



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearings: Planning & Zoning Board (PZB): November 3, 2021
Board of County Commissioners (BCC): December 7, 2021

Case No. and Project Name: CUP-21-13-1 Landscape Systems Holdings LLC

Applicant: Martin White, Managing Member of Landscape Systems Holdings, LLC

Owner: Daryl M Carter Trustee

Requested Action: Conditional use permit approval for a tree removal mulch/chipping operation, 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: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 3.00 +/- acres of the overall property (35.48 +/- acres)

Location: Southwest of the CR 455 / CR 561 intersection in the Minneola area.

Alternate Key No.: 1039100 and 1039096

Future Land Use: Rural

Existing Zoning District: Agriculture (A)

JPA / ISBA: Minneola ISBA

Overlay: Yalaha – Lake Apopka Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Right-of-Way and Residential	Single-Family Residences adjacent to CR-455
South	Rural	Agriculture (A)	Residential	Panoramic View Estates Subdivision
East	Rural	Agriculture (A)	Right-of-Way and Residential	Single-Family Residences adjacent to CR-561
West	Rural	Agriculture (A)	Residential	Single-Family Residences

- Summary of Analysis -

The subject properties are identified by Alternate Key Numbers 1039100 and 1039096. The properties are zoned Agriculture (A) and designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject properties are currently classified as having an agricultural exemption for timber/silviculture.

The conditional use permit (CUP) application seeks approval for a woodchipper and yard debris processing site on a 35.48 +/- acre property generally located southwest of the CR 455 and CR 561 intersection, in the Minneola area. The Applicant has provided the following statement regarding the development intentions: "The plant nursery and tree farm are permitted uses in the existing agricultural zoning. They also plan to add an accessory use to grind or chip their own mulch and to accept yard debris from other land clearing and landscaping contractors for mulching."

- 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 a mill operation within the Agriculture (A) zoning district in conjunction with an appropriate land use regulatory instrument; a CUP satisfies this requirement. The LDR defines a mill operation as the milling of natural resources, together with structures, machinery, equipment, and facilities incidental to the development thereof, including, but not limited to mills and sawmills, wood fiber mills, wood processing mills, turpentine stills.

Pursuant to Comprehensive Plan Policy I-1.4.4, agriculture and forestry uses are allowed within the Rural FLUC.

B. Effect on Adjacent Properties.

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

It is not anticipated that the proposed conditional use will result in any undue adverse effect upon nearby properties. The proposed mill use will be located on approximately a 3-acre portion of the overall 35.48 +/- subject property; the Applicant has identified the setback for the CUP subject area to be 305.2-feet from the closest property line.

Secondly, the proposed ordinance contains setback requirements consistent with the Concept Plan (Attachment "A"); a 50-foot (minimum) treed buffer shall remain along the property line owned by others and highway rights-of-way. The Concept Plan indicates the proposed yard debris and mulching area will be setback at least 135-feet from the nearest property owned by others.

Lastly, the proposed ordinance will include requirements for mulch storage, including the maximum mulch pile height to be 20-feet and the separation distance between mulch piles to be no less than 30-feet.

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 large parcels with agricultural and low-density residential 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.

The proposed use will be closely centered on the property, as depicted on the Concept Plan. The landscaping requirements include a security fence and a 50-foot vegetative buffer using the existing pine to be maintained along the boundary of the subject parcels, to screen the development from the view of neighboring properties.

The Applicant provided the following statement: "The proposed mill, or yard debris mulching area is most compatible within the Ag district. Setbacks from the proposed use to residential use properties are from 200 to

300 feet, with an existing natural vegetative buffer along the property lines adjacent to the rural residential uses and CR-455. The 11-acre eastern parcel is planned to remain in silviculture use.”

- 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.**

Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of construction. The site plan shall be consistent with the Concept Plan (Attachment “A”).

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.

Water and Sewer

The subject property will be serviced by a well and septic system.

