

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

LAKE COUNTY ZONING BOARD
 October 5, 2011



BOARD OF COUNTY COMMISSIONERS
 October 25, 2011

Case: CUP #11/10/1-3 Yeager Truck Yard	Case Manager: Rick Hartenstein, AICP, Senior Planner	Agenda Number: 2
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Owner: Jeffrey C. Yeager (the "Owner")
Applicant: Jeffrey C. Yeager (the "Applicant")

Requested Action: The Applicant has filed an application requesting a Conditional Use Permit (CUP) for the operation of a Truck Yard within the Agriculture (A) Zoning District.

- Site Location & Information -

Approximate site location outlined in red.



Size	20 +/- acres	
Location	East Astatula area at 15930 CR 48, approximately 3 miles east of the CR 561 & CR 48 intersection	
Alternate Key	1411092	
	Existing	Proposed
Future Land Use (FLU)	Rural	Rural
FLU Density	1 du/5 acres	1 du/5 net acres
	Existing	Proposed
Zoning District	Agriculture (A)	Agriculture (A)
Maximum Zoning Intensity (FAR)	10%	10%
Maximum Impervious Surface Area (ISR)	10%	10%
Required Open Space	80%	
Joint Planning Area	None	
DCA Review Required	No	
Utility Area:	N/A	
Site Utilities	Well and Septic Tank proposed	
Road Classification	CR 48 – Rural Major Collector	
Flood Zone/ FIRM Panel	X & AE/12069C0480D	
Commissioner District	3 – Conner	

Site Visit: September 1, 2011

Sign/s Posted: September 21, 2011 (4)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Pasture Land	None
South	Public Resource Lands	A	Wetland/ Water Management District Land	SJRWMD
East	Public Resource Lands	A	Water Management District Land	SJRWMD
West	Rural	A	Nursery and Wetland	None

- Summary of Analysis -

The Applicant is requesting a Conditional Use Permit (CUP) to permit the operation of a Truck Yard in the Agriculture (A) Zoning District for the purpose of transporting produce (watermelons, corn, cabbage, etc.), sod, cattle feed, and nursery potting mix. The Applicant proposes a maximum of 25 tractors and 40 transport trailers together with repair facilities for the trucks/trailers owned by the trucking company. To mitigate any potential noise impacts due to the operation and its accessory repair facility and refrigeration units; hours of operation, parking location restrictions, and fencing have been established in the proposed CUP Ordinance to mitigate any potential impacts as demonstrated on the Conceptual Plan (Exhibit "A").

The property is located within the Rural Future Land Use Category (FLUC) on a 20 acre parcel of which approximately 5 +/- acres will be used for the truck yard operation. Both the 1992 Comprehensive Plan (the "1992 Plan") and 2030 Comprehensive Plan (the "2030 Plan") promotes Agriculture as a suitable use within the Rural FLUC. The total impervious area is approximately 1-acre, which is consistent with the 80% open space requirements contained in the 1992 Plan and 2030 Plan for the Agriculture (A)_Zoning District.

In addition to the requirements for the Rural FLUC under the 2030 Plan, the property is located within the Yalaha-Lake Apopka Rural Protection Area and the Lake Apopka Basin Overlay District. To ensure consistency with the 1992 and 2030 Plan, requirements related to wetland setbacks, buffers, conservation easements, noise pollution considerations, and outdoor light pollution have been placed in the proposed Ordinance to ensure compliance with the Overlay District and Conservation Policies.

The Land Development Regulations (LDRs) permit a truck yard within the Agriculture Zoning District as a conditional use provided the operation is associated with the transport of produce or citrus. Citrus is easily defined as fruits such as oranges, lemons, limes, and grapefruit to name a few. The Florida Statutes, the Comprehensive Plan (1992 or 2030), and the LDRs do not define **produce**. The clearest definition is from Wikipedia, which states "**Produce** is a generalized term for a group of farm-produced goods and, not limited to fruits and vegetables (i.e. meats, grains, oats, etc.) The American Heritage Dictionary of the English Language defines produce as, "Something produced; a product; especially, farm products collectively." Based on these definitions, the items being transported will qualify as produce, thus meeting the criteria in the LDRs related to a CUP for a truck yard in the Agriculture Zoning District.

