

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

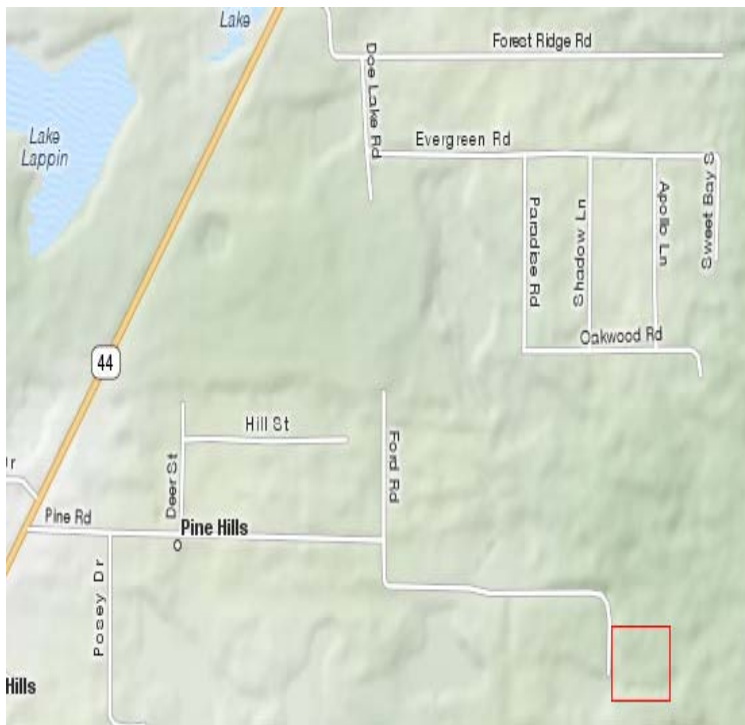
CUP # 12/3/1-5 R&R Ranch	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 4
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Owner/Applicant: DTZ, Inc. ("Owner")/Clayton M. Reynolds ("Applicant")

Requested Action: Amend Ordinance #2005-75 to grant a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District for a recreational use to add All-Terrain-Vehicles (ATV) in addition to the existing allowable uses.

- Site Location & Information -

Approximate site location outlined in **Red**



Size	41 +/- acres	
Location	Pine Lakes Area, East on Pine Road from SR 44 until it dead-ends into property	
Alternate Key #	1601746	
Future Land Use	Wekiva River Protection Area Sending Area A-1-20	
Future Land Use Density	1 du/20 net acres maximum	
	Existing	Proposed
Zoning District	A	A
Density Note: Density may be further limited by future land use	1 du/5 ac	1 du/5 ac
Floor Area Ratio	.10	.10
Impervious Surface Ratio	.10	.10
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Well and septic system	
Road Classification	Local, unmaintained clay road	
Flood Zone/ FIRM Panel	Zones X and A/Panel 260 (7/3/02)	
Commissioner District	5 (Cadwell)	

Site Visit January 12, 2012
 Sign Posted February 14, 2012

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	WRPA Sending Area A-1-20, WRPA Public Resource Lands	Agriculture (A)	Undeveloped (Wetlands, Wooded)	Property owner is the Applicant
South	WRPA Sending Area A-1-20	Agriculture (A)	Undeveloped (Wooded)	
East	WRPA Sending Area A-1-20, WRPA Public Resource Lands	Agriculture (A)	Rural Residential & Ag.Timber (Wetlands, Wooded)	
West	WRPA Sending Area A-1-20, WRPA Public Resource Lands	Agriculture (A)	Undeveloped (Wetlands, Wooded)	Property owner is the Applicant

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the Conditional Use Permit amendment request, 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 41 acres of property to allow All Terrain Vehicles (ATV's), along with the other recreational uses permitted by CUP Ordinance 2005-75. On August 23, 2005, the Board granted a CUP on the property for a equestrian riding/training center. The CUP permitted an associated office, primitive camping and portable concession stand. The existing CUP placed hours of operation on the facility as well as lighting and parking requirements. The proposed amendment does not change the previously approved conditions or uses, only adds additional uses to be permitted. The subject property is located in the Pine Lakes Area, east of SR 44 and southeast of Pine Road.

The property is designated as Wekiva River Protection Area Sending Area A-1-20 Future Land Use Category (FLUC). The request is consistent pursuant to the Land Development Regulations (LDR), which allow Recreational Uses in the Agriculture (A) Zoning District with the issuance of a CUP.

– 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).

