

LAKE COUNTY PLANNING AND ZONING DIVISION
CONDITIONAL USE PERMIT STAFF REPORT

Planning & Zoning Board
February 1, 2017



Board of County Commissioners
February 21, 2017

CUP-16-06-5 Harbor Hills RV & Boat Storage	Commission District 5 Blake	Agenda Item #2
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Requested Action: To eliminate the expiration date from Conditional Use Permit (CUP) 08/9/1-5 by rescinding Ordinance 2009-15 and replacing the existing CUP with a new Ordinance to allow recreational vehicle (RV) and boat storage use by the Harbor Hills Subdivision residents on 4.33 +/- acres of agriculturally zoned land.

Owner/Applicant: Harbor Hills Development, L.P. (the "Owner")

- Site Location & Information -

Size	3.44 +/- acres
Location	North and west of Harbor Hills Development, in the Lady Lake area
Alternate Key No.	1238935
Future Land Use	Rural
Existing Zoning District	Agriculture, with CUP 08/9/1-5
Proposed Zoning District	Agriculture, with CUP for continuing RV and boat storage use
Joint Planning Area/ ISBA	Town of Lady Lake

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Ranchette (RA)	Residence	Single-family dwelling unit on large lot
South	Rural	Planned Unit Development (PUD)	Lake Griffin Road	Harbor Hills Country Club Clubhouse across the street
East	Rural	Planned Unit Development (PUD) and Rural Residential (R-1)	Vacant/Undeveloped	Improved Pasture and Wetland Area
West	Rural	Ranchette (RA)	Residences	Single-family dwelling units on large lots

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** to eliminate the expiration date from Conditional Use Permit (CUP) 08/9/1-5 by rescinding Ordinance 2009-15 and replacing the existing CUP with a new Ordinance, with Conditions, to allow recreational vehicle (RV) and boat storage use by the Harbor Hills Subdivision residents on 4.33 +/- acres of agriculturally zoned land.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

History

The Harbor Hills Development applied for Conditional Use Permit (CUP) #05/4/1-5 on May 21, 2006 to allow for the residents of Harbor Hills to operate a RV and boat storage facility. At that time, the parcel was zoned Rural Residential District (R-1). The Board of County Commissioners established this CUP as temporary and incorporated a sunset date of three (3) years from the enacted date of this ordinance. This CUP was approved by the Board of County Commissioners on April 26, 2005 and included a total of 4.33 +/- acres interior to a vacant 40-acre parcel. This CUP expired on May 12, 2008.

The subject property was zoned Rural Residential District (R-1). A portion of the subject property was then rezoned from Rural Residential District (R-1) to Agriculture (A) by Ordinance #2009-15, approved by the Board of County Commissioners on January 27, 2009. This rezoning included total of 4.33 +/- acres.

The Owner then filed an application to renew the CUP so the residents of Harbor Hills Subdivision can continue to utilize the RV and boat storage facility. At this time the Board of County Commissioners established a CUP to expire five (5) years from the enacted date of the ordinance. Conditional Use Permit (CUP) #08/9/1-5 was approved by the Board of County Commissioners on March 24, 2009 and included a total of 4.33 +/- acres. This CUP expired on April 2, 2014.

The Owner is requesting to renew the Conditional Use Permit and to remove the condition that limits the validation of the CUP for five (5) years from the enacted date. The parcel is zoned Rural Residential District (R-1) with a Rural future land use category. The proposed CUP amendment is for a 4.33 +/- acre area within a vacant 40-acre parcel located north and west of the Harbor Hills Planned Unit Development (PUD). The CUP renewal is required to eliminate the expiration date of the CUP so that the residents of Harbor Hills Subdivision can continue the operation of a Recreational Vehicle (RV) and boat storage facility without having to return to a future public hearing to extend the time limitation of the CUP every 5 years.

