



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

**Tab Number:** 6

**Public Hearings:** Planning & Zoning Board (PZB): December 4, 2024  
Board of County Commissioners (BCC): January 7, 2025

**Case No. and Project Name:** PZ2024-158, Bertram Property

**Applicants / Owners:** Harry R. and Leslie J. Bertram

**Requested Action:** Rezone approximately 0.16 +/- acres from Neighborhood Commercial District (C-1) to Mixed Residential District (R-7) to development the parcel in accordance with residential uses.

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

**Case Manager:** Shari Holt, Planner II

**PZB Recommendation:**

### Subject Property Information

**Size:** 0.16 +/- acres

**Location:** Dale Circle in the unincorporated Astor area

**Alternate Key No(s):** 1309425

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

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

**Proposed Zoning District:** Mixed Residential District (R-7) (Attachment "C")

**JPA/ISBA:** N/A

**Overlay/Rural Protection Area:** Wekiva-Ocala Rural Protection Area (WORPA) and Pinecastle Military Operations Overlay District (Attachment "D")

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Lake	St. Johns River
South	Urban Low	Neighborhood Commercial (C-1)	1-Story Commercial Building, Canal	Vacant Commercial Building South of Canal
East	Urban Low	Mixed Residential District (R-7)	Residential / Canal	Single-Family Residence East of Canal
West	Urban Low	Mixed Residential District (R-7)	Residential	Single-Family Residence

**- Staff Analysis -**

The subject property comprises 0.16 +/- acres, is identified by Alternate Key Number 1309425, and is located on Dale Circle in the Astor area. The subject parcel is vacant and is zoned Neighborhood Commercial District (C-1) designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Wekiva-Ocala Rural Protection Area (WORPA).

The Applicant is requesting to rezone the property from a Neighborhood Commercial District (C-1) to a Mixed Residential District (R-7) in order to unify the property with the adjacent single-family residential property, as shown in the Boundary Survey (Attachment "E"). The proposed request is consistent with the Comprehensive Plan and LDRs, as residential uses are allowed within the Urban Low Density FLUC and Mixed Residential District (R-7). The rezoning request to Mixed Residential District (R-7) is less intense than the permitted commercial uses allowed under the Neighborhood Commercial (C-1) zoning district.

The subject property is located within the WORPA and the request is consistent with Comprehensive Plan Objective I-5.2.

The subject property is located within the Pinecastle Range Complex Overlay District pursuant to Comprehensive Plan Objective I-6.4. The application was provided to the Naval Military Representative for review and comment, and the Naval Military Representative had no comments or concerns with the application and found the use to be compatible with Range Compatibility Zone 3 (Attachment "F").

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

**- Staff Analysis -**

LDR Section 14.05.03 (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 3.01.03, Schedule of Permitted and Conditional Uses, which states that single-family dwelling units are permitted within the Mixed Residential (R-7) zoning district. The rezoning request is consistent with the maximum density for the Mixed Residential (R-7) zoning district of eight (8) dwelling units per one (1) acre, as specified by LDR Section 3.02.06, Density, Impervious Surface, Floor Area, and Height Restrictions.

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

The rezoning request to Mixed Residential (R-7) zoning district is consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category, which allows residential uses. The rezoning request to Mixed Residential (R-7) zoning district is consistent with the maximum density specified by Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category. Pursuant to Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category, residential uses are permitted within the FLUC at a maximum density of four (4) dwelling unit per one (1) net buildable acres.

The rezoning request to Mixed Residential (R-7) 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. The Applicant provided the statement below to demonstrate that the proposed use will not have an undue adverse effect on neighboring properties:

*"The zoning change of this parcel from C-1 to R-7 will not affect its use; it will remain as a small portion of our residential property. The combining of these lots will not impact or impeded public utilities and/or services and will not affect the environment. It will remain simply as a portion of our yard."*

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

The proposed rezoning request to Mixed Residential District (R-7) for single-family residential uses is consistent with the adjacent neighboring properties. The proposed use is consistent with the surrounding land uses, which are residential.

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

The rezoning has been requested as the owner desires to add this parcel to their residential lot. The majority of the surrounding subdivision is zoned Mixed Residential District (R-7) and the adjacent parcel owned by the same owner is also zoned Mixed Residential District (R-7).

**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 Sewage

Water and Sewer will be provided by St. Johns River Utility.