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

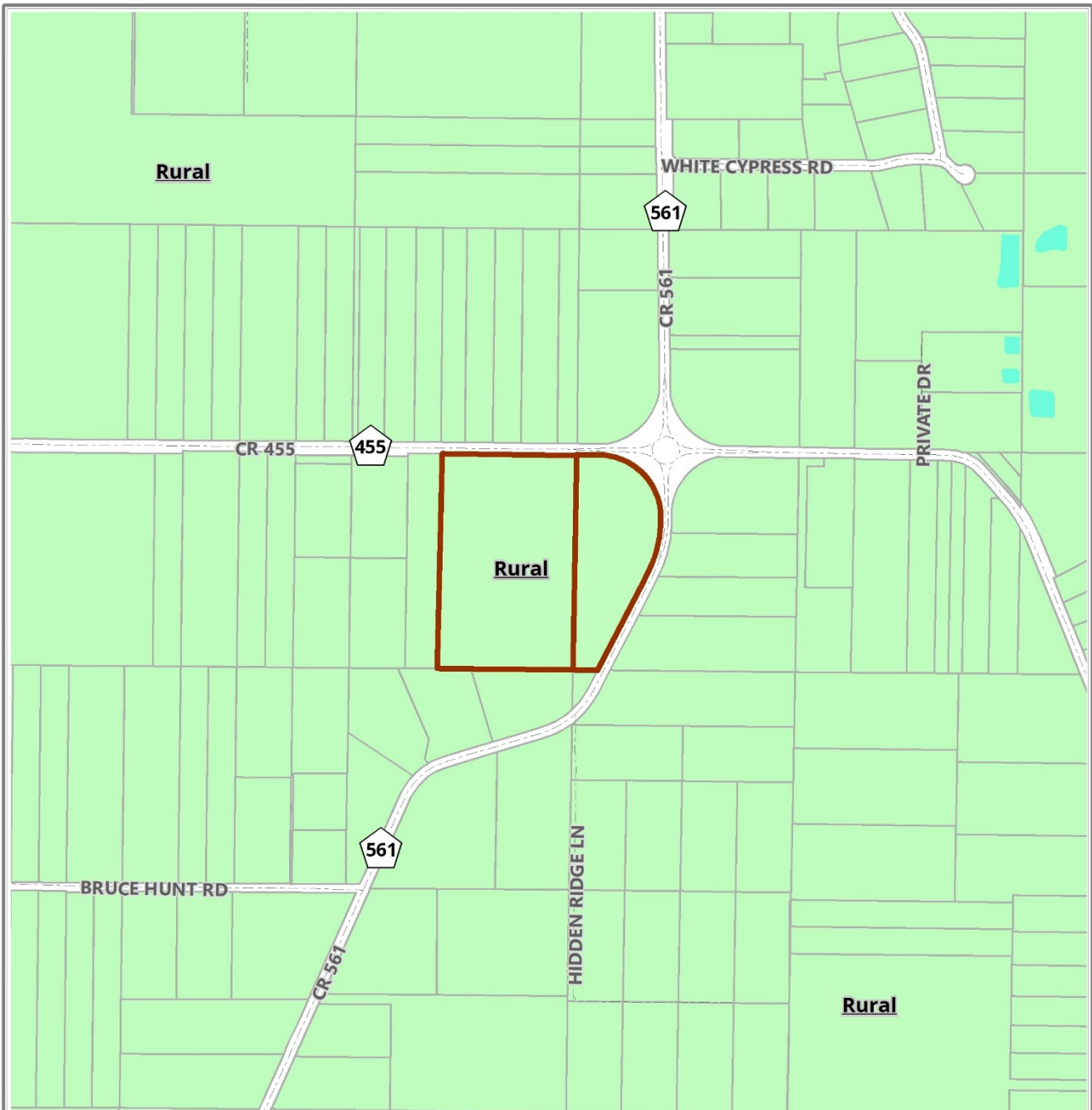
The proposed request is not anticipated to adversely impact transportation levels of service.