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

ZONING BOARD RECOMMENDATION:

- 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).

1992 Comprehensive Plan

Policy 1-1.2 requires 80% open space, but deems Agriculture uses to qualify as open space. The proposed truck yard is an agriculture use requiring a CUP when associated with the transport of citrus or produce in the Agriculture Zoning District. As previously discussed in the summary, "**Produce** is a generalized term for a group of farm-produced goods and, not limited to fruits and vegetables (i.e. meats, grains, oats, etc.) and further defined as "Something produced; a product; especially, farm products collectively."

Policy 1-1.13 (1) (f), requires a minimum of 80% open space within the Rural FLUC allowing an Impervious Surface Ratio (ISR) of 20%. *Policy 1-1.13 (9)* increases the ISR from 20% to 25% of the gross development parcel for Agriculture. The Applicant stated that he will be utilizing approximately 5 acres of the overall 20 acres as shown on the conceptual plan (Exhibit "A") for the proposed truck yard meeting the implied 75% open space requirement for Agriculture, if this CUP is approved.

The proposed truck yard is consistent with *Policy 1-1.15 (4) (a-e)*, which states, "All land uses are allowed within the Rural land use category except for the following land uses:

- a. residential developments over 1 DU/5 AC
- b. commercial developments greater than 5,000 square feet
- c. corridor commercial
- d. commercial developments not serving a rural community
- e. heavy industrial

2030 Comprehensive Plan

Policy I-1.2.8 states that Agriculture and Equestrian uses shall be recognized as a suitable use of property within all FLUCs. The proposed truck yard is an agriculture use requiring a CUP when associated with the transport of citrus or produce in the Agriculture Zoning District. As previously discussed above, "**Produce** is a generalized term for a group of farm-produced goods and, not limited to fruits and vegetables (i.e. meats, grains, oats, etc.) and further defined as "Something produced; a product; especially, farm products collectively."

Policy I-1.4.4 states the Rural FLUC is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits. The maximum ISR in the Rural FLUC for agriculture is 30%. The proposed truck yard facility will be located within an approximate 5 acre area of a 20 acre parcel. Approximately 1 acre has impervious surface (buildings, loading dock, and drive aisles) which equates to approximately 5% of the 20 acres, in compliance with this policy.

The property is located in the Yalaha-Lake Apopka Rural Protection Area (*Policy I-5.4.2 Land Use*) and the Lake Apopka Basin Overlay District (*Policy I-6.3.4 Permitted Uses*). Both policies promote the use of buffers and open space to protect natural resources such as wildlife corridors and wetlands from potential contamination. As shown on the conceptual plan (Exhibit "A") a minimum of 25-foot buffer has been set aside along the boundaries of the proposed truck yard and a minimum 50-foot wetland buffer has been established for the wetland area south of the boundary of the truck yard. Conditions have been established in the CUP Ordinance to ensure compliance with these policies.

Policy III-2.2.7 requires a minimum 50-foot setback for structures and a 100-foot setback for septic systems from the jurisdictional wetland line, which is a condition in the proposed CUP Ordinance. *Policy III-2.5.5* requires wetlands to be set aside in a conservation easement, *Policy III-2.5.8* requires a wetland survey and delineation of the wetland area as part of the site plan submittal, and *Policy III-2.5.9* places specific requirements to be included with a site plan for proposed development which contains wetlands. These policy requirements have been established as conditions within the proposed CUP Ordinance and will be further addressed during the site plan review process if this CUP is granted.

