

LAKE COUNTY OFFICE OF PLANNING AND ZONING VARIANCE STAFF REPORT

Project Information	
Project Name and Case No.	MHC TT Inc. Property, VAR-19-05-1
Applicant	Matthew S. Gillespie, P.E.
Owner	MHC TT Inc.
Requested Action	Variance from the Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 <i>Heritage Trees</i> , to allow the removal of four (4) heritage trees with a cumulative total of one hundred ninety-seven (197) caliper inches for development of the southern portion of the Thousand Trails RV Resort.
Board of Adjustment Board Hearing Date	April 11, 2019
Staff Analysis/Determination	Staff recommends Approval with Conditions as provided in the draft Development Order.
Case Manager	Emily W. Johnson, Planner

Subject Property Information	
Size	269.17 net acres (indication of flood zones and wetlands on site)
Location	2110 Thousand Trails Blvd, Clermont, FL 34714
Alternate Key No.	2706929
Future Land Use	Urban Low Density / Rural Transition
Current Zoning District	Recreational Vehicle Park (RV)
Floodzone	A/X
Joint Planning Area/ ISBA	N/A
Overlay Districts	N/A

Land Use Table				
Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low, Wellness Way 3	Planned Unit Development (PUD)	Residential	Citrus Highlands Phases I and II, Avalon Groves PUD
South	Urban Low, Wellness Way 3, Rural Transition	Planned Unit Development (PUD), Agricultural (A)	Residential	Glenbrook, Serenity at Silver Creek, Residential parcels with wetlands
East	Lake	Lake	Lake	Hancock Lake
West	Urban Low	Planned Unit Development (PUD)	Residential	Eagleridge Phase I and III, Glenbrook

Summary of Request
<p>The Applicant is requesting a variance to the Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 <i>Heritage Trees</i>, to allow the removal of four (4) heritage trees with a cumulative total of one hundred ninety-seven (197) caliper inches for development of the southern portion of the Thousand Trails RV Resort.</p> <p>The tree mitigation plan for the Thousand Trails RV Resort Master Park Plan has been approved, with the condition that the four (4) heritage trees are to remain until the variance request is approved. The tree mitigation plan indicates that that while the required replacement caliper inches equate to 18,815 inches, the Owner will be preserving 42,822 caliper inches.</p>

Summary of Request

The Applicant has indicated that the heritage trees need to be removed due to their location relative to proposed development areas.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 9.02.10.F.2, to allow the removal of four (4) heritage trees. Pursuant to Land Development Regulations (LDR) Section 9.02.10.B, a tree is designated a heritage tree if it is greater than 40 caliper inches in size. The Applicant has requested to remove one (1) tree measuring sixty-one (61) caliper inches in size, one (1) tree measuring fifty-one (51) caliper inches in size, one (1) tree measuring forty-five (45) caliper inches in size, and one (1) tree measuring forty (40) caliper inches in size, for a total of one hundred ninety-seven (197) caliper inches removed. All four trees are of the species *Quercus virginiana*, which are listed as a Florida Native species, and are commonly referred to as live oaks.

The subject property, identified as Alternate Key Number 2706929, contains 269.17 +/- acres, is generally located east of U.S. Highway 27, north of Sunrise Vista Drive, in the south Lake County area, and is situated in Sections 23, 25 & 26, Township 24 South, Range 26 East. The property is zoned Recreational Vehicle Park (RV) in accordance with Ordinance #2018-24 and has an active Conditional Use Permit (CUP #2018-25) for the recreational vehicle park and is partially designated as Urban Low Density Future Land Use Category and Rural Transition Future Land Use Category. The property is included in the Thousand Trails RV Resort Master Park Plan Amendment (Project No. 2004010012, Application Request No. 3500), which is currently being reviewed by Staff. According to the GIS Map, the property lies within the "A" and "X" floodplain areas, and there is an indication of wetlands on site.

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the code, Land Development Regulations (LDR) Section 9.02.00, is to recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.

The Applicant provided the following statement as proof of meeting the intent of the code; *"A substantial amount of trees have been preserved so that a surplus of 24,000 inches are preserved when compared to those inches removed."*

