

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
 April 29, 2015



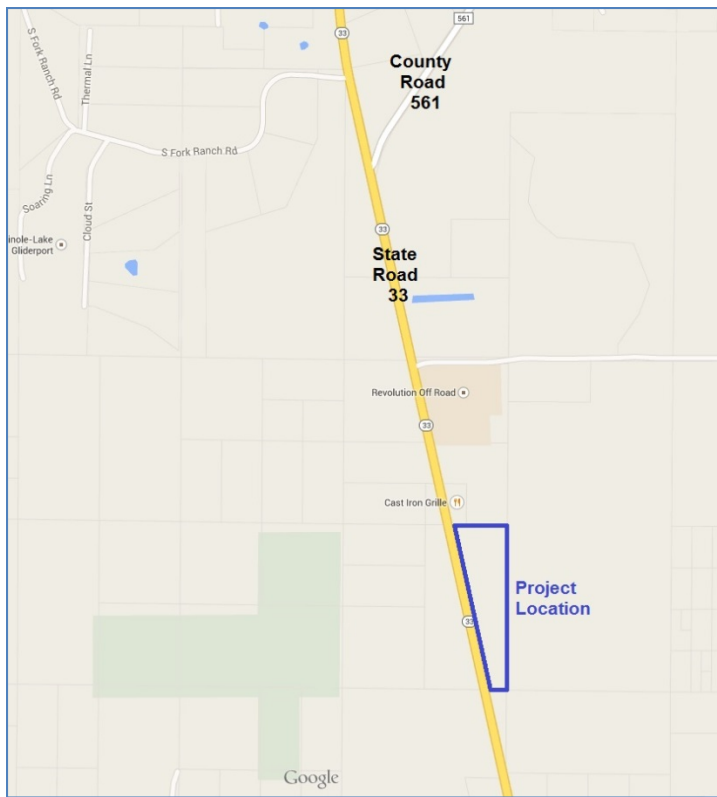
BOARD OF COUNTY COMMISSIONERS
 May 19, 2015

CUP-15-01-1 FLTR LLC Botanical Gardens	Case Manager: Melving Isaac, Senior Planner	Agenda Item #1
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Owner/Applicant: FLTR LLC, as Trustee under the 3626 SR 33 Land Trust (the "Owner/Applicant")

Requested Action: Conditional Use Permit (CUP) approval to allow an Agricultural/Eco-tourism Facility, including Botanical Gardens for planned events (tours, public events, educational/civic groups, family gatherings, etc.) and Weddings as an accessory use in Agriculture zoning district.

- Site Location & Information -



Size	9 +/- acres	
Location	Clermont area, east of State Road 33, 1/2 mile south of CR 561 intersection	
Alternate Key #	3848133	
Future Land Use	Green Swamp Core Conservation	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Impervious Surface Ratio	0.10 max	0.10 max
Joint Planning Area	N/A	
Utility Area	N/A	
Site Utilities	Existing well and septic system	
Road Classification	State Road 33 - Rural Minor Arterial County Road 561 - Rural Major Collector	
Flood Zone/ FIRM Panel	(X, A)/650	
Commissioner District	1 (Sullivan)	

Approximate site location outlined in Blue

Site Visit April 17, 2015
 Sign Posted April 17, 2015 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Core Conservation	Neighborhood Commercial (C-1), Agriculture (A),	Commercial, Rural Residential	Gas Station/Convenience Store (not in operation at this time)
South	Green Swamp Core Conservation	Agriculture (A)	Wetlands	
East	Green Swamp Core Conservation	Agriculture (A)	Pasture Lands, Wetlands	
West	Green Swamp Core Conservation	Light Industrial (LM)	Vacant Lands, Wetlands	Adjacent to State Road 33

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the Conditional Use Permit request, subject to the conditions set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) to allow an Agricultural/eco-tourism facility to consist of a building, pavilion, recreational park area and botanical gardens for planned events (tours, public events, educational/civic groups, family gatherings, etc.) and weddings as an accessory use in the Agriculture (A) Zoning District. The property has an existing concrete block building, a metal building, a portable building and a nursery/greenhouse.

