

LAKE COUNTY PLANNING AND ZONING DIVISION  
CUP REVOCATION STAFF REPORT

PLANNING AND ZONING BOARD  
February 24, 2016



BOARD OF COUNTY COMMISSIONERS  
March 15, 2016

<b>CUP#04/4/1-2</b> Otlowski-Warner	District 1	<b>Agenda Item # 1</b>
An aerial photograph of a rural area, likely in Lake County, Florida. The map shows a grid of land parcels, some with buildings and others with trees or water. A specific parcel is highlighted with a yellow border. The highlighted parcel is located in the center-right of the map, between Sharon Rd and Shady Oak Pl, and west of Mattioda Rd. Other roads labeled include Twin Lake Dr and Sharon Rd. A small lake is visible in the upper left corner.		

**Requested Action:** Voluntary CUP revocation which authorized a horse farm, boarding, and riding facility on property located on Bay Lake Road. The current property owners desire to discontinue the conditional use.

**Former Owner:** Hank and Elizabeth Otlowski  
**Current Owner:** Douglas and Claire-Marie Warner

- Summary of Staff Determination -

**STAFF RECOMMENDATION:**

The following Conditional Use Permits have been reviewed by the Lake County Code Enforcement Division by a physical site inspection pursuant to the Annual Inspection review of the conditions as set forth in the Conditional Use Permits.

From these inspections and letters sent from the owners, it has been noted that these Conditional Use Permits are no longer required, have ceased operation, or are no longer wanted by the original applicant or current land owner. Based on these inspections, Staff recommends **Approval** of the revocation of the Conditional Use Permits as described below.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

To be determined.

- Summary of Analysis -

The CUP was to operate a horse farm, boarding, and riding facility on property located at 3275 Sharon Road, in the Groveland area. The current property owner provided communication expressing their desire to discontinue the CUP as the property is not used in the manner specified by the CUP.

WRITTEN COMMENTS FILED:      Supportive: -0-                      Concern: -0-                      Opposition: -0-

1   **ORDINANCE #2016-XX**  
2   **Voluntary Revocation**  
3   **CONDITIONAL USE PERMITS**

4  
5           **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**  
6           **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

7                           **WHEREAS**, on February 24, 2016, the Lake County Planning and Zoning Board reviewed  
8           Conditional Use Permits, as referenced herein, for voluntary revocation; and

9                           **AND**, after giving Notice of Hearing on the aforesaid petitions, including a notice that said would be  
10           presented to the Lake County Board of County Commissioners on March 15, 2016, and

11                          **WHEREAS**, the Lake County Board of County Commissioners reviewed said petition(s), the  
12           recommendation of Lake County Planning and Zoning Board, and any comments, favorable or unfavorable  
13           from the public and surrounding property owners at a Public Hearing duly advertises, and

14                          **WHEREAS**, upon review of the voluntary revocations for those certain properties contained herein  
15           have been fully approved, and

16                          **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
17           Florida that the Land Development Regulations of Lake County, Florida, be altered and amended as they  
18           pertain to the aforesaid track of land, described herein.

19           **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map in  
20           accordance with this Ordinance to reflect a revocation of Conditional Use Permits contained  
21           herein, which are now null and void upon execution of this ordinance.

22                          **CUP#04/4/1-2 (Otlowski-Warner)** – Revocation of the CUP to operate a horse farm, boarding, and  
23           riding facility on property located at 3275 Sharon Road, in the Groveland area. The current  
24           property owner provided communication expressing their desire to discontinue the CUP as they  
25           have no intentions to use the property in the manner specified by the CUP.

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Section 2. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

FILED with the Secretary of State \_\_\_\_\_, 2016.

