



**Planning and Development Services**  
Planning Division

**M E M O R A N D U M**

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**TO:** Board of County Commissioners

**THROUGH:** Leslie Olson, AICP, Director  
Bonnie C. Landry, AICP, Planning Manager

**FROM:** Jeffrey Johnson, Senior Planner

**DATE:** September 5, 2017

**SUBJECT:** Margiric Farms Agricultural Housing – Conditional Use Permit

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**GENERAL INFORMATION:**

Applicant/Property Owner: Margiric Assett, LLC

Agent for Applicant: McCarty and Associates – Michael McCarty

Location: 16001 Indrio Road

Size of Development: 20 acres

Tax Identification Number: 1213-321-0001-000-0

Current Zoning: AG-1, Agricultural - 1

Zoning Overlay: Airport

Future Land Use: SD, Capron Trails Special District (1 du acre)

Wetlands: None

Utilities: Private Septic System and Well

Urban Service Boundary: Outside

Adjacent Land Use/Zoning:

	Future Land Use	Zoning	Existing Use(s)
North	SD, Special District	AG-1, Agricultural -1	Agricultural Farming
South	SD, Special District	AG-1, Agricultural -1	Agricultural Farming
East	SD, Special District	AG-1, Agricultural -1	Agricultural Farming
West	AG-5, Agricultural - 5	AG-5, Agricultural - 5	Agricultural Farming

**BACKGROUND**

The applicant, Margiric Assett, LLC is requesting a Conditional Use Permit to allow for the construction of 20 modular dwelling units of agricultural labor housing on a 20 acre parcel of land located approximately 3 miles west of Interstate 95 on the south side of Indrio Road (16001 Indrio Road).

The housing will be located on the west side of the parcel adjacent to an existing 21,650 s.f. packing house. Each dwelling unit will be modular constructed, will house no more than six (6) individuals with a maximum stay of 10 months, and will be required to comply with Florida Building Code requirements and Chapter 64E-14, Florida Administrative Code regulating Migrant Labor Camps. Water and wastewater will be provided by a private septic system that will be required to meet applicable Health Department permitting requirements.

The applicant submitted a companion item for a Major Site Plan petition for the proposed housing project.

**NEIGHBORHOOD MEETING**

The applicant did not hold a neighborhood meeting on the proposed petition. Although neighborhood meetings are strongly encouraged, they are not required.

**STAFF ANALYSIS**

**CONDITIONAL USE PERMIT  
STANDARDS OF REVIEW SET FORTH IN  
LDC, SECTION 11.07.03**

Land Development Code, Section 11.07.03 establishes the standards for reviewing Conditional Use Permits. In reviewing an application for a Conditional Use Permit, the Board of County Commissioners and the Planning and Zoning Commission shall consider:

A. *Consistency with Land Development Code and Comprehensive Plan*

The Conditional Use Permit is consistent with the general purpose, goals, objectives and standards of the Land Development Code (LDC) and Comprehensive Plan. Agricultural labor housing for agricultural operations is allowed via conditional use permit in the AG-1 zoning district as per LDC, Section 7.10.08(A) – Agricultural Labor Housing subject to site plan approval.

The subject property's Future Land Use is Capron Trail Special District (SD). The maximum density for this Special District is governed by its original Future Land Use – Agriculture which is 1 dwelling unit per acre. The proposed request of one (1) dwelling unit per acre complies with this future land use and the minimum standards established in LDC, Section 7.10.08 – Agricultural Labor Housing which also has a maximum density of 1 dwelling unit per acre.

LDC, Section 7.10.08 – Agricultural Labor Housing (Standards)

Land Development Code, Section 7.10.08(E), establishes the following standards for agricultural labor housing. The proposed housing shall be used exclusively for agricultural purposes, is encouraged to be clustered, and is subject to the Florida Building Code.

1. Agricultural labor housing shall be setback a minimum of 100 feet measured from the front property line and all public or private right of way lines.

