



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
 123 W. Indiana Avenue, DeLand, FL 32720
 (386) 736-5959

PUBLIC HEARING: August 11, 2015 – Planning and Land Development Regulation Commission (PLDRC)

CASE NO: S-15-042

SUBJECT: Special exception for temporary camp sites on Prime Agriculture (A-1) zoned property.

LOCATION: 525 N. CR 415, New Smyrna Beach (Samsula)

APPLICANT: Roger Luznar, agent

OWNER: Ronald E. Luznar, R.L. Family Revocable Trust

STAFF: Staff

I. SUMMARY OF REQUEST

The applicant is requesting a renewal of the special exception for a temporary campsite in connection with racing events at the Daytona International Speedway for an additional ten (10) years, beginning Biketoberfest 2015 through the close of Biketoberfest 2024. The previous special exception (S-10-002) was granted for five years on September 17, 2009, allowing a maximum of 150 temporary campsites, including recreational vehicle spaces. This previous approval expired at the close of the Biketoberfest 2014 event.

Specifically, 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 (Coke Zero) 400, and Bike Week events for a period of ten (10) years (2015-2024).

Staff Recommendation: Forward to county council for final action with a recommendation of approval subject to the staff recommended conditions.

II. SITE INFORMATION

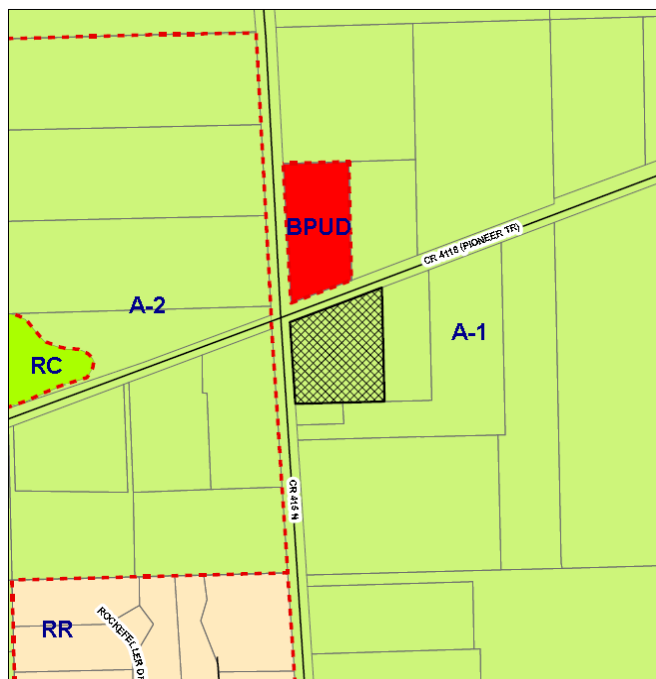
1. Location: The property is located at the southeast corner of CR 415 and Pioneer Trail, across from the Sopotnick's Tavern/ Cabbage Patch in the community of Samsula and west of New Smyrna Beach.
2. Parcel No(s): 7211-00-00-0050
3. Property Size: ±4.8 acres
4. Council District: 3
5. Zoning: A-1
6. Future Land Use: Agricultural Resource
7. ECO Overlay: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	A-1	Agriculture Resource	Pioneer Trail, then bar
East:	BPUD	Agriculture Resource	Single-family dwelling
South:	A-1	Agriculture Resource	Wooded area
West:	A-2	Rural	Undeveloped and wooded

10. Location Maps:



AERIAL MAP



ZONING MAP

III. BACKGROUND AND PREVIOUS ACTIONS

The subject property is situated at within the Samsula community. The primary development pattern of the surrounding area consists of single-family dwellings on large lots and vacant, wooded property. The parcel directly north of the subject site across Pioneer Trail is owned by the applicant and is developed with a bar/residence known as Sopotnick's/Cabbage Patch. To the northeast abutting the Cabbage Patch site, is another parcel, which is a cleared pasture area that is an approved temporary campsite known as the "Lot Next Door." Another approved temporary campsite, "Cackleberry," utilizes the property to the northwest across the intersection of CR 415 (Tomoka Farms Road) and Pioneer Trail. The proposed temporary campsite is located directly south (across Pioneer Trail) from Sopotnick's/Cabbage Patch where special outdoor events occur during Bike Week and Biketoberfest.

Section 72-293 Special Exceptions of the zoning code has no specific provisions for this request. However, the permitted special exception use is required to address certain items, such as on-site utilities, security, and waste disposal. These items and others have evolved over the years into a list of standard conditions incorporated into the staff recommendations of temporary campsites use applications that each applicant must meet.