The Land Development Regulation (LDR) is silent regarding storage areas for RVs and boats as they relate to non-commercial storage activities for a subdivision. Generally when an Owner requests a recreational use, such as a RV and boat storage facility for a subdivision that is zoned Planned Unit Development (PUD), the uses and conditions would be listed in the PUD ordinance. However, this subject property is located outside of the Harbor Hills Development PUD. LDR Section 3.01.05 Similar Uses, specifies that uses not specifically listed and not more obnoxious or detrimental than the uses listed in Subsection 3.01.03, may be permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts after review and approval by the County Manager or designee. Similar uses contained in the LDRs that closely resemble the requested use are Truck Yards, defined as the storage of vehicles, equipment and materials, together with related facilities Accessory to the use. Staff has compared these uses to the requested use and has determined that the RV and boat storage facility is far less obnoxious or detrimental than the uses listed above.

The subject property is located along Lake Griffin Avenue, in the Lady Lake area. The property is currently used by the residents of the Harbor Hills Subdivision as a RV and boat storage facility with the following conditions:

- A. This conditional use permit shall be valid for five (5) years from the enacted date of the ordinance.
- B. Construction and/or operation shall have begun with 12 months; otherwise, this permit shall be null and void; and the Permittee shall reapply for public hearing before the Zoning Board and the Board of County Commissioners. Provided the operation has begun within the period specified, this permit shall be inspected by the Code Enforcement Division at the end of the 12 month period to ensure compliance with the conditions of this Ordinance.
- C. In the event of failure of the Permittee to fulfill development in substantial accordance with the plans as submitted to the Zoning Board and the Board of County Commissioners, comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon, or comply with any of the terms of this Ordinance, the permit may be revoked after due public hearings before the Zoning Board and the Board of County Commissioners.
- D. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto.
- E. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or his successor in interest shall be deemed a material breach hereof; and this Ordinance for a Conditional Use Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Zoning Board, The County Manager or designee shall set this matter for public hearing before the Zoning Board and Board of County Commissioners giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.

Mitigation for the impacts were previously addressed in the previous approved ordinance through landscape buffers for the project. The existing operation of the recreational vehicle (RV) and boat storage facility would not have any undue adverse effect upon nearby properties as this request is to renew an expired CUP.

– Analysis –

LDR Section 14.05.03 (Standards for Review)

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

The application is consistent with LDR Section 3.01.05 Similar Uses, not specifically listed and not more obnoxious or detrimental than the uses listed in Subsection 3.01.03, may be Permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts after review and approval by the County Manager or designee. Similar uses contained in the LDRs that closely resemble the requested use are Truck Yards and Major Utilities. Staff has compared these uses to the requested use and has determined that the RV and boat storage facility is far less obnoxious or detrimental than the uses listed above.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

It is not anticipated that the proposed amendment and continuation of use would have any undue adverse effect upon nearby property. This request is to renew an expired CUP for an existing recreational vehicle (RV) and boat storage facility used only by the residents of Harbor Hills Subdivision. A search of County records show no complaints have been filed against this property and no code violations have been issued against this property by Code Enforcement.

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

The existing operation is located on the 4.33 +/- acres utilizing the sloping topography to shield the view of the site from adjacent property that is owned by others.

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 recreational vehicle (RV) and boat storage facility is existing. The conditions of this CUP incorporated a landscape requirement into the ordinance to further aid in minimizing any potential adverse effects on property owned by others. The proposed ordinance requires the submittal of a development application, which requires an associated landscape plan be submitted for the non-residential use. This condition will ensure that potential adverse effects onto the neighboring properties will be minimized.

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

The property is owned by Harbor Hills Development and as such should have no interference with the development of neighboring property. This is a continuation of an existing storage facility use and does not deviate from the current construction or land use arrangement.

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, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

The existing recreational vehicle (RV) and boat storage facility will have no impacts on public facilities, as the request seeks to continue an existing use by renewing the expired CUP.

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.

Lake County Fire Stations 53 is located within 5-miles and will provide Advance Life Support (ALS) should an emergency situation on the property demand this service and Lake County Fire Rescue Station 54.

Potable Water & Sewer - The proposed continued RV-boat storage use is not anticipated to create any adverse impacts on these public facilities.

