

**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS**  
**PETITION TO REZONE PROPERTY**

**LAKE COUNTY ZONING BOARD**  
 November 2, 2011



**BOARD OF COUNTY COMMISSIONERS**  
 November 15, 2011

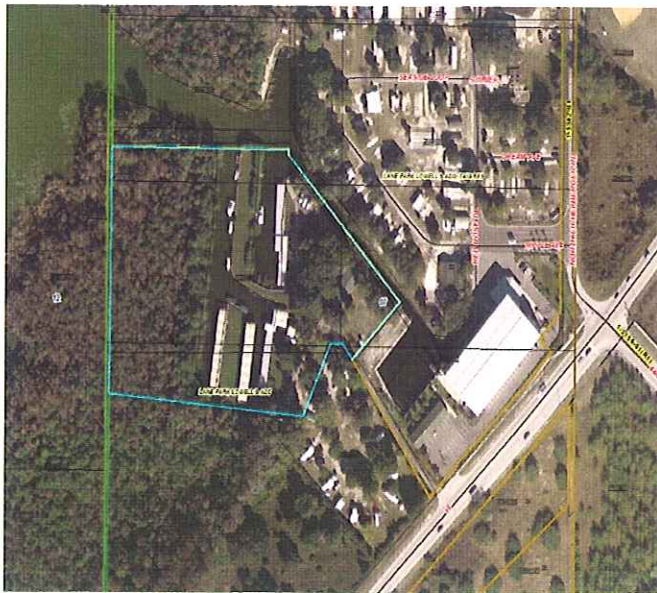
<b>PH #17-11-3</b> Banana Cove Marina	<b>Case Manager:</b> Steve K. Greene, AICP	<b>Agenda Item # 1</b>
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**Applicant:** Dennis & Holly Wilson; Alison Yurko, Esq.; Barry Blake (the "Applicants")  
**Owner:** Dennis & Holly Wilson Trustees, (the "Owner")

**Requested Action:** Rezone the property from Residential Mobile Home Rental Park (RMRP) with CUP#88/8/1-3 to Planned Commercial (CP) for the existing marina to increase the number of covered boat slips.

**Site Location and Information**

The aqua border denotes approximate site location



<b>Size</b>	Approx. 7.9 acres	
<b>Location</b>	Along SR 19, south of Lane Park Cutoff Rd.	
<b>Alternate Key #</b>	AK#1725496	
<b>Future Land Use/ Density</b>	Urban Medium 7 du/ net ac (maximum)	
	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<b>Zoning District</b>	RMRP	CP
<b>Density</b>	8 du/acre (7du max)	1 (caretakers)
<b>Intensity (FAR/ISR)</b>	LDR – FAR (.50) LDR – ISR (.65)	LDR – FAR (N/A) LDR – ISR (.30)
<b>Joint Planning Area</b>	Unincorporated (Tavares)	
<b>Utility Area</b>	Tavares	
<b>Road Classification</b>	SR 19 (rural – minor arterial)	
<b>FIRM Panel/Flood Zone</b>	- Panel 0470D: Zone AE (w/in 100-yr. flood) & Zone X (outside 500-yr. flood) Panel 0500D: Zone X (outside 500-yr. flood)	
<b>Commission District</b>	3 - Conner	

Site Visit(s): August 30, 2011  
 Sign(s) Posted: October 13, 2011 (2)

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Expansion*	RMRP*	Open water/wetlands	City of Tavares
South	Urban Expansion	RMRP	RV sites	
East	City of Tavares		Mobile homes/Boat dry dock	City of Tavares
West	Urban Expansion	Agriculture	Wetlands	

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Approval of the Applicant's request to rezone the property from RMRP with CUP Ordinance #88/8/1-3 to CP zoning, with conditions, for the existing marina.

**ZONING BOARD RECOMMENDATION:**

**-Summary of Analysis-**

The Applicant seeks to rezone approximately 7-acres of property from Mobile Home Rental Park District (RMRP) zoning with a CUP allowing the marina to Planned Commercial (CP). The Banana Cove Marina is allowed by Conditional Use Permit (CUP) Ordinance #88/8/1-3 (Attachment 1). The marina is located on the east side of State Road (SR) 19, just south of the Eichelberger Road/CR 448 intersection. The property contains a caretakers residence, laundry room, fuel storage facility, bait/tackle shop that contains a café and three (3) shed structures.

**Development History -**

September 1988 - Attached CUP Ordinance #88/8/1-3 was approved to authorize marina use in Mobile Home Rental Park District (RMRP) zoning.

January 4, 2004 - Site Plan #02-09-086 was approved for the development, which was allowed the marina with up to 43 covered slips, one caretakers residence, seven (7) parking spaces, fuel storage facility, three (3) 10SF x 10SF shed structures (one for fish cleaning), one RV site, and bait-tackle shop.

Post January 2004 - The addition of a 960 square foot (SF) boat house structure to accommodate 2 boats, a 247 SF laundry room, and two sheds (one - 140 SF and one - 50 SF), and 18 stalls.

