

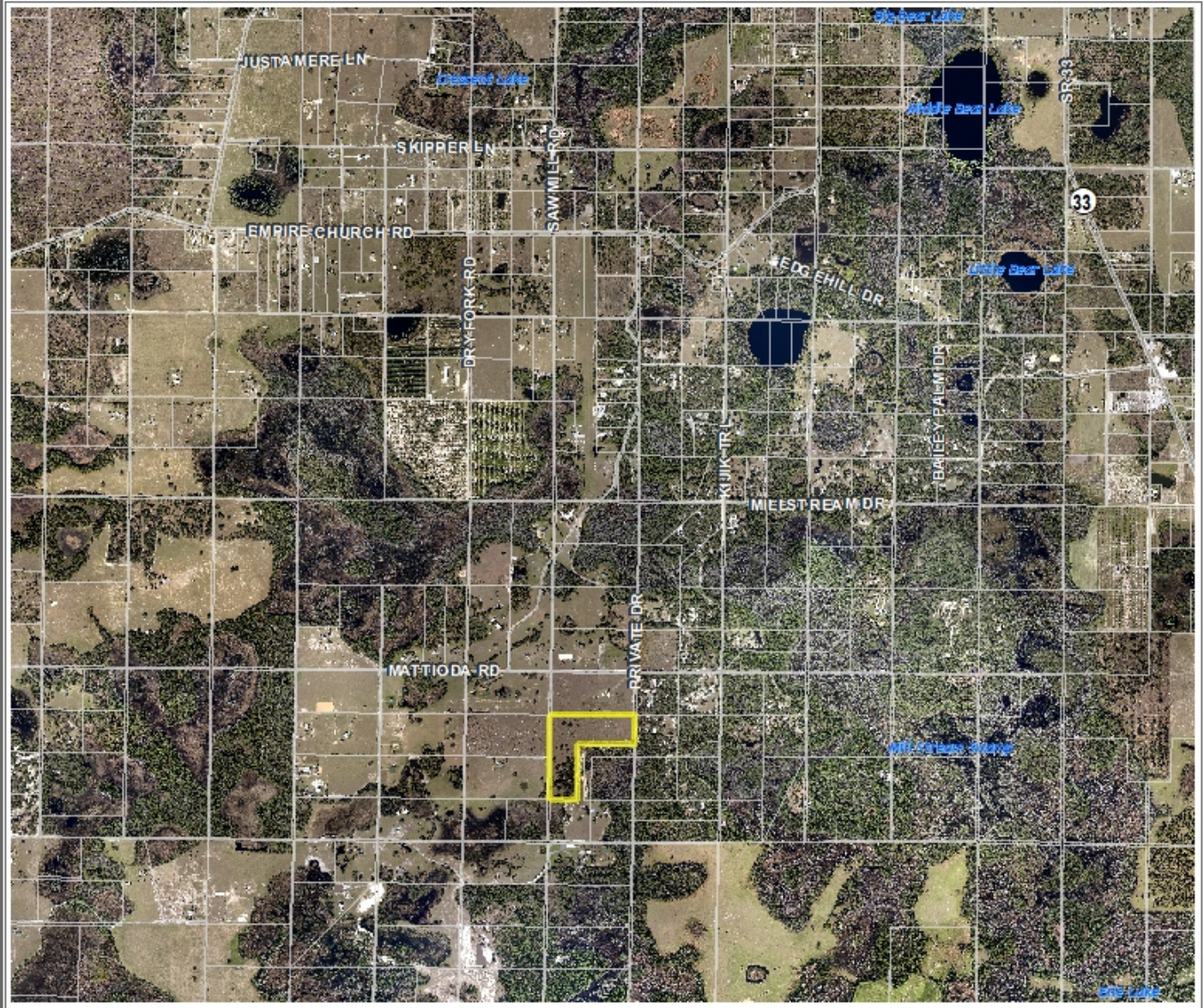
# LAKE COUNTY OFFICE OF PLANNING AND ZONING CONDITIONAL USE PERMIT STAFF REPORT

PLANNING & ZONING BOARD  
February 6, 2019



BOARD OF COUNTY COMMISSIONERS  
February 26, 2019

CUP-18-08-1 Howard Private Airstrip CUP	Commission District 1 Sullivan	Agenda Item #3
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**Requested Action:** Approval for a conditional use permit on approximately 23.17 +/- acres to allow an unpaved airstrip for private use on property within the Agriculture zoning district.