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

1. The conditional use permit application is consistent with LDR Section 3.01.05 pertaining to compared uses being far less obnoxious or detrimental than the uses that may be permitted in the Commercial, Industrial, Agriculture and Community Facility District as listed in LDR Subsection 3.01.03.
2. The proposed conditional use permit application is consistent with Comprehensive Plan Policy I-1.4.4 for uses allowed within the Rural future land use category.
3. The conditional use permit application is consistent with Section 3.01.03 LDR that permits Truck Yards and Major Utilities (similar uses) in the Agriculture zoning district with a conditional use permit.

Based on these findings of fact, staff recommends **Approval** of the conditional use permit renewal, with conditions:

- A. A development application for site plan approval shall be required to be submitted by the CUP renewal date. The required site plan shall detail the operations and shall be submitted for review and approval prior to commencement of the operations.
- B. Parking surfaces may be grass or other pervious material, except as required for ADA access. There shall be no parking allowed outside the property limits.

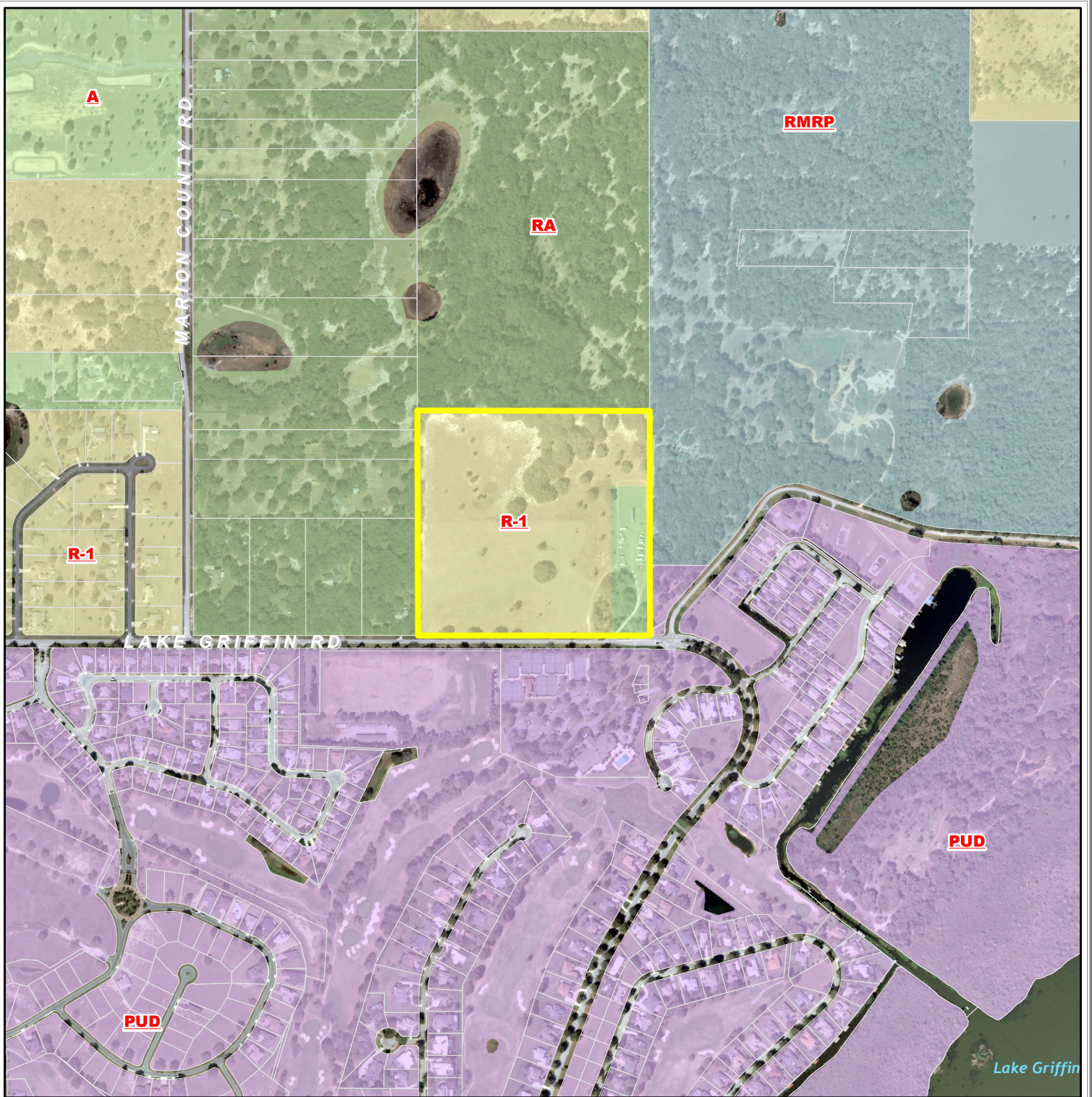
Case Manager: Janie Barrón, Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