**- Analysis -**

(Standards for Review - LDR 14.03.03)

**A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;**

The rezoning request is two-fold; the CP rezoning would bring the marina use into conformance with the LDR zoning provisions as RMRP zoning does not allow marina uses, and to clarify ambiguous language within the existing CUP ordinance regarding the number of allowable slips or stalls. The CUP specifies that 43 "Boat Stalls" are allowed.



Boat Stall has since been interpreted to mean "covered slips" as no definition for "Boat Stall" is provided in the LDRs or the CUP ordinance. The new ordinance provides greater clarity to ensure consistency in the future. This rezoning application for marina use is consistent with LDR 3.01.02.C.9 (Classification of Uses), that specifies marina as a commercial use. It should be noted that the Florida Department of Environmental Protection (DEP) recently issued Permit #35-308027-001-ES to allow 81 slips at the Banana Cove Marina.

**B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;**

The rezoning application for marina use is consistent with Comprehensive Plan (Comp Plan) Policy I-1.3.10.3 *Commercial Activities within the Urban Land Use Series* that specifies commercial use compatible with adjacent land uses. The marina has existed since 1988 and has been an integral part of the developed community without any incompatibility issues. The proposed CP rezoning for the marina use is consistent with Comp Plan Policy I-1.3.10.4 *Availability of Facilities to Support Commercial Development* as the commercial use is compatible with existing and available public facilities meeting the adopted Levels of Service. The City of Tavares has provided central services to the property since January 2004 (Attachment 2).

**C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;**

The proposed CP rezoning for marina use is consistent with the existing and proposed land uses as this area is within the Urban Land Use Series and is planned for high intensity commercial and residential development.

**D. Whether there have been changed conditions that require a rezoning;**

In 1988, marina uses were a conditional use within the underlying zoning district. The current LDR allows marina uses within commercial zoning districts.

**E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such 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;**

Schools – Not applicable.

Solid Waste- A review by Lake County Solid Waste concludes that the rezoning of the existing marina use will not adversely affect the existing solid waste available capacity.

Open Space – The continuation of the existing marina use does not adversely impact open space. The proposed CP zoning requires a minimum of 20% open space. This shall be a condition within the proposed ordinance.

Fire & Emergency Services – City of Tavares fire services on Old Highway 411 will most likely provide fire and emergency services to the marina.

Water and Sewage – City of Tavares provides central water and sewer services to the marina.

Transportation – Public Works indicates that the proposed CP rezoning will not cause any additional degradation of the existing road condition and level of service (LOS) as the anticipated vehicular trips are vested on the roadway system. This segment of SR 19 has a capacity of 1140 vehicle trips and currently operates at LOS “D”.

**F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;**

The proposed CP rezoning is not anticipated to adversely impact the natural environment around the canal and marina. The marina is permitted through the Florida Department of Environmental Protection (DEP) to allow 81 slips, maximum. Any future marina expansion will cause the need to amend the DEP permit and require an Environmental Assessment, to assess the potential environmental impact to ensure protection consistent with the Comp Plan and LDR, as amended.

**G. Whether, and the extent to which, the proposed rezoning would adversely affect the property values in the area;**

No information has been provided that would indicate the proposed rezoning would have an adverse affect on property values in the area.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;**

This is an existing use.

**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations;**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above. However since the 2004 approval of the site plan, structural improvements have been made on the property. Appropriate permits and approvals for these improvements will have to be obtained.

**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

The City of Tavares provided documentation regarding the provision of central water and sewer (Attachment 2) and the City's adjacent zoning and land use to the marina (Attachment 3).



