

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

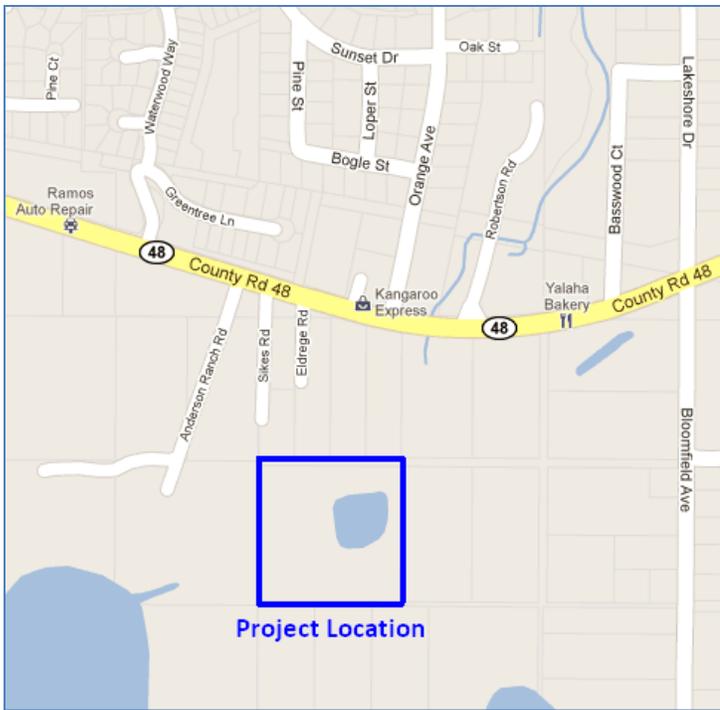
CUP #11/11/1-3 Shoup Acres Truckyard	Case Manager: Melving Isaac, Planner	Agenda Item #5
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Applicant: Jimmy Crawford (the "Applicant")

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: The Zoning Board recommended approval of the CUP, with conditions specified in the ordinance, on a 4-0 vote.

– 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:

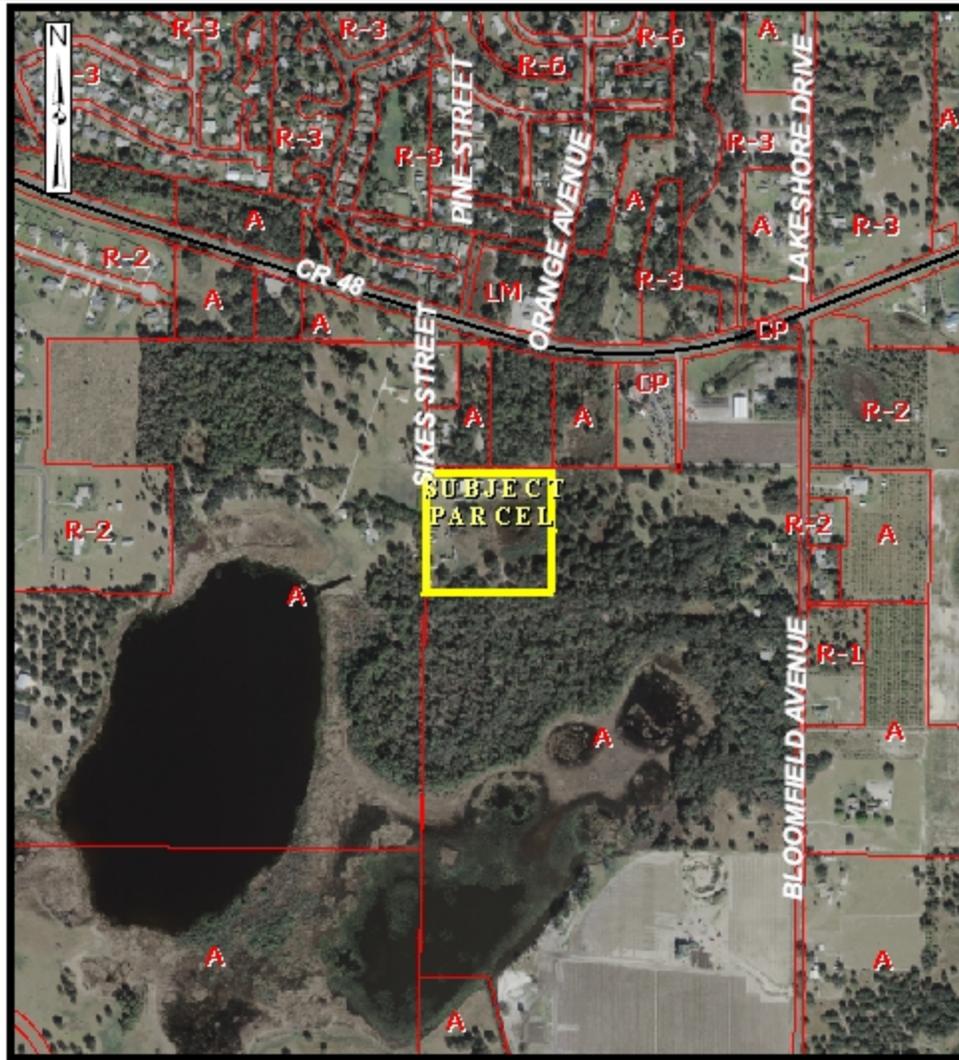
1. The request is consistent with the Comprehensive Plan Policy I-1.4.5 and conforms to the general land use criteria and activities of the Rural Transition Future Land Use Category.
2. The request is consistent with the Comprehensive Plan Policy I-1.4.5 that permits the Agriculture (A) Zoning District 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.