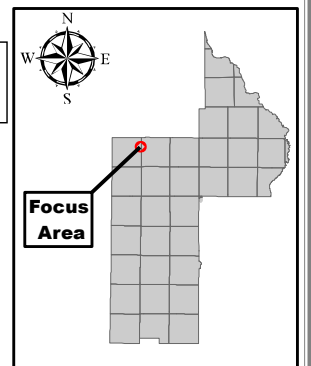
Opposition: -0-

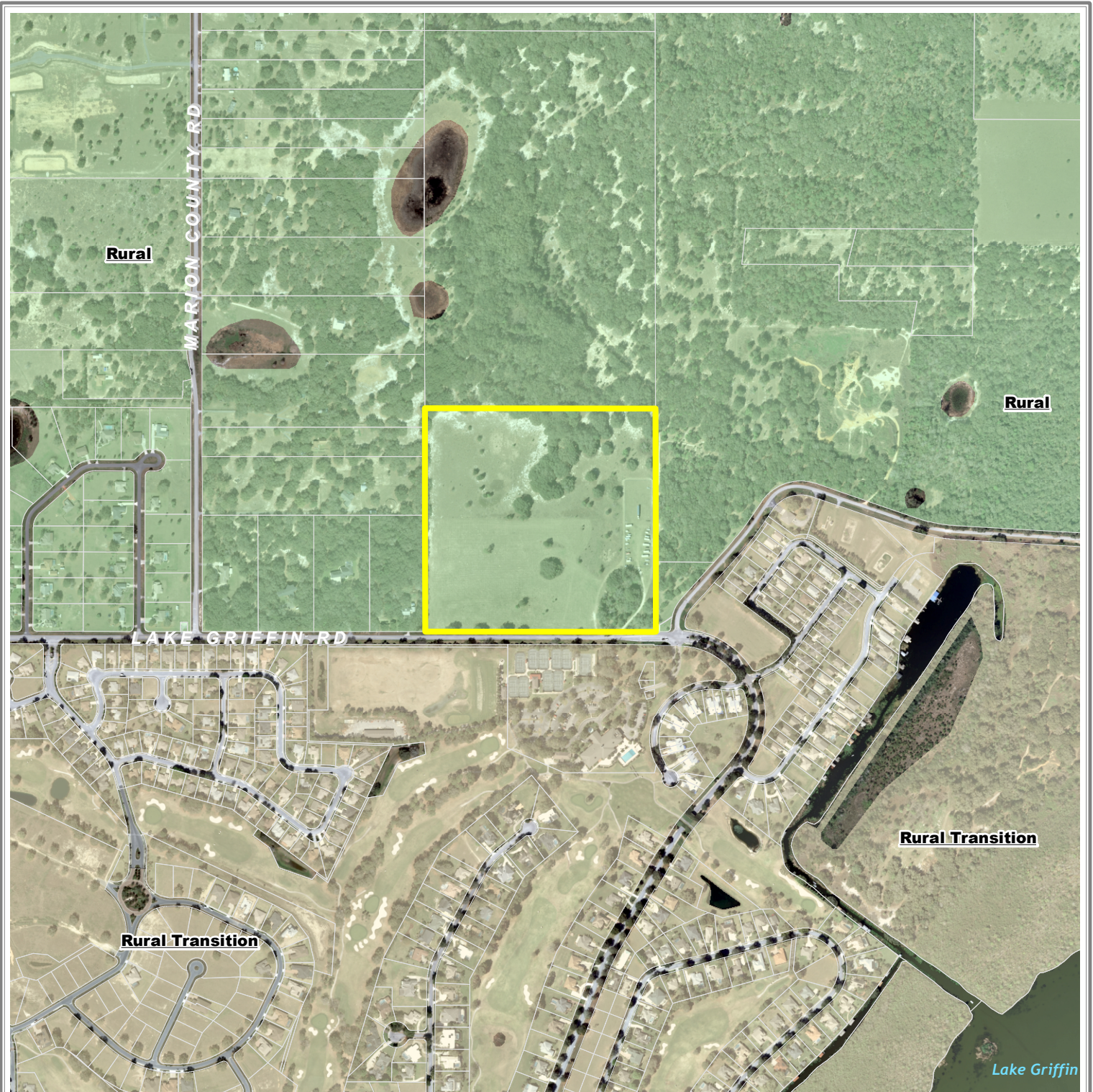


ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: HARBOR HILLS RV STORAGE
CASE NUMBER: CUP-16-06-5
LOCATION (S-T-R): 12-18-24
REQUEST: REMOVE 5 YEAR CONDITION FROM ORD#2009-16





FUTURE LAND USE LEGEND

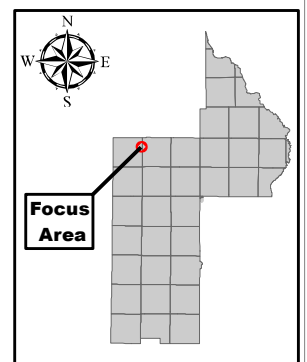
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|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Summer Bay | |

NAME: HARBOR HILLS RV STORAGE

CASE NUMBER: CUP-16-06-5

LOCATION (S-T-R): 12-18-24

REQUEST: REMOVE 5 YEAR CONDITION FROM ORD#2009-16



**Ordinance 2017-XX
Harbor Hills RV & Boat Storage
CUP-16-06-5**

1 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
2 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

3 **WHEREAS**, Harbor Hills Development LP (the "Owner") has submitted a conditional use permit
4 (CUP) application to eliminate the expiration date of CUP 08/9/1-5 by rescinding Ordinance 2009-15 and
5 replacing it with a new Ordinance to allow to a Recreational Vehicle (RV) and boat storage facility to be used
6 by the residents of Harbor Hills Subdivision only on 4.33 +/- acres of agriculturally zoned land; and

7 **WHEREAS**, the subject property consists of 4.33 +/- acres and is generally located in the Lady Lake
8 area, along Lake Griffin Road, north and west of Harbor Hills Development, in Section 12, Township 18
9 South, Range 24 East, having Alternate Key Number 1238935, and more particularly described as:

10 **LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]**

11 **WHEREAS**, the subject property is located within the Rural Future Land Use Category as shown on
12 the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

13 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in
14 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance
15 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the
