

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

LAKE COUNTY ZONING BOARD  
July 6, 2011



BOARD OF COUNTY COMMISSIONERS  
July 26, 2011

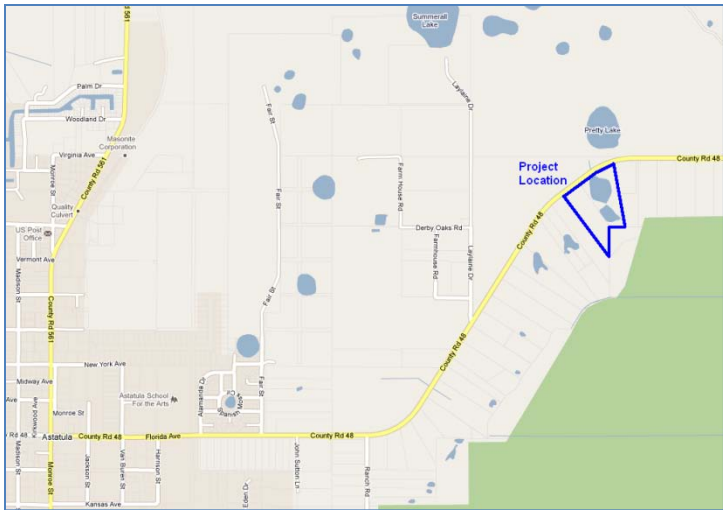
<b>CUP #11/3/1-3 Stanley Pond Farm</b>	<b>Case Manager:</b> Melving Isaac, Planner	<b>Agenda Item #4</b>
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**Applicant:** Kenneth R. "Ted" Wicks (the "Applicant")

**Owner:** Susan & Robert Denis (the "Owner")

**Requested Action:** The Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District to allow agritourism functions including horticulture, aquaculture, animal husbandry, recreational activities, educational tours, training and meetings.

### - Site Location & Information -



Approximate site location outlined in Blue

**Site Visit**            March 18, 2011  
**Sign Posted**        June 17, 2011 (3 posted)

<b>Size</b>	23 +/- acres	
<b>Location</b>	Astatula area, South of CR 48, 2+/- miles east of the CR 48/ CR 561 intersection	
<b>Alternate Key #</b>	2915463 and 2873892	
<b>Future Land Use &amp; Maximum Density</b>	<b>Current</b>	<b>Proposed</b>
	Rural 1 du/5 acres	Rural 1 du/5 acres
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	A	A
<b>Density</b>	1 du/5 ac	1 du/5 ac
<b>Floor Area Ratio</b>	.10	.10
<b>Impervious Surface Ratio</b>	.10	.10
<b>Joint Planning Area</b>	N/A	
<b>Utility Area:</b>	N/A	
<b>Site Utilities</b>	Existing well and septic system	
<b>Road Classification</b>	CR 48 - Rural Major Collector	
<b>Flood Zone/ FIRM Panel</b>	X/480	
<b>Commissioner District</b>	3 (Conner)	

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Wooded Area, Pasture	CR 48 along north property line
South	Public Resource Lands	Agriculture (A)	Lake Apopka Restoration Area	St. Johns River Water Management District
East	Rural	Agriculture (A)	Rural Residential	
West	Rural	Agriculture (A)	Rural Residential	

– Summary of Staff Determination –

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

**ZONING BOARD RECOMMENDATION:**

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District on approximately 23 acres of property to allow an agritourism recreational facility. The subject property is located in the Astatula area, South of CR 48, approximately 2 miles east of the intersection of CR 48 and CR 561. The Applicant is proposing to use the existing facilities as shown in the Conceptual Plan of the attached Ordinance. The property currently contains an existing pavilion, covered area, farm buildings and residential dwellings. The Applicant is currently conducting these activities on the property. See Attachment 1 for a list of these activities.

The property is located within the Rural Future Land Use Category (FLUC). The request is consistent with the Land Development Regulations (LDR), which allow agritourism recreational uses in the Agriculture (A) Zoning District with the issuance of a CUP.

On April 14, 2011, the Lake County Board of Adjustment (BOA) granted a variance (BOA #3-11-3) from the LDR Section 9.01.05.A.2 Landscape Buffer Requirements and Table 3.02.05 Setback Requirements to allow one existing non-residential structure (30' x 30') to remain 25 feet from the right-of-way; to allow one existing non-residential structure (50' x 40') to remain five feet from the parcels side property line; and to allow a containerized landscape buffer instead of in-ground landscape plantings.

– 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 is consistent with criteria contained in Comprehensive Plan Policy 1-1.15(4) for the Rural FLUC. The request is consistent with LDR Table 3.01.03 *Schedule of Permitted and Conditional Uses* and LDR Section 3.01.05 *Similar Uses*.