Policy III-4.3.1 requires the County to consider the impacts of noise pollution when reviewing proposals for land use, zoning, or permitted activities. Conditions are placed in the proposed Ordinance requiring a noise study to identify any potential negative impacts to adjacent property and shall provide recommended mitigation for any identified negative impacts.

Conditions have been incorporated in the proposed Ordinance regarding light pollution based on the principles promulgated by the International Dark Sky Association in accordance with *Policy III-4.5.1* including language for any future amendments to the Land Development Regulations.

Land Development Regulations (LDR)

Land Development Regulations, Table 3.00.03, Land Use – Zoning District Matrix allows the Agriculture (A) Zoning District within the Rural FLUC.

Land Development Regulations, Table 3.01.03, Schedule of Permitted and Conditional Uses, allows the operation of a truck yard in the Agriculture Zoning District as a conditional use when associated with the transport of citrus or produce. As previously stated in the summary of the analysis, the proposed truck yard is consistent with this criterion.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

The surrounding area property uses within 300 feet of the proposed Truck Yard property have been evaluated in accordance with Section 9.09.03 (A), LDR to determine if a noise study would be warranted at site plan submittal. The property to the west is a greenhouse/nursery operation utilizing exhaust fans, heating units, and equipment such as tractors and loaders. The property to the south and east is part of the Lake Apopka Restoration Project utilizing tractors and other equipment in support of the project. The property to the north is undeveloped pasture and wetlands. The proposed Truck Yard has similar noise producing uses as the adjacent properties, thus a noise study is not warranted. It is not anticipated the proposed truck yard will have an adverse effect upon nearby properties at this time. A site plan will be required prior to the operation of the truck yard. The Applicant has agreed to place a stockade type fence between CR 48 and the Truck Yard to screen this area for aesthetic purposes.

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

The surrounding area is characterized as large parcels (10 acres or larger) with a rural development pattern and either agricultural or conservation type uses. The adjacent 10 acres parcel to the west has a greenhouse/nursery operation, the property to the north is pasture land, and the parcel to the east together with the parcel to the south is a part of the Lake Apopka restoration project. The proposed truck yard is compatible and in keeping with the planned character of the neighborhood.

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.**

Conditions have been incorporated into the proposed Ordinance to minimize any adverse effects the proposed agricultural truck yard may have on the immediate vicinity. These conditions include hours of operation, site specific parking, buffers, and screening.

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 agricultural truck yard is centrally located within a 20 acre parcel with buffers and screening so the operation will not interfere with the development of neighboring properties.

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 agricultural truck yard will be served by adequate public facilities such as police and solid waste. The stormwater, drainage, and any additional fire protection measures will be addressed during the site plan review process if this CUP is approved. Public Works had indicated that the vehicle trips generated by this proposed use have already been accounted for in the Transportation Management 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.

