



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): October 6, 2021
Board of County Commissioners (BCC): November 2, 2021

Case No. and Project Name: CUP-21-09-5, Southland Construction – Lady Lake Construction Office

Applicant: Robert B. Wilson

Owner: Lady Lake Partners LLC

Requested Action: Conditional use permit (CUP) within the Community Commercial (C-2) zoning district to allow for a temporary construction office and storage yard for the FDOT Lady Lake / US Highway 441 reconstruction project.

Staff Determination: Staff finds the conditional use permit application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Emily W. Johnson, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.98 +/- acres (3.46 +/- acre development area)

Location: 39940 County Road 25, Lady Lake.

Alternate Key No.: 1770581

Future Land Use: Urban Medium Density

Existing Zoning District: Community Commercial (C-2) and Rural Residential (R-1)

JPA / ISBA: Town of Lady Lake

Overlay: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Town of Lady Lake	Town of Lady Lake	Residential	Multi-Family Residential Dwelling Units
South	Urban Medium Density	Planned Commercial (CP)	Commercial	Multi-Tenant Commercial Building (U-Haul and Scissor Wizards)
East	Town of Lady Lake	Town of Lady Lake	Residential	Mobile Home Park (Water Oak)
West	Town of Lady Lake	Town of Lady Lake	Commercial	Commercial Retail Center

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for a temporary construction office and storage yard for the FDOT Lady Lake / US Highway 441 reconstruction project. The subject parcel, identified by Alternate Key Number 1770581, contains approximately 5.98 +/- acres, and is located east of County Road 25 in the Lady Lake area. The subject parcel is zoned Community Commercial (C-2) and Rural Residential (R-1), designated as Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is currently developed with a vacant single-family residence and a detached workshop.

It is the intention of the Applicant to utilize the existing workshop as a construction office, and a portion of the property as a storage yard for materials necessary for the completion of the ongoing FDOT Lady Lake / US Highway 441 reconstruction project. As depicted on the concept plan (Attachment "A"), all activities associated with the proposed use will take place exclusively on the western portion of the property which is zoned Community Commercial (C-2), and encompasses approximately 3.46 +/- acres. Upon completion of the reconstruction project, the uses will be vacated; the expected completion date for the project is July 15, 2023.

On March 4, 2021, the Lake County Office of Code Enforcement issued a Notice of Code Violation (Case No. 2021-02-0364) for the operation of a truckyard, and the grinding of concrete/asphalt on the Property.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The application seeks conditional use approval for a temporary construction office and storage yard for the FDOT Lady Lake / US Highway 441 reconstruction project. The proposed use is consistent with Comprehensive Plan Policy I-1.3.3, Urban Medium Density Future Land Use Category (FLUC), which allows light industrial uses in conjunction with a conditional use permit (CUP).

While the LDR does not explicitly list the proposed temporary construction office and storage yard uses, LDR Section 3.01.05 allows for the location of similar uses, which are not more detrimental than the uses listed in Subsection 3.01.03, within the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts. Additionally, pursuant to LDR Section 10.02.06, temporary construction offices for road improvement projects are permitted in any zoning district.

The request for the proposed temporary construction office and storage yard is similar to and not more detrimental than a Truckyard use, which is defined by LDR Section 3.01.02(C) as the storage of vehicles, equipment and materials, together with related facilities accessory to the use. While a truckyard use would typically require a rezoning to Planned Commercial (CP), the temporary nature of the proposed use is more compatible with a conditional use permit (CUP) as an appropriate land use regulatory instrument.

B. Effect on Adjacent Properties.

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

The concept plan (Attachment "A") indicates that all activities associated with the use will take place exclusively on the portion of the property which is zoned Community Commercial (C-2), which encompasses approximately 3.46 +/- acres. Upon completion of the reconstruction project, the uses will be vacated; the expected completion date for the project is July 15, 2023.

The Applicant provided a narrative statement (Attachment "B") to clarify and justify the proposed use.

Additionally, to prevent soil tracking the Department of Public Works has approved the driveway details specified in Attachment "C".

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood

in which it would be located.

While the proposed uses are temporary in nature and will be vacated upon completion of the FDOT project, the parcels to the south and west of the subject property are developed with existing commercial uses, including a U-Haul storage and rental facility.

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 (Attachment “A”) indicates that the Rural Residential (R-1) portion of the property, which encompasses approximately 2.5 +/- acres, will remain vacant. This will create an approximate natural buffer of 330-feet between the use and the residential uses to the east. Out of necessity for impact mitigation, staff proposes opaque fence screening of the use to the adjacent properties and rights of way within the proposed ordinance.

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.

Should the CUP be approved, a subsequent development application for site plan review and approval must be submitted prior to commencement of the proposed use; the site plan shall be generally consistent with the Concept Plan (Attachment “A”).

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

The subject property is serviced by an existing well and septic system.

Parks

The proposed request is not anticipated to adversely impact parks.

