

LAKE COUNTY PLANNING AND ZONING DIVISION
CONDITIONAL USE PERMIT STAFF REPORT

Planning & Zoning Board
October 4, 2017



Board of County Commissioners
October 24, 2017

CUP-17-09-1 Hansen Life Skills-Retreat and Water Sport Training Facility	Commission District 1 Sullivan	Agenda Item #4
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Requested Action: Approve an amendment to Conditional Use Permit (CUP#10/6/2-3) to remove acreage and to add retreat lodging/cabins, life skills/marriage counseling, water sport recreation training, special events (weddings, etc.) and short-term recreational vehicle (RV) parking within the Agriculture (A) Zoning District on 44.62 +/- acres.

Owners: Andy Hansen and Joni Hansen (the "Owners").
Applicants: Same as above (the "Applicants").

- Site Location & Information -

Size	44.62 +/- acres (approximately 6.12-upland acres)
Location	10922 Orange Avenue, west of Lake Emma Road, in the Groveland area
Alternate Key No.	1210828 and 1092736
Future Land Use	Rural
Existing Zoning District	Agriculture
Proposed Zoning District	N/A
Joint Planning Area/ ISBA	N/A
Overlay/Protection Area	N/A

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Rural Residential (R-1)	Vacant	Citrus grove
South	Rural	Agriculture (A)	Residential	Single-family residence
East	Rural	A	Residential	Single family residence
West	Rural	A	Surface waterbody	Little Lake Blackwelder

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of amendment to CUP#10/6/2-3 to reduce acreage and to add uses as specified in the proposed new CUP ordinance, with conditions.

PLANNING AND ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject properties, identified by Alternate Key Numbers 1643902 and 1303842, are approximately 44.62 +/- acres located at 10922 Orange Avenue, west of Lake Emma Road in the Groveland area. The properties are zoned Agriculture (A) with a Rural Future Land Use Category. The Applicants seek to amend Conditional Use Permit (CUP) #10/6/2-3 by reducing the CUP acreage and add retreat lodging/cabin use, life skills/marriage counseling, water sport recreation training, special events (weddings, etc.) and short-term recreational vehicle (RV) parking uses to the existing water sport (ski and wakeboard) training facility use. However, the Applicants intend to reduce the amount of water ski and wakeboard professional training by offering training as a novice recreational amenity for retreat attendees. Comprehensive Plan Policy I-1.4 specifies the uses allowed within the Rural Future Land Use Category. The proposed uses and the existing outdoor sports and active recreation facility use are allowed with an approved CUP. The proposed CUP amendment application is consistent with Comprehensive Plan Policy I-1.4.

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

Pursuant to Land Development Regulations (LDR) Section 3.01.03, Schedule of Permitted and Conditional Uses, passive recreation is a permissible use within the Agriculture zoning district. Additionally, LDR Section 3.01.02(F)(4), defines a parks and recreation use as an outdoor recreational use with a low intensity of development. The proposed retreat use, counseling, and special event use would fall into this category. The current CUP #10/6/2-3 allows water sport training for skiing and wakeboarding, which is considered active outdoor recreation use, which is consistent with Comprehensive Plan Policy I-1.4.4. This policy requires that active outdoor recreation uses obtain a conditional use permit prior to commencement of operations. The other uses allowed by the current CUP are the following:

Office;
Recreation room;
Student & instructors sleeping quarters;
Swimming pool;
Dual purpose agriculture irrigation/wakeboard pool; and
Dock.

The proposed CUP amendment would reduce the upland area by 1.5-acres, with the addition of the new uses listed below:

Special Events (20 per year, maximum), under 200 persons per event;
Day Retreats (Parent-Sibling);
Marriage Enrichment Counseling;
Lodge/cabins (8, maximum), with kitchen, recreation and meeting rooms;
Recreational Vehicle parking spaces (5, maximum); and
Storage Building (1 existing 2,200 square feet) - wedding preparation, on-site catering, pantry.

