# MINUTES
# LAKE COUNTY PLANNING AND ZONING BOARD
# July 1, 2020

The Lake County Planning and Zoning Board met on Wednesday, July 1, 2020, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, July 21, 2020 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

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| Sandy Gamble, Chairman | School Board Representative |
| Tim Morris, Vice-Chairman | District 3 |
| Rick Gonzalez | District 4 |
| Cori Todd | District 5 |

**Members Not Present:**

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| Kathryn McKeeby, Secretary | District 1 |
| Laura Jones Smith | District 2 |
| Jim Hamilton | At-Large Representative |
| Donald Heaton | Ex-Officio Non-Voting Military |

**Staff Present:**

Tim McClendon, AICP, Director, Office of Planning & Zoning
Diana Johnson, Deputy County Attorney
Josh Pearson, Deputy Clerk, Board Support

Chairman Sandy Gamble called the meeting to order at 9:00 a.m. and noted that a quorum was present. He called for a moment of silence and then led the Pledge of Allegiance. He remarked that the Lake County Planning and Zoning Board was an advisory board to the Board of County Commissioners (BCC) and that this Board was responsible for reviewing proposed changes to the Lake County Comprehensive Plan (Comp Plan), zoning, conditional uses, mining site plans, and making recommendations on these applications to the BCC. He stated that the Board's recommendations would be transmitted to the BCC for their consideration at a scheduled public hearing, and that the cases presented today were scheduled for the July 21, 2020 BCC meeting at 9:00 a.m.

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| **Tab 2** | **RZ-20-15-2** | **Clermont Self Storage Rezoning** |
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## REGULAR AGENDA

| | | |
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| **Tab 7** | **CUP-19-09-5** | **Raptor Airsoft CUP** |

**Other Business**

**Adjournment**

## AGENDA UPDATES

Mr. Tim McClendon, Director, Office of Planning & Zoning, said that last month, the Board had requested an overview of Wellness Way; therefore, he would have a presentation for this at the end of the meeting.

## MINUTES

**MOTION by Tim Morris, SECONDED by Rick Gonzalez to APPROVE the Minutes of June 3, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.**

**FOR:** **Gamble, Morris, Gonzalez and Todd**

**AGAINST:** **None**

**MOTION CARRIED:** **4-0**

## PUBLIC COMMENT

No one wished to address the Board at this time.

## CONSENT AGENDA

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**MOTION by Rick Gonzalez, SECONDED by Cori Todd to APPROVE the Consent Agenda, Tabs 1 through 6, as presented.**

**FOR:** **Gamble, Morris, Gonzalez and Todd**

**AGAINST:** **None**

**MOTION CARRIED:** **4-0**

## REGULAR AGENDA

## Tab 7 - RAPTOR AIRSOFT CUP

Mr. McClendon presented Tab 7. He explained that the case was located along Fullerville Road in the City of DeLand area, within Commission District 5, and that the tract size of the parent parcel was 162 acres; however, the tract size being affected today was only 58 acres. He said that the requested action was the approval of a conditional use permit (CUP) on approximately 58 acres to allow a recreational airsoft gun facility within the Agriculture zoning district.

Ms. Diana Johnson, Deputy County Attorney, stated that this case was a postponement from the previous month and at that time, the applicant had been provided time to speak, though their engineer was not present. She thought that their engineer was in attendance today, and she recalled that there were also a few notices of appearances at that time and that those individuals also requested to appear today as parties. She recommended allowing the applicant to restart where they left off, now that the engineer was present, and then they could let the people who wanted to appear as parties present.

Mr. Gamble relayed his understanding that the parties would receive the same amount of time as the applicant.

Ms. Johnson confirmed this and commented that her calculation was about 18 minutes for the applicant at the previous meeting.

Mr. McClendon remarked that he could go through the staff presentation of this case, or the Board could let the applicant speak.

Mr. Gamble expressed support for turning it over to the applicant, noting that the Board had heard this presentation before.

Mr. Gonzalez commented that the applicant had a request to not have to pave a road.

Mr. McClendon said this was correct and that it was one of the conditions that this Board had the authority to allow or disallow.

Mr. Gonzalez questioned if it was already included in the ordinance, and Mr. McClendon denied this and stated that it would be an action by the Board to remove that condition, which had been requested by the Lake County Public Works Department.

Mr. Michael Wojtuniak, an engineer representing the applicant, indicated an understanding that everyone understood the staff report for this project. He requested to have the CUP approved so that they could move forward to get this site to a site plan process, and so they could work with staff. He commented that he was present to address questions or issues, and he thought that the staff report addressed issues that the Board could have. He expressed

interest in not having to pave Fullerville Road, opining that this was a limited use operation that was only on weekends.

Mr. Cori Todd noted that overnight camping would be limited to members of the property owner's family, and he expressed a concern that with a large family, there could be up to 50 campers there.

Mr. Wojtuniak asked if the Board wanted to prohibit camping. He said that they could prohibit camping or only have it during special events, and he believed that the CUP was written to indicate that there were only two special events per year. He noted that this was the opportunity to include certain limitations.

Mr. Todd thought that there needed to be a number.

Mr. Wojtuniak expressed that they would not have an issue including a condition that it would be during the two special events. He relayed his understanding that with how the County's ordinances were written, during special events, they would have to describe what the special event was going to include. He said that there would be a maximum number of individuals and that they could also describe what the special event was and that it would include campers; additionally, they could also specify a date and time.

Mr. Gamble questioned if there needed to be some type of security if there was greater than a certain number of individuals for the special event.

Mr. McClendon confirmed this. He said that it was based on the Land Development Regulations (LDRs), and thought that it was over 300 individuals.

Mr. Gonzalez asked if there would be no camping other than the property owner's family.

Mr. Wojtuniak confirmed this and added that during the two special events per year, they would apply for that permit and describe that special event.

Mr. Gonzalez inquired if they were anticipating recreational vehicle (RV) camping during a special event.

Mr. Wojtuniak replied that if it was a special event, it would be only during that weekend. He also mentioned that the acreage being used was for playing and not for camping.

Mr. Gonzalez questioned if a special event could override this CUP.

Mr. McClendon requested that the Board condition the CUP to include overnight camping for the special events, if that was what the Board chose.

Mr. Gonzalez noted that it currently said that it was prohibited.

Mr. McClendon commented that it was up to the Board to recommend that specific condition, but if they chose to, staff would add it before the July 21, 2020 BCC meeting.

Mr. Tim Morris asked how many campers the owner thought his family would have on the property.

Mr. Wojtuniak replied that there could potentially be up to 50 campers during a special event.

Mr. Morris noted that it shall be limited to members of the property owner's family when there was not a special event. He questioned how many of their family members would be camping full time.

Mr. Wojtuniak clarified that no one was on the property other than Mr. Juan Adriatico, the applicant.

Ms. Johnson recommended that if the Board wanted to limit camping to special events, that they add in a subsection four, subsection d to ensure that it tied into a special event. She added that if they submitted a special event application, staff would know to look at that subsection four and its items listed.

Mr. Wojtuniak said that this would be agreeable.

Mr. Gonzalez felt that Section 2, subsection 5 needed to be reconsidered because it indicated that RV camping shall be limited to the property owner's family. He opined that this was vague.

Mr. Morris commented that they could move it under special events.

Mr. Gonzalez commented that they could only have RV camping during special events.

Mr. Morris confirmed this and thought that there should not be any RVs there at any other time.

Mr. Wojtuniak commented that this would be fine.

Mr. Adriatico stated that he had an RV but that it was mothballed, and Mr. Wojtuniak asked if Mr. Adriatico could have his personal RV on the property.

Mr. Gonzalez explained that this was only applicable to the operation on the 58 acres; furthermore, he could have an RV elsewhere on the 168 acre property.

Mr. Gamble stated that he had two comment cards for notices of appearance.

Ms. Rebecca Murphy, a resident who had filed a notice of appearance, said that she owned property on Fullerville Road. She suggested that since August 2018, she had consistently

contacted Lake County regarding the noise, traffic, development and intensity of the commercial operation in question today. She relayed her understanding that on November 11, 2018, an order from the Lake County Code Enforcement Special Master was given to Mr. Adriatico to cease operations of a commercial airsoft venue. She felt that his actions and continued violations of Lake County's LDRs had substantially affected her, and that she and her neighbors had to endure the effects of this for over two years. She opined that this CUP must be denied, suggesting that the applicant had stated in a previous Planning and Zoning Board rezoning hearing on February 6, 2019, that the purpose of the rezoning was for agricultural uses. She opined that she and other neighbors had testified at that meeting that the owner wanted to rezone the property for the specific purpose of the operation of the commercial Raptor Airsoft business, and she implied that they were told that their concerns would not be considered in the rezoning process. She indicated an understanding that Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, under direct examination at that rezoning hearing, had stated that the purpose of the rezoning was to downsize the zoning from Rural Residential (R-1) to Agriculture for the owner's personal enjoyment of airsoft, which she thought was an allowed agricultural use. She read an excerpt of the February 6 , 2019 Planning and Zoning Board meeting minutes which implied that Mr. Greg Thompson, a concerned citizen, had noted that Mr. Greene's opening statement had indicated that the purpose of the request was for the owner's personal enjoyment of airsoft, and Mr. Greene had confirmed this. She continued relaying her understanding that Mr. Thompson had then asked if Mr. Greene had evaluated Raptor Airsoft for its consistency with the Comp Plan, and that Mr. Greene had remarked that he evaluated it as a private use of one's own property and that the owner was seeking to downsize the property from R-1 to Agriculture such that it would reflect consistency with the future land use (FLU); furthermore, she opined that Mr. Greene had added that rural activity allowed agricultural uses. She implied that on August 1, 2019, a CUP application was submitted for a commercial operation of an airsoft business, which she opined was not an agricultural use. She opined that the minutes of the previous rezoning public hearing accurately reflected the testimony, and were applicable to the consideration of this CUP. She requested that the previous testimony, as outlined in the minutes, be made part of the discussion regarding this CUP, and be made part of the official record. She indicated an understanding that at the beginning of Mr. Adriatico's process, the County issued a letter stating that it had reviewed the rezoning application, set it for a public hearing, and then specifically listed informational comments from the Office of Planning and Zoning; additionally, she thought that this was in a packet received by the Board. She suggested that item number two of these comments stated that pursuant to LDRs Section 3.00.2, for the purpose and intent of districts, the purpose of the Agriculture district was to provide a method whereby parcels of land which were most suited to agriculture usage may be classified and preserved for this purpose. She relayed her understanding that agriculture was a significant industry in the county; therefore, she felt that it was the intent of the district to provide long term means for preventing further encroachment upon agricultural enterprises, and to encourage agricultural pursuits by preserving good soils and agricultural areas from subdivision development, or commercial and industrial construction. She thought that number three stated that pursuant to the 2030 Comp Plan, the Rural FLU category was intended to protect rural lifestyles, represented by single family homes on large lots, and to accommodate agriculture pursuits. She indicated an understanding that the staff report for the