Solid Waste

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

Transportation

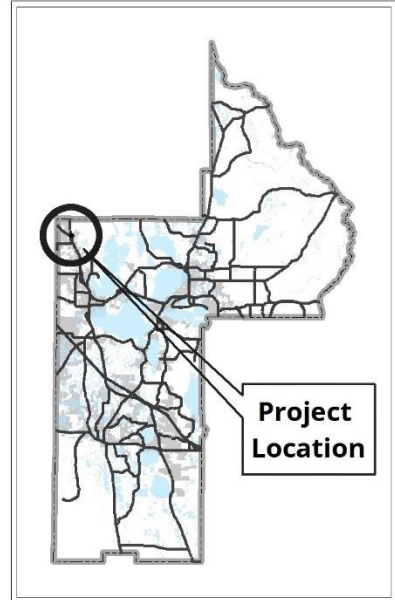
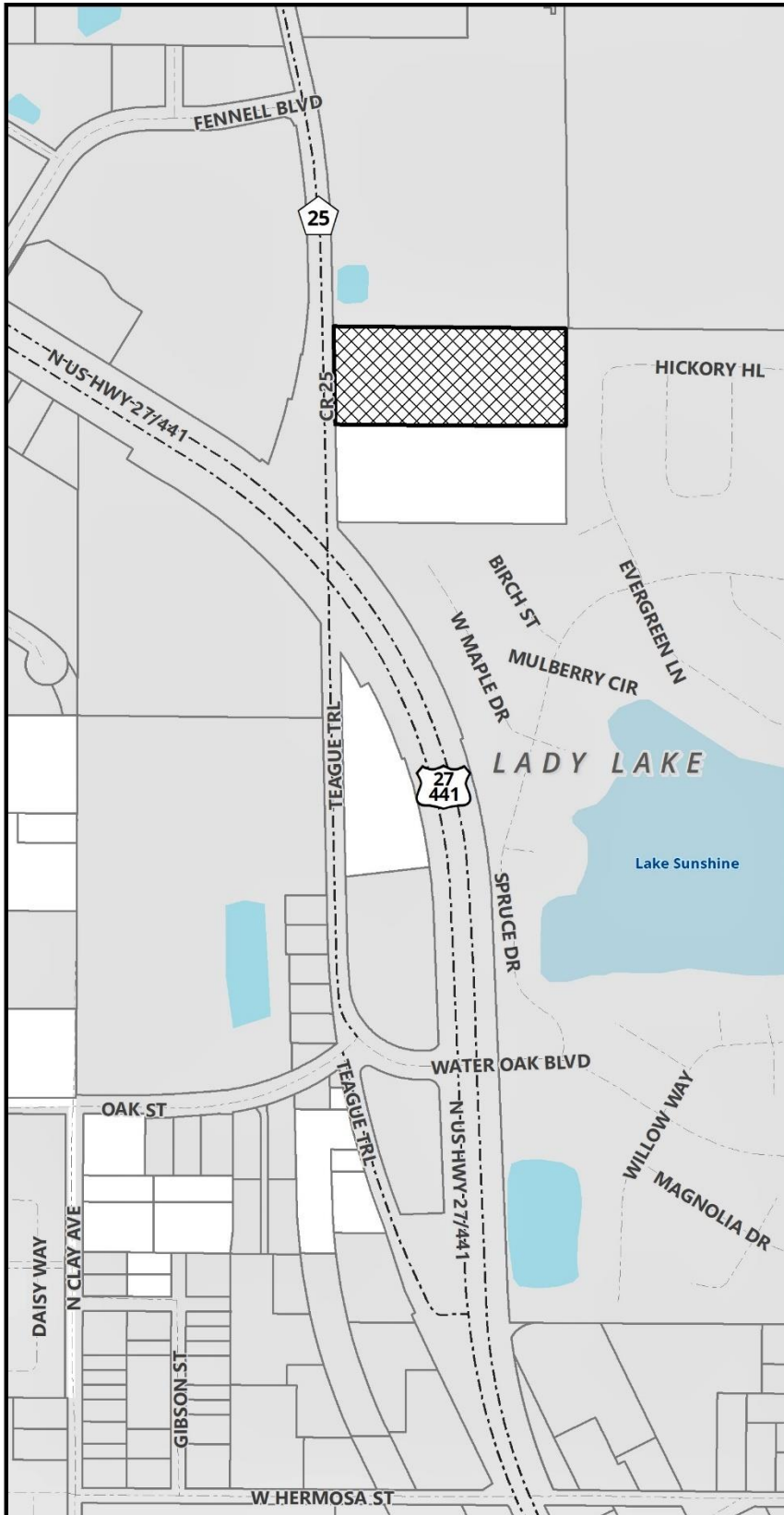
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

