



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): June 3, 2020
Board of County Commissioners (BCC): June 16, 2020

Case No. and Project Name: CUP-19-08-5, KH Ranch Resort

Applicant: LPG Urban & Regional Planners, Inc.

Owner: Data Evaluation, Corp.

Requested Action: Conditional use permit (CUP) to allow a recreational club on Agriculture (A) zoned property.

Staff Determination: Staff finds the conditional use permit application consistent with the LDR and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 10.15 +/- acres

Location: 18596 Demko Road, Altoona

Alternate Key No.: 3876376

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Agriculture & Residential	Large Agricultural Tracts with Single-Family Dwellings.
South	Rural	Agriculture (A)	Agriculture, Residential & Lake	Large Agricultural Tracts with Single-Family Dwellings and Lake Daisy
East	Rural	Agriculture (A)	Equestrian Training Facility & Agriculture	Fiddler's Green Ranch CUP
West	Rural	Agriculture (A)	Agriculture & Lake	Vacant Large Agricultural Tracts and Lake Daisy

- Summary of Analysis -

The subject 10.15 +/- acres are identified by Alternate Key Number 3876376, and are located south of Demko Road and west of State Road 19 in the Altoona area of unincorporated Lake County. The parcel is zoned Agriculture (A) and is designated as Rural Land Use Category (FLUC) by the 2030 Comprehensive Plan.

The Applicant seeks conditional approval for a recreational club to allow horseback riding, fishing with non-motorized boating, and RV parking (maximum four (4) RV spaces) as referenced in Attachment "A".

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The proposed CUP request for a recreational club within Agriculture zoning is consistent with Land Development Regulations (LDR) Section 3.00.02(C), *Purpose and Intent of Districts*, which encourages agricultural pursuits by preserving good soils and agricultural areas from subdivision development or commercial and industrial construction.

The proposed CUP request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows Hunting and Fishing Resorts and Riding Stables within the Agriculture (A) zoning district with an appropriate land use regulatory instrument; the proposed CUP satisfies this requirement.

The proposed CUP request is consistent with LDR Section 3.01.04(4)(A), *Key to Conditions to Table of Permitted and Conditional Uses*, which states that where permitted, riding stables shall not be located on tracts of land less than ten (10) acres in size.

The concept plan demonstrates consistency with LDR Section 3.02.08(D), *Bulk Regulations for the RV District*, which states that each space shall contain a minimum of two-thousand four-hundred (2,400) square feet in area. This will be a condition within the proposed CUP ordinance.

The concept plan demonstrates consistency with LDR Section 6.01.04, *Development near Wetlands and Waterbodies*, which states that structures and impervious surface areas shall be located at least fifty (50) feet from the wetland line. This will be a condition within the proposed CUP ordinance.

The proposed CUP request is consistent with Comprehensive Plan Policy I-1.4.4, *Rural FLUC*, which is intended to accommodate agriculture pursuits, allows equestrian uses, and conditionally allows recreational clubs and outdoor sports with an appropriate regulatory land use instrument; the proposed CUP satisfies this requirement.

B. Effect on Adjacent Properties.

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

Adverse effects are not anticipated as the adjacent neighboring properties are large tracts of agricultural lands, and the parcel located immediately east of the subject parcel, known as Fiddler's Green, received a conditional use permit approval on February 16, 2016 for the operation of an Equestrian Training and Event Center. Fiddler's Green is currently developed with barns, riding arenas, paddocks, a rental duplex, fourteen (14) RV sites, caretaker's residence, and associated equestrian uses; cumulatively, these uses are more intense than the proposed request.

To further lessen any potential adverse effects, LDR Section 9.09.00, *Noise Protection Standards*, requires new development to consider noise impacts to different uses. Should the request be approved, the future development application must demonstrate noise compatibility between existing and proposed land uses and to provide mitigation measures, if necessary.

