



# LAKE COUNTY

DEPARTMENT OF  
GROWTH MANAGEMENT  
*Planning & Community Design Division*

5/29/2008

RICHEY & COONEY  
ATTN: MARY LUDWIG  
P.O. BOX 492460  
LEESBURG, FL 34749-2460

**Re: Project No. 2008040006, Application No. 1139**

**Description:** JOHN R. ARNOLD  
Rezone from R-4 to Agricultural

Dear Mrs. Ludwig:

Your rezoning application has been reviewed by the Lake County Development Review Staff. The review comments are attached for your reference. This case has been scheduled on the Development Review Agenda before the Development Review Staff for June 12, 2008.

No request for additional information has been submitted by any reviewing department, therefore the case has been scheduled before the Zoning Board on August 6, 2008 at 9 a.m. and before the Board of County Commissioners on August 26, 2008.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Jennifer Myers, Development Processing Supervisor Development Processing Section (352) 343-9640	Rick Hartenstein, Senior Planner/Case Manager Division of Planning and Community Design (352) 343-9739 x5400
---	--

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9816  
*Board of County Commissioners • www.lakecountyfl.gov*

JENNIFER HILL  
*District 1*

ELAINE RENICK  
*District 2*

DEBBIE STIVENDER  
*District 3*

LINDA STEWART  
*District 4*

WELTON G. CADWELL  
*District 5*

Project No. 2008040006, Application Request No. 1139

**PLANNING & COMMUNITY DESIGN DIVISION COMMENTS**

A copy of the Staff Report draft and proposed Ordinance draft are included as attachments.

**PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041**

**The following are informational comments:**

**Item: TRANSPORTATION**  
Seth Lynch (352) 483-9052

Access to the site is unclear as for the legal access of right-of-ways and/or easements. These access issues could cause problems for the site when the land is developed for agricultural uses or present uses.

**Item: RIGHT-OF-WAY**  
Seth Lynch (352) 483-9052

Site does not front on a County maintained Road.

**Item: FLOODPLAIN**  
Seth Lynch (352) 483-9052

The survey for the parcel shows that Flood Zone X and Flood Zone A (an undetermined flood zone) reside in the parcel. Please be aware of these flood concerns when proceeding with future development.

**FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788**

**The following are informational comments:**

Site Plan will be reviewed for Compliance with Fire Codes during the Site Plan Approval Process. Additional Comments may be provided at that time.

Fire protection water supply is required. In areas where public water is not available, a Fire Protection Water Storage Tank designed and sized per NFPA 1142 may be acceptable to meet this requirement (Calculations will be required). If a tank is provided, please include a note on the plans that a permit is required prior to the installation of the tank.

**HEALTH DEPT. - MARCELO BLANCO (352) 253-6130**

**The following are informational comments:**

No objection to rezoning only:

>Ensure proper agency permits are in place as required.

>Ensure the affected areas are removed from DEP and DOH land application permits as necessary.

**ENVIRONMENTAL REVIEW- JENNIFER COTCH (352)343-9739**

No further comments.

**CONCURRENCY - DEVELOPMENT REVIEW**

An Affidavit of Deferral was submitted with the rezoning application. Concurrency has been deferred till a later stage in development.

Cc: File (Proj#2008040006 AR#1139)  
Steve Greene, AICP, Chief Planner  
John R. Arnold, Trustee 5010 U S Hwy 27 Clermont FL 34711

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD  
August 6, 2008



BOARD OF COUNTY COMMISSIONERS  
August 26, 2008

<b>Case Number: PH # 28-08-2</b> John Arnold Property	<b>Case Manager:</b> Rick Hartenstein, Senior Planner	<b>Agenda Number: #</b>
--	--	-------------------------

- Application Request -

**Owners:** John R. Arnold, Trustee

**Applicant:** Richey & Cooney

**Future Land Use:** Urban Expansion

**Zoning District:** Medium Suburban Residential (R-4)

**Land Use Density:** 4 dwelling unit/acre (max.)

**Existing Density:** 4 dwelling units/acre

**Requested Action:** The owner wishes to rezone the property from Medium Suburban Residential (R-4) to Agriculture (A) to expand his agricultural operations.