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 (LCFS) #83 is located less than five (5) miles from the subject property, at 15303 Ferndale Community Road, in the Ferndale area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

CURRENT FUTURE LAND USE



Future Land Use

 Rural

NAME: LANDSCAPE SYSTEMS HOLDINGS PROPERTY

DISTRICT: 1

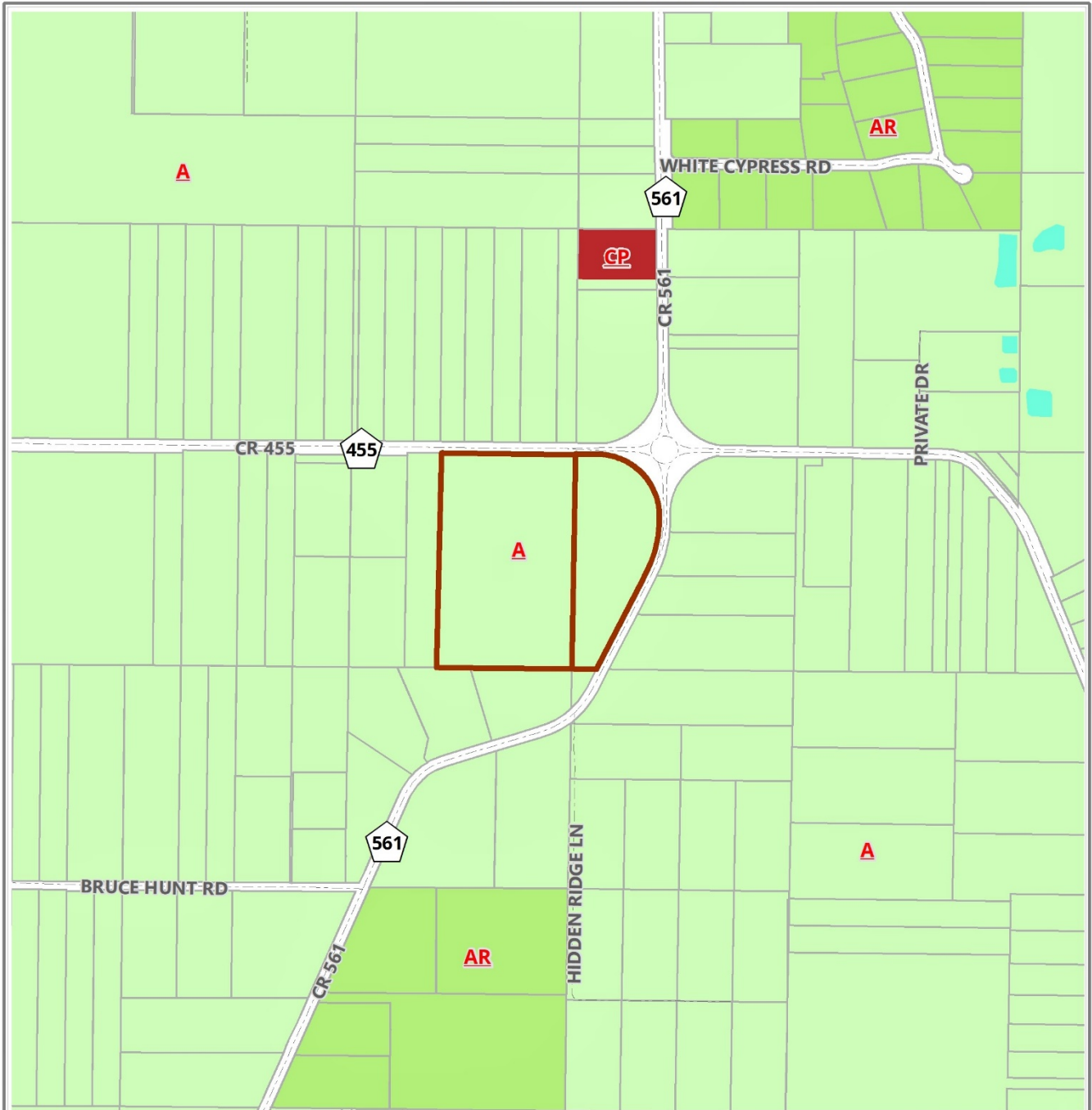
CASE NUMBER: CUP-21-13-1

LOCATION (S-T-R): 17, 18-21-26

REQUEST: ALLOW NURSERY, IRRIGATION & TREE REMOVAL MULCHING & CHIPPING



CURRENT ZONING



Zoning Legend