The property is located in the Rural Community of Samsula, and lies at the intersection of Pioneer Trail and County Road 415 (Tomoka Farms Road) with the Sopotnick's Cabbage Patch bar to the north and partially wooded parcel to the south. The wooded property has been used as a temporary campsite during Bike Week and Biketoberfest special events. The parcel has two paved driveways connecting to CR 415 North and Pioneer Trail. There are trees, along the property's north and east property lines, which buffer the adjacent properties. The subject property is near two other approved temporary campsites (Lot Next Door and Cackleberry). These campsites are located in proximity to the intersection of CR 415 North and Pioneer Trail.

With this application, the applicant requests an approval period of ten (10) years from 2015 through 2024. Per the zoning code, the request is 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 condition that security, portable toilets, garbage disposal and potable water facilities sufficient to accommodate all occupants and other relevant conditions are provided. Related special events and sales may be allowed, if approved as part of the special exception. This application specifically excludes special events and vendor sales on the property.

The PLDRC last reviewed this item under case S-10-002, which allowed temporary camping for five years for 2010 to 2014.

Site Plan – The applicant's special exception site plan depicts:

- An internal one-way looped unpaved access road with a paved site entrance driveway on Pioneer Trail and a paved exit driveway on Tomoka Farms Road.
- Camping areas along the internal access road.

- A temporary fence designed to protect a small wetland near the south property line. The fence is situated between the southern edge of the access road and the south property line.

The applicant has been operating a temporary campsite with special exception approval on this property since 1991.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-293 *special exceptions*, allows some uses or structures as a permitted special exception only when listed as permitted special exceptions in division 7, and meeting all requirements as set forth in division 11.

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.

The proposed renewal of the temporary campsite is consistent with the purpose and intent of the zoning code. Compliance with the recommended special exception conditions will help to protect public health, safety, welfare, and to maintain essential government services to the property.

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

With protection of the small wetland on the property, the requested special exception is not inconsistent with any element of the Comprehensive Plan.

c. It will adversely affect the public interest.

With imposition of appropriate special exception conditions, the operation of the temporary campsites for seasonal events should not adversely affect the public interest.

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

The property owner has successfully operated a temporary campsite on the property, subject to compliance with the conditions of each special exception case S-10-002. Staff recommends imposition 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.

Based on experience, staff anticipates that the property owner should be able to meet applicable special exception requirements, if this special exception application is approved.

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

The applicant is requesting 150 temporary campsites to be used by tents, tent campers, truck campers, pickup covers, travel trailers, and fifth wheel trailers. However, the existing site driveway on Pioneer Trail is constrained and does not have adequate width and/or turning radius for RV vehicles that only standard passenger vehicles (i.e. car, and pick-up trucks without trailer) can safely enter the Pioneer Trail, per enclosed comments from Melissa Booker, Transportation Planner. Therefore, staff recommends that this special exception be limited to campsite use to tents and standard passenger vehicles (i.e. cars, and pickup trucks without trailers), unless on-site traffic circulation is reversed (with ingress from CR 415 and egress on Pioneer Trail and vehicles (including trailers) are limited to a maximum length of 30 feet.

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

The application of staff's standard temporary campsites conditions, and based on experience, the proposed campsite renewal is unlikely to create a public nuisance or be dangerous to individuals or to 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 provided, will help to protect the environment and prevent excessive pollution. The proposed temporary campsite use has operated successfully since 1991, subject to the typical conditions applied to temporary campsites. Staff does not anticipate that continued operation, per the conditions, would cause a loss of value of the surrounding real estate or become a hazard or public nuisance.

V. STAFF RECOMMENDATION

Staff recommends approval of this request for a special exception for temporary campsites for 3 days before, during, and 3 days after any regularly scheduled racing event at the Daytona International Speedway for Speedweeks, Bikeweek, the Pepsi (Coke Zero) 400, and Biketoberfest on A-1 (Prime Agriculture) zoned property because staff finds the requested use of the subject property as a temporary campsite complies with the criteria for approval with the following recommended condition(s):

1. The temporary campsites shall be limited to the areas as shown on the site plan attached hereto. The temporary campsites shall only be open for operation three

days before, during, and three days after any regularly scheduled racing event at the the Daytona International Speedway for Speedweeks, Biketoberfest, the Pepsi (Coke Zero) 400, and Bike Week events scheduled for a period of ten (10) years beginning Biketoberfest 2015 through the close of Biketoberfest 2024.

