



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 13

Public Hearings: Planning & Zoning Board (PZB): August 4, 2021
Board of County Commissioners (BCC): September 7, 2021

Case No. and Project Name: CUP-21-08-5, Seminole Wind Ranch

Applicants: Richard Hartenstein – Hartenstein Development

Owners: Seminole Ranch Inc. (Ryan Dupuis Oliver)

Requested Action: Conditional use permit to allow a horse boarding and training facility within the Agriculture (A) zoning district.

Staff Determination: Staff finds the conditional use permit application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 19.0 +/- acres

Location: 29248 State Road 44, Eustis

Alternate Key No.: 1745080

Future Land Use: Wekiva River Protection Area (WRPA) A-1-20 Sending Area

Existing Zoning District: Agriculture

Overlay: Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA)

Rural Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Sending Area	Agriculture (A)	Vacant	Vacant and Undeveloped
South	WRPA A-1-20 Sending Area	Agriculture (A)	Residential, Agriculture	Large Tract of Agriculture Land with Single-Family Dwelling Unit and Wetlands
East	WRPA A-1-20 Sending Area	Agriculture (A)	Residential, Agriculture	Vacant Large Tract of Agriculture Land and Wetlands
West	WRPA A-1-20 Sending Area	Agriculture (A)	Residential, Agriculture	Large Tract of Agriculture Land with Single-Family Dwelling Unit and Wetlands

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for a horse boarding and training facility. The subject 19 +/- acres, identified by Alternate Key Number 1745080, is zoned Agriculture, and designated as WRPA A-1-20 Sending Area. The property is situated within the Wekiva River Protection Area and Wekiva Study Area. Currently, the parcel is developed with a single-family dwelling unit, garage with overhang, barn, tack building, storage building, and pump house as illustrated in the concept plan (Attachment "A").

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The application seeks conditional use approval for a horse boarding and training operation within the Agriculture Zoning District. The propose use is consistent with Comprehensive Plan (Comp Plan) Policy I-3.2.2, WRPA A-1-20 Sending Area Future Land Use Category (FLUC), which allows animal specialty services as a conditional use.

This use is reflected in LDR Section 3.01.02 and LDR Table 3.01.03, which specifies the allowance of Riding Stable or Academy in the Agriculture Zoning District with a conditional use permit.

The request is consistent with Chapter II and LDR Section 3.01.02, defines Riding Stable or Academy as a stable used for the care of horses, ponies, or other livestock to be used for instruction, recreation, renting or hiring or for boarding such animals.

The request is consistent with LDR Section 3.01.04(4)(a), which allows Riding Stables or Academies on tracts of land that are 10-acres or more.

The request is consistent with LDR Section 3.01.04(4)(b), which allows structure for the housing of animals at 200-feet from the rights-of-way, and adjacent boundaries owned by others.

B. Effect on Adjacent Properties.

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

To minimize any undue adverse effect to the adjacent parcels, the Owner proposes the hours of operation for the proposed horse boarding and training operation from 8:00 a.m. to 5:00 p.m. and established a 200-foot setback from the right-of-way and adjacent boundaries owned by others. Furthermore, a noise assessment will be required at the time of the development application. New development will be required to meet all criteria contained within the LDR and Comprehensive Plan.

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

A Riding Stable or Academy is defined as a stable used for the care of horses, ponies, or other livestock to be used for instruction, recreation, renting or hiring or for boarding such animals. The proposed use meets the intent of the existing land use and Agriculture zoning district. The adjoining southern, eastern, and western parcels have an active hayfield operation. The proposed use would be compatible with the adjoining zoned Agriculture zoned parcels and uses.

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 minimize any undue adverse effect to the adjacent parcels, the Owner proposes the hours of operation for the proposed horse boarding and training operation from 8:00 a.m. to 5:00 p.m. and established a 200-foot setback from the right-of-way and adjacent boundaries owned by others. Furthermore, a noise assessment will be required at the time of the development application. New development will be required to meet all criteria contained within the LDR and Comprehensive Plan.

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.**

LDR Section 3.01.04(4) requires Riding Stables or Academies to be located on parcel that contain 10-acres or more and requires structures for housing animals to be setback 200-feet from the adjacent boundaries owned by others to minimize impacts on surrounding parcels.

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.