16 special conditions herein after set forth; and

17 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
18 on the 1st day of February, 2017 and by the Board of County Commissioners of Lake County, Florida, on the
19 21st day of February, 2017; and

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

23 **Section 1.** Permission is hereby granted to eliminate the expiration date of CUP 08/9/1-5 by rescinding
24 Ordinance 2009-15 and replacing it with a new ordinance to allow a recreational vehicle (RV)
25 and boat storage facility to be used by the residents of Harbors Hills Subdivision only on 4.33 +/-
26 acres of agriculturally zoned land.

27 **Section 2.** Terms: The County Manager or designee shall amend the Official Zoning Map to reflect a
28 Conditional Use Permit (CUP) to allow uses with conditions as outlined within this Ordinance.

29 **A. Land Use.** The use of the site shall allow the uses specified below and consistent with Exhibit "B",
30 the Conceptual Plan:

31 1. Permitted use of the site described by Exhibit "A" and depicted by the Conceptual Plan attached
32 as Exhibit "B" of this Ordinance shall be limited to a recreational vehicle (RV) and boat storage facility.
33 Ordinance #2009-15 is hereby revoked and superseded by this Ordinance. The storage facility shall
34 be for the residents of Harbor Hills Subdivision only. Normal accessory uses related thereto may be
35 approved by the County Manager or designee. Any other use of the site shall require approval of an
36 amendment by the Board of County Commissioners.

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2 2. Outdoor lighting is prohibited.

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4 3. No billboard or outside signage is allowed, other than a sign on the storage facility fence with
5 the emergency contact name, address and phone number.