**Owners:** Chad Finley and Sherry Finley (the "Owners")

**Applicant:** Michael Derek Howard (the "Applicant")

**- Site Location & Information -**

<b>Size</b>	23.17 +/- acres
<b>Location</b>	Adjacent to the east side of Private Drive, in the Groveland area
<b>Alternate Key #</b>	3817349
<b>Future Land Use</b>	Green Swamp Core Conservation
<b>Existing Zoning District</b>	Agriculture
<b>ISBA/JPA</b>	NA
<b>Rural Protection Area</b>	Green Swamp Area of Critical State Concern

**- Land Use Table -**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Green Swamp Core Conservation	Agriculture (A)	Agricultural and residential	Single family residence
<b>South</b>	Green Swamp Core Conservation	Agriculture (A)	Agricultural and residential	Single family residence and lake
<b>East</b>	Green Swamp Core Conservation	Agriculture (A)	Agricultural and residential	Single family residence
<b>West</b>	Green Swamp Core Conservation	Agriculture (A)	Agricultural and residential	Adjacent to Private Drive and single family residence

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the conditional use permit on approximately 23.17 +/- acres to allow an unpaved airstrip for private use on property within the Agriculture zoning district.

**PLANNING & ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The subject property, identified by Alternate Key Number 3817349, is 23.17 +/- acres and is located adjacent to east side of Private Drive, in the Groveland area of unincorporated Lake County. The subject property is zoned Agriculture (A) with a Green Swamp Core Conservation future land use designation and is undeveloped.

The Applicant has requested a conditional use permit to allow a private unpaved airstrip for personal use on the subject property. The proposed unpaved private airstrip will be an accessory use to a future primary residence.

The CUP application is consistent with the Comprehensive Plan Policy I-4.2.5 Green Swamp Core Conservation Future Land Use Category and Comp Plan Policy I-4.4.12 Aviation Facilities within the Green Swamp Area of Critical State Concern. Both policies allow unpaved airstrips within the Green Swamp. The CUP is consistent with LDR Section 8.01.09, which states that airstrips are conditionally permitted within the Green Swamp Area of Critical State Concern.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The proposed CUP is consistent with Comprehensive Plan Policy I-4.2.5 Green Swamp Core Conservation Future Land Use Category which allows unpaved airstrips as defined by Comprehensive Plan Policy I-4.4.12 Aviation Facilities within the Green Swamp Area of Critical State Concern. Comp Plan Policy I-4.4.12 allows private residential unpaved airstrips which are 4,000 feet or less and which serve no more than three (3) aircraft. The proposed unpaved private airstrip will be an accessory use and as seen in the attached Concept Plan will be 670 feet in length.

The proposed CUP for an unpaved private airstrip is consistent with LDR Section 8.01.09(A) and (C). The LDR specifies that new airstrips may be conditionally approved so long as they are for private residential uses and no more than three (3) aircraft are based at the airstrip. The proposed CUP is consistent with the LDR as it proposes no more than three aircraft at the airstrip and will be an accessory use to a primary residence. Additionally, the proposed airstrip will remain unpaved (mowed grass) and as shown in the attached Concept Plan will be 670 feet in length.

The definition of "Airport", as found in LDR Chapter 2 and LDR Table 3.01.03, the Schedule of Permitted and Conditional Uses, does not differentiate between airports that are the primary use of the property and those that are an accessory residential use. In contrast, LDR Section 8.01.09(A), states that new airstrips may be for residential uses. As LDR Section 8.01.09(A), allows new airstrips that are for residential uses, Lake County has historically permitted personal unpaved airstrips as an accessory residential use. The ordinance contains a condition that requires the unpaved private airstrip to be associated with a primary residence.