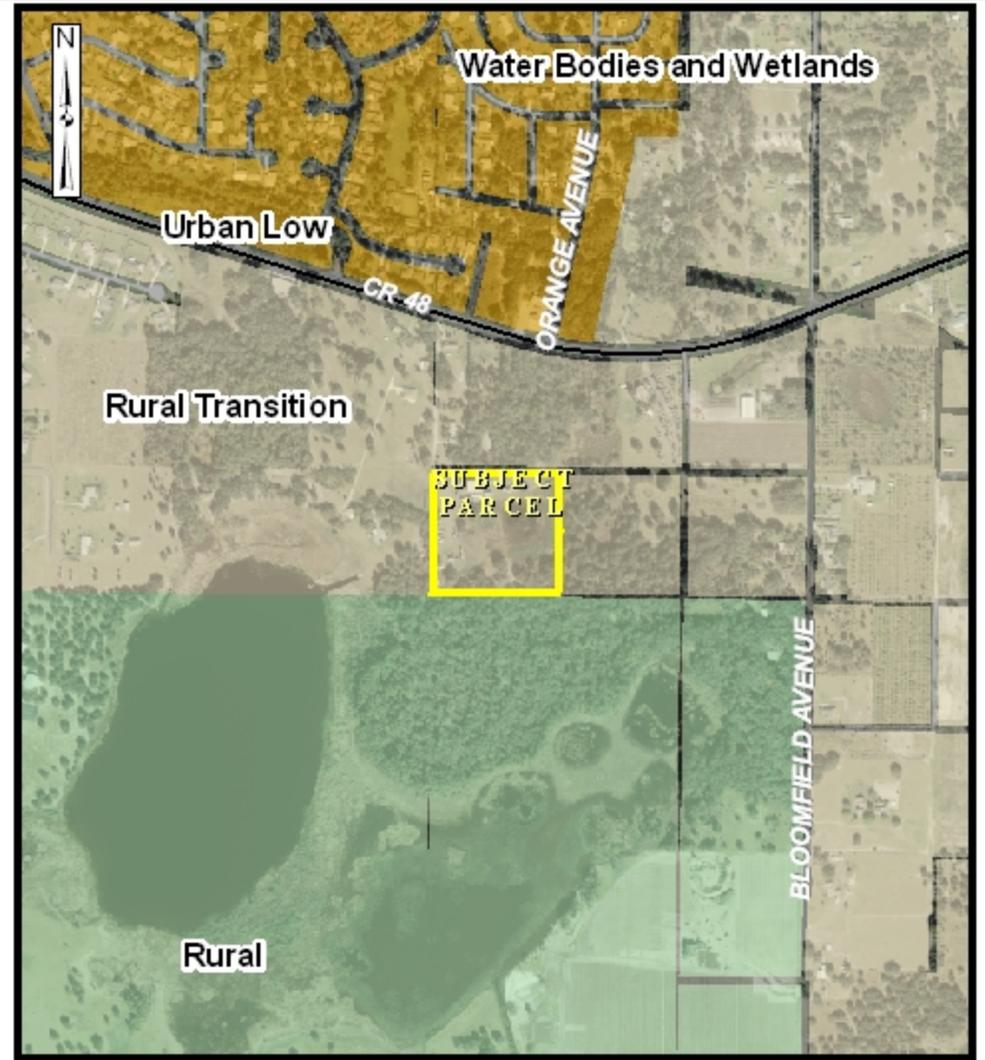
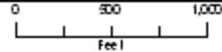
WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -1-