2. The maximum number of campsites that may be allowed on the site shall not exceed 150. The size of the individual campsites, number of recreational vehicles per acre, number of portable toilets, potable water, and shower facilities shall be in accordance with the Volusia County Health Department requirements. The campsite layout shall comply with the submittal special exception plan.
3. The applicant shall submit copies of a detailed site plan, drawn to scale and provisions that address these conditions of approval, directly to the Volusia County Health Department, Fire Services, Sheriff's Office, and the Building and Zoning Division for review and approval before using the subject property for temporary camping use. The applicant shall coordinate with these departments on an individual basis. However, the applicant is responsible for providing copies of all approvals to the Growth and Resource Management Department. A site plan with all signed contracts for portable toilets and garbage pick/clean up times(s) shall also be submitted to the Growth and Resource Management 30 days prior to Biketoberfest and Bike Week events scheduled for 2015 through 2024.
4. The property owner must obtain final approval from the Growth and Resource Management Department before opening of the campsite for any regularly scheduled racing event. The property owner is responsible for and must collect all appropriate tourist development tax and sales tax, as required by County Ordinance and State Statute.
5. Adequate off-street parking and loading areas shall be provided on the property, by the property owner to accommodate campground visitors, employees, and guests. No vehicles shall park or stand within the right-of-way of any public street. Campsite use is limited to tents and standard passenger vehicles (i.e. cars, and pickup trucks without trailers), unless on-site traffic circulation is reversed (with ingress from County Road (CR) 415 and egress on Pioneer Trail) and vehicles (including trailers) are limited to a maximum length of 30 feet
6. The Volusia County Sheriff's Office, Finance, Fire Services, and Growth and Resource Management Department, and the Volusia County Health Department and State Department of Revenue shall have unlimited and unconditional access to the subject property 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 or enforcement purposes.

7. No open fires are permitted on the subject property. The applicant shall provide fire protection services for the temporary campsite 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; and provisions for fire suppression by providing fire extinguishers, Type 2A-40BC.
8. 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 campsite shall state that no direct discharge of any wastewater from any recreational vehicle will be permitted.
9. Portable toilets and hand wash sinks shall be required at a central location at the campsite. An approved service contract for pumping of the portable toilets shall be provided to the Volusia County Health Department and the Building and Zoning Division 30 days prior to the opening of the campsites for all events scheduled for 2015 through 2024.
10. The temporary campsite 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. A copy of any approvals shall be submitted to the Building and Zoning Division.
11. Vendors or itinerant merchants shall be prohibited from operating on the subject property. In addition, no special event(s) or contest(s) shall take place at the campsite.
12. The applicant shall provide adequate traffic control as determined by the Sheriff's Department, 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 CR 415 in front of the entrance/exit. The uniformed officer(s) are for traffic control only and the applicant shall be required to pay any cost associated with these officer(s). In the event the temporary campsite becomes full, the applicant shall temporarily close the parking area to entering vehicles.
13. 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 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 30 days prior Biketoberfest and Bike Week events scheduled for 2015 through 2024.
14. The applicant shall provide an adequate number of solid waste containers placed in strategic locations on the site. These 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 Building and Zoning Division with a written contract with a local solid waste management company 30 days prior to opening the camp site facility. The contract shall require a provision for garbage to be collect and removed from the site every other day.

15. The on-site wetland shall be protected during campsite operation by the installation of orange safety barrier fencing, around the wetland boundary as determined by Growth and Resource Management staff.
16. Violation of any of these conditions may result in automatic revocation of the Public Hearing approved permit by the Zoning Enforcement Official. Upon revocation, the temporary camp site shall not be resumed without approval of another Special Exception.

VI. ATTACHMENTS

- Written Explanation
- Survey
- Special Exception Site Plan
- Reviewer Comments
- Map Exhibits

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.

Roger Luznar
3862 Pioneer Trail
New Smyrna Beach, Florida 32168
386-405-5525



June 3, 2015

Volusia County Zoning and Planning

Re: Special exception for continuing to allow Camping at Cabbage Patch Campground.

Dear Mrs. Mcfarlane,

Please accept this letter for public hearing for PLDRC for the Cabbage Patch Campground to allow for special exception to allow for camping during Special events during Speed week, Bike week, July Races, Biketoberfest, and approved outdoor entertainment events held at the Cabbage Patch. This use request is for ten years. The campground has been in good standing with the county and is vital to the areas continued success. We have submitted surveys and site plans that detail the locations of the campground. We will comply with the due public notice requirement as required by the county.