In many respects, the proposed use could be considered a Commercial Amusement Use which is allowed as a conditional use within the Agricultural Zoning District. The proposed use generates impacts similar to a Riding Academy which also requires conditional use approval pursuant to Land Development Regulations (LDR) Table 3.01.03.

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 agritourism recreational facility is no more obnoxious or detrimental than the comparable uses of Commercial Amusement or Riding Academies with appropriate conditions.

The Lake County Board of Adjustment (BOA) granted a variance (BOA #3-11-3, see Attachment 2) from the LDR Section 9.01.05.A.2 relating to Landscape Buffer Requirements and Table 3.02.05 Setback Requirements to allow the following:

1. An existing non-residential structure (30' x 30') to remain 25 feet from the right-of-way;
2. To allow one existing non-residential structure (50' x 40') to remain five feet from the parcels side property line; and;
3. To allow a containerized landscape buffer instead of in-ground landscape plantings.

These structures are shown in EXHIBIT "A" "Conceptual Plan" of the proposed Ordinance.

**B. Effect on Adjacent Properties.**

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

The Applicant is currently conducting the activities on the property. This CUP will bring these activities more into compliance. The attached CUP Ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, screening, hours of operation and noise attenuation for the airboat operation.

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

The immediate adjacent area is characterized by agricultural uses, low density rural residential uses, wetlands, wooded areas, and vacant lands. The facilities will be compatible with the surrounding land uses with the conditions implemented by the conditional use permit.

**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 properties within the immediate vicinity. The proposed conditions include setbacks, landscaping, buffering, screening, hours of operation and noise attenuation for the airboat operation. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed CUP. 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 CUP will not interfere with the development of neighboring properties. The facilities will be contained on-site with buffering and screening incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses. See the attached Conceptual Plan for generalized layout.

**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 rezoning for the proposed use will not result in additional demands on public facilities. The property is being served by an existing well and septic system.

**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 five (5) miles from Lake County Fire Station 78, 16345 CR 448, Mount Dora and approximately 2.5 miles from Support Station 77 (closest fire station), located at 25028 Kirkwood Ave., Astatula. The facilities are a 24-hour manned station with an estimated response time of seven (7) minutes.

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

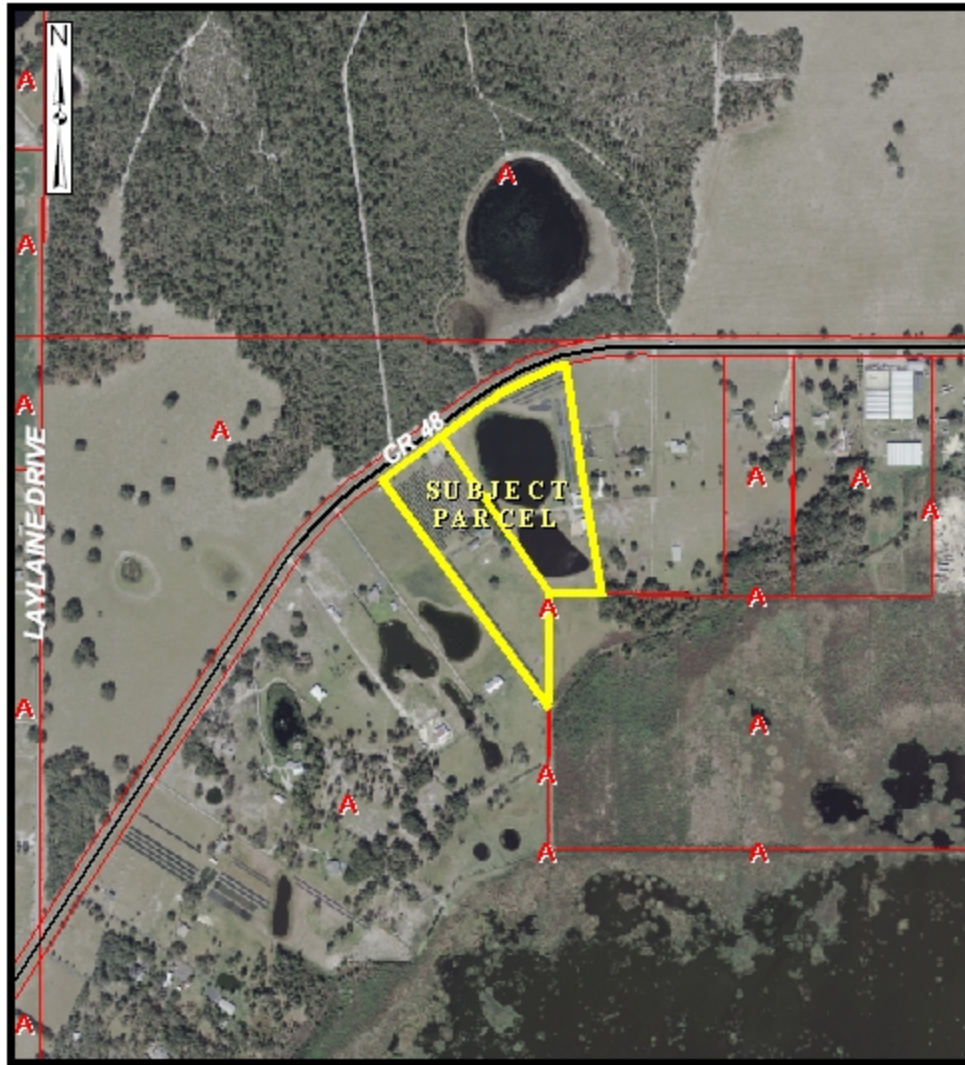
1. The request is consistent with the Comprehensive Plan Policy 1-1.15(4) *Land Use Activities Within the Land Use Categories* and conforms to the general land use criteria and activities of the Rural Future Land Use Category.
2. The request is consistent with LDR Table 3.00.03 that permits the Agriculture (A) Zoning District within the Rural Future Land Use Category.
3. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allow Riding Academies and similar uses to the proposed similar use of Agri-Tourism in the Agriculture (A) Zoning District, as a conditional use.