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7 4. No structure(s) shall be constructed, placed or erected within the boundaries of the property.

8 **B. Specific Conditions**

9 a. A development application for site plan approval shall be required to be submitted by the
10 CUP renewal date. The required site plan shall detail the operations and shall be submitted
11 for review and approval prior to commencement of the operations.

12 b. Parking surfaces may be grass or other pervious material, except as required for ADA
13 access. There shall be no parking allowed outside the property limits.

14 **C. Impervious Surface Ratio (ISR)** shall be in accordance with the Comprehensive Plan and Land
15 Development Regulations (LDR), as amended.

16 **D. Open Space, Floor Area Ratio, and Building Height** shall be in accordance with the
17 Comprehensive Plan and Land Development Regulations (LDR), as amended.

18 **E. Landscaping, Buffering, and Screening:** Existing landscape shall be preserved, maintained and
19 incorporated into the new landscape plan to be submitted with the site plan application on the CUP
20 renewal date.

21 **F. Signage:** Signs shall be in accordance with the LDR, as amended.

22 **G. Stormwater Management:** Future redevelopment shall be in accordance with SJRWMD
23 Stormwater requirements and LDR, as amended.

24 **H. Concurrency Management Requirements:** Any development shall comply with the Lake County
25 Concurrency Management System, as amended.

26 **I. Development Review and Approval:** Prior to the issuance of any permits, the Permittee shall
27 submit a site plan generally consistent with Exhibit "B" – Conceptual Plan, for review and approval
28 in accordance with the Comprehensive Plan and LDR, as amended.

29 **J. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references in
30 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
31 Plan, and Lake County Land Development Regulations shall include any future amendments to the
32 Statutes, Code, Plans, and/or Regulations.

33 **Section 3. Conditions** as altered and amended which pertain to the above tract of land shall mean:

34 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure of
35 the Permittee or his successor to: Fulfill development in substantial accordance with the conceptual
36 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners; comply
37 with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or
38 comply with any of the terms of the Conditional Use Permit; or if this CUP is found to become a
39 nuisance or safety hazard, the permit may be revoked after due Public Hearing before the Planning
40 & Zoning Board and the Board of County Commissioners.

1 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
2 the land; and the purpose, terms, and conditions contained herein shall be binding upon the
3 Permittee or any successor and his interest hereto.

4 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
5 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance
6 and to recommend that the ordinance be revoked.

7 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
8 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual
9 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours,
10 a fee shall also be assessed.

11 **Section 4. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
12 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
13 the validity of the remaining portions of this Ordinance.

14 **Section 5. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send
15 a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with
16 Section 125.66, Florida Statutes.

17 **Section 6. Effective Date.** This Ordinance shall become effective as provided by law.

18 ENACTED this _____ day of _____, 2017.

19
20 FILED with the Secretary of State _____, 2017.

21
22 EFFECTIVE _____, 2017.

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24 **BOARD OF COUNTY COMMISSIONERS**
25 **LAKE COUNTY, FLORIDA**

26
27 _____
28 **TIMOTHY I. SULLIVAN, CHAIRMAN**

29 **ATTEST:**

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32 _____
33 **NEIL KELLY, CLERK OF THE**
34 **BOARD OF COUNTY COMMISSIONERS**
35 **LAKE COUNTY, FLORIDA**