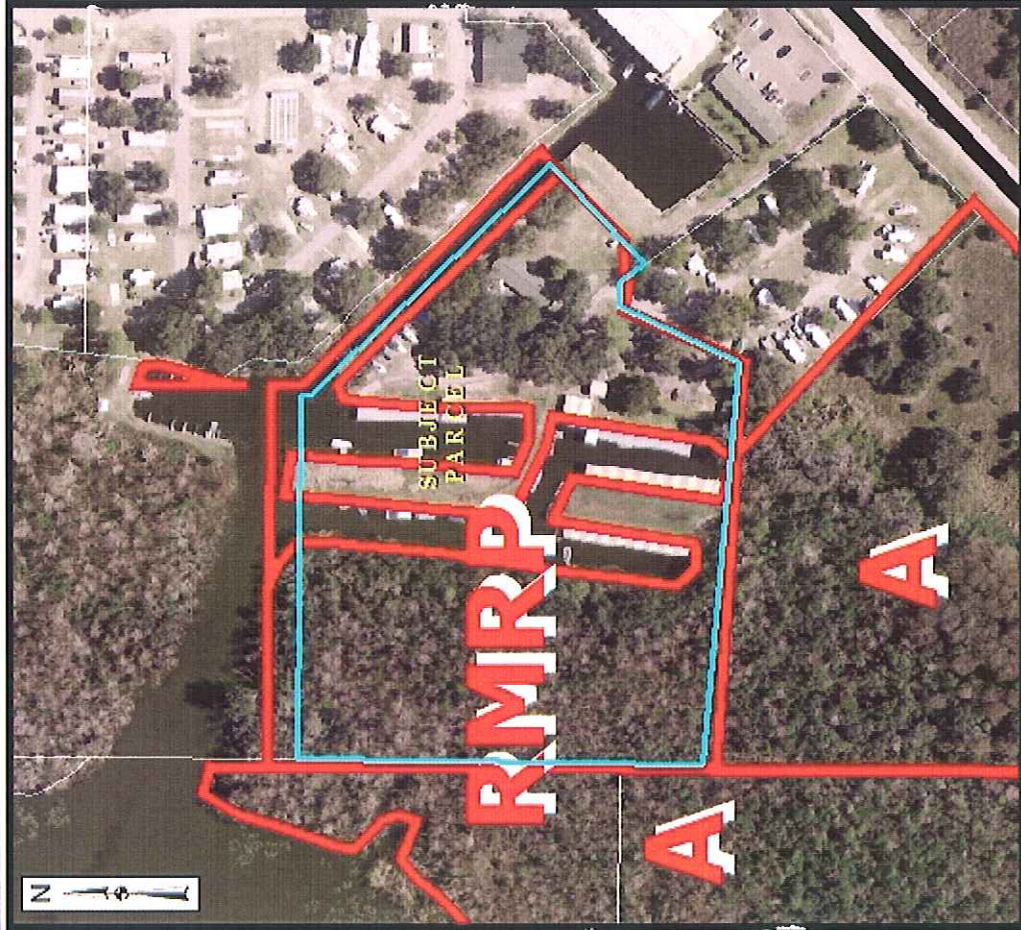
**FINDINGS OF FACT:** Staff has reviewed the application for this rezoning request and found:

1. This application request is consistent with Comp Plan Policy I-1.3.10.3 that specifies commercial use compatible with adjacent land uses.
2. The rezoning application is consistent with Comp Plan Policy I-1-3.10.4 as the commercial use is compatible with existing and available public facilities meeting the adopted Levels of Service.
3. The proposed Planned Commercial (CP) zoning for the marina is consistent with LDR Table 3.01.03, the Schedule of Permitted and Conditional Uses.
4. The rezoning application is consistent with LDR 3.01.02.C.9 (Classification of Uses), that specifies marina as a commercial use.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as proposed.