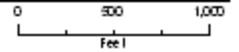
Opposition: -0-



CURRENT ZONING
AGRICULTURE (A)



ADOPTED FUTURE LAND USE
RURAL TRANSITION



SHOUP ACRES TRUCKYARD

CASE NO.
CUP #11/11/1-3

CASE LOCATION:
S 21, T20S, R25E

RE QUE STING:

Conditional Use Permit (CUP) for a Truckyard

ZONING (Red outline)

LAND USE (Purple outline)

SUBJECT PARCEL (Yellow outline)

REFERENCES:
Lake County GIS Department, Planning, 2000 Aerial Image;
Data Collection and Map production compliments of the
Growth Management Department, Planning/Community Design.

MAP COMPOSITION
JANUARY, 2003

FOCUS AREA

LAKE COUNTY PLANNING

The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

- 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

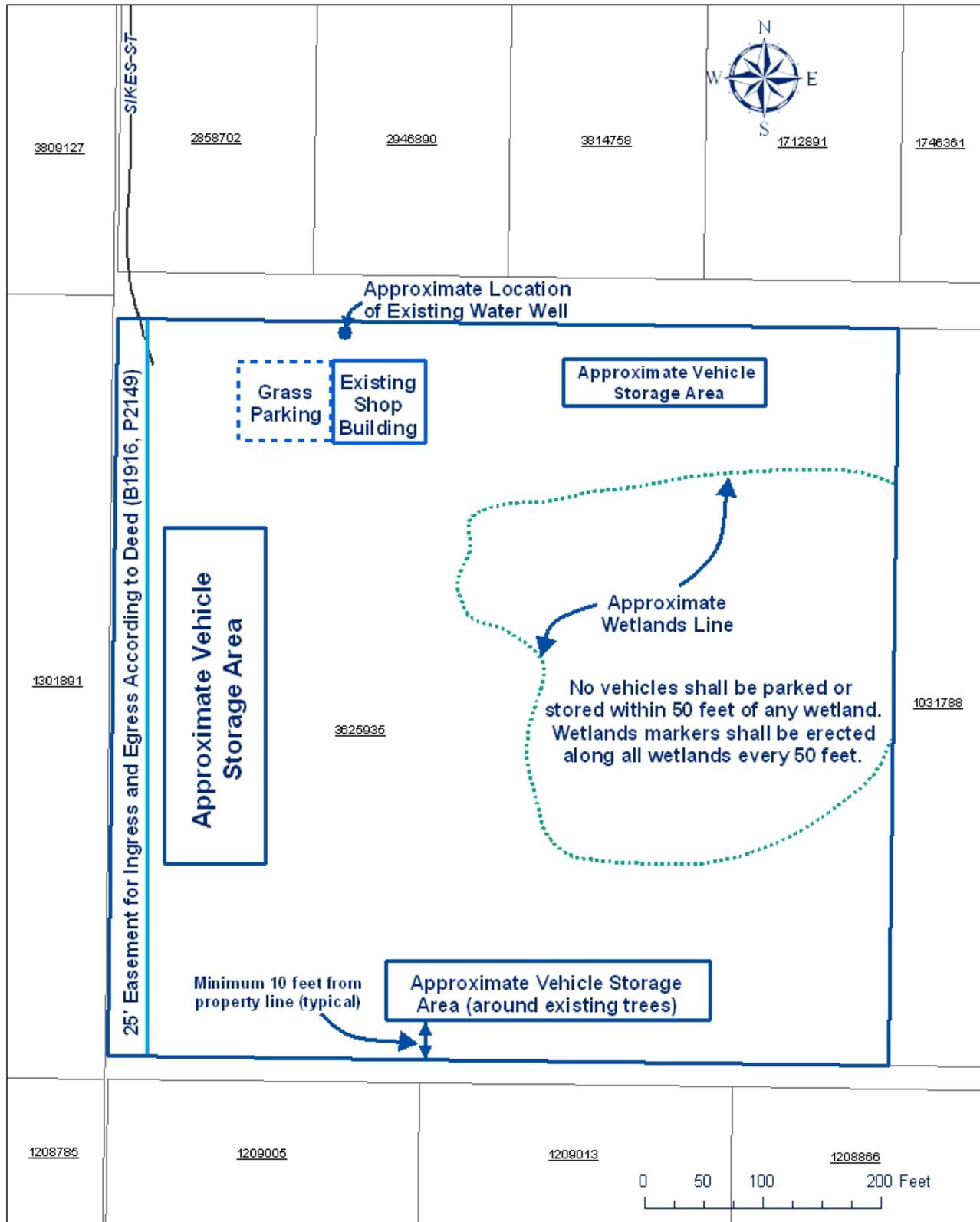
20 _____
21 SANFORD A. MINKOFF, County Attorney