The subject property contains wetlands in the southwest area of the property adjacent to Lake Emma. Pursuant to Comprehensive Plan Policy III-2.5.3, Protection of Wetlands, and LDR Section 6.01.04, Development near Wetlands and Waterbodies, wetlands are to be protected with the establishment of a fifty (50) foot buffer. However, water dependent activities such as boat docks and ramps, pile supported walkways, piers, are allowed within buffers. Additionally, Comprehensive Plan Policy III-2.5.12 requires the wetland areas, including the buffer area, to be placed into a conservation easement for the purpose of ensuring protection of the natural area in perpetuity. This requirement is proposed as a development condition.

B. Effect on Adjacent Properties.

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

The proposed additional uses may not create undue adverse effects on nearby properties with the establishment of development conditions with the new CUP. The proposed special events would be approved, managed, and monitored via the Special Event Permit Application process to ensure crowd control and access management does not create undue disturbance to adjacent properties. Additionally, the conditional use process requires an annual inspection to assess continued compliance with the conditions established for the recreational use.

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

While the conditional use permit amendment proposes additional uses, the Applicants intend to undertake the new Life Skills-Retreat and special event use as the primary conditional use rather than the current water ski-wakeboard conditional uses. This change in activity will create a more compatible use of the acreage than the current primary use as a water sport training facility. The adjacent parcels are small agriculture parcels with remnant citrus groves and single family residential uses. Additional conditions for hours of operation, event hours, and noise generation are proposed to increase compatibility with adjacent properties.

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.

Since the property is zoned Agriculture (A), it is not required to have perimeter landscape buffering per LDR Section 9.01.06, Table 1, to adjacent Agriculture zoned properties. However, as the property will have some non-residential uses, staff recommends including a development condition for a twenty (20) foot perimeter landscape buffer that would incorporate the existing perimeter vegetation via the submission of a landscape plan during the development application process prior to commencement of the new uses. The proposed ordinance contains a condition for a fifty (50) foot setback from property lines with residential uses to serve as a buffer between the residential uses within the Agriculture (A) zoning district and the proposed non-residential use.

A noise assessment will be required pursuant to the LDR Section 9.09, as part of the site plan approval prior to the commencement of the proposed new uses on the property. This is included as a condition in the proposed CUP ordinance to minimize any undue adverse effect upon nearby properties. See the conceptual plan attached to the proposed ordinance for a generalized layout of the conditional use.

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

The provision of a twenty (20) foot wide perimeter landscape buffer will direct and focus the conditional uses to the internal areas of the property. This arrangement is not anticipated to interfere with the development of the neighboring properties. Although the existing wakeboard pool is situated at the southeast area of the property, this facility is approximately thirty (30) feet from the southern property line.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan must be considered.

Potable Water & Sewer – Permitting through the Department of Health (DOH) will be required for the well. The on-site septic and potable well provide the water and sewage needs for the property. The level of impact of the new uses will be fully assessed during the development review process prior to commencement of the new uses to ensure provision of services concurrent with the proposed impacts.

Transportation - A transportation impact assessment will be required during the development review process to ensure development impacts do not reduce the level of service standard for Lake Emma Road.

Solid Waste – No adverse impacts to current solid waste capacity levels are anticipated by the new uses.

D. Adequacy of Fire Protection.

The Applicants shall obtain from the Lake County Emergency Services Division written confirmation, or other substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station 91 is located at 529 E. Myers Boulevard, is located 2.9 miles away, and will provide Advance Life Support (ALS) should an emergency situation on the property demand this service. The closest fire hydrant is one hundred fifty-eight (158) feet from the property.

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

1. The proposed CUP amendment is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category, which allows outdoor sports and recreation as a conditional use;
2. The proposed CUP amendment is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows parks and recreation as a permitted use within the Agriculture (A) Zoning District; and
3. The proposed CUP amendment is consistent with Land Development Regulations (LDR) Section 3.01.02(F)(4), which defines a parks and recreation use as an outdoor recreational use with a low intensity of development.

