

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

LAKE COUNTY ZONING BOARD  
 March 7, 2012



BOARD OF COUNTY COMMISSIONERS  
 March 27, 2012

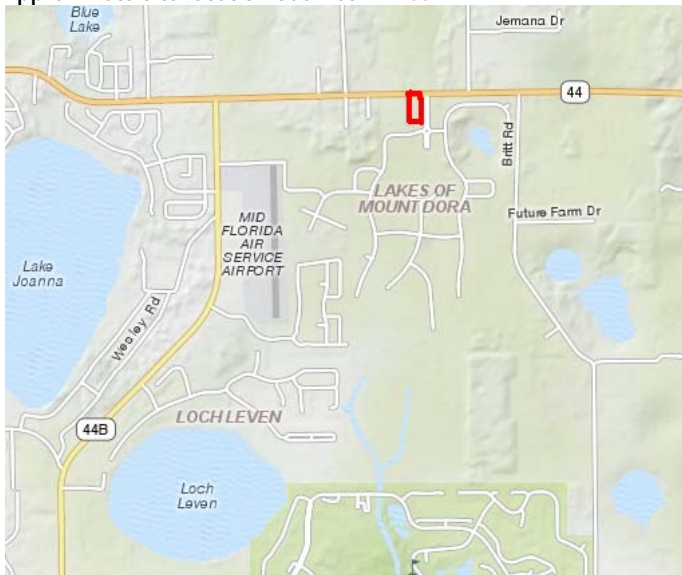
<b>CUP #12/2/2-4</b> Temporary Sales Office	<b>Case Manager:</b> Jennifer M. Cotch, Environmental Specialist	<b>Agenda Item # 7</b>
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**Applicant:** Steven R. Nordstrom, PA (the "Applicant")    **Owner:** Phillip & Deborah Kirby (the "Owner")

**Requested Action:** The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow a temporary sales office for up to five (5) years.

- Site Location & Information -

Approximate site location outlined in Red



Size	9+/- acres	
Location	Mount Dora area; along SR 44, west of Lakes of Mount Dora Blvd.	
Alternate Key #	2567813	
Future Land Use/ Density	Urban Low - 4du/ac. maximum	
	<b>Existing</b>	<b>Proposed</b>
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio	.10	.10
Impervious Surface Ratio	.10	.10
Joint Planning Area	Eustis	
Utility Area:	Mt. Dora	
Site Utilities	Private well & septic	
Road Classification	Major	
Flood Zone/ FIRM Panel	Zones X and A/panel 380 of 725 effective 7/3/02	
Commissioner District	District 4-Campione	

Site Visit December 29, 2011, January 13, 2012  
 Sign Posted February 14, 2012

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Rural Transition	Agriculture	Agriculture uses and low density residential
South	City of Mt Dora	City of Mt Dora	Subdivision, Lakes of Mt Dora
East	City of Mt Dora	City of Mt Dora	Subdivision, Lakes of Mt Dora
West	Urban Low	Agriculture	Residential

– Summary of Staff Determination –

**STAFF RECOMMENDATION:** Staff recommends **DENIAL** of the request for a Conditional Use Permit.

**ZONING BOARD RECOMMENDATION:**

– Summary of Analysis –

The Applicant is applying for a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow placement of a temporary real estate sales office to be used as a sales center adjacent to the Lakes of Mt Dora subdivision located within the City of Mt. Dora. The Owner is requesting this office in order to sell approximately one hundred lots he owns within the adjacent subdivision. There is currently a sales office located in the Lakes of Mt Dora subdivision.

The subject property is located in the Eustis area, along the south side of SR 44, approximately 500 feet west of the intersection of SR 44 and Lakes of Mount Dora Boulevard. The legal description provided by the Applicant is not a legally recognized lot, but one acre of a larger nine acre parcel. The parent parcel currently has a building on it.