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

MEMORANDUM

GROWTH MANAGEMENT
Planning & Community Design
315 West Main Street, Room 510
Tavares, FL 32778-7800



LAKE COUNTY
FLORIDA

P: 352-343-9641
F: 352-343-9767
www.lakecountyfl.gov

To: Lake County Zoning Board
From: Steve K. Greene, AICP, Chief Planner, Planning & Community Design *SKG*
Through: Brian T. Sheahan, AICP, Manager, Planning & Community Design *BTS*
Date: December 30, 2011
Subject: January 4, 2012 Rezoning Public Hearing
CUP #11/11/1-3 – Shoup Acres Truckyard

Please find attached a letter of concern from Ms. Cathy Tatom on the subject Shoup Acres Truckyard conditional use permit (CUP) that is scheduled for your consideration at the Zoning Board public hearing on January 4, 2012.

Upon receipt of Ms. Tatom's letter, staff e-mailed a copy of the staff report and ordinance to her. Ms. Tatom responded that the documents answered a lot of her questions. Staff followed up with a request of whether the documentation addressed all her concerns. To date, she has yet to reply to our latest e-mail communication.

We believe that Ms. Tatom's questions have been addressed

Cc: Amye King, Director, Growth Management
Melving Isaac, Planner
Aziza Bryson, Public Hearing Coordinator

Mr. Steve Greene
Chief Planner
Email:SGREENE@LAKECOUNTYFL.GOV
PHONE#343-9773

Dec. 29,2011

I'm writing this letter over the concern of a permit being considered case# CUP#11/11/1-3. As per the phone conversation we had my most important concern is my child and other children this is going to affect. To allow this Transportation operation permit to happen makes the area of children to play dangerous. I know our neighbors that have 5 children that live on the Sikes Road of this case and they are very concerned. My sister has 3 children play over at my house a lot. We have friends over and lots of kids are running around in this surrounding area.

My grand father and grand mother bought 33 acres over 55+ years ago and it still is owned by all family members. It is very heart breaking that we now may have big rig commercial trucks going up and down a dirt road beside our property. We have felt even as the growth around us has grown we are still in a country life setting and if this happens it will never be that way again.

Listed are a few other concerns and questions:

1-How much will every neighbor around this will their property value go down?

2-I know I had some issues on this one building my house we are on land that is in the 100 year flood plan. Does David and Gerry Shoup property affected by this plan also? I can see their land from mine and it has a big pond and their land holds a lot of water when it rains. How much land is dry land for these big rig trucks and trailers?

3-If the permit goes as a truck yard for citrus and produce transporting will yearly inspections be done as I read in the guidelines for agricultural classification of lands. I know this is not what they do as a business right now they go around the US and set up for carnival/fair activities. Are they changing their business to where there will be daily activity of trucks on this dirt road? How many trucks and trailers will they be allowed to have on only ten acres?

4- Noise allowance rules they come in all types of times mostly in the middle of the night. They make so much noise. Will it become a truck shop to where they can have people working on their trucks and trailers day and night?

Will these questions be answered at the Jan 4th meeting or at the Jan.24th meeting? I have never been to one and trying to prepare myself. Do I need to send a copy of this letter to the County Comm. also or does it get forward to them before the meeting on January 24?

Thank you
Cathy Tatom
Email: cuttingedge48@aol.com
Alt property# 3809127

NOT PRESENT: Childers

MOTION CARRIED: 4-0

CASE NO: CUP# 11/11/1-3

TAB NO. 3

OWNER: David and Gerry Shoup
APPLICANT: Jimmy Crawford
PROJECT NAME: Shoup Acres Truckyard

Steve Greene, Chief Planner, presented the case and staff's recommendation for approval of the request with conditions. He mentioned that a letter of concern was received after the Zoning Board books were mailed and that a memo with a copy of the letter had been provided to each member. Mr. Greene stated that the Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District to allow a truck yard.