**B. Effect on Adjacent Properties.**

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

It is not anticipated that the proposed conditional use of an unpaved private airstrip for personal use will result in any undue adverse effect upon nearby properties. The proposed unpaved private airstrip is required to be situated at least 800-feet from the nearest residence per LDR Section 3.01.04. The large setback is intended to minimize noise impacts to surrounding properties. Secondly, as the proposed unpaved airstrip will be for private use it will not result in additional vehicular traffic as it will not be open to the public. Additionally, no more than three (3) aircraft may be based at the airstrip.

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

The property to the north of the subject property is a large vacant agricultural property. The properties to the west, east, and south of the subject property are a mixture of large agricultural vacant properties and large low density single family residential properties. The proposed private airstrip, which will be an accessory use to a primary residence, is compatible with the surrounding large agricultural and residential properties. Additionally, the proposed private airstrip will be located at least 800-feet from the nearest residential structure as seen in the attached Concept Plan.

**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 ordinance contains conditions that require the proposed private unpaved airstrip to be located at least 800-feet from the nearest residential structure consistent with LDR Section 3.01.04(8)(b). Additionally, the proposed airstrip will not be highly visible as it will remain unpaved consistent with the Competence Plan.

The Applicant has indicated that it will be mowed grass.

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.**

It is not anticipated that the request will interfere with the development of neighboring properties. Consistent with LDR Section 3.01.04(8)(C), the proposed private airstrip will be located at least 800-feet from the nearest residential structure. The 800-foot setback from residential structures is intended to minimize impacts to surrounding properties. Additionally, the private airstrip will remain unpaved (mowed grass) and will therefore be less visible to surrounding properties.

**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 Shall be considered.

**Transportation:**

The proposed private airstrip is not intended for public use, therefore, impacts to local roads will be di minimis.

**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 Station 111 is located within 5-miles of the subject property at 8805 Bay Lake Road, Groveland.

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

1. The request is consistent with Comprehensive Plan Policy I-4.2.5 Green Swamp Core Conservation Future Land Use Category which allows unpaved airstrips; and
2. The request is consistent with Comprehensive Plan Policy I-4.4.12 Aviation Facilities within the Green Swamp Area of Critical State Concern, which allows private residential unpaved airstrips which are 4,000 feet or less and which serve no more than three (3) aircraft; and
3. The request is consistent with LDR Section 8.01.09(A) Aviation Facilities, which states that new airstrips shall be limited to private residential uses and no more than three (3) aircraft may be based at the airstrip; and
4. The request is consistent with LDR Section LDR Section 8.01.09(C) Aviation Facilities, which states that new runways must be unpaved and may not exceed 4,000 feet.