Should you have any questions regarding this, please do not hesitate to call me at 386-405-5525.

Thank You for all of your help

Warm regards,

rogerluznar@gmail.com

**Inter-Office
Memorandum**



TO: Carol McFarlane, Planner II **DATE:** July 31, 2015

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: August 11, 2015
Parcel #: 7211-00-00-0050
Case #: S-15-042

Environmental Permitting (EP) staff has reviewed this application for the special exception on site. The parcel is wooded and contains wetlands, which require minimum twenty-five (25) foot upland buffers.

Since the Volusia County Wetland Ordinance requires avoidance of wetlands and buffers to the greatest extent possible, and generally does not permit avoidable impacts, EP staff does not object to the special exception for temporary camp sites on the property if the wetlands and associated buffers are protected and left undisturbed. In addition, if any tree removals are proposed, a tree removal permit would be required prior to removal on site. The applicant is encouraged to contact EP if there are any questions.

STAFF REVIEW COMMENTS

**PLDRC Hearing Date: August 11, 2015
Luznar
S-15-042**

VOLUSIA COUNTY SHERIFF'S OFFICE

Major Chico Mandizha, Volusia County Sheriff's Office

Comments:

In review of the documents and unable to 100% predict future traffic related trends associated with venue, I have concerns with a 10-year commitment and question the length of time.

* * * * *

BUILDING ZONING AND CODE ADMINISTRATION/CODE ENFORCEMENT

Tammy Proulx, Zoning Compliance Coordinator

Comments:

There have been no code issues with this campground.


* * * * *

INTER-OFFICE MEMORANDUM



TO: Scott Ashley
Planning Manager

DATE: July 31, 2015

FROM: Melissa Winsett 
Transportation Planner

FILE: s-15-042.doc

SUBJECT: Luznar Special Exception Case #S-15-042

LOCATION: On the SE corner of the Tomoka Farms Road (County arterial) intersection with Pioneer Trail (County collector)

SITE INFORMATION

The proposed 10-year special exception is to allow 150 Temporary Campsites (TC) for five days before, during, and three days after any regularly scheduled event at the Daytona Beach International Speedway to include Bike Week, Speed Weeks and Biketoberfest. The site is approximately 5-acres with an existing zoning of Prime Agriculture (A-1). The existing A-1 zoning could produce one Single-Family Residential Dwelling Unit (SFRDU) based upon a maximum density of 0.1 SFRDU per acre.

Transportation Analysis

The transportation impact of the existing and proposed special exception trip generation was computed for the maximum case scenario using ITE Trip Generation, 9th Edition. Please note that the ITE Trip Generation Manual does not provide a total weekday trip generation rate for a campsite; however, the PM Peak Hour weekday rate of 0.27 is provided. Since the PM Peak Hour weekday rate is normally 10% of the total weekday rate, we estimate that each campsite will generate 2.7 trips on a weekday.

Table 1

<i>Existing Zoning:</i>				
<i>Existing Zoning</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
A-1	Rural	1 SFRDU	9.52/SFRDU	10
<i>Proposed Special Exception:</i>				
<i>Proposed Special Exception</i>	<i>Land Use or Acreage</i>	<i>Density</i>	<i>Trip Generation Rate</i>	<i>Net Daily Trips</i>
TC	Rural	150 TC	2.7/TC	405
Potential Additional Daily Trips:				+395

Roadway Analysis

The 2014 Volusia County Traffic Counts were used to determine the Average Annual Daily Traffic (AADT) and the Level of Service (LOS). The Volusia County Comprehensive Adopted Level of Service capacity was used to determine the potential LOS after addition of the anticipated project trips to the 2014 AADT for each thoroughfare roadway.

Table 2

<i>Tomoka Farms Road (from Taylor Road to Pioneer Trail)</i>				
<i>This roadway is a paved, two-lane, County maintained, arterial</i>				
<i>2014 AADT</i>	<i>2014 LOS</i>	<i>Comprehensive Plan Maximum Capacity</i>	<i>Comprehensive Plan Allowable LOS</i>	<i>Potential LOS</i>
9,950	C	24,975	E	C
<i>Pioneer Trail (from Tomoka Farms Road to Airport Road)</i>				
<i>This roadway is a paved, two-lane, County maintained, collector</i>				
<i>2014 AADT</i>	<i>2014 LOS</i>	<i>Comprehensive Plan Maximum Capacity</i>	<i>Comprehensive Plan Allowable LOS</i>	<i>Potential LOS</i>
3,640	C	13,640	E	C

The addition of the 395 trips will not cause LOS problems for the thoroughfares near the development.