The subject property of approximately 9 acres is located in the Clermont area, east of State Road 33, 1/2 mile south of CR 561 intersection.

The requested use is consistent with the Comprehensive Plan. The Comprehensive Plan references eco-tourism opportunities within the rural areas of Lake County in Goal I-5, and states that Lake County shall maintain the integrity of rural land within the rural protection areas, the Wekiva River Protection Area and the Green Swamp Area of Critical State Concern. Policy I-4.2.5 permits agricultural uses in the Green Swamp Core/Conservation Future Land Use Category, and the botanical gardens and greenhouse on the property are considered types of agricultural uses under Section 3.01.02 of the Lake County Land Development Regulations (LDR). The request is also consistent with the LDR which allows similar uses under agricultural/recreational uses in the Agriculture (A) Zoning District.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

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

The proposed conditional use permit request for an Agricultural/eco-tourism facility, including botanical gardens, is similar to a passive recreation use within Agriculture zoning pursuant to LDR Section 3.01.05, *Similar Uses*. LDR Section 3.01.05 allows the approval of uses that are similar but not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed Agricultural/eco-tourism facility is no more obnoxious or detrimental than the comparable uses of agricultural/recreational uses with appropriate conditions. Comprehensive Plan Policy I-4.2.5 *Green Swamp Core/Conservation Future Land Use Category*, allows uses such as passive parks, and allows outdoor recreation-type uses with the issuance of a Conditional Use Permit (CUP).

GOAL I-5 *Lake County Rural Protection Areas* encourages the preservation of rural areas to foster ecotourism opportunities in Rural Protection Areas of Lake County, and in the Green Swamp Area of Critical State Concern.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The proposed CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of setbacks, hours of operation, landscaping and noise assessment. As part of the site plan review process, a noise assessment will be required. All recommendations of the noise assessment will be incorporated into the site plan.

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

As shown in the aerial map below, the surrounding area is characterized by agricultural uses, rural residential uses, vacant lands, wooded and wetland areas. The northern adjacent property is zoned for commercial uses (C-1 Neighborhood Commercial) and has a gas station/convenience store that was not in operation at the time of this request. Although the subject parcel is zoned Agriculture, approving the CUP for the proposed Agricultural/eco-tourism facility will not change the nature of the surrounding area. The proposed use will be compatible with the surrounding land uses with the implementation of conditions summarized above.



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 proposed ordinance contains conditions to limit impacts on the immediate vicinity of the proposed CUP. The proposed ordinance includes conditions on setbacks, hours of operation, landscaping and noise assessment. In addition, the property has an existing 6 foot tall masonry wall that screens portion of the property along State Road 33. These items will be addressed in detail during the site plan process.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The proposed CUP will not interfere with the development of neighboring property. The proposed ordinance addresses appropriate setbacks, hours of operation, landscaping and noise assessment, as incorporated into the attached ordinance to mitigate any interference with adjacent uses.

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, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed conditional use is not expected to impose additional demands on public facilities. The property is being served by an existing well and septic system.

The full extent of the impacts will be evaluated as part of the site plan review process for the proposed use.

D. Adequacy of Fire Protection.

The Applicant shall obtain from the Lake County Emergency Services Division 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.

The subject parcel is approximately 3.5 miles from Lake County Fire Station 110 (closest fire station), located at 6234 County Road 561, Clermont.

FINDINGS OF FACT: Staff has reviewed the application for the proposed conditional use permit and found:

1. The request is consistent with the Comprehensive Plan Policy I-4.2.5 *Green Swamp Core/Conservation Future Land Use Category*, which allows Agriculture uses.
2. The request is consistent with GOAL I-5 *Lake County Rural Protection Areas*, which recognizes that ecotourism is a function of Lake County's Rural Protection Areas, the Wekiva River Protection Area and the Green Swamp Area of Critical State Concern.
3. The request is consistent with LDR Table 3.01.03 *Schedule of Permitted and Conditional Uses* and LDR Section 3.01.05 *Similar Uses*. The proposed use is a type of agricultural/recreational use, which is allowed within the Agricultural Zoning District. Section 3.01.05 LDR Similar Uses, allows the approval of uses that are similar but not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed Agricultural/eco-tourism facility is no more obnoxious or detrimental than the comparable uses of agricultural/recreational uses with appropriate conditions.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Supportive: -0-