Based on these findings of fact, staff recommends **Approval** of the CUP amendment, subject to the conditions specified in the proposed ordinance.

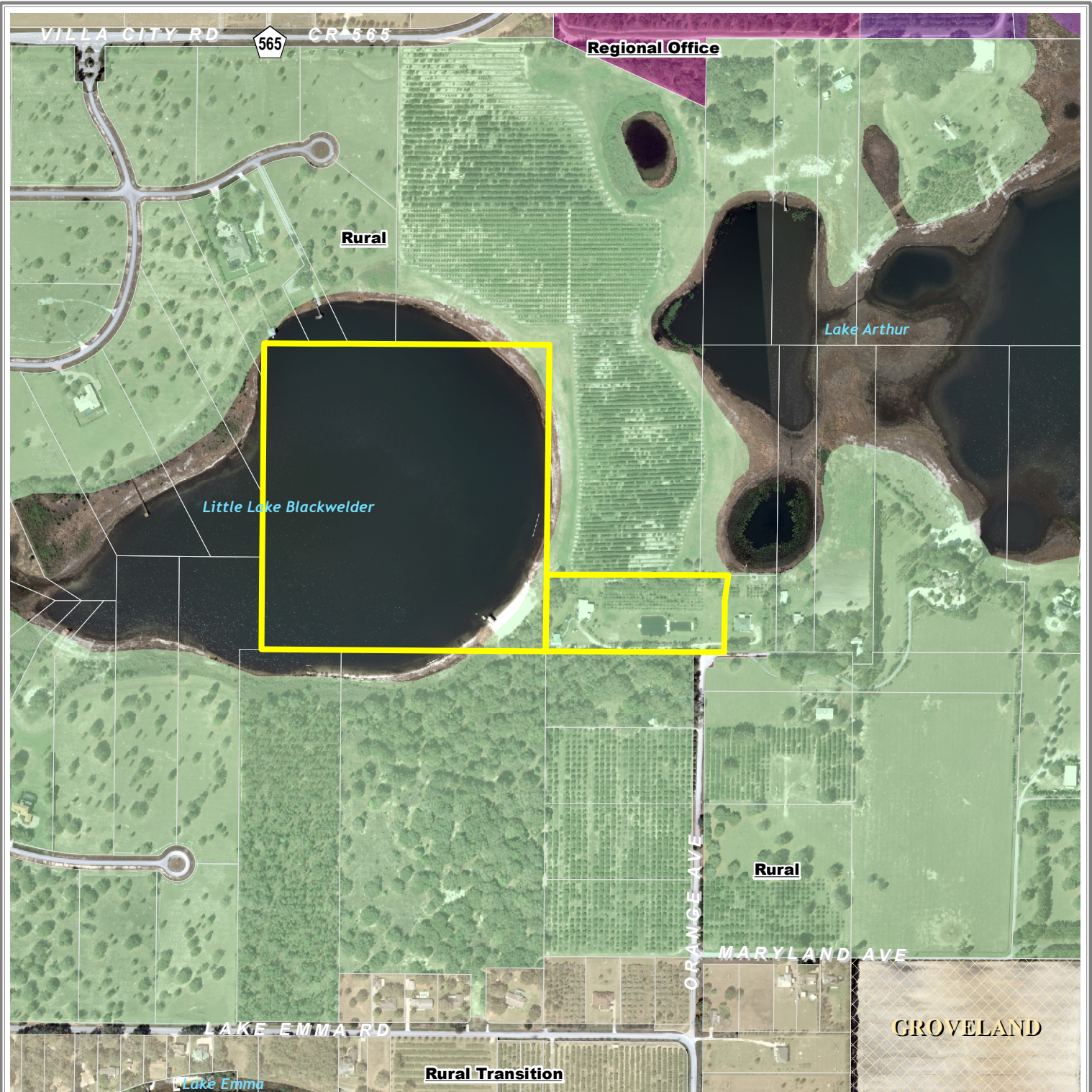
Case Manager: Steve K. Greene, AICP, Chief Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-