Comprehensive Plan Policy 1-3.2.2 does not specifically name the use of All Terrain Vehicles within the listed uses within the Wekiva River Protection Area Sending Area A-1-20 FLUC. However, this category does include the following similar uses:

- Passive parks;
- Equestrian related uses;
- Outdoor small-scale sporting and recreational camps (Conditional Use)

The 2030 Comprehensive Plan provides for "Outdoor small scale sporting and recreational camps" which is defined as "Outdoor Sports and Recreation Clubs that are comprised of 20-developed acres or less (excluding areas maintained in their natural state)". As proposed, the developed area is less than 20 acres and the proposed use would be a "recreational club" consistent with this definition. A stipulation is included in the proposed ordinance limiting the developed area to 20 acres to ensure conformity with this requirement. Based on this analysis, the proposed conditional use is consistent with criteria contained in Comprehensive Plan Policy 1-1.6 for the Wekiva River Protection Area Sending Area A-1-20 FLUC.

The use is in many respects similar in impacts to a Hunting or Fishing Camp which requires conditional use approval pursuant to Land Development Regulations (LDR) Table 3.01.03, although there are some aspects as a Commercial Amusement Use which is allowed as and is permitted as a conditional use within the Agricultural Zoning District.

Section 3.01.05 LDR *Similar Uses*, allows the approval of uses that are similar to those listed but are not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed recreational facility is not more obnoxious or detrimental than the comparable uses of Hunting and Fishing Camps with appropriate conditions, even though it has aspects of a Commercial Amusement.

B. Effect on Adjacent Properties.

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

The Applicant owns approximately 125 acres surrounding the 41-acre parcel with the existing CUP. The attached CUP Ordinance contains provisions to ensure mitigation of adverse impacts on adjacent properties, including hours of operation and no overflow parking on Pine Road.

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

The addition of ATV use on the property will be compatible with the surrounding land uses with the conditions that limit the hours of operation and designates an operating area that are implemented by the conditional use permit. The adjacent area is characterized by agricultural uses, wetlands, wooded areas, low density rural residential uses and vacant lands. Given the nature of the proposed use, it is appropriate for a remote low density area.

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, limits on the size of the developed area, 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 property. The Facility will be contained on-site with setbacks, landscaping, buffering, screening, and noise attenuation (if recommended by a noise study) incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses.

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 CUP for the addition of ATV's will not result in additional demands on public facilities. The property will be served by a well and septic system. The existing road is a dirt road and not county maintained.

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 2 miles from Lake County Fire Station 15 (closest fire station), located at 40601 Palm Drive, Eustis in Pine Lakes. The facility is a 24-hour manned station with an estimated response time of 4 minutes.