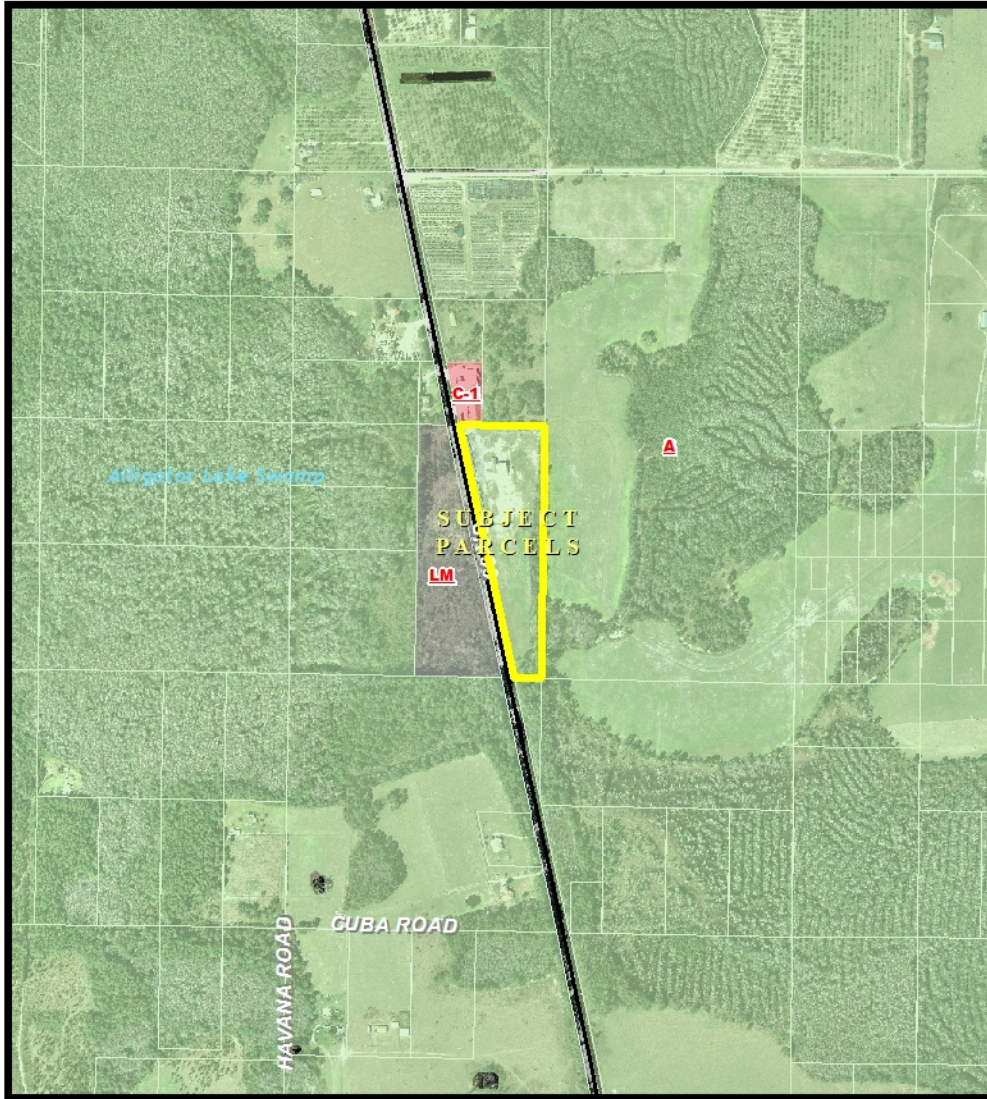
Concern: -0-

Opposition: -0-



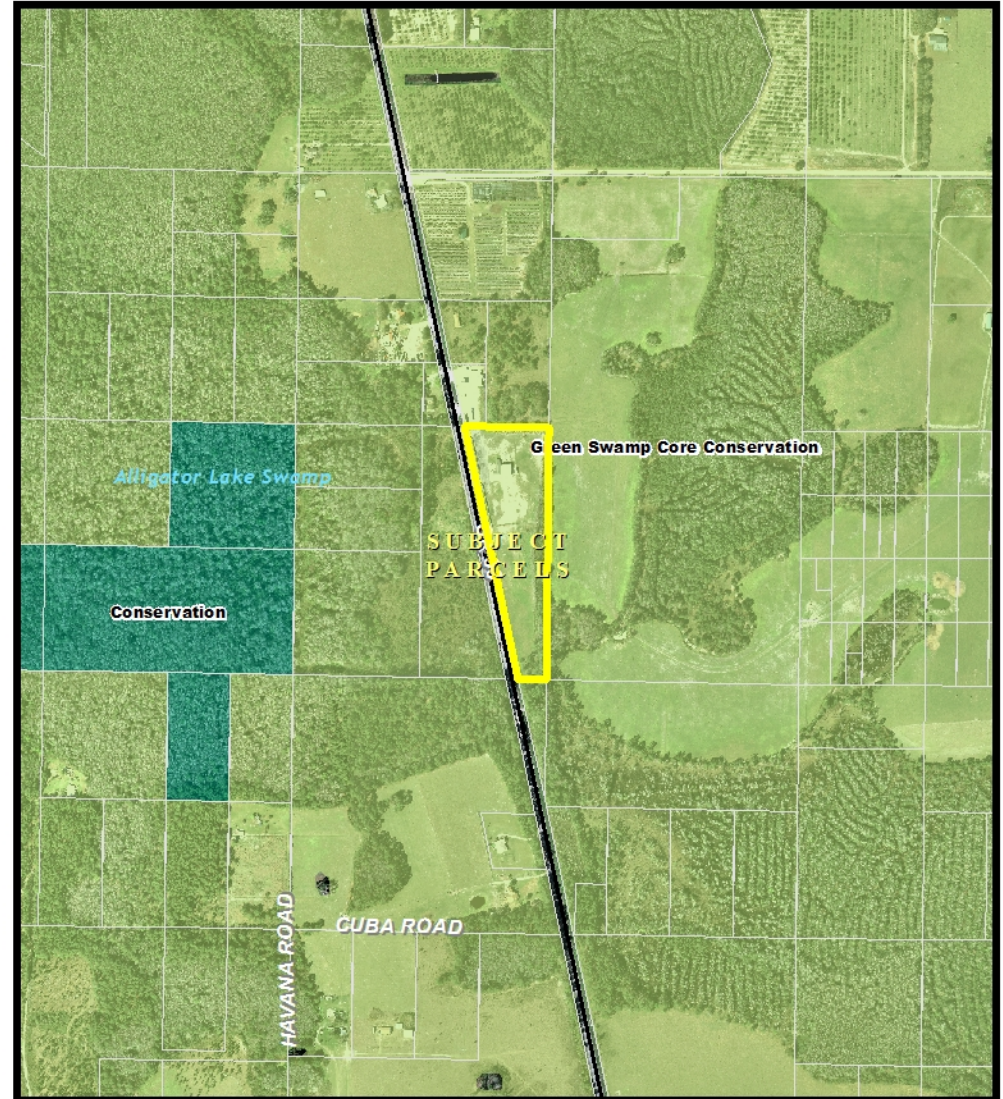
CURRENT ZONING

1 inch = 1,000 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 1,000 feet



Zoning Legend

A	R-7	LM
AR	RP	HM
RA	RMRP	MP
R-1	RM	CFD
R-2	RV	PUD
R-3	C-1	
R-4	C-2	
R-6	CP	

RLU Legend

Bella Collina
Cagan's Crossing
Conservation
Green Swamp Core Conservation
Green Swamp Ridge
Green Swamp Rural
Green Swamp Rural Conservation

Heavy Industrial
Mt Plymouth - Sorrento Main Street District
Mt Plymouth - Sorrento Proper
Mt Plymouth - Sorrento Receiving Area
Office
Public Service Facility and Infrastructure
Receiving Area A-1-20

Recreation	Urban Low Density
Regional Commercial	Urban Medium Density
Rural	
Rural Transition	
Sending Area A-1-20	
Sending Area A-1-40	
Urban High Density	

**FLTR LLC
BOTANICAL GARDENS**

CASE NO.
CUP-15-01-1

CASE LOCATION:
S17, T24S, R25E

REQUESTING:
CUP) to allow an
Agricultural/Eco-tourism Facility,
including Botanical Gardens



Planning & Community
Design Division
Economic Growth Department



1 Accessory uses directly associated with this use may be approved by the County Manager or
2 designee. Any other use of the site shall require an amendment to this Ordinance as approved by the
3 Board of County Commissioners.