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

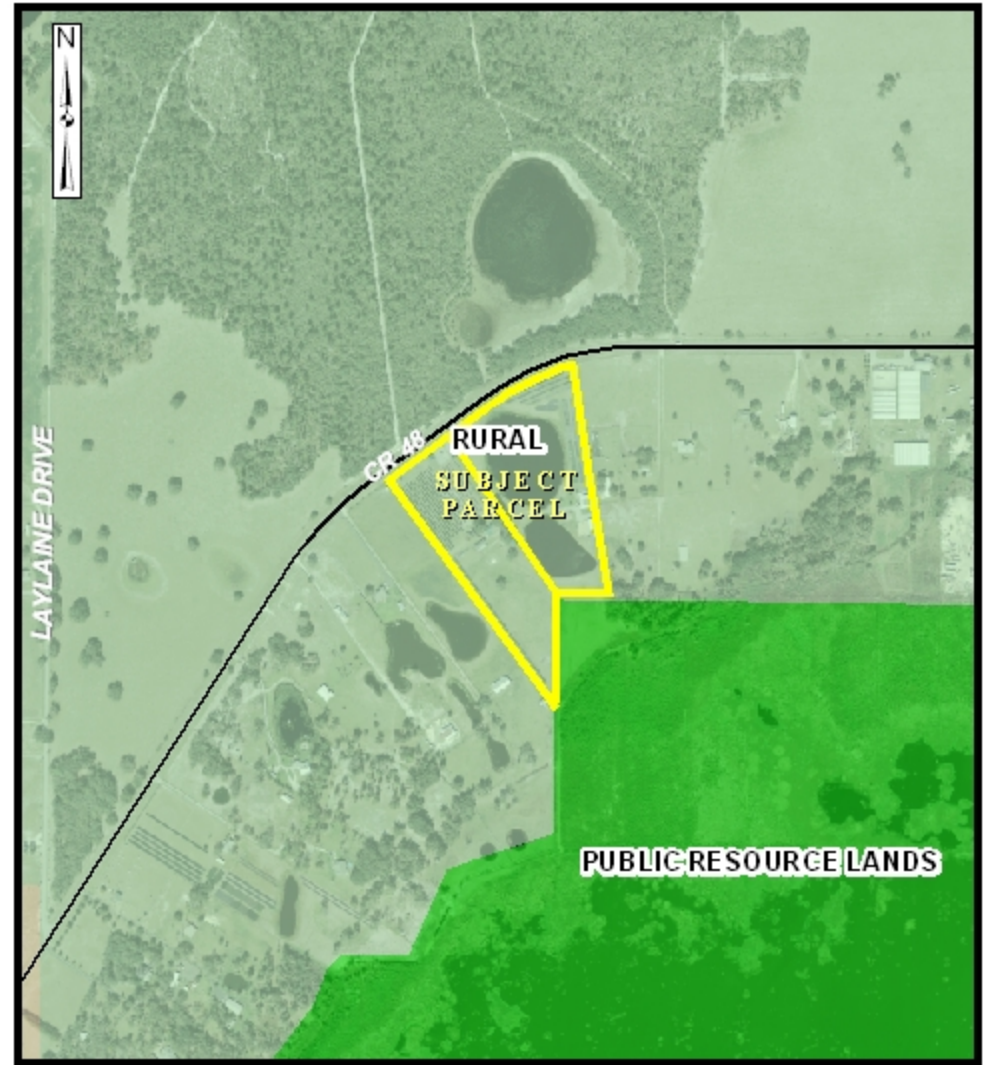
**WRITTEN COMMENTS FILED: Supportive: -0-**