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

Case Manager: Christine Rock, Planner

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

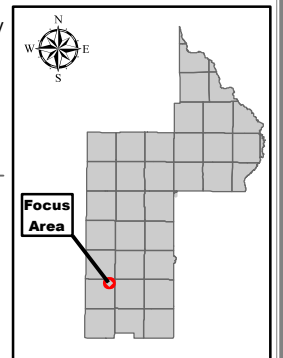


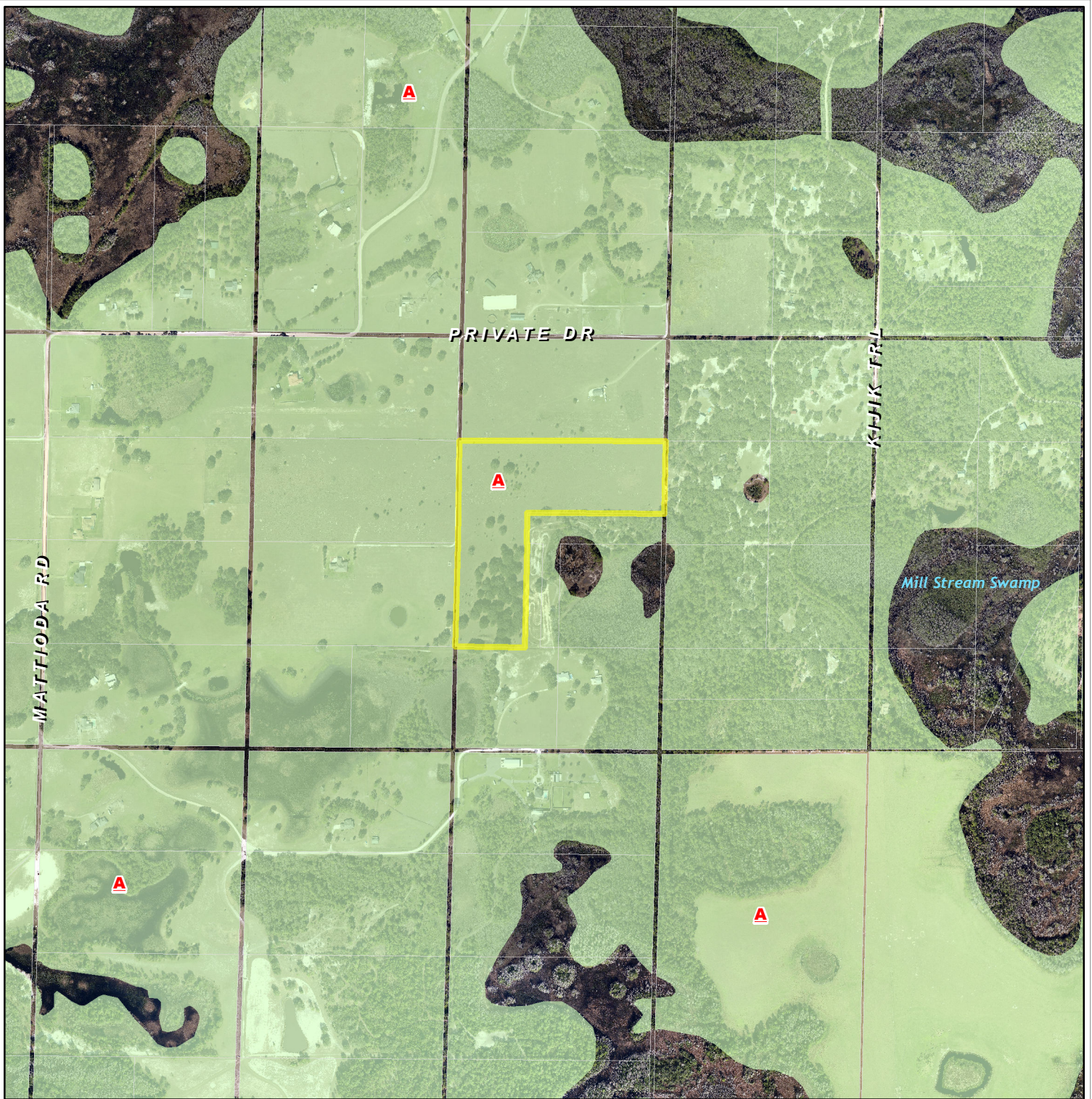


**FUTURE LAND USE LEGEND**

- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Cagan Crossings                | Rural                                      | Rural Transition         | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Sending Area A-1-20      | Urban High Density   |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Sending Area A-1-40      | Wellness Way 1       |
| Green Swamp Interlachen        | Regional Office                            | South Lake Regional Park | Wellness Way 2       |
| Green Swamp Ridge              | Public Service Facility and Infrastructure | Summer Bay               | Wellness Way 3       |
| Green Swamp Rural              | Receiving Area A-1-20                      |                          | Wellness Way 4       |
| Green Swamp Rural Conservation | Recreation                                 |                          | Towncenter           |
| Heavy Industrial               |  |                          |                      |

