



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-03-2, Storage Units Partnership Property

Owners: Storage Units Partnership, LLC

Applicant: Bryan Potts

Requested Action: Variance to Lake County Code, Land Development Regulation (LDR) Section 6.01.04(A)(1) to allow development to be located 15 feet from the Jurisdictional Wetland Line (top of the bank) in lieu of fifty (50) feet; and LDR Section 9.02.10 (F)(2), to allow for the removal of four (4) heritage oak trees.

Case Manager: Marellys Moreno, CRA Coordinator

Subject Property Information

Size: 5.36 +/- acres

Location: 14003 and 14037 County Road 455, in unincorporated Clermont area of Lake County

Alternate Key No.: 2665718 and 2665734

Future Land Use: Regional Office

Current Zoning District: Planned Unit Development (PUD)

Flood Zones: "A"

Joint Planning Area (JPA) / ISBA: Clermont JPA and Clermont ISBA

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Office	Heavy Industrial (HM)	Warehousing	Towing Service Company
South	Regional Office	Agriculture (A)	Vacant	Undeveloped
East	Regional Office	Planned Unit Development (PUD)	Vacant	Undeveloped
West	Regional Office	Heavy Industrial (HM)	Warehousing	Towing Service Company

Summary of Request.

The subject properties, identified as Alternate Key Numbers 2665718 and 2665734, contain 5.36 +/- acres, are zoned Planned Unit Development (PUD) for a mixed-use development of office and light industrial uses, and is designated with a Regional Office Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject properties are located at 14003 and 14037 County Road 455, in the unincorporated Clermont area of Lake County. The subject property is currently vacant and undeveloped.

A major site plan is currently being reviewed by the Office of Planning and Zoning (Project No. 2020040011, Application Request No. 4185) for a mixed-use development of office and light industrial uses on the subject property.

The applicant has requested a variance to LDR Section 6.01.04(A)(1) to allow development to be located 15 feet from the Jurisdictional Wetland Line (top of the bank) in lieu of fifty (50) feet. The Site Plan (Attachment "A") shows a retaining wall to be located 15 feet from the Jurisdictional Wetland Line (top of bank) to separate a 3-story building from the pond located on the south west corner of the property.

Since this property was platted on November 18th of 1920, pursuant to Comprehensive Plan Policy III-2.2.7, Protection of Shorelines, it is permitted for a variance to the setback requirement of fifty (50) feet from the ordinary high water line (OHWL), mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward. The Comprehensive Plan states that residential lots and non-residential development approved prior to March 2, 1993 may be permitted to continue development with the existing established wetland setback as long as the development does not adversely impact the natural water body or wetlands and all other feasible alternative have been exhausted, provided that the first one inch (1") of stormwater runoff shall be captured on site and the development must be constructed as far landward on the lot as possible.

The tree removal plan (Attachment "B") indicates removal of two (2) 48-caliper inch oak trees, one (1) 50-caliper inch oak tree, and one (1) 60-caliper inch oak tree within a proposed building footprint. Pursuant to LDR Section 9.02.10.B(1), trees with a 40-inch or greater trunk are considered heritage trees; removal of a heritage tree is prohibited under LDR Section 9.02.10.F(2), unless a variance to this section is granted by the Board of Adjustments.

The Applicant has requested a variance to LDR Section 9.02.10.F(2), to allow for the removal of four (4) heritage oak trees. Pursuant to LDR Section 9.02.06.B, one-hundred (100) percent of the total caliper inches of a removed heritage tree must be replaced or mitigated.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no objections to the request and provided the following comments: "The site will be meeting stormwater management requirements for both Lake County and St John River Water Management District for the site plan application approval."

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, LDR Section 6.01.04, is to protect the wetland area from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land use activities. The Development Order includes a condition to mitigate any potential negative impacts.

The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means: *"The design provides isolation and protection for the wetland."*

Additionally, the applicant submitted a statement of justification and support from Storage Units Partnership, LLC., which states that

"The St. Johns River Water Management District rules allow a 25' average wetland setback and a 15' minimum setback. LDR Section 6.01.01 states that it is the purpose of the wetland protection ordinance is that wetlands shall '... be conserved and protected to ensure that the natural structure and functional values are maintained'

a.- The variance and site plan protect and conserve the onsite wetlands. The presumed purpose for the setback is to prevent disturbance or contamination of the wetland.

i. The site will be constructed with a retaining wall and protective rail which will prevent physical access to the wetland area from clients and guests of the storage facility, thereby preventing disturbance or contamination of the wetland.

ii. the site will be constructed with an onsite exfiltration system that fully retains the 25yr/96hr storm – in excess of requirements. This will improve water quality to the wetland, as it will not receive phosphorous or nitrogen from surface runoff, thereby preventing disturbance or contamination of wetland."

The intent of the Code, 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 health, safety, welfare, and well-being of the community.

The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means: *"Additional trees have been added to offset the removed DBH of the heritage trees."* The statement of justification and support from Storage Units Partnership, LLC., also mentions that *"there are five heritage trees located on the property. One is within a landscape buffer area and will be preserved. The others are within areas of the property which require an excess of 6' of fill to be placed, which necessitates removal of the trees. Additional trees have been added to the landscape plans to account for the removed trees inch-for-inch (DBH)."*

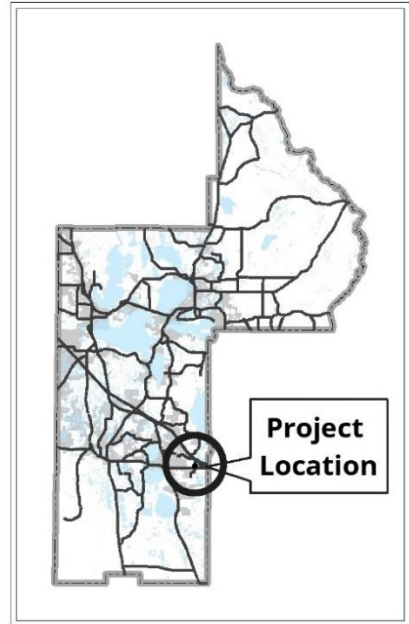
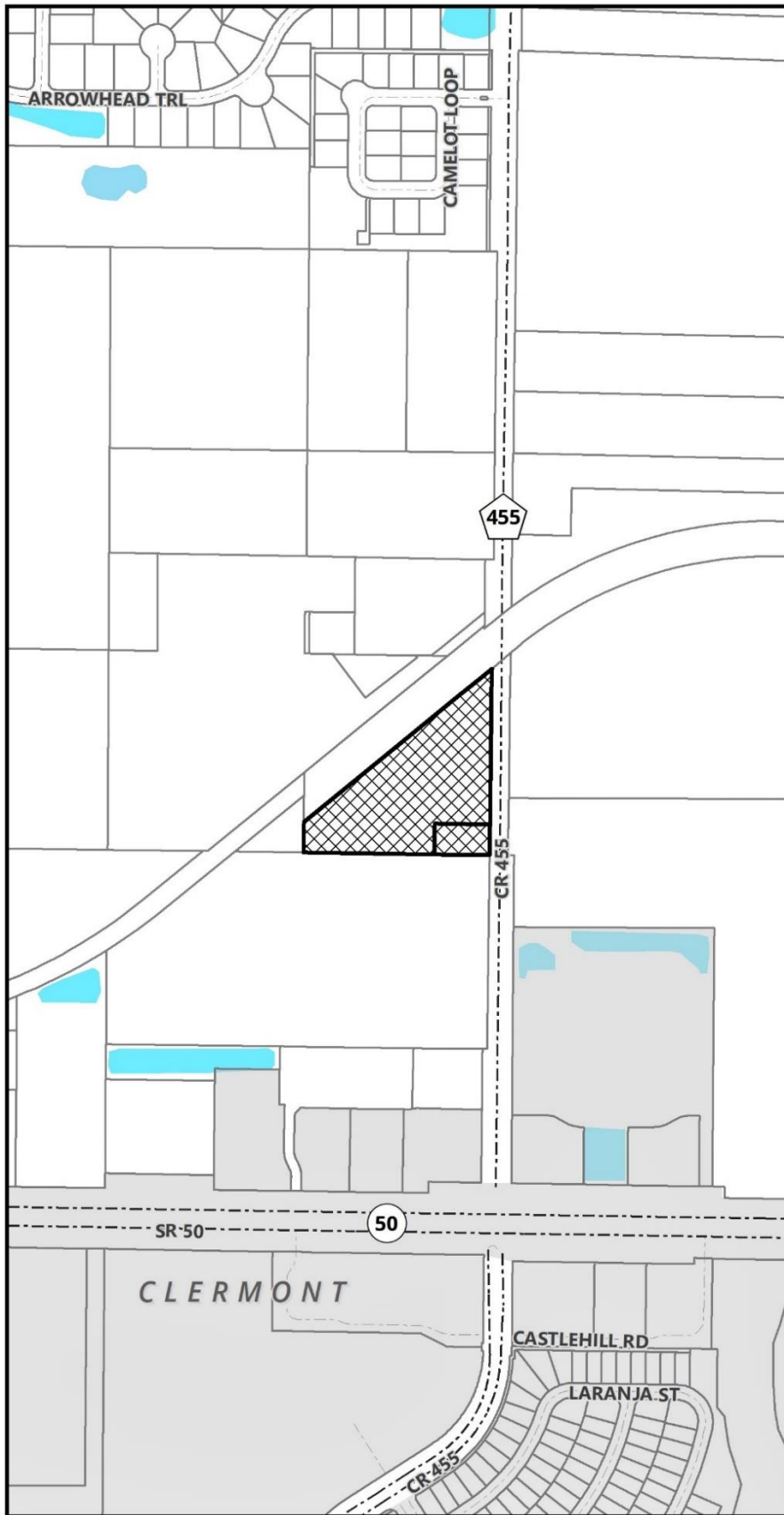
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.**

LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

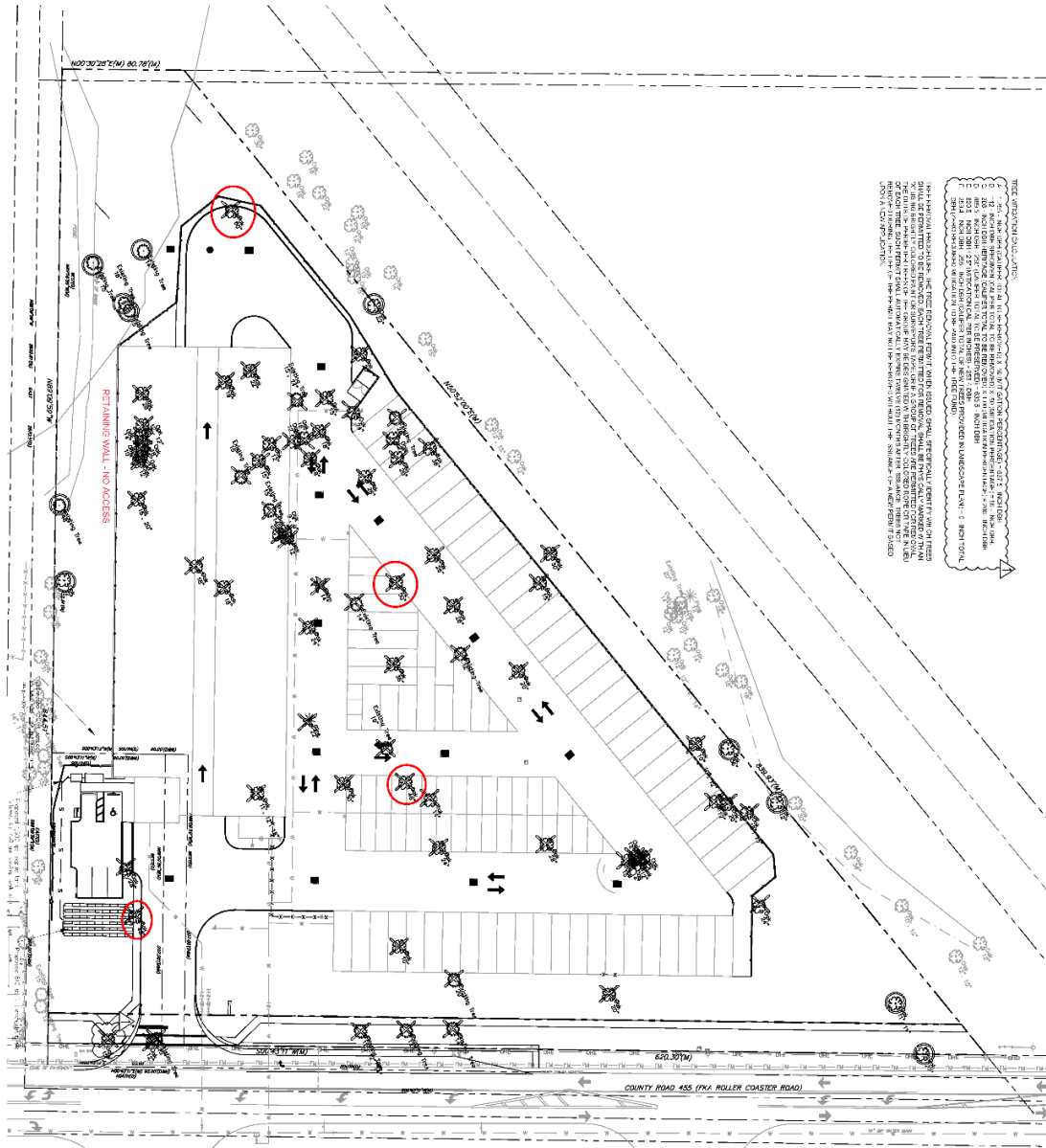
The Applicant provided the following statement about LDR Section 6.01.04(A)(1), *"The building and retaining wall prevent any human disturbance of the wetland, providing great protection, the site retains the 25yr/96hr storm, reducing unclean runoff from impacting the wetland."*