**Concern: -0-**

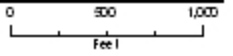
**Opposition: -0-**



**CURRENT ZONING**  
**AGRICULTURE (A)**



**ADOPTED FUTURE LAND USE**  
**RURAL**



**STANLEY POND FARM**

**CASE NO.**  
CUP #11/3/1-3

**CASE LOCATION:**  
T20S, R26E, S27

**RE QUE STING:**  
CUP for an Agnitourism Recreational Facility

-  **ZONING**
-  **LAND USE**
-  **SUBJECT PARCEL**

**REFERENCES:**

Lake County GIS Department, Planning, 2008 Aerial Image;  
Data Collection and Map production compliments of the  
Growth Management Department, Planning and Community Design.

The map product was prepared from a Geographic Information System  
maintained by the Lake County Board of County Commissioners. Its  
employees, agents and personnel, make no warranty as to its accuracy  
and in particular its accuracy as to labeling, dimensions, contents, property  
boundaries, or placement or location of any map features thereon. The Lake  
County Board of County Commissioners, its employees, agents and personnel  
MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR  
FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED  
WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data  
contained on this map product should be obtained by any user of this map.

**MAP COMPOSITION**  
JANUARY, 2009

FOCUS AREA



1  
2  
3  
**ORDINANCE #2011-XX**  
**Stanley Pond Farm**  
**CUP #11/3/1-3**

4  
5  
**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE**  
**LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

6       **WHEREAS**, Kenneth R. "Ted" Wicks (the "Applicant") on behalf of Susan & Robert Denis (the  
7 "Owner") has made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning  
8 District to allow agritourism functions including horticulture, aquaculture, animal husbandry, recreational  
9 activities, educational tours, training and meetings; and

10       **WHEREAS**, the subject property consists of 23 +/- acres and is generally located in the Astatula  
11 area, South of CR 48, approximately two (2) miles east from the intersection of CR 48 and CR 561 in  
12 Section 27, Township 20 South, Range 26 East, currently having Alternate Key Numbers 2915463 and  
13 2873892, and more particularly described as:

14  
**LEGAL DESCRIPTION:**

15       Lot 7, Underhill Hammock, according to the plat thereof, recorded in Plat Book 26, Pages 73-  
16 75, of the public records of Lake County, Florida.

17       That part of Lots 5 and 6, of Underhill Hammock, according to the plat thereof recorded in Plat  
18 Book 26, Pages 73 through 75, Public Records of Lake County, Florida, described as follows:  
19 Begin at the most northwesterly corner of said Lot 6, run thence south 35°29'09" east along the  
20 most westerly line of said Lot 6 a distance of 995.94 feet to the most southwesterly corner  
21 thereof. thence north 89°24'57" east along the south lines of Lot 5 and 6 a distance of 272.58  
22 feet, more or less, to a point 272.58 feet west of the southeast corner of said Lot 5, thence  
23 north 08°52'27" west 1210.90 feet to a point on the northerly line of said Lot 6, thence  
24 southwesterly along said northerly line of said Lot 6 on the arc of a curve, said curve concave  
25 to the southeast, having a central angle of 21°00'11", a distance of 506.86 feet, to the point of  
26 tangency, thence south 52°49'19" west 266.83 feet to the point of beginning and point of  
27 terminus.

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

30       **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable in  
31 order to protect the public health, safety, and general welfare of the citizens of Lake County in accordance  
32 with the purpose and intent of the Land Development Regulations (LDR) to require compliance with the  
33 special conditions hereinafter set forth.

34       **WHEREAS**, this Conditional Use Permit was reviewed by Zoning Board on July 6, 2011 and by the  
35 Board of County Commissioners of Lake County, Florida on July 26, 2011; and

1           **NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY**  
2 **COMMISSIONERS AS FOLLOWS:**

3 **Section 1**   Permission is hereby granted for the operation of an Agri-tourism Recreational Facility, similar  
4           to a Riding Academy, as a Conditional Use within the Agriculture (A) Zoning District.

5 **Section 2**   Terms: This Ordinance shall mean and include the total of the following uses as included  
6           herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect  
7           a CUP, in accordance with this Ordinance.

8           A. Land Uses: Use of the site shall be limited to the use specified below and consistent with in  
9           EXHIBIT "A" , the Conceptual Plan:

10           1. Agricultural Attraction (Agri-Tourism) with functions including horticulture, aquaculture,  
11           animal husbandry, recreational activities, educational tours, training and meetings.

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

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

17           B. Specific Conditions:

18           1. Site plan approval is required to continue the Agri-Tourism uses.