**WRITTEN COMMENTS FILED:**      **Support: -0-**      **Concern: -0-**      **Oppose: -0-**





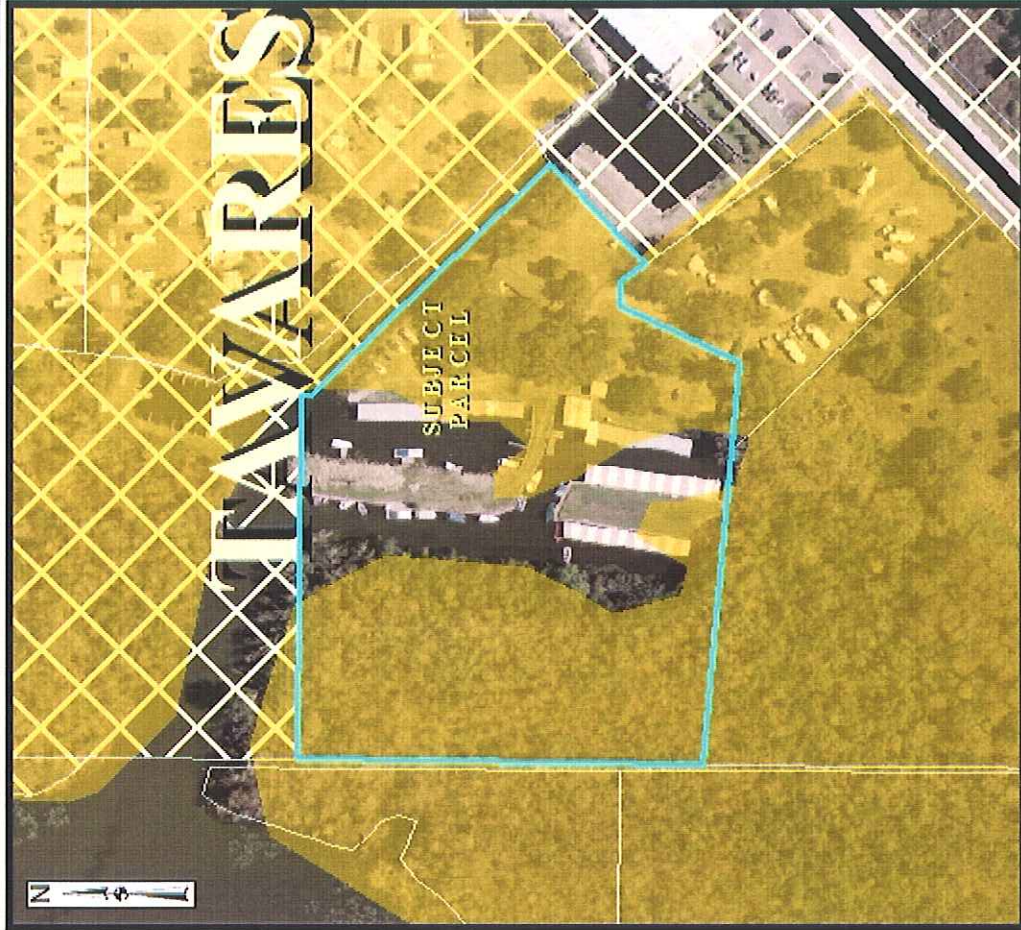
CURRENT ZONING



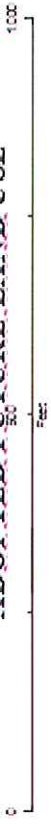
**BANANA COVE MARINA**

CASE NO. PH-17-11-3  
 CASE LOCATION: 01-20-25  
 RE QUISTING: RMRP w/ CUP-88 & 1-3, to CP

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



ADOPTED FUTURE LAND USE



MAP COMPOSITION: JANUARY 2018

FOCUS AREA

LAND SURVEY

DATE: 01/18/2018  
 TIME: 10:00 AM  
 PROJECT: BANANA COVE MARINA  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1" = 50'  
 SHEET NO. 1 OF 1



**ORDINANCE NO. #2011-xx**  
**Banana Cove Marina**  
**PH #17-11-3**

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

**WHEREAS**, Dennis & Holley Wilson, /Barry Blake/Alison Yurko, Esq. (the "Applicants") submitted a rezoning application on behalf of Dennis & Holley Wilson, Trustees (the "Owners") to rezone property from Residential Mobile Home Rental Park (RMRP) zoning, with marina use authorized by Conditional Use Permit (CUP) #88/8/1-3, to Planned Commercial (CP) zoning for marina use; and

**WHEREAS**, the Subject Property is 7.9 +/- acres, located in the Tavares area along SR 19, south of Lane Park Cutoff Road in Section 1, Township 20S Range 25E, currently having Alternate Key Number 1725496, more particularly described as follows:

**LEGAL DESCRIPTION**  
(Exhibit "A" – Attached)

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

**WHEREAS**, the Lake County Zoning Board reviewed Petition PH #17-11-3 on the 2<sup>nd</sup> day of November 2011, after giving Notice on petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 15<sup>th</sup> day of November, 2011, and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, Staff Report and any comments, favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly advertised; and

**WHEREAS**, upon review, certain terms and conditions pertaining to the development of the above described property have been duly approved, and

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

**Section 1.** Terms: The County Manager or designee shall amend the Lake County Zoning Map in accordance with this Ordinance for Planned Commercial (CP) zoning that shall revoke and replace the existing CUP#88/8/1-3. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit "B". To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.

A. Land Uses:

1. Marina, consisting of 81 slips
2. Bait/tackle shop
3. Cafe
4. One caretakers residence
5. Fuel facility
6. Boat House (2)

Accessory uses directly associated to the above primary uses listed above may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

Setback Requirements:

Minimum Setbacks	Building
Front:	25 feet from the property line.
Secondary Front:	15 feet from the property line.
Side:	10 feet from the property line.
Rear:	10 feet from the property line.
Accessory Structures (Rear)	10 feet from the property line.
Wetland Setbacks:	50 feet from all jurisdictional wetland lines.

B. Bulk Standards--

1. Impervious Surface Ratio: 30% (maximum)
2. Building Height: 40-feet (maximum)

C. Utilities:

1. Water/Wastewater Facilities – Central water and sewer service shall be required and shall be provided by the City of Tavares, other municipal/private service provider, or by the Property Owner/Applicant.
2. Drainage/Stormwater Management/Floodplain Protection - The stormwater management system shall be designed and constructed in accordance with St. John's River Water Management District (SJRWMD) permit requirements and the Land Development Regulations (LDR), as amended.

D. Fire Protection and Rescue Services:

1. Development shall comply with the State Fire Code and National Fire Protection Standards and the LDR, as amended.



1 E. Transportation Improvements and Parking:

- 2 1. Future development of the recreational-vehicle (RV) sites shall require combining the  
3 two existing driveways on SR 19, with a Florida Department of Transportation (FDOT)  
4 Permit Modification.  
5  
6 2. Any future development shall require the submittal of a transportation study for the  
7 purpose of identifying any necessary traffic mitigation.  
8  
9 3. Parking Waiver: A minimum of seventeen (17) parking spaces shall be required

