



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): March 4, 2020
Board of County Commissioners (BCC): March 24, 2020

Case No. and Project Name: CUP-19-14-1, Gulfstream Towers, LLC - FL-187 Groveland SR 33 & CR 561

Applicant: Gulfstream Towers, LLC

Owner: Travis N. Ward

Requested Action: Conditional use permit (CUP) to allow a 199-foot monopole communications tower on Agriculture (A) zoned property.

Staff Determination: Staff finds the conditional use permit application consistent with the LDR and Comprehensive Plan.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 0.147 acres (within 4.98 +/- acres parent parcel)

Location: South of the County Road 561 and State Road 33 intersection, east of State Road 33 in the Clermont area of unincorporated Lake County.

Alternate Key No.: 1305021

Future Land Use: Green Swamp Core Conservation

Current Zoning District: Agriculture

Flood Zone: "X" and "AE"

Joint Planning Area/ ISBA: Not Applicable

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Agriculture uses	Adjacent to dirt road
South	Green Swamp Rural Conservation	Agriculture (A)	Agriculture uses	Pasture
East	Green Swamp Rural Conservation	Agriculture (A)	Agriculture uses	Pasture
West	Green Swamp Rural Conservation	Agriculture (A)	Agriculture uses	Plant Nursery

- Summary of Analysis -

The subject 0.147 +/- acre lease parcel, lies within a parent parcel identified as Alternate Key Number 1305021 and is generally located south of the County Road 561 and State Road 33 intersection and east of State Road 33 in the Clermont area of unincorporated Lake County. The parent parcel is zoned Agriculture (A) and is designated with a Green Swamp Core Conservation Future Land Use Category (FLUC).

The Applicant has submitted a conditional use permit (CUP) application to allow a 6,400 square foot lease area and a 199-foot tall monopole communications tower on Agriculture zoned property. The Applicant has indicated that the proposed request will provide infrastructure for mobile communication network capability, including television, data, and phone services for area residents.

The CUP application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO withholds the ability to appeal any development permit, pursuant to Chapter 380, Florida Statutes 380.05.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The proposed request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows communications towers within the zoning district with an appropriate land use regulatory instrument; the CUP satisfies this requirement

The proposed request is consistent with LDR Section 3.13.09(B), *Setbacks*, which requires the tower to be centered within the parent parcel boundaries measured using Global Position System coordinates as shown on the Concept Plan (Attachment A).

The proposed request is consistent with LDR Section 3.13.09 Tower Table 1, *Additional Tower Setbacks*, which requires the communications tower to be located four-hundred (400) percent (796 feet) of the tower height from any single-family unit as shown on the Adjacent Residence Map (Attachment B).

The proposed request is consistent with LDR Section 3.13.10, *Separation between Towers*, which establishes setbacks for communications towers. The Tower Separation Map (Attachment C) indicates that the closest tower is located 2.5-miles (13,200-feet) from the proposed tower.

The proposed request is consistent with LDR Section 3.13.12, *Fencing*, which requires a six (6) foot tall chain link fence or wall around the communications tower compound area as shown on the Concept Plan (Attachment A).

The proposed request is consistent with LDR Section 3.13.13, which states that the visual impacts of a communications tower shall be mitigated through landscaping as shown on the Concept Plan (Attachment A).

The request is consistent with Comp Plan Policy I-4.2-5, Green Swamp Core Conservation Future Land Use category which conditionally allows civic uses; the proposed CUP satisfies this requirement. The Comp Plan defines "civic uses" as a county, municipal, state, or federal use or service, and community facility uses, excluding schools. LDR Table 3.01.00, lists wireless antennas, towers, and equipment are listed as a Community Facility Use.

B. Effect on Adjacent Properties.

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

Undue adverse effects are not anticipated as the proposed communication tower will satisfy adjacent residence setbacks and adjacent tower separation distances. To further lessen any potential adverse effects, LDR Section 3.13.03.A requires communications towers to be self-collapsing. If the CUP request is approved, the Applicant will have to provide documentation with the development application and building permit application to demonstrate the self-collapsing ability of the telecommunications tower.

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

The area is characterized by agriculturally zoned parcels; agricultural uses and a plant nursery are located on the immediately adjacent properties.

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.

To lessen potential visual impacts, the proposed communications tower lease area will be surrounded by a 10-foot wide landscape buffer situated on the outside of a six (6) foot tall chain link fence as shown on the Enlarged Site Plan (Attachment A).

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.

As previously stated, the communications tower will be centered within the parent parcel boundaries consistent with Land Development Regulations (LDR) Section 3.13.09(B), *Setbacks*.

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

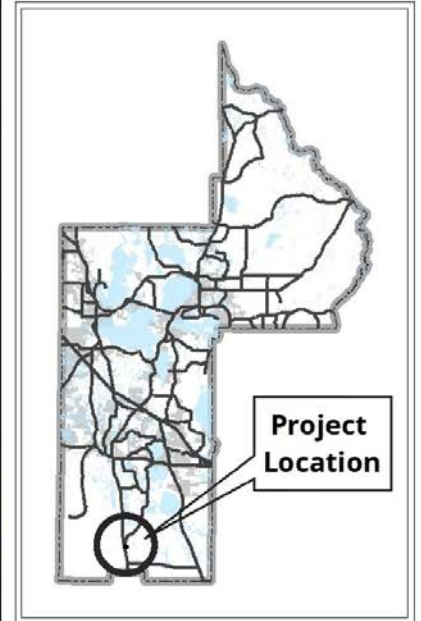
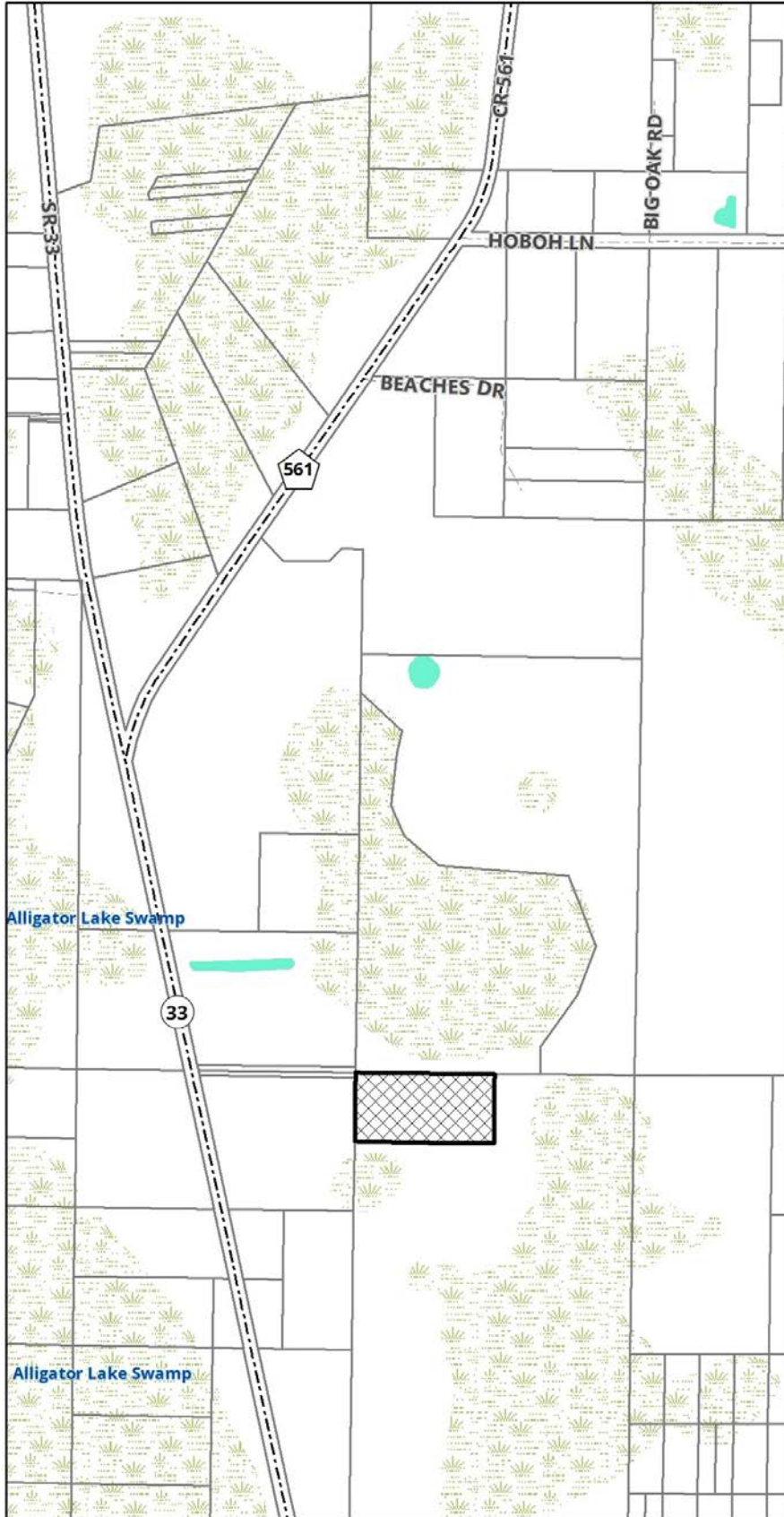
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

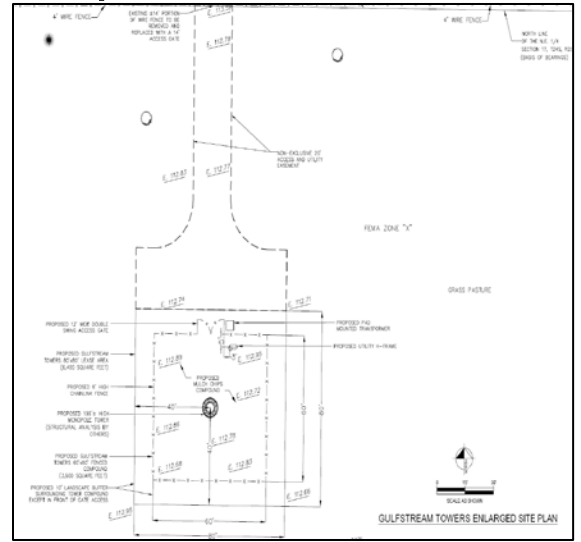
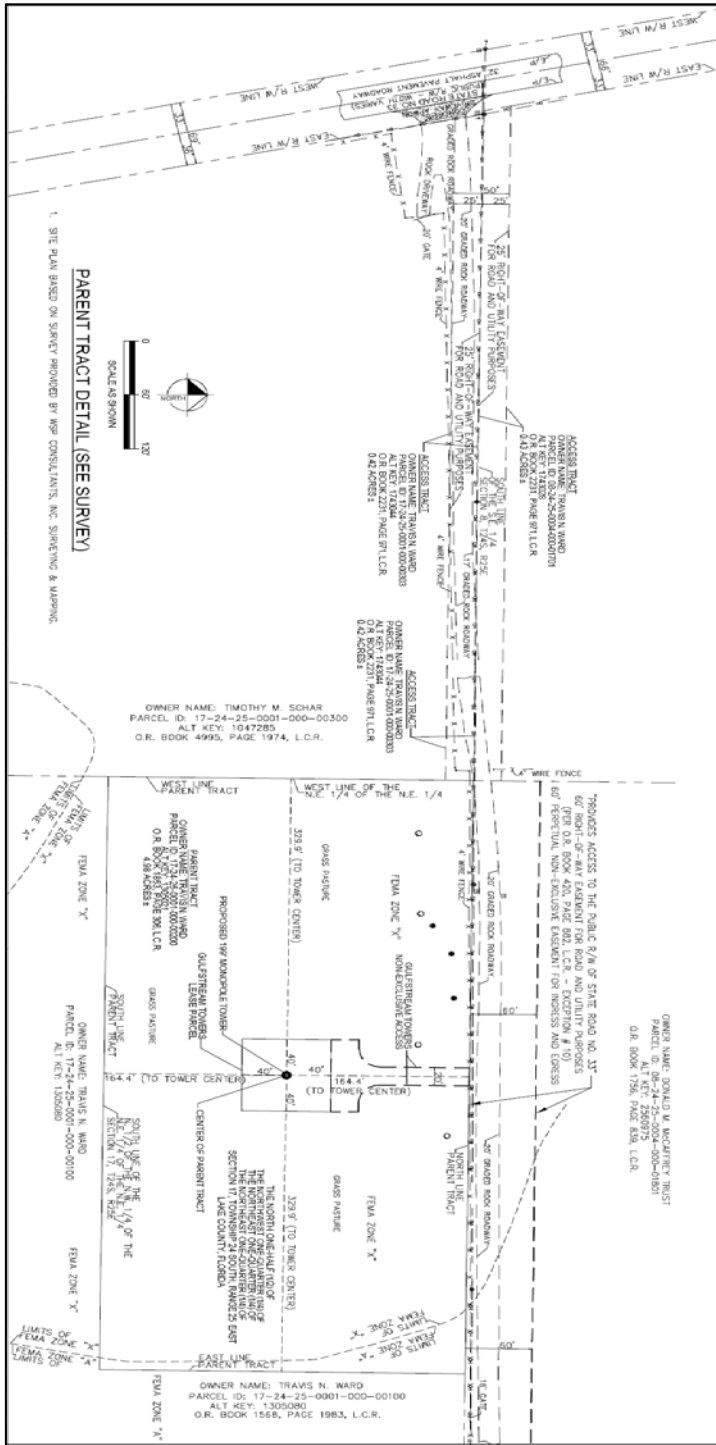
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Rescue Station 110 is located less than three (3) miles from the subject property at 6234 County Road 561, Clermont. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is approved.