19           2. The use on the property shall be in conformance with all Federal, State and Local  
20           Regulations at all times.

21           3. There shall be no storage of materials, equipment or vehicles within setbacks or buffers.

22           4. Noise: Public Address Systems or similar amplification devices shall not be installed or  
23           used.

24           5. Hours of Operation: The facility may be open to the public from 9:00 a.m. to 5:00 p.m. for  
25           outdoor activities. Activities within enclosed structures or not requiring the operation of  
26           farm vehicles, airboat or other farm equipment are not limited.

27           6. Parking:

28           a. Parking surfaces may be grass or other pervious material.

29           b. Accessible parking shall be provided in compliance with the Florida Accessibility Code.

30           7. Airboats shall be provided with an automotive-style factory muffler, underwater exhaust, or  
31           other manufactured device capable of adequately muffling the sound of the exhaust of the  
32           engine in accordance with the Florida Statutes, as amended. The Permittee shall  
33           demonstrate that the airboat noise levels at the property line do not exceed 70 decibels at  
34           any time.

35           C. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as  
36           amended, except as adjusted by the Lake County Board of Adjustment (BOA) through  
37           variance BOA #3-11-3.

38           D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in  
39           accordance with the Comprehensive Plan and LDR, as amended.

- 1 E. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended, except as  
2 adjusted by the Lake County Board of Adjustment (BOA) through variance BOA #3-11-3.
- 3 F. Wetlands: The ponds will be recognized as surface waters and will require the appropriate  
4 wetland buffers of 15 feet and setbacks of 50 feet. Wetlands buffers shall be maintained with  
5 Florida friendly grasses, groundcovers, shrubs or trees.
- 6 G. Fire Protection and Emergency Services Access: Access and fire safety requirements of the  
7 property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as  
8 amended.
- 9 H. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent  
10 with Dark-Sky Principles, and shall not illuminate adjacent properties or public right of ways.
- 11 I. Signage: Signs shall be in accordance with the LDR, as amended.
- 12 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall  
13 submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review  
14 and approval in accordance with the Comprehensive Plan and LDR, as amended. Any  
15 deviation that is not generally consistent with the Conceptual Plan may require an amendment  
16 of the CUP Ordinance as determined by the County Manager or designee.
- 17 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in  
18 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
19 Comprehensive Plan, and Lake County Land Development Regulations shall include any  
20 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 21 L. After establishment of the facilities as provided herein, the aforementioned property shall only  
22 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets  
23 every requirement of the zoning district in which the property is located. Any other proposed  
24 use must be specifically authorized by the Board of County Commissioners.

25 **Section 3** Additional conditions of this permit shall mean:

- 26 A. In the event of any breach in any of the terms or conditions of this permit or any default or  
27 failure of the Permittee or his successor to: Fulfill development in substantial accordance with  
28 the conceptual plan as submitted to the Zoning Board and the Board of County  
29 Commissioners; comply with the codes of the governmental agencies having lawful and  
30 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use  
31 Permit; or this CUP is found to become a nuisance or safety hazard, the permit may be  
32 revoked after due Public Hearing before the Zoning Board and the Board of County  
33 Commissioners.
- 34 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant  
35 running with the land; and the purpose, terms, and conditions contained herein shall be  
36 binding upon the Permittee or any successor and his interest hereto.
- 37 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
38 Enforcement Special Master shall have authority to enforce the terms and conditions set forth  
39 in this ordinance and to recommend that the ordinance be revoked.

40



1 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure  
2 compliance with the conditions of this Conditional Use Permit and the approved site plan. An  
3 annual inspection fee will be assessed. If an emergency inspection is necessary during non-  
4 operating hours, a fee shall also be assessed.

5 **Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

6  
7 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

8  
9 **FILED** with the Secretary of State \_\_\_\_\_, 2011.

10  
11 **EFFECTIVE** \_\_\_\_\_, 2011.

12  
13 **BOARD OF COUNTY COMMISSIONERS**  
14 **LAKE COUNTY, FLORIDA**

15  
16 \_\_\_\_\_  
17 **JENNIFER HILL, Chairman**

18  
19  
20  
21 **ATTEST:**

22  
23 \_\_\_\_\_  
24 **NEIL KELLY, Clerk of the**  
25 **Board of County Commissioners**  
26 **Lake County, Florida**

27  
28  
29 **APPROVED AS TO FORM AND LEGALITY**  
30  
31 \_\_\_\_\_  
32 **SANFORD A. MINKOFF, County Attorney**

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EXHIBIT "A" - CONCEPTUAL PLAN



# Attachment 1

OPEN: Saturday 10am - 5pm and Sunday 1pm - 5pm  
Bookings for groups of 10 or more available Monday - Friday

Join our email list!