CONCLUSIONS AND RECOMMENDATIONS

The applicant has requested to allow RV camping in addition to tent camping as previously approved; however, the existing driveway on Pioneer Trail is constrained and does not have adequate width and/or turning radius for RV type vehicles. Currently only standard passenger vehicles (i.e., car, pick-up truck w/out trailer) can safely enter the driveway on Pioneer Trail. As such, if the request is approved we suggest that the following conditions be added:

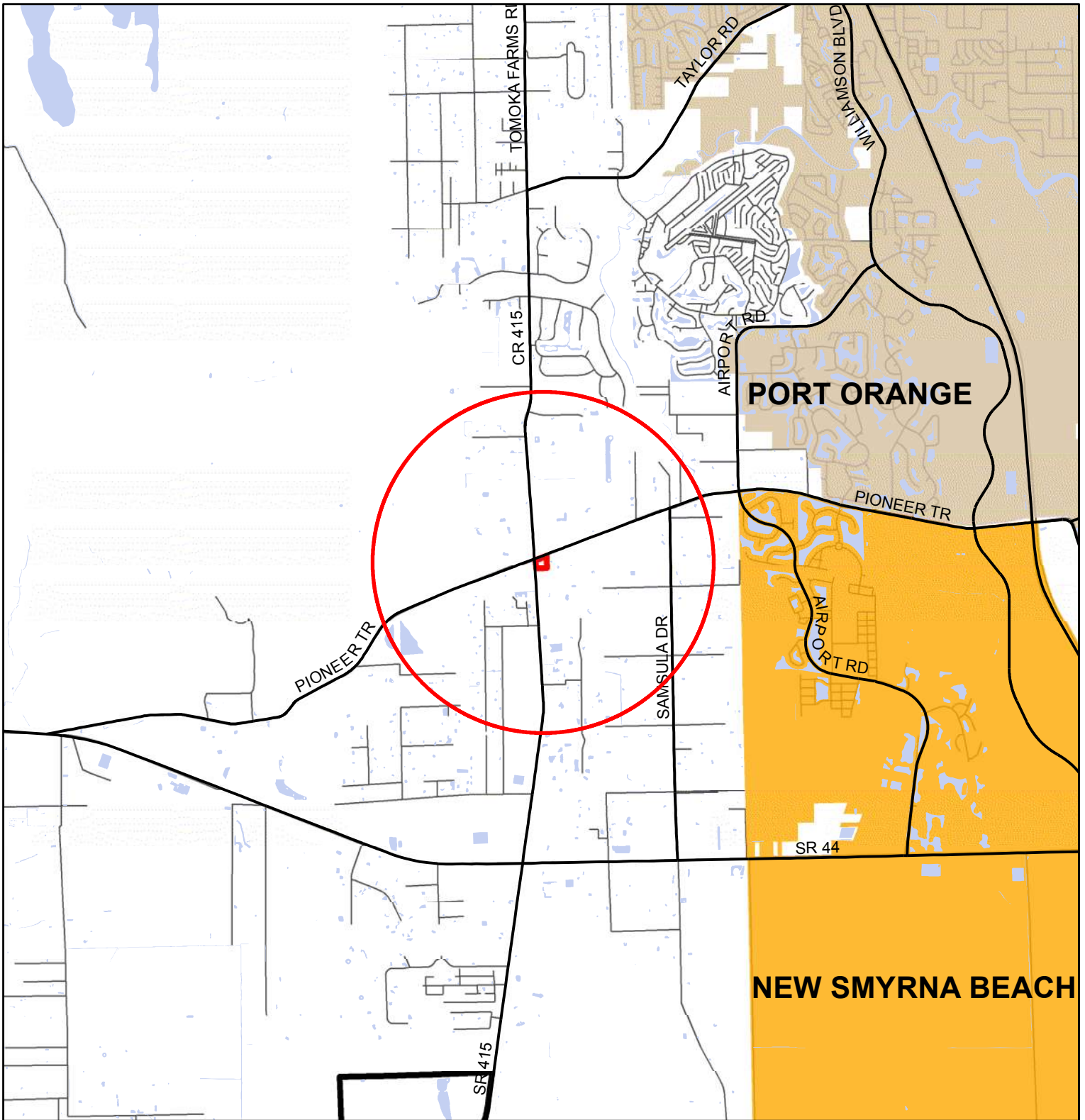
1. Limiting the vehicle length to a maximum of 30 feet.
2. Reversing the traffic circulation such that ingress is on CR-415 and egress is on Pioneer Trail.
3. Proper signage at the driveways to support the one-way traffic flow:
 - a. 35" Stop Sign at the intersection of Pioneer Trail in the outbound direction.
 - b. DO NOT ENTER sign at the intersection of CR-415 in the outbound direction
 - c. DO NOT ENTER sign at the intersection of Pioneer Trail in the inbound direction.