Light Green A Medium Green AR Red CP

NAME: **LANDSCAPE SYSTEMS HOLDINGS PROPERTY**

DISTRICT: **1**

CASE NUMBER: **CUP-21-13-1**

LOCATION (S-T-R): **17, 18-21-26**

REQUEST: **ALLOW NURSERY, IRRIGATION & TREE REMOVAL MULCHING & CHIPPING**



Attachment "A" – Concept Plan

SITE DATA

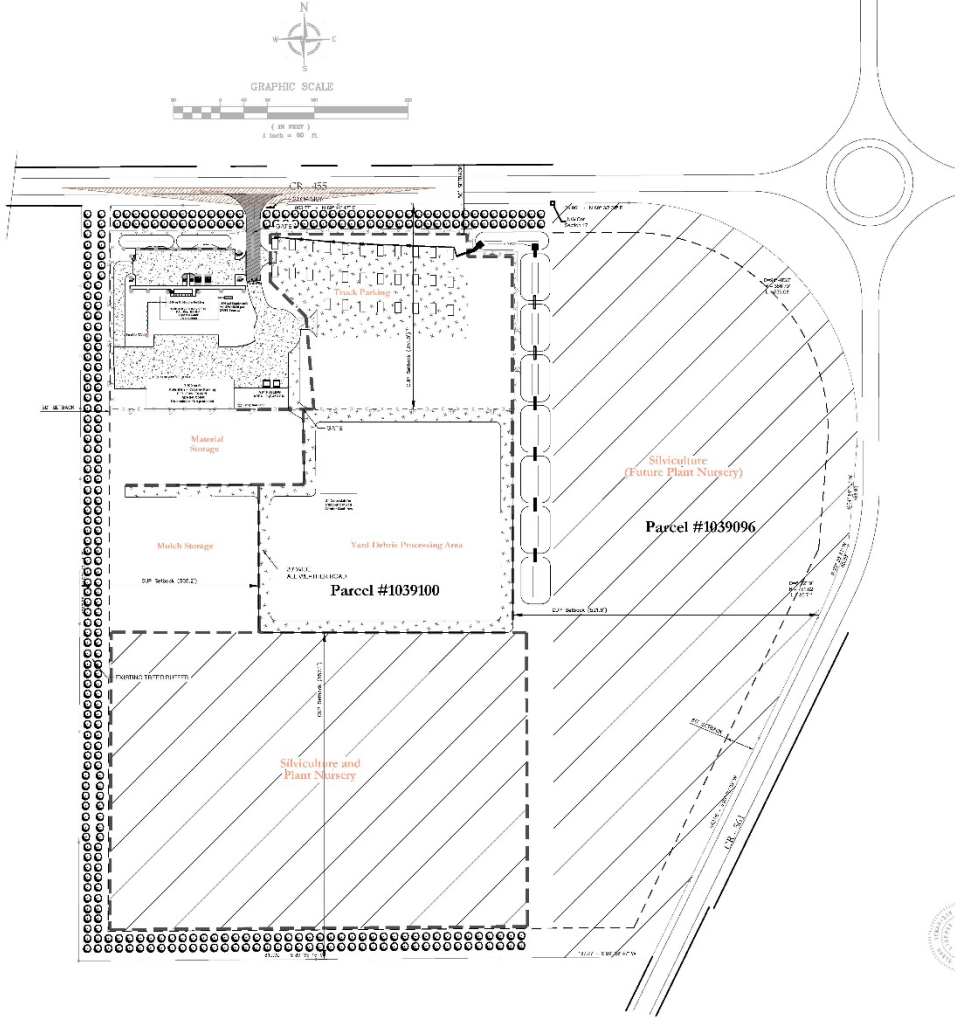
SITE AREA: 35.07 ACRES
 EXISTING USE: PULP TIMBER
 PINE TREE GROVE
 PROPOSED USE: LANDSCAPE CONTRACTOR
 OPERATIONS & STORAGE YARD
 EXISTING LAND USE: AG
 EXISTING ZONING: AG
 FLOOD ZONE 'X' PER FEMA 12069 C 0529E

SITE COVERAGE DATA

PAVEMENT & PADS	1.3%	20,620 SQ FT
BUILDINGS/ROOF	0.7%	11,100 SQ FT
BUFFERS/OPEN SPACE	13.8%	214,325 SQ FT
NURSERY FIELDS	28.4%	437,338 SQ FT
RETENTION PONDS	3.7%	57,305 SQ FT
YARD DEBRIS PROCESS	4.6%	70,000 SQ FT
MATERIAL STORAGE	23.0%	354,500 SQ FT
GRAVEL WORK YARD	24.6%	380,400 SQ FT
TOTAL	100%	1,545,509 SQ FT

LEGEND

	PROPERTY LINE
	TIMBER / SILVICULTURE
	IMPERVIOUS DRIVE / BLOCK / ROAD BASE
	PERVIOUS PAVEMENT
	ASPHALT PAVEMENT
	EXISTING TREE INDEX



3 6	State of Georgia Board of Professional Engineers License No. 297058-B Scale: 1" = 50' Date: OCTOBER 2021	State of Georgia Board of Professional Land Surveyors License No. 25523-A Date: OCTOBER 2021	Site Master Plan Landscape Systems, Inc. Site Plan Nursery & Operations Facility Cartersville, GA	GROVE ENGINEERING & CONSTRUCTION 1231 WALKER CARTERSVILLE, GA 30130 770.429.8888	No. 1166 11/16/21 LAKY CD 341	62 53 52 51 50 49 48 47 46 45 44 43 42
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Ordinance 2021-XX
Landscape Systems Holdings LLC
CUP-21-13-1

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**, Martin White (the “Applicant”), in his capacity as the Managing Member of Landscape
4 Systems Holdings, LLC, a Florida limited liability company, submitted a conditional use permit application on
5 behalf of Daryl M. Carter, Trustee (the “Owner”) to allow a mill operation within the Agriculture (A) zoning
6 district; and

7 **WHEREAS**, the subject property consists of approximately 35.48 +/- acres, is generally located south
8 of County Road 455 and east of County Road 561, in the Minneola area of unincorporated Lake County,
9 situated in Section 17/18, Township 21 South, Range 26 East, having Alternate Key Numbers 1039100 and
10 1039096, and more particularly described as:

11 **EXHIBIT “A” – LEGAL DESCRIPTION**

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

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

18 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
19 on the 3rd day of November 2021, and by the Board of County Commissioners of Lake County, Florida, on
20 the 7th day of December 2021.

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

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

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

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

- 33 1. Mill Operation (3.54 +/- acres).
- 34 2. Accessory uses directly associated with the above uses may be approved by the
35 County Manager or designee. Any other use of the site will require approval of an
36 amendment to this Ordinance by the Board of County Commissioners.

37 **B. Specific Conditions:**

- 1 1. The 3.54 +/- acre mill operation area shall be maintained in an organized and
2 presentable manner.
- 3 2. The mill compound area shall be fenced to facilitate separation from the principal
4 use of the parent parcel.
- 5 3. The maximum mulch/sod pile height shall be twenty (20) feet with a minimum of
6 thirty (30) foot separation distance between mulch/sod piles.
- 7 **C. Setbacks.** The proposed yard debris and mulching area will be setback a minimum of
8 135-feet from each property line. Any new buildings or structures shall require building
9 setbacks in accordance with the Land Development Regulations (LDR), as amended.
- 10 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage**
11 **Height.** The property shall be developed in accordance with the Comprehensive Plan
12 and LDR, as amended.
- 13 **E. Landscaping, Buffering, and Screening**
 - 14 1. Landscaping, Buffering, and Screening shall be in accordance with the (LDR, as
15 amended, except as otherwise stated herein.
 - 16 2. A fifty (50) foot wide vegetative buffer along the property perimeter must be
17 maintained in perpetuity to suffice as the required landscape buffer using the
18 existing pine.
 - 19 3. The removal of trees on the subject parcel beyond what is needed for the mill
20 operation must comply with LDR Section 9.02.00.
- 21 **F. Fire Protection and Emergency Services Access.** Access and fire safety
22 requirements shall be provided in accordance with the Florida Fire Prevention Code and
23 LDR, as amended.
- 24 **G. Transportation Improvements and Access Management.** All transportation
25 improvements and access management shall be in accordance with the Comprehensive
26 Plan and LDR, as amended.
- 27 **H. Stormwater/Floodplain Management.** The stormwater management system shall be
28 designed in accordance with all applicable Lake County and St. Johns River Water
29 Management District (SJRWMD) requirements, as amended.
- 30 **I. Environmental Consideration.** The property shall be developed in accordance with
31 the Comprehensive Plan and LDR, as amended.
- 32 **J. Parking.** All parking will be provided in accordance with the LDR, as amended.
- 33 **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in
34 accordance with the LDR, as amended.
- 35 **L. Noise.** A noise assessment must be submitted for review and acceptance prior to
36 commencement of the operations of the new uses identified in this Ordinance.
37 Compliance must be in accordance with the LDR, as amended.
- 38 **M. Signage.** All signage must be in accordance with the LDR, as amended.