Anytime Fun

Parties

Field Trips

Garden Clubs & Corporate Events

Calendar & Events

In the News

Contact Us



Everyone is welcome & entry is always free!

15426 CR 48 Astatula  
(352) 742-8180  
info@stanleypondfarm.net

Open Saturday 10am - 5pm  
Open Sunday 1pm - 5pm  
Mon. - Fri. for Private Parties



## Anytime Fun on the Farm

Safe, Affordable fun for lasting memories!

Come spend the day at Stanley Pond Adventure Farm! In addition to our always-free admission, we're offering free Sand Mountain playtime and free Giant Games! You can even bring your own lunch!

Plus we have great savings on our token attractions like Skippy the Mini Airboat ride, Elli Mae & Her Blue Cow Stampede, and more!



### Token Packages

12-token package = \$10  
35-token package = \$25

### Just for Young'uns:

Skippy the Mini Airboat Ride	6 Tokens
Elli Mae & Her Blue Cow Stamped	3 Tokens
Larry the Loader's Sand Mountain	FREE
Travis the Tractor & Norma the Conestoga Wagon	2 Tokens
Toddler Terrace - Activities for lil' sprouts (3 & under)	FREE

### Activities for Everyone:

Big John's Hayride	2 Tokens
Sleigh Ride/Hayride	2 Tokens
Horse Rides (Sat & Sun)	5 Tokens
Catfish Junction:	

"I need a fishing pole" Package 12 Tokens

Includes:  
1 day fishing permit  
1 cane pole rental  
1 bobber  
1 hook  
1 container of worms

"I have a fishing pole" Package 10 Tokens

Includes:  
1 day fishing permit  
1 container of worms

Anyone fishing must have a 1-day fishing permit.

Expiration Date 1/30/2011

### For Purchase:

Worms	\$3.00
Cane Pole	\$5.00
Rod 'n Reel	\$10.00

### Fun Foods:

Ice Cream	\$2 - 3.00
Assorted Chips	\$.50
Drinks: Coke, Diet Coke, Sprite,	\$1.00
Water, Capri-Suns	

### For Kids of All Ages

- Horse Rides
- Farm Tour hayride
- Giant life-size games, including: Tic-tac-toe, Connect Four, Checkers and Hula Hoops
- Face Painting
- Arts & crafts
- Lily growing tutorial & take-home seeding

### For Special Events and Parties

- Garden Clubs
- Weddings
- Showers
- Reunions
- Corporate Events
- Birthday Parties
- Field Trips

Fun and savings await, so don't you wait! Call and make an appointment to book your special event or come visit the farm today!

Please call or check our calendar for special events and available dates.



*Please Note: We do not permit alcoholic beverages or tobacco products of any kind anywhere on our premises. If you or anyone in your party brings alcohol, your party will be asked to leave without refund. For your safety and protection, as well as that of our staff and friendly farm animals, it may be necessary to close our farm due to inclement weather.*



## ATTACHMENT 2

### ORDER OF THE LAKE COUNTY BOARD OF ADJUSTMENT

OWNER: Robert and Susan Denis

CASE NO.: BOA #3-11-3

LAKE COUNTY, a political subdivision of the State of Florida, hereby grants a variance from the Lake County Land Development Regulations, as amended, for the property legally described as:

UNDERHILL HAMMOCK SUB THAT PT OF LOTS 5 & 6 DESC AS FOLLOWS:  
BEGIN AT THE MOST NW'LY COR OF SAID LOT 6, RUN S 35DEG 25MIN 09SEC E  
ALONG THE MOST W'LY LINE OF SAID LOT 6 A DIST OF 995.94 FT TO THE MOST  
SW'LY COR, N 89DEG 24MIN 57SEC E ALONG S LINE OF LOTS 5 & 6 TO A PT 272.58  
FT W OF SE COR OF SAID LOT 5, N 08DEG 52MIN 27SEC W 1210.9 FT TO A PT ON  
THE N'LY LINE OF SAID LOT 6, SW'LY ALONG N'LY LINE SAID LOT 6 TO POB

AND

UNDERHILL HAMMOCK SUB LOT 7 PB 26 PGS 73-75

On Thursday, April 14, 2011 the Board of Adjustment approved the variance request from the **Lake County Land Development Regulations, Section 9.01.05.A.2 Landscape Buffer Requirements and Table 3.02.05 Setback Requirements** to allow one existing non-residential structure (30' x 30') to remain 25 feet from the right-of-way; to allow one existing non-residential structure (50'X40') to remain five feet from the parcels side property line; and to allow a containerized landscape buffer instead of in-ground landscape plantings as shown on plot plan as Exhibit "A" with the following conditions:

1. The 15-foot wide Landscape Buffer, required along the road frontage, shall consist of containerized plants, 100 gallons in size. There shall be ten plants per 100-lineal feet. The plants canopy shall average eight feet in height from grade with an average canopy spread of four feet. The Landscape Buffer may be planted in-ground as long as the spacing and height minimum standards are maintained.
2. The minimum setback for all new structures, and additions, shall comply with the Lake County Land Development Regulations, as amended.