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

The proposed use is compatible with the characteristic of the neighborhood, as the area is characterized by agriculturally zoned parcels; large tracts of agricultural land with single-family dwelling units, equestrian and agricultural uses are situated on these lands. The parcel located immediately to the east, known as Fiddler's Green, received a conditional use permit approval for the operation of an Equestrian Training and Event Center.

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.

As previously stated, the subject parcel is zoned Agriculture; in accordance with LDR Section 9.01.06, *Landscape Buffer Requirements*, Table 1, Landscape Buffers between Zoning Districts, landscape buffers are not required for the abutting agriculturally zoned properties. However, to minimize any adverse effects to adjacent neighbors, a noise assessment will be required at the time of site plan submittal to confirm noise levels.

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.

To minimize any interference with the development of neighboring property owners, the proposed RV parking spaces are located towards the southern portion of the subject parcel boundaries, as depicted in the Concept Plan.

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.

Water and Sewer

Future development shall be serviced by potable well and septic tank consistent with the Florida Department of Health Regulations, as amended. However, the property will be required to connect to central potable water and central sewer when services become available, in accordance with the Comprehensive Plan and LDR, as amended.

Parks

The proposed request is not anticipated to adversely impact parks.

Schools

The proposed request is not anticipated to adversely impact schools.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

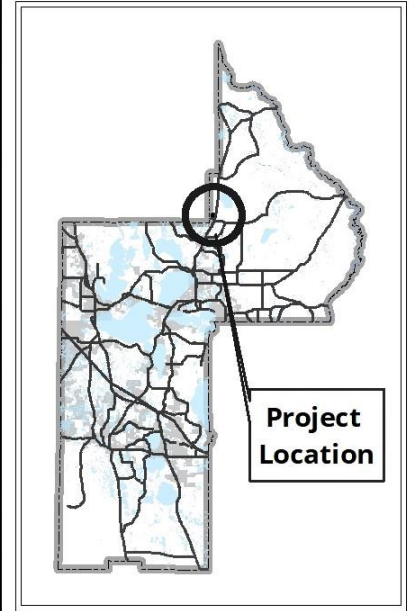
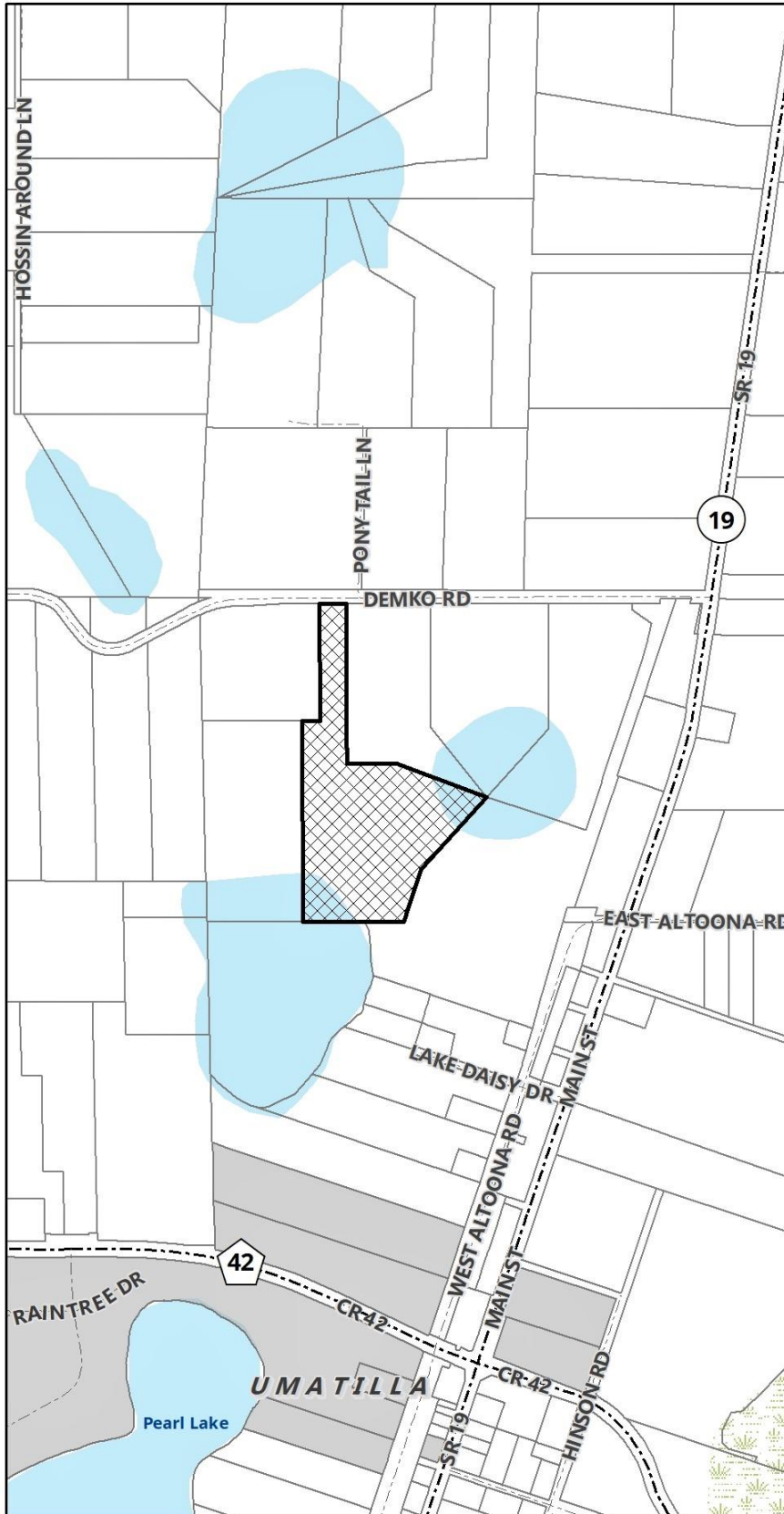
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