FUTURE LAND USE LEGEND

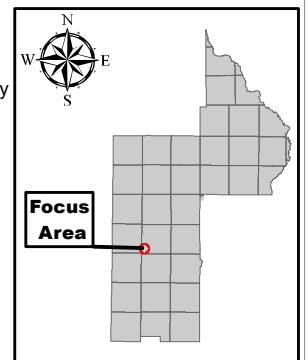
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|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density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

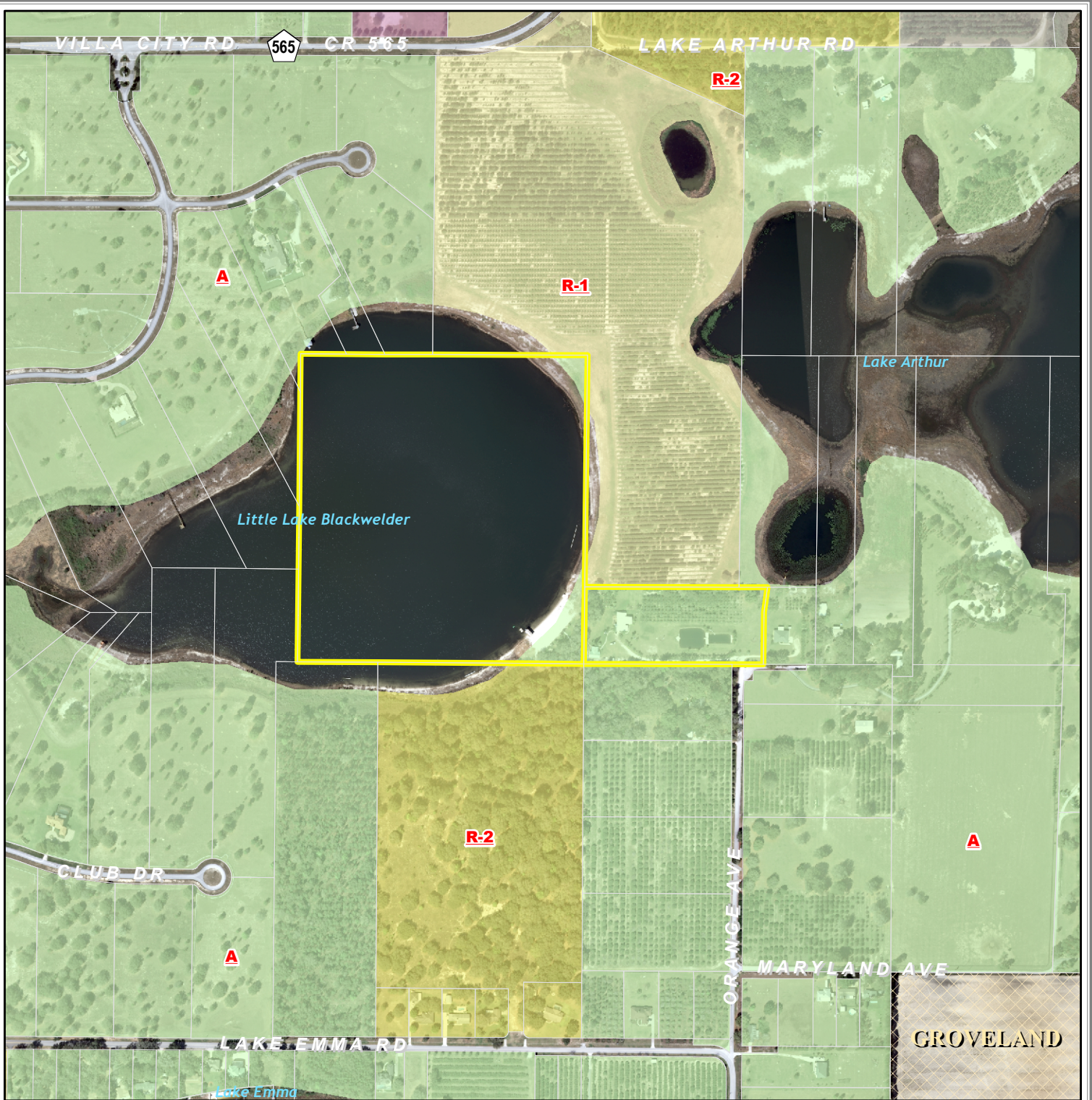
NAME: HANSEN PROPERTY

CASE NUMBER: CUP-17-09-1

LOCATION (S-T-R): 30-21-25

REQUEST: AMEND RETREAT & LIFE SKILLS TRAINING USES

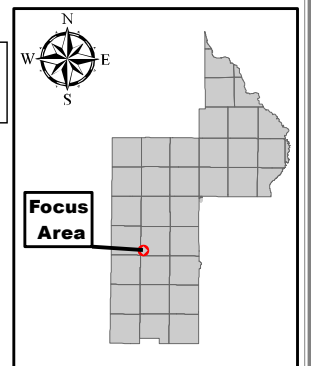




ZONING LEGEND

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

NAME: HANSEN PROPERTY
CASE NUMBER: CUP-17-09-1
LOCATION (S-T-R): 30-21-25
REQUEST: AMEND RETREAT & LIFE SKILLS TRAINING USES



- 1 Day Retreats (married couples, parents-siblings);
- 2 Lodge/cabins (650-square feet each, 8 maximum), with showers, kitchen and recreation room,
- 3 housing 16 students and 2 staff persons;
- 4 Recreational Vehicle parking (5 spaces maximum, 2,400 square feet each);
- 5 Storage building (1, maximum; 2,200 square feet) – wedding preparation, on-site catering, pantry;
- 6 and
- 7 Special Events (20 per year), not to exceed 500 persons per event, to include weddings.

8 To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance
9 will take precedence.

10 Accessory uses directly associated with these uses, including equipment shelter and generator, may be
11 approved by the County Manager or designee. Any other use of the site will require an amendment to
12 this Ordinance as approved by the Board of County Commissioners.

13 B. Specific Conditions:

- 14 1. Special Events will require submittal and approval of a special event application pursuant to the LDR,
15 as amended, prior to commencement of the special event.