This Order hereby incorporates by reference, the Board of Adjustment Minutes, Hearing Exhibits, and Lake County Staff file. These items are located at 315 West Main Street, Tavares, Florida 32778, and may be acquired through a public record request.

LAKE COUNTY, A Political Subdivision  
of the State of Florida

Donald Schreiner  
Donald Schreiner, Chairman  
Lake County Board of Adjustment

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this May 12, 2011 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

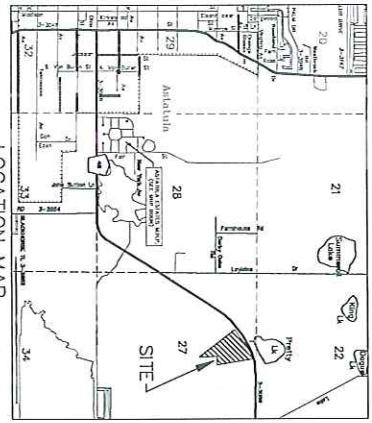
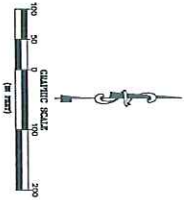
Donald P. Simmons  
Signature of Acknowledger

Serial Number: EE 048746  
My Commission Expires: DECEMBER 14, 2014



EXHIBIT "A"  
PLOT PLAN  
BOA #3-11-3

Robert and Susan Denis  
April 14, 2011



**LEGAL DESCRIPTION:**  
 LOT 7, UNDERBILL, HAWMOCK ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 75-76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

THAT PART OF LOTS 5 AND 6, OF UNDERBILL, HAWMOCK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 26, PAGE 75-76, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE MOST NORTHWESTLY CORNER OF SAID LOT 5, RUN THENCE SOUTH 25°30'00" EAST ALONG THE EAST BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 277.28 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 5; FROM SAID POINT, RUN SOUTH 1°00'00" WEST ALONG THE WEST BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 272.88 FEET, MORE OR LESS, TO A POINT 272.88 FEET WEST OF THE SOUTHWEST CORNER OF SAID LOT 5, THENCE NORTH 89°27'22" EAST ALONG THE WEST BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 272.88 FEET TO THE POINT OF BEGINNING, HAVING A BEARING AND DISTANCE OF 270°01'11", A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 32°20'15" WEST 200.00 FEET TO THE POINT OF BEGINNING.

**NOTES:**

- TOTAL AREA - 23.18 ACRES
- LAND AREA - 17.27 ACRES
- FARM PONDS AREA - 5.91 ACRES
- EXISTING ZONING - AGRICULTURAL
- ADVANCED ZONING - AGRICULTURAL
- PROPOSED ZONING - AGRICULTURAL
- CONDITIONAL USE PERMIT TO INCLUDE AGRICULTURAL USES ALLOWABLE PER ZONING CODE. AGRICULTURAL USES INCLUDING HORTICULTURE, AQUACULTURE & ANIMAL REPRODUCTION ARE ALLOWED. COMMERCIAL USES INCLUDING RETAIL AND SERVICE USES, BUSINESS, MEETINGS & TRAINING, GROUP MEETINGS & ENTERTAINMENT, ARE NOT ALLOWED.
- BARBERS & SALONS - A 10 FT FRONT LANDSCAPE BUFFER WILL BE PROVIDED PER CODE. A VARIANCE IS REQUIRED TO USE CONTINUED PLANTS IN LIEU OF IN-GROUND PLANTS.
- SETBACKS FOR TWO (2) FARM BUILDINGS DO NOT MEET MINIMUMS PER CODE. A VARIANCE TO THE FRONT & SIDE SETBACKS IS REQUESTED.
- 1 FT CONTINGENTS (DADE DATED), 2009 AERIAL PHOTOGRAPH.
- TOPOGRAPHY - 100 FT
- C.R. 48 R/W - 100 FT
- EXISTING SOILS - ANCLOTE & MYAKKA SOILS
- FLOOD ZONES (FEMA) - ONE X (100 YEAR TYPICAL) B)
- WATER SUPPLY - PERMITTED SAND, 0 TO 5 PERCENT SAND
- SEWER - FAVORABLE SOILS, 0 TO 5 PERCENT SAND
- FLOOD ZONES (FEMA) - ONE X (100 YEAR TYPICAL) B)
- WATER SUPPLY - PERMITTED SAND, 0 TO 5 PERCENT SAND
- SEWER - PORTABLE RESTROOMS FOR SPECIAL EVENTS AS ALLOWABLE PER CHAPTER 64C-6 F.A.C.