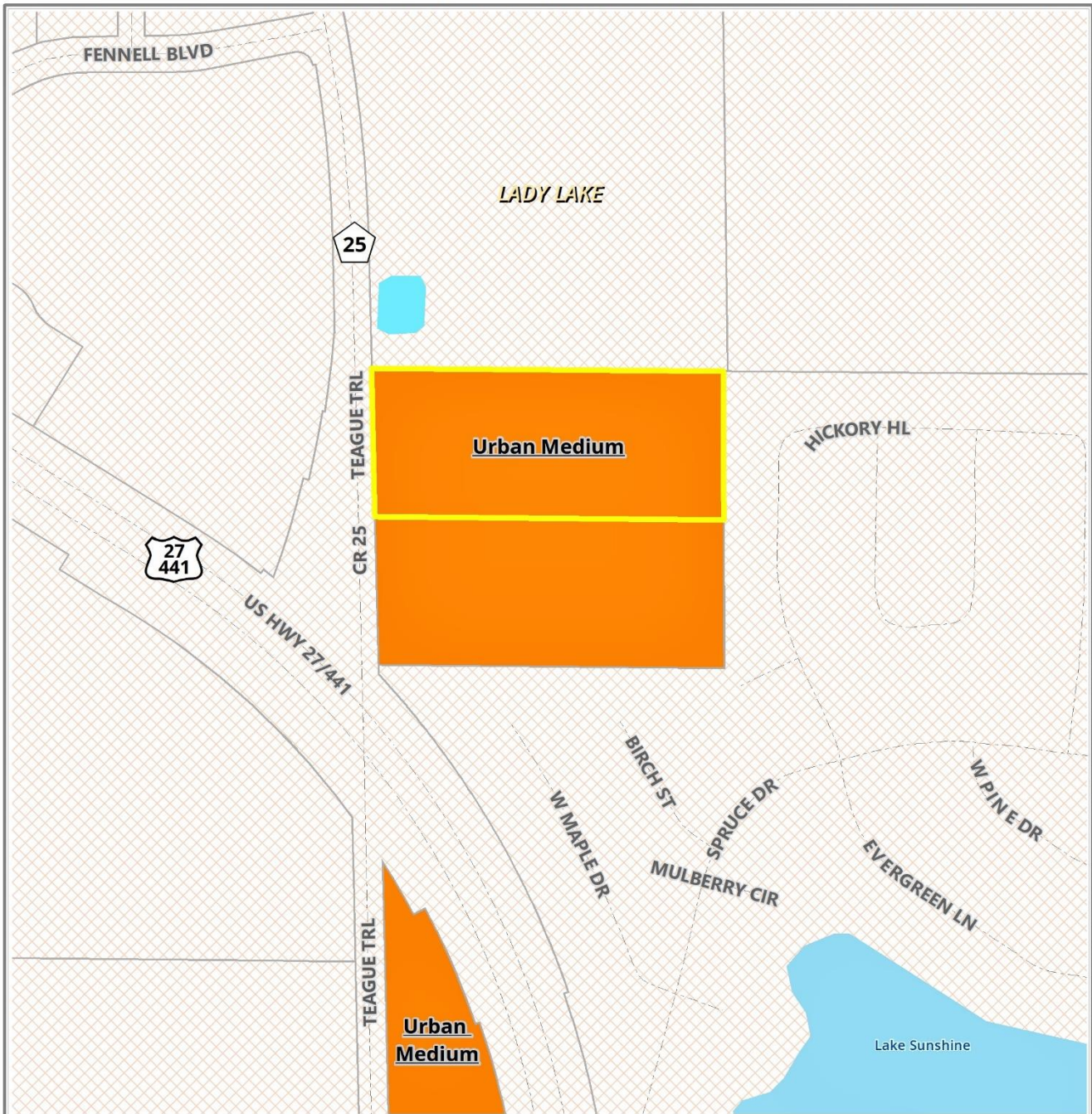
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station (LCFS) #52 is located 0.7 miles from the subject property, at 306 W. Hermosa Street, in the Lady Lake area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the CUP is granted.