*The location of the proposed housing complies with this minimum setback requirement.*

2. No on-site agricultural labor housing shall exceed in land area three (3) percent of the gross acreage of the agricultural operation, or twenty (20) acres, whichever is less. Off-Site agricultural housing shall not have a land area of not less than five (5) acres.

*The size of the agricultural operation is approximately 2,000 acres in size. The applicant has provided a 20 acre parcel of land, which is less than 3 percent of the the operation size.*

3. Certification of structures built under this section with the Florida Department of Health, pursuant to Chapter 64E-14, F.A.C. (Florida Administrative Code), as a migrant labor camp shall be required. The St. Lucie County Planning and

Development Services Director shall be copied on the written notice of intent to the Department of Health required in F.A.C. 64E-14.0003.

*A note has been placed on the site plan drawings.*

4. The owner of the Agricultural Labor Housing development shall provide copies of the Florida Department of Health biannual inspections to the Planning and Development Services Director to be filed with the Conditional Use Permit.

*A condition of approval requires these inspections reports be sent to the County on a biannual basis.*

5. No agriculture labor housing structure licensed by the Florida Department of Health as a migrant labor camp shall be used as a permanent residence.

*A condition of approval requires the housing to be utilized on a temporary basis and solely for agricultural laborers only. If the dwelling units are vacant for a continuous period of 12 months or more, the use shall be considered abandoned, and the owner will be required to remove all dwellings within 90 days of receipt of notice from the County. If the owner fails to do so, the County will remove them at the expense of the owner.*

6. In the event of a change in ownership of an agricultural labor housing development, the new owner shall submit an application for a minor adjustment to the Conditional Use Permit within ninety (90) days of the date of change in ownership is recorded in public records of St. Lucie County.

*A note has been provided on the site plan drawings for acknowledgement.*

7. Agricultural labor housing shall comply with landscaping requirements in accordance with LDC, Section 7.09.00.

*A landscape plan has been provide that complies the LDC requirements.*

8. The maximum number of dwelling units shall not exceed one unit per gross acre.

*Density has been provided at one (1) dwelling unit per gross acre.*

9. The minimum setbacks for structures from property lines shall be consistent with the zoning district. Any existing or proposed non-residential building(s) on the overall parcel shall be shown along with the distance between the proposed housing and other existing or proposed structures.

*All proposed structures comply with the minimum building setback requirements in the AG-1 zoning district. A fully dimensioned site plan has been provided.*

LDC, Section 7.10.08 - Agricultural Labor Housing (Site Plan)

Every conditional use application for Agricultural Labor Housing must include a site plan consistent with LDC, Section 11.02.04, including the following information:

1. The site plan shall include a statement that the units shall solely be occupied by individuals on a temporary basis who are employed in active or on-site agricultural operations or agricultural operations located on other properties leased by the owner or under the same ownership as the subject project site.

*A notes has been provided on the site plan drawings.*

2. A map indicating the location and distance of both off-site agricultural operations at which the laborers will be working and the housing shall be provided.

*A map is attached to the site plan drawings.*

3. The area and dimensions of the land to be devoted to the housing development.

*The area is depicted on the site plan is clustered on the western one-third of the property.*

4. The layout of building sites and types of proposed structures.

*The site plan provides a layout of the site and structures.*

5. Location, size and type of utilities.

*Two (2), 5,000 s.f. septic systems and a potable water well are shown on the site plan.*

6. Environmental Impact Report, conforming to LDC, Section 11.02.09(A)(5).

*An Environmental Impact Report has been reviewed and found in compliance with LDC requirements.*

7. Traffic Impact Report or Study, as needed or required by LDC, Section 11.02.04.

*A traffic statement in accordance with LDC, Section 11.02.04 has been provided.*

8. The plan shall identify and label all common areas as defined in FAC 64E-14.002.

*The site plan identifies all common areas.*

9. The site plan shall include the following statement:

Notice of Conveyance. Wherever an interest in real property within an area covered by an approved conditional use for agricultural labor housing is sold, the seller shall attach to the instrument of sale, a notice directing the buyer's attention to such approval (including any amendment) and the area of the lot of record used as a basis for the agricultural labor housing. The notice shall also generally apprise the buyer of the development rights, requirements, and remedies provided under such approval, under this Code. Such notice shall be on a form approved by the Planning and Development Services Director.

