



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): May 1, 2019
Board of County Commissioners (BCC): May 21, 2019

Case No. and Project Name: CUP-19-02-4, Liner Source CUP

Applicant: Greg A. Beliveau, AICP, LPG Urban & Regionals Planners Inc.

Owner: Langford Holding Company, Inc.

Requested Action: Conditional use permit on approximately 5.0 +/- acres within the Agriculture zoning district for agricultural farmworker housing on an existing ornamental horticulture nursery.

Staff Determination: Staff recommends approval of the conditional use permit.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.0 +/- acres

Location: South of County Road 44A, east of Thrill Hill Road, in the Eustis area.

Alternate Key #: 1126789

Future Land Use: Rural

Existing Zoning District: Agriculture

Overlay: Wekiva Study Area

Rural Protection Area: Wekiva Ocala Rural Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residences	Single-Family Dwelling Unit on large tract of land
South	Rural	Agriculture (A)	Residences	Single-Family Dwelling Unit on large tract of land
East	Rural	Agriculture (A)	Residences and Ornamental Nursery	Single-Family Dwelling Unit on large tract of land and Ornamental Nursery
West	Rural	Agriculture (A)	Residences and Orange Grove	Single-Family Dwelling Unit on large tract of land and Orange Grove

- Summary of Analysis -

The conditional use permit (CUP) application proposes farmworker housing use on 5-acres within a 40 +/- acre parcel, identified by Alternate Key Number 1126789. The parcel is situated on Lot 9 of the Map of Crosson and Jewett's Addition to Seneca. The property is generally located south of County Road 44A, east of Thrill Hill road, in the Eustis area of unincorporated Lake County. The subject property is zoned Agriculture (A) with a Rural Future Land Use Category designation and is located within the Wekiva Study Area and within the Wekiva Ocala Rural Protection Area. The property contains an existing ornamental horticulture nursery.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The CUP request for the proposed farmworker housing is consistent Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC). This land use allows agriculture uses and residential density of one (1) dwelling per five (5) net acres.

The proposed farmworker housing is also consistent with Land Development Regulations (LDR) Section 3.00.02(C), regarding the purpose of the Agriculture zoning district, which is to provide a method to allow agricultural usage, and to provide a long term means for preventing further encroachment upon agricultural enterprises and to encourage agricultural pursuits by preserving good soils and agriculture as from subdivision development.

The request for the proposed farmworker housing is consistent with LDR Section 3.01.02, defines Agriculture Housing/Camps as housing for farmworkers where the occupants of such housing perform work on or off the premises where such camp is located.

This use is reflected in LDR Table 3.01.00 and LDR Section 3.01.03, which specifies the allowance of Agriculture Housing/Camps in the Agriculture zoning district with a conditional use permit.

The proposed farmworker housing is consistent with Comprehensive Plan Objective I-5.2, Wekiva-Ocala Rural Protection Areas, which is intended to preserve rural density, character and protect the ecological integrity of public/private land.

B. Effect on Adjacent Properties.

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

The property's existing use is an ornamental horticulture nursery. The Applicant proposes to construct the farmworker housing building on a 5-acre portion of the subject 40-acre parcel and in the middle of the 84-acres that are currently owned by the property owners (Attachment A). Furthermore, the surrounding parcels contain an orange grove, ornamental nursery, and residences on large tracts of agriculture zoned lands.

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

Agriculture Housing/Camps is defined as housing for farmworkers where the occupants of such housing perform work on or off the premises where such camp is located as such the proposed meets the intent of the Agriculture zoning district. The proposed farmworker housing on the existing ornamental horticulture nursery is consistent with the uses of the neighboring properties. The surrounding parcels contain an existing orange grove and ornamental nursery and are large tracts of land with residences and agriculture productions.

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.

In addition to owning the subject parcel, the Owner also owns the adjacent 44-acres identified as Alternate Key Numbers 2690330, 1070163, 3890405, 3644921 and 3636589 as demonstrated in Exhibit A of the attached Ordinance. Therefore, the proposed location of the farm worker housing is not located in close proximity to adjacent

properties that are owned by others. As such, adverse noise and visual impacts to adjacent neighbors are not anticipated. Additionally, at the time of site plan submittal a noise assessment will be required to confirm potential noise levels.