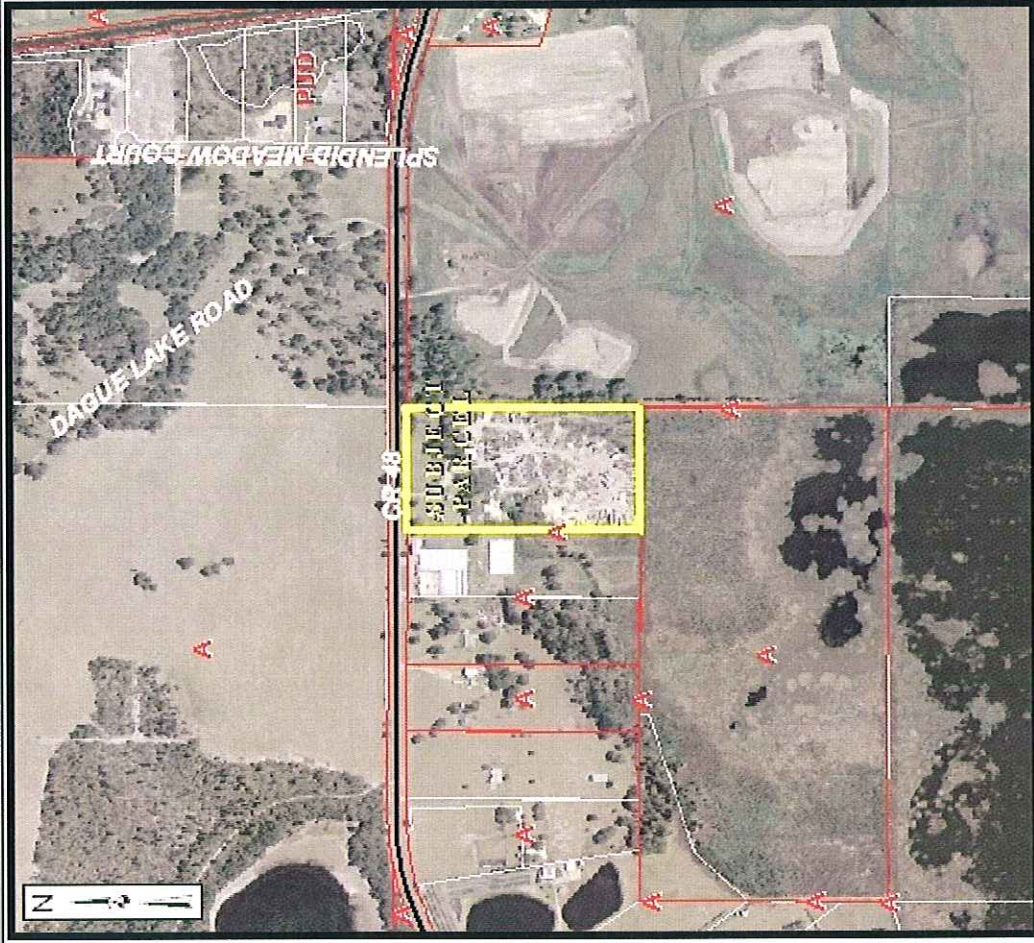
Fire Station #78 provides fire service for this area and is located approximately 4.12 miles from the proposed project property. The average response time is estimated at 5 minutes. If this CUP is approved, water supply and fire protection measures will be addressed in detail at site plan review.

FINDINGS OF FACT: The County has reviewed the application for the proposed Conditional Use Permit and found:

1. The request is consistent with the 1992 Comprehensive Plan *Policy 1-1.15 (4)* pertaining to activities of the Rural Future Land Use Category.
2. The request is consistent with the 2030 Comprehensive Plan *Policy I-1.4.4* as it pertains to activities of the Rural Future Land Use Category.
3. The request is consistent with the 2030 Comprehensive Plan *Policy I-5.4.2 regarding uses within the Yalaha-Lake Apopka Rural Protection Area.*
4. The request is consistent with the 2030 Comprehensive Plan *Policy I-6.3.4* regarding uses and activities within the Lake Apopka Basin Overlay District.
5. The request is consistent with LDR Table 3.00.03 which permits Agriculture (A) Zoning District within the Rural Future Land Use Category.
6. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows Truck Yard use in the Agriculture (A) Zoning District with the issuance of a CUP.

Based on these findings of fact, staff recommends **APPROVAL** of the request for a Conditional Use Permit (CUP) within the Agriculture (A) Zoning District to permit the operation of an agricultural truck yard in accordance with the conditions established in the proposed Ordinance.