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

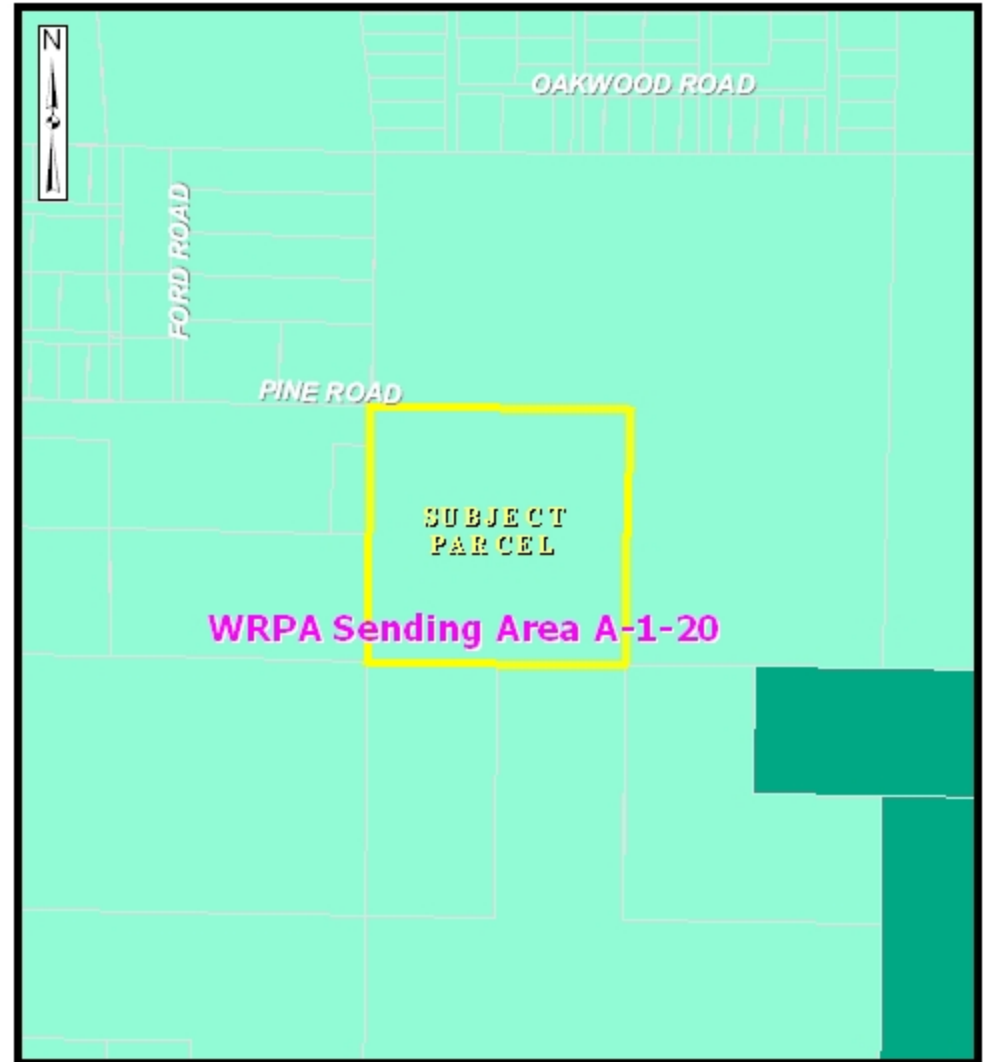
1. The request is consistent with the Comprehensive Plan as seen in Policy 1-1.6 and conforms to the general land use criteria and activities of the Wekiva River Protection Area Sending Area A-1-20 Future Land Use Category.
2. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows Recreational Uses (Similar Uses) in the Agriculture (A) Zoning District with the issuance of a CUP.
3. 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 LDR Subsection 3.01.03 for the Agriculture Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

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



CURRENT ZONING
AGRICULTURE



ADOPTED FUTURE LAND USE
WRPA SENDING AREA A-1-20



R&R RANCH

CASE NO.
CUP# 12/3/1-5

CASE LOCATION:
3-18-29

REQUESTING:

CUP to add Off Road Vehicle (ORV) uses

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

DISCLAIMER:

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

The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. It is employee, agency and personnel made 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 feature herein. 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

FOCUS AREA



- 1 1. All permitted uses within the Agriculture (A) Zoning District;
- 2 2. Two (2) residences for use as a caretaker's residence and a security residence.
- 3 3. Recreational Vehicles, subject to the following:
 - 4 a. Four (4) permanent RV sites with electrical and water connections.
 - 5 b. RV sites Stays shall be limited to a maximum of three (3) nights.
 - 6 c. On-site disposal of RV waste shall be prohibited.
- 7 4. Office up to 1,500 square feet.
- 8 5. Concession stand up to 600 SF
- 9 6. Primitive camping as indicated on the conceptual plan. Maximum stay shall be limited to
- 10 three (3) nights.
- 11 7. Trails. Horses, bicycles and All Terrain Vehicles (ATV) are permitted on the trails. The
- 12 trails for the ATV's shall not exceed 20 acres.
- 13 8. Accessory uses directly associated with these uses may be approved by the County
- 14 Manager or designee, including but not limited to, pole barns and restrooms. Any other use
- 15 of the site shall require an amendment to this Ordinance as approved by the Board of
- 16 County Commissioners.
- 17 9. To the extent where there are conflicts between the Conceptual Plan and this Ordinance,
- 18 this Ordinance shall take precedence.
- 19 B. Specific Conditions:
 - 20 1. Developed Area: The developed area of the facility and its accessory uses shall not
 - 21 exceed 20-acres of the total site, excluding primitive trails.
 - 22 2. The facility shall be in conformity with all Federal, State and Local Regulations at all times.
 - 23 3. The facility shall meet all accessibility requirements of the Florida Accessibility Code.
 - 24 4. Setback: A two-hundred (200) foot natural buffer setback shall be required on the west,
 - 25 south, and east portion of the property. Passive trails may be permitted with the setback.
 - 26 There shall be no storage of materials within the setbacks or buffers.
 - 27 5. Noise: Public Address Systems or similar amplification devices shall not be permitted.
 - 28 6. Hours of Operation: Equestrian training may operate seven (7) days a week from 8:00AM
 - 29 to 10:00PM. Equestrian events shall be limited to twice a month, not to exceed 120 days
 - 30 per calendar year. The ATV use will be permitted from 9 a.m. to 8 p.m. or sunset,
 - 31 whichever is earlier.
 - 32 7. Parking:
 - 33 a. Parking surfaces may be grass or other pervious material.
 - 34 b. Accessible parking shall be provided in compliance with the Florida Accessibility
 - 35 Code.
 - 36 c. Overflow parking on Pine Road shall be prohibited.
 - 37

