



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): October 30, 2019
Board of County Commissioners (BCC): November 19, 2019

Case No. and Project Name: CUP-18-09-5, Ricky's Tree Service

Applicant: Ricky Timmerman

Owner: Ricky's Tree Service, Inc.

Requested Action: Conditional Use Permit to allow a mill operation within the Agriculture (A) zoning district on approximately 0.92 +/- acres of the subject 40 +/- acre parcel.

Staff Determination: Staff finds the CUP application to be consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 0.92 +/- acres of the subject 40-acre parcel

Location: West of Babb Road, in the Umatilla area.

Alternate Key #: 3881102

Future Land Use: Rural

Existing Zoning District: Agriculture (A)

Overlay: N/A

Rural Protection Area: N/A

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	Rural Residential (R-1)	Residences	Wetlands and Single-Family Dwelling Unit on large tract of land
East	Rural	Agriculture (A)	Residence	Wetlands and Single-Family Dwelling Unit on large tract of land, and Lake Oleo
West	Rural	Rural Residential (R-1)	Residence and Street	Single-Family Dwelling Unit on large tract of land, and Babb Road

- Summary of Analysis -

The subject 40 +/- acres, identified by Alternate Key Number 3881102, are zoned Agriculture (A) and designated as Rural Future Land Use Category. The property is undeveloped and is heavily wooded (Attachment A). The property is generally located west of Babb Road, in the Umatilla area of unincorporated Lake County.

The application proposes a mill operation on 0.92 +/- acres of the subject 40 +/- acre parcel. The Owner owns a tree removal company, and intends to process trees that have been removed from other properties. The CUP also requests use of outdoor equipment and lumber storage area within the mill compound area.

The proposed use is defined in the LDRs as *"the milling of natural resources, together with structures, equipment, and facilities incidental to the development thereof, including, but not limited to mills and sawmills, wood fiber mills, wood processing mills, turpentine stills."* A mill operation is conditionally permitted within the Agriculture (A) Zoning District.

Staff received an opposition petition with thirteen (13) signatures opposing the proposed project (Attachment B). However, after the Owner's discussion with the surrounding neighbors, the majority of the neighbors who originally signed the opposition petition have rescinded their original opposition (Attachment C). The petition to rescind the opposition letter was signed by fourteen (14) people and one (1) authorized agent.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The Applicant seeks approval to use a portion of the property as a mill to process trees that have been removed from other properties. The proposed use is reflected in LDR Section 3.01.02 and LDR Table 3.01.03, which specifies the allowance of Mills within the Agriculture Zoning District as a conditional use. The proposed use is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC), which allows agriculture uses.

B. Effect on Adjacent Properties.

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

Although the proposed mill operation is inconsistent with the surrounding agriculture and residential uses, potential impacts to surrounding residential properties will be minimized as the operation will be located away from existing residential development and the parcel is heavily forested. The existing vegetation will serve as a visual buffer and help to reduce noise generated by the operational activities. As illustrated on the concept plan (Attachment A), the mill compound area will be located two-hundred fifty (250) feet from the northern property line and will be situated closer to the western portion of the property, and closer to the wetland area, rather than adjacent to the surrounding residential properties.

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

The Owner has provided the following statement as an indication of the scope of work for the operation, *"No employees will be on site, equipment and lumber storage area will be within the proposed mill compound area, and there are no plans for an office building. We plan on building our house at a later date."*

The surrounding parcels contain a large wetland area. Additionally, there are large tracts of land with a mixture of residences and agricultural uses. Although the proposed mill operation is inconsistent with the surrounding agriculture and residential uses, potential impacts to surrounding residential properties will likely be minimized as the proposed location of the operation is located two-hundred fifty (250) feet from the closest property that contains a residence and the parcel is forested.

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 existing vegetation on the property will serve as a visual buffer provide noise reduction of the mill operation. As illustrated on the concept plan (Attachment A), the mill compound area will be located two-hundred fifty (250) feet from the northern property line and will be situated closer to the western portion of the property, closer to the wetland area rather than adjacent to the surrounding residential properties. Additionally, the subject property is heavily forested.

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.

The Owner intends to run a small scale operation and has provided the following statement as an indication of the scope of work for the operation, "No employees will be on site, equipment and lumber storage area will be within the proposed mill compound area, and there are no plans for an office building. We plan on building our house at a later date."

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

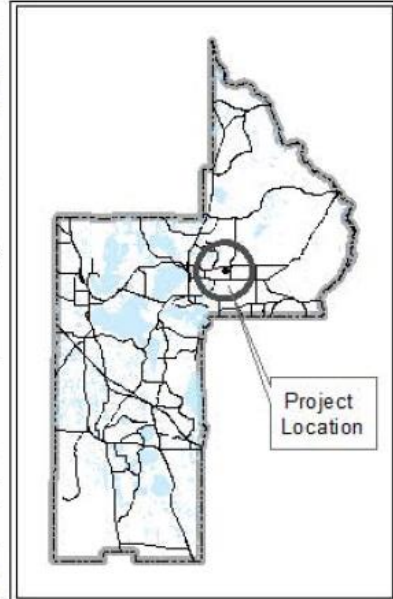
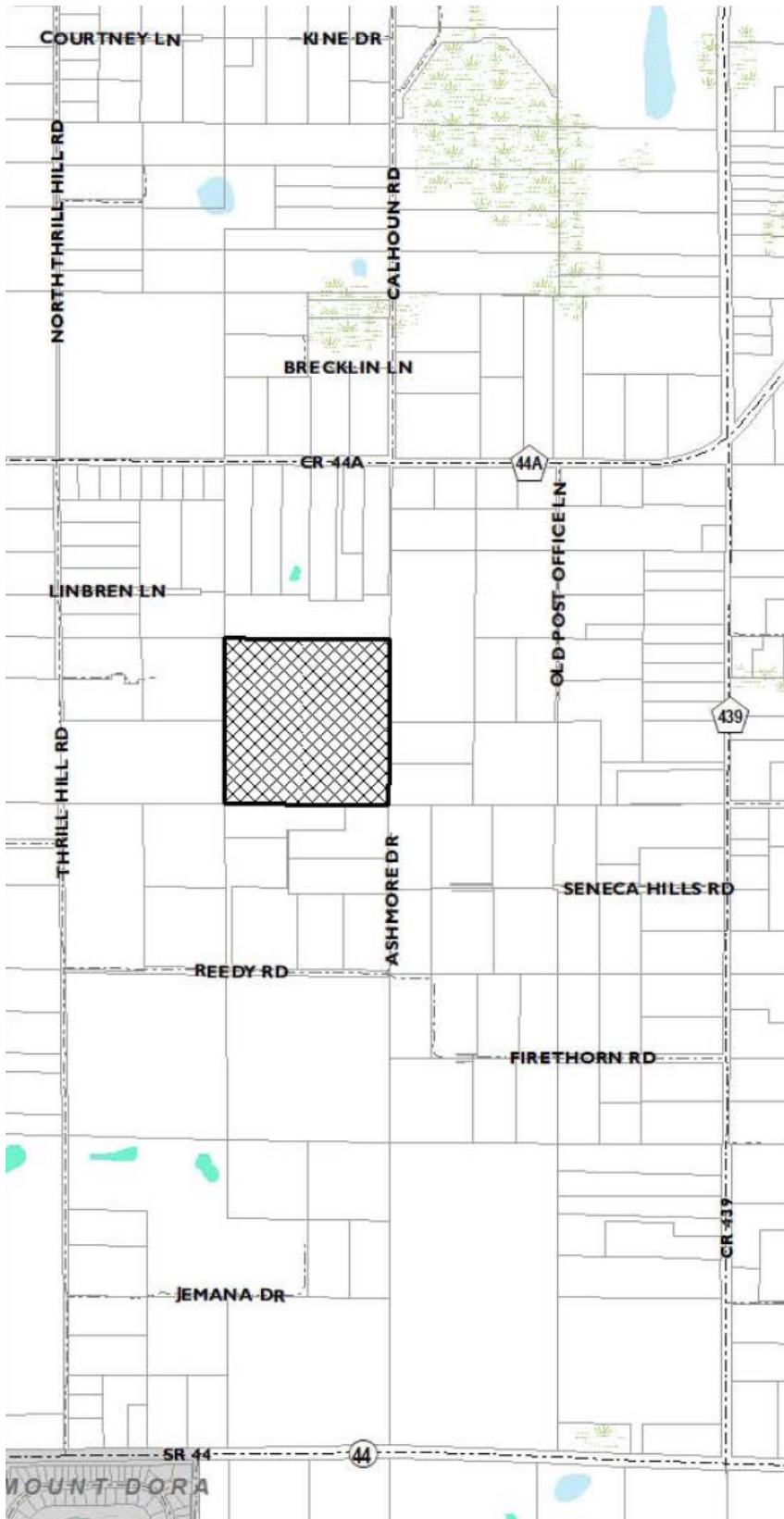
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

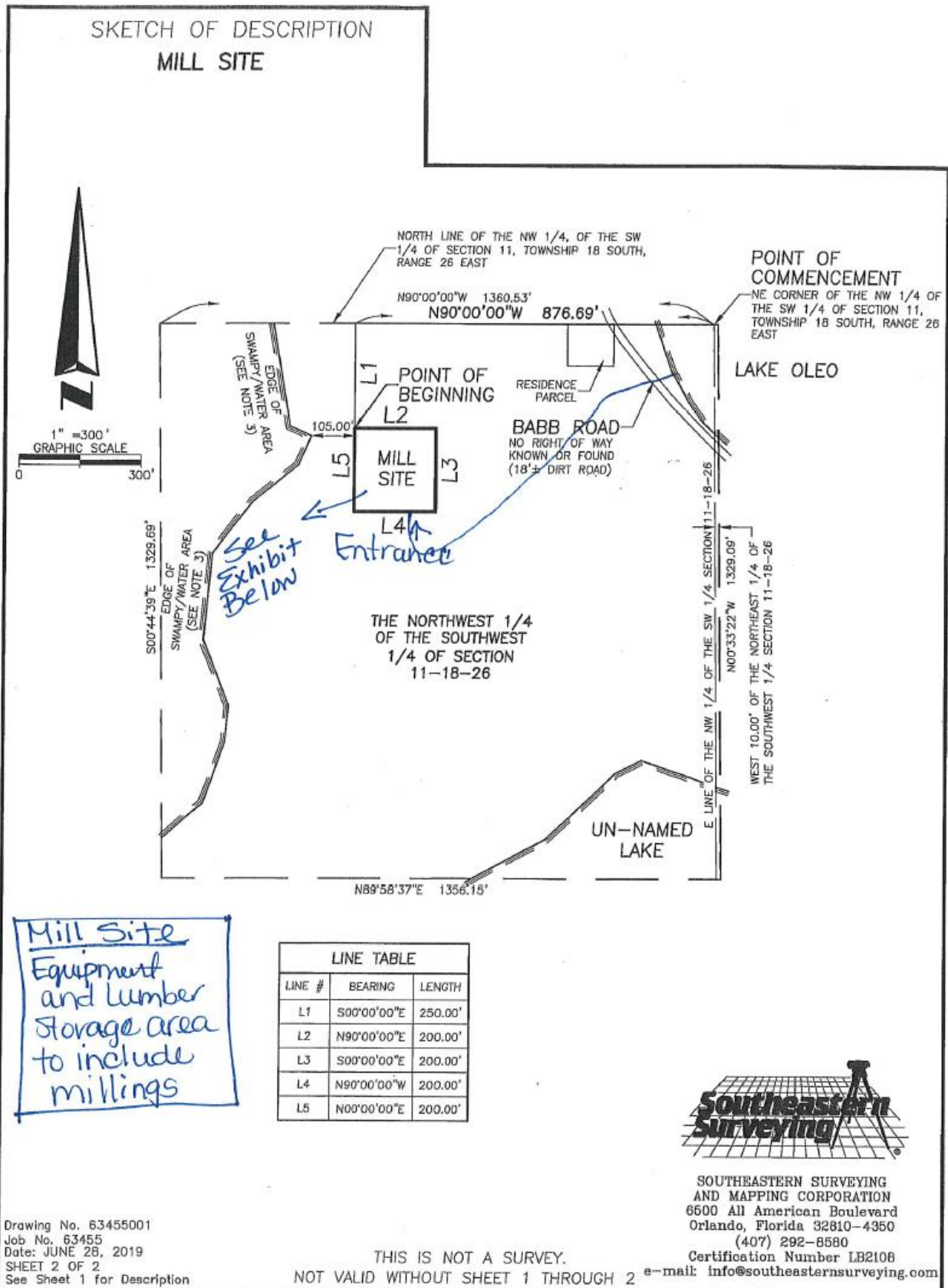
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Rescue Station #20 is located within four (4) miles of the subject property at 37711 State Road 19, in Umatilla, and will provide Advanced Life Support (ALS) should an emergency situation on the property demand this service. Fire protection, water supply, and emergency access will be addressed during the site plan review process if this CUP is granted.

Subject Property



Attachment A. Concept Plan



Attachment B. Opposition Petition (2 Pages)

RECEIVED
 BY: MAR 08 2018
 KAM

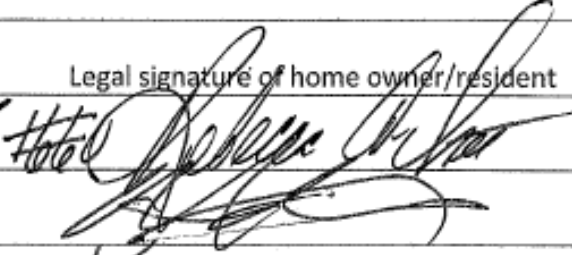

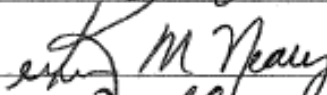
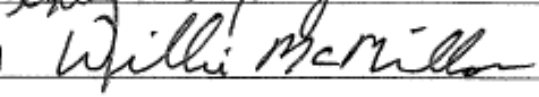
We the "UNDERSIGNED" due hereby object to Project #2018120004 Special Use Permit by a company known as "Ricky's Tree Service" located on Babb Road in Umatilla, Florida 32784. We the undersigned, are owners of real property in the area of this business location. By this petition, we are presenting our opposition to the issuing of above permit.

As property owners, we are concerned that the issuing of this permit will present the following negative impact on our neighborhood & community:

- There will be increased traffic, noise and dust from large construction equipment and vehicles on a regular basis that will affect our daily peace and quiet.
- The daily dumping, cutting and burning will create a variety of health hazards which will cause and/or exacerbate any respiratory issues, dermatological issues, cardiac issues, etc for our residents.
- Piles of sitting debris will be an attraction for insects, reptiles, rodents and other vermin/animals for nesting and breeding areas.
- All of the above will be a negative impact to our property values in our community.

Printed name of home owner/resident	Legal signature of home owner/resident
40343 Harold F. JE Babb Rd	Harold F. JE
40334 Kevin Pippin Babb Rd.	Kevin Pippin
40610 BABB RD LOYALL L. MUMBY	Loyall L. Mumby
16520 Cleveland Ln Meghan Ellison Umatilla FL 32784	Meghan Ellison
40526 Long Island Gordon Jarrett Umatilla Rd	Gordon Jarrett
40600 Long Is POB 1052 Umatilla Wayne & Neeca Chicklighter	Wayne & Neeca Chicklighter
Mark & Joanna Paulson P G Champion 40639 Plymouth Cir	Mark & Joanna Paulson
James E Etheridge 40636 Plymouth Cir	James E Etheridge
MARSH MUELL 40631 Plymouth Cir Umatilla FL 32784	Marsh Mueller
MIKE COPPER 40631 Plymouth Cir Umatilla FL 32784	Mike Copper
Theresa Buckner 40449 Long Island DR. Umatilla, FL 32784	Theresa Buckner
Laura Tart 16500 oleo Ave Umatilla, FL 32784	Laura Tart

Attachment B. Opposition Petition (Cont.)

Printed name of home owner/resident	Legal signature of home owner/resident
Rebecca Fico 16600 Cleveland Lane Umatilla, FL	
Mitch Ashton 40140 Babbs Rd Umatilla FL	
Kevin NEARY 16510 Oko Ave Umatilla, Fla	
Willie McMillan 40128 BABBS RD	

Attachment C. Rescinding Opposition Petition (2 Pages)



May 7, 2019

We, the Undersigned do hereby rescind our objection to: Project #2018120004 Special Use Permit by a company known as "Ricky's Tree Service" located on Babb Road in Umatilla, Florida, 32784. We are owners of real property in the area of this business location. By this petition, we are presenting our approval to the issuing of above permit.

As property owners, we are convinced the issuing of this permit will present no impact on our neighborhood and community

There will be increased traffic, noise and dust from large construction equipment and vehicles on a limited basis

The daily dumping, cutting and burning will cease to exist.

Piles of sitting debris will no longer be an issue.

All of the above will be very limited.

After discussing the above with the owner, Ricky, we are willing to accept the minor inconveniences.

NAME	ADDRESS	SIGNATURE
Harold F. Lee	403 Babb Rd	[Signature]
Gordon Jarrett	40526 Long Island Dr Umatilla, FL	[Signature]
Mark Parlan	40607 Long Island Dr	[Signature]
James Etheridge	40636 Plymouth Cir	[Signature]
Maria Hunt	40631 Plymouth Cir	[Signature]
Mark Cooper	40631 Plymouth Cir	[Signature]
Willi Memilla	40128 BABB Rd	[Signature]

Attachment C. Rescinding Opposition Petition (Cont.)

-NAME	ADDRESS	SIGNATURE
Meghan Ellison	Umatilla FL 32784 16520 Cleveland Ln	Meghan Ellison
Theresa Buckner	40449 LONG ISLAND DR Umatilla FL 32784	Theresa Buckner
Maggie Knight	40600 LONG ISLAND DR Umatilla FL 32784	Maggie Knight
Kevin Pippin	40334 Babb. Rd Umatilla, FL 32784	Kevin Pippin
Mitch Ashton	40140 Bobb Rd Umatilla FL 32784	Mitch Ashton
LOYALL L. MUMBY	40610 BABB RD UMATILLA, FL 32784	Loyall Mumby
R.G. Champion	40639 Plymouth Cir Umatilla FL 32784	R.G. Champion
Laura Tart	1650 Oleo Ave Umatilla, FL 32784	Laura Tart
Rebecca Free	16600 Cleveland Ln Umatilla, FL 32784	Rebecca A Free
was signed By Laura Tart with Permission		

Ordinance 2019-XX
Ricky's Tree Service
CUP-18-09-5

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**, Ricky Timmerman (the "Applicant"), has submitted a conditional use permit application
4 on behalf of Ricky's Tree Service, Inc. (the "Owner") to allow a mill operation within the Agriculture (A) zoning
5 district on approximately 0.92 +/- acres of the subject 40 +/- acre parcel; and

6 **WHEREAS**, the subject property consists of approximately 40 +/- acres, is generally located west of
7 Babb Road, in the Umatilla area of unincorporated Lake County, situated in Section 11, Township 18 South,
8 Range 26 East, having Alternate Key Number 3881102, and more particularly described as:

9 **EXHIBIT "A" – LEGAL DESCRIPTION**

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

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

16 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
17 on the 30th day of October, 2019 and by the Board of County Commissioners of Lake County, Florida, on
18 the 19th day of November, 2019.

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

21 **Section 1.** Permission is hereby granted for a mill operation as a Conditional Use within the Agriculture (A)
22 Zoning District. All land uses must be generally consistent with the Concept Plan as shown in
23 Exhibit "B" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan
24 and this Ordinance, this Ordinance will take precedence.

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

27 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)
28 Zoning District, the uses of the site will be allowed as specified below and generally consistent
29 with Exhibit "B", the Conceptual Plan.

30 1. Mill Operation (0.92 +/- acres).

31 2. Accessory uses directly associated with the above use may be approved by the County
32 Manager or designee. Any other use of the site will require approval of an amendment to
33 this Ordinance by the Board of County Commissioners.

1 **B. Specific Conditions.**

2 1. The 0.92 +/- acre mill operation area shall be maintained in an organized and presentable
3 manner.

4 2. The mill compound area shall be fenced to facilitate separation from the principal use of the
5 parent parcel.

6 **C. Setbacks.** Any new buildings or structures shall require building setbacks in accordance with
7 the Land Development Regulations (LDR), as amended.

8 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
9 shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),
10 as amended.

11 **E. Landscaping, Buffering, and Screening.**

12 1. Landscaping, Buffering, and Screening shall be in accordance with the Land
13 Development Regulations (LDR), as amended.

14 2. A twenty-five (25) foot wide vegetative buffer along the property perimeter must be
15 maintained in perpetuity to suffice as the required landscape buffer. A landscape
16 buffer must be installed in all areas where a vegetative buffer is not currently present
17 on either the property or the immediately adjacent property.

18 3. The removal of trees on the subject parcel beyond what is needed for the mill
19 operation will need to consistent with Land Development Regulations (LDR) Section
20 9.02.00.

21 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of the
22 property shall be provided in accordance with the Florida Fire Prevention Code and Land
23 Development Regulations (LDR), as amended.

24 **G. Transportation Improvements and Access Management** shall be in accordance with the
25 Comprehensive Plan and Land Development Regulations (LDR), as amended.

26 **H. Floodplain Management.** The developer shall be responsible for any flood studies required for
27 developing the site and comply with Federal Emergency Management Agency (FEMA),
28 Comprehensive Plan and Land Development Regulations (LDR), as amended. Any development
29 within the floodplain as identified on the FEMA maps will required compensating storage.

30 **I. Stormwater Management.** The stormwater management system shall be designed in
31 accordance with all applicable Lake County and St. Johns River Water Management District
32 (SJRWMD) requirements, as amended.

33 **J. Environmental Consideration** shall be in accordance with the Comprehensive Plan and Land
34 Development Regulations (LDR), as amended.

- 1 **K. Parking.** All parking will be provided in accordance with the Land Development Regulations
2 (LDR), as amended.
- 3 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
4 the Land Development Regulations (LDR), as amended.
- 5 **M. Noise.** Any future redevelopment of the property shall require submittal of a noise assessment
6 in accordance with the Land Development Regulations (LDR), as amended.
- 7 **N. Signage.** Signs shall be in accordance with the Land Development Regulations (LDR), as
8 amended.
- 9 **O. Utilities.** Individual well and septic tank shall be utilized, in accordance with the Comprehensive
10 Plan and Land Development Regulations (LDR), as amended.
- 11 **P. Concurrency Management Requirements.** Any development must comply with the Lake
12 County Concurrency Management System, as amended.
- 13 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
14 be required to submit a development application generally consistent with EXHIBIT "B" -
15 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Land
16 Development Regulations (LDR), as amended.
- 17 **R. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in
18 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
19 Plan, and Lake County Land Development Regulations will include any future amendments to
20 the Statutes, Code, Plans, or Regulations.
- 21 **S.** After establishment of the facilities as provided in this Ordinance, the property must only be used
22 for the purposes named in this Ordinance, unless a proposed use meets every requirement of
23 the zoning district in which the property is located. Any other proposed use must be specifically
24 authorized by the Board of County Commissioners.

25 **Section 3. Conditions.**

- 26 **A.** After establishment of the facilities as provided in this Ordinance, the property may only be used
27 for the purposes identified in this Ordinance. Any other proposed use must be specifically
28 authorized by the Lake County Board of County Commissioners.
- 29 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
30 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
31 within the boundaries of the above described land without first obtaining the necessary approvals
32 in accordance with the Lake County Code, as amended, and obtaining the permits required from
33 the other appropriate governmental agencies.
- 34 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land,
35 and the terms, conditions, and provisions of this Ordinance will be binding upon the present

1 Owners and any successor, and will be subject to each and every condition set out in this
2 Ordinance.

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

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

11 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
12 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
13 of the remaining portions of this Ordinance.

14 **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
15 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
16 Florida Statutes.

17

18

19

20

21

22

23

24

25

26

27

28

29

30

[Rest of Page Intentionally Blank]

1 **Section 6. Effective Date. This Ordinance will become effective as provided by law.**

2

3 **ENACTED** this _____ day of _____, 2019.

4 **FILED** with the Secretary of State _____, 2019.

5 **EFFECTIVE** _____, 2019.

6

7

BOARD OF COUNTY COMMISSIONERS

8

LAKE COUNTY, FLORIDA

9

10

11

LESLIE CAMPIONE, CHAIRMAN

12

13 **ATTEST:**

14

15

16

17

GARY J. COONEY, CLERK OF THE

18

BOARD OF COUNTY COMMISSIONERS

19

LAKE COUNTY, FLORIDA

20

21 **APPROVED AS TO FORM AND LEGALITY:**

22

23

24

25

MELANIE MARSH, COUNTY ATTORNEY

Exhibit A. Legal Description

Subject Property (Parent Parcel) Legal Description:

The Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, Lake County, Florida and the West 10 feet of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, as recorded in Official Records Book 631, Page 253 of the Public Records of Lake County, Florida. Less and Except: A portion of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, Lake County, Florida being more particularly described as follows: Commencement at the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East; thence run North 90°00'00" West along the North line of said Northwest 1/4 of the Southwest 1/4 a distance of 254.77 feet to the point of beginning; thence continue North 90°00'00" West along said North line a distance of 114.20 feet; thence South 00°02'51" West a distance of 99.47 feet; thence South 89°57'09" East a distance of 114.20 feet; thence North 0°02'51" East a distance of 99.57 feet to the point of beginning.

A portion of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, Lake County, Florida, being more particularly described as follows: Commencement at the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East; thence run North 90°00'00" West along said North line of said Northwest 1/4 of the Southwest 1/4 a distance of 254.77 feet to the point of beginning; thence continue North 90°00'00" West along said North line a distance of 114.20; thence South 00°02'51" West a distance of 99.47 feet; thence South 89°57'09" East a distance of 114.20 feet; thence North 0°02'51" East a distance of 99.57 feet to the point of beginning.

Mill Compound Area Legal Description:

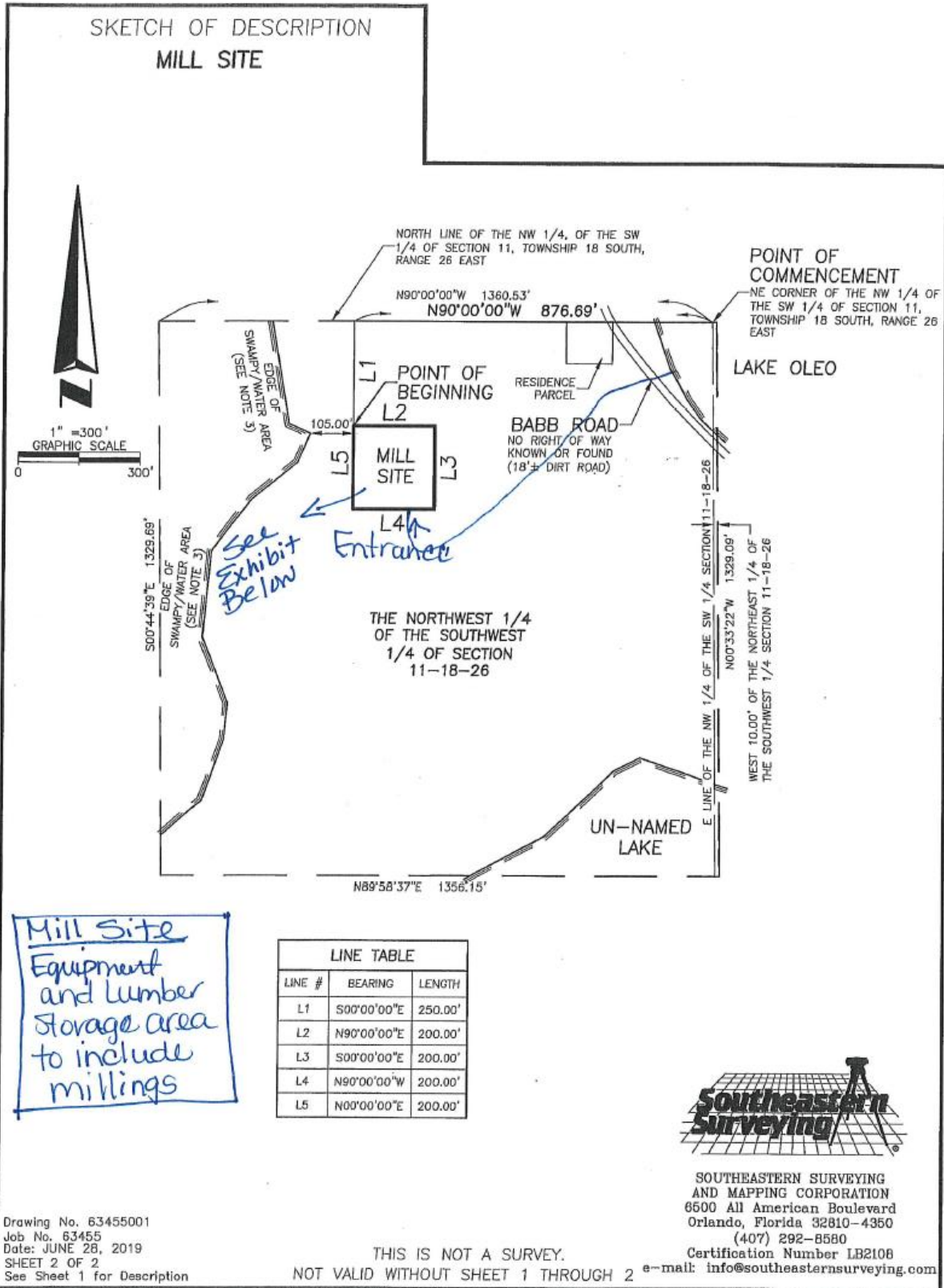
A portion of the Northwest quarter of the Southwest quarter of Section 11, Township 18 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest quarter of the Southwest quarter of Section 11, Township 18 South, Range 26 East; thence North 90°00'00" West, a distance of 876.69 feet along the North line of the Northwest quarter of the Southwest quarter of said Section 11; thence South 00°00'00" East, a distance of 250.00 feet to the Point of Beginning; thence North 90°00'00" East, a distance of 200.00 feet along a line parallel with said North line; thence South 0°00'00" East, a distance of 200.00 feet; thence North 90°00'00" West, a distance of 200.00 feet; thence North 00°00'00" East, a distance of 200.00 feet to the Point of Beginning.

Containing 40,000 square feet or 0.92 acres, more or less.

1

Exhibit B. Concept Plan



2