



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

11/28/2007

GUTMAN ADAM
2282 E ORANGE AVE
EUSTIS, FL 32726-

Re: Project No. 2007080011, Application No. 992

Description: ADAM GUTMAN
REZONE FROM R1 TO RP

Dear GUTMAN ADAM:

Your Rezoning application has been reviewed by the Development Review Staff. Review comments are attached. All comments must be satisfied by the applicant prior to receiving a staff approval or being placed on a Public Hearing agenda.

Please respond to comments in the following manner:

- 1. Submit fifteen (15) legible, signed and sealed sets of plans. (19 sets if within Clermont JPA)**
 - Revised sheets shall have revision dates in the title block.
 - Plan revisions must be either circled or their location indicated in the written response letter.
- 2. Provide a written response to all comments.**
- 3. All plans shall provide a space five (5) inches by six (6) inches on the front page of each set of submittals to be used for the County approval stamp.**
- 4. Plan revisions submitted thirty (30) days after the DRS meeting will result in a \$100 Plan Revision fee.**
- 5. When all requested information has been received, it will be circulated to the DRS staff for review.**

The Development Review Staff will then review revised plans and responses to comments for compliance with the appropriate Land Development Regulations and Comprehensive Plan. This review will be completed within fifteen (15) days of receipt of all required information and you will be notified of the results of the review.

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

Sincerely,

Development Review
Division of Planning and Community Design
(352) 343-9640 or (352) 343-9739

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

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District 2

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District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

Project No. 2007080011, Application Request No. 992

PLANNING & COMMUNITY DESIGN

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

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

Rejection Comments

Item:

Remarks:

Informational Comments

Item: RIGHT-OF-WAY

Remarks: Site fronts on Portland (aka Maine St) (# 5569C) with 20 feet R/W. Fronts Maine Ave (# 5569A) w/ 53 feet total R/W. Also fronts Rockport St (# 5569B) w/ 40 feet total R/W. All classified as Local Roads. Rezoning application, no Dolan requested at this time.

Site also fronts SR 44.

Item: STORMWATER

Remarks: Stormwater can not be determined at this time.

Review Status: COMPLETE

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

Rejection Comments

Item:

Remarks:

Informational Comments

Item: REVIEW IS COMPLETE

Remarks: 10-29-07 Informational Comment.

All fire protection Issues for the Site shall be reviewed during the Site Plan Review process. Additional requirements may be noted at that time.

Review Status: COMPLETE

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

Rejection Comments

Item:

Remarks:

Informational Comments

Item: REZONING ONLY

Remarks: 11/15/07 - No objection to rezoning, however, the following will need to be addressed if the project proceeds further:

>Change of use of buildings from residential to commercial/business requires an existing system evaluation/permit BEFORE the structure is occupied and could result in upgrade & annual operating permit requirements.

In addition, the application should be corrected to show that the City of Eustis provides water service, but not sewer.

-MJB-

Review Status: COMPLETE

ENV. PROGRAMS - SCOTT CATASUS (352) 343-3776

Rejection Comments

Item:

Remarks:

Informational Comments

Item: REVIEW IS COMPLETE - ITEMS SUBMITTED ARE SUFFICIENT TO CONTINUE REVIEW.

Remarks: 11/07/2007 SC

Once the rezoning has been approved and the project goes through the Development Review Process a Preliminary Environmental Assessment will be required to determine the soil conditions, upland/wetland habitat, as well as the presence of threatened, endangered, or species of special concern.

Review Status: COMPLETE

CONCURRENCY - DEVELOPMENT REVIEW

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
January 3, 2007



BOARD OF COUNTY COMMISSIONERS
, 2007

Case: PH#	Case Manager: Karen Ginsberg, Senior Planner	Agenda Item #
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- Application Request -

Owner:	Adam Gutman	Applicant:	Adam Gutman
Future Land Use:	Urban	Zoning District:	"R-1" Rural Residential
Land Use Density:	Maximum of eight (8) dwelling units (du) per one (1) gross acre.	Zoning Density:	Maximum of seven (7) dwelling units (du) per one (1) gross acre.

Requested Action: The Applicant is requesting to rezone .75 acres from (R-1) Rural Residential to (RP) Residential Professional.

- Site Information -

Size of Parcel: .75 +/- acres

Map Location: Section 12/ Township 19S/ Range 26E

Location: East Eustis Area – located on south side of State Road 44, equidistant from the intersection of SR 44 and SR 19 to the west and the intersection of SR 44 and CR 44B to the east. AK# 1734096.

Joint Planning Area: Eustis

Utility Area: Eustis

Site Utilities: Central water and individual septic

Road Classification: State Road 44, also known as Orange Avenue – Minor Arterial

Site Visit: **Sign(s) Posted:**

Commissioner's District: 4 (Commissioner Stewart)

Flood Zone: X

Flood Map Book Page: 356D

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, Rural Residential (R-1)

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff finds that the proposed rezoning request is inconsistent with the Comprehensive Plan and Land Development Regulations as discussed in the analysis below and the Findings of Fact, therefore, staff recommends **APPROVAL** of the application.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone .75 acres from (R-1) Rural Residential to (RP) Residential Professional for the purpose of operating a Professional Office in his 1,444 square foot house. The subject parcel is located on State Road 44 (Orange Avenue) within the Eustis Joint Planning Area (JPA) and lies within the Urban Future Land Use Category (FLUC). The properties contiguous to State Road 44 are predominantly zoned for residential office or mixed-use commercial. The proposed zoning and utilization for this property is consistent with the current development pattern of State Road 44 within Eustis and its JPA.

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, 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)(c) specifies that commercial uses shall be located in areas which are adequately served by an arterial or collector road system. The subject property is served by an arterial and is in compliance with this requirement. 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 an RP zoning.

KG 11/16/07

PH#

Staff finds that the project is consistent with all applicable provisions of the Comprehensive Plan and Land Development Regulations and, therefore, recommends **APPROVAL** of this rezoning request.

- Findings of Fact -

(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 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 within two (2) miles of both a major arterial and collector. 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 an 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 his 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 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** of this request.

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

FINAL ACTION B.C.C.: