

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD
January 4, 2012



BOARD OF COUNTY COMMISSIONERS
January 24, 2012

CUP #11/11/1-3 Shoup Acres Truckyard	Case Manager: Melving Isaac, Planner	Agenda Item #3
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Applicant: Jimmy Crawford (the "Applicant")

Owner: David & Gerry Shoup (the "Owner")

Requested Action: The Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District to allow a truckyard.

- Site Location & Information -



Size	10 +/- acres	
Location	Yalaha area, South of CR 48, end of Sikes Street	
Alternate Key #	3625935	
Future Land Use & Maximum Density	Rural Transition	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	.10 max	.10 max
Impervious Surface Ratio (LDR Table 3.02.06)	.10 max	.10 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Existing well system	
Road Classification	CR 48 - Urban Collector Sikes Street - Local	
Flood Zone/ FIRM Panel	A,X/455	
Commissioner District	3 (Conner)	

Approximate site location outlined in Blue

Site Visit December 16, 2011
Sign Posted December 16, 2011 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural Transition	Planned Commercial (CP), Agriculture (A)	Residential, Vacant Lands, Service Shop	
South	Rural	Agriculture (A)	Vacant Lands	
East	Rural Transition	Agriculture (A)	Vacant Lands	
West	Rural Transition	Agriculture (A)	Rural Residential	

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request for a Conditional Use Permit, subject to the conditions as set forth in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District on approximately 10 acres of property to allow a truckyard facility. The subject property is located in the Yalaha area, South of CR 48, end of Sikes Street. The property currently contains an existing shop building. The Applicant is currently conducting truckyard activities on the property.

The property is located within the Rural Transition Future Land Use Category (FLUC). The request is consistent with the Land Development Regulations (LDR), which allow truckyard uses in the Agriculture (A) Zoning District with the issuance of a CUP. The CUP will be limited to a truckyard for citrus and produce transporting operation per LDR Section 3.01.04(13).

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The proposed conditional use for a truckyard is consistent with criteria contained in Comprehensive Plan Policy I-1.4.5 for the Rural Transition FLUC. Truckyards for citrus and row crops are allowed with a Conditional Use Permit in the Agriculture (A) Zoning District, pursuant to LDR Table 3.01.03 *Schedule of Permitted and Conditional Uses*.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The Applicant is currently conducting truckyard activities on the property. This CUP will bring these activities into compliance. The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, screening and hours of operation. Wetlands and/or surface waters shall be protected from stored vehicles leaking hazardous materials.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The area is characterized by low density rural residential uses and undeveloped areas with limited commercial uses along CR 48. While the proposed truck-yard use is not incompatible with the surrounding land uses, it will be more compatible with the conditions implemented by the conditional use permit.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The proposed Ordinance contains conditions to limit impacts on properties within the immediate vicinity. The proposed conditions include setbacks, landscaping, buffering, screening and hours of operation. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed CUP. These items will be addressed in detail during the site plan process.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The CUP will not interfere with the development of neighboring properties. The facilities will be contained on-site with setbacks, landscaping, buffering, screening and hours of operation incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses. See the attached Conceptual Plan for generalized layout.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed rezoning for the proposed use will not result in additional demands on public facilities. The property is being served by an existing well. There is no septic system. The Town of Howey-in-the-Hills has indicated that there is no central water/sewage available to this property.

D. Adequacy of Fire Protection.

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is approximately one (1) mile from Lake County Fire Station 76 (closest fire station), located at 8819 CR 48, Yalaha.

FINDINGS OF FACT: Staff has reviewed the application for the proposed conditional use permit and found:

1. The request is consistent with the Comprehensive Plan Policy I-1.4.5 and conforms to the general land use criteria and activities of the Rural Transition Future Land Use Category.
2. The request is consistent with the Comprehensive Plan Policy I-1.4.5 that permits the Agriculture (A) Zoning District and uses within the Rural Transition Future Land Use Category.
3. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allow truckyards in the Agriculture (A) Zoning District with the issuance of a CUP.
4. The proposed truckyard use is not compatible with the adjacent uses without sufficient conditions to increase land use compatibility with those uses.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

- 1 B. Specific Conditions:
- 2 1. The number of trucks and trailers/refrigeration units shall be limited to a maximum
- 3 combination of 20 vehicles.
- 4 2. Site plan approval is required to continue the truckyard uses. The Applicant shall submit a
- 5 site plan application for review and approval within six (6) months of the effective date of
- 6 this Ordinance.
- 7 3. The use on the property shall be in conformance with all Federal, State and Local
- 8 Regulations at all times.
- 9 4. There shall be no storage of materials, equipment or vehicles within setbacks, buffers or
- 10 easements.
- 11 5. Noise: Public Address Systems or similar amplification devices shall not be installed or
- 12 used.
- 13 6. Hours of Operation for the truckyard use on the property will be from 7:00 a.m. to 7:00
- 14 p.m.
- 15 7. Wetland Markers and Signage: Wetlands markers shall be erected along all wetlands
- 16 every 50 feet.
- 17 8. Parking:
- 18 a. Parking surfaces may be grass or other pervious material.
- 19 b. Vehicles shall not be parked or stored closer than 10 feet to any property line or 50
- 20 feet from any wetland.
- 21 c. Accessible parking shall be provided in compliance with the Florida Accessibility Code.
- 22 9. The Permittee shall be responsible for maintaining the structural integrity of Sikes Street
- 23 and for all road repairs due to heavy truck traffic.
- 24 10. Vehicles storage areas shall be consistent with EXHIBIT "B" – CONCEPTUAL PLAN.
- 25 C. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
- 26 amended.
- 27 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
- 28 accordance with the Comprehensive Plan and LDR, as amended.
- 29 E. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended.
- 30 F. Wetlands: Minimum setback of 50-feet from the jurisdictional wetland line.
- 31 G. Fire Protection and Emergency Services Access: Access and fire safety requirements of the
- 32 property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as
- 33 amended.
- 34 H. Transportation Improvements/Access Management: Shall be in accordance with the LDR, as
- 35 amended.
- 36 I. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
- 37 with Dark-Sky Principles, and shall not illuminate adjacent properties or public right of ways.
- 38 J. Signage: Signs shall be in accordance with the LDR, as amended.

- 1 K. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall
2 submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN, for review
3 and approval in accordance with the Comprehensive Plan and LDR, as amended. Any
4 deviation that is not generally consistent with the Conceptual Plan may require an amendment
5 of the CUP Ordinance as determined by the County Manager or designee.
- 6 L. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
7 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
8 Comprehensive Plan, and Lake County Land Development Regulations shall include any
9 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 10 M. After establishment of the facilities as provided herein, the aforementioned property shall only
11 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
12 every requirement of the zoning district in which the property is located. Any other proposed
13 use must be specifically authorized by the Board of County Commissioners.

14 **Section 3.** Additional Conditions:

- 15 A. In the event of any breach in any of the terms or conditions of this permit or any default or
16 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
17 the conceptual plan as submitted to the Zoning Board and the Board of County
18 Commissioners; comply with the codes of the governmental agencies having lawful and
19 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use
20 Permit; or if this CUP is found to become a nuisance or safety hazard, the permit may be
21 revoked after due Public Hearing before the Zoning Board and the Board of County
22 Commissioners.
- 23 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
24 running with the land; and the purpose, terms, and conditions contained herein shall be
25 binding upon the Permittee or any successor and his interest hereto.
- 26 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
27 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
28 in this ordinance and to recommend that the ordinance be revoked.
- 29 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
30 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
31 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
32 operating hours, a fee shall also be assessed.

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

2
3 **ENACTED** this _____ day of _____, 2012.

4
5 **FILED** with the Secretary of State _____, 2012.

6
7 **EFFECTIVE** _____, 2012.

8
9 **BOARD OF COUNTY COMMISSIONERS**
10 **LAKE COUNTY, FLORIDA**

11
12 _____
Leslie Campione, Chairman

13 **ATTEST:**
14

15 _____
16 **NEIL KELLY, Clerk of the**
17 **Board of County Commissioners**
18 **Lake County, Florida**

19 **APPROVED AS TO FORM AND LEGALITY**

20 _____
21 **SANFORD A. MINKOFF, County Attorney**

EXHIBIT "A" – LEGAL DESCRIPTION

1
2 The SW 1/4 of the NW 1/4 of the NW 1/4 of Section 21, Township 20 South, Range 25 East, also described
3 as Block "2" of the West Addition to Bloomfield, an unrecorded subdivision lying and being in Lake County,
4 Florida.

5 TOGETHER WITH an easement for ingress and egress over and across the following described property:

6 The West 25 feet of the North 1/2 of the West 1/4 of the Northwest 1/4 of the Northwest 1/4 of the
7 Northwest 1/4, Section 21, Township 20 South, Range 25 East, being otherwise described as the West 25
8 feet of Lot 7, Block 1, West Addition to Bloomfield, an unrecorded subdivision lying and being in Lake
9 County, Florida;

10 and

11 The West 25 feet of the South 1/2 of the West 1/4 of the Northwest 1/4 of the Northwest 1/4 of the
12 Northwest 1/4 of Section 21, Township 20 South, Range 25 East, also described as Lot 8, Block "1" of the
13 West Addition to Bloomfield, an unrecorded subdivision lying and being in Lake County, Florida;

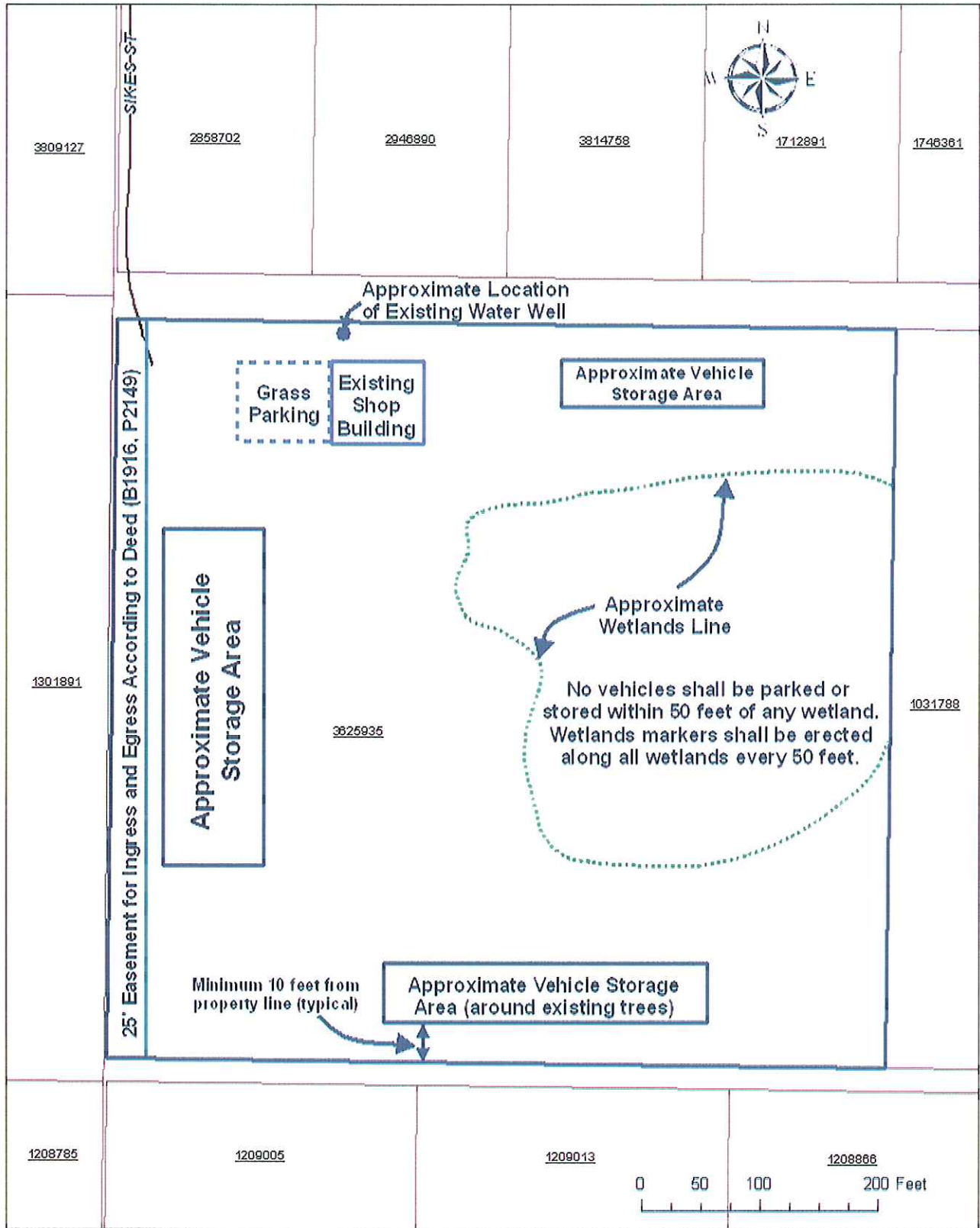
14 and

15 The West 25 feet of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 21, Township
16 20 South, Range 25 East, also described as Block "2" of the West Addition to Bloomfield, an unrecorded
17 subdivision lying and being in Lake County, Florida.

18 Subject to all easement, rights-of-way and restrictions of record, if any.

1

EXHIBIT "B" – CONCEPTUAL PLAN



Shoup Acres Truckyard - Conceptual Plan

Map generated using Lake County GIS Map