Solid Waste

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

Parks

The proposed request is not anticipated to adversely impact parks.

Transportation Concurrency

The proposed request is not anticipated to adversely impact transportation levels of service.

Public Safety

Lake County Fire Station # 10 is located less than three (3) miles from the subject property at 23023 State Road 40 in Astor and will provide advanced life support should an emergency on the property demand this service.

Schools

The proposed request is not anticipated to adversely impact school levels of service.

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

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.

The Applicant provided the statement below to demonstrate that the proposed use will not have an undue adverse effect on the natural environment in the area:

*"The combining of these lots will not impact or impede public utilities and/or services and will not affect the environment. It will remain simply as a portion of our yard."*

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

There is no indication that the rezoning application will affect property values in the area.

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

The surrounding properties are developed zoned Mixed Residential District (R-7) and developed with residential uses. The owner desires to rezone the parcel to develop the parcel with residential uses. The proposed rezoning is not anticipated to disrupt the orderly, logical development pattern in 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.**

The proposed rezoning application 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 Map

## CURRENT FUTURE LAND USE

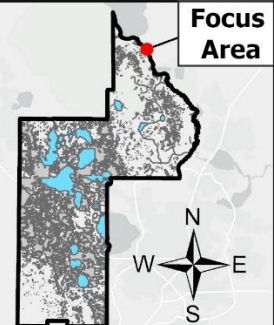


### FLU

Urban Low

**NAME:** BERTRAM  
**CASE NUMBER:** PZ-RZ2024-158  
**LOCATION (S-T-R):** 15-28-30  
**REQUEST:** REZONE FROM C-1 TO R-7

