



City of Eustis

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TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: December 14, 2023

RE: Ordinance Number 23-30: **FIRST READING** Conditional Use Permit for Ace Hardware Store Located at 18691 U.S. Highway 441

Introduction:

Ordinance Number 23-30 approves a Conditional Use Permit for allowance of additional barbed wire fencing behind the Ace Hardware Store for property located at 18691 U.S. Highway 441 (Alternate Key Number 3524390).

Background:

- a. The site is developed with a commercial building of $\pm 8,000$ square feet, within the General Commercial (GC) Land Use District. The Design District for this building is Suburban Corridor (SC).



Applicant's Request:

The applicant requests a Conditional Use Permit to allow additional barbed wire fencing at the rear of the building located at 18691 U.S. Highway 441 and the southern entry area into the 44 Gables Subdivision

Analysis:

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations and City Code. Accordingly, staff has reviewed this conditional use request with consideration of the following:

Section 110-5.7 Fences of the City's Land Development Regulations allows barbed wire fencing on properties with barbed wire fencing installed, prior to December 15, 2016. The Ace Hardware Site Plan was previously approved by the City Commission on January 21, 1999 and included fencing around a side and rear areas of the building. Prior to 2016, these areas contained barbed wire around the top of the fence.

The standards of review must show the conditional use is consistent with the City's Land Development Regulations, and City Codes, which are shown below.

The exterior appearance would not vary much as fencing was previously visible in the rear of the store.

Additional Applicable Policies and Codes:

Staff has reviewed this conditional use request with consideration of the following.

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

"Location, design, intensity, configuration, and public facility impact, in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses."

The Conditional Use review allows the City Commission to attach conditions, limitations, and requirements to a conditional use permit to prevent or minimize adverse effects upon other properties in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

Policy Implications:

Approval or denial of this waiver request to grant approval of allow additional barbed wire fencing at the rear of 18691 U.S. Highway 441 could set a precedent for the review of similar requests in the future.

Alternatives:

1. Approve Ordinance Number 23-30.
2. Deny Ordinance Number 23-30.

Community Input:

The department has properly advertised the Ordinance in the newspaper; notified surrounding properties within 500 feet, and posted the property. To date, there has been no opposition received to the proposed development, nor any feedback at all related to this Conditional Use request.

Budget/Staff Impact:

There would be no direct cost to the City associated with the action. There would be no additional staff time beyond the normal plan review process and inspection.

Conclusion:

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses because of its location, no change to the existing building, which will not affect the intensity of the property or tax the capacity of any public facilities.

Prepared By:

Mike Lane, AICP, Director, Development Services Department

Attachment:

Proposed Ordinance Number 23-30