10 F. Signage:

11 All signage shall be in accordance with the Land Development Regulations, as amended.  
12  
13

14 G. Open Space and Environmental Considerations:

- 15 1. Open Space shall be provided in accordance with the Comprehensive Plan and  
16 LDR, as amended.  
17  
18 2. Future development shall require submittal of an environmental assessment to  
19 assess development impacts to existing flora/fauna and associated habitat and to  
20 ensure environmental protection and mitigation in accordance with the LDR, as  
21 amended.  
22  
23 3. Wetlands - A 50-foot wetland/water-body setback shall be required for all non-  
24 water dependent structures in accordance with the LDR, as amended. This  
25 setback shall be established upland of the wetlands and between any  
26 development and shall be designated as a "no-build zone". This upland buffer and  
27 littoral zone shall be maintained in native vegetation. No pesticide or fertilizers may  
28 be used in the "no-build zone" and all exotic and nuisance species shall be  
29 replaced with native vegetation, in accordance with the Land Development  
30 Regulations, as amended.  
31

32 H. Landscaping and Buffering:

- 33  
34 1. A Type C buffer (15-foot wide) shall be installed and maintained along the southern  
35 and eastern property line.  
36  
37 2. A Type A (25-foot wide) buffer shall be installed and maintained along the northern  
38 property line.  
39  
40 3. The vegetation of the landscape buffers shall be specified on the site plan. All other  
41 landscaping shall be in accordance with the LDR, as amended.  
42  
43 4. Any nonconforming landscaping shall be brought into compliance as specified in the  
44 Land Development Regulations.

1  
2 5. Any nonconforming landscaping shall be brought into compliance as specified in the  
3 Land Development Regulations.  
4

5 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant  
6 shall be required to submit a site plan within three (3) months, generally consistent with  
7 EXHIBIT "B" – CONCEPTUAL PLAN, for review and approval in accordance with the  
8 Comprehensive Plan and the Land Development Regulations, as amended. The Applicant  
9 shall obtain the appropriate building permits for all non-permitted structures within six (6)  
10 months of site plan approval.

11 J. Concurrency Management Requirements: The Applicant must comply with the Lake  
12 County Concurrency Management System, as amended.  
13

14 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references  
15 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
16 Comprehensive Plan, and Lake County Land Development Regulations shall include any  
17 future amendments to the Statutes, Code, Plans, and/or Regulations.  
18

19 **Section 2.** Conditions as altered and amended which pertain to the above tract of land shall mean:  
20

21 A. After establishment of the facilities as provided herein or specified, the aforementioned  
22 property shall only be used for the purposes named in this ordinance.  
23

24 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove,  
25 improve, move, convert, or demolish any building structure, or alter the land in any manner  
26 within the boundaries of the above described land without first submitting the necessary  
27 plans in accordance with requirements of Lake County, and obtaining the permits required  
28 from the other appropriate governmental agencies.  
29

30 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with  
31 the land and the terms, conditions, and provisions hereof, and shall be binding upon the  
32 present owner and any successor, and shall be subject to each and every condition herein  
33 set out.  
34

35 D. Construction and operation of the proposed use shall at all times comply with the  
36 regulations of Lake County and any other permitting agencies.  
37

38 E. The transfer of ownership or lease of any or all of the property described in this Ordinance  
39 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is  
40 made good and aware of the conditions pertaining to the authorized use and agrees to be  
41 bound by these conditions. The purchaser or lessee may be required a change from the  
42 existing plans and conditions by following procedures contained in the Lake County Land  
43 Development Regulations, as amended.



F. Action by the Lake County Code Enforcement Special Master. The operation of the marina beyond six (6) months of site plan approval without appropriate permits shall cause the Lake County Code Enforcement Special Master to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

**Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

FILED with the Secretary of State \_\_\_\_\_, 2011.

EFFECTIVE \_\_\_\_\_, 2011.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
JENNIFER HILL, CHAIRMAN

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
SANFORD A. MINKOFF, County Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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PARCEL 1

A PART OF LOTS 19, 21, 22, 23, AND 24, ACCORDING TO THE PLAT OF LOWELL'S ADDITION TO LANE PARK, IN SECTION 7, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF LOT 20 OF SAID LOWELL'S ADDITION, RUN SOUTH 00° 41' 00" EAST ALONG THE EAST LINE OF LOTS 20, 22, AND 24 A DISTANCE OF 637.7 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF STATE ROAD NO. 19, AS IT EXISTED TN 1960; THENCE SOUTH 45° 00' 00" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY, 451.30 FEET; THENCE NORTH 36° 43' 00" WEST, 351.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING RUN NORTH 36° 43' WEST, 14.95 FEET; THENCE SOUTH 89° 46' 00" WEST, 600 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 23 AND A POINT HEREBY DESIGNATED AS POINT "A"; RETURN TO THE POINT OF BEGINNING AND RUN NORTH 45° 00' 00" EAST, 172.51 FEET; THENCE NORTH 44° 50' 30" WEST, 421.47 FEET; THENCE NORTH 0° 41' 00" WEST, 26.18 FEET; THENCE SOUTH 89° 46' 00" WEST, 438 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 19; THENCE SOUTH ALONG THE WEST LINE OF LOTS 19 AND 21 TO INTERSECT THE AFOREMENTIONED POINT "A".