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



CURRENT ZONING

AGRICULTURE


YEAGER TRUCK YARD

CASE NO.
CUP #11/10/1-3

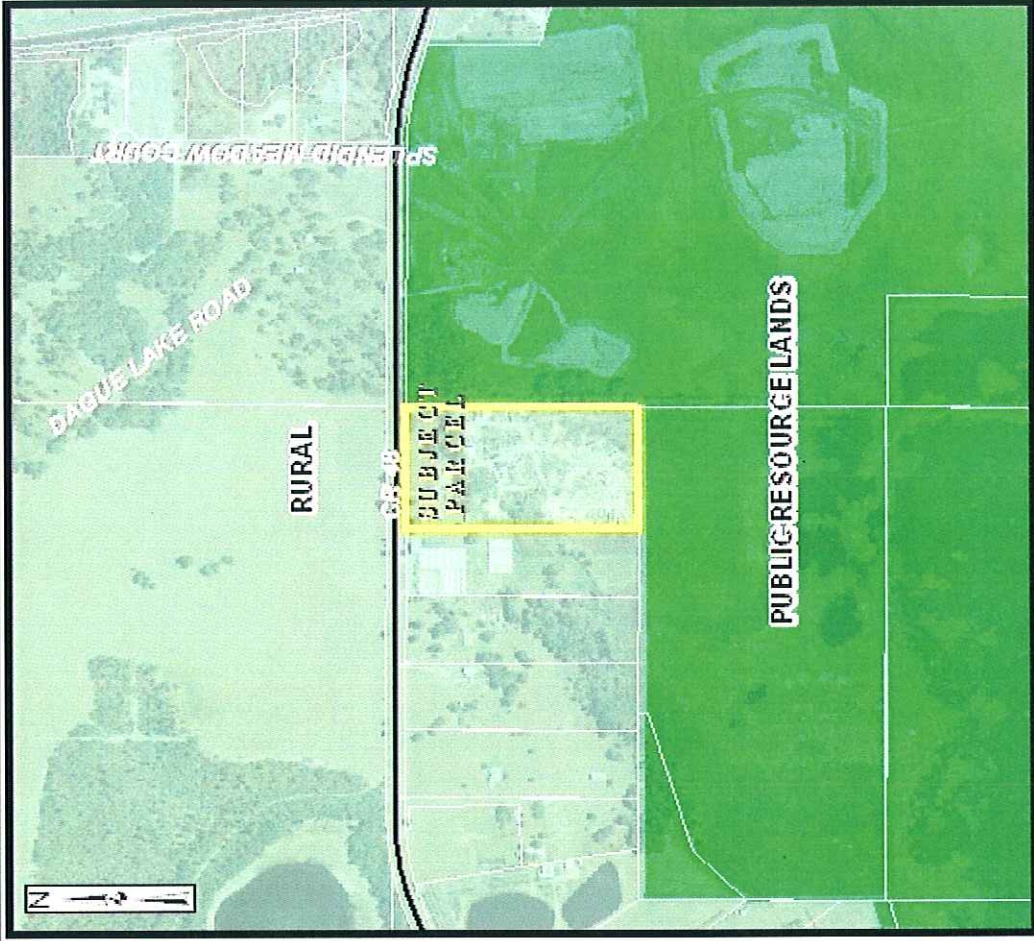
CASE LOCATION:
27-20S-26E

REQUIREMENT:
A Conditional Use Permit for a
Produce Transport Truck Yard Facility

ZONING 

LAND USE 

SUBJECT PARCEL 



ADOPTED FUTURE LAND USE

RURAL

MAP COMPLETION
JULY, 2011

FOCUS AREA

LACUI COUNTY

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ORDINANCE #2011-XX
Jeffrey C. Yeager
Yeager Truck Yard
CUP #11/10/1-3

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

WHEREAS, on July 22, 2011, Jeffrey C. Yeager, property owner, (the "Permittee") made a request for a Conditional Use Permit (CUP) within the Agriculture (A) Zoning District to permit the operation of a produce transport truck yard; and

WHEREAS, the subject property consists of 20 +/- acres of land area and is generally located east of Astatula on the south side of CR 48 approximately 2.25 miles east of the intersection of CR 561 and CR 48, in Section 27, Township 20S, Range 26E, currently having Alternate Key Number 1411092, and more particularly described as:

LEGAL DESCRIPTION:

The East ¼ of the North 1/2 of the Northeast ¼ of Section 27, Township 20 South, Range 26, less the right-of-way for County Road, in Lake County, Florida.

