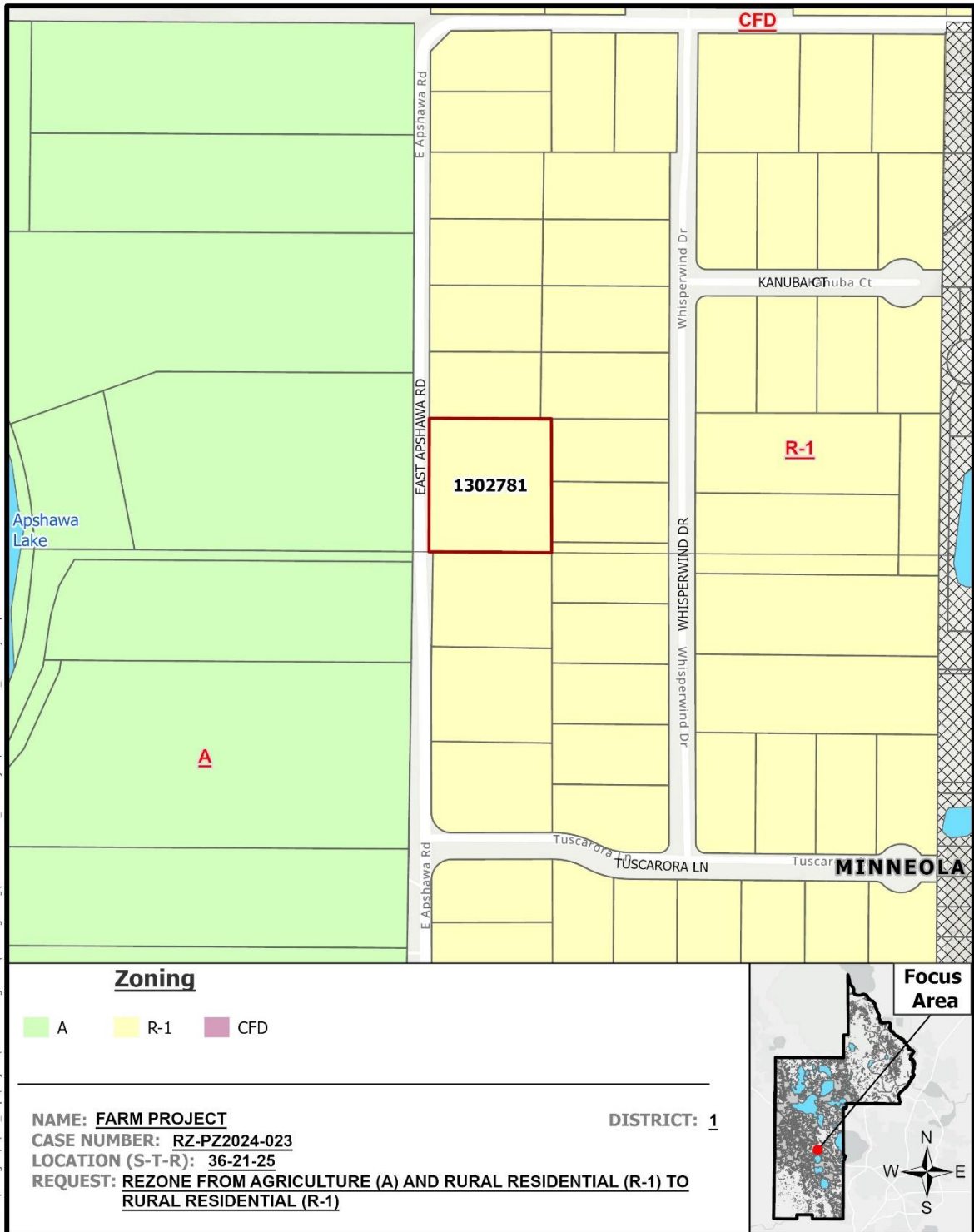
Attachment "B"- Existing Zoning District Map

CURRENT ZONING



Attachment "C"- Proposed Zoning District Map

PROPOSED ZONING



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\RZ-PZ2024-023_FarmProject\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\RZ-PZ2024-023_FarmProject.aprx

6/20/2024

Attachment “D”- Project Narrative

Project Narrative – Rezoning of 18018 E Apshawa Road Clermont

2/3 Zoned Agricultural – 1/3 R-1 Residential

Attention Lake County Zoning:

Thomas R Alex is asking the zoning department to re-zone the parcel # (36-21-25-0003-000-02400 and complete a family lot split at 18018 E Apshawa Road Clermont 34711. Currently the zoning is 2/3 Agriculture and 1/3 R-1 Residential. It is located among many residential parcels and will better match the other existing residential properties on the left, right, and along the road it is located on.