Map of Subject Property



CURRENT FUTURE LAND USE



Future Land Use

 Urban Medium

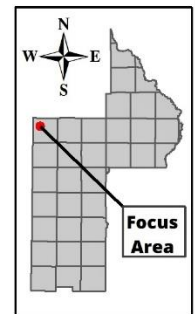
NAME: SOUTHLAND CONSTRUCTION PROPERTY

DISTRICT: 5

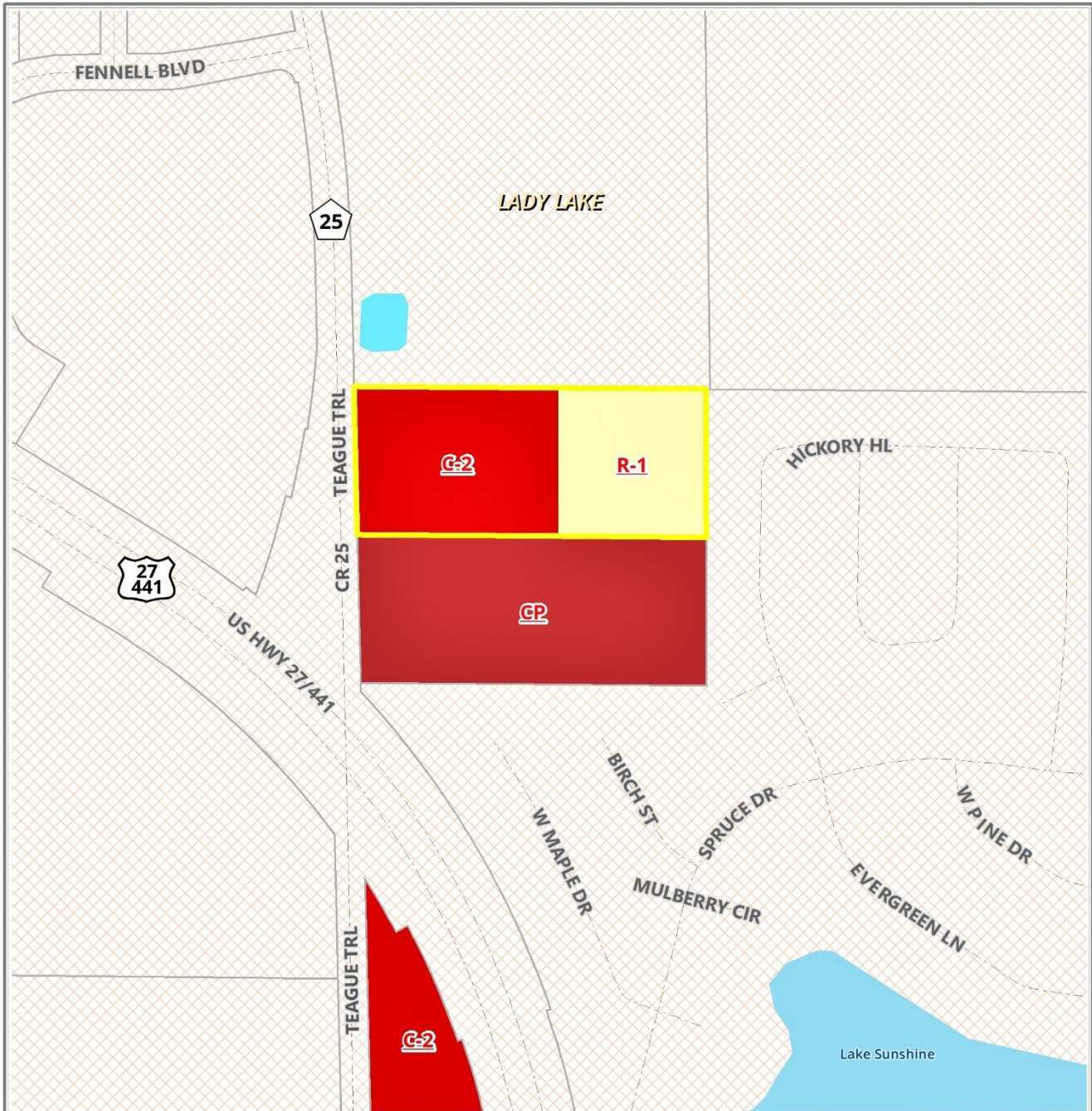
CASE NUMBER: CUP-21-09-5

LOCATION (S-T-R): 17-18-24

REQUEST: ALLOW TEMPORARY CONSTRUCTION OFFICE & STORAGE YARD FOR FDOT



CURRENT ZONING



Zoning Legend

 R-1  C-2  CP

NAME: SOUTHLAND CONSTRUCTION PROPERTY

DISTRICT: 5

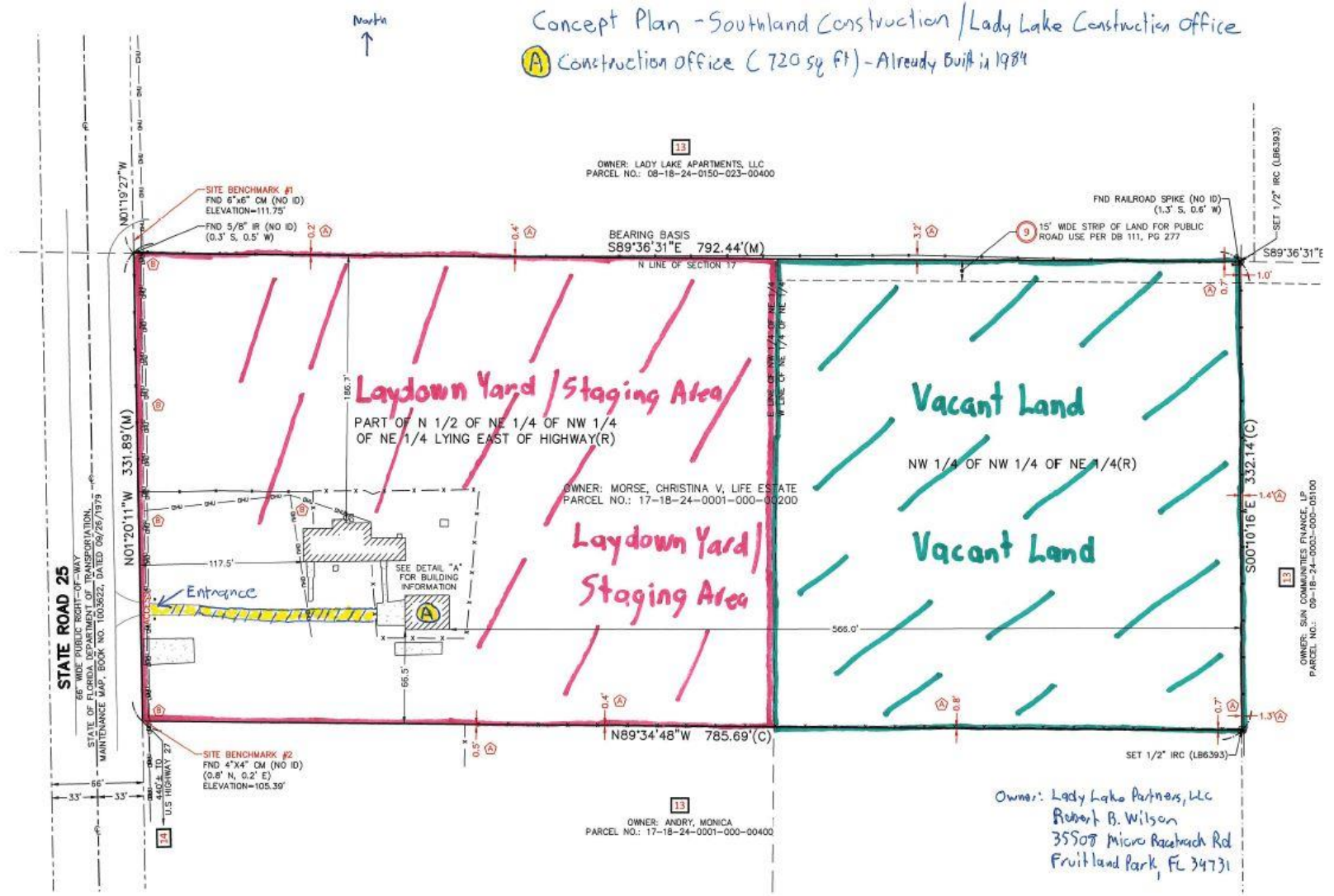
CASE NUMBER: CUP-21-09-5

LOCATION (S-T-R): 17-18-24

REQUEST: ALLOW TEMPORARY CONSTRUCTION OFFICE & STORAGE YARD FOR FDOT



Attachment "A" – Concept Plan



Attachment “B” – Justification Statement (Page 1 of 3)