Solid Waste

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

Transportation

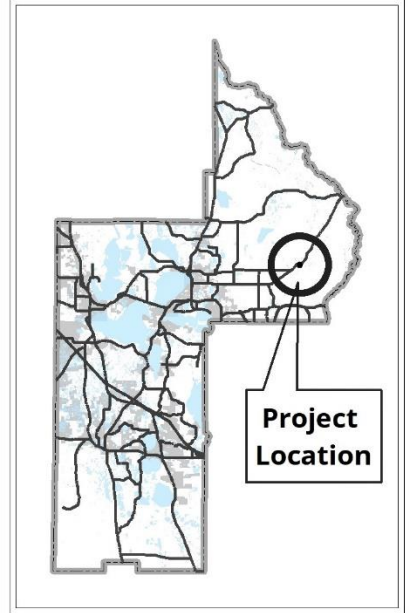
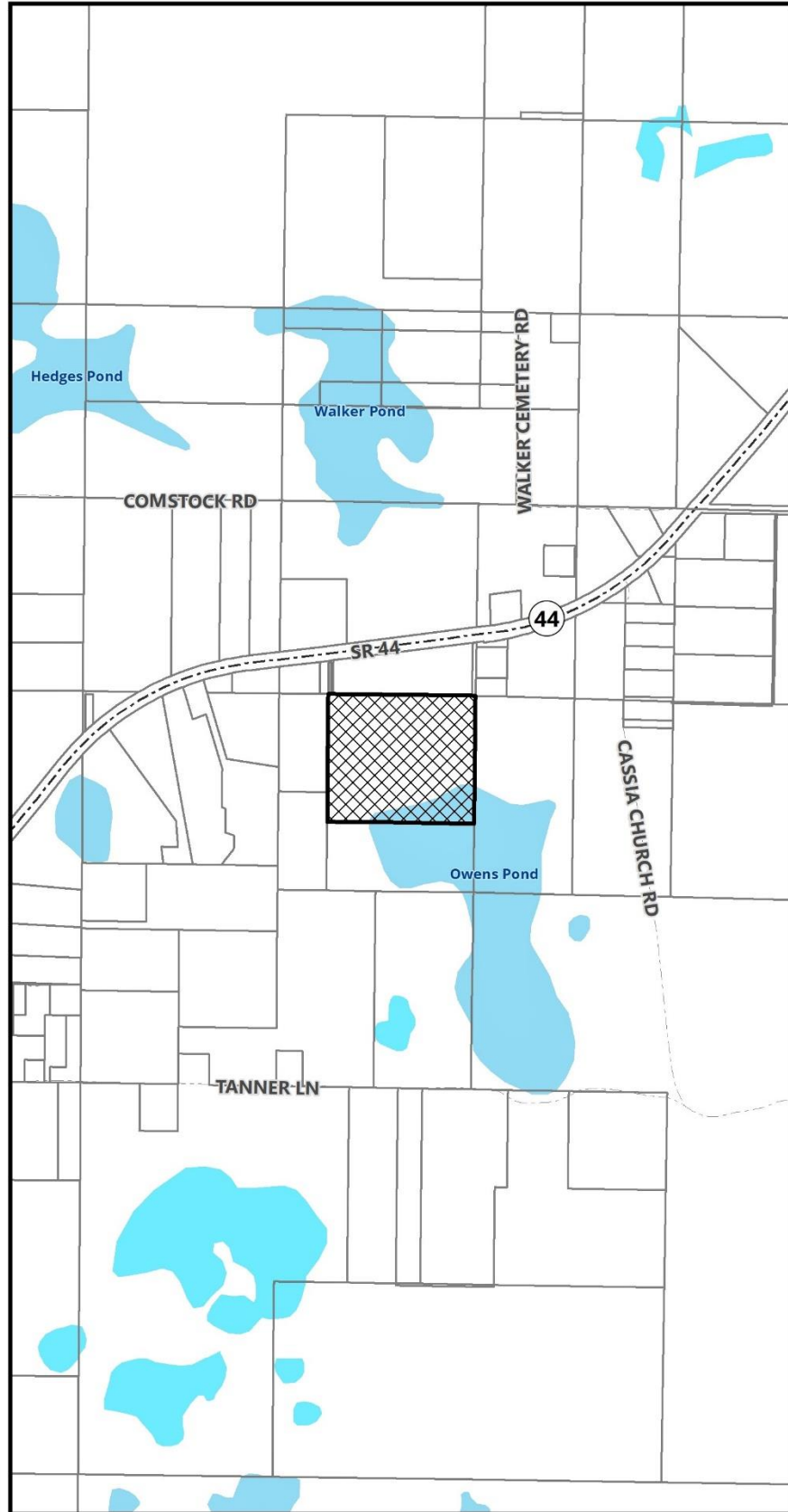
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