36
37 **APPROVED AS TO FORM AND LEGALITY**

38
39 _____
40 **MELANIE MARSH, COUNTY ATTORNEY**

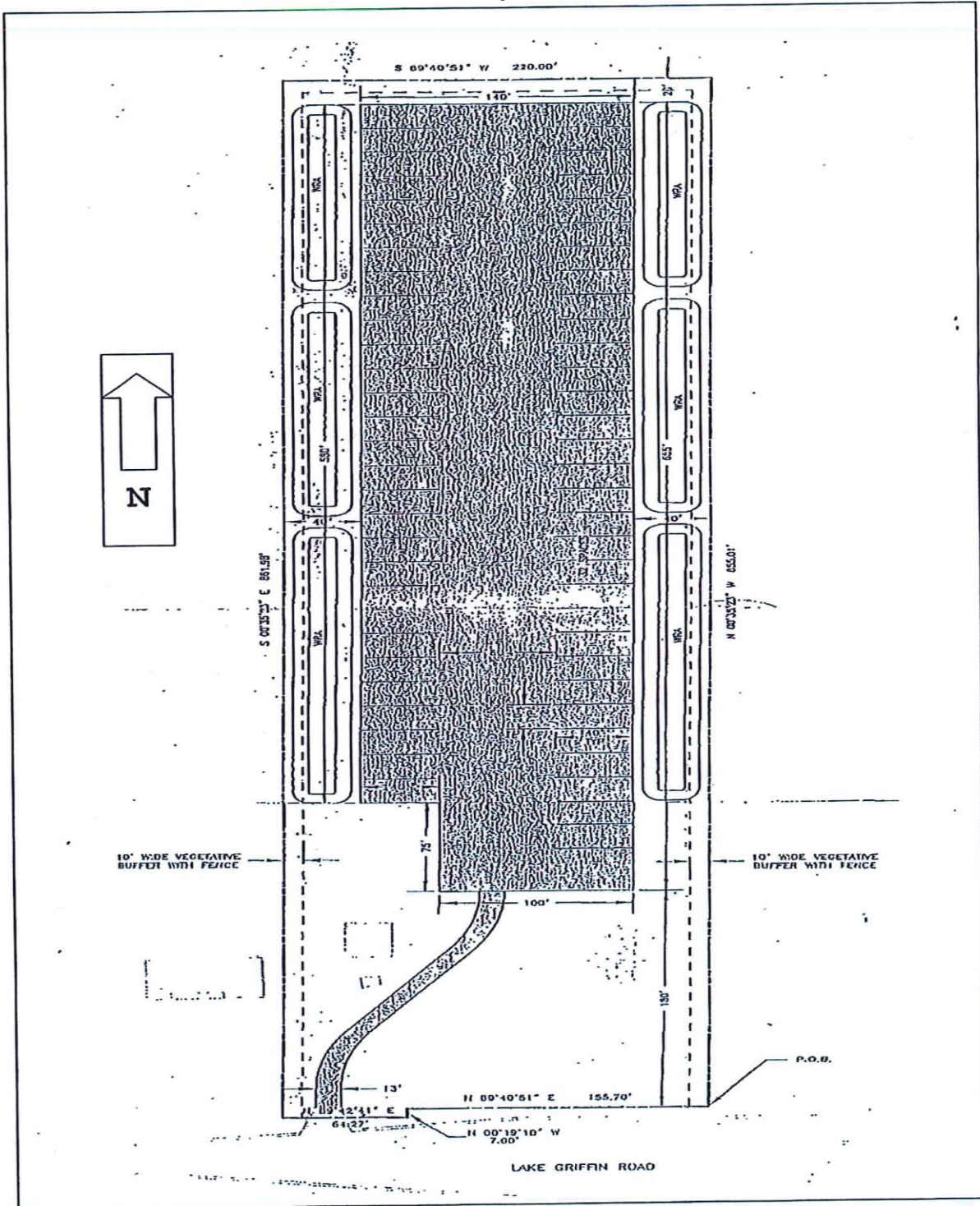
Exhibit A
(Legal Description)

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A PORTION OF THE SE 1/4 OF SE 1/4 OF SECTION 12, TOWNSHIP 18 SOUTH, RANGE 24 EAST; COMMENCE AT THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN N 00°35'23" WEST ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 12, 40.00 FEET TO THE NORTH R/W LINE OF LAKE GRIFFIN ROAD AND TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°35'23" W ALONG SAID EAST LINE 855.00 FEET; THENCE RUN S 89°40'51" W, 220 FEET; THENCE RUN S 00°35'23" E 862.00 FEET TO THE AFORESAID NORTH R/W LINE; THENCE RUN ALONG SAID NORTH R/W LINE THE FOLLOWING COURSES N 89°42'41" E, 64.27 FEET; THENCE N 00°19'10" W 7.00 FEET; THENCE N 89°40'51" E, 155.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.33 +/- ACRES.

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Exhibit B. Concept Plan



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