Lady Lake Partners, LLC

35508 Mirror Racetrack Road
Fruitland Park, FL 34731
Phone: (352) 350-0026

DATE: May 6, 2021

TO: Steve Greene, AICP
Chief Planner, Lake County Florida
Email: sgreene@lakecountyfl.gov
Phone: (352) 343-9773

FROM: Robert Wilson
Email: wilson.robert0801@gmail.com
Phone: (352) 350-0026
Owner/Member, Lady Lake Partners, LLC

SUBJECT: Southland Construction / Construction Office and Laydown Yard
39940 CR 25, Lady Lake, FL 32159
Parcel Number: 17-18-24-0001-000-00200
Alt Key: 1770581

Steve,

Thanks for taking the time to speak with me last week. As you know, I am the owner of the property located at 39940 CR 25, Lady Lake, FL 32159 (the “Property”) which is located at the intersection of US 441 and CR 25. The Property consists of approximately 6 acres and it currently has a 1,944 sq ft single family home built in 1925 and a 720 sq ft detached workshop built in 1984.

Currently there are two bridges on US 441 that go over CR 25, almost directly adjacent to my property) that are in the process of being removed and replaced with an at-grade intersection in connection with the FDOT US 441 Reconstruction Project (the “Project”). Additionally, this Project includes the widening US 441 from four lanes to six lanes from Lake Ella Road to Avenida Central (at Griffin Avenue). My property is located at the central point of this widening project and is shown at **Exhibit A**. This Project is anticipated to be completed by late 2022.

Based on the location of my property relative to the Project as discussed above, we recently leased the property to Southland Construction, who is the lead contractor on the Project. The lease terminates on July 15, 2023. However, Southland has the right to terminate the lease at its option with 30-day notice any time after July 15, 2022 and intends to do so upon completion of the Project.

Southland is utilizing the workshop on the Property as a construction office where they hold construction meetings with employees, sub-contractors and other interested parties. Additionally, they are utilizing a portion of the property as a laydown yard to temporarily store/stage materials necessary for the completion of the Project. These materials include concrete culverts, light poles,

Attachment “B” – Justification Statement (Page 2 of 3)

temporary lighting, pipe, road safety signs, safety barricades and pylons, road construction material and a limited amount of equipment (i.e. bulldozers, front-loaders, etc.).

On March 4, 2021 we received a Notice of Code Violation from Paul Hammond, Lake County Code Enforcement and on March 29, 2021 we received an Inspection Notice from Paul. Both notices referenced that Paul believed the property was being used as a “Truckyard” and that was not a permitted use for the Property. One of the issues identified was that Southland Construction was grinding concrete/asphalt on the Property during the day and in the evening and we immediately notified Southland to cease that operation which they did. We have been speaking with Paul and he is aware we are working with Planning and Zoning on an amicable resolution.

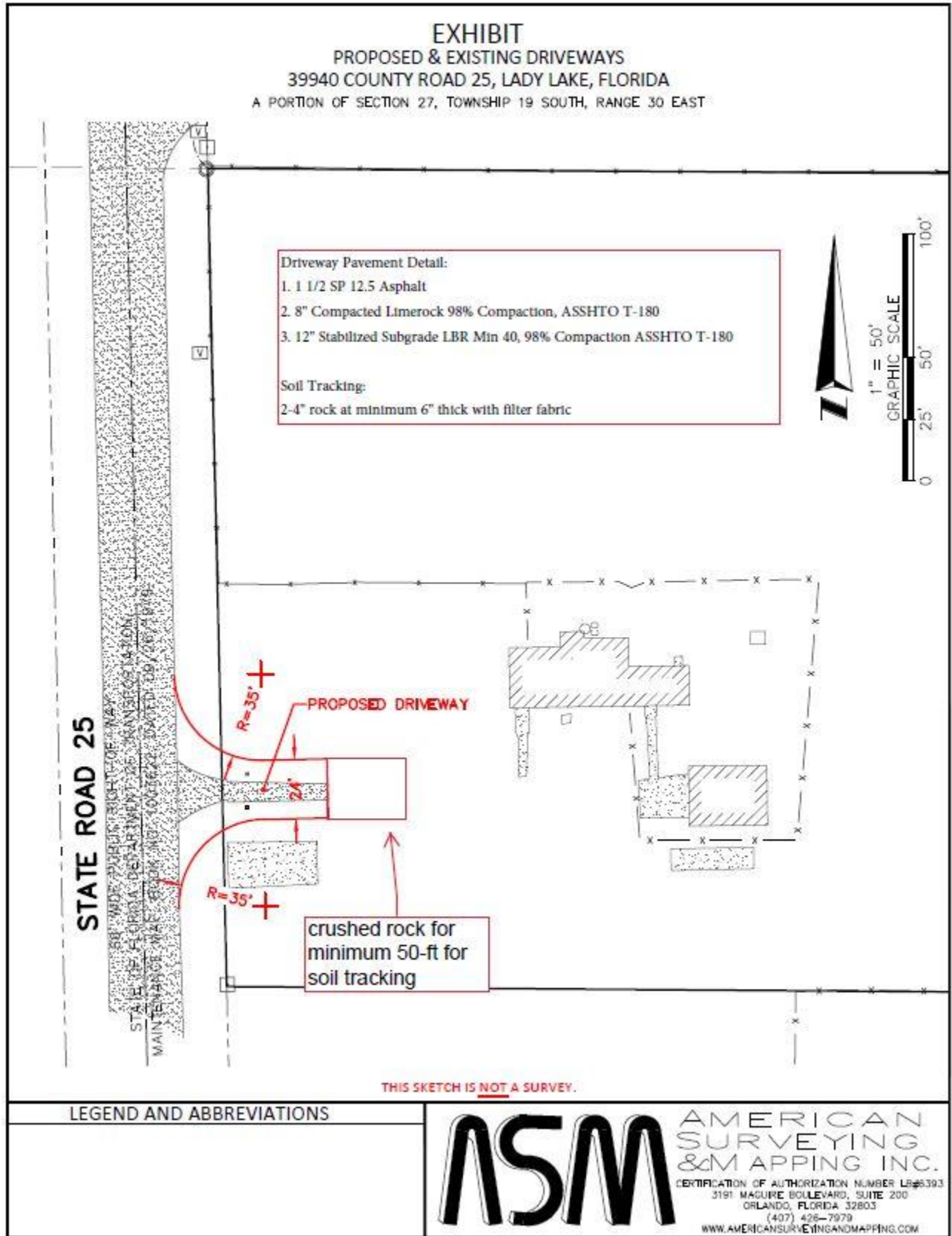
I am requesting that the County permit Southland Construction to utilize the Property on a temporary basis as a construction office and laydown yard based on the importance of this Project and the integral location where the Property is located relative to the Project. Upon completion of the Project, Southland Construction will remove all items from the Property and vacate the premises. This is expected to occur no later than July 15, 2023. Please contact me at (352) 350-0026 if you would like to discuss anything further. Thanks for your time.