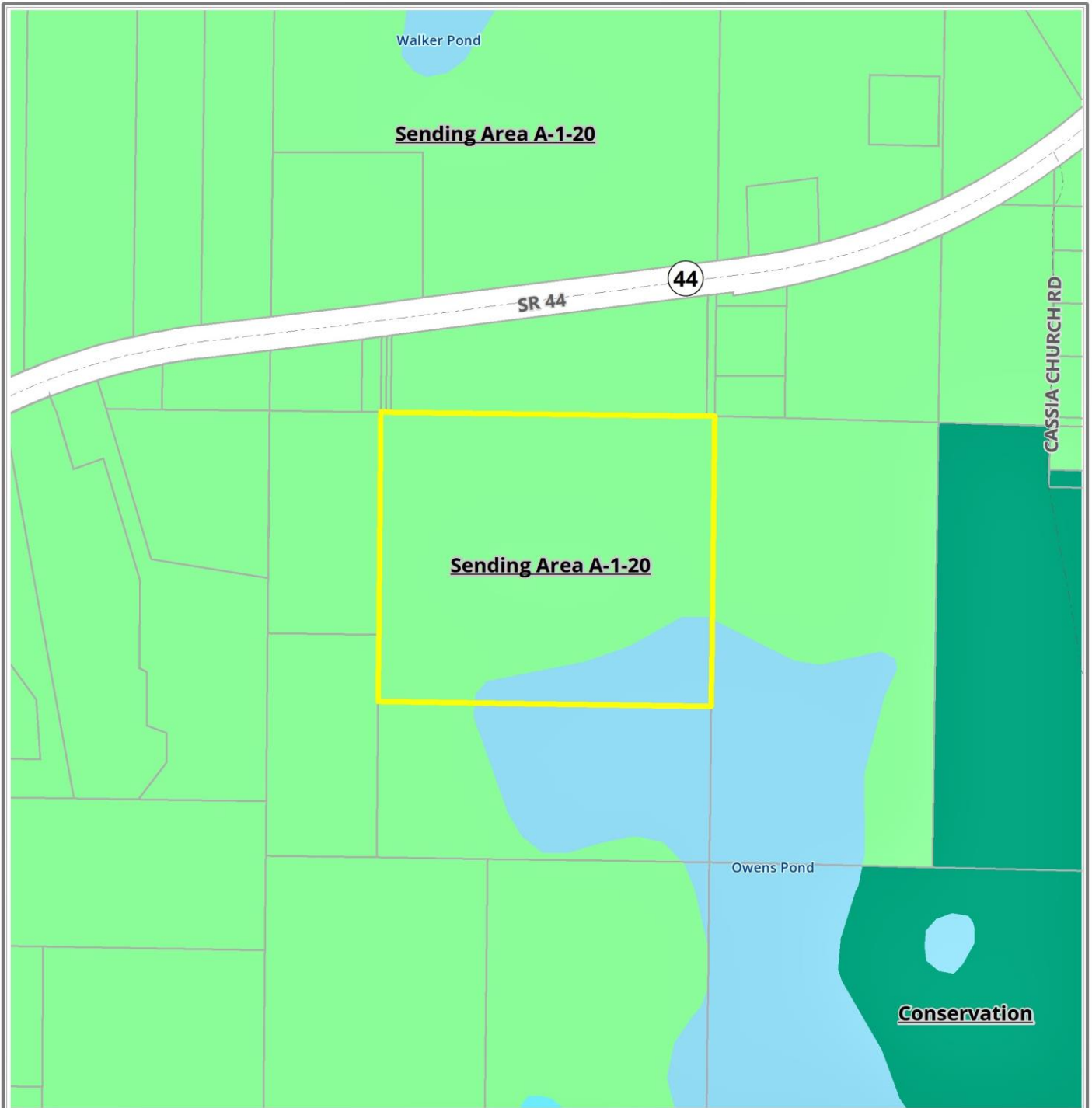
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #15 and #21 are located less than five (5) miles of the subject property and will provide advanced life support should an emergency on the property demand this service. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.