**Proposed Density:** 1 dwelling unit/5-acres

- Site Information -

**Size of Parcel:** 40 +/- acres

**Map Location:** Section 10/ Township 24S/ Range 26E

**Location:** South Clermont area – east of US Hwy 27 on a private drive southeast of Frank Jarrell Road (AK #1594812)

**Joint Planning Area:** N/A

**Utility Area:** Lake Utility Services, Inc.

**Site Utilities:** Private well and septic tank

**Road Classification:** US Hwy 27 (Rural Principal Arterial) Frank Jarrell Road (Local) (Co. Maintained Clay) (Dist.#2-0456)

**Site Visit:** May 1, 2008

**Signs Posted:**

**Commissioner's District:** 2 (Renick)

**Flood Zone:** X and A

Surrounding Land Use		Surrounding Zoning	
<b>NORTH</b>	Single-family dwelling	<b>NORTH</b>	Agriculture (A)
<b>SOUTH</b>	Citrus Grove & Vacant Land	<b>SOUTH</b>	Medium Suburban Residential (R-4)
<b>EAST</b>	Vacant Land	<b>EAST</b>	Agriculture (A)
<b>WEST</b>	Single-family dwelling	<b>WEST</b>	Medium Suburban Residential (R-4)

**- Summary of Staff Determination -**

Staff recommends **APPROVAL** of the rezoning request to change the existing zoning from Medium Suburban Residential (R-4) to Agriculture (A) to facilitate agriculture activity.

**ZONING BOARD RECOMMENDATION:**

**-Summary of Analysis-**

The applicant wishes to rezone the property from R-4 to A to use the property for agriculture activity which is not permitted the current R-4 zoning district. At this time the property is vacant. If this rezoning request is approved, the applicant is proposing to expand his agricultural operations.

**- Analysis -**

(Per Section 14.03.03 of the Land Development Regulations)

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

This zoning application is not in conflict with any applicable LDR provisions. The proposed rezoning is consistent with LDR Section 3.00.03 Consistency of Zoning Districts with Land Use Classifications and LDR Section 3.01.03 Permitted and Conditional Uses.

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

The proposed rezoning is consistent with the Comprehensive Plan as seen in Policy 1-1.15 (2), Land Use Activities in the Urban Expansion Future Land Use Category (FLUC).

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

The proposed Agriculture rezoning is consistent with the existing Urban Expansion Future Land Use designation of the property as seen in Policy 1-1.15 (2) and LDR Section 3.00.03.

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

A review of the existing zoning map does not indicate a change in character of the surrounding land areas. The research does not reveal a development trend indicative of urban activity. The surrounding area is a mix of medium to low density residential to the west and south and vacant agricultural land to the north and east of the subject property.

- 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;**

Based on the research conducted by staff, it does not appear that the proposed rezoning will result in additional demands on public facilities.

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

It appears that rezoning the property to accommodate agriculture activity will not result in adverse impacts on the natural environment as the surrounding area is predominately used for agricultural activities.

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

There is no indication this rezoning request will adversely affect the property values in the surrounding 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;**

Based on field observations, it appears that the proposed rezoning would be a continuation of the existing land use activities 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; and**

The proposed rezoning would not be in conflict with the public interest and is in harmony with the intent of the Comprehensive Plan and LDRs.

**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 application for the proposed rezoning application and found:

1. The Application is consistent with Comprehensive Plan Policy 1-1.15 (2) Land Use Activities in the Urban Expansion Future Land Use Category; and
2. The Application is consistent with LDR Section 3.00.03 Consistency of Zoning Districts with Land Use Classifications and LDR Section 3.01.03 Permitted and Conditional Uses.

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

**WRITTEN COMMENTS FILED:**

**Supportive: -0-**

**Opposition: -0-**

**FINAL ACTION B.C.C:**



1 County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as  
2 they pertain to the above tract of land subject to the following terms:

3 **Section 1. Terms:** The County Manager or designee shall amend the Zoning Maps from Medium  
4 Suburban Residential (R-4) to Agricultural (A); as specified in Land Development Regulations  
5 (LDR) as amended, in accordance with this Ordinance.  
6

7 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:  
8

- 9 A. The aforementioned property shall only be used as specified in this Ordinance.
- 10
- 11 B. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the  
12 land and the terms, conditions, and provisions hereof, and shall be binding upon the present  
13 owner and any successor, and shall be subject to each and every condition herein set out.
- 14
- 15 C. The transfer of ownership or lease of any or all of the property described in this Ordinance  
16 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is  
17 made good and aware of the conditions established by this Ordinance and agrees to be  
18 bound by these conditions. The purchaser or lessee may request a change from the existing  
19 plans and conditions by following procedures contained in LDR Chapter XIV, as amended.  
20

21 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
22 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
23 affect the validity of the remaining portions of this Ordinance.  
24