EFFECTIVE \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
SEAN M. PARKS, Chairman

ATTEST:

\_\_\_\_\_  
NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
MELANIE MARSH, County Attorney

# ATTACHMENT - 1

Greene, Steve

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**From:** Claire.Warner@ocfl.net  
**Sent:** Monday, December 21, 2015 10:09 AM  
**To:** Zoning  
**Subject:** CUP # 04/4/1-2

Attn: Steve Green

Good morning,

I received a letter dated December 16, 2015 and it was for the above referenced CUP #04/4/1-2 for a horse farm/training/breeding facility cat 2. It reads that this was a second notice. I never did get a first notice, and I would like to add we have never owned any horses. We purchased the land in July 2004, from Mr. & Mrs. Otlowski. They had horses but did not live on the property. After a phone call today to your office I was told that this application was probably from them back in 2004. Please remove this CUP from our address.

Thank you for your assistance with this matter and have a very Merry Christmas and Happy New Year.

*Claire-Marie M. Warner*

Administrative Assistant to Captain Jeff Eifler  
Sector VI LBV BL  
Office 407-939-3214  
Fax 407-939-3202  
Cell 407-509-3651

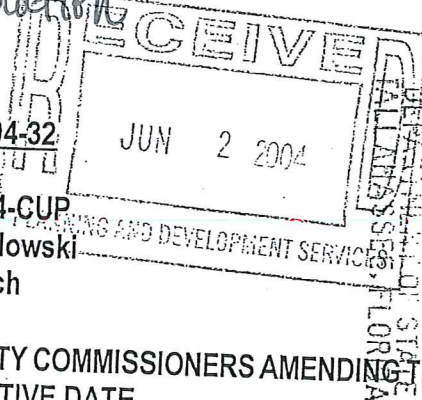
PLEASE NOTE: Florida has a very broad public records law (F. S. 119).  
All e-mails to and from County Officials are kept as a public record.  
Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

# ATTACHMENT - 2

*Pending Revocation*

CFN 2004069497  
Bk 02577 Pgs 1968 - 1972; (5pgs)  
DATE: 05/25/2004 09:13:31 AM  
JAMES C. WATKINS, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES 21.00  
TRUST FUND 3.00

ORDINANCE #2004-32  
CUP#04/4/1-2  
Tracking No. #28-04-CUP  
Hank & Elizabeth Otlowski  
Mills Pond Ranch



2004 MAY 18 AM 8:10

FILED

## AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, Florida, this 27<sup>th</sup> day of April, 2004, to **Hank & Elizabeth Otlowski** "Permittee(s)", for the purpose, terms, and conditions as set out herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations, Ordinance #1992-6, as amended.

**Background:** The applicant is requesting a CUP in Agriculture for operation of a horse farm for a boarding, breeding, training, and riding facility (24.98 +/- acres)

1. Permission is hereby granted to **Hank & Elizabeth Otlowski** to operate a horse farm including a boarding, breeding, training, and riding facility in and on real property in Lake County. The property is located in the South Lake County area – Property is located south of Mascotte, proceeding south on Bay Lake Rd. to east on Sharon Rd. to property at the end of Sharon Rd. (Sec 10 Twp. 23S Rge 24E) (AK#3809296) (GSACSC / Rural Conservation – FLU)

### LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

2. Terms: This Ordinance shall mean and include the total of the following land uses. The County Manager or designee shall amend the Lake County Zoning Maps to reflect a CUP in Agriculture in accordance with this Ordinance.

#### A. Land Uses:

1. Permitted uses of the site shall be limited to a horse farm for breeding, boarding, training and riding and those uses allowed in Agriculture zoning. The facility shall be limited to a ten<sup>1</sup> (10)-stall barn with accessory uses. The operation shall not be utilized as a commercial racetrack or horse show facility.

Normal accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.

2. Hours of operation for public training shall be from 6:00 a.m. to 8:00 p.m. Outdoor lighting for night training is prohibited.

3. No billboards or outside signage are allowed, other than a sign on the fence with the name and address of the facility.
4. No outdoor public address systems allowed.

B. Setbacks/Parking:

1. All livestock structures shall maintain a minimum setback of 200 feet from all adjacent property lines and rights-of-way.

C. Landscaping/Buffers:

1. The applicants shall provide and maintain adequate buffering in accordance with Section 9.01.00 of the Lake County Land Development Regulations, as amended, if deemed necessary.