4 To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the
5 Ordinance shall take precedence.

6 B. Specific Conditions:

7 1. A site plan application and building permits shall be required for review and approval prior to
8 initiating the Agricultural/eco-tourism facility operation and for any other future development.

9 2. The Agricultural/eco-tourism facility shall be in conformity with all Federal, State and Local
10 Regulations at all times. The Permittee shall secure all applicable required State and Local
11 Licenses including a Lake County business tax receipt.

12 3. There shall be no storage of materials within the setbacks or buffers.

13 4. Noise: A noise assessment shall be required with the site plan application to demonstrate any
14 noise impacts from the proposed uses does not adversely impact the neighboring uses pursuant to
15 the LDR, as amended. All recommendations of the noise assessment shall be incorporated into the
16 site plan. Public Address Systems or similar amplification devices shall not be allowed.

17 5. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
18 access. There shall be no parking allowed outside the property limits.

19 6. Hours of Operation shall be limited as follows:

20 a. Botanical Gardens: Open to the public from 9 a.m. to 6 p.m. Tuesday through Sunday.

21 b. Weddings and similar private gatherings: Limited from 7 a.m. to 10 p.m. Tuesday through
22 Sunday.

23 7. Events held on the property shall not constitute "special events" as defined in Chapter 13, Article V,
24 Lake County Code.

25 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
26 accordance with the Comprehensive Plan and LDR, as amended.

27 D. Landscaping, Buffering and Screening shall comply with the LDR, as amended.

28 E. Transportation Improvements/Access Management: Access management shall be in accordance with
29 the LDR, as amended.

30 F. Fire Protection and Emergency Services Access: Access and fire safety requirements of the property
31 shall be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.

32 G. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and shall be in
33 accordance with the LDR, as amended, and consistent with Dark-Sky Principles.

34 H. Signage: Signs shall be in accordance with the LDR, as amended.

35 I. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a
36 site plan generally consistent with Exhibit "A" – Conceptual Plan, for review and approval in
37 accordance with the Comprehensive Plan and LDR, as amended.

- 1 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
2 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
3 Lake County Land Development Regulations shall include any future amendments to the Statutes,
4 Code, Plans, and/or Regulations.
- 5 K. After establishment of the facilities as provided herein, the aforementioned property shall only be used
6 for the purposes named in this Conditional Use Permit, unless a proposed use meets every
7 requirement of the zoning district in which the property is located. Any other proposed use must be
8 specifically authorized by the Board of County Commissioners.

9 **Section 3. Additional Conditions:**

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

27 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
28 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance
29 with Section 125.66, Florida Statutes.

1 Section 5. Effective Date. This Ordinance shall become effective as provided by law.

2
3 ENACTED this _____ day of _____, 2015.

4
5 FILED with the Secretary of State _____, 2015.

6
7 EFFECTIVE _____, 2015.