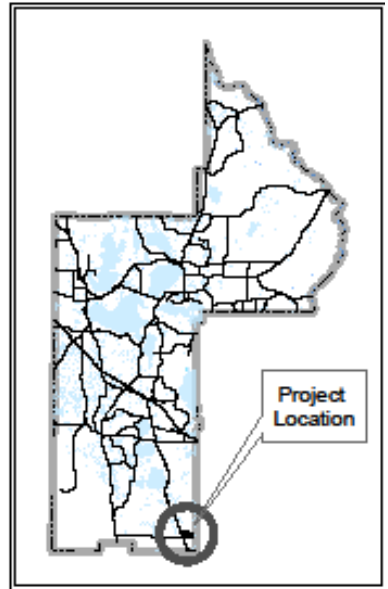
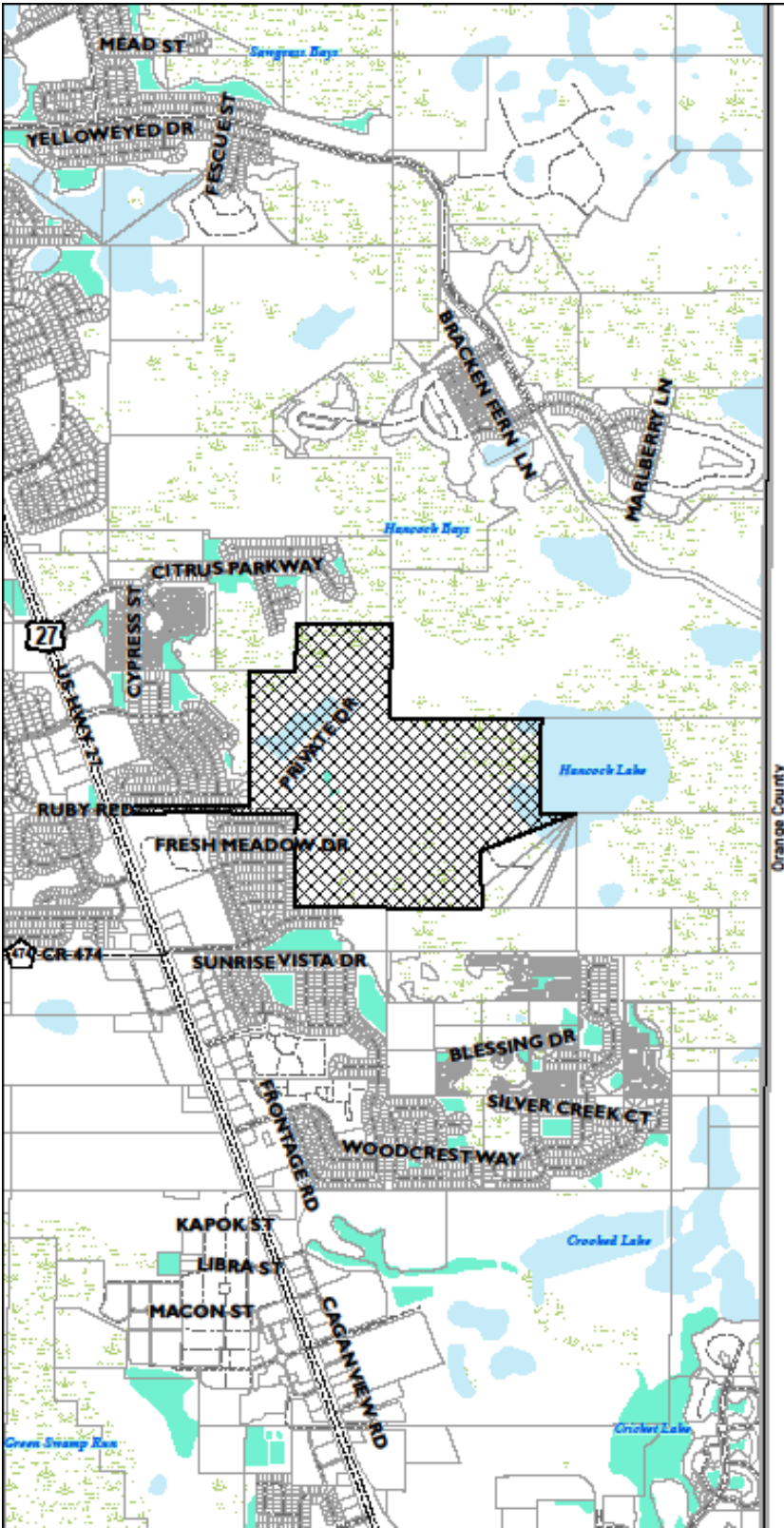
Pursuant to Land Development Regulations (LDR) Section 9.02.06.B, one hundred (100) percent of total caliper inches of removed heritage trees must be replaced. However, as the number of remaining caliper inches exceeds the number of caliper inches that are to be replaced, tree replacement is not necessary. The chart within the approved landscape mitigation plan sheet details the ratio of trees to be removed versus the trees to remain.

2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

The Applicant has provided the following hardship statement; *"Proper stormwater detention necessary for the expansion of the RV resort to the south portion of the property."*

The four (4) heritage trees necessitate removal due to their location relative to proposed development areas depicted on the proposed Master Park Plan. The Master Park Plan dictates how proper drainage, traffic flow, and development standards will be met. Requiring the heritage trees to remain could impact the integrity and design of the approved drainage systems, roads, and overall development. Furthermore, other planned developments have been allowed to remove heritage trees in accordance with approved landscape plans, so denying the Applicant would violate principles of fairness.