PARCEL 2

FROM THE SOUTHEAST CORNER OF LOT 21, ACCORDING TO THE PLAT OF LOWELL'S ADDITION TO LANE PARK, IN SECTION 7, TOWNSHIP 20 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 89° 46' 00" WEST ALONG THE NORTH LINE OF LOT 23 A DISTANCE OF 31.55 FEET TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING RUN SOUTH 23° 52' 00" WEST, 167.65 FEET TO A CONCRETE MONUMENT; THENCE NORTH 86° 03' 00" WEST TO THE WEST LINE OF SAID LOT 23; THENCE NORTH ALONG SAID WEST LINE OF LOT 23 A DISTANCE OF 115 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 21; THENCE NORTH 89° 46' EAST ALONG NORTH LINE OF LOT 23 TO THE POINT OF BEGINNING.





AERIAL VIEW  
NOT TO SCALE

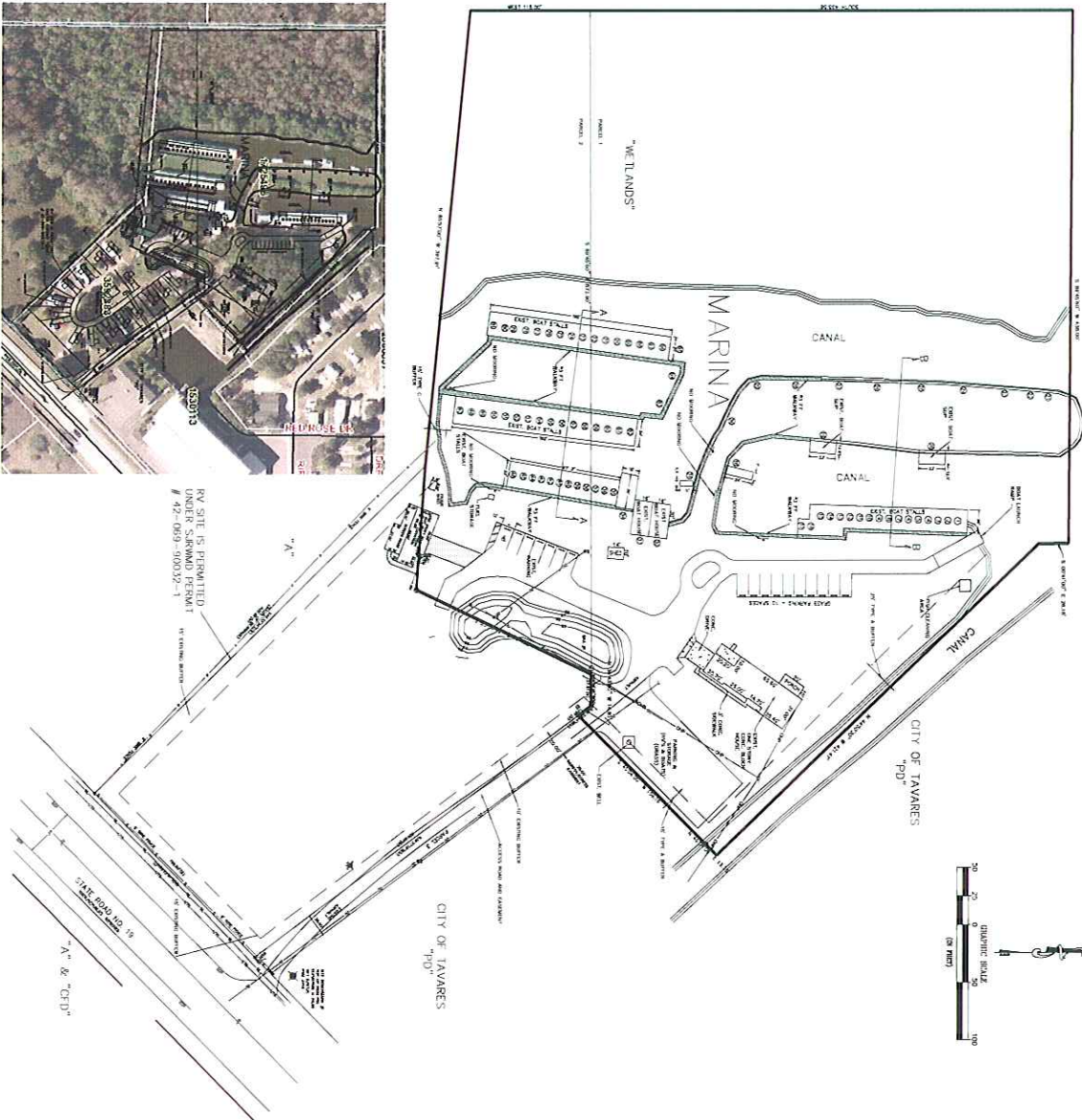
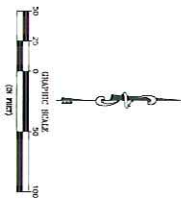