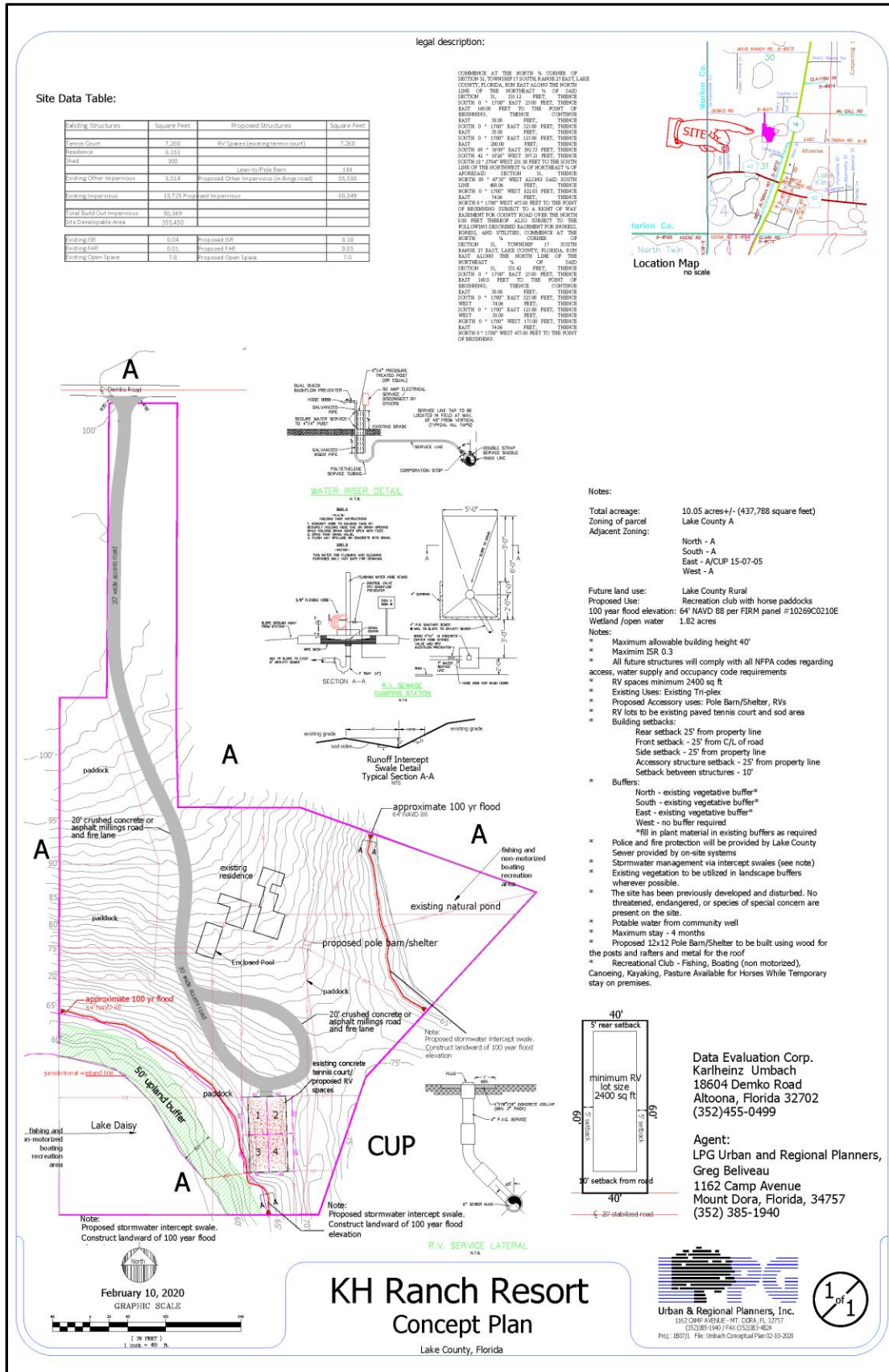
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Rescue Station #14 is located less than two (2) miles from the subject property at 18840 County Road 42, Altoona, and will provide advanced life support should an emergency situation on the property demand this service. Should the CUP be approved, fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is approved.