The Applicant provided the following statement about 9.02.10.F(2), *"Due to the topography of the site, it is not plausible to utilize the area without removing the 4-heritage trees."*

Map of Subject Property

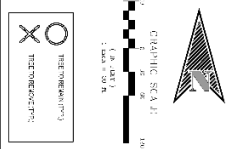


Attachment "B" – Tree Removal Plan



THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF CLERMONT. THE CITY OF CLERMONT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THIS SITE PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CLERMONT AND ANY OTHER AFFECTED AGENCIES. THE USER OF THIS SITE PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CLERMONT AND ANY OTHER AFFECTED AGENCIES. THE USER OF THIS SITE PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CLERMONT AND ANY OTHER AFFECTED AGENCIES.

NO.	DATE	DESCRIPTION	BY
1	08/11/2021	PRELIMINARY DESIGN	JAS
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DATE: 08/11/2021
 DRAWN BY: JAS
 CHECKED BY: JAS
 SCALE: AS SHOWN
 TREE REMOVAL PLAN
 L1

CLERMONT SELF STORAGE
 14003 COUNTY ROAD 455
 CLERMONT, FLORIDA

CADDSCAPES, INC.
 Florida Landscape Architecture Firm
 432 Nowell Loop
 Deland, FL 32724
 Office: 407 310-6567
 Landscape Architect:
 Jason Bridgewater, RLA
 Florida Water Star AP
 jasonbridgewater@gmail.com

**Final Development Order
VAR-21-03-2
Storage Units Partnership Property**

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

WHEREAS, Bryan Potts (the “Applicant”), on behalf of Storage Units Partnership, LLC (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow development to be located 15 feet from the Jurisdictional Wetland Line (top of the bank) in lieu of fifty (50) feet; and LDR Section 9.02.10 (F)(2), to allow for the removal of four (4) heritage oak trees; and

WHEREAS, the subject property consists of 5.36 +/- acres and is located 14003 and 14037 County Road 455, in the Clermont area of unincorporated Lake County, in Section 23, Township 22, Range 26, having Alternate Key Numbers 2665718 and 2665734, and more particularly described below:

LEGAL DESCRIPTION: EXHIBIT “A” – ATTACHED

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on April 8, 2021; 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 8, 2021, 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:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-21-03-2, to allow for the removal of four (4) heritage oak trees, and to allow for the proposed development to be located 15 feet from the Jurisdictional Wetland Line (top of the bank) in lieu of fifty (50) feet.

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 8th day of April, 2021.

EFFECTIVE April 8, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit “A” – Legal Description

All that part of Tract 60 in Section 23, Township 22 South, Range 26 East, lying South and East of Atlantic Coast Line Railroad according to the Map of Lake Highlands, recorded in Plat Book 3, Page 24, Public Records of Lake County, Florida, LESS; The South 90 Feet of the East 207 feet thereof, OTHERWISE DESCRIBED AS: Begin 90 feet North of Southeast corner of Tract 60-A, in Section 23, Township 22 South, Range 26 East, according to the Plat of Lake Highlands recorded in Plat Book 4, Page 11, Public Records of Lake County, Florida, run thence West 207 feet, South 90 feet, West to Southwest corner of Tract, North to Railroad, Northeasterly along Railroad to point North of Point of Beginning, South to Point of Beginning, SUBJECT to right-of-way of the Atlantic Coast Line Railroad.