**NAME: HOWARD AIRSTRIP**  
**CASE NUMBER: CUP-2018-08-1**  
**LOCATION (S-T-R): 02-23-24**  
**REQUEST: PRIVATE AIRSTRIP**

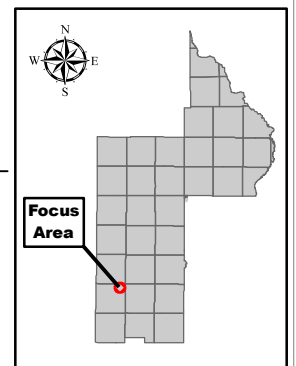




**ZONING LEGEND**

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: HOWARD AIRSTRIP**  
**CASE NUMBER: CUP-2018-08-1**  
**LOCATION (S-T-R): 02-23-24**  
**REQUEST: PRIVATE AIRSTRIP**



**Ordinance 2019-XX  
Treasure Island Range  
CUP-18-06-3**

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

3 **WHEREAS**, Michael Derek Howard (the "Applicant") submitted a conditional use permit application  
4 on behalf of Chad Finley and Sherry Finley (the "Owners") on approximately 22.78 +/- acres to allow a private,  
5 unpaved airstrip for personal use; and

6 **WHEREAS**, the subject property consists of approximately 22.78 +/- acres, adjacent to the east side  
7 of Private Drive, in the Groveland area and situated in Section 02, Township 23 South, Range 24 East,  
8 consisting of Alternate Key Number 3817349, and more particularly described as:

9 **LEGAL DESCRIPTION:**

10 **EXHIBIT "A"**

11 **WHEREAS**, the subject property is located within the Green Swamp Core Conservation Future Use  
12 Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

13 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in  
14 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance  
15 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the  
16 special conditions set forth in this Conditional Use Permit; and

17 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board  
18 on the 6<sup>th</sup> day of February, 2019 and by the Board of County Commissioners of Lake County, Florida, on the  
19 26<sup>th</sup> day of December, 2019.

20 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
21 Florida, that:

22 **Section 1.** Permission is hereby granted for a private, unpaved airstrip for personal use a Conditional Use within  
23 the Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan  
24 as shown in Exhibit "B" of this Ordinance. To the extent that there are conflicts between the  
25 Conceptual Plan and this Ordinance, this Ordinance will take precedence.

26 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show a  
27 Conditional Use Permit to allow uses with conditions as outlined within this Ordinance.

28 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)  
29 Zoning District, the uses of the site will be allowed as specified below and generally consistent  
30 with Exhibit "B", the Conceptual Plan.

- 31 1. Residential use
- 32 2. Agriculture use
- 33 3. Unpaved, private airstrip (Paving is prohibited)
  - 34 a. Must be associated with a primary residential use.
  - 35 b. Maximum of three (3) aircraft may be based at the airstrip.
  - 36 c. May not exceed 4,000 feet in length.



- 1 d. May not be used as a public airstrip.
- 2 4. Private airplane hangar
- 3 a. Store a maximum of three (3) personal aircraft.
- 4 b. Not for public use.
- 5 5. Accessory uses may be approved by the County Manager or designee.
- 6 6. Any other use of the site not identified above shall require approval of an amendment to this
- 7 Ordinance by the Board of County Commissioners.