Subject Property



CURRENT FUTURE LAND USE



Future Land Use

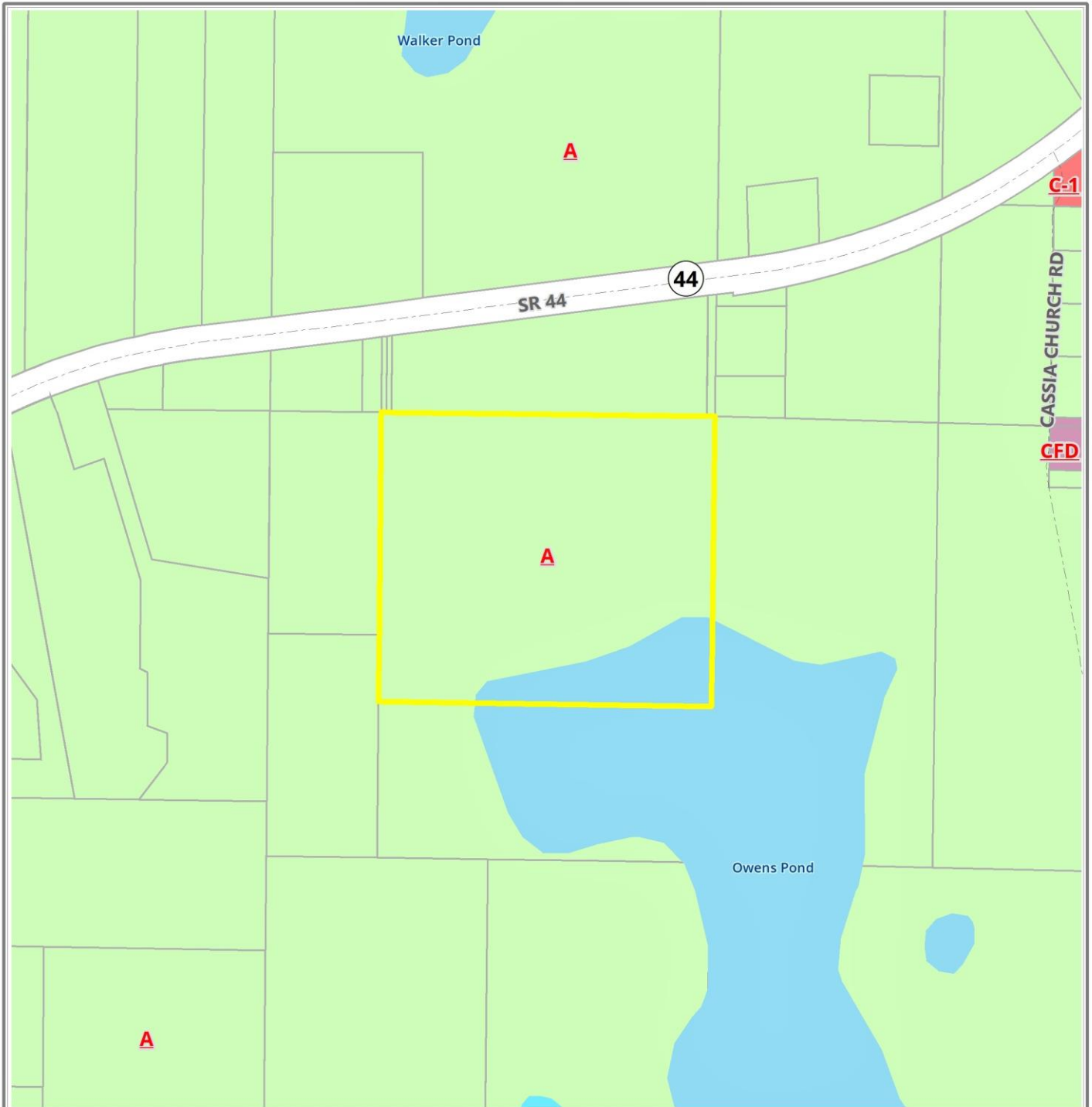
 Conservation  Sending Area A-1-20

NAME: SEMINOLE WIND RANCH PROPERTY
CASE NUMBER: CUP-21-08-5
LOCATION (S-T-R): 36-18-28
REQUEST: ALLOW HORSE BOARDING & TRAINING FACILITY