The property is located within the Urban Low Future Land Use Category (FLUC). The request is not consistent with the existing Agriculture Zoning District, as a commercial real estate office is not a permitted use. Temporary Sales Trailers are permitted within an approved subdivision as an accessory use. However, the proposed use is not within an approved subdivision and is not considered an accessory use to the existing use the property. The City of Mt. Dora has provided for temporary sales within the subdivision, and has indicated that the use of model homes as sales offices may be allowed; therefore an off-site location is not necessary. In addition, the tract is not a legally created lot; therefore building permits cannot be issued on the property.

– 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 use is not consistent with the general purpose, goals, objectives and standards of the Comprehensive Plan. Although commercial uses are permitted within the Urban Low Future Land Use Category, the proposed location does not meet the location criteria contained in Policy I-1.3.10.6 as it is not located within a designated commercial corridor.

The request is inconsistent with LDR Table 3.01.03 Schedule of Permitted and Conditional Uses, which does not allow commercial or office use within the Agriculture (A) Zoning District.

**B. Effect on Adjacent Properties.**

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

A similar structure and use already exists approximately 600 feet east from the Applicant's property within the Lakes of Mt. Dora Subdivision, which is located within the City of Mt Dora. Adjacent property owners are unlikely to experience significant traffic impacts as potential home buyers are already utilizing a sales trailer on the subdivision property.

The Applicant is requesting that the Sales Office be allowed as a temporary use for five (5) years. If this request is approved it is recommended that no more than three (3) years be granted. The Applicant would have the option of renewing after this period if necessary.

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

The surrounding area is characterized by residential lots, vacant lands and active agricultural uses. The current zoning of the subject parcel is Agriculture and proposed CUP is not consistent with the permitted or conditional uses in the Agriculture Zoning District.

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.**

If the Conditional Use Permit is granted, the proposed ordinance contains conditions to limit impacts on the immediate vicinity. The proposed ordinance includes conditions on setbacks, landscaping, buffering and screening and expiration of the CUP. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed CUP.

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 would establish a commercial real estate office within the Agricultural Zoning District, which is a use unavailable to similarly situated properties. The proposed ordinance provides conditions relating to landscaping, buffering, and screening requirements should this request be approved to mitigate expected impacts.

#### 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.**

Transportation - Public Works has informed the Applicant that the site access should be internal to the development. Since this lot is not part of the development/subdivision, a driveway permit must be obtained from the Florida Department of Transportation for access from State Road 44.

Any additional impacts to roads, solid waste, etc. will be addressed during site plan review.

Potable water and sewage - The site will be served by individual well and septic.

#### 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 Rescue Station 27 located approximately one mile west from the property will likely provide emergency services.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed Conditional Use Permit and found:

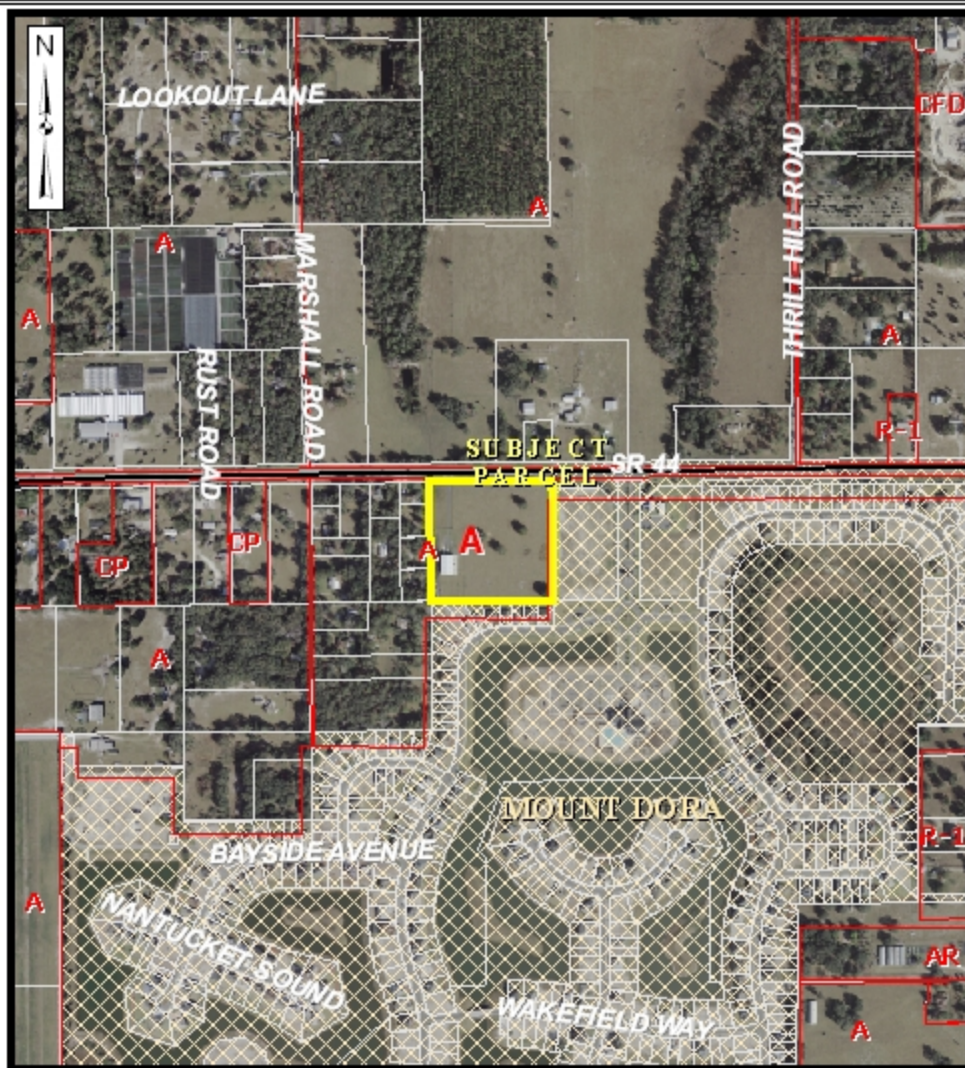
1. The request is **consistent** with the Comprehensive Plan Policy I-1.3.1 relating to the general land use criteria and activities of the Urban Low Future Land Use Category.
2. The request is **inconsistent** with the Comprehensive Plan Policy I-1.3.10.6 relating to the location of commercial uses.
3. The request is **inconsistent** with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which does not allow temporary sales offices in the Agriculture (A) Zoning District with the issuance of a CUP.
4. The CUP request is not on a legally recognized lot, and therefore building permits cannot be issued on the property.

Therefore, based on these findings of fact, staff recommends **DENIAL** of the conditional use permit request. However, a proposed ordinance, with conditions, is attached should the Zoning Board recommend approval.

