



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearings: Planning & Zoning Board (PZB): March 2, 2022
Board of County Commissioners (BCC): April 5, 2022

Case No. and Project Name: CUP-21-12-4 Nest Treehouse Resort

Applicant: Kristin Boekhoff, Unity Resorts LLC

Owner: Brett Lawicki

Requested Action: Conditional use permit (CUP) to allow for an ecotourism treehouse resort in the Agriculture (A) zoning district including waiver consideration requests to LDR Section 3.02.09 to allow for the construction of structures less than 850-square feet in size; to the paved access requirements contained in LDR Section 9.04.01(B) and the Lake County Transportation Planning, Design, and Construction Standards; and to LDR Section 6.01.04(A)(1) to reduce the wetland setback from 50-feet to 25-feet.

Staff Determination: Staff finds the conditional use permit application inconsistent with Comprehensive Plan Policy I-1.2.9.

Case Manager: Emily W. Johnson, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 43.38 +/- acres

Location: 43505 Indian Mound Trail, Deland.

Alternate Key No.: 3450698

Future Land Use: Rural (Attachment "A")

Existing Zoning District: Agriculture (A) (Attachment "B")

JPA / ISBA: N/A

Overlay: Wekiva – Ocala Rural Protection Area

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|------------------------|-----------------|-------------------------------------|--|
| North | Rural and Conservation | Agriculture (A) | Conservation | Large tracts with wetlands and flood zone |
| South | Conservation | Agriculture (A) | Conservation | Large tracts with wetlands and flood zone |
| East | Conservation | Agriculture (A) | Conservation | Large tracts with wetlands and flood zone |
| West | Rural | Agriculture (A) | Vacant Residential and Conservation | Large vacant residential tracts with wetlands and flood zone |

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for an ecotourism treehouse resort. The subject property is identified by Alternate Key Number 3450698 and located in the unincorporated DeLand area. The subject parcel is zoned Agriculture (A), designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan, and is currently developed with an existing one-story residence, observation deck, boathouse, dock, shed, and outhouse. With the exception of the observation deck, all existing structures are to be removed.

It is the intention of the Applicant to purchase the property for the operation of an ecotourism treehouse resort. The Concept Plan (Attachment "C") shows a maximum of 100 guest treehouses, which will be developed in two phases, along with amenities (dock, boathouse, arrival lounge, playground, pool and café, 1200-square foot restaurant with a 700 square foot deck, reception area, activity and environmental education center, kayak and canoe rental station, hanging garden, yoga pavilion, spa, lookout tower, writer's nook, gazebo, lounge with housekeeping station, and a 800-square foot restaurant for guests only) and other additions (housekeeping and service entrance, service loading zone, employee offices, employee break rooms, employee locker rooms, shop/storage/and electrical facilities, guest parking, employee parking, wastewater treatment and stormwater retention areas, septic and well systems) for the operation of the resort.

On February 22, 2022 the BCC approved Ordinance 2022-12 to allow for waivers to be granted by the BCC for applicants seeking Conditional Use Permits. The Applicant has submitted waiver requests to LDR Section 3.02.09 to allow for the construction of structures less than 850-square feet in size; to the paved access requirements contained in LDR Section 9.04.01(B) and the Lake County Transportation Planning, Design, and Construction Standards; and to LDR Section 6.01.04(A)(1) to reduce the wetland setback from 50-feet to 25-feet.

Table 1. Proposed Waiver Requests

| Request Type | LDR Section | Requirement | Hardship | How the Purpose of the Code Will Be Met: |
|------------------------|-------------|-----------------|---|--|
| Minimum Structure Size | 3.02.09 | 850-square feet | <i>The majority of our structures are treehouses, so making the unit sizes 800 SF or larger would no longer enable them to fit within the trees and would totally change the small footprint eco resort concept</i> | <i>The purpose of this code is to make sure that unit sizes are large enough to accommodate occupants and that higher-end type of accommodations are being constructed. Our guest treehouses will be in-line with the sizes of rooms in typical hotel and resort developments. Our project has a very high standard of quality and design.</i> |

| | | | | |
|------------------------|--|--|--|---|
| <p>Paved Access</p> | <p>9.04.01(B) and the Lake County Transportation Planning, Design, and Construction Standards ("Appendix A")</p> | <p>Paved access for commercial development</p> | <p><i>The requirement to improve 2.3 miles of roadway to "county road standards" goes against the rustic, country eco resort feel of our project. Paving this much roadway is counter to our sustainability goals of maintaining a small environmental footprint. It would allow vehicles to travel much faster on the road which could harm the local wildlife. It would also set a precedent for other new eco resorts which could prevent new resorts of this type from being developed due to financial unviability.</i></p> | <p><i>The purpose of this code is to make sure that emergency vehicles and resort guests will be able to safely get to the property without decreasing usability of the road for existing residents. Cumber and Tall Palm Fish Camp Roads in their existing condition and a partially-raised Indian Mound Trail with a 12 ft gravel surface on top of a 20 ft wide stabilized base would meet both our and the fire marshal's requirements. The Indian Mound Trail improvements fit within the existing roadway defined by the current tree line with the exception of one utility pole which I will pay to have moved.</i></p> |
| <p>Wetland Setback</p> | <p>6.01.04(A)(1)</p> | <p>50-feet from wetland line</p> | <p><i>A fifty-foot setback requirement almost eliminates our view to the river and would create a larger negative impact on the wetlands during construction. There are also some existing structures that are built closer than this that we would like to refurbish.</i></p> | <p><i>Setting the treehouse cabins 25 feet from the high-water line would still obscure them from view of the river as the river's edge is densely forested, maintaining the natural look. If we can bring the construction materials to the site from the water for the wetlands structures, we would significantly reduce environmental damage to the fragile root system in this area because we would not have to cut through from the high lands.</i></p> |

- 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 an ecotourism treehouse resort in Agriculture (A) zoning. The proposed use is consistent with Comp Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC), which allows active parks and recreation facilities, and outdoor sports and recreation clubs, in conjunction with a Conditional Use Permit.

