



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, DeLand, FL 32720
(386) 943-7059

PUBLIC HEARING: November 13, 2012 - Planning and Land Development
Regulation Commission (PLDRC)

CASE NO: S-12-041

SUBJECT: Special exception for temporary campsites on Rural Agriculture
(A-2) zoned property.

LOCATION: 1725 N. U.S. Highway 1, Ormond Beach

APPLICANT: Sally Stevens

OWNER: William F. Stevens and Sally S. Stevens, Trustee of the Sally S.
Stevens Revocable Trust

STAFF: John H. Stockham, Planner III

I. SUMMARY OF REQUEST

The applicant is requesting a renewal and extension of a temporary campsites special exception for seven years, 2013 through 2019. For the past 20 years, the property has been the site of "Moonshine Campground" approved by special exception.

The applicant requests a special exception for temporary campsites for three days before, during and three days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi 400 (Coke Zero), and Bike Week events for seven (7) years, 2013 through 2019.

Staff recommendation: Approve subject to the staff recommended conditions.

II. SITE INFORMATION

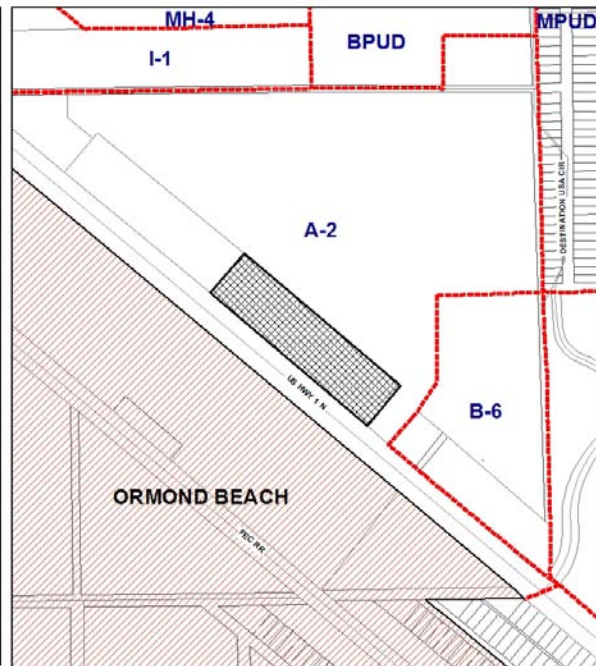
1. Location: The property is located on the north side of U.S. Highway 1, approximately 2,300 feet north of its intersection with I-95, near the City of Ormond Beach.
2. Parcel No(s): 3126-00-00-0080
3. Property Size: \pm 5.7 acres
4. Council District: 4
5. Zoning: A-2
6. Future Land Use: ULI
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	A-2	ULI	RV park
East:	A-2	ULI	RV park entrance
South:	Ormond Beach B-7	Ormond Beach Tourist Commercial (TC)	Vacant commercial
West:	A-2	C	Vacant commercial

10. Location Maps:



AERIAL MAP



ZONING MAP

III. BACKGROUND AND PREVIOUS ACTIONS

The applicant is requesting renewal of a previously granted special exception for temporary campsites on A-2 zoned property they have continuously operated as the “Moonshine Campground” since initial approval in 1992. The Volusia County Council approved the current special exception (S-07-067) for the years 2007 through 2012. This recent approval granted 100 temporary campsites that accommodate both RV’s and tents during racing events. The applicant has satisfactorily complied with this and all other conditions. With this renewal, an approval period of seven years from 2013 through 2019 is requested. The applicant is not asking for any changes except for a longer approval time.

The applicant’s enclosed site plan depicts a single driveway onto U.S. Highway 1, 100 individual campsites, drive aisles, a temporary office for security and registration, trash containers, portable toilets, showers, fire equipment, and potable water supplies. Several facilities, such as a registration trailer, food concession wagon, and showers are all located at the south end of the campsites. The entire perimeter of the site is fenced and traffic signs are indicated on the site plan.

Based on previous conditions, there are limited commercial vendors (food), and no special events or contests allowed. The campsites, portable toilets, hand wash sinks, and potable water facilities comply with Health Department requirements. The applicant provides fire protection per Fire Services requirements. The applicant will provide campground security and coordinate security plans with staff. Adequate solid waste containers are provided and maintained on the property.

IV. REVIEW CRITERIA AND ANALYSIS

Per section 72-415(8) *reasons for denial*, the commission may recommend denial and county council may deny any special exception application for one or more of the following reasons:

a. It is inconsistent with the purpose or intent of this ordinance.

Staff finds that the application is consistent with the purpose and intent of this ordinance, and recommends approval with conditions.

b. It is inconsistent with any element of the Comprehensive Plan.

The comprehensive plan contains no specific goals, objectives, or policies that apply to this special exception request for temporary campsites. These campsites provide accommodations for special event tourists.

Staff finds that the application is consistent with the Comprehensive Plan.

c. It will adversely affect the public interest.

The operation of the temporary campsites for special events do not adversely affect the public interest, based on experience with the property owner's temporary camping facility.

d. It does not meet the expressed requirements of the applicable special exception.

The property owners successfully operate the temporary campsites on the property, subject to the conditions of special exception case S-07-067. Staff recommends continued application of appropriate special exception conditions, if this request is approved.

e. The applicant will not be able to meet all requirements imposed by federal, state, or local governments, or by the county council.

The applicant has a record of meeting the applicable special exception conditions and permitting requirements. Staff anticipates the applicant will be able to continue to meet these requirements.

f. Notwithstanding the provisions of article XIV of the land development code [appendix A], it will generate undue traffic congestion.

The campsites are temporary and only allowed during special events, as listed in the use description and in the conditions of approval. The applicant is typically required to provide an off-duty officer for traffic control and security. The applicant will be able to continue to meet these requirements.

g. It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

Based on the operation history and the proposed conditions of approval, the special exception renewal will not create a hazard or a public nuisance, or be dangerous to individuals or the public.

h. It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures, or buildings.

The operation of the campsites will not materially alter the value of any nearby land, structures or buildings since it operates periodically and under strict conditions of approval.

i. It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

Compliance with Health Department requirements and appropriate special exception conditions, as previously approved, will help to protect the environment and prevent excessive pollution.

V. STAFF RECOMMENDATION

Staff recommends approval of the Special Exception for temporary campsites for three days before, during and three days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi (Coke Zero) 400, and Bike Week events on Rural Agriculture (A-2) zoned property, subject to the following conditions:

1. The temporary campsites shall be limited to the areas as depicted on the special exception site plan. The temporary campsites shall only be open for operation three days before, during, and three days after any scheduled racing event at the Daytona International Speedway for Speedweeks, Biketoberfest, Pepsi 400 (Coke Zero), and Bike Week, for the seven year period from 2013 through 2019.
2. The maximum number of campsites on the property shall not exceed 100. The size of the individual campsites, number of portable toilets, hand wash sinks, potable water, and shower facilities shall be in accordance with the Volusia County Health Department requirements.
3. The applicant shall submit copies of provisions that address these conditions of approval, directly to the Volusia County Health Department, Fire Services, Volusia County Sheriff's Office, and the Building and Zoning Division for review and approval. The applicant needs to coordinate with these offices on an individual basis. A site plan with all signed contracts for portable toilets, improved road system, and garbage pick/clean up times(s) shall also be submitted to Building and Zoning Division at least 30 days prior to each opening of the temporary campsites.
4. The applicant must collect all appropriate tourist development tax and sales tax, as required by County Ordinance and State Statute.
5. The Volusia County Sheriff's Office, Volusia County Health Department, Fire Services, Financial Services, and the Building and Zoning Division shall have unlimited and unconditional access to the subject property including common areas within the temporary campsites on a 24 hour a day basis without having to give prior notice and without having to pay any type of fee or dues to gain entrance for inspection purposes.

6. The applicant shall provide fire protection services for the temporary campsites in accordance with the requirements of requirements of Fire Services, including, but not limited to: stabilized access drives for emergency vehicles and apparatus to all areas and sites; provisions for fire suppression by providing fire extinguishers, Type 2A-40BC.
7. All recreational vehicle units with self-contained holding tanks for wastewater shall secure all sewer waste line caps at all times in a manner to preclude any leakage. Posted signs throughout the campsites shall state that no direct discharge of any wastewater from any recreational vehicle will be permitted.
8. Portable toilets and hand-wash sinks shall be required at the campsites. The signed service contract for pumping of the portable toilets shall be provided to the Volusia County Health Department 30 days prior to the opening of the temporary campsites.
9. The temporary campsites shall comply with the minimum requirements for potable (drinking) water supply as required by Florida Administrative Code and applicable Florida Building Code provisions. Provisions for potable water are subject to approval by the Volusia County Health Department and Volusia County Environmental Services.
10. The property owner shall obtain a Host Itinerant Merchant License (IML). All food concession operations must receive a temporary Food Service Permit from the Volusia County Health Department, and a permit from the Department of Business and Professional Regulation Division of Hotels and Restaurants, prior to operating on the site. Vendors shall not offer for sale any item, which is prohibited by local, state or federal law. All other vending shall be prohibited. The Applicant shall comply with all current and future requirements and provisions of the Itinerant Merchant License Ordinance (IML), as amended, and the Outdoor Entertainment Event Ordinance, as amended, of the Volusia County Code of Ordinances.
11. The applicant shall provide adequate traffic control including, but not limited to, an off-duty uniformed officer(s) (police/sheriff/highway patrol) stationed during the weekends, special events, and peak traffic hours along U.S Highway 1 in front of the site. The uniformed officer(s) are for traffic control only and the applicant would be required to pay any cost associated with these officer(s). In the event the temporary campsites become full, the applicant shall temporarily close the parking area to entering vehicles.
12. The applicant shall provide his own security for the campsite. Further, the officer(s) providing traffic control will not be providing security for the campsites. The applicant shall inform Zoning Compliance staff and Special Services of the Sheriff's Office of the person(s) in charge of security with his/her telephone number(s) and addresses at least 30 days prior to the opening of the campsites.

13. The applicant shall provide an adequate number of solid waste containers placed in strategic locations on the site. These solid waste containers and containers shall be emptied and cleaned on an as needed basis. The area shall be completely clear of litter and other refuse after each day of operation. To ensure compliance, the applicant shall provide the County with a written contract with a local solid waste management company at least 30 days prior to the events scheduled. The contract shall require a provision for garbage to be collect and removed from the site every other day.
14. No special events or contests may take place at the campsite.
15. Violation of any of these conditions may result in automatic revocation by the Zoning Enforcement Official. Upon revocation, the temporary campsites area shall not be resumed without approval of another special exception application process through public hearings.

VI. ATTACHMENTS

- Special exception site plan
- Written explanation
- Reviewer comments
- Maps

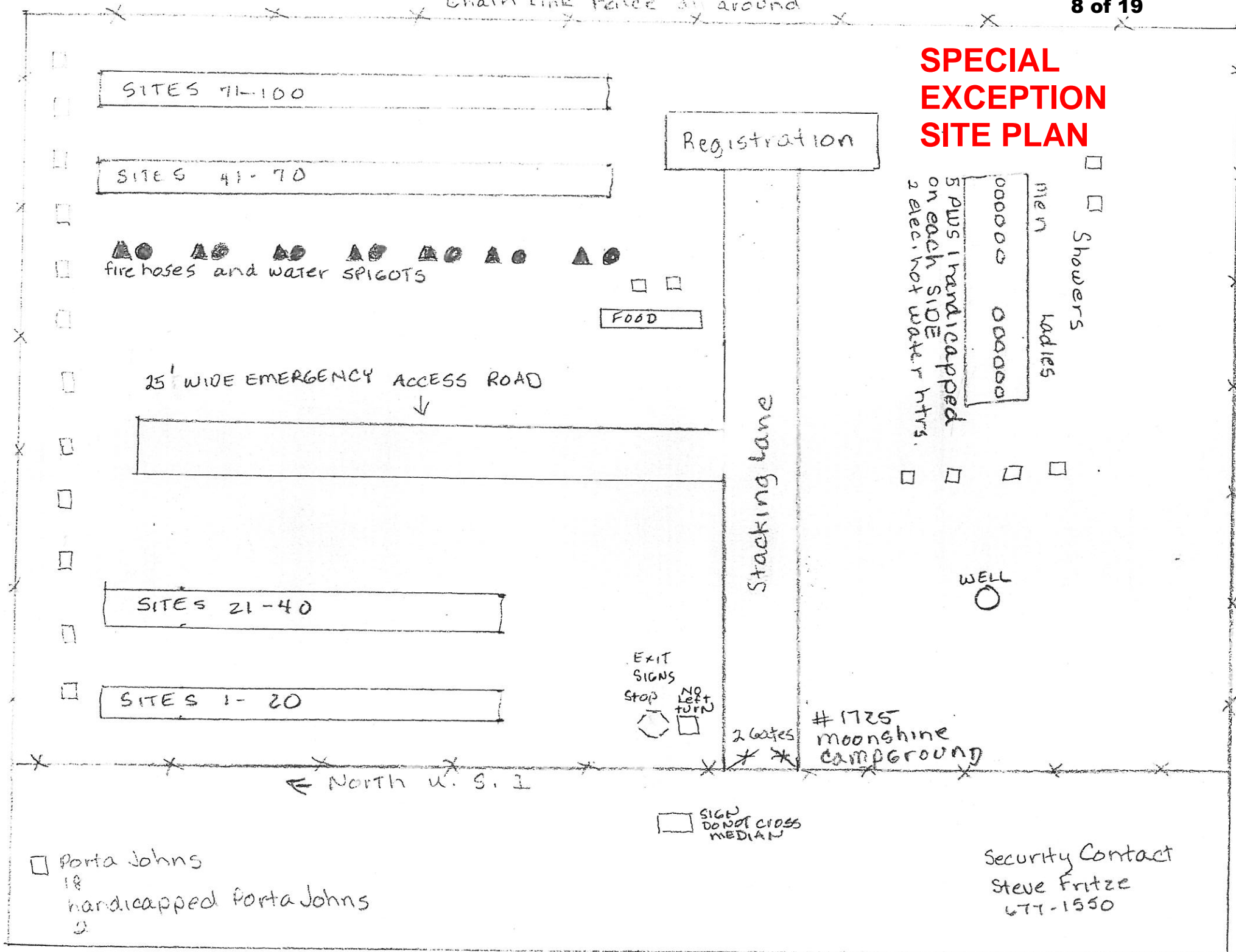
VII. AUTHORITY AND PROCEDURE

Pursuant to section 72-415 of the zoning ordinance, as amended, the county council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return or seek additional information on those recommendations. No approval of a special exception shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information to be presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information to be presented at the county council meeting that was not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

SPECIAL EXCEPTION SITE PLAN



Sally Stevens
730 Santa Ana Ave
Ormond Beach, Fl 32174

August 23, 2012

Re: Moonshine Campground
1725 N U S 1
Ormond Beach, Fl 32174

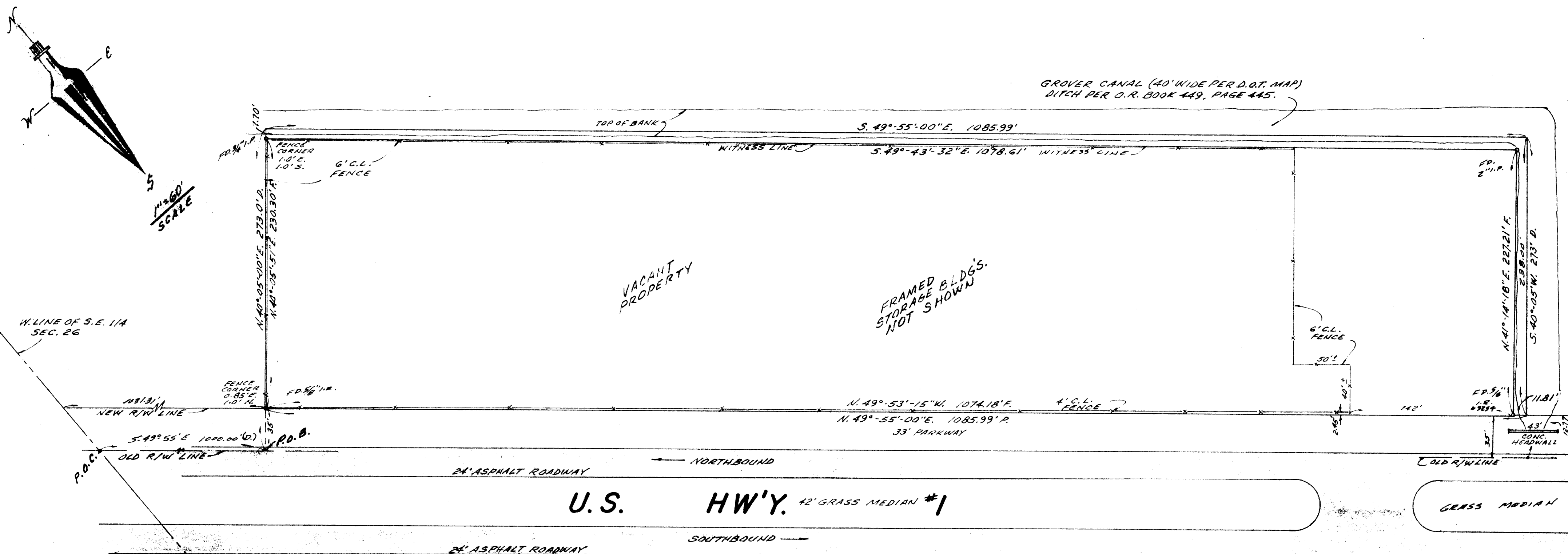
I am submitting the following documents for renewal of the special exception for the Moonshine Campground. I am requesting the special exception for a period of 7 years, from 2013 to 2020.

Regards,

A handwritten signature in cursive script that reads "Sally Stevens".

Sally Stevens

SURVEYORS · MAPPERS

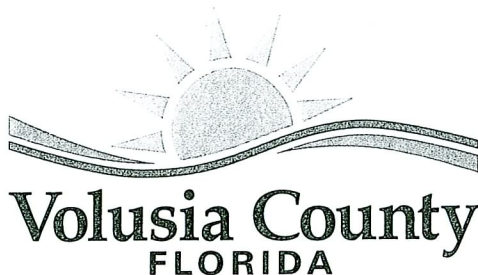


LEGAL DESCRIPTION

THAT CERTAIN PARCEL OF LAND LOCATED IN SECTION 26, TOWNSHIP 13 SOUTH, RANGE 31 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 31 EAST, SAID POINT BEING THE INTERSECTION OF THE WEST LINE OF THE AFORESAID SOUTHEAST 1/4 OF SECTION 26, AND THE EAST RIGHT OF WAY OF U.S. HIGHWAY NO. 1, A 125 FOOT RIGHT OF WAY, AS NOW LAID OUT, SAID RIGHT OF WAY HAVING 75 FEET LYING EASTERLY OF THE CENTERLINE OF PAVING OF SAID U.S. HIGHWAY NO. 1, THENCE SOUTH 49 DEGREES 55' EAST, ALONG THE EAST RIGHT OF WAY OF SAID HIGHWAY, A DISTANCE OF 1000 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 40 DEGREES 05' EAST, A DISTANCE OF ABOUT 273 FEET TO A POINT IN THE CENTERLINE OF AN IRRIGATION DITCH; SAID DITCH BEING APPROXIMATELY 15 FEET IN WIDTH, THENCE SOUTH 49 DEGREES 55' EAST, ALONG THE CENTERLINE OF SAID DITCH A DISTANCE OF ABOUT 1085.99 FEET, THENCE SOUTH 40 DEGREES 05' WEST, ALONG THE NORTH LINE OF SAID DITCH, A DISTANCE OF ABOUT 273 FEET TO A POINT IN THE EAST RIGHT OF WAY OF AFORESAID U.S. HIGHWAY NO. 1, THENCE NORTH 49 DEGREES 55' WEST, ALONG THE EAST RIGHT OF WAY OF SAID U.S. HIGHWAY NO. 1, A DISTANCE OF 1085.99 FEET TO THE POINT OF BEGINNING. SAID PROPERTY BEING LOCATED ENTIRELY WITHIN SECTION 26, TOWNSHIP 13 SOUTH, RANGE 31 EAST, EXCEPT THE WESTERLY 35.00 FEET IN U.S. HIGHWAY NO. 1.

This survey is certified to:
 WILLIAM F. STEVENS & SALLY S. STEVENS
 FIRST FEDERAL BANK OF NORTH FLORIDA
 ASSOCIATED LAND TITLE GROUP, INC.
 FIRST AMERICAN TITLE INSURANCE CO.



August 6, 2007

Building & Zoning Division

William and Sally Stevens
730 Santa Ana Avenue
Ormond Beach, FL 32174

RE: Special Exception case S-07-067
Parcel No.: 3126-00-00-0080

Dear Mr. and Ms. Stevens:

At the meeting of July 19, 2007, the Volusia County Council **UPHELD** the recommendation of the Planning and Land Development Regulation Commission and **APPROVED** the Special Exception for a temporary campsite for three (3) days before, during, and three (3) days after any regularly scheduled racing events at the Daytona International Speedway for Speedweeks, Bikeweek, the Pepsi "400", and Biketoberfest events, **SUBJECT** to the following **CONDITION(S)**:

1. The temporary camp sites shall be limited to the areas shown on the revised site plan. The temporary campsites shall only be open for operation three (3) days before, during, and three (3) days after any regularly scheduled racing events at the Daytona International Speedway for Speedweeks, Bikeweek, the Pepsi "400", and Biketoberfest events for five (5) years, 2007 through 2012.
2. The number of camp sites that may be allowed on the site shall not exceed 100. The size of the individual camp sites and the number of portable toilets, hand wash sinks, potable water, and shower facilities shall be in accordance with the Volusia County Health Department requirements.
3. The applicant shall submit copies of provisions that address these conditions of approval, directly to the Volusia County Health Department, Fire Safety Management, Special Services of the Sheriff's Office, and Building and Zoning Division for review and approval. The applicant needs to coordinate with these offices on an individual basis. **A site plan with all signed contracts for portable toilets, improved road system, and garbage collection/clean up times(s) shall also be submitted to the Building and Zoning Division for review and approval at least 30 days prior to the events scheduled for 2007 through 2012.**

123 West Indiana Avenue, Room 205 • DeLand, FL 32720
Tel: 386-943-7059 • Fax: 386-740-5297

www.volusia.org

4. The applicant must obtain a County Local Business Tax Receipt for the operation of a campsites and collect all appropriate tourist development tax and sales tax, as required by County Ordinance and State Statute. **A copy of the above license shall be submitted to Building and Zoning Division at least 30 days prior to the opening of the campsites.**
5. The Volusia County Sheriff's Office, Health Department, Finance, Fire Services, Building and Zoning, Zoning Compliance and Code Administration Divisions, State Department of Revenue and Department of Business and Professional Regulation shall have unlimited and unconditional access to the subject site including common areas within the temporary camp site on a 24 hour a day basis without having to give prior notice and without having to pay any type of fee or dues to gain entrance for inspection purposes.
6. The applicant shall provide fire protection services for the temporary campsites in accordance with the requirements of the Assistant Chief of Fire Safety Management, including, but not limited to: stabilized access drives for emergency vehicles and apparatus to all areas and sites; provisions for fire suppression by providing as needed fire extinguishers.
7. All recreational vehicle units with self-contained holding tanks for wastewater shall secure all sewer waste line caps at all times in a manner to preclude any leakage. Posted signs throughout the campground shall state that no direct discharge of any wastewater from any recreational vehicle will be permitted.
8. Portable toilets and hand wash sinks shall be required at a central location at the campsite. The signed service contract for pumping of the portable toilets shall be provided to the Volusia County Health Department at least 30 days prior to the events scheduled.
9. The temporary campground shall comply with the minimum requirements for potable (drinking) water supply as required by Chapter 64E, Florida Administrative Code and applicable provisions of the Florida Building Code. Provisions for potable water are subject to review and approval by the Volusia County Health Department.
10. Any food and beverage concession operations must receive a temporary Food Service Permit from the Volusia County Health Department, and/or a permit from the DBPR Division of Hotels and Restaurants, prior to operating on the site. Also, all vendors shall obtain a required current County Local Business Tax Receipt. Vendors shall not offer for sale any item, which is prohibited by local, state or federal law. Except for beer, the sale of any alcoholic beverages shall be prohibited.

11. The applicant shall provide her own security for the campsite. The applicant shall inform the Building and Zoning Division and Special Services of the Sheriff's Office of the person(s) in charge of security with his/her telephone number(s) and addresses at least 30 days prior to the events scheduled.
12. The applicant shall provide an adequate number of solid waste containers placed in strategic locations on the site. These solid waste containers shall be emptied and cleaned on an as needed basis. The area shall be completely clear of litter and other refuse after each day of operation. To ensure compliance, the applicant shall provide the County with a written contract with a local solid waste management company at least 30 days prior to the events scheduled. The contract shall require a provision for garbage to be collected and removed from the site every other day.
13. Violation of any of these conditions may result in automatic revocation of this special exception. The temporary campground could not be resumed without another special exception.
14. Any changes to the Special Exception language in the Zoning Ordinance 80-8, as amended, will control the dates of operation.

You should be aware that under Section 1104.00(J) Volusia County Zoning Ordinance 80-8, as amended, the following is stated:

"Expiration or Abandonment of Special Exception Uses: If a special exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or, if its use is abandoned for 12 consecutive months from the date of rendition, it shall Expire. Provided, however, that the Zoning Enforcement Official may extend the Special Exception for up to an additional 12 month period of time if the applicant can demonstrate that good faith reliance have been on-going to accomplish the approved Special Exception. Good Faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved Special Exception."

The Special Exception granted by the Volusia County Council must serve its intended purpose within this 12 months time period, subject to all conditions placed upon it by the Council. Failure to do so will revoke the Special Exception, unless you have previously obtained an extension.

The applicant is advised that any use or development of the subject property may be required to meet concurrency and other requirements of the adopted Volusia County Comprehensive Planning and Land Development Regulation Act, and Rule 9J-5 of the Florida Administrative Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary B. Robinson". The signature is fluid and cursive, with the first name "Mary" and last name "Robinson" clearly distinguishable.

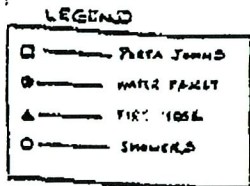
Mary B. Robinson, Director
Building and Zoning

MBR:DAZ:ys

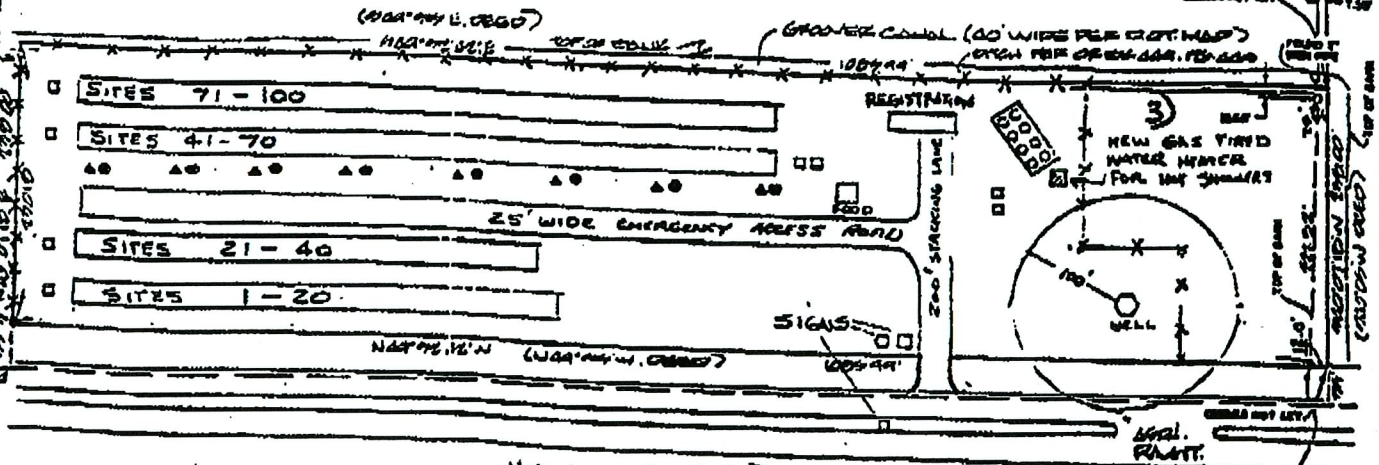
c: Bryan Jiles, Zoning Compliance Coordinator
Case file # S-07-067

REVISED SITE PLAN FOR MOONSHINE CAMPGROUND

5) SECURITY CHIEF:
CHARLES HILDEBRAND
WM. 253-0100
(AT MOONSHINE CAMPGROUND) 677-4561

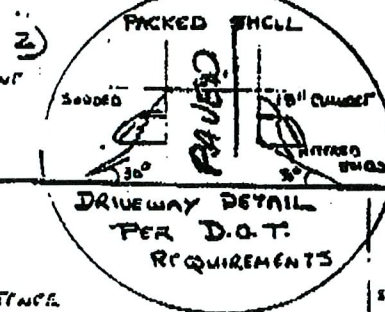


1" = 100'



US 1 (CLASS R/W)

SODDED EMBANKMENT



SCALE 1" = 30'

DRIVEWAY DETAIL
PER D.O.T.
REQUIREMENTS

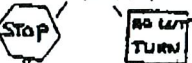
SCALE 1" = 100'

SHEET 1 OF 3

SIGN
DETAIL
PER C.C.

REQUIREMENTS

EXIT SIGNS AT PROPERTY LINE



I HEREBY CERTIFY THAT THIS PLAN MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 200, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 100.01, FLORIDA STATUTES.

UGA PLAN NO. 220
O. S. S. PLAN NO. 220
T. P. L. 100.01

REVISED SITEPLAN:

- 1) SIGN DETAIL
- 2) DRIVEWAY DETAIL
- 3) GAS FIRED HEATER
- 4) NOTE SHOWING EXISTING TRAILS
- 5) NOTE: CHIEF OF SECURITY CHARLES HILDEBRAND

CHECKED BY

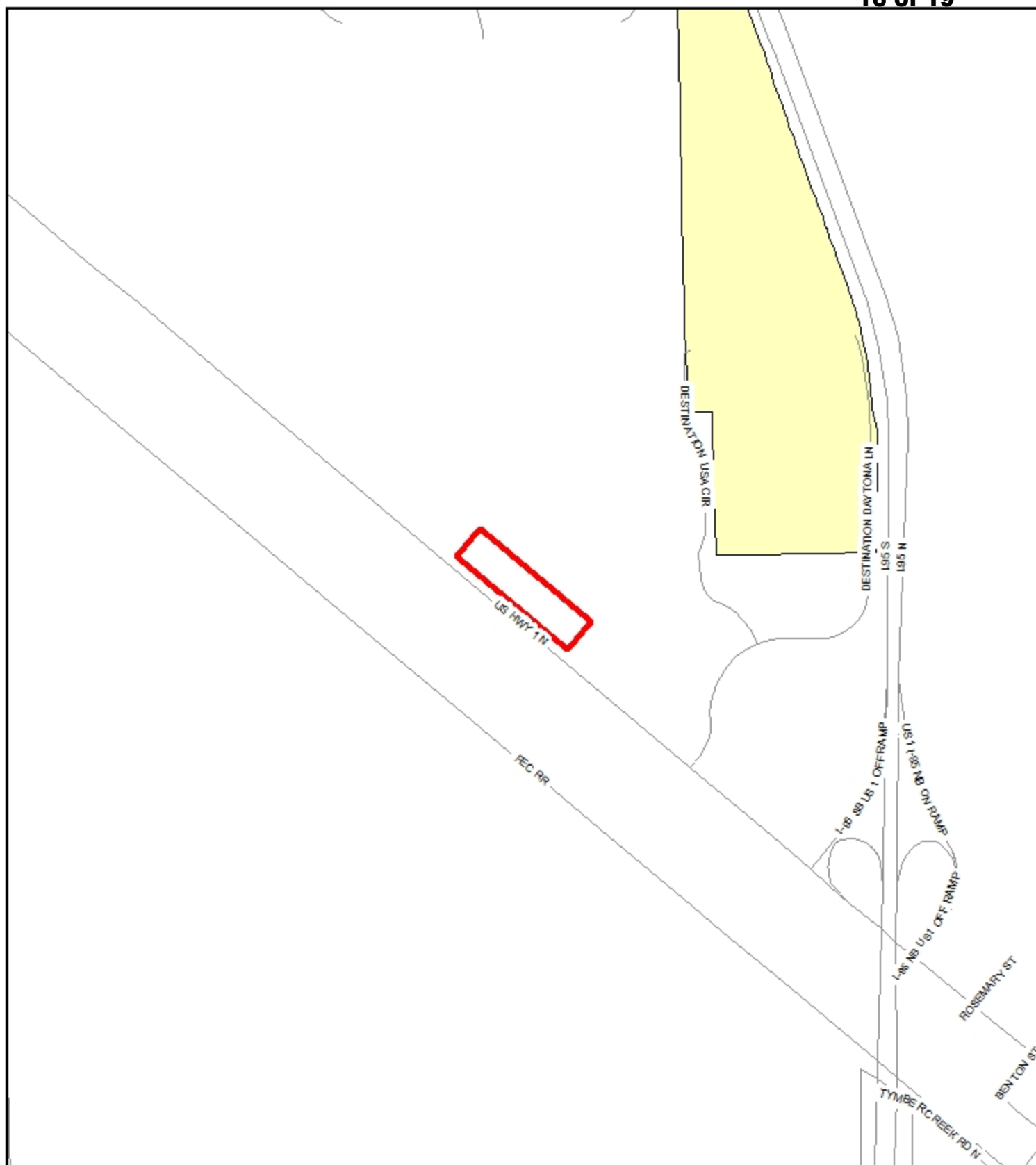
FIELD DATE

SHEET 1 OF 3

4) EXISTING
FENCE INSTALLED
PER C.C. REQ'NTS
2-92!


APPROVED SITE PLAN

CASE # 5-07-067 DATE 07/19/2007
BY PLDRC COUNTY COUNCIL
ANY CHANGES TO THIS PLAN MUST MEET
REQUIREMENTS OF THE ZONING ORDINANCE
80-8, AS AMENDED. THE SITE PLAN MUST
COMPLY WITH ALL FEDERAL, STATE AND
LOCAL DEVELOPEMENT REGULATIONS.




ECO/NRMA

1" = 1000'

 REQUEST AREA

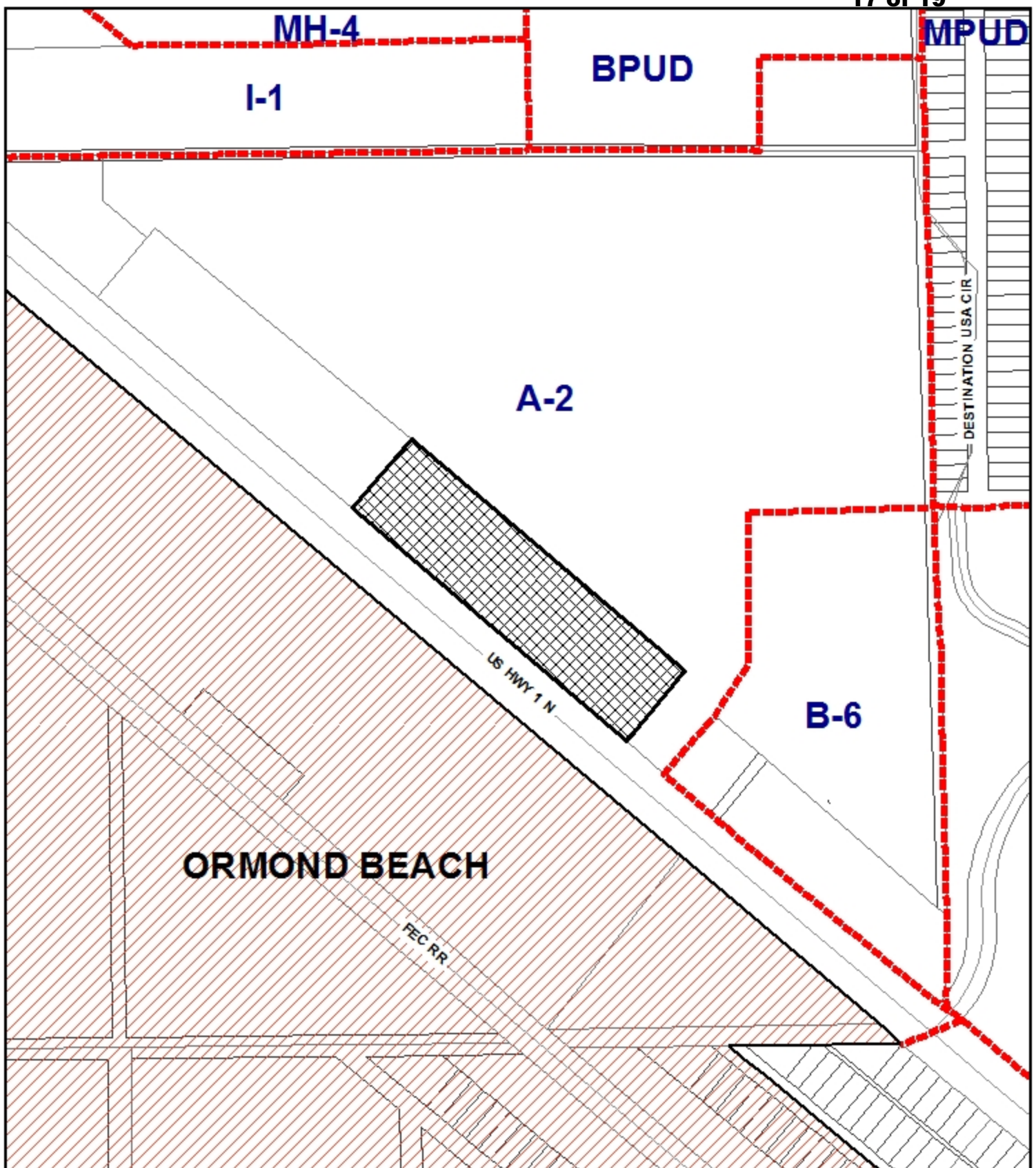
 ECO

 NRMA

42

**SPECIAL EXCEPTION
CASE NUMBER**

S-12-041

**ZONING CLASSIFICATION**

1"= 400'



REQUEST AREA

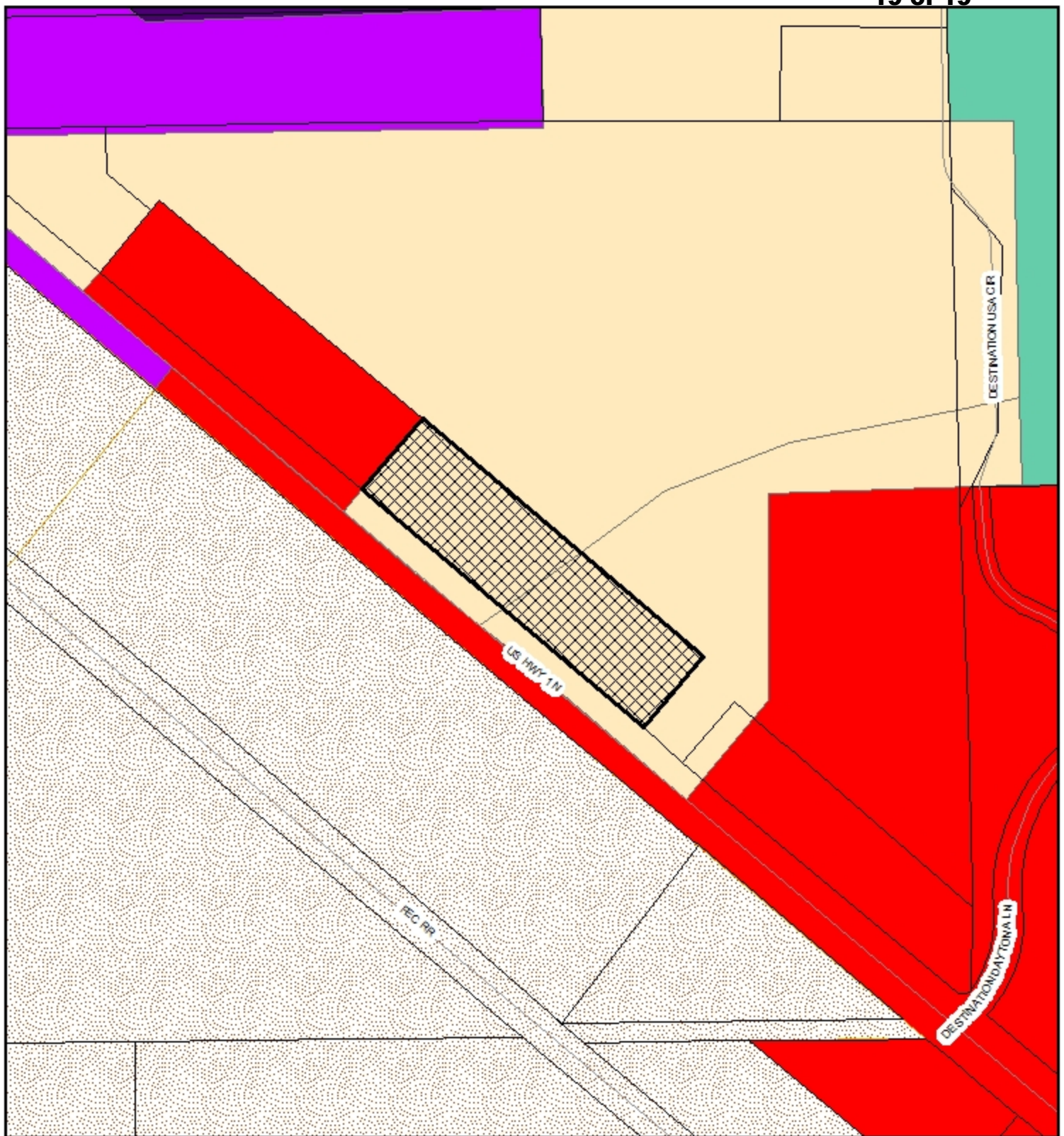
**SPECIAL EXCEPTION
CASE NUMBER****S-12-041**

**AERIAL**

IMAGE YEAR: 2012

1"= 200'

**SPECIAL EXCEPTION
CASE NUMBER****S-12-041**



FUTURE LAND USE DESIGNATION

1"= 400'

SPECIAL EXCEPTION CASE NUMBER

S-12-041