Attachment “B” – Justification Statement (Page 3 of 3)

**EXHIBIT A
LOCATION OF PROPERTY**



Attachment “C” – Driveway Details



1 **Ordinance 2021-XX**

2 **Southland Construction – Lady Lake Construction Office**

3 **CUP-21-09-5**

4
5 **AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**
6 **LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

7 **WHEREAS**, Robert B. Wilson (the “Applicant”) submitted a conditional use permit application on
8 behalf of Lady Lake Partners LLC (the “Owner”) to allow for a temporary construction office and storage yard
9 for the FDOT Lady Lake / US Highway 441 reconstruction project within the Community Commercial (C-2)
10 zoning district; and

11 **WHEREAS**, the subject property consists of approximately 5.98 +/- acres, is located at 39940 County
12 Road 25, in the unincorporated Lady Lake area of Lake County, Florida, situated in Section 17, Township 18
13 South, Range 24 East, having Alternate Key Number 1770581, and more particularly described in Exhibit “A”
14 – Legal Description;

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

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

21 **WHEREAS**, this CUP was reviewed by the Lake County Planning & Zoning Board on the 6th day of
22 October 2021, and by the Board of County Commissioners of Lake County, Florida, on the 2nd day of
23 November 2021.

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

26 **Section 1.** Permission is hereby granted to allow for a temporary construction office and storage yard as a
27 Conditional Use within the Community Commercial (C-2) Zoning District. All land uses must be
28 generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the extent
29 that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take
30 precedence.

31 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show a
32 CUP to allow uses with conditions as outlined within this Ordinance.

33 **A. Land Use.** In addition to those uses listed as permitted land uses within the Community
34 Commercial (C-2) Zoning District, the uses of the site will be allowed as specified below and
35 generally consistent with Exhibit “B”, the Conceptual Plan.

- 36 1. Temporary construction office and storage yard for the FDOT Lady Lake / US Highway 441
37 reconstruction project.
- 38 2. Accessory uses directly associated with the above uses may be approved by the County
39 Manager or designee. Any other use of the site will require approval of an amendment to
40 this Ordinance by the Board of County Commissioners.

- 1 **B. Specific Conditions:**
- 2 1. All activities associated with the subject uses will take place exclusively on the portion of the
- 3 property which is zoned Community Commercial (C-2), which encompasses approximately
- 4 3.46 acres.
- 5 2. Driveway shall be constructed in a manner consistent with Exhibit “C”.
- 6 3. There shall be no storage of materials within the setbacks or buffers.
- 7 4. Opaque fencing, a minimum of 6-feet in height, will be used to screen the use from the
- 8 adjacent properties and rights-of-way.
- 9 5. Upon completion of the reconstruction project, the uses will be vacated, and the conditional
- 10 use permit revoked.
- 11 **C. Setbacks.**
- 12 1. Existing structures, as identified in Exhibit “B” may retain current setbacks.
- 13 2. New structures and construction materials associated with the subject uses shall not be
- 14 placed with 50-feet of the right-of-way of County Road 25.
- 15 3. All other buildings or structures shall require building setbacks in accordance with LDR, as
- 16 amended.
- 17 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height.**
- 18 The property shall be developed in accordance with the Comprehensive Plan and LDR, as
- 19 amended.
- 20 **E. Landscaping, Buffering, and Screening.** The property shall be developed in accordance with
- 21 the Comprehensive Plan and LDR, as amended.
- 22 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements shall
- 23 be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.
- 24 **G. Transportation Improvements and Access Management.** All transportation improvements
- 25 and access management shall be in accordance with the Comprehensive Plan and LDR, as
- 26 amended.
- 27 **H. Stormwater and Floodplain Management.**
- 28 1. The stormwater management system shall be designed in accordance with all applicable
- 29 Lake County and St. Johns River Water Management District (SJRWMD) requirements, as
- 30 amended.
- 31 2. The Owner shall be responsible for any flood studies required for developing the site and
- 32 comply with FEMA regulations, Comprehensive Plan provisions and LDRs, as amended.
- 33 Any development within the floodplain as identified on the FEMA maps will require
- 34 compensating storage.
- 35 **I. Environmental Considerations.** The property shall be developed in accordance with the
- 36 Comprehensive Plan and LDR, as amended.
- 37 **J. Parking.** All parking will be provided in accordance with the LDR, as amended.