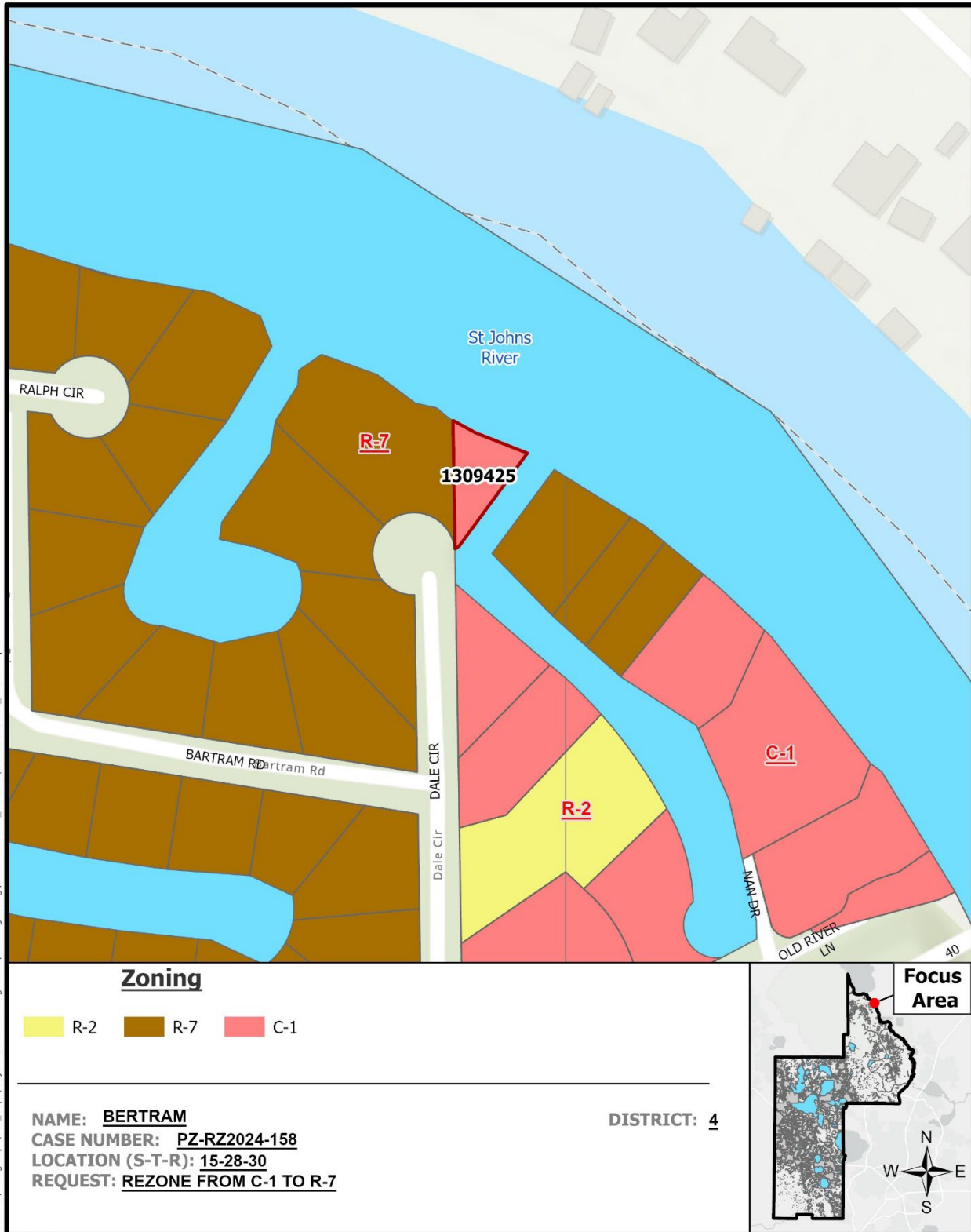
**DISTRICT:** 4



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9/12/2024

# Attachment "B" – Current Zoning District Map

## CURRENT ZONING

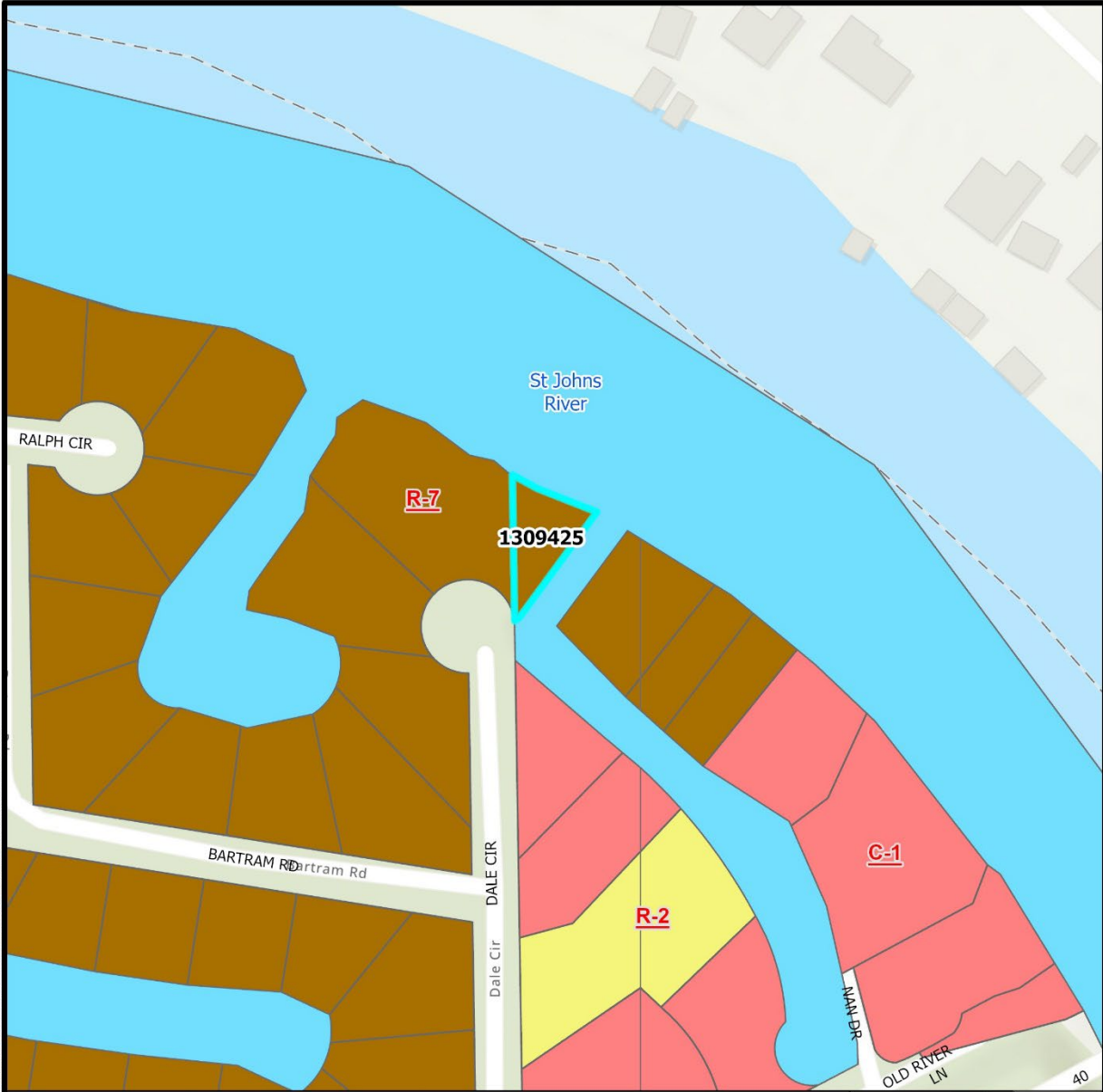


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9/12/2024





# Attachment "C" – Proposed Zoning Map

## PROPOSED ZONING



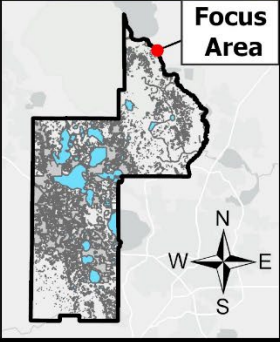
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**Zoning**

 R-2	 R-7	 C-1	 R-7
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**NAME:** BERTRAM **DISTRICT:** 4  
**CASE NUMBER:** PZ-RZ2024-158  
**LOCATION (S-T-R):** 15-28-30  
**REQUEST:** REZONE FROM C-1 TO R-7



9/12/2024



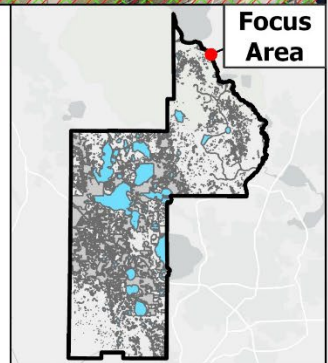
# Attachment "D" – Overlay District Map

PZ-RZ2024-158  
Bertram



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REZONE FROM C-1 TO R-7



9/12/2024



# Attachment "E" – Boundary Survey of Subject Parcel(s)



# Attachment “F” – Pinecastle Range Complex Comments

**From:** [McManus, Mark W CIV USN NAVFAC SE JAX FL \(USA\)](#)  
**To:** [Holt, Sharyn](#)  
**Subject:** RE: REVIEW REQUEST: Bertram Property / PZ2024-158 / AR 5687  
**Date:** Friday, August 2, 2024 8:19:32 AM  
**Attachments:** [image001.png](#)

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Sharyn,