- 1 **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the
2 requirements of the Florida Department of Health, the Comprehensive Plan and LDR,
3 as amended.
- 4 **O. Concurrency Management Requirements.** All development must comply with the
5 Lake County Concurrency Management System, as amended.
- 6 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner
7 shall be required to submit a development application generally consistent with Exhibit
8 "B" - Conceptual Plan for review and approval in accordance with the Comprehensive
9 Plan and LDR, as amended.
- 10 **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
11 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
12 County Comprehensive Plan, and LDR will include any future amendments to the
13 Statutes, Code, Plans, and/or Regulations, as applicable.
- 14 **R. Other Proposed Uses.** After establishment of the facilities as provided in this
15 Ordinance, the property must only be used for the purposes named in this Ordinance,
16 unless a proposed use meets every requirement of the zoning district in which the
17 property is located. Any other proposed use must be specifically authorized by the Board
18 of County Commissioners.

19 **Section 3. Conditions.**

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

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

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

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

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ENACTED this _____ day of _____, 2021.
FILED with the Secretary of State _____, 2021.
EFFECTIVE _____, 2021.

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

SEAN M. PARKS, 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

1 **Exhibit "A" – Legal Description**

2 **Subject Property (Parent Parcel) Legal Description:**

3 That part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 21 South, Range 26 East, Lake
4 County, Florida, bounded and described as follows:

5 Begin at the Northeast corner of the said Section 18, thence run west, along the north line of said Section
6 18, a distance of 803.6 feet; thence run a distance of 803.6 feet; thence run in a southerly direction to a
7 point on the south line of the Northeast 1/4 of the Northeast 1/4 of said Section 18 that is 810.3 feet west of
8 the Southeast corner of the Northeast 1/4 of the Northeast 1/4; thence run east, along the south line of said
9 Northeast 1/4 of the Northeast 1/4, a distance of 810.3 feet to the southeast corner of the said Northeast
10 1/4 of the northeast 1/4; thence run north, along the east line of the said Section 18, to the point of
11 beginning; less and except the right-of-way for State Road No. 455;

12 Also

13 That part of the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 21 South, Range 26 East,
14 Lake County, Florida, lying south of the southerly line of the right-of-way of State Road No. 455 and west of
15 the westerly line of the right-of-way of State Road No. 561; less that part thereof lying north and east of the
16 southwesterly line of the right-of-way of the most westerly branch road in the said Northwest 1/4 of the
17 Northwest 1/4 which runs from the southerly line of the right-of-way of State Road No. 455 to the westerly
18 line of the right-of-way of State Road No. 561.

19 **Mill Compound Area Legal Description:**

20 A tract of land situated in Section 18, Township 21 South, Range 26 East, Lake County, Florida being more
21 particularly described as follows:

22 Commencing at the northeast corner of said Section 18 thence S89°41'47"W along the north line of said
23 Section 18 a distance of 69.49 feet; thence departing said north line S00°08'02"E a distance of 384.85 feet
24 to the point of beginning; thence continue S00°08'02"E a distance of 379.35 feet; thence N89°58'10"W a
25 distance of 433.23 feet; then N00°00'00"E a distance of 258.08 feet; thence N90°00'00"E a distance of
26 77.41 feet; thence N00°52'15"W a distance of 127.05 feet; thence N90°00'00"E a distance of 356.86 feet to
27 said point of beginning.

28 Containing 3.54 acres, more or less.

