



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

May 8, 2008

GUTMAN ADAM
2282 E ORANGE AVE
EUSTIS, FL 32726-

Project No. 2007080011, Application No. 1122

Description: GUTMAN Property Rezoning (RP to C1)

Dear Mr. GUTMAN:

This letter is to notify you that your application for Rezoning Application has been placed on the Development Review Agenda before the Development Review Staff on May 15, 2008. This meeting will be held in the Lake County Administration Building at 315 W. Main St. Tavares, Florida on the 2nd Floor in Conference Room #235.

If the Development Review Staff finds the application complete you will be scheduled for a public hearing before the Zoning Board for consideration on June 4, 2008 at 9:00am located at 315 West Main Street, Tavares, Florida in the round Administrative Building. The Zoning Board will consider the application based on the standards set forth in the Land Development Regulations and Comprehensive Plan. The Zoning Board may recommend approval, approval with conditions, or denial. Following the meeting, the recommendation will be forwarded to the Board of County Commissioners (the "Board").

The Board will consider your application at a public hearing on June 24, 2008 at 9:00am located at 315 West Main Street, Tavares, Florida in the round Administrative Building. The Board shall consider the recommendation made by the Zoning Board, staff report and consistency with the Land Development Regulations and Comprehensive Plan.

A copy of the staff report will be available a minimum of five (5) working days prior to the hearing. The Development Review agenda and staff comments for all projects are available for viewing on the website at www.lakecountyfl.gov under Board Agendas/Minutes. In the interim, please find attached a draft staff report of your rezoning request. Should you have any questions or concerns, please do not hesitate to contact me. I can be reached at (352) 343-9739, or you may visit our office Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

Sincerely,

Steve K. Greene, AICP
Chief Planner

cc: Sherie Ross, Hearing Coordinator

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LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
June 4, 2008



BOARD OF COUNTY COMMISSIONERS
June 24, 2008

Case: PH# 23-08-4 Gutman Property	Case Manager: Steve K. Greene, Chief Planner	Agenda Item # x
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- Application Request -

Owner:	Adam Gutman	Applicant:	Adam Gutman
Future Land Use:	Urban	Zoning District:	"RP" – Residential Professional
Land Use Density:	Maximum of eight (8) dwelling units (du) per one (1) gross acre.	Zoning Density:	Maximum of eight (8) dwelling units (du) per one (1) gross acre.

Requested Action: The Applicant is requesting to rezone .75 acres from Residential Professional (RP) Neighborhood Commercial (C-1) to accommodate professional office or daycare activity.

- Site Information -

- Size of Parcel:** .75 +/- acres
- Map Location:** Section 12/ Township 19S/ Range 26E
- Location:** Eustis Area – located on south side of State Road 44 (Orange Ave) AK# 1734096.
- Joint Planning Area:** City of Eustis
- Utility Area:** City of Eustis
- Site Utilities:** Central water and individual septic
- Road Classification:** State Road 44 (Orange Ave.) – Minor Arterial
- Site Visit:** May xx, 2008 **Sign(s) Posted:** 2-posed on May xx, 2008
- Commissioner's District:** 4 (Commissioner Stewart)
- Flood Zone:** X
- Flood Map Book Page:** 356D

Gutman Rezoning
PH #23-08-4
May 5, 2008

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Single-Family Residential	NORTH	Residential Professional (RP)
SOUTH	Single-Family Residential	SOUTH	Rural Residential (R-1)
EAST	Single-Family Residential, Office	EAST	Residential Professional (RP)
WEST	Single-Family Residential	WEST	City Limits of Eustis – Mixed Commercial/Residential (MCR)

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff finds that the proposed rezoning application to be consistent with the Comprehensive Plan and Land Development Regulations and recommends **APPROVAL** of the application.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis –

The Applicant is requesting to rezone .75 acres from Residential Professional (RP) to Neighborhood Commercial (C-1) for the purpose of operating a professional office or daycare activity in an existing 1,444 square foot residential dwelling. The subject parcel is located on State Road 44 (Orange Avenue) and lies within the Eustis Joint Planning Area (JPA) and Urban Future Land Use Category (FLUC). This property is situated on State Road 44 and like those to the east and west are predominantly zoned for residential office or mixed-use commercial. The proposed zoning request for this property is consistent with the current development pattern for both the City of Eustis and Lake County.

Section 3.00.02(N) of the LDR's defines the intent of the Residential Professional (RP) District as one that can provide for professional services. LDR Section 3.01.02(C)(12), Commercial Use Category, designates professional services as an acceptable use within the Professional Office classification. Policy 1-1.14 (3)(b) states that office activities shall conform with the general guidelines established for commercial uses within the Comprehensive Plan. Therefore, this application was evaluated for conformance with both office and commercial uses.

Policy 1-1.6, Function of Future Land Use Categories, indicates that new commercial development shall be allowable in the Urban Future Land Use Category, provided that such activity meets commercial location and other criteria within the Comprehensive Plan. Policy 1-3A.1 bases commercial location criteria within the Urban Future Land Use Category on building square footage. The criteria requirements are assigned for commercial structures greater than 2,500 square feet. As the existing structure on this site is 1,444 square feet in size, it's staff's opinion that Policy 1-3A.1 does not apply in this instance.