- 1 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height:
2 Shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 3 D. Landscaping & Screening. Existing vegetation within 50 feet of the property line shall be
4 maintained around perimeter of the property. Parking lot landscaping shall be provided
5 consistent with the LDR. No other formal landscaping shall be required.
- 6 E. Adequate solid waste disposal shall be provided on-site.
- 7 F. Right-of-Way may be required to be dedicated to Lake County.
- 8 G. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of ways,
9 consistent with Dark-Sky Principles, and shall be in accordance with the LDR, as amended.
- 10 H. Fire Protection and Emergency Services Access: Access and fire safety requirements of the
11 property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as
12 amended.
- 13 I. Signage: Signs shall be in accordance with the LDR, as amended.
- 14 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall
15 be required to amend the existing site plan to be generally consistent with EXHIBIT "A" –
16 CONCEPTUAL PLAN, for review and approval in accordance with the Comprehensive Plan
17 and LDR, as amended. Any deviation that is not generally consistent with the Conceptual
18 Plan may require an amendment of the CUP Ordinance as determined by the County
19 Manager or designee.
- 20 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
21 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
22 Comprehensive Plan, and Lake County Land Development Regulations shall include any
23 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 24 L. After establishment of the facilities as provided herein, the aforementioned property shall only
25 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
26 every requirement of the zoning district in which the property is located. Any other proposed
27 use must be specifically authorized by the Board of County Commissioners.

28 **Section 3** Additional conditions of this permit shall mean:

- 29 A. In the event of any breach in any of the terms or conditions of this permit or any default or
30 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
31 the conceptual plan as submitted to the Zoning Board and the Board of County
32 Commissioners; comply with the codes of the governmental agencies having lawful and
33 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use
34 Permit; or this CUP is found to become a nuisance or safety hazard, the permit may be
35 revoked after due Public Hearing before the Zoning Board and the Board of County
36 Commissioners.
- 37 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
38 running with the land; and the purpose, terms, and conditions contained herein shall be
39 binding upon the Permittee or any successor and his interest hereto.

40

- 1 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 2 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 3 in this ordinance and to recommend that the ordinance be revoked.
- 4 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
- 5 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
- 6 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
- 7 operating hours, a fee shall also be assessed

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

9
 10 ENACTED this _____ day of _____, 2012.
 11
 12 FILED with the Secretary of State _____, 2012.
 13
 14 EFFECTIVE _____, 2012.

15
 16 **BOARD OF COUNTY COMMISSIONERS**
 17 **LAKE COUNTY, FLORIDA**

18
 19 _____
 20 **LESLIE CAMPIONE, Chair**

21
22
23
24 **ATTEST:**

25
 26 _____
 27 **NEIL KELLY, Clerk of the**
 28 **Board of County Commissioners**
 29 **Lake County, Florida**

30
31
32 **APPROVED AS TO FORM AND LEGALITY**

33
 34 _____
 35 **SANFORD A. MINKOFF, County Attorney**

ORDINANCE NO. #2005-75
Tracking No. #78-05-CUP
CUP#05/8/1-4
Clayton Reynolds, III

CFN 2005163206
Bk 02979 Pgs 1325 - 1329; (5pgs)
DATE: 10/17/2005 09:59:06 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 44.00

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 23rd day of August, 2005, to Clayton Reynolds, III, "Permittee", for the purpose, terms, and conditions as set out herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations..