EXHIBIT B



RV SITE IS PERMITTED UNDER SR9000 PERMIT # 42-009-00032-1

- NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
  2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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DATE: 8/23/11  
 COUNTY: LAKE  
 COUNTY: LAKE  
 DATE: 8/23/11  
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 COUNTY: LAKE

Drawn: JCK	REVISION:	DATE:
Checked: KRW	COUNTY:	8/23/11
Date: 8/23/11	COUNTY:	10/05/11
Scale: AS SHOWN		
File No:		
Sheet:		

BANANA COVE MARINA  
 SITE PLAN  
 LAKE COUNTY, FLORIDA

DENNIS & HOLLY WILSON  
 28725 STATE ROAD 19  
 TAVARES, FL 32778  
 (352) 343-7951

**Wicks**  
 Consulting Services, Inc.  
 233 West Hill Street, Tavares, Florida 32778  
 www.wicksconsulting.com (352) 343-8587  
 CA 0000057

# ATTACHMENT 1

## CONDITIONAL USE PERMIT

CUP#88/8/1-3

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, Florida, to Dennis J. & Patricia Wilson "Permittee", for the purpose and the terms, and the conditions as set out herein pursuant to authority contained in Article VII, Section 80, Paragraph 80.11, of the Lake County Zoning Regulations, Ordinance 1971-6, as amended.

Background: The applicant is requesting a CUP in RMRP (Mobile Home Rental Park Residential) to bring existing marina and conventional home into compliance.

1. Permission is hereby granted to Dennis J. & Patricia Wilson to construct, operate and maintain a marina, and conventional home as well as mobile homes, facility in and on real property in Lake County. The property is located in the Tavares area - Property lying W of SR 19 & W of the intersection of SR 19 & N. Eichelberger Rd. (DR3-3342). The property is more particularly described as:

LEGAL DESCRIPTION: A part of Lots 19, 21, 22, 23 & 24, according to the plat of Lowell's Addition to Lane Park in Sec. 7, Twp. 20S, Rge. 26E, Lake County, FL., described as follows: From the NE cor of Lot 20 of said Lowell's Addition, run S 00 deg. 41' 00" E, along the E line of Lots 20 & 22, a distance of 637.7 ft. to the NW'ly r/w of SR 19; as it existed in 1960; thence S 45 deg. 00' 00" W along said NW'ly r/w 451.30 ft.; thence N 36 deg. 43' 00" W 351.70 ft. to the P.O.B. of this description; From said P.O.B., run N 36 deg. 43' W 14.95 ft.; thence S 89 deg. 46' 00" W 600 ft., more or less to the W line of Lot 23 and a point hereby designated as Point "A"; return to the P.O.B. and run N 45 deg. 00' 00" E, 172.51 ft.; thence N 44 deg. 50 30" W, 421.47 ft.; thence N 0 deg. 41' 00" W 26.18 ft.; thence S 89 deg. 46' 00" W, 438 ft., more or less, to the W line of Lot 19; thence S along the W line of Lots 19 & 21 to intersect the aforementioned Point "A". Also: From the SE cor of Lot 21, according to the Plat of Lowell's Addition to Lane Park, in Sec. 7, Twp. 20S, Rge. 26E, Lake County, FL, run S 89 deg. 46' 00" W, along the N line of Lot 23 a distance of 31.55 ft. to a concrete monument and the P.O.B. of this description; From said P.O.B., run S 23 deg. 52' 00" W, 167.65 ft. to a concrete monument; thence N 86 deg. 03' 00" W to the W line of Lot 23; thence N along said W line of Lot 23 a distance of 115 ft., more or less, to the SW cor of Lot 21; thence N 89 deg. 46' E along N line of Lot 23 to the P.O.B. Also an easement for ingress and egress over, across and upon a 20 ft. wide strip of land lying NE'ly of and adjacent to the following described line: From the NE cor of Lot 20 in said Lowell's Addition, run S 0 deg. 41' E along the



E line of Lots 20 & 22 to the NW'ly r/w line of SR 19 as it existed in 1960; thence S 45 deg. W along said r/w line 451.30 ft. and beginning of this described line, thence N 36 deg. 43' W 351.70 ft. to the end of said line.

2. Terms: The marina facilities shall mean and include the total of the following:

A. Land Use

The facilities shall include one conventionally-constructed home, mobile homes as permitted by Master Park Plan approvals and any other authority having jurisdiction, two boathouses and no more than 43 boat stalls, under the following conditions.

B. Parking:

Provision of parking shall comply with Lake County Zoning Regulations.

C. Access

The owners shall provide a 20 ft. wide access road to the site, improved to County clay road standards.

D. Permitting

Prior to the issuance of any permits, the applicant shall submit final site plans, as approved by the Lake County Site Plan Advisory Committee. The site plans shall meet all submittal requirements and comply with all County codes and ordinances.