25 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.  
26

27 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

28

29 FILED with the Secretary of State \_\_\_\_\_, 2008.

30

31 EFFECTIVE \_\_\_\_\_, 2008.

32

33

34

35

36 BOARD OF COUNTY COMMISSIONERS  
37 LAKE COUNTY, FLORIDA

38

39 \_\_\_\_\_  
40 WELTON G. CADWELL, Chairman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**ATTEST:**

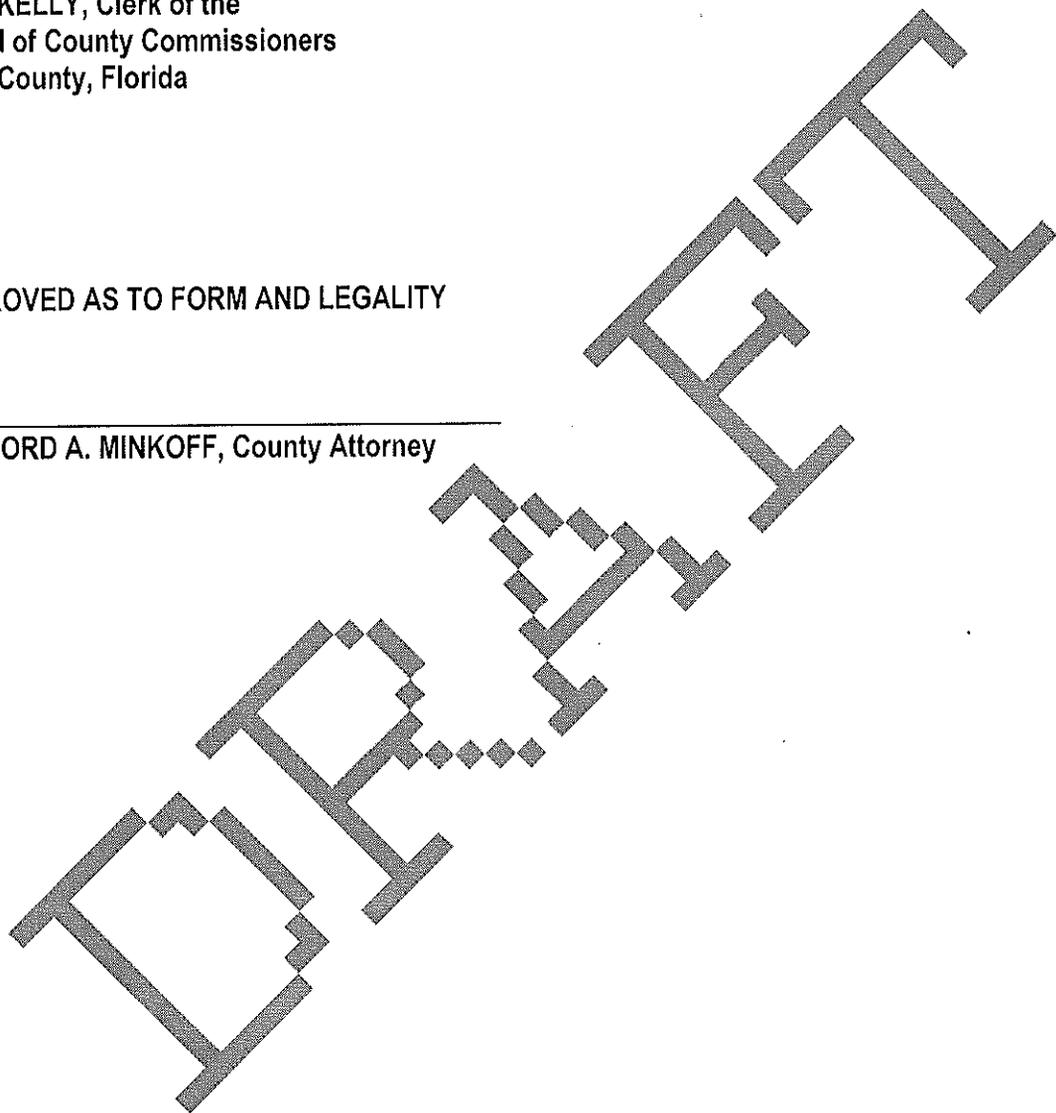
---

**NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida**

**APPROVED AS TO FORM AND LEGALITY**

---

**SANFORD A. MINKOFF, County Attorney**



1  
2  
3  
4  
5  
6  
7  
8  
9

**EXHIBIT "A"**  
**(Ordinance #2008-)**

**LEGAL DESCRIPTION:** The NE1/4 of the NE1/4 of Section 10, Township 24 South, Range 26 East, Lake County, Florida.