Subject Property.



Attachment A, Concept Plan.



CURRENT FUTURE LAND USE

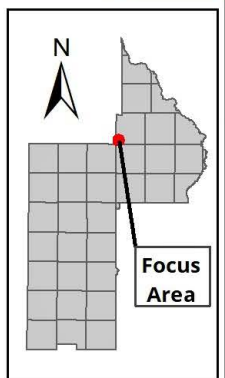


FUTURE LAND USE LEGEND

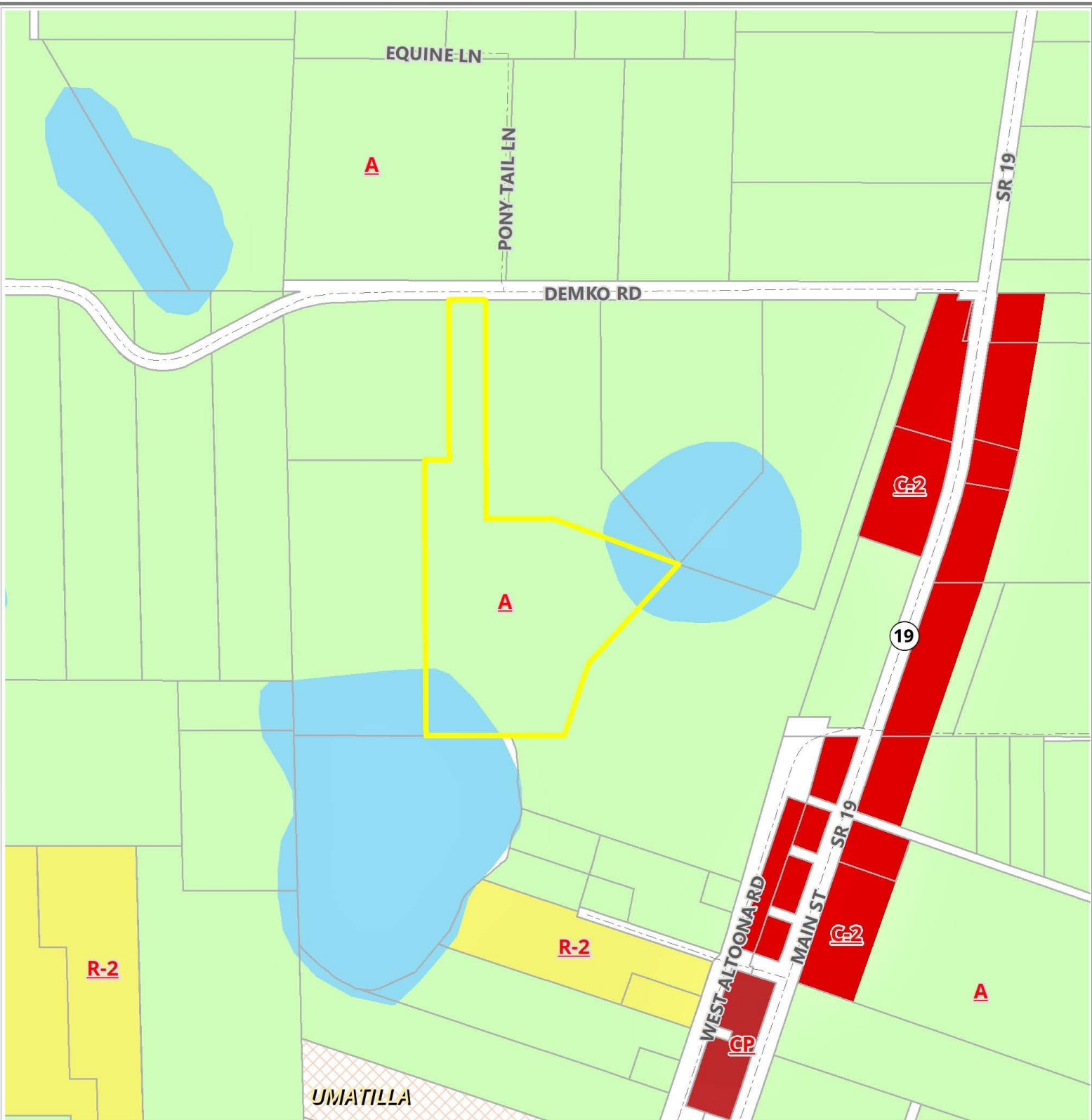
 Rural  Rural Transition

NAME: **KH RANCH RESORT PROPERTY**
CASE NUMBER: **CUP-19-08-5**
LOCATION (S-T-R): **31-17-27**
REQUEST: **ALLOW FOUR RV RENTAL SITES**

DISTRICT: **5**



CURRENT ZONING



ZONING LEGEND

A R-2 C-2 CP

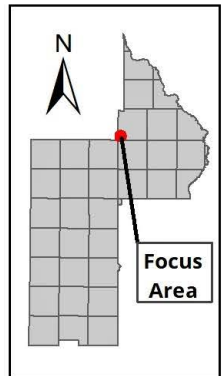
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ORDINANCE #2020-XX
KH Ranch Resort
CUP-19-08-5

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**, LPG Urban & Regional Planners (the “Applicant”) has submitted a conditional use permit
4 application on behalf of Data Evaluation, Corp. (the “Owner”) to allow a recreational camp on Agriculture (A)
5 zoned property; and

6 **WHEREAS**, the subject property consists of approximately 10.15 +/- acres, located at 18596 Demko
7 Road, in the Altoona area of unincorporated Lake County, situated in Section 31, Township 17 South, Range
8 27 East, within a parcel identified by Alternate Key Number 3876376, and is more particularly described in
9 Exhibit “A”; and

10 **WHEREAS**, the property subject to the request is located within the Rural Future Land Use Category
11 as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

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

16 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
17 Lake County Planning and Zoning Board on the 3rd day of June 2020 and by the Board of County
18 Commissioners of Lake County, Florida, on the 16th day of June 2020.