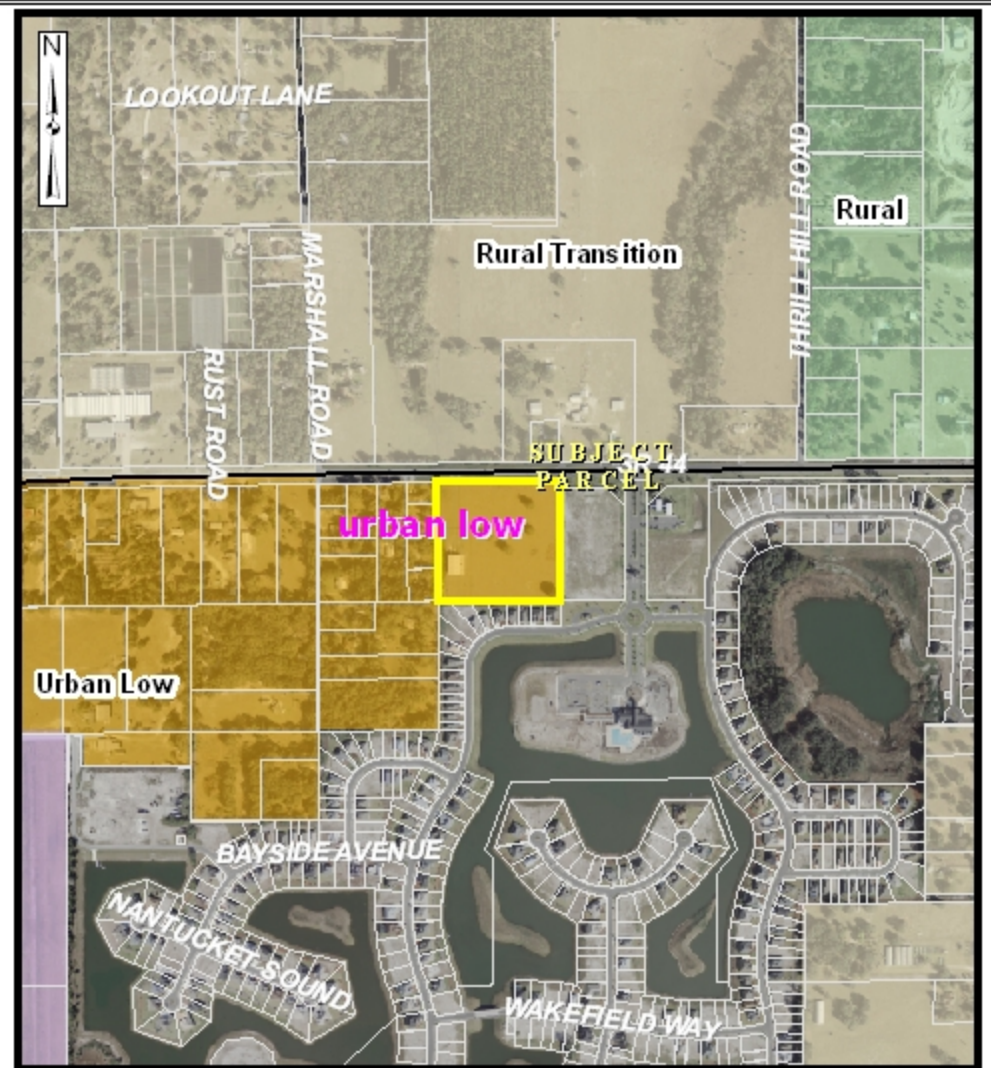
**WRITTEN COMMENTS FILED: Supportive: -0-**

**Concern: -0-**

**Opposition: -0-**



**CURRENT ZONING**  
**AGRICULTURE**



**2030 FUTURE LAND USE**  
**URBAN LOW**

**LAKE OF MT DORA  
TEMPORARY SALES  
OFFICE**

**CASE NO.**  
CUP# 12/2/2-4

**CASE LOCATION:**  
9-19-27

**REQUESTING:**  
CUP to allow sales office

**ZONING**  
**LAND USE**  
**SUBJECT PARCEL**

**DISCLAIMER:**

Lake County GIS Department, December, 2006 Aerial Imagery, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel under no warranty as to its accuracy and in particular as to its being, dimension, content, property boundaries, or placement or location of any map features. Neither 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 the user of this map.

**MAP COMPOSITION:**  
JANUARY, 2008



**ORDINANCE #2012-XX  
Lakes of Mount Dora Temporary Sales Office  
CUP #12/2/2-4**

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

**WHEREAS**, Steven R. Nordstrom (the "Applicant") has made a request for a Conditional Use Permit (CUP) on behalf of Phillip and Deborah Kirby (the "Permittee") on property in the Agriculture (A) Zoning District to allow a Temporary Sales Office; and

**WHEREAS**, the subject property consists of 9 +/- acres and is generally located in the Eustis area, west of the SR 44 and Lakes of Mount Dora Blvd., in Section 09, Township 19 South, Range 27 East, lying within Alternate Key Number 2567813, more particularly described as:

**LEGAL DESCRIPTION:**

The Northeast ¼ of the Northwest ¼ of the Southwest ¼, Section 9, Township 19 South, Range 27 East, less and except road right of way thereof, Lake County, Florida.