Subject Property



**Final Development Order
VAR-19-05-1
MHC TT Inc. Property**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Matthew S. Gillespie, P.E. (the "Applicant") on behalf of MHC TT Inc. (the "Owner") requested a variance from the Lake County Land Development Regulations (LDR), Section 9.02.10.F.2 *Heritage Trees*, to allow the removal of four (4) heritage trees with a cumulative total of one hundred ninety-seven (197) caliper inches for development of the southern portion of the Thousand Trails RV Resort; and

WHEREAS, the subject property identified as Alternate Key Number 2706929, contains 269.17 +/- acres, is generally located east of U.S. Highway 27, north of Sunrise Vista Drive, in the south Lake County area, and is situated in Sections 23, 25 & 26, Township 24 South, Range 26 East, and more particularly described in Exhibit A; and

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on April 11, 2019; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on April 11, 2019, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-19-05-1 to Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 *Heritage Trees*, to allow the removal of four (4) heritage trees with a cumulative total of one hundred ninety-seven (197) caliper inches for development of the southern portion of the Thousand Trails RV Resort, with the following condition:

1. One hundred (100) percent of the total caliper inches of the removed heritage trees must be replaced, or the number of caliper inches to be preserved trees must exceed the amount to be removed.

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

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Section 3. Effective Date. This Ordinance will become effective as provided by law.

**ENACTED this 11th day of April, 2019.
EFFECTIVE April 11, 2019.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 11th day of April, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger

EXHIBIT "A"
Legal Description

THE EAST ½ OF THE SOUTHEAST ¼; THE SOUTH ¾ OF THE EAST ½ OF THE WEST ½ OF THE SOUTHEAST ¼, THE SOUTH 100 FEET OF THE WEST ¼ OF THE SOUTHEAST ¼, AND THAT PART OF THE SOUTH 100 FEET OF THE SOUTHWEST ¼ LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 25 (U.S. 27), ALL BEING IN SECTION 23, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY FLORIDA.

ALSO

THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

AND ALSO

THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 25, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, AND THE WEST 2150.00 FEET OF THE SOUTH ¼ OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 25, TOWNSHIP 24 SOUTH, RANGE 26 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 25; THENCE RUN SOUTH 532.7 FEET, THENCE NORTHEASTERLY IN A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID NORTHWEST ¼; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 25 TO THE POINT OF BEGINNING.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ¼ CORNER OF SECTION 23, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY FLORIDA; THENCE SOUTH 00°12'00" WEST ALONG THE EAST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 23, A DISTANCE OF 1326.08 FEET TO THE NORTHWEST CORNER OF THE SOUTH ¼ OF SECTION 24, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE NORTH 89°23'35" EAST ALONG THE NORTH LINE OF SAID SOUTH ¼, A DISTANCE OF 2150.21 FEET; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°12'00" WEST, A DISTANCE OF 1319.18 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTH ¼; THENCE NORTH 89°12'33" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 493.74 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 24; THENCE DEPARTING SAID SOUTH LINE RUN SOUTH 67°25'14" WEST, A DISTANCE OF 1434.86 TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 25, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE SOUTH 00°19'12" WEST ALONG SAID EAST LINE, A DISTANCE OF 798.51 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST ¼; THENCE SOUTH 89°24'03" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ¼, A DISTANCE OF 1321.15 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST ¼; THENCE SOUTH 89°56'45" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 26, TOWNSHIP 24 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, A DISTANCE OF 1325.05 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ¼; THENCE NORTH 00°18'31" EAST ALONG THE WEST LINE OF SAID NORTHEAST ¼, A DISTANCE OF 1327.19 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST ¼; THENCE SOUTH 89°56'25" WEST ALONG THE SOUTH LINE OF AFORESAID SOUTHEAST ¼ OF SECTION 23, A DISTANCE OF 1324.52 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼; THENCE SOUTH 89°53'57" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 23, A DISTANCE OF 1149.63 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 25 (U.S. HIGHWAY 27); THENCE NORTH 21°42'18" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 107.56 FEET; THENCE DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE RUN NORTH 89°53'57" EAST, A DISTANCE OF 1189.27 FEET; THENCE NORTH 89°56'25" EAST, A DISTANCE OF 662.67 FEET TO A POINT ON THE WEST LINE OF THE SOUTH ¾ OF THE EAST ½ OF THE WEST ½ OF SAID SOUTHEAST ¼; THENCE NORTH 00°09'14" EAST ALONG SAID WEST LINE, A DISTANCE OF 1888.31 FEET TO THE NORTHWEST CORNER OF SAID SOUTH ¾; THENCE NORTH 89°55'02" EAST ALONG THE NORTH LINE OF SAID SOUTH ¾, A DISTANCE OF 662.80 FEET TO THE NORTHEAST CORNER OF SAID SOUTH ¾; THENCE NORTH 00°10'09" EAST ALONG THE EAST LINE OF SAID WEST ½, A DISTANCE OF 662.86 FEET TO THE NORTHEAST CORNER OF SAID WEST ½; THENCE NORTH 89°54'34" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST ¼, A DISTANCE OF 1325.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 269.17 ACRES, MORE OR LESS