We are asking for rezoning so I can complete a family lot split and give this new parcel to my son, Kevin T. Alex, to build a residential home on which he will reside as is homestead property. These changed conditions would enhance the property and surrounding home values and would make the property more cohesive to neighboring properties.

We know that this rezoning will not be in conflict of and Land Development Code.

This property will be on a well and septic system and will require no additional capacity on public facilities other than a new power source (located on the property currently). It is located on an existing paved road and will not require any additional access from the county. The natural environment will be left close to its current state excluding the area of the new construction home.

Overall, we believe this rezoning will enhance the area, create more home value compared to its current state, and make the zoning the same as neighboring properties.

Thomas R Alex

Signature _____

Date _____

Attachment "E"- 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 X

Legal description: Section 36 Township 21 Range 25 Alt Key # 1302781

Subdivision Apshawa Acres Lot 02400 Block 000 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 Minneola, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No X Central Water: Yes _____ No X

Will the connection to the central sewage system be via a n/a gravity line or a n/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 X 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: Fred Miller, Project Manager Date 7-1-24

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: _____

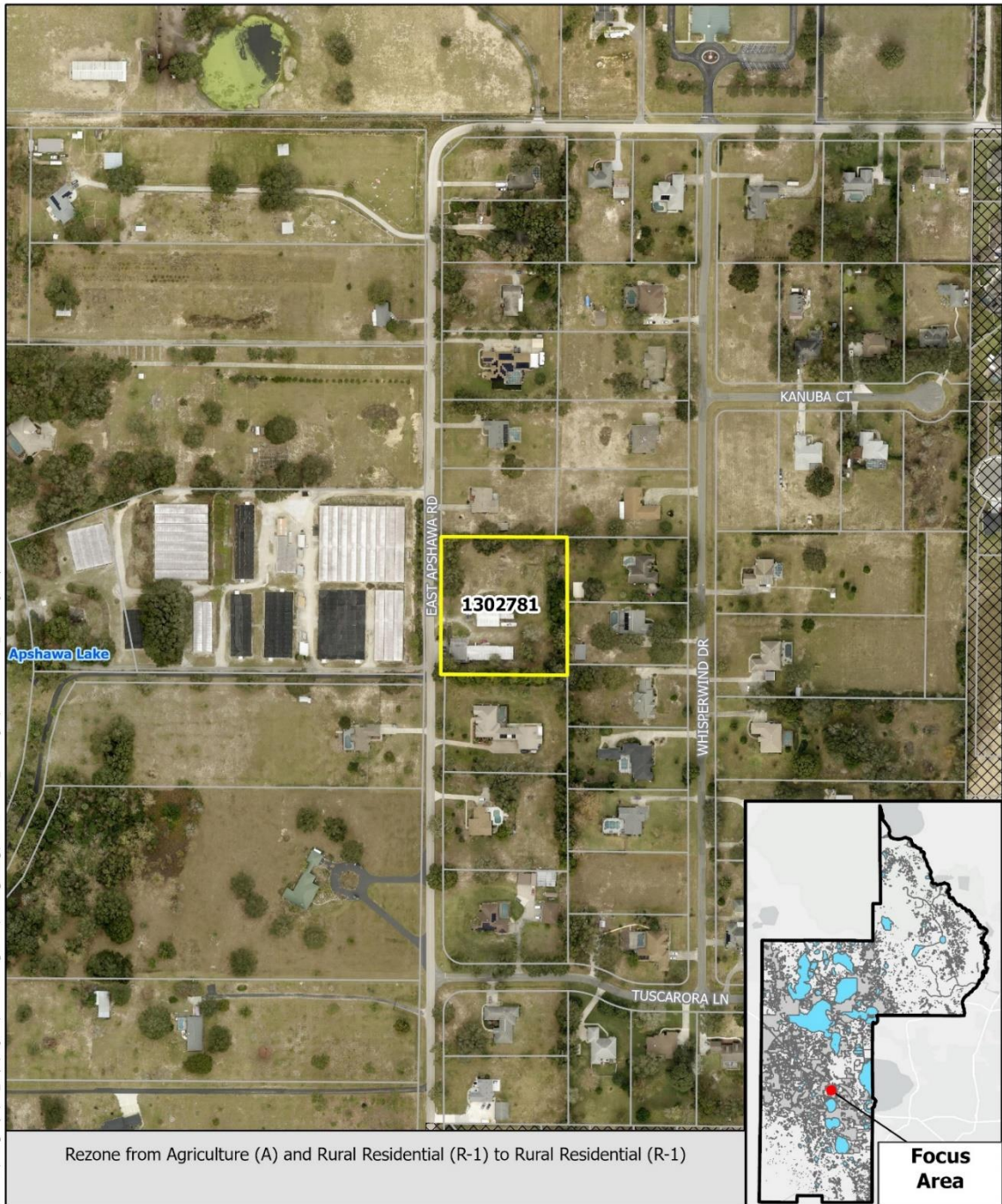
Map of Subject Property



Aerial of Subject Property



RZ-PZ2024-023
Farm Project



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\RZ-PZ2024-023_FarmProject\RZ-PZ2024-023_FarmProject.aprx

Rezone from Agriculture (A) and Rural Residential (R-1) to Rural Residential (R-1)

6/20/2024

1 **ORDINANCE #2024-**

2 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS**
3 **AMENDING THE LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 2.32+/-**
4 **ACRES FROM AGRICULTURE (A) AND RURAL RESIDENTIAL DISTRICT (R-1)**
5 **DISTRICT TO RURAL RESIDENTIAL DISTRICT (R-1) FOR PROPERTY IDENTIFIED AS**
6 **ALTERNATE KEY NUMBER 1302781 LOCATED IN SECTION 36, TOWNSHIP 21 SOUTH,**
7 **RANGE 25 EAST; AND PROVIDING FOR AN EFFECTIVE DATE.**

8 **WHEREAS**, Thomas R. Alex (the “Applicant/Owner”) submitted an application to
9 rezone the subject property from Agriculture (A) and Rural Residential District (R-1) to Rural
10 Residential District (R-1); and

11 **WHEREAS**, the subject property consists of approximately 2.32 +/- acres, located at
12 18018 East Apshawa Road, in the Clermont area, in Section 36, Township 21 South, Range