8
9 BOARD OF COUNTY COMMISSIONERS
10 LAKE COUNTY, FLORIDA

11
12 _____
JIMMY CONNER, Chairman

13 ATTEST:

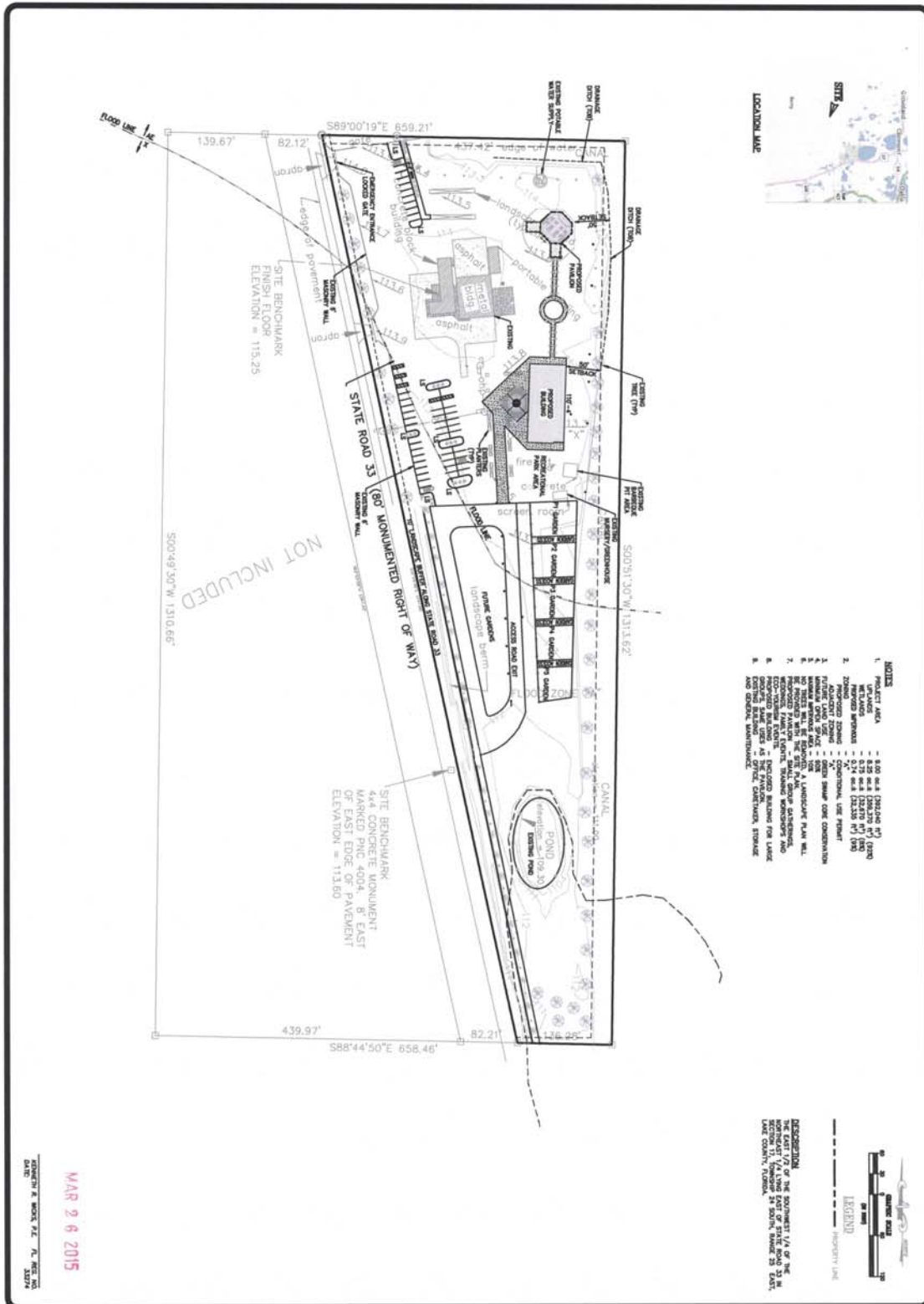
14 _____
15 NEIL KELLY, Clerk of the
16 Board of County Commissioners
17 Lake County, Florida

18 APPROVED AS TO FORM AND LEGALITY

19 _____
20 SANFORD A. MINKOFF, County Attorney

1

EXHIBIT "A" - CONCEPTUAL PLAN



2

Drawn: KOP	REVISION:	DATE:
Checked: KOP		
Date: 11-05-14		
Scale: AS SHOWN		
File No: 14133		
Sheet: 1 of 1		

FLTR, LLC. Botanical Gardens
 Concept Plan
 Clermont, Florida 34714

FLTR, LLC. TRUSTEE
 4767 New Broad Street
 Orlando, Florida 32814

Wicks Engineering Services, Inc.
 225 West Main Street, Leesville, Florida 32778
 www.wicksengineering.com (352) 343-8867
 CA #00062