- 1 **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
2 the LDR, as amended.
- 3 **L. Noise.** A noise assessment must be submitted for review and acceptance prior to
4 commencement of the operations of the new uses identified in this Ordinance. Compliance must
5 be in accordance with the LDR, as amended.
- 6 **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 7 **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
8 the Florida Department of Health, the Comprehensive Plan and LDR, as amended.
- 9 **O. Concurrency Management Requirements.** Any development must comply with the Lake
10 County Concurrency Management System, as amended.
- 11 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall be
12 required to submit a development application generally consistent with Exhibit "B" - Conceptual
13 Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 14 **Q. 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 LDR will include any future amendments to the Statutes, Code, Plans,
17 and/or Regulations.
- 18 **R. Other Proposed Uses.** After establishment of the facilities as provided in this Ordinance, the
19 property must only be used for the purposes named in this Ordinance, unless a proposed use
20 meets every requirement of the zoning district in which the property is located. Any other
21 proposed use must be specifically authorized by the Board of County Commissioners.

22 **Section 3. Conditions.**

- 23 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure
24 of the Permittee or his successor to: Fulfill development in substantial accordance with the
25 conceptual plan as submitted to the Planning & Zoning Board and the Board of County
26 Commissioners; comply with the codes of the governmental agencies having lawful and
27 appropriate jurisdiction thereon; or comply with any of the terms of this CUP; or if this CUP is
28 found to become a nuisance or safety hazard, the CUP may be revoked after due public hearing
29 before the Planning & Zoning Board and the Board of County Commissioners.
- 30 **B.** This CUP shall inure to the benefit of and shall constitute a covenant running with the land; and
31 the purpose, terms, and conditions contained herein shall be binding upon the Owner or any
32 successor and his interest hereto.
- 33 **C.** The Lake County Code Enforcement Special Master shall have authority to enforce the terms
34 and conditions set forth in this ordinance and to recommend that the ordinance be revoked if
35 necessary.
- 36 **D.** This use shall be inspected by the Office of Code Enforcement annually to ensure compliance
37 with the conditions of this CUP and the approved site plan. An annual inspection fee will be
38 assessed. If an emergency inspection is necessary during non-operating hours, a fee shall also
39 be assessed.

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

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

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

8
9 ENACTED this _____ day of _____, 2021.

10
11 FILED with the Secretary of State _____, 2021.

12
13 EFFECTIVE _____, 2021.

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

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SEAN M. PARKS, CHAIRMAN

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ATTEST:

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

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APPROVED AS TO FORM AND LEGALITY:

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MELANIE MARSH, COUNTY ATTORNEY

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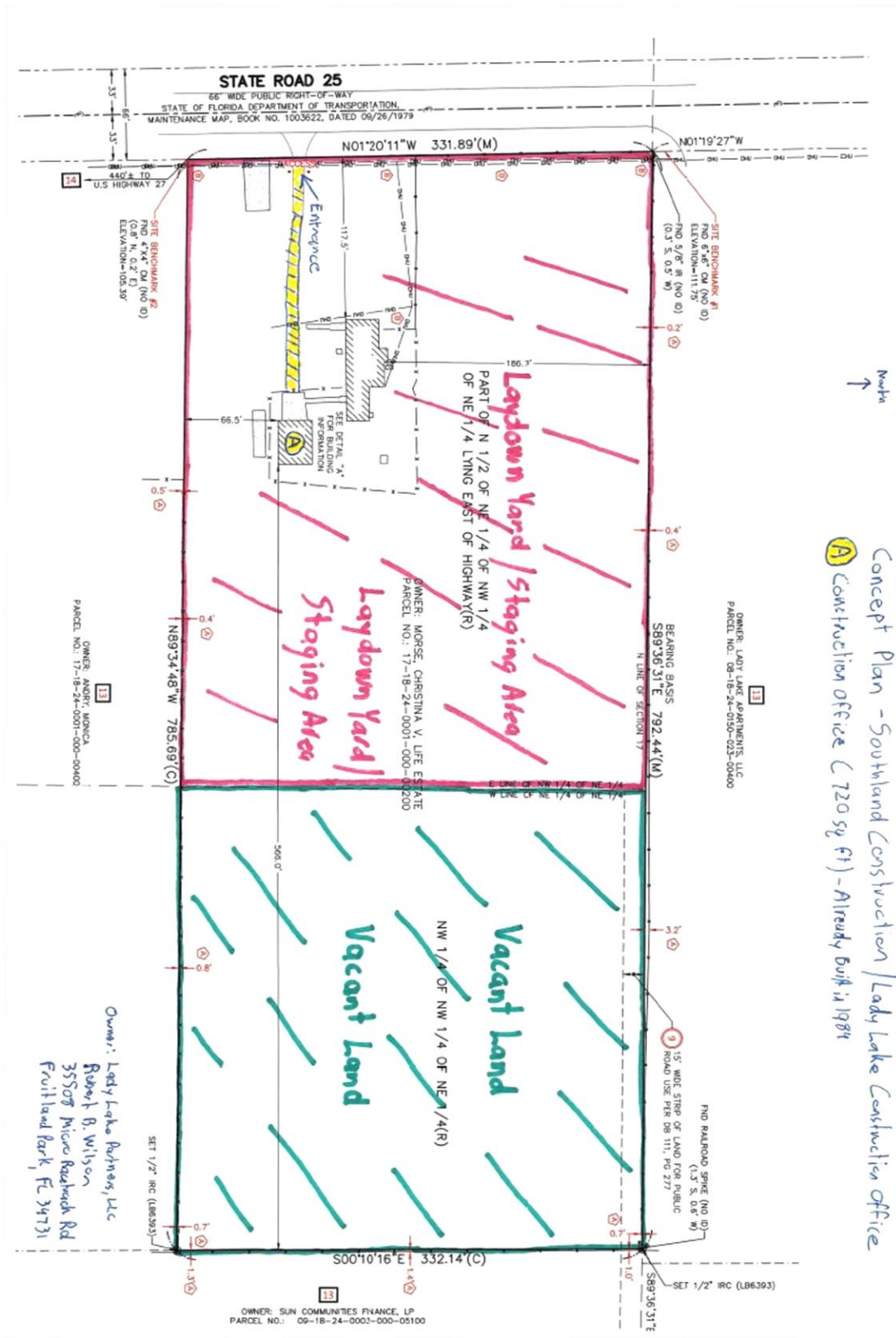
Exhibit “A” – Legal Description