If the applicant limits the special exception by not allowing RV type vehicles or vehicles in excess of 30 feet on site, the three conditions listed above should be disregarded. However, 35" Stop signs will still need to be installed at both driveways in the outbound direction.


Additional comments may be provided at the Final Site Plan stage of this development.

MW/

C: Stephanie McClain, Engineer Assistant



REQUEST AREA LOCATION

 REQUEST AREA

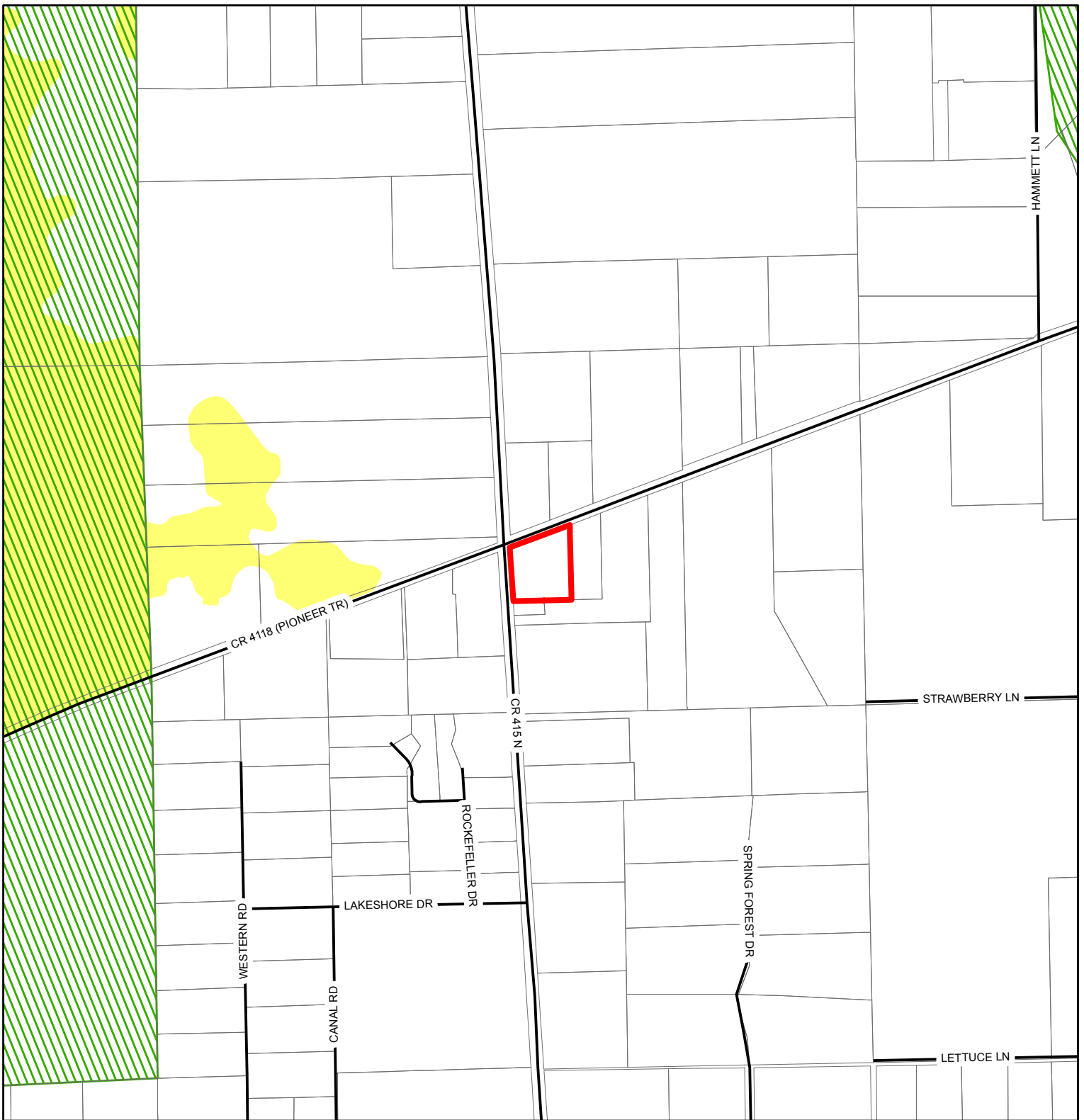
1" = 1 MILE

SPECIAL EXCEPTION



CASE NUMBER

S-15-042



ECO/NRMA

1 inch = 1,000 feet

SPECIAL EXCEPTION

-  REQUEST AREA
-  ECO
-  NRMA
-  INCORPORATED



CASE NUMBER
S-15-042



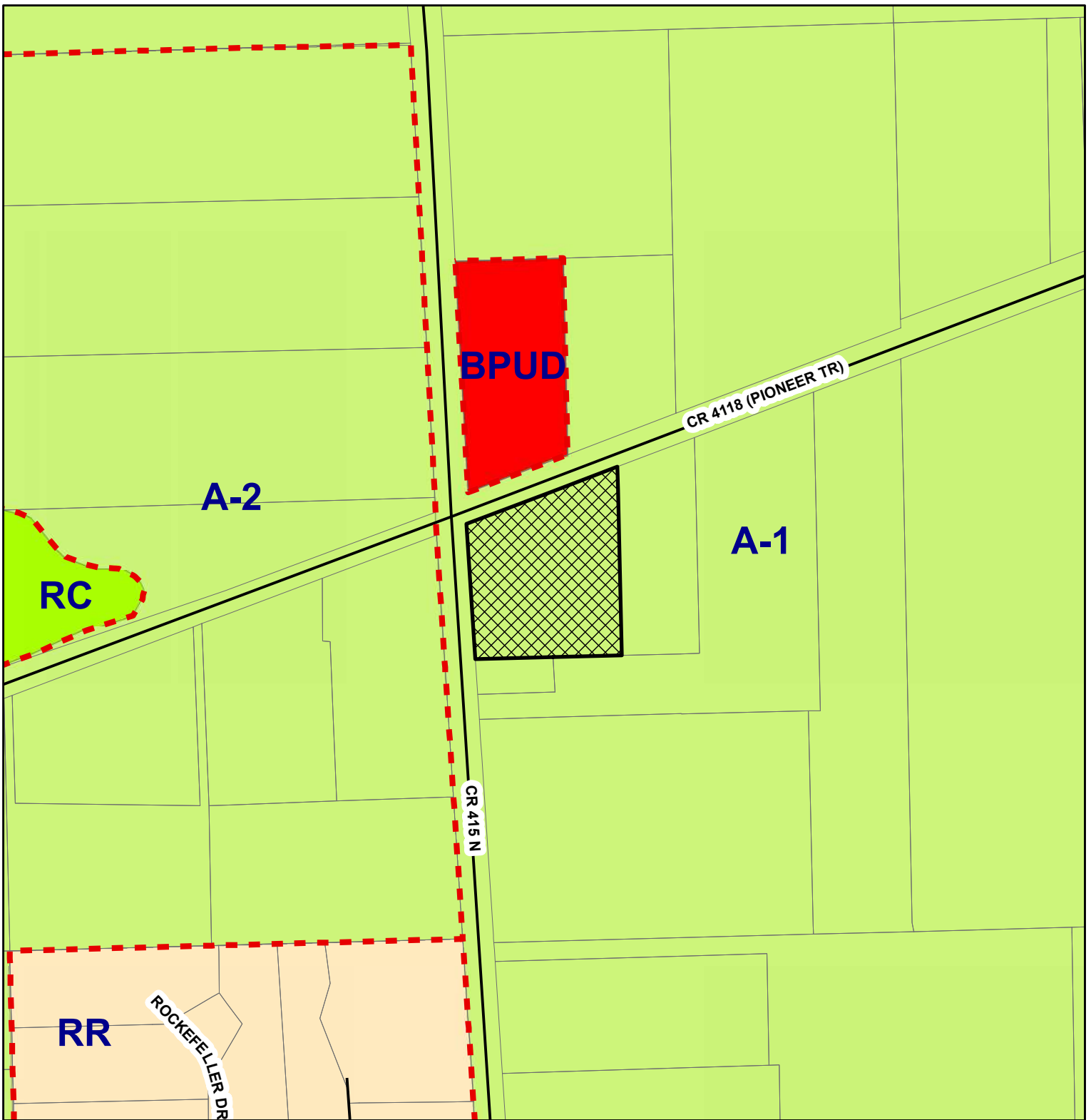
AERIAL 2012

1 inch = 400 feet


**SPECIAL EXCEPTION
CASE NUMBER**



S-15-042



ZONING CLASSIFICATION

-  AGRICULTURAL
-  RESIDENTIAL
-  COMMERCIAL
-  RESOURCE CORRIDOR

1 inch = 400 feet

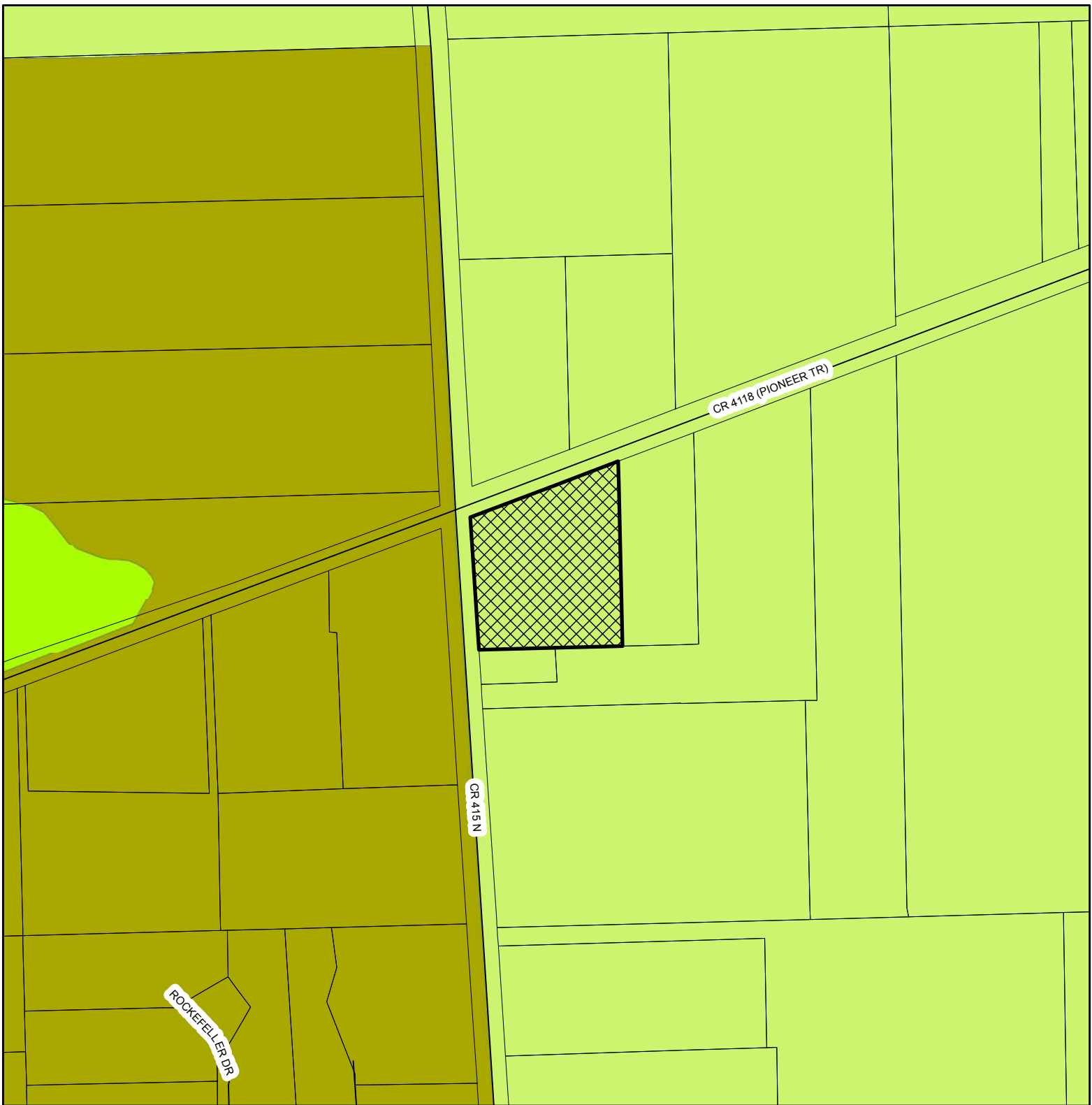
 REQUEST AREA

SPECIAL EXCEPTION



CASE NUMBER

S-15-042







FUTURE LAND USE DESIGNATION

1 inch = 400 feet

SPECIAL EXCEPTION

CASE NUMBER

-  AGRICULTURE RESOURCE
-  RURAL
-  ENVIRONMENTAL SYSTEMS CORRIDOR
-  REQUEST AREA



S-15-042