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

WHEREAS, on May 25, 2010, the Lake County Board of County Commissioners adopted the 2030 Comprehensive Plan and Future Land Use Map; and upon the effective date of these documents pursuant to Chapter 163.3184, Florida Statute, the Future Land Use Category for this property will be Rural located within the Yalaha-Lake Apopka Rural Protection Area and within the Lake Apopka Basin Overlay District; and

WHEREAS, the use for an agricultural Truck Yard is consistent with the 2030 Comprehensive Plan Rural Future Land Use Category; and

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

WHEREAS, this Conditional Use Permit was reviewed by Zoning Board on October 5, 2011, and by the Board of County Commissioners of Lake County, Florida on October 25, 2011; and

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

Section 1: Permission is hereby granted to the Permittee to construct, operate and maintain a produce transport truck yard facility in and on real property in Lake County in accordance with the conditions and limitations set forth herein.

1
2 **Section 2:** Terms: This Ordinance shall mean and include the total of the following. The County Manager
3 or designee shall amend the zoning maps in accordance with the terms of this Conditional
4 Use Permit.

5 1. Land Uses: All permitted uses within the Agriculture (A) Zoning District;

6 2. The Produce Transport Truck Yard Facility shall consist of:

- 7 a. A maximum of twenty-five (25) trucks and a maximum of forty (40) trailers
8 (flatbeds, low-boys, boxes, and refrigeration units) located on the property at any
9 given time. At no time shall the maximums be exceeded.
- 10 b. An office building.
- 11 c. A pole barn to be used as a vehicle repair facility.
- 12 d. Two pole barns for storage of equipment and supplies.
- 13 e. Designated truck/trailer parking areas and a loading dock consistent with the
14 Conceptual Plan as shown in Exhibit "A" (attached).

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

18 3. Development of the site shall be generally consistent with the Concept Plan as shown in
19 EXHIBIT "A" (attached), the Comprehensive Plan, and Land Development Regulations, as
20 amended, including all applicable Federal, State, and Local regulations. To the extent
21 where there are conflicts between Exhibit A and this Ordinance, this Ordinance shall take
22 precedence.

23 A. Specific Conditions:

24 1. A site plan shall be required for review and approval prior obtaining any building permits to
25 operate the use. The site plan shall comply with all County Codes, Ordinances, the
26 Comprehensive Plan, and the Land Development Regulations, as amended.

27 2. Hours of Operation: Hours of operation shall be from 6 am to 9 pm.

28 3. Lighting: Exterior lighting shall not illuminate adjacent right of way or adjacent properties in
29 accordance with the LDR, as amended. Exterior lighting shall be cut-off type lighting and
30 shall not exceed 0.1 foot-candles at the property line. Dark Sky principles promulgated by
31 the International Dark Sky Association shall be applied to the use.

32 4. Wetlands:

33 a. An environmental study and wetland delineation shall be required with the site plan
34 submittal.

35 b. A minimum 50-foot buffer shall be maintained from the wetland jurisdictional line. No
36 parking of trucks or equipment shall be permitted within the wetlands or buffer area.

37 c. Wetlands on site, including all wetland buffers shall be placed in a conservation
38 easement prior to site plan approval and in accordance with the Land Development
39 Regulations, as amended. Markers shall be placed every fifty (50) along the buffer