*A statement has been provided on the site plan drawings.*

10. The site plan shall include a designated transit stop shelter for residents' pickup, drop off and waiting to provide protection from weather.

*Three (3) covered transit shelters have been provided on the site plan drawings.*

The proposed use furthers the goals, objectives and policies of the Comprehensive Plan:

**Comprehensive Plan Goal 10.3:** Expand agricultural activities, and maintain a sufficient agricultural land base to increase the sustainability, expansion, and diversification of agricultural activities throughout St. Lucie County.

*This project provides safe housing for agricultural workers and helps provide a more efficient operation thereby helping to sustain this industry.*

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**B. *Effect on Adjacent Properties***

The purpose of the AG-1 zoning district is to provide and protect an environment suitable for productive commercial agriculture, together with such other uses as may be necessary to and compatible with productive agricultural surroundings. Residential densities are restricted to a maximum of one (1) dwelling unit per gross acre.

The proposed use should not have an undue adverse impact upon the adjacent properties which consist of crop production and other agricultural related operations on larger tracts of land that range in size from 80 to 595 acres. There are no single family residences within one (1) mile of the proposed dwelling units which will be setback a minimum of 100 feet from all property lines. The units will be clustered on the western portion of the property to conserve agricultural open space, minimize infrastructure costs associated with roads and utilities, and will allow for convenient socializing and a sense of community with the provision of a recreation field, pavilions and picnic areas.

*C. Adequacy of Public Facilities*

Water/Wastewater and Electric

Water and wastewater services will be provided with the use of a private septic system and well. FPL will provide electricity for the individual dwellings and common areas which will be illuminated for safety and security purposes.

Adequacy of Educational Facilities

The proposed project will consist of temporary adult farm laborers. Therefore, there are no school concurrency or capacity issues identified with this use. A condition of approval requires that no children below 16 years of age reside in the housing facilities.

Transportation System

A traffic impact report is not required as per LDC, Section 11.02.09(4)(A). The applicant has provided a traffic statement of which indicates that the proposed development will generate 237 daily trips [24 AM (6 in, 18 out) and 25 PM (16 in, 9 out) peak hour trips]. The latest count information published by the MPO (Fall 2015) shows there were 76 peak direction vehicles on Indrio Road west of I-95. The roadway capacity west of I-95 is 1,080 peak direction vehicles based on the Fall 2015 report.

The project may add as many as 16 peak hour peak direction to the road segment. The existing 76 trips plus the proposed 16 peak hour trips total 91 peak hour development trips are significantly less than the existing capacity of Indrio Road. Upon completion of the project, Indrio Road will be at less than 10 percent of its capacity and will operate at level of service B during peak hours. In conclusion, the roadway network will operate acceptably and the project meets concurrency requirements.

*D. Adequacy of Fire Protection*

The St. Lucie County Fire District, Fire Prevention Bureau reviewed the proposed conditional use in accordance with the provisions of the State Fire Code and has no objections to the request. The St. Lucie County Fire District, Station #7 Lakewood Park White City is located approximately 6 miles to the east (4900 Fort Pierce Boulevard).

*E. Environmental Impact*

Environmental Resources Department does not object to the Conditional Use Permit application and has provided a final report (see attached). There is no intact native habitat or vegetation located onsite, therefore, the ERD Director has granted relief from the requirement to submit an Environmental Impact Report, in accordance with Land Development Code 11.02.09.A.5.

Environmental impacts for this conditional use application are being addressed through the major site plan process, which is currently under review by ERD staff. The major site plan application will address landscaping and screening, as required by the Land Development Code.