13 25 East, identified by Alternate Key Number 1302781, and more particularly described in
14 Exhibit “A”; and

15 **WHEREAS**, the subject property is located within the Rural Transition Future Land
16 Use Category, as shown on the Lake County Comprehensive Plan Future Land Use Map
17 (FLUM); and

18 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PZ2024-023
19 on the 4th day of September 2024, after giving notice of the hearing on the petition for a
20 change in zoning, including notice that the petition would be presented to the Board of County
21 Commissioners of Lake County, Florida, on the 1st day of October 2024; and

22 **WHEREAS**, the Board of County Commissioners reviewed the petition, the
23 recommendations of the Lake County Planning & Zoning Board, staff report, and any
24 comments, favorable or unfavorable, from the public and surrounding property owners at a
25 public hearing duly advertised; and

26 **WHEREAS**, upon review, certain terms pertaining to the development of the above-
27 described property have been duly approved.

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

30 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning
31 Map to rezone the subject property from Agriculture (A) and Rural Residential
32 District (R-1) to Rural Residential District (R-1).

33 **Section 2. Development Review and Approval.** Prior to the issuance of permits, the
34 Applicant shall submit applications for and receive necessary final development
35 order approvals as provided in the Lake County Comprehensive Plan and Land
36 Development Regulations (LDR), as amended.

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

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

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

11 **ENACTED** this _____ day of _____, 2024.

12
13 **FILED with the Secretary of State** _____, 2024.

14
15 **EFFECTIVE** _____, 2024.

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

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KIRBY SMITH, CHAIRMAN

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24 **ATTEST:**

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

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

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MELANIE MARSH, COUNTY ATTORNEY

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1

EXHIBIT "A" – LEGAL DESCRIPTION

The South 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4, Section 36, Township 21 South, Range 25 East, Lake County, Florida, LESS AND EXCEPT East Apshawa Road (2-2038) right-of-way, and LESS AND EXCEPT that part of Apshawa Acres, as recorded in Plat Book 31, Page 36, Public Records of Lake County, Florida.

2

Parcel Identification Number: 36-21-25-0003-000-02400