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

It is not anticipated that the request will interfere with the neighboring properties as the Owner also owns the adjacent 44-acres identified as Alternate Key Numbers 2690330, 1070163, 3890405, 3644921 and 3636589 as demonstrated in Exhibit A of this Ordinance. Therefore, the proposed location of the farm worker housing will be centrally located within the Owner's 84-acres and will not be located in close proximity to adjacent properties that are owned by others. As such, adverse noise and visual impacts to adjacent neighbors are not anticipated. Additionally, at the time of site plan submittal a noise assessment will be required to confirm potential noise levels.

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

Parks

The proposed request is not anticipated to adversely impact parks.

Schools

The proposed request is not anticipated to adversely impact schools.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

The standard Level of Service (LOS) for the impacted roadway of County Road 44A is "D" with capacity of 1,200 trips. Currently, the impacted segment from Estes Road to County Road 439 is operating at seventeen (17) percent. This project will be generating approximately twenty-five (25) pm peak hour trips, which sixteen (16) trips will impact the peak hour direction.

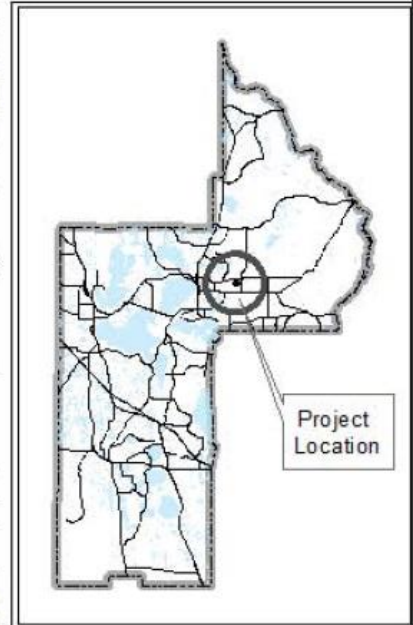
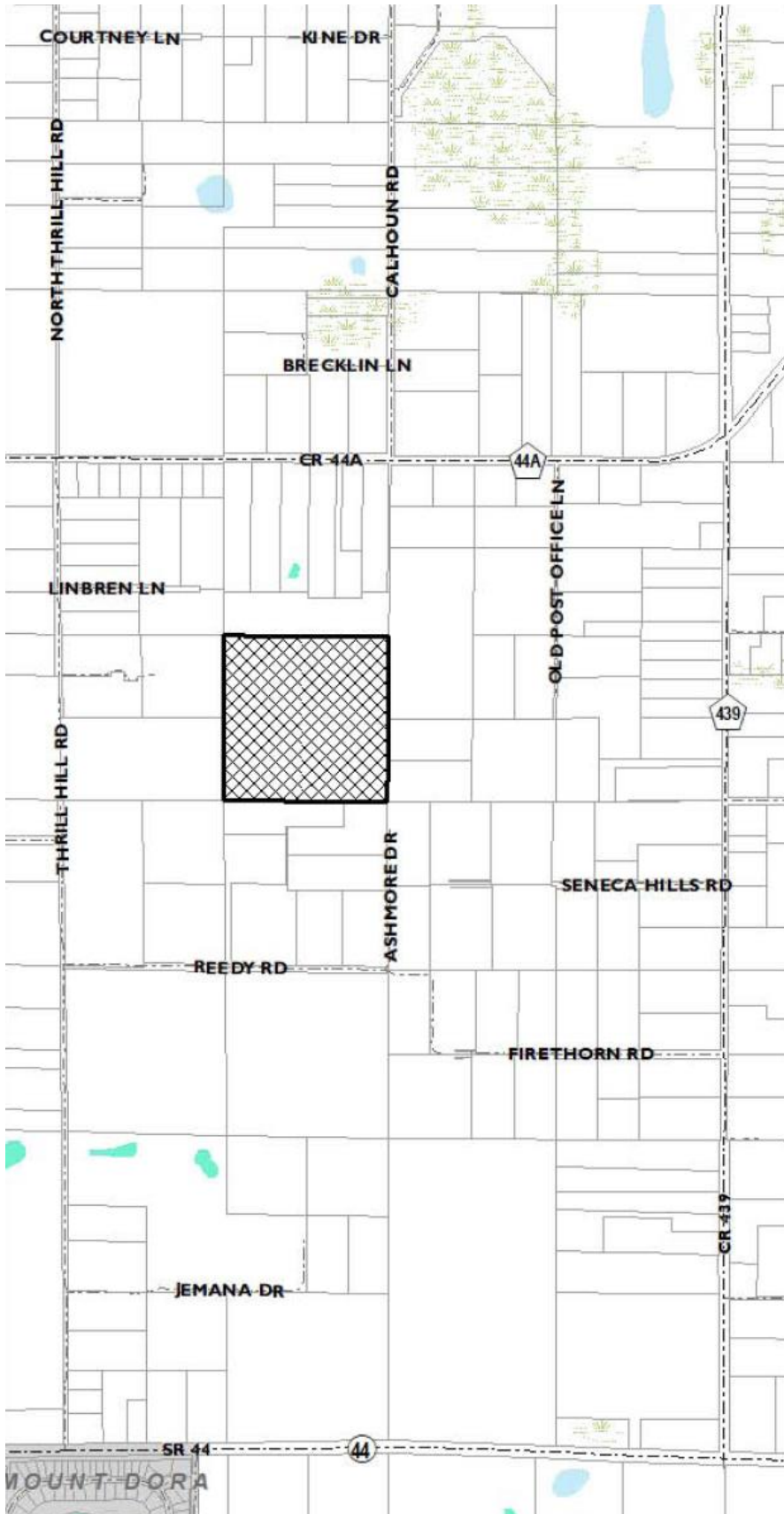
The Applicant will be required to complete a Tier 1 exemption with the required development application for review and approval.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Office of Fire Rescue 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.

Lake County Fire Station 27 is located within three (3) miles of the subject property at 19212 State Road 44, Eustis and Lake County Fire Station 21 is located within six (6) miles of the subject property at 25100 County Road 44A, Eustis. Fire protection water supply and emergency access will be addressed during the site plan review process if this CUP is granted.

Subject Property



Ordinance 2019-XX
Liner Source
CUP-19-02-4

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

3 **WHEREAS**, Greg Beliveau, AICP, LPG Urban & Regional Planners, Inc. (the “Applicant”) submitted
4 a conditional use permit application on behalf of Langford Holding Company, Inc. (the “Owner”) on
5 approximately 5.0 +/- acres to allow an agriculture farmworker housing within the Agriculture zoning district;
6 and

7 **WHEREAS**, the subject property consists of approximately 5 +/- acres, south of County Road 44A
8 and east of Thrill Hill Road, in the Eustis area, situated in Section 04, Township 19 South, Range 27 East,
9 consisting of a portion of Alternate Key Number 1126789, and more particularly described as:

10 LOT 9 THROUGH 16, INCLUSIVE, ACCORDING TO THE MAP OF CROSSON AND JEWETT’S
11 ADDITION TO SENECA, AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC
12 RECORDS OF LAKE COUNTY, FLORIDA, BEING THE SOUTHEAST 1/4 OF THE NORTHEAST
13 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST.

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

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

20 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
21 on the 1st day of May, 2019 and by the Board of County Commissioners of Lake County, Florida, on the 21st
22 day of May, 2019.

23 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
24 Florida, that:

25 **Section 1.** Permission is hereby granted for agriculture farmworker housing as a Conditional Use within the
26 Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan as
27 shown in Exhibit “A” of this Ordinance. To the extent that there are conflicts between the Conceptual
28 Plan and this Ordinance, this Ordinance will take precedence.

29 **Section 2. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to show a
30 Conditional Use Permit to allow uses with conditions as outlined within this Ordinance.