DISTRICT: 5



CURRENT ZONING



Zoning Legend

A C-1 CFD

NAME: SEMINOLE WIND RANCH PROPERTY
CASE NUMBER: CUP-21-08-5
LOCATION (S-T-R): 36-18-28
REQUEST: ALLOW HORSE BOARDING & TRAINING FACILITY

DISTRICT: 5



**Ordinance 2021-XX
Seminole Wind Ranch
CUP-21-08-5**

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

WHEREAS, Hartenstein Development and Land Use, LLC (the “Applicant”) submitted a conditional use permit application on behalf of Seminole Wind Ranch Inc. (the “Owner”) to allow a horse boarding and training operation within the Agriculture Zoning District; and

WHEREAS, the subject property consists of approximately 19.0 +/- acres, located at 29248 State Road 44, in the Eustis area of unincorporated Lake County, Florida, situated in Section 25, Township 16 South, Range 28 East, having Alternate Key Number 1745080, and more particularly described as:

The East 3/4 of the Northeast one-quarter of the Northwest one-quarter of Section 36, Township 18 South, Range 28 East, except the south 467.85 feet thereof, together with an easement for ingress and egress over such part of the East twenty-five feet of the Southwest one-quarter of Section 25, Township 16 South, Range 28 East, as lies South of the Southerly right of way of State Road 44, Lake County, Florida.

WHEREAS, the subject property is located within the Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); 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 and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions set forth in this Conditional Use Permit; and

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 4th day of August, 2021, and by the Board of County Commissioners of Lake County, Florida, on the 7th day of September, 2021.

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

Section 1. Permission is hereby granted to allow for a riding stable/academy as a Conditional Use within the Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan as shown in Exhibit “A” of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

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

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

1. Agriculture uses.
2. Residential Uses, to include a caretaker’s residence.
3. Horse stable and training/riding facility.
4. Horse boarding (ten (10) horses, maximum).
5. Utility buildings and accessory structures associated with the above uses.

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

4 **B. Specific Conditions:**

- 5 1. Hours of Operation: Monday through Sunday from 8 a.m. to 5 p.m.
- 6 2. There shall be no storage of materials within the setbacks or buffers.

7 **C. Setbacks.** Setbacks in accordance with the 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 LDR, as amended.

10 **E. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan
11 and LDR, as amended.

12 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of the
13 property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as
14 amended.

15 **G. Transportation Improvements and Access Management.** All access management shall be in
16 accordance with the Comprehensive Plan and LDR, as amended.

17 **H. Floodplain Management.** The developer shall be responsible for any flood studies required for
18 developing the site and comply with Federal Emergency Management Agency (FEMA),
19 Comprehensive Plan and LDR, as amended. Any development within the floodplain as identified
20 on the FEMA maps will required compensating storage.

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

24 **J. Environmental Consideration**

- 25 1. Manure, used bedding, and other associated animal waste generated by the riding
26 stable and training/riding facility shall be disposed off-site on a weekly basis (7-day
27 week). The organic waste stockpile shall be stored in a location that is as centered
28 as possible on the subject parcel with a minimum of 100-feet from adjacent
29 boundaries owned by others.
- 30 2. Spreading of manure and waste on the subject parcel shall be prohibited.
- 31 3. Environmental considerations shall be in accordance with the Comprehensive Plan
32 and LDR, as amended.

33 **K. Parking.**

- 34 1. Riding stable and training/riding facility parking area shall be located as centered as
35 possible on the subject parcel with a minimum of 50-feet from adjacent boundaries
36 owned by others.
- 37 2. Parking surfaces may be grass or other pervious material, except as required for
38 Americans with Disabilities Act (ADA) access.
- 39 3. All parking will be provided in accordance with the LDR, as amended.