Future Land Use Policy 1-1.14 (2)(c) specifies that commercial uses shall be located in areas which are adequately served by an arterial or collector road system. As the property abuts SR 44 along its northern property line, the rezoning request complies with this requirement. Additionally, Future Land Use Element Policy 1-1.14(3)(a) indicates that the proposed rezoning for office or daycare activity can serve as a transitional use between land use activities of varying intensities and densities.

- Analysis -

(Per Section 14.03.03 of the Lake County Land Development Regulations)

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

The proposed rezoning is consistent with the Land Development Regulations (LDR) as seen in Section 3.00.02 (N) which defines the intent of the Residential Professional (RP) District as one that can provide for professional services not in direct conflict with the residential usage and which does not generate traffic of such as nature to require commercial or industrial zoning. The Applicant proposes the use of a Professional Office in conjunction with a single family residence. Professional Office, as defined in Section 3.01.02(C)(12), is a compliant use within the Residential Professional Zoning District per Section 3.00.02 (N) and Table 3.01.03, Schedule or Permitted and Conditional Uses, which allows Professional Office in Residential Professional Zoning District. Furthermore, Table 3.00.03, Land Use-Zoning District Matrix, allows for Residential Professional Zoning with the Urban Future Land Use Category (FLUC). The site adjoins single-family residential and residential professional uses, thus it is consistent with existing and proposed land uses, as required by Section 14.03.03 (C). It is staff's conclusion that Residential Professional uses would be compatible with the existing land uses in the area.

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

Policy 1-1.14(3)(b) specifies that office developments shall conform to the general guidelines established for commercial uses. Policy 1-1.6, Function of Future Land Use Categories, indicates that new commercial development shall be allowable in the Urban Future Land Use, provided that such activity meets commercial location and other criteria within the Comprehensive Plan. Policy 1-3A.1 bases commercial location criteria within the Urban Future Land Use Category on building square footage. The criteria requirements are assigned for commercial structures greater than 2,500 square feet. The existing structure on this site is 1,444 square feet in size and is not categorized within Policy 1-3A.1. As the Policy does not assign location criteria to structure's smaller than 2,500 square feet, Staff does not believe that Policy 1-3A.1 applies in this instance. Additional location criteria is found within Future Land Use Policy 1-1.14. Policy 1-1.14 (2)(b&c) specifies that office shall not be located on local streets, rather, be located in areas which are adequately served by an arterial and collector road system. The application is consistent as it is located on a minor arterial with two other minor arterials located nearby. Policy 1-1.14(3)(a) indicates that office development can serve as a transitional use between land use activities of varying intensities and densities. The intent of this Policy is consistent with a RP zoning.

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

The requested rezoning and its associated land uses are consistent and compatible with the surrounding land use and development pattern.

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

The Owner wishes to rezone in order to operate a business through an existing home. Otherwise, there have been no changes in condition that require a rezoning.

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 roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

Central water is presently supplied by the City of Eustis, a public utility. Individual septic is currently on property. The property will need to connect to central sewer service when it becomes available. Any additional impacts or demands on the road system will be addressed during development review for any proposed expansion of the facility.

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

Evaluation of flood zone maps show that there are no wetlands on the subject parcel. Staff notes that an Environmental Assessment addressing habitat and species shall be required during the development review phase of the project if this rezoning is granted.

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

The proposed rezoning is consistent with the surrounding land uses. There is no indication that the proposed rezoning would adversely affect the property values in the area.

H. Whether and the extent to which the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

The requested rezoning and its associated land uses are consistent and compatible with the surrounding land use and development pattern. The property is located within an office/mixed-use corridor in an area of the County and Eustis otherwise characterized by high-density single family residential development. There are several Residential Professional zoning districts located contiguous to the subject parcel.

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 proposed rezoning is consistent and in harmony with the general intent of the Lake County Comprehensive Plan and Land Development Regulations as seen in Section 14.03.03 (C) of the LDR's.

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

FINDINGS OF FACT: Staff has reviewed the rezoning application for the proposed rezoning and found:

1. The application is consistent with LDR Section 3.00.02 (N) which allows professional services to operate in the Residential Professional (RP) zoning district.
2. The application is consistent with LDR Table 3.00.03, Land Use-Zoning District Matrix, which allows RP zoning within the Urban Future Land Use Category.
3. The application is consistent with LDR Table 3.01.03, Schedule or Permitted and Conditional Uses, which allows Professional Office in the RP Zoning District.
4. The application is consistent with Comprehensive Plan Policy 1-1.6, Function of Future Land Use Categories, that indicates that new commercial development shall be allowable in the Urban Future Land Use, provided that such activity meets commercial location and other criteria within the Comprehensive Plan.
5. The application is consistent with Comprehensive Plan Policy 1-1.14(2)(b&c) which requires that commercial development shall not be located on local streets, rather, be located in areas which are adequately served by an arterial and collector road system.
6. The application is consistent with Comprehensive Plan Policy 1-1.14(3)(a) which indicates that office development can serve as a transitional use between land use activities of varying intensities and densities.

Therefore, based on these Findings of Fact, staff recommends **APPROVAL**.

WRITTEN COMMENTS FILED: SUPPORT: -0- OPPOSITION: -0-

FINAL ACTION B.C.C.: