



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): October 30, 2019
Board of County Commissioners (BCC): November 19, 2019

Case No. and Project Name: CUP-19-07-4, Wells and Coetzee Horse Stable

Applicant: Claude W. Wells and Lee R. Coetzee

Owner: Claude W. Wells and Lee R. Coetzee

Requested Action: Conditional Use Permit to allow a horse stable/boarding use on Agriculture zoned property.

Staff Determination: Staff finds the CUP consistent with the Comprehensive Plan and Land Development Regulations (LDR).

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 9.4 +/- acres

Location: West of the intersection of State Road 46 and County Road 46A, in the Sorrento area

Alternate Key No.: 1314020

Future Land Use: Wekiva River Protection Area A-1-20 Sending Area

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva River Protection Area and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A) and Agricultural Residential (AR)	Residential and agricultural	Adjacent to State Road 46
South	Wekiva River Protection Area A-1-20 Sending Area and Conservation	Agriculture (A)	Residential, agricultural, and conservation	N/A
East	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential and agricultural	N/A
West	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential and agricultural	N/A

- Summary of Analysis -

The subject property, identified as Alternate Key Number 1314020, contains approximately 9.4 +/- acres and is zoned Agriculture (A) with a Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC) designation. The property is generally located west of the intersection of State Road 46 and County Road 46A, in the Sorrento area. The subject property is developed with a single-family residence and riding stable, barn, and accessory structures.

The Applicant seeks a conditional use permit (CUP) to allow horse stable/boarding use for sheltering seven (7) horses, maximum. A stable, other than for private use, is defined in LDR Chapter 2 as an establishment for the care of horses, ponies or other livestock to be used for instruction, recreation, renting or hiring or for boarding such animals.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The request is consistent with Comprehensive Plan Policy I-3.2.2 Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category which allows equestrian related uses within the category. The request is also consistent with Comprehensive Plan Policy I-1.2.8, which states that equestrian uses are suitable within all future land use categories.

The request is consistent with Land Development Regulations (LDR) Table 3.01.03, which indicates that riding stables are conditionally allowed within the Agricultural zoning district; utilizing the conditional use permit satisfies this requirement. LDR Section 3.01.04.4.a requires a minimum of ten (10) acres for a riding stable and LDR Section 3.01.04.4.b requires that structures housing animals maintain a setback of at least 200-feet from all property lines. Although the proposed stable/boarding facility does not meet the aforementioned codes, the Board of Adjustments (BOA) approved VAR-19-35-4 on September 12, 2019, to allow a riding stable/academy to be located on a 9.4 +/- acre lot, in lieu of a 10-acre lot, and to allow an existing barn which houses animals to maintain a setback of 124.4-feet from the western property line.

B. Effect on Adjacent Properties.

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

No adverse impacts to nearby properties are anticipated from the proposed stable for horse boarding. The subject property is surrounded by Agriculture zoned properties to the south, east, and west and Agricultural Residential zoned properties to the north.

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

The request is compatible with the surrounding agricultural uses and the existing rural character of the community. Properties to the east, south, and west are zoned Agriculture and designated as Rural future land use. The properties located to the north of the subject property are zoned Agriculture and Agricultural Residential.

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 concept plan shows that the property is set-up for agriculture and equestrian uses. As the proposed stable is allowed conditionally within the Agriculture zoning district, landscaping and screening of the use will not be required. The existing structure that houses animals does not meet the setback, a variance was granted for the lesser setback of 124.4-feet from the western property line. However, all future structures that house animals must be located at least 200-feet from all property lines pursuant to LDR Section 3.01.04.4.b.

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 proposed riding stable will be constructed and operated so as not to interfere with the development of

neighboring properties. Consistent with the LDR, all future structures to house animals must be located at least 200-feet from all property lines. Additionally, equestrian uses are conditionally permitted within the adjacent Agriculture and Agricultural Residential zoning districts.

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.

Parks

No adverse impacts are anticipated on parks.

Schools

No adverse impacts are anticipated on schools.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Transportation

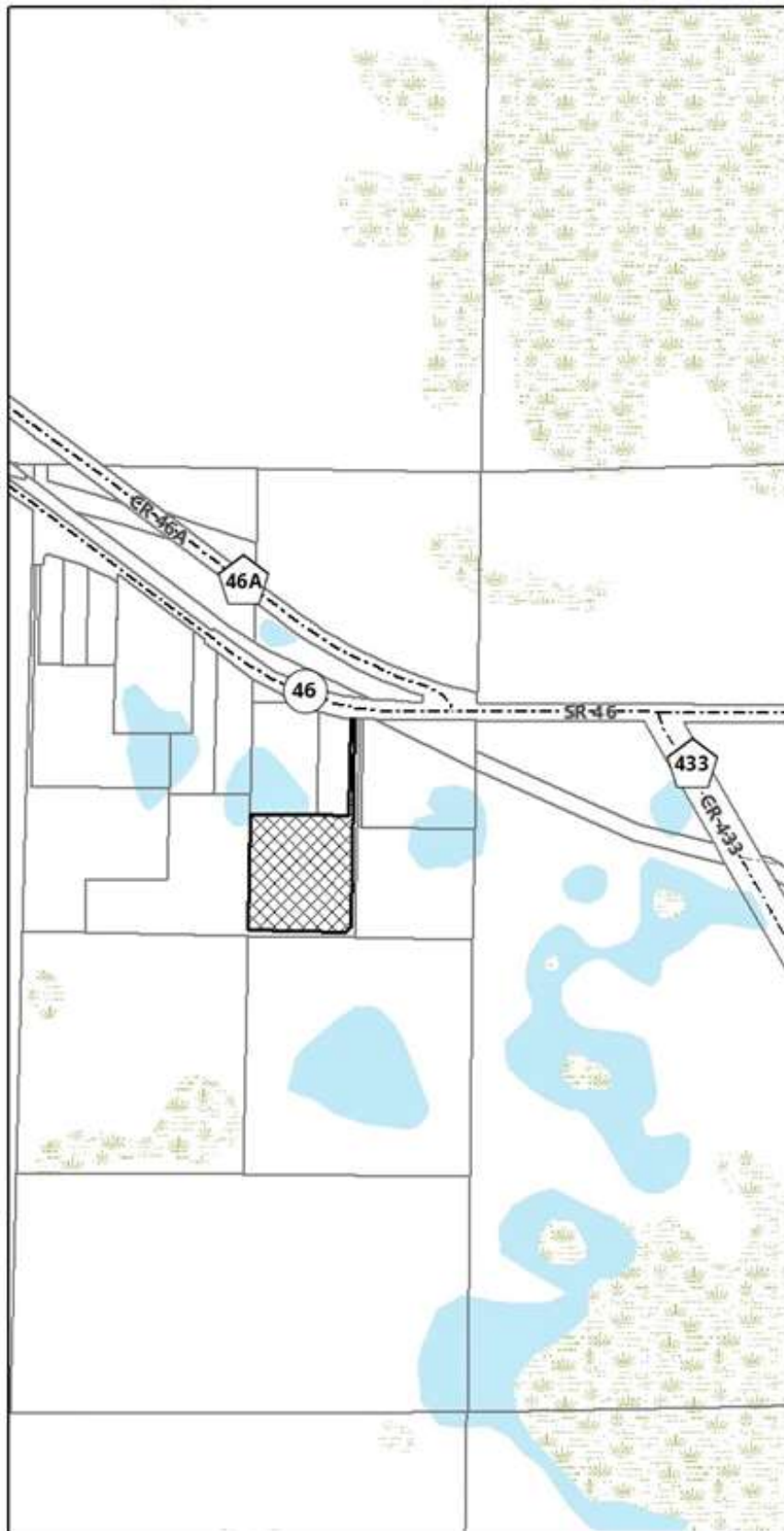
The proposed CUP is not anticipated to adversely affect the surrounding road network or Level of Service.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Office of Fire Rescue 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 #39 is located less than five (5) miles from the subject property at 31431 Walton Heath Avenue, Sorrento.

Subject Property



- 1 b. Residential use, to include a caretaker residence
- 2 c. Horse Stable and boarding (seven (7) horses, maximum)
- 3 d. Utility Buildings and accessory structures associated with the above uses

4 Accessory uses directly associated with the above uses may be approved by the County
5 Manager or designee. Any other use of the site not specified above will require approval of
6 an amendment to this Ordinance by the Board of County Commissioners.

7 **B. Specific Conditions.**

- 8 a. A development application must be submitted for review and approval prior to
9 commencement of the stable operations.
- 10 b. Parking surfaces may be grass or other pervious material, except as required for
11 Americans with Disabilities Act (ADA) access. There will be no parking allowed outside
12 the property limits.

13 **C. Setbacks.**

- 14 a. In accordance with VAR #19-35-4, the existing structure to house animals, as depicted
15 in Exhibit "B", may maintain a lesser setback of 124.4-feet from the western property
16 line in lieu of 200-feet from the property line.
- 17 b. All new structures must meet the setbacks established in the Land Development
18 Regulations (LDR), as amended.

19 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
20 shall be in accordance with the Comprehensive Plan and Land Development Regulations
21 (LDR), as amended.

22 **E. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be
23 in accordance with the Land Development Regulations (LDR), as amended.

24 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of
25 the property shall be provided in accordance with the Florida Fire Prevention Code and Land
26 Development Regulations (LDR), as amended.

27 **G. Transportation Improvements and Access Management** shall be in accordance with the
28 Comprehensive Plan and Land Development Regulations (LDR), as amended.

29 **H. Floodplain Management.** The developer shall be responsible for any flood studies required
30 for developing the site and comply with Federal Emergency Management Agency (FEMA),
31 Comprehensive Plan and Land Development Regulations (LDR), as amended. Any
32 development within the floodplain as identified on the FEMA maps will required
33 compensating storage.

34 **I. Stormwater Management.**

- 35 a. The stormwater management system shall be designed in accordance with all
36 applicable Lake County and St. Johns River Water Management District (SJRWMD)
37 requirements, as amended.

- 1 b. The developer shall be responsible for any flood studies required for developing the site
2 and comply with FEMA, Comprehensive Plan and Land Development Regulations, as
3 amended. Any development within the floodplain as identified on the FEMA maps will
4 required compensating storage.
- 5 **J. Environmental Consideration** shall be in accordance with the Comprehensive Plan and
6 Land Development Regulations (LDR), as amended.
- 7 **K. Parking.** All parking will be provided in accordance with the Land Development
8 Regulations (LDR), as amended.
- 9 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance
10 with the Land Development Regulations (LDR), as amended.
- 11 **M. Noise.** Any future redevelopment of the property shall require submittal of a noise
12 assessment in accordance with the Land Development Regulations (LDR), as amended.
- 13 **N. Signage.** Signs shall be in accordance with the Land Development Regulations (LDR), as
14 amended.
- 15 **O. Utilities.** Individual well and septic tank shall be utilized, in accordance with the
16 Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 17 **P. Concurrency Management Requirements.** Any development must comply with the Lake
18 County Concurrency Management System, as amended.
- 19 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant
20 shall be required to submit a development application generally consistent with Exhibit "B" -
21 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and
22 Land Development Regulations (LDR), as amended.
- 23 **R. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references
24 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
25 Comprehensive Plan, and Lake County Land Development Regulations will include any
26 future amendments to the Statutes, Code, Plans, or Regulations.

27 **Section 3. Conditions:**

- 28 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be
29 used for the purposes named in this Ordinance, unless a proposed use meets every
30 requirement of the zoning district in which the property is located. Any other proposed use
31 must be specifically authorized by the Board of County Commissioners.
- 32 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
33 move, convert, or demolish any building structure, add other uses, or alter the land in any
34 manner within the boundaries of the above described land without first obtaining the
35 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
36 the permits required from the other appropriate governmental agencies.
- 37 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the
38 land, and the terms, conditions, and provisions of this Ordinance will be binding upon the
39 present Owners and any successor, and will be subject to each and every condition set out
40 in this Ordinance.

D. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.

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

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

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

Section 6. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2019.

FILED with the Secretary of State _____, 2019.

EFFECTIVE _____, 2019.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" – Legal Description

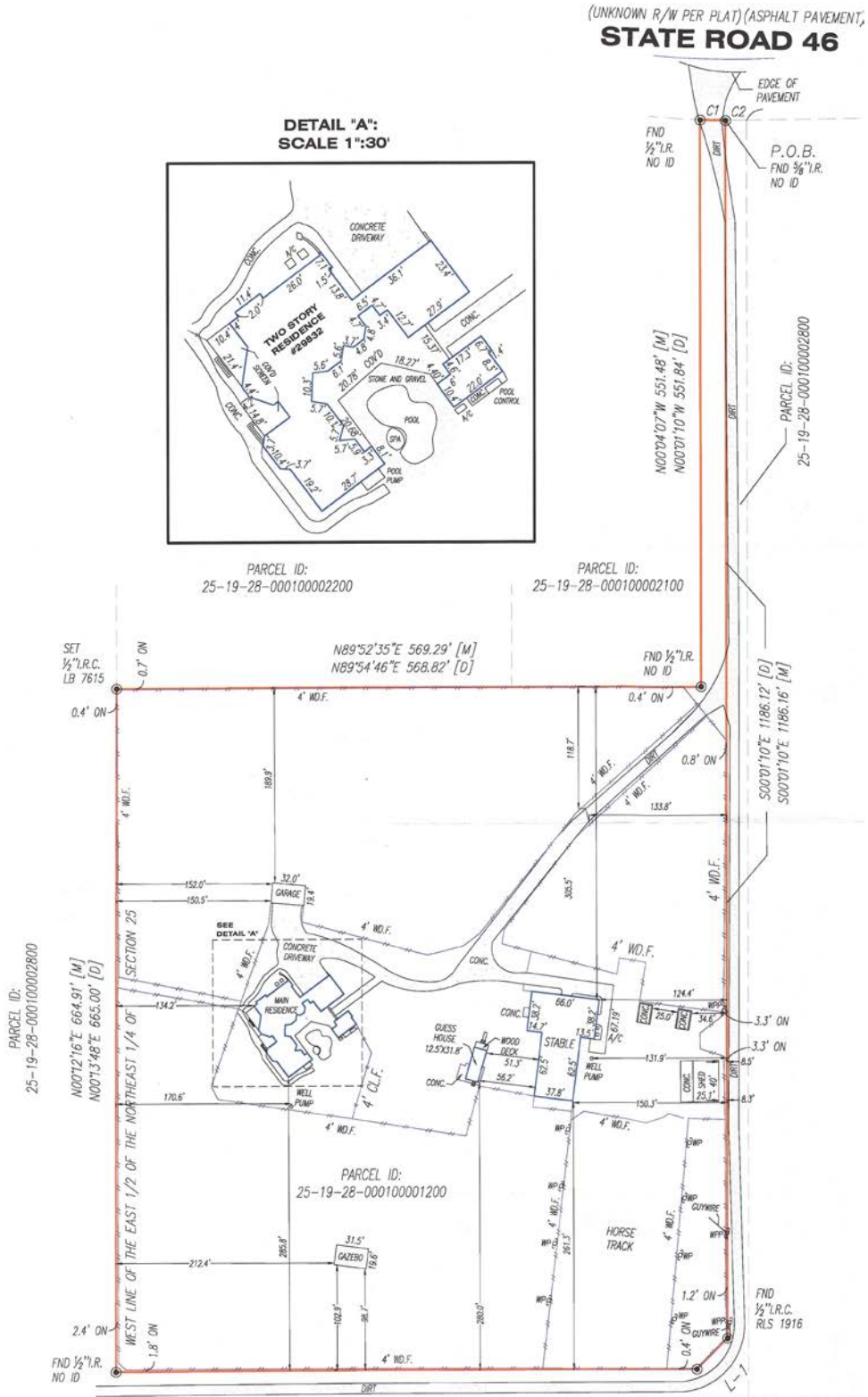
Lot 3, of DEERWOOD FARMS, an unrecorded plat covering the property located in Section 25, Township 19 South, Range 28 East, Lake County, Florida and further described as follows:

From the East 1/4 corner of Section 25, Township 19 South, Range 28 East; run North 00 degrees, 01 minutes, 10 seconds West along the East line of the Northeast 1/4 of said Section 25, a distance of 1253.38 feet to a point on the Southerly right-of-way line of S.R. #46; thence South 89 degrees, 18 minutes, 06 seconds West along said Southerly right-of-way line a distance of 684.43 feet to the point of curvature of a curve concave to the Northeast, having a central angle of 01 degrees, 24 minutes, 03 seconds and a radius of 843.45 feet; thence Northwesterly along the arc of said curve a distance of 20.62 feet for a Point of Beginning; thence South 00 degrees, 01 minutes, 10 seconds East parallel with the East line of the Northeast 1/2 of said Section 25, a distance of 1186.12 feet; thence South 44 degrees, 56 minutes, 48 seconds West, a distance of 42.45 feet; thence South 89 degrees, 54 minutes, 56 seconds West parallel with the East-West center section line of said Section 25 a distance of 566.52 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 25; thence North 00 degrees, 13 minutes, 48 seconds East along said West line, a distance of 665.00 feet; thence North 89 degrees, 54 minutes, 46 seconds East, a distance of 568.82 feet; thence North 00 degrees, 01 minutes, 10 seconds West, parallel with the East line of the Northeast 1/4 of said Section 25, a distance of 551.84 feet to a point on the Southerly right-of-way line of State Road #46, said point being on a curve, concave to the Northeast having a central angle of 01 degrees, 41 minutes, 56 seconds, and a radius of 843.45 feet; thence from a tangent bearing of South 87 degrees, 35 minutes, 55 seconds East, run Southerly along the arc of said curve, a distance of 25.01 feet to the Point of Beginning.

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Exhibit "B" - Concept Plan



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