- 1 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
2 the LDR, as amended.
- 3 **M. Noise.** A noise assessment must be submitted for review and acceptance prior to
4 commencement of the operations of the new uses identified in this Ordinance. Compliance must
5 be in accordance with the Lake County LDR, as amended.
- 6 **N. Signage.** All signage must be in accordance with the LDR, as amended.
- 7 **O. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
8 the Florida Department of Health, the Comprehensive Plan and LDR, as amended.
- 9 **P. Concurrency Management Requirements.** Any development must comply with the Lake
10 County Concurrency Management System, as amended.
- 11 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
12 be required to submit a development application generally consistent with EXHIBIT "A" -
13 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Lake
14 County LDR, as amended.
- 15 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
16 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
17 Comprehensive Plan, and Lake County LDR will include any future amendments to the Statutes,
18 Code, Plans, and/or Regulations.
- 19 **S.** After establishment of the facilities as provided in this Ordinance, the property must only be used
20 for the purposes named in this Ordinance, unless a proposed use meets every requirement of
21 the zoning district in which the property is located. Any other proposed

22 **Section 3. Conditions.**

- 23 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure
24 of the Permittee or his successor to: Fulfill development in substantial accordance with the
25 conceptual plan as submitted to the Planning & Zoning Board and the Board of County
26 Commissioners; comply with the codes of the governmental agencies having lawful and
27 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit;
28 or if this CUP is found to become a nuisance or safety hazard, the permit may be revoked after
29 due Public Hearing before the Planning & Zoning Board and the Board of County
30 Commissioners.
- 31 **B.** This Conditional Use Permit shall inure to the benefit of and shall constitute a covenant running
32 with the land; and the purpose, terms, and conditions contained herein shall be binding upon the
33 Permittee or any successor and his interest hereto.
- 34 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
35 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in
36 this ordinance and to recommend that the ordinance be revoked.
- 37 **D.** Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
38 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
39 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
40 operating hours, a fee shall also be assessed.

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

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

7 **Section 6. Effective Date.** This Ordinance will become effective as provided by law.
8

9 **ENACTED** this _____ day of _____, 2021.

10 **FILED** with the Secretary of State _____, 2021.

11 **EFFECTIVE** _____, 2021.

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

16
17 _____
18 **SEAN M. PARKS, CHAIRMAN**

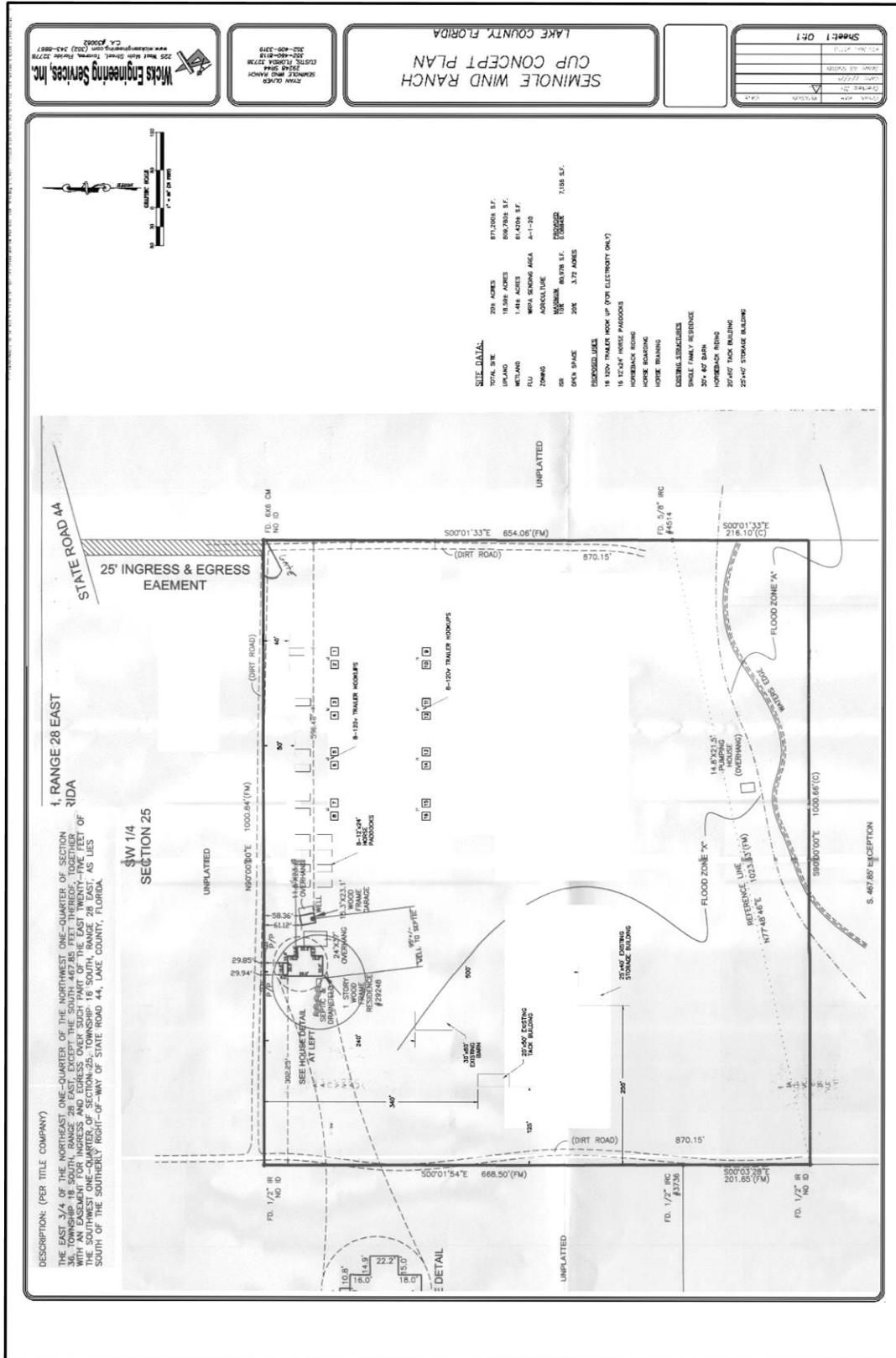
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20
21 **ATTEST:**