The Land Development Regulations (LDR) are silent regarding treehouse resorts. However, LDR Section 3.01.05 Similar Uses, states that uses not specifically listed and not more detrimental than the uses listed in Subsection 3.01.03, may be permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts. Similar uses contained in the LDRs that closely resemble the requested use are Active Park and Recreation uses which are outdoor recreational uses with a moderate to high intensity of development; and Hunting and Fishing Resorts, which are establishments, operated in association with a hunting or fishing reserve or resource, that offer accommodations and Accessory sale and rental of hunting and fishing equipment. The proposed use is not more intensive or detrimental than an Active Park and Recreation use or Hunting and Fishing Resort.

Pursuant to Comp Plan Policy I-1.2.9 *Ecotourism and Agri-tourism Uses*, ecotourism and agri-tourism uses are an allowed use within all future land use categories. Policy I-1.2.9 states that typical ecotourism support uses may include: cabins, parking lots, restrooms, picnic areas, rustic campgrounds, passive recreation facilities, activity centers for education, museums or botanical centers, and a concession stand/snack bar limited to 200 square feet. While the uses under this Policy are examples of typical support uses and not a conclusive list of allowable uses, the proposed development program is **inconsistent** with the intention of the Policy, which states that ecotourism support uses are intended to provide minimal necessary public services and facilities, and that such uses shall be designed in such a manner as to complement the character of the particular destination.

In response to the inconsistency, the Applicant has provided the following statement: *“With regards to the restaurant, we always knew this would need to be outside the 200 square feet maximum size defined in the [Comprehensive Plan]. This very small size can only be used for a snack shop that sells pre-packaged food as there is not enough space for a kitchen. If you have guests that are staying 5 days at a resort, however, you have to serve them more than just chips and candy bars. For the health of our guests we will need to serve them proper meals which will require a larger restaurant/dining room space and a sufficiently large commercial kitchen. We are still sizing the kitchen, but it will most likely be in excess of 1500 square feet.”*

The request is consistent with Comp Plan Policy IV-3.3.3, which states that the County shall promote itself as a destination for tourism activities in Central Florida, and continue to promote ecotourism businesses and opportunities.

Additionally, the request is consistent with Comp Plan Goal I-5, Lake County Rural Protection Areas, which identifies the Wekiva-Ocala Rural Protection Area (RPA) as a rural area with opportunities for recreation and ecotourism which enrich the experience of both residents and visitors. Comp Plan Policy I-5.1.3, Rural Protection Area Principles, states that RPAs shall promote recreation and ecotourism.

B. Effect on Adjacent Properties.

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

The subject property is located within an area containing very little development, as the surrounding properties are primarily designated as Rural FLUC and Conservation FLUC. The Concept Plan shows that the site will be designed to maximize the water views and ecological significance of the site, and therefore impacts will be directed away from neighboring properties.

The Applicant provided additional explanation and justification for the proposed use within the project overview (Attachment “D”). Additionally, the Applicant provided a depiction of the area showing that the closest neighboring home is 950-feet from the property line (Attachment “E”).

The Department of Public Works has identified the following concerns:

- *The site will be required to permit and mitigate wetland impact from Florida Department of Environmental Protection (FDEP)*
- *The site is within flood zone AE. The base flood elevation (BFE) for the AE zone from current study and maps is 7-feet NAVD. The design of the site would need to adhere to FEMA and county standards as well as Florida Building Code. The site appears to be fully within the zone and compensating storage for any fill within the floodplain would have to be provided. Flood proofing and elevating, as well as other flood building requirements would apply.*

The proposed ordinance includes conditions that an environmental assessment, a noise assessment, additional right-of-way, a road maintenance agreement with neighbors, and a conservation easement for wetlands must be submitted for review and acceptance prior to commencement of operations.

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

The 2030 Comp Plan defines Ecotourism as a low-impact form of tourism that involves the visitation of natural areas, agricultural areas, or archeological sites. Pursuant to Comp Plan Policy I-1.2.9 *Ecotourism and Agri-tourism Uses*, ecotourism and agri-tourism uses are an allowed use within all future land use categories. The subject property is situated near the St. Johns River; however, the proposed development program is **inconsistent** with the intention of the Policy, which states that ecotourism support uses are intended to provide minimal necessary public services and facilities, and that such uses shall be designed in such a manner as to complement the character of the particular destination.

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 subject property is heavily wooded, and the site will be designed in such a way as to complement the ecological significance of the region. A portion of the site will be dedicated into a conservation easement for the preservation of wetlands in perpetuity. Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of construction and operations; the site plan shall be consistent with the Concept Plan.

The Applicant has provided Structural Details pertaining to the proposed treehouses (Attachment "F") which detail the minimized impact to the wetlands. Additionally, the Applicant has provided the following statement: *"More than 90% of our structures are treehouses that will be 20 feet off of the ground. Our impact to the flora and fauna of this area will be significantly less than a traditional ground-plane cabin eco resort which is permitted in our zoning and land use category. Since our structures are small and high in the air, water will be able to flow to the ground plan just as it does now. All of our tree structures (except for the cabin decks which will be attached to the tree), which is about 88.6% of the total built square footage, will be constructed on piling-supported foundations. Our total above-ground impact to the 27 acres of wetland area is only about 170 square feet. If you include the foundations underground, only about 1,900 square feet of wetlands will be impacted. The electrical and plumbing conduits will run underneath the elevated pathways that will connect the treehouses. 170 square feet is significantly less impact than even one traditional ground plane cabin."*

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 subject property is located within an area containing very little development, as the surrounding properties are primarily designated as Rural FLUC and Conservation FLUC. The Concept Plan shows that the site will be designed to maximize the water views and ecological significance of the site, and therefore impacts will be directed away from neighboring properties. Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of stable activities; the site plan shall be consistent with 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

The community well for the site shall be in accordance with the requirements of the Florida Department of Health, Florida Department of Environmental Protection (FDEP), the Lake County Comp Plan, and the LDR as amended. Additionally, a wastewater treatment facility will be required for the site's sewage treatment. Septic tanks will not

be allowed for the onsite sewage treatment.