- 1 boundary stating "Conservation Easement, no parking or equipment storage
2 permitted".
- 3 d. Wetland setbacks for all structures shall be a minimum of fifty (50) feet from the
4 wetland jurisdictional line. Setbacks for all septic systems shall be one-hundred (100)
5 feet from the wetland jurisdictional line.
- 6 5. Noise: Public Address Systems or similar stationary amplification devices shall be
7 prohibited.
- 8 6. Floodplain: Pursuant to the Land Development Regulations, as amended, the Permittee/s
9 shall be subject to the general requirements and construction standards regarding
10 development within a Special Flood Hazard Area.
- 11 7. Transportation and Access: Transportation improvements and access to the site shall be in
12 accordance with the Land Development Regulations, as amended.
- 13 8. Septic Systems: All septic systems shall be permitted consistent with state law and provide
14 a minimum of one hundred fifty (150) feet from any wetland or water body.
- 15 B. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height:
16 Shall be in accordance with the Comprehensive Plan and Land Development Regulations, as
17 amended.
- 18 C. Screening: A six (6) foot high stockade type fence shall be installed between CR 48 and the
19 north boundary of the truck yard to screen the area from CR 48.
- 20 D. Fire Protection and Emergency Services Access: Access and access road to the property
21 shall be provided in accordance with the Florida Fire Prevention Code and/or the Land
22 Development Regulations, as amended.
- 23 E. Signage: Signs shall be in accordance with the Land Development Regulations, as amended.
- 24 F. Development Review and Approval: Prior to the issuance of any permits, the Permittee/s shall
25 be required to submit a site plan generally consistent with Exhibit "A" – Conceptual Plan, for
26 review and approval in accordance with the Comprehensive Plan and Land Development
27 Regulations, as amended.
- 28 G. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
29 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
30 Comprehensive Plan, and Lake County Land Development Regulations shall include any
31 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 32 H. After establishment of the facilities as provided herein, the aforementioned property shall only
33 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
34 every requirement of the zoning district in which the property is located. Any other proposed
35 use must be specifically authorized by the Board of County Commissioners.

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

- 37 A. In the event of failure of the Permittee to: Fulfill development in substantial accordance with
38 the plans as submitted to the Zoning Board and the Board of County Commissioners; comply
39 with the codes of the governmental agencies having lawful and appropriate jurisdiction
40 thereon; comply with any of the terms of the Conditional Use Permit; or this CUP is found to

1 become a nuisance or safety hazard, the permit may be revoked after due Public Hearing
2 before the Board of County Commissioners.

3 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
4 running with the land; and the purpose, terms, and conditions contained herein shall be
5 binding upon the Permittee or any successor and his interest hereto.

6 C. In addition to any other remedy by law, any breach in any of the terms or conditions of this
7 permit or any default in the part of the Permittee or his successor in interest shall be deemed
8 a material breach hereof, and this Ordinance for a Conditional Use Permit may be canceled or
9 revoked. Cancellation or revocation of this Permit may be instituted by the County. The
10 County Manager or designee shall set this matter for Public Hearing giving the same notice as
11 provided in the Lake County Land Development Regulations, as amended.

12 D. The Lake County Code Enforcement Division shall perform an annual inspection. An annual
13 inspection fee will be assessed. If an emergency inspection is necessary during non-operating
14 hours, a fee shall also be assessed.

15 E. The Lake County Code Enforcement Special Master shall have authority to enforce the terms
16 and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

17
18 **Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

19
20 ENACTED this _____ day of _____, 2011.

21
22 FILED with the Secretary of State _____, 2011.

23
24 EFFECTIVE _____, 2011.

25
26 **BOARD OF COUNTY COMMISSIONERS**
27 **LAKE COUNTY, FLORIDA**

28
29 _____
30 **Jennifer Hill, Chairman**

31 **ATTEST:**

32
33 _____
34 **Neil Kelly, Clerk of the**
35 **Board of County Commissioners**
36 **Lake County, Florida**

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39 **APPROVED AS TO FORM AND LEGALITY**