8 **B. Specific Conditions:**

- 9 1. **Building Height, Floor Area Ratio, Open Space, and Setbacks.** Building Height,
- 10 Open Space, and Setbacks shall be in accordance with the Comprehensive Plan and
- 11 Land Development Regulations (LDR), as amended.
- 12 a. Airstrip must be situated at least 800-feet from the nearest existing off-site
- 13 dwelling or farm building.
- 14 2. **Impervious Surface Ratio.** The maximum Impervious Surface Ratio (ISR) shall be 0.20
- 15 for the overall development in accordance with the Comprehensive Plan, as amended.
- 16 3. **Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall
- 17 be in accordance with the Land Development Regulations (LDR), as amended.
- 18 4. **Lighting.** Exterior lighting must be in accordance with the Lake County Land
- 19 Development Regulations, as amended, and consistent with Dark-Sky Principles.
- 20 5. **Noise.** A noise assessment must be submitted for review and acceptance prior to
- 21 commencement of the operations of the new uses identified in this Ordinance.
- 22 Compliance must be in accordance with the Lake County Land Development
- 23 Regulations, as amended.
- 24 6. **Signage.** All signage must be in accordance with the Lake County Land Development
- 25 Regulations, as amended.
- 26 7. **Floodplain / Stormwater Management.**
- 27 a. All access management shall be in accordance with the Comprehensive Plan and
- 28 Land Development Regulations, as amended.
- 29 b. The stormwater management system must be designed in accordance with all
- 30 applicable Lake County and St. Johns River Water Management District (SJRWMD)
- 31 requirements.
- 32 c. The developer shall be responsible for any flood studies required for developing the
- 33 site and comply with FEMA, Comprehensive Plan and Land Development
- 34 Regulations, as amended. Any development within the floodplain as identified on
- 35 the FEMA maps will required compensating storage.
- 36 8. **Concurrency Management Requirements.** Any development must comply with the
- 37 Lake County Concurrency Management System, as amended.

1                   9. **Development Review and Approval.** Prior to the issuance of any permits, the Applicant  
2                   shall be required to submit a development application generally consistent with EXHIBIT  
3                   "B" - Conceptual Plan for review and approval in accordance with the Comprehensive  
4                   Plan and LDR, as amended.

5                   10. **Future Amendments to Statutes, Code, Plans, or Regulations.** The specific  
6                   references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake  
7                   County Comprehensive Plan, and Lake County Land Development Regulations will  
8                   include any future amendments to the Statutes, Code, Plans, or Regulations.

9 **Section 3. Conditions.**

10                A. Aviation facilities shall comply with all federal and state regulations, including Federal Aviation  
11                Administration and Florida Department of Transportation rules and regulations.

12                B. In the event of any breach in any of the terms or conditions of this permit or any default or failure  
13                of the Applicant or successor to: Fulfill development in substantial accordance with the  
14                conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
15                Commissioners; comply with the codes of the governmental agencies having lawful and  
16                appropriate jurisdiction; or comply with any of the terms of the Conditional Use Permit; or if this  
17                CUP is found to become a nuisance or safety hazard, the permit may be revoked after due Public  
18                Hearing before the Planning & Zoning Board and the Board of County Commissioners.

19                C. This Conditional Use Permit will inure to the benefit of, and will constitute a covenant running  
20                with the land; and the purpose, terms, and conditions contained in this Ordinance will be binding  
21                upon the Applicant or any successor and her interest.

22                D. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
23                Enforcement Special Master will have authority to enforce the terms and conditions set forth in  
24                this ordinance and to recommend that the ordinance be revoked.

25                E. Inspection. This use will be inspected by the Code Enforcement Division annually to ensure  
26                compliance with the conditions of this Conditional Use Permit and the approved site plan. An  
27                annual inspection fee will be assessed. If an emergency inspection is necessary during non-  
28                operating hours, a fee will also be assessed.

29 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
30                unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of  
31                the remaining portions of this Ordinance.

32 **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance  
33                to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

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1 Section 6. Effective Date. This Ordinance will become effective as provided by law.  
2 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
3 FILED with the Secretary of State \_\_\_\_\_, 2019.  
4 EFFECTIVE \_\_\_\_\_, 2019.

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BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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\_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN

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12 ATTEST:

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\_\_\_\_\_  
GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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19 APPROVED AS TO FORM AND LEGALITY:

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\_\_\_\_\_  
MELANIE MARSH, COUNTY ATTORNEY

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**Exhibit A – Legal Description**

**THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LESS THE SOUTH 200 FEET OF THE EAST 879.61 FEET THEREOF, AND THE WEST 450 FEET OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 2, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.**