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

21 **Section 1. Conditional Use Permit:** Permission is hereby granted for operation of a recreational club as a
22 Conditional Use within the Agriculture (A) Zoning District. All land uses must be generally
23 consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the extent that
24 there are conflicts between the Conceptual Plan and this Ordinance this Ordinance will take
25 precedence.

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

29 **A. Land Uses:**

30 1. Uses of the site described above shall allow the following:

- 31 a. Recreational Club including but not limited to fishing, horseback riding, passive
32 recreation, picnicking.
- 33 b. Four (4) Recreational Vehicle parking spaces.
- 34 c. Non-motorized watercraft use.
- 35 d. Agriculture uses as permitted.
- 36 e. Residential caretaker’s quarters.

1 Accessory uses directly associated with the above use may be approved by the County
2 Manager or designee. Any other use of the site will require approval of an amendment to
3 this Ordinance by the Board of County Commissioners.

4 **B. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Open
5 space, impervious surface ratio, floor area ratio, and building height shall be in accordance with
6 the Comprehensive Plan and LDR, as amended.

7 **C. Setbacks.** Setbacks shall be in accordance with the LDR, as amended.

8 **D. Parking Requirements.**

9 1. Four (4) Recreational Vehicle parking spaces each containing 2,400-square feet shall
10 be permitted..

11 2. Off-street parking must be provided in accordance with the LDR, as amended.

12 **E. Environmental Considerations.**

13 1. An environmental assessment of the property will be required with the future
14 development application prior to recreational club operations.

15 2. Copies of any state permitting or mitigation will be required prior to commencement of
16 construction.

17 3. Proposed structures must maintain a minimum setback of fifty (50) feet from the
18 Jurisdictional Wetland Line (JWL).

19 4. Environmental resources shall be protected in accordance with the Comprehensive Plan
20 and LDR, as amended.

21 **F. Noise.** Noise assessment shall be in accordance with the LDR, as amended.

22 **G. Transportation.** All access management shall be in accordance with the Comprehensive Plan
23 and LDR, as amended.

24 **H. Floodplain and Stormwater Management.**

25 1. The stormwater management system shall be designed in accordance with all
26 applicable Lake County and St. Johns River Water Management District (SJRWMD)
27 requirements, as amended.

28 2. The developer shall be responsible for any flood studies required for developing the site
29 and comply with FEMA, Comprehensive Plan and LDR, as amended. Any development
30 within the floodplain as identified on the Federal Emergency Management Agency
31 (FEMA) maps will require compensating storage.

32 **I. Lighting.** Exterior lighting must be in accordance with the LDR, as amended and consistent
33 with Dark-Sky Principles.

34 **J. Landscaping, Buffering, and Screening.** Landscaping, buffering, and screening shall be in
35 accordance with the LDR, as amended.

36 **K. Utilities.** Future development shall be serviced by potable well and septic tank consistent with
37 the Florida Department of Health Regulations, as amended. However, the property will be
38 required to connect to central potable water and central sewer when services become available,
39 in accordance with the Comprehensive Plan and LDR, as amended.

- 1 **L. Signage.** Signs shall be in accordance with the LDR, as amended.
- 2 **M. Concurrency Management Requirements.** Any development must comply with the Lake
- 3 County Concurrency Management System, as amended.
- 4 **N. Development Review and Approval.** Prior to the issuance of any permits, the applicant shall
- 5 be required to submit a development application generally consistent with Exhibit "B" - Concept
- 6 Plan for review and approval in accordance with the Comprehensive Plan and LDR, as
- 7 amended.
- 8 **O. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in
- 9 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 10 Comprehensive Plan, and LDR will include any future amendments to the Statutes, Code,
- 11 Plans, or LDR.