Background: The applicant is requesting a CUP in A (Agriculture) for an equestrian riding/training center (41 +/-ac) (Sending Area A-1-20 - FLU) (1601746)

1. Permission is hereby granted to Clayton Reynolds, III, to operate an equestrian riding/training center on real property in Lake County in accordance with the conditions and limitations set forth herein. The property is located in the Pine Lakes area - Proceed east on Pine Road from SR 44 until it dead-ends into property. (Sec 3, Twp. 18S, Rge. 29E). The property is more particularly described as:

LEGAL DESCRIPTION: Exhibit "A" Attached

2. Terms: The terms and conditions shall mean and include those uses as outlined herein. The County Manager or designee shall amend the Lake County Zoning Maps in accordance with this Ordinance to reflect a CUP in this Agriculture zoning district. The previous Conditional Use Permit, CUP# 840-4, will be revoked upon execution of this Ordinance.
 - A. Land Uses: Other than those uses permitted in the A (Agriculture) zoning district, the site shall be limited to that of an equestrian riding/training center. Any additional uses shall require an amendment by the Lake County Board of County Commissioners.
 - B. Site Requirements:
 1. The Permittee shall be limited to no more than a total of two (2) residences on this parcel of land. One residence will be used as a caretaker's residence and the other will be used as a security residence.
 2. The site may have up to four (4) permanent RV sites with electrical and water connections. Stays shall be limited to a maximum of three (3) nights. No on-site disposal of waste generated by the RVs will be permitted. The temporary parking of additional self-contained RVs for temporary events may be permitted on-site up to a maximum of 20 units.
 3. An office up to 1,500 square feet may be constructed on-site to help facilitate with the equestrian facility.

FILED
2005 OCT 17 9:58
CLERK OF COURT
LAKE COUNTY
FLORIDA

To: Judy Whaley - Bob Support

4. The site may have a primitive camping area as indicated on the conceptual plan. Maximum stay will be limited to three (3) nights.
 5. Passive horse trails may be permitted on the site.
 6. Three pole barns may be permitted on the site.
 7. A permanent restroom facility associated with the equestrian facility may be constructed.
 8. A portable concession stand may be allowed on-site.
 9. Adequate parking shall be provided on-site with no overflow on Pine Road.
 10. Adequate solid waste disposal shall be provided on-site.
 11. Right of Way may be required to be dedicated to Lake County.
 12. Temporary lighting shall be permitted only during the events.
- C. Hours of Operation: The equestrian training may operate seven (7) days a week from 8 AM until 10 PM. Equestrian events shall be limited to twice a month, not to exceed 120 days per calendar year. If noise and traffic become an issue, these hours of operation may be decreased.
- D. Setback: A two-hundred (200) foot natural buffer setback shall be required on the west, south, and east portion of the property. The passive horse trail may be located within this buffer.
- E. Development Review: The Permittee/Owner shall be required to submit a formal site plan for review and approval by the Lake County Development Review Staff. The site plan shall meet all submittal requirements, applicable codes, and ordinances for the operation of this facility. This permit shall be inspected by the Code Enforcement Division at the end of the TWELVE (12)-month period following the approval of the CUP to ensure compliance with the conditions of this CUP. 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.
- F. The "Permittee" shall submit complete building permit plans, site development plans, and operational plans and have them approved by the County Manager or designee prior to the issuance of building permits for any construction authorized by this permit.

G. After establishment of the facilities, as provided herein, the aforementioned property shall only be used for the purposes named in this Conditional Use Permit unless a proposed use meets every requirement of the zoning district in which the property is located. Any other proposed use must be specifically authorized by the Board of County Commissioners.

H. Future Development Orders:

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

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

The specific references in this Resolution 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.

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 Lake County 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 the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Lake County 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 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 in the part of the Permittee or his successor in interest shall be deemed a material breach hereof and this Conditional Use Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the County or the Lake County Zoning Board. The County Manager or designee shall set this matter for Public Hearing before the Lake County Zoning Board 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 Lake County Zoning Board and the Board of County Commissioners.

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

ENACTED this 23rd day of August, 2005.


FILED with the Secretary of State October 7, 2005.

EFFECTIVE pursuant by law October 7, 2005.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA


JENNIFER HILL, CHAIRMAN

ATTEST:


JAMES C. WATKINS, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

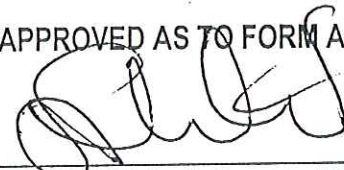

Sanford Minkoff, County Attorney

EXHIBIT "A" - LEGAL DESCRIPTION

ORDINANCE NO. #2005-75
CUP#05/8/1-4
Tracking No. #78-05-CUP
Clayton Reynolds, III
Wicks Consulting Services Inc.

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

LEGAL DESCRIPTION: SW 1/4 of SW 1/4 of Sec 3 Twp. 18S Rge. 29E.