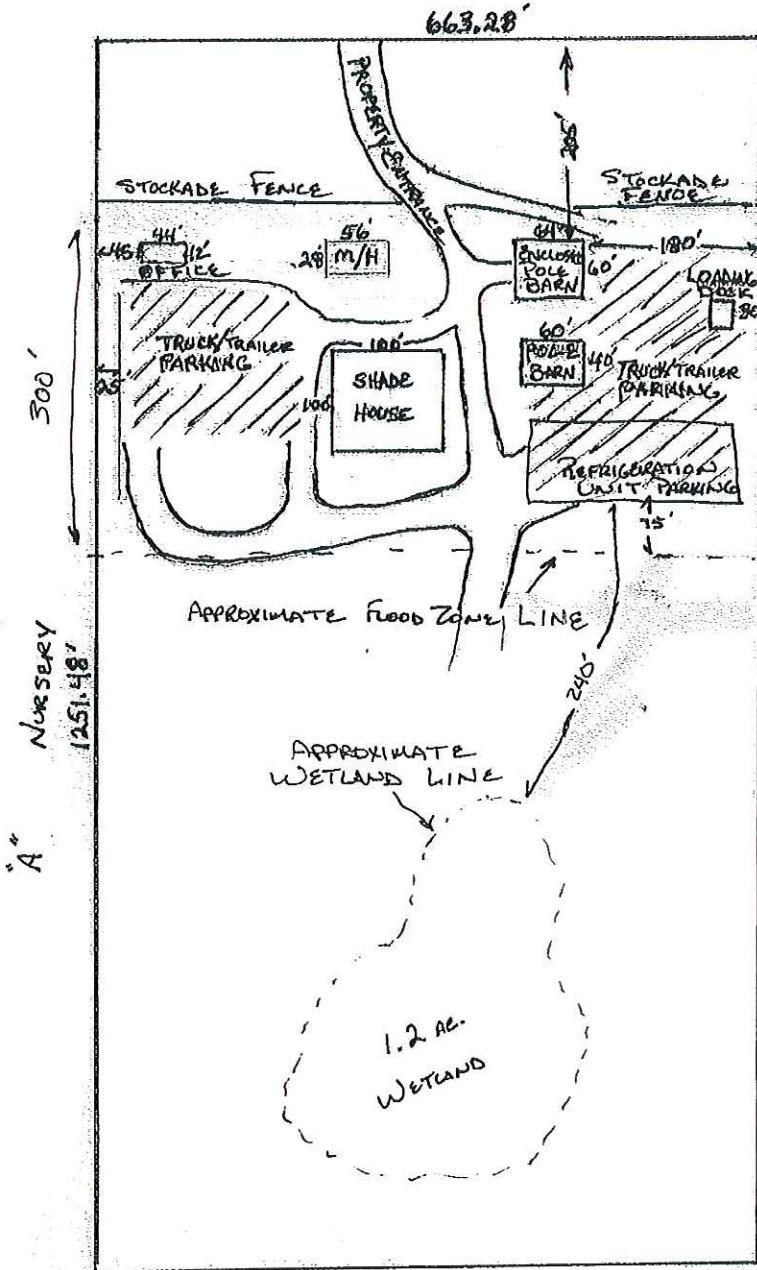
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42 **Sanford A. Minkoff, County Attorney**
43

EXHIBIT "A" - CONCEPTUAL PLAN

"A"

CR 48

PROJECT# 2011070016 AR#1882



ADDRESS:
15930 CR 48
ASTATULA FL 34705

ALT KEY
1411092

LEGAL DESCRIPTION:
BEG AT INT OF S LINE OF CR
C-48 WITH E LINE OF SECTION
RUN W 663.28 FT, S 1251.48 FT,
E TO E LINE OF SEC. N TO PDB.
ORB 1209 PG 820

PROPERTY OWNER:
JEFFREY C. YEAGER
15930 CR 48
ASTATULA FL 34705
(352) 516-5129

SITE PLAN PREPARATION BY:
JEFFREY C. YEAGER
15930 CR 48
ASTATULA, FL 34705
(352) 516-5129

YEAGER TRUCK YARD
SCALE: 1" EQUALS 150'

0 50 100 150

N

"A" LAKE APOPKA RESTORATION PROJECT
TOTAL ACRES: 20