**LEGEND - EXISTING IMPROVEMENTS:**

- (1) CONTINGENT PLANT STORAGE/YARDING AND GROWING AREAS
- (2) FARM BUILDINGS
- (3) FISH FARM OPERATING BUILDINGS
- (4) CATERER'S RESIDENCE
- (5) SINGLE FAMILY RESIDENCE - OWNER'S RESIDENCE
- (6) PAVILION - ASSEMBLY AREA
- (7) VISITOR PARKING - (ASBESTOS)
- (8) COVERED AREAS
- (9) HANDICAP PARKING
- (10) RESIDENTIAL WATER SUPPLY SYSTEM
- (11) PRIVATE WATER SUPPLY WELL
- (12) WATER SUPPLY WELL (IRRIGATION & STOCK WATERING)
- (13) SEPTIC TANK DRAINFIELD SYSTEMS

DRAWN: JCK  
 CHECKED: KRW  
 DATE: 12-28-10  
 SCALE: AS SHOWN  
 FILE NO: 09127  
 SHEET:

KONIGHT R. WICKS, P.E., FL REG. NO. 33274  
 DATE:

**STANLEY POND FARM  
SITE PLAN  
EXISTING CONDITIONS**  
 15426 C.R. 48, ASTATULA, FL 34705

ROBERT & SUSAN DENIS  
 15426 CR 48  
 ASTATULA FL 34705  
 321-228-7608

**Wicks**  
 Consulting Services, Inc.  
 225 West Sixth Street, Ft. Myers, Florida 33902  
 www.wicksinc.com, Phone: 888-343-8097  
 FL REG. #00005517



LAKE COUNTY  
FLORIDA

RECEIVED

MAY 18 2011

MEMORANDUM

Planning & Community Design

TO: Brian Sheahan, Planning Director  
FROM: Commissioner Jimmy Conner  
DATE: May 13, 2011  
RE: Stanley Pond Farm

Adam Sumner from the Lake County Economic Development office arranged for me to tour Stanley Pond Farm. I often visit local businesses as part of the County's Economic Development initiative. At the time that I accepted the invitation to visit I was not aware that there may be a pending rezoning application filed by this property owner. During the tour of the agricultural operation, I was made aware that there may be an upcoming application for a CUP. During my visit to the site I toured the facility and met with the business owner. I am sending this memo to you so that you will make it part of the file and include it in the Zoning Board and Commission packet if an application and hearing comes forward. After my visit, I received the attached letter from Ted Wicks, P.E. regarding this matter. Please make the letter part of the file as well.

As you know, I generally do not participate in ex parte contacts on land use matters and I would not have visited this property had I known an application was pending or would soon come forward. That said, I have not made any decisions or commitments on this matter and should be able to fairly decide the CUP case on the merits should it come before the Board.

JC/qsd

Attachment

2001-2011

BOARD OF COUNTY COMMISSIONERS  
P.O. BOX 7800 ♦ 315 W. MAIN ST. ♦ TAVARES, FLORIDA 32778-7800 ♦ P 352.343.9850 ♦ F 352.343.9495  
*Board of County Commissioners ♦ www.lakecountyfl.gov*



**Wicks**

Consulting Services, Inc.

P. 352-343-8667 F. 352-343-8665  
225 W MAIN ST TAVARES, FL 32778  
WWW.WICKSCONSULTING.COM

 **FILE COPY**

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MAY 06 2011  
P.C. OFFICE

**RECEIVED**

May 5, 2011

Commissioner Jimmy Conner  
Lake County Board of County Commissioners  
P. O. Box 7800  
Tavares, FL 32778

MAY 18 2011

Planning & Community Design

RE: Stanley Pond Farm

Dear Jimmy:

On behalf of Bob Denis and myself, I wanted to take this opportunity to thank you and express our appreciation to you for taking time to visit Stanley Pond Farm. As you were able to observe, the Business Plan for the Operation makes a lot of economic sense and provides an opportunity to revive the Agricultural Industry in Lake County.

As I indicated during your visit, Mr. Denis has applied to Lake County for a Conditional Use Permit to operate Agri-tourism on the Farm. Although a large part of his Business Plan is allowable within the Agriculture Zoning District, the sponsored events that are open to the general public and private gatherings that are promoted in conjunction with the Farm creates the need for a Conditional Use Permit.

We have been working successfully with the Zoning Department staff to develop the CUP document. The petition will be scheduled for Public Hearings in July.

Thanks again for your time and interest.

Sincerely,



Ted Wicks, P.E.

TW:kh

xc: Bob Denis  
Adam Sumner

2002-2011