D. Transportation:

1. The applicants shall provide a stabilized access road to the site for the safety of the traveling public.

E. Inspections:

1. The Lake County Code Enforcement Division shall perform inspections for compliance with the Conditional Use Permit on an annual basis. An annual inspection fee shall be paid on the anniversary date of the adoption of the ordinance. The County inspectors shall attempt to notify the permittee prior to the inspections.
2. Inspections may be conducted following complaints by adjacent property owners regarding the facility and operational practices. If an inspection is necessary during non-working hours, an emergency inspection fee shall be assessed if a violation is found.

F. Future Development Orders

Prior to the issuance of any permits, the applicants shall be required to submit a site plan for review and approval by the Lake County Development Review Staff. The site plan shall meet all submittal requirements and comply with all County Codes and Ordinances, as amended.

G. Future Amendments to Statutes, Code, Plan, and/or Regulations

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations include any future amendments to the Statutes, Code, Plan, and/or Regulations.

ORDINANCE NO. #2004-32

(Tracking No. #28-04-CUP (CUP#04/4/1-2) (Hank & Elizabeth Otlowski))

3. Conditions of this permit shall mean:

- A. 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.
- B. 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.
- C. 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.
- D. Construction and/or operation shall have begun within TWELVE (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 TWELVE (12)-month period to ensure compliance with the conditions of this Ordinance.



ORDINANCE NO. #2004-32  
(Tracking No. #28-04-CUP (CUP#04/4/1-2) (Hank & Elizabeth Oflowski))

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

ENACTED this 27<sup>th</sup> day of April, 2004.

FILED with the Secretary of State May 18, 2004.

EFFECTIVE May 18, 2004.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

Debbie Stivender  
DEBBIE STIVENDER, CHAIRMAN

ATTEST

James C. Watkins  
James C. Watkins, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

Sanford A. Minkoff  
SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" – LEGAL DESCRIPTION

ORDINANCE NO. #2004-32

CUP#04/4/1-2

Tracking No. #28-04-CUP

Hank & Elizabeth Otlowski

Mill Pond Ranch

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

**LEGAL DESCRIPTION:** That part of the following NW 1/4 of NE 1/4; and the NE 1/4 of the NE 1/4 of NW 1/4 of Sec 10 Twp. 23S Rge. 24E, Lake County, Florida, lying E'ly of the following described line: Commence at the NW cor of the NE 1/4 of the NE 1/4 of NW 1/4 of said Sec 10; thence S 89 deg. 27' 20" E along the N line of said Sec 10 a distance of 991.39 ft to the POB; thence departing said N line, run S 13 deg. 04' 50" E, 1355.93 ft to the SE cor of the SW 1/4 of NW 1/4 of NE 1/4 of said Sec 10 and the end of this line; Together with a 60 ft wide ingress/egress/utility easement lying 30 ft on both sides of the following described centerline: Commence at the SE cor of the SW 1/4 of SW 1/4 of NE 1/4 of Sec 10 Twp. 23S Rge. 24E, Lake County, Florida; thence N 00 deg. 46' 31" E along the E line of the E 1/2 of the SW 1/4 of NW 1/4, a distance of 1323.24 ft to the NE cor of the said E 1/2 of SW 1/4 of NW 1/4 ; thence S 89 deg. 24' 59" E along the N line of the SW 1/4 of NW 1/4, a distance of 663.87 ft to the NE cor of said SW 1/4 of NW 1/4 and the POB; From said POB run thence N 52 deg. 12' 59" E, 384.33 ft; thence N 72 deg. 07' 37" E, 236.83 ft; thence N 85 deg. 27' 05" E, 88.34 ft; thence S 73 deg. 04' 55" E, 42.04 ft; thence S 61 deg. 08' 54" E, 169.73 ft; thence S 48 deg. 29' 27"E, 123.48 ft; thence S 41 deg. 21' 40" E, 368.29 ft; thence N 56 deg. 20' 12" E, 223.17 ft to the SW cor of the NW 1/4 of NE 1/4 of said Sec 10.