Subject Property.



Attachment A, Concept Plan.

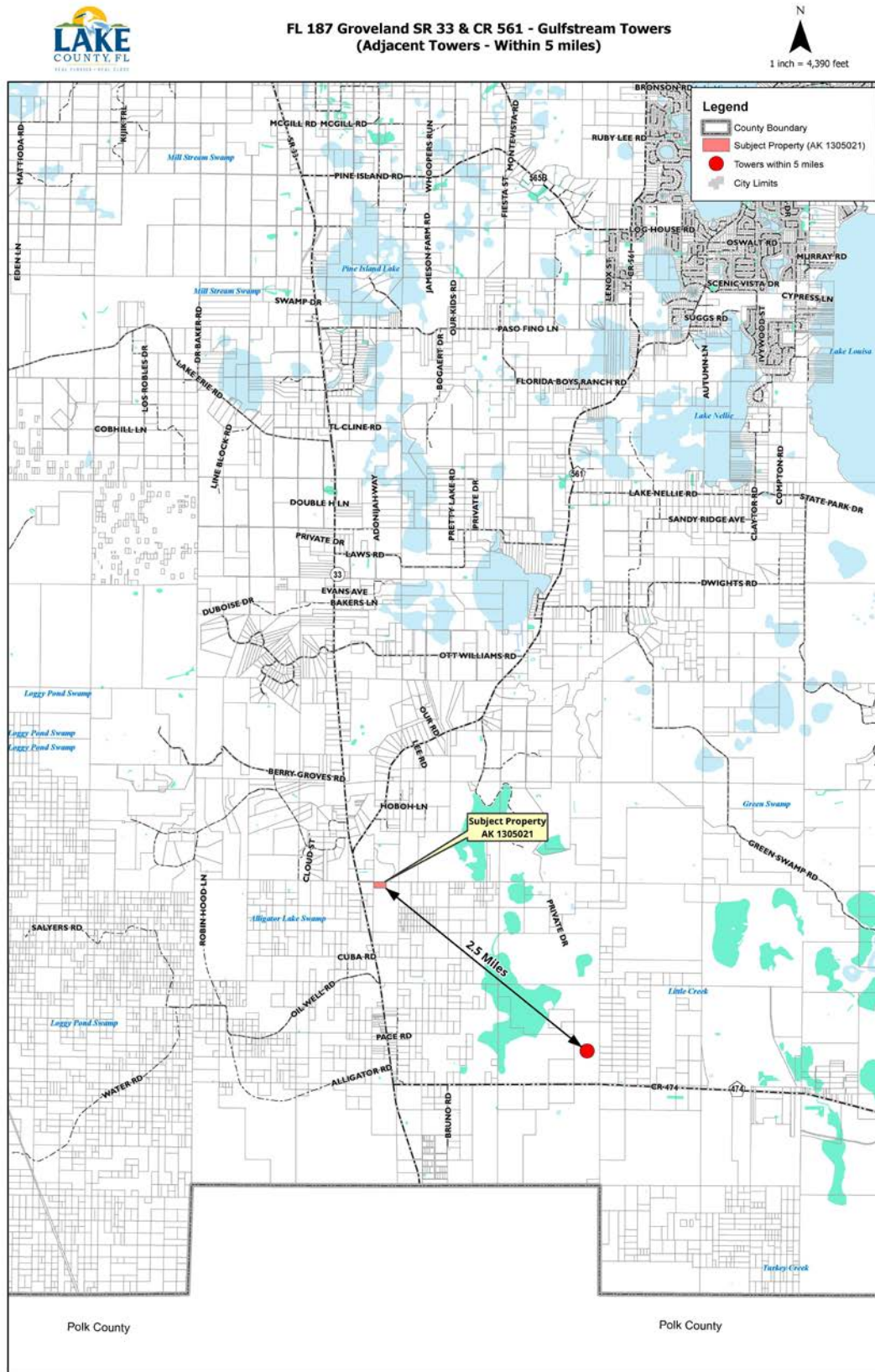


Enlarged Tower Compound Area

Attachment B, Adjacent Residence Map.



Attachment C, Separation Tower Map.



ORDINANCE #2020-XX
Gulfstream Towers, LLC. Property
FL-187 Groveland SR 33 & CR 561
CUP-19-14-1

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**, Gulfstream Towers, LLC (“Applicant”), has submitted a conditional use permit
4 application on behalf of Travis N. Ward (the “Owner”) to allow a monopole communications tower facility on
5 Agriculture (A) zoned property; and

6 **WHEREAS**, the subject property consists of approximately 4.98 +/- acre, the tower compound area
7 consists of 6,400 square feet and is generally located south of the County Road 561 and State Road 33
8 intersection, east of State Road 33 in the Clermont area of unincorporated Lake County, in Section 17,
9 Township 24 East, Range 25 South, within a parcel identified by Alternate Key Number 1305021, and more
10 particularly described as Exhibit A:

11 **WHEREAS**, the property subject to the request is located within the Green Swamp Core
12 Conservation Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land
13 Use Map (FLUM); and

14 **WHEREAS**, Lake County Planning and Zoning Board did review petition CUP-19-14-1 on the 4th
15 day of March, 2020, and after giving Notice of Hearing for a change in the use of land, including a notice that
16 said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 24th
17 day of March, 2020; and

18 **WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the
19 Lake County Planning and Zoning Board, the staff report and any comments, favorable or unfavorable, from
20 the public and surrounding property owners at a public hearing duly advertised, and

21 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
22 property have been duly approved; and

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 operation of a monopole communications tower facility as a
26 Conditional Use within the Agriculture (A) Zoning District. All land uses must be generally
27 consistent with the Concept Plan as shown in Exhibit B of this Ordinance. To the extent that
28 there are conflicts between the Conceptual Plan, and this Ordinance, this Ordinance will take
29 precedence.

30 **Section 2. Terms:** The County Manager or designee shall amend the Official Lake County Zoning Map to
31 reflect a Conditional Use Permit (CUP) to allow uses within conditions as outlined with this
32 Ordinance. All land uses must be generally consistent with the Concept Plan as shown in Exhibit
33 B, of this Ordinance. To the extent that there are conflicts between the Conceptual Plan, and this
34 Ordinance, this Ordinance will take precedence.

35 **A. Land Uses:**

- 36 1. Wireless communications tower (monopole), 199-feet maximum.
37 2. Agriculture uses as permitted.

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

4 **B. Specific Conditions:**

- 5 1. The Permittee shall submit a development application for site plan review and approval
6 prior to commencement of communications tower operations.
- 7 2. Illumination: the communications tower facility shall not be illuminated except to ensure
8 safety as required by the Federal Aviation Administration (FAA) and the Land
9 Development Regulations (LDR), as amended.
- 10 3. Parking: Parking surfaces may be grass or other pervious material.
- 11 4. Structural Design: The structural design of the tower shall be in accordance with the
12 Land Development Regulations (LDR), as amended.

13 **C. Tower Equipment Safety and Facility Setbacks.**

- 14 1. The communications tower facility, and associated uses shall meet all applicable
15 setbacks as set forth in the Land Development Regulations (LDR), as amended.
- 16 2. At the time of development application submittal, self-collapsing capabilities must be
17 demonstrated in accordance with Land Development Regulations (LDR) Section
18 3.13.03.A, as amended.

19 **D. Fencing/Screening.** A chain link fence no less than six (6) feet in height from the finished grade
20 shall be provided around the communications tower and support facilities in accordance with
21 the Land Development Regulations (LDR), as amended. Landscaping will be required on the
22 outside of the compound fencing.

23 **E. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.** Open
24 Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
25 with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

26 **F. Environmental Considerations.**

- 27 1. An environmental assessment dated within six (6) months of the site plan submittal. The
28 environmental assessment will need to be indicate the presence of vegetation, soils,
29 threatened and endangered species that may exist on the site. Any state permitting or
30 mitigation will be required before development can commence.
- 31 2. Proposed structures must maintain a minimum setback of fifty (50) feet from the
32 jurisdictional wetland line (JWL).
- 33 3. Environmental resources shall be protected in accordance with the Comprehensive Plan
34 and Land Development Regulations (LDR), as amended.

35 **G. Transportation.** All access management shall be in accordance with the Comprehensive Plan
36 and Land Development Regulations (LDR), as amended.

37
38
39 [Rest of page left blank intentionally]

- 1 **H. Floodplain and Stormwater Management.**
- 2 1. The stormwater management system shall be designed in accordance with all
- 3 applicable Lake County and St. Johns River Water Management District (SJRWMD)
- 4 requirements, as amended.
- 5 2. The developer shall be responsible for any flood studies required for developing the site
- 6 and comply with FEMA, Comprehensive Plan and Land Development Regulations, as
- 7 amended. Any development within the floodplain as identified on the FEMA maps will
- 8 required compensating storage.
- 9 **I. Signage.** Signs shall be in accordance with the Land Development Regulations (LDR), as
- 10 amended.
- 11 **J. Concurrency Management Requirements.** Any development must comply with the Lake
- 12 County Concurrency Management System, as amended.
- 13 **K. 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 - Concept
- 15 Plan for review and approval in accordance with the Comprehensive Plan and Land
- 16 Development Regulations (LDR), as amended.
- 17 **L. Future Amendments to Statutes, Code, Plans, 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 will include any future
- 20 amendments to the Statutes, Code, Plans, or Regulations.

21 **Section 3. Conditions:**

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

36
37
38
39

[Rest of page left blank intentionally]

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

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

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

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

16

17

18

19

20

21

22

[Rest of page left blank intentionally]

23

24

25

26

27

28

29

30

31

32

33

34

35

36

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

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

ENACTED this _____ day of _____, 2020.
FILED with the Secretary of State _____, 2020.
EFFECTIVE _____, 2020.

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

EXHIBIT A, LEGAL DESCRIPTION.

PARENT PARCEL:

THE NORTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF THE NE 1/4, ALL LYING IN SECTION 17,
TOWNSHIP 24 SOUTH, RANGE 25 EAST, BEING 5 ACRES MORE OR LESS.