22
23
24 _____
25 **GARY J. COONEY, CLERK OF THE**
26 **BOARD OF COUNTY COMMISSIONERS**
27 **LAKE COUNTY, FLORIDA**

28
29
30 **APPROVED AS TO FORM AND LEGALITY:**

31
32
33 _____
34 **MELANIE MARSH, COUNTY ATTORNEY**

Exhibit "A" – Concept Plan.



Wicks Engineering Services, Inc.
 255 West Main Street, Suite 200
 Seminole, Florida 32761
 Phone: 407-878-2778
 Fax: 407-878-2779
 www.wickseng.com
 CA #00082

STATE OF FLORIDA
 COUNTY OF SEMINOLE
 COMMUNITY DEVELOPMENT DEPARTMENT
 300 N. GORRISON STREET
 SEMINOLE, FLORIDA 32761
 PHONE: 407-878-2778
 FAX: 407-878-2779

SEMINOLE WIND RANCH
 CUP CONCEPT PLAN
 LAKE COUNTY, FLORIDA

Sheet: 1 of 1
DATE: 03/15/2021
PROJECT: SEMINOLE WIND RANCH
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1" = 40'

SITE DATA:

TOTAL ACRES	871.2008 S.F.
UPLAND	18.206 ACRES 806,793 S.F.
WETLAND	1.448 ACRES 61,429 S.F.
FLU	WSPA SENSING AREA A-1-1-20
ZONING	AGRICULTURE
USE	MAXIMUM 10.00 S.F. COVERED 200' 3.75 ACRES 7,108 S.F.
OPEN SPACE	
DISPERSED LOTS	18 120' TRAILER HOUS UP (FOR ELECTRICITY ONLY)
	18 12'x24' HORSE PASSENGES
	HORSEBACK RIDING
	HORSE STANDING
	HORSE TRAINING
	COILING STICKS/CLIPS
	SINGLE FAMILY RESIDENCES
	30'x40' BARN
	HORSEBACK RIDING
	25'x40' TACK BUILDING
	25'x40' STORAGE BUILDING

DESCRIPTION: (PER TITLE COMPANY)
 THE EAST 3/4 OF THE NORTHEAST ONE-QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 28 EAST, EXCEPT THE SOUTH 467.84 FEET THEREOF, TOGETHER WITH THE SOUTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 28 EAST, 1/4 S. LIES SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 44, LAKE COUNTY, FLORIDA.