Good morning. I have reviewed the application and while the property is located in Range Compatibility Zone 3, the use is compatible with RCZ-3.

The Navy has no comments or concerns with this application.

Very respectfully,  
Mark

Mark McManus  
NAS JAX and Naval Station Mayport CPLO  
Office: 904-542-3737  
Cell: 904-762-5997  
[mark.w.mcmanus3.civ@us.navy.mil](mailto:mark.w.mcmanus3.civ@us.navy.mil)



# Attachment "G", Project Narrative

## Rezoning Justification Letter

**Rezoning lot Alt Key Number 1309425 Dale Circle, Astor FL 32102**

To Whom It May Concern:

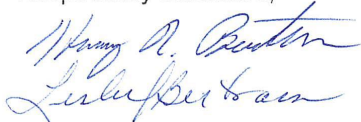
In our desire to combine our adjacent lots into one property, we are submitting this Justification Letter.

The portion of the property that is zoned C-1 adjacent to the residential portion zone R-7, the small parcel that is zoned C-1 must be rezoned as R-7 before the parcels can be combined into one R-7 lot.

The parcel that is currently zoned C-1 was created when a canal was cut into the commercial parcel to the east of our properties. The parcel to the east has since been sold off into residential lots. Previous owners of this property simply did not pursue rezoning this parcel and adding it to the residential portion.