- E. The "Permittee" shall submit complete building plans, site development plans & operational plans, and have them approved by the Director of Development prior to the issuance of building permits for any construction authorized by this permit.

- F. 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 Director of Development Coordination and the Board of County Commissioners.

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 Planning and Zoning Commission and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or violate any of the terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Commission 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 cancelled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Planning and Zoning Commission. The Director of Development Coordination shall set this matter for Public Hearing before the Planning and Zoning Commission giving the same notice as provided in Section 40 of the Lake County Zoning Regulations, as amended.
- D. Construction and/or operation shall have begun within SIX (6) MONTHS otherwise this permit shall be null and void and the Permittee shall reapply for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners. Provided the operation has begun within the period specified, this permit shall be inspected by the Code Enforcement Department at the end of the SIX (6) months period to ensure compliance with the conditions of the CUP.
- E. The effectiveness of the Conditional Use Permit is expressly conditioned upon, and said Conditional Use Permit shall not become effective for any reason unless and until the following events have occurred:
  - 1. Permittees shall have agreed to each and every condition by properly executing and signing the Conditional Use Permit.
- F. Unless this Conditional Use Permit, properly executed, has been returned to the Director of Development Coordination within THREE (3) MONTHS from the date of approval by the Board of County Commissioners as indicated herein, it shall become null and void and the Permittee must apply to the Planning and Zoning Commission and the Board of County Commissioners for rehearing of the request.



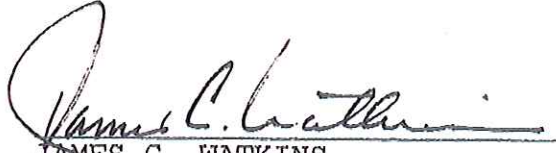
Conditional Use Permit CUP#88/8/1-3

AUTHENTICATED BY:



DAVID CLAPSADDLE  
Director of Development Coordination

STATE OF FLORIDA )  
                          :  
COUNTY OF LAKE    )



JAMES C. WATKINS  
Clerk of the Circuit Court

I HEREBY CERTIFY that on this day personally appeared before me, an officer, duly authorized to administer oaths and take acknowledgements,

DAVID CLAPSADDLE and JAMES C. WATKINS

to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Lake Wales, County of Lake, State of Florida, this 12<sup>th</sup> day of October, 1988, A.D.

MY COMMISSION EXPIRES:  
(SEAL)




NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA,  
MY COM. EXPIRES 12/31/90.  
ADDRESS AND NOTARY PUBLIC UNDERWRITER#

PASSED AND ADOPTED by the Board of County Commissioners of Lake County, Florida, on the 13th day of September, 1988, A.D.

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition and obligation of this Conditional Use Permit and promises to perform each and every obligation and condition of the Permittee hereunder.

  
Dennis J. & Patricia Wilson  
"Permittee"

STATE OF FLORIDA )  
                                  ;  
COUNTY OF LAKE    )

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements,

Dennis J. & Patricia Wilson

to me well known and known to me to be the individual described in and who executed the foregoing instrument, and he/she acknowledged before me that he/she executed the same freely and voluntarily for the purposes therein expressed.

*Brevard* WITNESS my hand and official seal at Meritt Island, County of Lake, State of Florida, this 30 day of September, 1988, A.D.

MY COMMISSION EXPIRES:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
(SEAL) MY COMMISSION EXPIRES JULY 26, 1991  
BOUGHT THROUGH ASHTON AGENCY, INC.

  
Notary Public



**Attachment 2**



RECEIVED

SEP 13 2011

Planning & Community Design

September 9, 2011

Lake County Planning & Community Design  
Department of Growth Management  
Lake County Board of County Commissioners  
P.O. Box 7800  
Tavares, FL 32778

Re: Banana Cove Marina, 28725 SR 19, Tavares, FL 32778

Dear Mr. Greene,

Please accept this letter as confirmation that the City of Tavares currently provides water and sewer utility services to Banana Cove Marina, 28725 SR 19, Tavares, FL 32778.

Please contact me at 352-742-6212 or via email at [lhoughton@tavares.org](mailto:lhoughton@tavares.org) if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Lori Houghton".

Lori Houghton  
Finance Director

lh/km

## Attachment 3

Greene, Steve

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**From:** Alisha Sullivan [amaraviglia@tavares.org]  
**Sent:** Tuesday, August 23, 2011 3:32 PM  
**To:** Greene, Steve  
**Subject:** RE: Banana Cove Marina Rezoning - PH#17-11-3 (PROJECT#2011070019 / AR#1887)  
**Attachments:** image001.png

Hi Steve,

The City of Tavares has no comments on the subject rezoning amendment. The adjacent parcel, Fisherman's Cove, received a Commercial Future Land Use designation but the applicant has not applied for a rezoning.

Let me know if you need any additional information.

Thanks,

Alisha