31 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)
32 Zoning District, the uses of the site will be allowed as specified below and generally consistent
33 with Exhibit “A”, the Conceptual Plan.

- 34 1. Two (2) story building for agriculture farmworker housing not to exceed fifty (50) rooms.
35 2. Caretaker’s residential dwelling
36 3. Accessory uses directly associated with the above uses may be approved by the County
37 Manager or designee. Any other use of the site will require approval of an amendment to
38 this Ordinance by the Board of County Commissioners.

- 1 **B. Transportation Improvements and Access Management.** All access management shall be
2 in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as
3 amended.
- 4 1. A Tier-1 Traffic Exemption to Concurrency must be submitted with the development
5 application.
- 6 **C. Stormwater and Floodplain Management.** The stormwater management system shall be
7 designed in accordance with applicable, St. Johns River Water Management District (SJRWMD)
8 requirements, the Comprehensive Plan and Land Development Regulations (LDR), as
9 amended.
- 10 **D. Environmental Consideration** shall be in accordance with the Comprehensive Plan and Land
11 Development Regulations (LDR), as amended.
- 12 **E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
13 shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),
14 as amended.
- 15 **F. Setbacks.** Any new buildings or structures shall require building setbacks in accordance with
16 the Land Development Regulations (LDR), as amended.
- 17 **G. Parking.** All parking will be provided in accordance with the Land Development Regulations
18 (LDR), as amended.
- 19 **H. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan
20 and Land Development Regulations (LDR), as amended.
- 21 **I. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
22 the Land Development Regulations (LDR), as amended.
- 23 **J. Noise.** A noise assessment must be submitted for review and acceptance prior to
24 commencement of the operations of the new uses identified in this Ordinance. Compliance must
25 be in accordance with the Lake County Lake Development Regulations (LDR), as amended.
- 26 **K. Signage.** All signage must be in accordance with the Land Development Regulations (LDR), as
27 amended.
- 28 **L. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
29 the Florida Department of Health, the Comprehensive Plan and Land Development Regulations
30 (LDR), as amended.
- 31 **M. Concurrency Management Requirements.** Any development must comply with the Lake
32 County Concurrency Management System, as amended.
- 33 **N. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
34 be required to submit a development application generally consistent with EXHIBIT "B" -
35 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Lake
36 County Land Development Regulations (LDR), as amended.
- 37 **O. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
38 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
39 Comprehensive Plan, and Lake County Land Development Regulations will include any future
40 amendments to the Statutes, Code, Plans, and/or Regulations.

1 **P.** After establishment of the facilities as provided in this Ordinance, the property must only be used
2 for the purposes named in this Ordinance, unless a proposed use meets every requirement of
3 the zoning district in which the property is located. Any other proposed use must be specifically
4 authorized by the Board of County Commissioners.

5 **Section 2. Conditions.**

6 **A.** After establishment of the facilities as provided in this Ordinance, the property may only be used
7 for the purposes identified in this Ordinance. Any other proposed use must be specifically
8 authorized by the Lake County Board of County Commissioners.

9 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
10 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
11 within the boundaries of the above described land without first obtaining the necessary approvals
12 in accordance with the Lake County Code, as amended, and obtaining the permits required from
13 the other appropriate governmental agencies.

14 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land,
15 and the terms, conditions, and provisions of this Ordinance will be binding upon the present
16 Owners and any successor, and will be subject to each and every condition set out in this
17 Ordinance.

18 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
19 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
20 and aware of the conditions established by this Ordinance and agrees to be bound by these
21 conditions. The purchaser or lessee may request a change from the existing plans and conditions
22 by following the procedures contained in the Land Development Regulations, as amended.

23 **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
24 Enforcement Special Master will have authority to enforce the terms and conditions set forth in
25 this Ordinance and to recommend that the ordinance be revoked.

26 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
27 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
28 of the remaining portions of this Ordinance.

29 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
30 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
31 Florida Statutes.