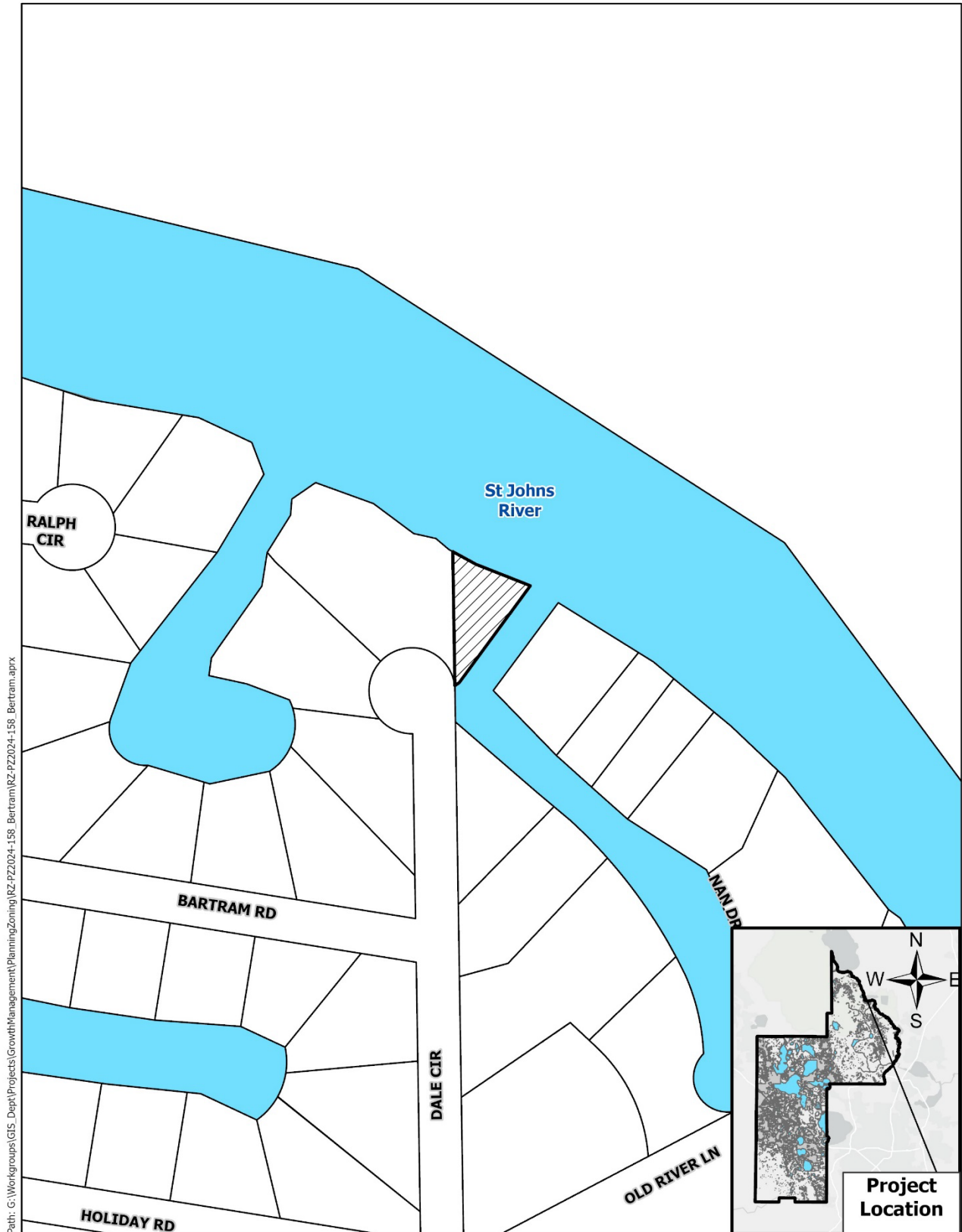
The zoning change of this parcel from C-1 to R-7 will not affect its use: it will remain as a small portion of our residential property. The combining of these lots will not impact or impede public utilities and/or services, and will not affect the environment. It will remain simply as a portion of our yard.