The Northwest 1/4 of Northwest 1/4 of Northeast 1/4 of Northeast 1/4 And that part of the North 1/2 of Northeast 1/4 of Northwest 1/4 of Northeast 1/4, lying East of Highway, in Section 17, Township 18 South, Range 24 East, LAKE County, Florida.

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Exhibit “B” – Concept Plan

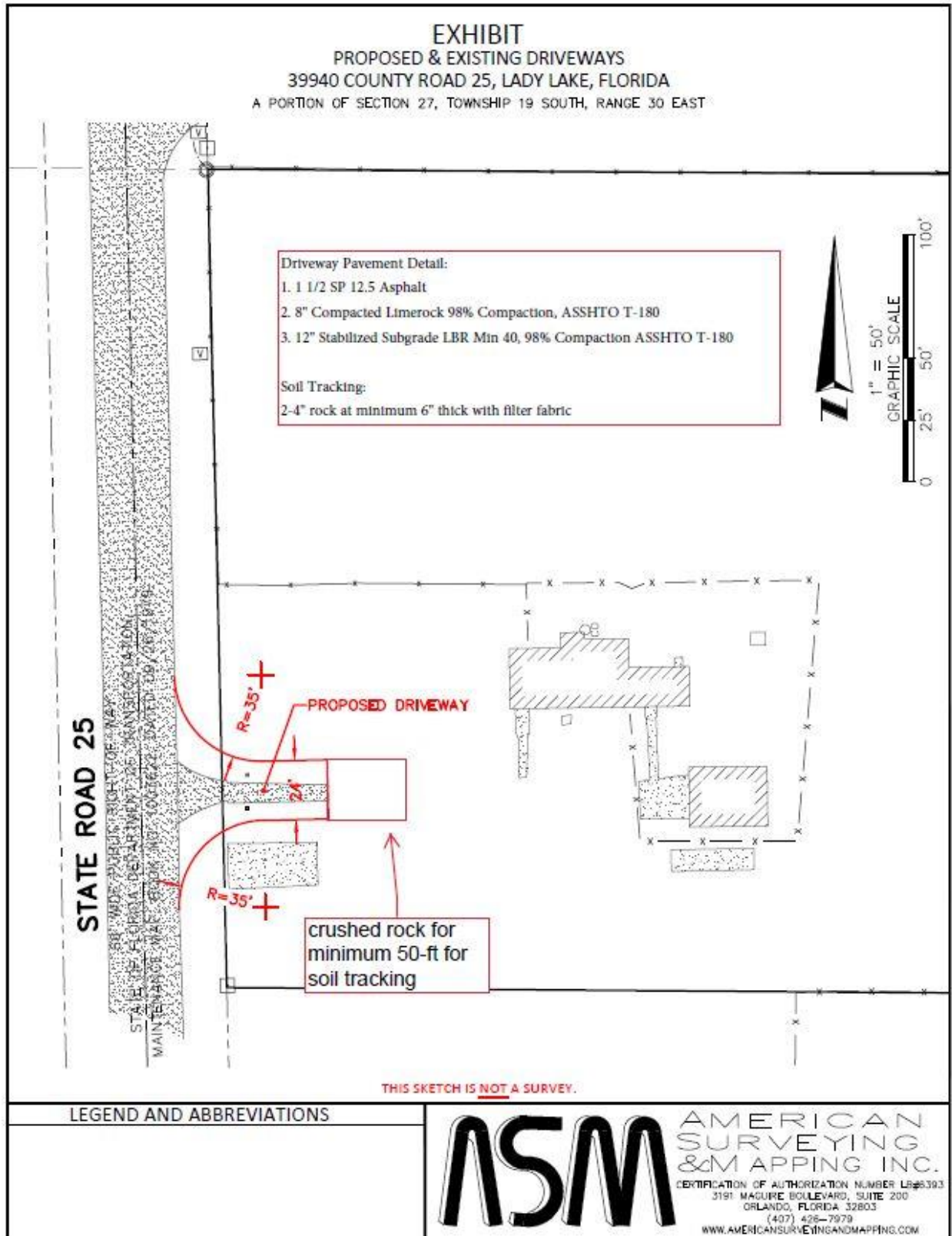


Concept Plan - Southland Construction / Lady Lake Construction Office
 (A) Construction Office (720 sq ft) - Already built in 1984

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Exhibit "C" – Driveway Detail



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