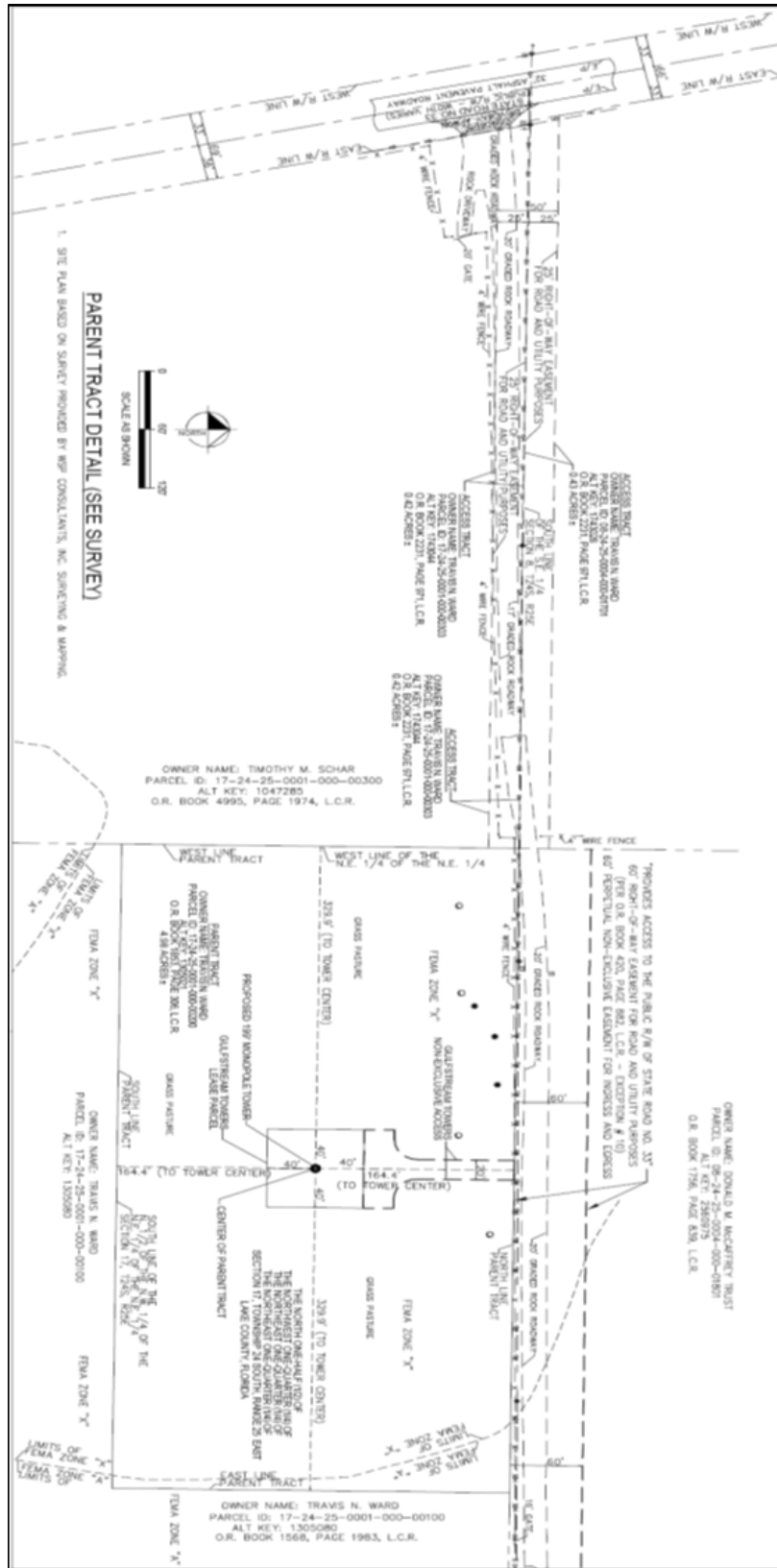
GULFSTREAM TOWERS LEASE PARCEL(Compound):

A PARCEL OF LAND BEING A PORTION OF THE NORTH ONE-HALF (1/2) OF THE NORTHWEST ONE-
QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF
SECTION 17, TOWNSHIP 24 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, SAID PARCEL BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT NORTHEAST CORNER OF THE NORTHEAST
ONE-QUARTER (1/4) OF SAID SECTION 17 (FOUND 4" X 4" CONCRETE MONUMENT - NO I.D.); THENCE ON
A GRID BEARING OF N89°21'00"W ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF
SAID SECTION 17, A DISTANCE OF 659.90 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-
QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF
SAID SECTION 17 (FOUND 1/2" IRON ROD - NO I.D.); THENCE CONTINUE N89°21'00"W CONTINUING ALONG
THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 17, A DISTANCE OF 290.33
FEET (SAID LINE FURTHER REFERENCED BY A FOUND 1/2" IRON ROD - NO I.D. AT A BEARING OF
N89°21'00"W AND DISTANCE OF 659.90 FEET MARKING THE NORTHWEST CORNER OF THE NORTHWEST
ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4) OF THE NORTHEAST ONE-QUARTER (1/4)
OF SAID SECTION 17); THENCE S00°39'00"W A DISTANCE OF 124.41 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S00°39'00"W A DISTANCE OF 80.00 FEET; THENCE N89°21'00"W A DISTANCE OF 80.00
FEET; THENCE N00°39'00"E A DISTANCE OF 80.00 FEET; THENCE S89°21'00"E A DISTANCE OF 80.00 FEET
TO THE POINT OF BEGINNING; SAID PARCEL OF LAND SITUATE WITHIN LAKE COUNTY, FLORIDA,
CONTAINING 6,400.00 SQUARE FEET MORE OR LESS.

[Rest of page left blank intentionally]

1

EXHIBIT B, CONCEPT PLAN.



2