Respectfully submitted,



Harry R Bertram & Leslie J Bertram  
55827 Dale Circle  
Astor, FL 32102

# Map of Subject Property



Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\RZ-PZ2024-158\_Bertram\KZ-PZ2024-158\_Bertram.aprx

9/12/2024



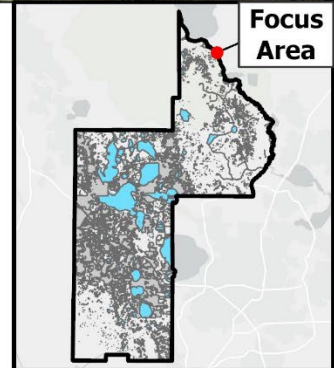
# Aerial Map of Subject Property

PZ-RZ2024-158  
Bertram



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REZONE FROM C-1 TO R-7



9/12/2024

**ORDINANCE #2025-\_\_\_**

1 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING**  
2 **THE LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 0.16 +/- ACRES FROM**  
3 **NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO MIXED RESIDENTIAL DISTRICT (R-7) TO**  
4 **DEVELOP THE PARCEL IN ACCORDANCE WITH RESIDENTIAL USES FOR PARCEL**  
5 **IDENTIFIED AS ALTERNATE KEY NUMBER 1309425, LOCATED IN SECTION 29 TOWNSHIP 15**  
6 **SOUTH, RANGE 28 EAST; AND PROVIDING FOR AN EFFECTIVE DATE.**

7       **WHEREAS**, Harry R. Bertram and Leslie J. Bertram (the “Applicants” and “Owners”) submitted  
8 an application to rezone from Neighborhood Commercial District (C-1) to Mixed Residential District  
9 (R-7) to develop the parcel in accordance with residential uses; and

10       **WHEREAS**, the subject property consists of approximately 0.16 +/- acres, located at 55827  
11 Dale Circle, in the Astor area of unincorporated Lake County, in Section 29, Township 15 South,  
12 Range 28 East, identified by Alternate Key Number 1309425 and more particularly described in Exhibit  
13 “A” – Legal Description, specifically shown in the underline; and

14       **WHEREAS**, subject property is located within the Urban Low Density Future Land Use  
15 Category, as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

16       **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition PZ2024-158 on the  
17 4th day of December 2024, after giving notice of the hearing on the petition for a change in zoning,  
18 including notice that the petition would be presented to the Board of County Commissioners of Lake  
19 County, Florida, on the 7th day of January 2025; and

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

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

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

28 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to  
29 rezone the subject property from Neighborhood Commercial District (C-1) to Mixed  
30 Residential District (R-7).

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

35 **Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be  
36 invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way  
37 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 Date.** This Ordinance shall become effective upon recordation in the public  
5 records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

6  
7 **ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

8  
9 **FILED with the Secretary of State \_\_\_\_\_, 2025.**

10  
11 **EFFECTIVE \_\_\_\_\_, 2025.**

12  
13 **BOARD OF COUNTY COMMISSIONERS**  
14 **LAKE COUNTY, FLORIDA**

15  
16  
17 **\_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN**

18  
19 **ATTEST:**

20  
21 \_\_\_\_\_  
22 **GARY COONEY, CLERK OF THE**  
23 **BOARD OF COUNTY COMMISSIONERS**  
24 **LAKE COUNTY, FLORIDA**

25  
26 **APPROVED AS TO FORM AND LEGALITY:**

27  
28 \_\_\_\_\_  
29 **MELANIE MARSH, COUNTY ATTORNEY**

1

### EXHIBIT "A" – LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LAKE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL #1: LOT 39, LESS THE EAST 40 FEET, HOLIDAY HAVEN CAMP SITES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 64, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. PARCEL #2: THE EAST 40 FEET OF LOT 39, HOLIDAY HAVEN CAMP SITES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 64, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. ALSO: THAT PART OF GOVERNMENT LOT 4, SECTION 29, TOWNSHIP 15 SOUTH, RANGE 28 EAST LYING NORTHWEST OF EXISTING CANAL AND EAST OF EAST BOUNDARY OF HOLIDAY HAVEN CAMP SITES DESCRIBED AS FOLLOWS: FROM A REFERENCE POINT AT THE SOUTHEAST CORNER OF SAID HOLIDAY HAVEN CAMP SITES, RUN NORTH 0°31'50" EAST 699.16 FEET FOR A POINT OF BEGINNING, RUN THENCE NORTH 0°31'50" EAST 175 FEET, MORE OR LESS, TO THE SOUTH BANK OF ST. JOHNS RIVER, THENCE SOUTHEASTERLY ALONG BANK OF ST. JOHNS RIVER FOR A DISTANCE OF 90 FEET, MORE OR LESS, TO THE WESTERLY BANK OF EXISTING CANAL, THENCE SOUTHWESTERLY ALONG BANK OF SAID CANAL 140 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

2