- 16 2. Recreational Vehicle (RV) parking will be used in association with scheduled special events, retreat
17 sessions, life-skills training sessions, or water sport training sessions. Each RV parking space must
18 be a minimum of 2,400 square feet.
- 19 3. There must be no storage of materials within the setbacks or buffers.
- 20 4. A noise assessment must be submitted for review and acceptance prior to commencement of
21 operations of the new uses identified in this Ordinance.
- 22 5. Parking surfaces may be grass or other pervious material, except as required for disabled access.
23 No parking may be allowed outside the property limits.

24 C. Setbacks:

- 25 1. Fifty (50) foot setback will be required for the uses allowed by this Ordinance to the property line of
26 adjacent residential uses.
- 27 2. The existing residential dwelling setback must be in accordance with the LDR, as amended.
- 28 3. Other setbacks must be in accordance with the Comprehensive Plan and the LDR, as amended.

29 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height must be in accordance
30 with the Comprehensive Plan and the LDR, as amended.

31 E. Landscaping, Buffering and Screening must comply with the LDR, as amended.

- 32 1. A twenty (20) foot wide perimeter landscape buffer will be required. Existing landscaping may be
33 used to compliment the required perimeter buffer.

34 F. Fire Protection and Emergency Services Access: Access and fire safety requirements of the property
35 must be provided in accordance with the Florida Fire Prevention Code and the LDR, as amended.

36 G. Lighting: Exterior lighting must not illuminate adjacent properties or public right of ways, and must be in
37 accordance with the LDR, as amended, and consistent with Dark-Sky Principles.