12 **Section 3. Conditions:**

- 13 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be
- 14 used for the purposes named in this Ordinance. Any other proposed use must be specifically
- 15 authorized by the Board of County Commissioners.
- 16 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
- 17 move, convert, or demolish any building or structure, add other uses, or alter the land in any
- 18 manner within the boundaries of the above described land without first obtaining the necessary
- 19 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
- 20 required from the other appropriate governmental agencies.
- 21 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land
- 22 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present
- 23 Owner and any successor, and will be subject to each and every condition set out in this
- 24 Ordinance.
- 25 **D.** Construction and operation of the proposed use must comply with the regulations of this and
- 26 other governmental permitting agencies.
- 27 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
- 28 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
- 29 aware of the conditions established by this Ordinance and agrees to be bound by these
- 30 conditions. The purchaser or lessee may request a change from the existing plans and
- 31 conditions by following the procedures contained in the LDR, as amended.
- 32 **F.** The Lake County Code Enforcement Special Master will have authority to enforce the terms
- 33 and conditions set forth in this Ordinance and to recommend that the Ordinance be revoked.

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

37 **Section 5. Filing with the Department of State:** The clerk is hereby directed forthwith to send a copy of
38 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
39 125.66, Florida Statutes.

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

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3 **ENACTED** this _____ day of _____, 2020.

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5 **FILED** with the Secretary of State _____, 2020.

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7 **EFFECTIVE** _____, 2020.

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

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LESLIE CAMPIONE, CHAIRMAN

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19 **ATTEST:**

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

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28 **APPROVED AS TO FORM AND LEGALITY:**

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MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT A, LEGAL DESCRIPTION.

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COMMENCE AT THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN EAST ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 31, 331.12 FEET; THENCE SOUTH 0° 15'00" EAST 25.00 FEET; THENCE EAST 160.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EAST 108.00 FEET; THENCE SOUTH 0° 15'00" EAST 650.00 FEET; THENCE EAST 200.00 FEET; THENCE SOUTH 69° 56'09" EAST 392.53 FEET; THENCE SOUTH 42° 10'26" WEST 397.21 FEET; THENCE SOUTH 18° 27'04" WEST 231.30 FEET TO THE SOUTH LINE OF THE NORTHWEST ¼ OF NORTHEAST ¼ OF AFORESAID SECTION 31, THENCE NORTH 89° 47'58" WEST ALONG SAID SOUTH LINE 408.06 FEET; THENCE NORTH 0° 15'00" WEST 822.03 FEET; THENCE EAST 74.06 FEET; THENCE NORTH 0° 15'00" WEST 475.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT OF WAY EASEMENT FOR COUNTY ROAD OVER THE NORTH 8.00 FEET THEREOF. ALSO SUBJECT TO THE FOLLOWING DESCRIBED EASEMENT FOR INGRESS, EGRESS, AND UTILITIES; COMMENCE AT THE NORTH ¼ CORNER OF SECTION 31, TOWNSHIP 17 SOUTH RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN EAST ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 31, 331.42 FEET; THENCE SOUTH 0° 15'00" EAST 25.00 FEET; THENCE EAST 160.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EAST 50.00 FEET; THENCE SOUTH 0° 15'00" EAST 525.00 FEET; THENCE WEST 74.06 FEET; THENCE SOUTH 0° 15'00" EAST 125.00 FEET; THENCE WEST 50.00 FEET; THENCE NORTH 0° 15'00" WEST 175.00 FEET; THENCE EAST 74.06 FEET; THENCE NORTH 0° 15'00" WEST 475.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B, CONCEPT PLAN.