The following concerns have been identified by the Department of Public Works: *The subject property is not serviced public water or sewer. The site is proposing to have onsite well, septic, and wastewater treatment facility. This site is next to the St. Johns River and concerns of additional septic tanks within the wetlands, areas near the river and within the floodplain are a great concern. The sewer is highly recommended to be a full wastewater treatment facility with no septic or drain fields allowed for this site. Additional precautions will need to be taken to elevate concerns of polluting the St. Johns River and flood risks.*

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 Department of Public Works has identified the following concerns: *The access from State Road 44 to the subject site is through three roads. The first road is the county maintained Cummer Road which is currently 15-feet to 18-feet wide. This road will need to be widened to a minimum of 24-feet of pavement and improved to meet current county road paved standards. There are also some concerns with current right-of-way to be by maintenance only. The other two roads, Tall Palm Fish Camp Road would be the next road which is unmaintained dirt road followed by Indian Mound Trail which is also an unmaintained dirt road. We have no records of right-of-way or easements for these two roads. At this time, no information on any easements had been provided by the applicant, but the applicant has stated they would obtain necessary right-of-way or easements for the improvements and access. Improvements to these roads would be required to meet county paved road standards to meet the paved access needs for the commercial use and traffic generation for the proposed uses of the property. The maintenance of these two roads would require a maintenance agreement with the neighboring properties.*

One of the waivers that the Applicant has requested that the Board of County Commissioners consider is to the paved access requirements contained in LDR Section 9.04.01(B) and the Lake County Transportation Planning, Design and Construction Standards (also known as "Appendix 'A'") for the site in favor of an accessway of adequate width and stabilization to accommodate public safety vehicles, as the proposed ecotourism use is intended to reflect the rural character of the surrounding area, and the cost of paving the roadway would incur a financial hardship to the project.

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 and Rescue Station (LCFRS) #15 is located 6.6 miles from the subject property, at 40601 Palm Drive, in the Eustis / Pine Lakes area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

Findings of Fact: Staff has reviewed the application for the Conditional Use Permit request and found:

1. The application is inconsistent with Comprehensive Plan Policy I-1.2.9 *Ecotourism and Agri-tourism Uses*, which intends to provide minimal public services and facilities necessary, in proximity to natural resources, agriculture and archeological sites;

2. The application is consistent with Comp Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC), which allows active parks and recreation facilities, and outdoor sports and recreation clubs, in conjunction with a Conditional Use Permit;
3. The application is consistent with LDR Section 3.01.05 Similar Uses, which states that uses not specifically listed and not more detrimental than the uses listed in Subsection 3.01.03, may be permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts. Similar uses contained in the LDRs that closely resemble the requested use are Active Park and Recreation uses which are outdoor recreational uses with a moderate to high intensity of development;
4. The application is consistent with Comp Plan Policy IV-3.3.3, which states that the County shall promote itself as a destination for tourism activities in Central Florida, and continue to promote ecotourism businesses and opportunities; and
5. The proposed amendment is consistent with Comp Plan Goal I-5, Lake County Rural Protection Areas, which identifies the Wekiva-Ocala Rural Protection Area (RPA) as a rural area with opportunities for recreation and ecotourism which enrich the experience of both residents and visitors.

Based on these findings of fact, staff finds the Conditional Use Permit request to allow for an ecotourism treehouse resort in the Agriculture (A) zoning district inconsistent with the Comprehensive Plan Policy I-1.2.9.

Attachment "A" – Future Land Use Map



Future Land Use

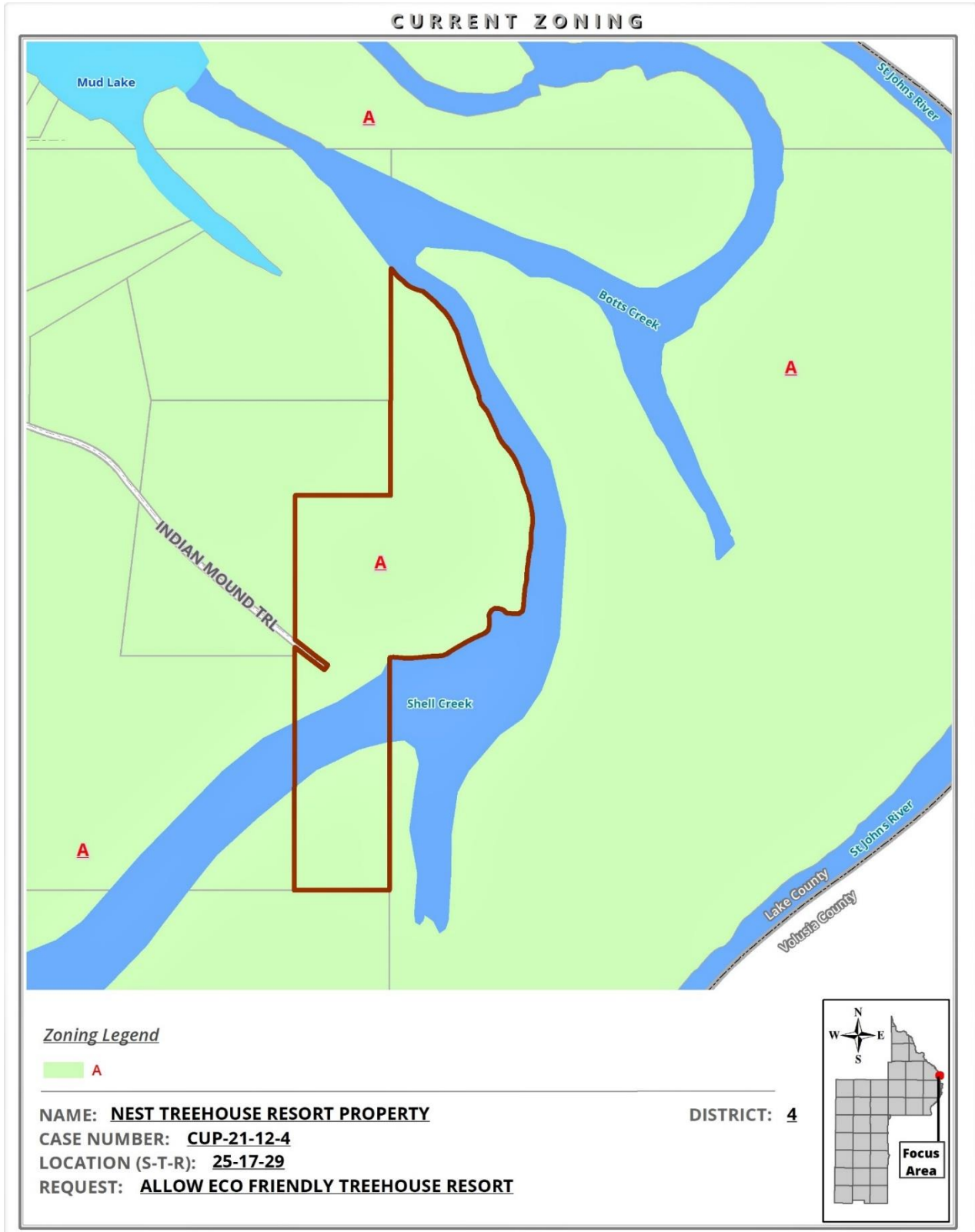
 Rural  Conservation

NAME: NEST TREEHOUSE RESORT PROPERTY
CASE NUMBER: CUP-21-12-4
LOCATION (S-T-R): 25-17-29
REQUEST: ALLOW ECO FRIENDLY TREEHOUSE RESORT

DISTRICT: 4

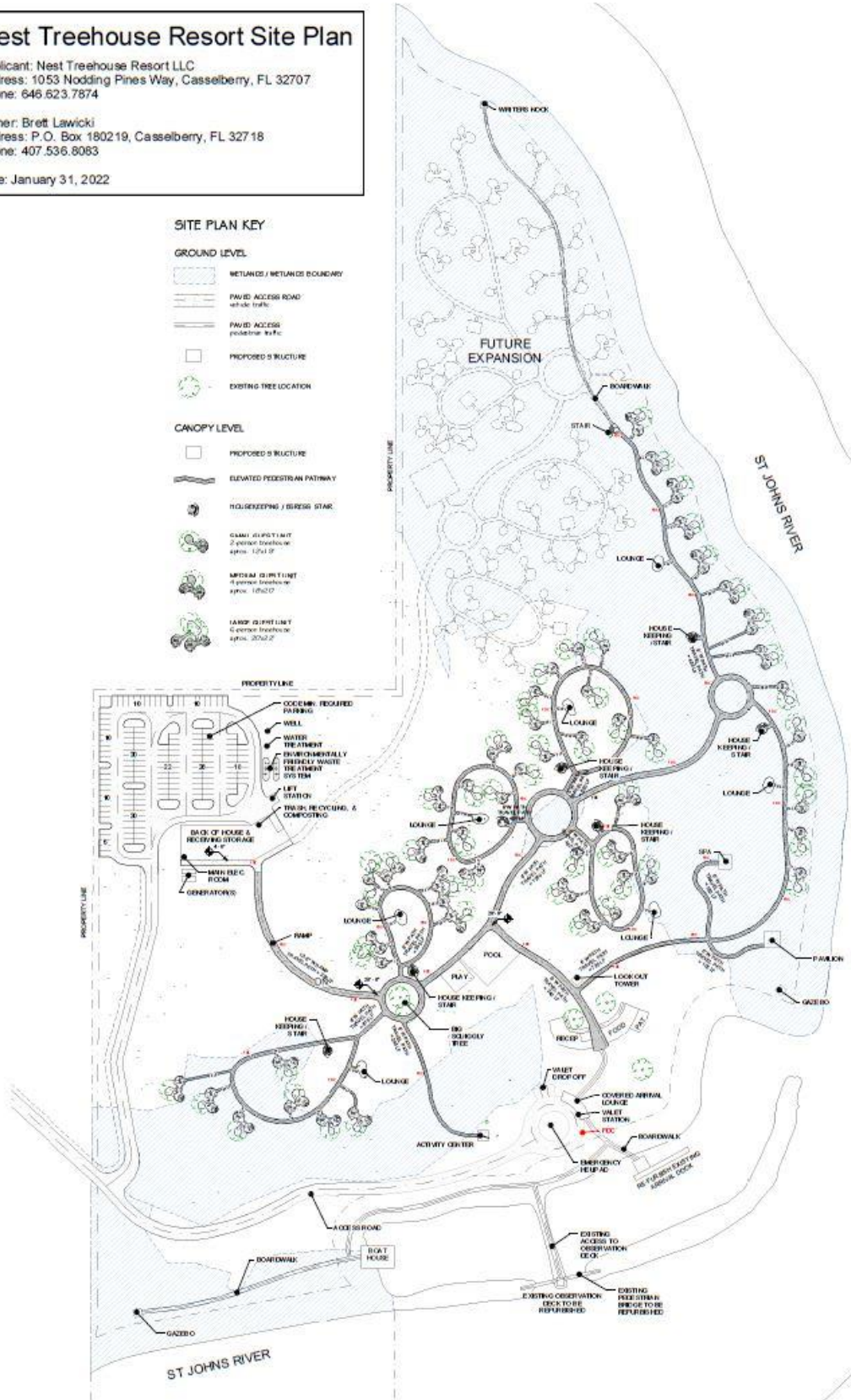


Attachment "B" – Zoning Map



Attachment "C" – Concept Plan

Nest Treehouse Resort Site Plan
 Applicant: Nest Treehouse Resort LLC
 Address: 1053 Nodding Pines Way, Casselberry, FL 32707
 Phone: 646.623.7874
 Owner: Brett Lawicki
 Address: P.O. Box 180219, Casselberry, FL 32718
 Phone: 407.536.8063
 Date: January 31, 2022



SITE PLAN KEY

GROUND LEVEL

- WETLANDS / WETLANDS BOUNDARY
- PAVED ACCESS ROAD - vehicle traffic
- PAVED ACCESS - pedestrian traffic
- PROPOSED STRUCTURE
- EXISTING TREE LOCATION

CANOPY LEVEL

- PROPOSED STRUCTURE
- ELEVATED PEDESTRIAN PATHWAY
- HOUSEKEEPING / SERVICE STAIR
- SMALL GLIMPSE UNIT - 2 person treehouse approx. 10'x10'
- MEDIUM GLIMPSE UNIT - 4 person treehouse approx. 10'x12'
- LARGE GLIMPSE UNIT - 6 person treehouse approx. 20'x20'

Attachment “D” – Project Overview

Nest Treehouse Resort will be the first entirely elevated treehouse resort in the world, the first entirely ADA-accessible treehouse resort in the world, and the first luxury eco resort in Central Florida.

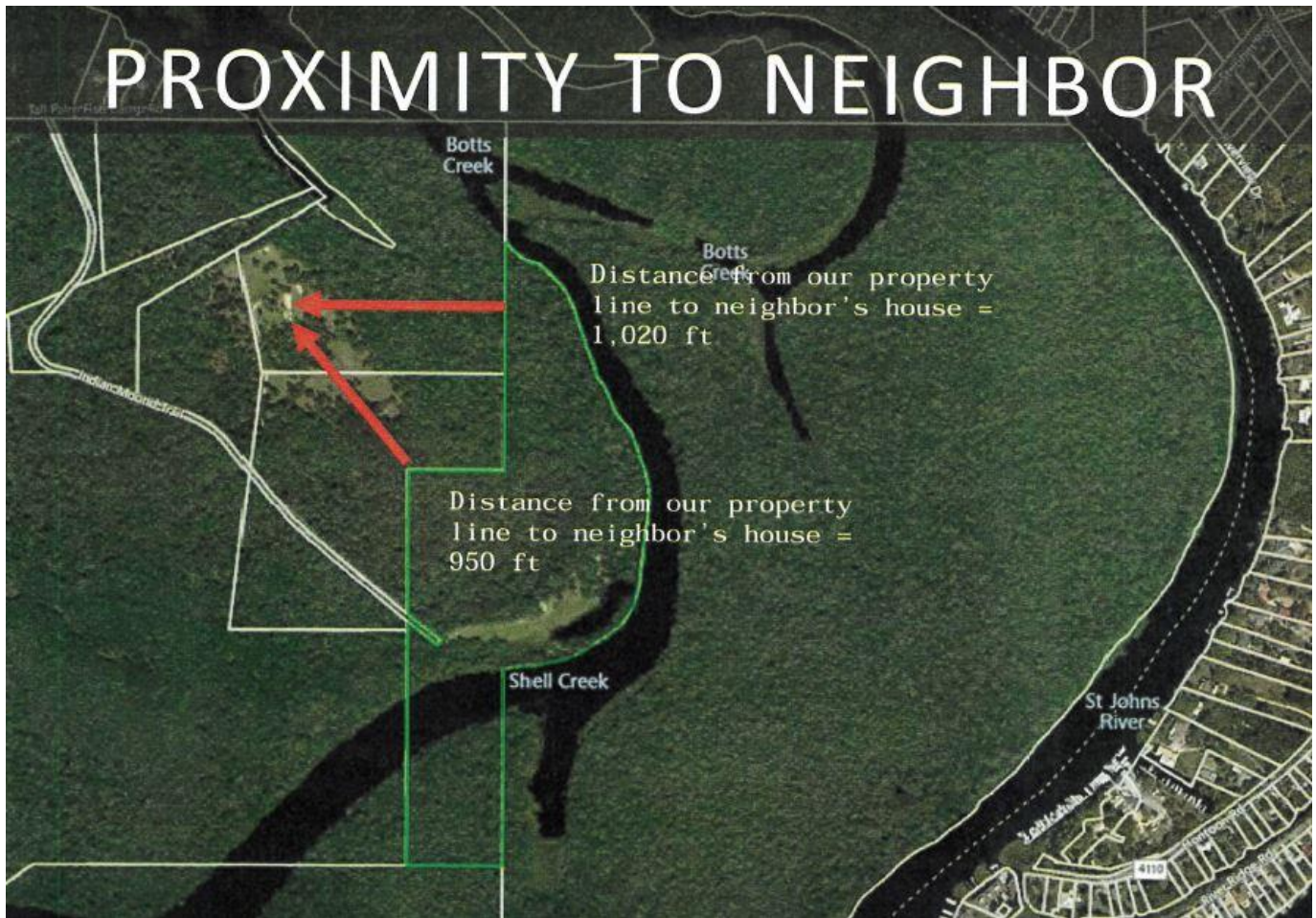
It will be a socially and environmentally responsible resort that supports local businesses and farms, connects people to nature in a beautiful and inspiring way, and educates guests on environmental issues.

We will have 100 guest treehouses – 55 of which will be developed in Phase I and potentially 45 more in Phase II. The treehouses will be designed to look like modern interpretations of bird’s nests; and each treehouse will showcase a different Central Florida bird.

We will also have a restaurant, cafe, an activity and environmental education center, small spa, swimming pool, playground, hammock house, writer’s nook, lookout tower, boat house, sky temple/ yoga pavilion, and back-of-house facilities including offices, housekeeping, commercial kitchen, environmentally-friendly wastewater treatment plan, engineering shop, storage, and parking.

We project that this project will generate about \$360,000 in Resort Tax and \$210,000 in Sales Tax each year for Lake County. In addition, we are hoping to set aside \$50,000 - \$100,000 per year to support environmental initiatives.

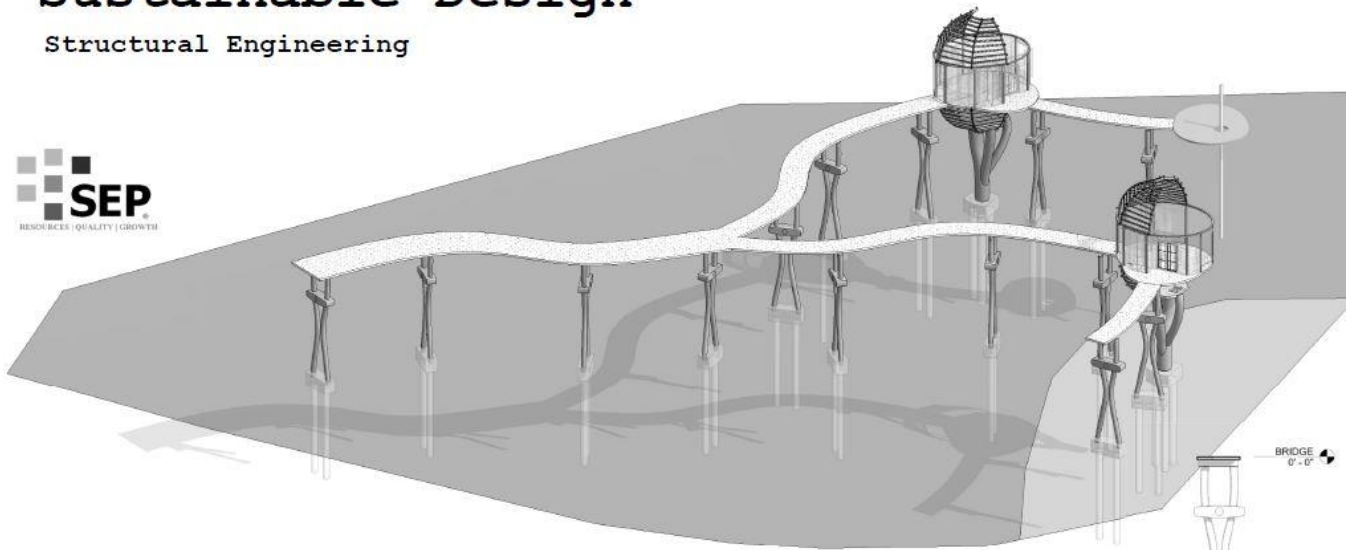
Attachment "E" – Proximity to Neighbor



Attachment "F" – Structural Details

Sustainable Design

Structural Engineering



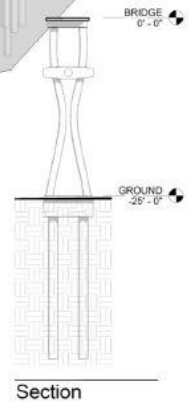
All of the tree structures (88.6% of the total built square footage) and **everything built in the wetlands** will be constructed on piling-supported foundations.

Treehouse Cabins

- Below-ground foundation piers = $\sim 7.5 \text{ ft} \times 7.5 \text{ ft} = 56.25 \text{ SF/ cabin}$
- Above-ground columns = $\sim 3 \text{ ft diameter} = 7 \text{ SF/ cabin}$ (equivalent of one additional oak tree)
- Total above-ground impact to wetlands of all treehouse cabins = 161 SF

Walkways

- Below-ground foundation piers = $\sim 3 \text{ ft} \times 7.5 \text{ ft} = 22.5 \text{ SF/ support post}$ (spaced 40 LF apart)
- Above-ground columns = $\sim 8\text{-inch diameter} = 0.35 \text{ SF/ support}$ (equivalent of two additional small palm trees)
- Total above-ground impact to wetlands of all walkways = 8.4 SF



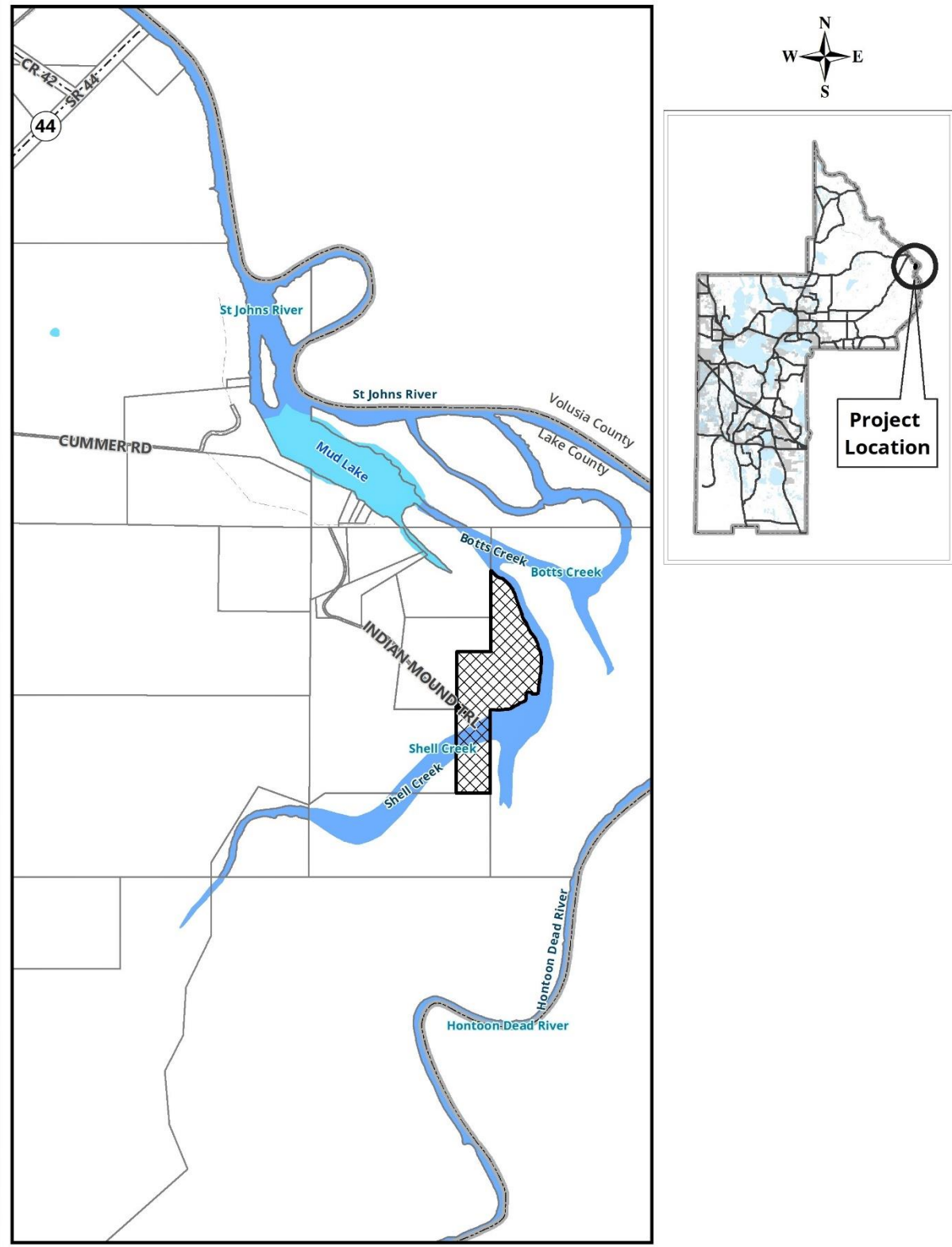
Section



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Map of Subject Property



Ordinance 2022-_____
Nest Treehouse Resort
CUP-21-12-4

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

WHEREAS, Kristin Boekhoff, Unity Resorts LLC (the “Applicant”) submitted a conditional use permit application on behalf of Brett Lawicki (the “Owner”) to allow an ecotourism treehouse resort on approximately 43.38 +/- acres within the Agriculture (A) zoning district; and

WHEREAS, the subject property consists of approximately 43.38 +/- acres, is located at 43505 Indian Mound Trail, in the unincorporated Deland area of Lake County, Florida, situated in Section 25, Township 17 South, Range 29 East, having Alternate Key Number 3450698, and more particularly described in Exhibit “A” – Legal Description;

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

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

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 2nd day of March 2022, and by the Board of County Commissioners of Lake County, Florida, on the 5th day of April 2022.

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

Section 1. Permission is hereby granted to allow for an ecotourism treehouse resort as a Conditional Use within the Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

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

A. Waivers.

1. A waiver is hereby granted so that the minimum structure size requirement contained in LDR Section 3.02.09 shall be waived to allow for the construction of structures less than 850-square feet in size to be constructed in the Agriculture (A) zoning district.
2. A waiver is hereby granted so that the requirements for paved access contained in LDR Section 9.04.01(B) and Lake County Transportation Planning, Design and Construction Standards (also known as “Appendix ‘A’”) shall be waived for the site in favor of an accessway with a 12-foot gravel surface on top of a 20-foot-wide stabilized base to accommodate public safety vehicles.

- 1 3. A waiver is hereby granted so that the structures authorized herein shall not be required to
2 adhere to the Setbacks Standards set forth in LDR Section 6.01.04, to allow the wetland
3 setback to be reduced from 50-feet to 25-feet.
- 4 **B. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)
5 Zoning District, the uses of the site will be allowed as specified below and generally consistent
6 with Exhibit "B", the Conceptual Plan.
- 7 1. 100 Guest Treehouses.
- 8 a. Phase One: 55 guest treehouses
- 9 b. Phase Two: 45 guest treehouses
- 10 2. Water dependent structures (dock, boathouse, observation deck, kayak and canoe launch)
- 11 3. Amenities (reception area, arrival lounge, playground, pool, activity and environmental
12 education center, kayak and canoe rental station, garden, yoga pavilion, spa).
- 13 4. Restaurants
- 14 a. Pool café
- 15 b. 1200-square foot restaurant with 700-square foot deck
- 16 c. 800-square foot guest-only restaurant
- 17 5. Employee-Designated Areas (housekeeping and service entrance, service loading zone,
18 offices, break rooms, locker rooms, workshop, storage rooms, electrical facilities)
- 19 6. Accessory uses directly associated with the above uses may be approved by the County
20 Manager or designee. Any other use of the site will require approval of an amendment to
21 this Ordinance by the Board of County Commissioners.
- 22 **C. Specific Conditions:**
- 23 1. Cummer Road will have to be improved from State Road 44 to Tall Palm Fish Camp Road
24 to meet County width and drainage standards. Additional right-of-way to accommodate the
25 widening and drainage would be required from the site development.
- 26 2. Tall Palm Fish Camp Road and Indian Mound Trail will have to be widened and improved to
27 meet County standards and to accommodate two-way traffic. Additional right-of-way or
28 easements to accommodate the widening and drainage would be required from the site
29 development. The maintenance of the improved roads would require a maintenance
30 agreement with the neighboring properties and the site to take on the maintenance of such
31 improved roads.
- 32 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height.**
33 The property shall be developed in accordance with the Comprehensive Plan and LDR, as
34 amended.
- 35 **E. Landscaping, Buffering, and Screening.** The property shall be developed in accordance with
36 the Comprehensive Plan and LDR, as amended.
- 37 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements shall
38 be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.

- 1 **G. Transportation Improvements and Access Management.** All transportation improvements
2 and access management, except for those outlined above in Section 2.C shall be in accordance
3 with the Comprehensive Plan and LDR, as amended.

- 4 **H. Stormwater and Floodplain Management.**
 - 5 1. The stormwater management system shall be designed in accordance with all applicable
6 Lake County and St. Johns River Water Management District (SJRWMD) requirements, as
7 amended.
 - 8 2. The parcel is fully within the flood hazard area and flood construction standards meeting
9 both federal, state, and county requirements must be met.
 - 10 3. The developer shall be responsible for any conducting any flood studies required for
11 developing the site and shall comply with any applicable FEMA regulations, Comprehensive
12 Plan policies and Land Development Regulations, as amended. Any development within the
13 floodplain as identified on the FEMA maps will required compensating storage.

- 14 **I. Environmental Considerations.**
 - 15 1. An environmental assessment must be submitted within six (6) months of the date an
16 application for development is filed to address the presence of vegetation, soils, wetlands,
17 and any threatened or endangered species that may exist on the site. The assessment shall
18 be prepared in accordance with the applicable provisions of the LDR.
 - 19 2. Wetlands will require placement within a conservation easement (CE) or other legally
20 binding document for protection. The easement shall be dedicated to a conservation agency
21 (FDEP or SJRWMD), a non-profit conservation organization or land trust, subject to
22 acceptance by the Board of County Commissioners, for maintenance and protection.
 - 23 3. Copies of permits from all jurisdictional agencies will be required prior to the commencement
24 of construction.

- 25 **J. Parking.** All parking will be provided in accordance with the LDR, as amended.

- 26 **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
27 the LDR, as amended.

- 28 **L. Noise.** Compliance must be in accordance with the LDR, as amended.

- 29 **M. Signage.** All signage must be in accordance with the LDR, as amended.

- 30 **N. Utilities.**
 - 31 1. A wastewater treatment facility will be required for the site's sewage treatment. Septic Tanks
32 will not be allowed for the sewage treatment for the site.
 - 33 2. The community well for the site shall meet the requirements of the Florida Department of
34 Health, Florida Department of Environmental Protection (FDEP), Lake County
35 Comprehensive Plan, and LDR, as amended.

- 36 **O. Concurrency Management Requirements.** All development must comply with the Lake County
37 Concurrency Management System, as amended.

- 1 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall be
2 required to submit a development application generally consistent with Exhibit "B" - Conceptual
3 Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 4 **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
5 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
6 Comprehensive Plan, and LDR will include any future amendments to the Statutes, Code, Plans,
7 and/or Regulations as applicable.
- 8 **R. Other Proposed Uses.** After establishment of the facilities as provided in this Ordinance, the
9 property must only be used for the purposes named in this Ordinance, unless a proposed use
10 meets every requirement of the zoning district in which the property is located. Any other
11 proposed use must be specifically authorized by the Board of County Commissioners.

12 **Section 3. Conditions.**

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

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

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

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

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ENACTED this _____ day of _____, 2022.

FILED with the Secretary of State _____, 2022.

EFFECTIVE _____, 2022.

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

12 _____
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14 **SEAN M. PARKS, CHAIRMAN**

15
16
17 **ATTEST:**

18 _____
19
20 **GARY J. COONEY, CLERK OF THE**
21 **BOARD OF COUNTY COMMISSIONERS**
22 **LAKE COUNTY, FLORIDA**

23
24
25 **APPROVED AS TO FORM AND LEGALITY:**

26 _____
27 **MELANIE MARSH, COUNTY ATTORNEY**

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Exhibit "A" – Legal Description

That part of Government Lot 7, West of Shell Creek, in Section 25, Township 17 South, Range 29 East, Lake County, Florida;

AND the East 495 feet of Government Lot 9 in Section 25, Township 17 South, Range 29 East, Lake County, Florida, **LESS** the North 495.00 feet thereof;

2

AND the East 495 feet of Government Lot 10 in Section 25, Township 17 South, Range 29 East, Lake County, Florida.

Exhibit "B" – Conceptual Plan

Nest Treehouse Resort Site Plan
Applicant: Nest Treehouse Resort LLC
Address: 1053 Nodding Pines Way, Casselberry, FL 32707
Phone: 646.623.7874

Owner: Brett Lawicki
Address: P.O. Box 180219, Casselberry, FL 32718
Phone: 407.536.8063

Date: January 31, 2022