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

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

**WHEREAS**, this Conditional Use Permit was reviewed by Zoning Board on March 7, 2012 and by the Board of County Commissioners of Lake County, Florida on March 27, 2012; and

**NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

**Section 1** Permission is hereby granted to **the Permittee** for the operation of a Temporary Sales Office for residential lot sales as a Conditional Use within the Agriculture (A) Zoning District.

**Section 2** Terms: This Ordinance shall mean and include the following uses specified herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a CUP, in accordance with this Ordinance.

A. Land Uses: Use of the site shall be limited to the following:

1. All permitted uses within the Agriculture (A) Zoning District.
2. The temporary sales office for the Lake of Mt. Dora Subdivision.
3. Accessory uses directly associated with these uses may be approved by the County Manager or designee. Any other use of the site shall require an amendment to this Ordinance as approved by the Board of County Commissioners.
4. To the extent where there are conflicts between the Conceptual Plan and this Ordinance,

1           this Ordinance shall take precedence.

2           B. Specific Conditions:

- 3           1. The Sales Office shall be removed within three (3) years of the issued date of this CUP.
- 4           2. The access drive and parking lot shall be made of pervious surface, such as gravel.
- 5           3. Hours of Operation: 8:00 am to 7:00 pm
- 6           4. The sales office shall be used for real estate sales within the Lakes of Mt. Dora
- 7           subdivision only.
- 8           5. Signage: Limited to one ground sign along SR 44, not to exceed eight (8) feet in height,
- 9           with a maximum allowable copy area of twenty-four (24) square feet.

10  
11           C. Setbacks: shall be in accordance with the Comprehensive Plan and LDR, as amended.

12           D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in

13           accordance with the Comprehensive Plan and LDR, as amended.

14           E. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended.

15           F. Fire Protection and Emergency Services Access: Access to the property shall be provided in

16           accordance with the Florida Fire Prevention Code and/or the LDR, as amended.

17           G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent

18           with Dark-Sky Principles.

19           H. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall

20           be required to submit a site plan for review and approval in accordance with the

21           Comprehensive Plan and LDR, as amended.

22           I. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in

23           this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County

24           Comprehensive Plan, and Lake County Land Development Regulations shall include any

25           future amendments to the Statutes, Code, Plans, and/or Regulations.

26           J. After establishment of the facilities as provided herein, the aforementioned property shall only

27           be used for the purposes named in this Conditional Use Permit, unless a proposed use meets

28           every requirement of the zoning district in which the property is located. Any other proposed

29           use must be specifically authorized by the Board of County Commissioners.

30           K. Action by the Lake County Code Enforcement Special Master. The Lake County Code

31           Enforcement Special Master shall have the authority to enforce the terms and conditions set

32           forth in this ordinance and to recommend that the ordinance be revoked.

33           L. Inspection. This permit shall be inspected by the Code Enforcement Division annually to

34           ensure compliance with the conditions of this Conditional Use Permit and the approved

35           site/plot plan.

36  
37           **Section 3** Additional conditions of this permit shall mean:

38           A. In the event of failure of the Permittee to fulfill development in substantial accordance with the

39           plans as submitted to the Zoning Board and the Board of County Commissioners; comply with

40           the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or

41           comply with any of the terms of the Conditional Use Permit, the permit may be revoked after

due Public Hearing before the Zoning Board and the Board of County Commissioners.

B. This Conditional Use Permit 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 the Permittee or 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. The County Manager or designee shall set this matter for Public Hearing giving the same notice as provided in the Lake County Land Development Regulations, as amended.

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

FILED with the Secretary of State \_\_\_\_\_, 2012.

EFFECTIVE \_\_\_\_\_, 2012.

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

\_\_\_\_\_  
**LESLIE CAMPIONE, Chair**

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**SANFORD MINKOFF, County Attorney**



# EXHIBIT "A"

## "Conceptual Plan"