- 1 H. Signage: Signs must be in accordance with the LDR, as amended.
- 2 I. Development Review and Approval: Prior to the issuance of any permits, the Owners must submit a
3 development application, with signed and sealed survey (to include complete legal description) generally
4 consistent with Exhibit "B", Conceptual Plan, for review and site plan approval prior to commencement
5 of operations in accordance with the Comprehensive Plan and the LDR, as amended.
- 6 J. Future Amendments to Statutes, Code, Plans, or Regulations: The specific references in this Ordinance
7 to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County
8 Land Development Regulations will include any future amendments to the Statutes, Code, Plans, or
9 Regulations.
- 10 K. After establishment of the facilities as provided in this Ordinance, the property must only be used for the
11 purposes named in this Ordinance, unless a proposed use meets every requirement of the zoning district
12 in which the property is located. Any other proposed use must be specifically authorized by the Board of
13 County Commissioners.

14 **Section 3. Additional Conditions:**

- 15 A. In the event of a breach in any of the terms or conditions of this Ordinance or any default or failure of the
16 Owners or their successor to: fulfill development in substantial accordance with the conceptual plan as
17 submitted to the Planning & Zoning Board and the Board of County Commissioners; comply with the
18 codes of the governmental agencies having lawful and appropriate jurisdiction; or comply with any of the
19 terms of this Ordinance; or if the conditional uses are found to become a nuisance or safety hazard, the
20 conditional use permit may be revoked after due public hearing before the Planning & Zoning Board and
21 the Board of County Commissioners.
- 22 B. The Conditional Use Permit will inure to the benefit of, and will constitute a covenant running with the
23 land; and the purpose, terms, and conditions contained in this Ordinance will be binding upon the Owners
24 or any successor or interest to the subject property.
- 25 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
26 Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to
27 recommend that the Ordinance be revoked.
- 28 D. Inspection. The uses will be inspected by the Code Enforcement Division annually to ensure compliance
29 with the conditions of this Ordinance and the approved site plan. An annual inspection fee will be
30 assessed. If an emergency inspection is necessary during non-operating hours, a fee will also be
31 assessed.

32 **Section 4. Filing with the Department of State.** The clerk hereby directed forthwith to send a copy of this
33 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
34 Florida Statutes.

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1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**

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3 **ENACTED** _____, 2017.

4 **FILED with the Secretary of State** _____, 2017.

5 **EFFECTIVE** _____, 2017.

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

8 _____
9 **TIMOTHY I. SULLIVAN, Chairman**

10

11 **ATTEST:**

12 _____
13 **NEIL KELLY, Clerk of the**
14 **Board of County Commissioners**
15 **Lake County, Florida**

16 **APPROVED AS TO FORM AND LEGALITY**

17 _____
18 **MELANIE MARSH, County Attorney**

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EXHIBIT "A"
LEGAL DESCRIPTION

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Alternate Key #1210828

W 3/4 OF S 1/4 OF SW 1/4 OF SE 1/4--LESS FROM NW COR OF W |
1/2 OF E 1/2 OF S 1/4 OF SW 1/4 OF SE 1/4 RUN S 89-57-51 E |
ALONG N LINE OF SAID W 1/2 OF E 1/2 OF S 1/4 OF SW 1/4 OF SE|
1/4 A DIST OF 122.95 FT FOR POB, RUN S 08-03-38 W 109.08 FT, |
S 0-36-43 W 224.24 FT TO S LINE OF SW 1/4 OF SE 1/4, N |
89-56-19 E ALONG SAID S LINE OF SW 1/4 OF SE 1/4 A DIST OF |
224.17 FT TO SE COR OF W 1/2 OF E 1/2 OF S 1/4 OF SW 1/4 OF |
SE 1/4, N 0-36-34 E 331.39 FT TO NE COR OF W 1/2 OF E 1/2 OF|
S 1/4 OF SW 1/4 OF SE 1/4, N 89-57-51 W 210.01 FT TO POB-- |
ORB 1633 PG 0195 |, and

Alternate Key #1092736

E 1/2 OF GOV LOT 4 ORB 1541 PG 1747 |