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

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ENACTED this _____ day of _____, 2019.
FILED with the Secretary of State _____, 2019.
EFFECTIVE _____, 2019.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

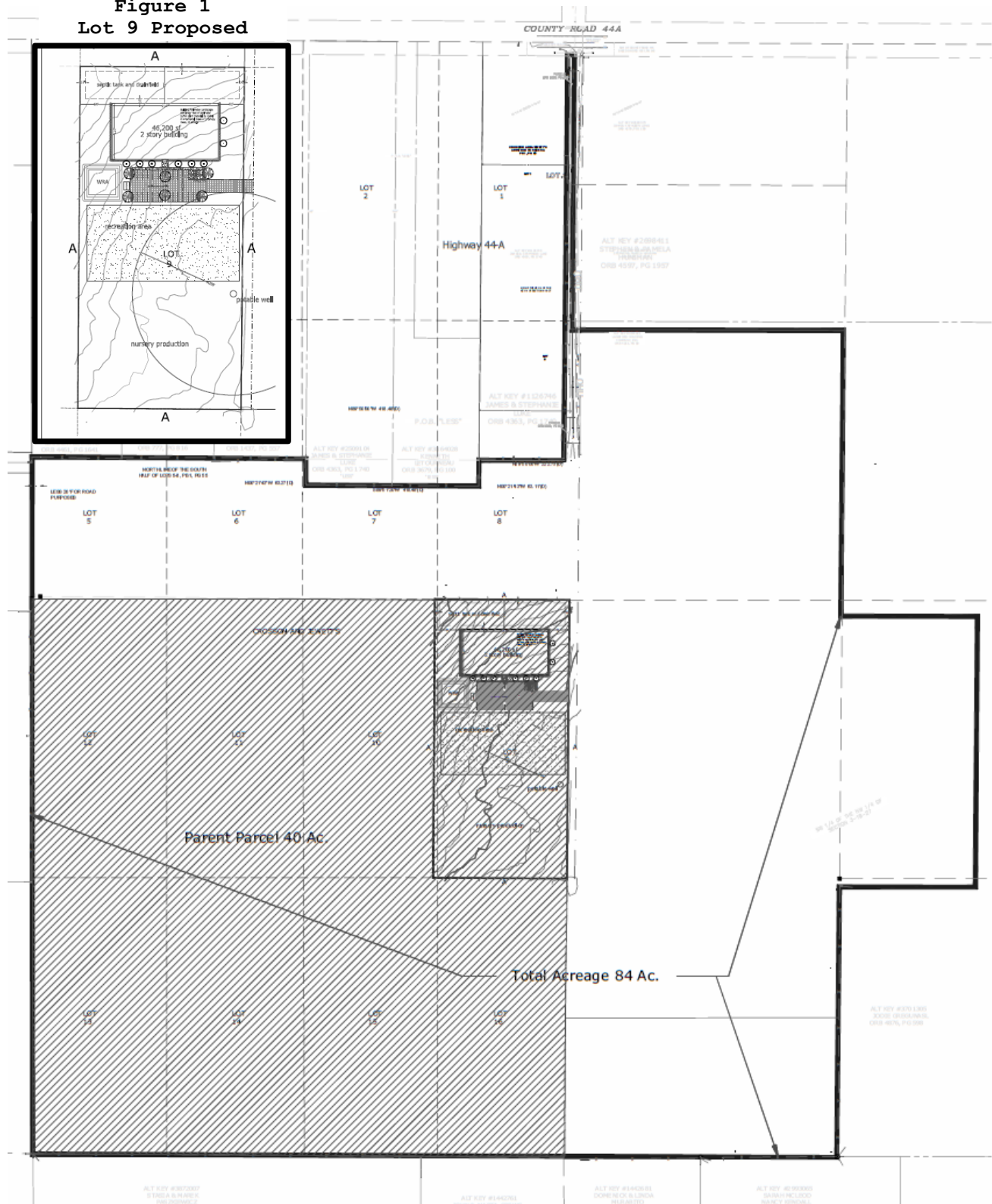
APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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Exhibit A – Concept Plan

**Figure 1
Lot 9 Proposed**



**Parcel Location Plan
Scale - 1"=200'**

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