Mr. Ameri asked Mr. Greene to expand on the impacts of the conditions in the ordinance. Mr. Greene referred to page 2, section B, of the ordinance and proceeded to read some of the conditions while further explaining them.

Rick Gonzalez, Board member, asked if the owners will be continuing with what they are already doing and if there was any proposed expansion. Mr. Greene answered yes that they will continue with what is already being done on the site and that to his knowledge there was no proposed expansion.

Jimmy Crawford, the applicant, requested a copy of the letter of concern that was provided to the Board. In regards to the continuation or expansion of the use, Mr. Crawford stated that it will be less than what it has been. He noted that since 1995, when the Shoups' purchased the property, there has always been a mixture of Ag and non Ag uses on the site. He also stated that there were non Ag related trucks and equipment on the site that will not be there in the future. He mentioned that on average there would be between 6 – 10 Ag related trucks on the site.

Mr. Ameri asked about vehicle size. Mr. Crawford replied that the trucks are 18 wheel trucks, in addition to some smaller trucks and equipment.

JoAnn Newmons, concerned citizen, had several questions. She asked about wetlands and how they would be impacted. She also asked about the size and load limit on the roads and how the roads would be affected. In addition, she wanted to know the hours of operation, what roads the trucks will use when they go in and out, what will be stored on the trucks, and what will be in the truck yard.

Mr. Greene replied that in regards to the repair shop, the oils, equipment, and materials used to make minor repairs will be stored in the existing building on the property and then disposed of when necessary, indicating that nothing will be left out in the open. Mr. Greene also referenced a condition in the ordinance which indicates that there will be no parking or building in the wetland area. In regards to hours of operation, Mr. Greene stated that hours will be from 7 a.m. to 7 p.m. He also mentioned that the road access would be Sikes St. and CR 48. In regards to the question about wetlands, Ms. Cotch added that there were 2 specific conditions in the ordinance pertaining

to wetlands. She referenced condition “B7”, Wetland Markers and Signage, and condition “F”, which refers to the minimum setback of 50-feet from the wetland line.

In reference to a concern Ms. Newmons mentioned about the lack of a septic tank on the property, Mr. Crawford explained that there will not be people in the shop all the time and that a port-o-potty is currently in use. He added that it is not a permanently manned shop and that all vehicles on the property will be operational.

MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE CUP# 11/11/1-3, Shoup Acres Truckyard.

FOR: Gonzalez, Ameri, DeWitt, Morris

ABSENT: Bryan, Kesselring, Miller

AGAINST: None

NOT PRESENT: Childers

MOTION CARRIED: 4-0

CASE NO: PH# 2-12-2

TAB NO. 4

OWNER: Johns’ Lake, LLC

APPLICANT: Johns’ Lake LLC/James H. Fant

PROJECT NAME: Johns Lake Landing PUD Amendment

Rick Hartenstein, Senior Planner, presented the case and staff’s recommendation for approval of the request with conditions. He stated that the Applicant is requesting to amend Ordinance # 2005-95 to add a 71 Unit Assisted Living Facility – ALF as a community facility use, remove the age-restricted development requirement, and reduce the number of dwelling units in the Planned Unit Development. During his presentation, Mr. Hartenstein mentioned that there is a current agreement for the provision of central water and sewer from the City of Clermont and that at some point this agreement would need to be revised prior to site plan or plat approval. He also mentioned some previously approved waivers in the 2005 ordinance that were unclear and he stated that the waivers were addressed appropriately in the current ordinance for clarity purposes.

Mr. Ameri asked if there were any consequences or affects in removing the age-restricted provision. Mr. Hartenstein answered that at the time of development of any residential aspects of the property, the applicant would apply to go through the concurrency review process. He stated that it would be determined by the School Board on whether or not they met school concurrency. He stated that if they were unable to meet school concurrency and there was no way to mitigate the impacts, then staff would not be able to approve the residential development and the applicant would have to revert back to filing the necessary paperwork to be an age-restricted community. Mr. Hartenstein indicated that if they were able to meet school concurrency, then they would be able to move forward as a residential development.

Vice Chairman Morris asked about the waivers. Mr. Hartenstein stated that the waivers will not have any bearing on the proposal. He added that staff wanted to be sure that the section