rezoning stated that the property owners desired to continue agriculture uses on the property consistent with the Rural FLU category, and that the request would result in development similar to nearby Agriculture zoning and adjacent non-intensive agricultural uses. She felt that this was not being proposed in the current CUP, and she also felt that the proposed airsoft operation was a commercial operation and business and did not pertain to agricultural pursuits. She opined that it was not possible to conclude that Mr. Adriatico's operation would not upset the rural character of the community, and she opined the following information: Mr. Thompson filed the original complaint in March 2018 which indicated that Mr. Adriatico was operating a commercial airsoft business on his property; she had repeatedly communicated with the County regarding the noise, intensity and traffic surrounding Mr. Adriatico's airsoft operations, with over 30 emails with attachments, pictures and other documents since August 2018 until the current time; Mr. Adriatico had been found in violation of the LDRs and was ordered by the Special Master to cease operation effective November 11, 2018 or otherwise be subject to a $100 per day fine, relaying her understanding that he had not ceased his operation; Mr. Adriatico had not stipulated to any agreement regarding compliance; County planning staff had communicated with Mr. Adriatico that in order to be in compliance, he would need to rezone the property to Agriculture and then apply for a CUP, relaying an understanding that Mr. Adriatico was told that the rezoning and CUP process could run concurrently but he chose not to; Mr. Adriatico's rezoning application had been accepted on November 27, 2018, which indicated that he had proposed agricultural uses and Raptor Airsoft; and the rezoning was approved by the BCC on February 26, 2019.

Ms. Murphy implied that the proposed uses stated on that rezoning application were that it was an existing residence and the remaining portion of the property was used for tree production, cattle ranching, farming, fish production, hunting, fishing and Raptor Airsoft. She thought that Mr. Greene, under direct examination, had been asked about the meaning of Raptor Airsoft, and that he had considered it to be a private use of one's private property; furthermore, she opined that Mr. Green had indicated that the owner was allowed to have recreational uses on their property. She indicated an understanding that the rezoning application stated that one of the current uses was Raptor Airsoft, and she felt that this use was the subject of the code enforcement action which was considered a violation. She relayed her understanding that Mr. Greene had testified that staff had no knowledge of the violation other than hearsay, and she suggested that the current CUP proposed the full commercial operation of Raptor Airsoft, which she thought had been determined by staff and approved by the County to be for the private and personal enjoyment of the owner. She opined that the proposed conditional use would have an undue adverse effect on nearby property, and she asked the Board to review the emails sent by herself and other residents of Fullerville Road. She indicated an understanding that the letters of support from the June 3, 2020 hearing were all from clientele, and she shared that she had 800 feet of developed pasture land that adjoined Mr. Adriatico's property. She opined that his established and functional field number one was on this fence line, and that he transported his clientele along the length of the fence to get to field number two; additionally, this road was also labeled as his emergency access road in exhibit B. She suggested that there was no buffer and that she was unable to use this acreage of her property due to concerns for what may happen to her livestock. She opined that she had been informed by Mr. Adriatico that the 800 feet which divided their properties was solely

her responsibility, and she was worried that if the fence was breached, then her livestock would not be returned to her.

Ms. Murphy then relayed concerns for animals in the area due to explosions and sounds from the subject property, and she was also worried for clients driving fast on Fullerville Road. She indicated concerns for road safety with the increase in fast weekend traffic, and she felt that the road could not be used for activities due to the traffic and noise. She indicated an understanding that attachment one in the staff report stated that Mr. Adriatico maintained Fullerville Road, and she opined that this was untrue. She suggested that she had purchased a drag in 2005 and that it was used by her father to help maintain the road between the County's scheduled maintenances; additionally, she opined that she had not seen Mr. Adriatico improve the road. She felt that the proposed conditional use was not compatible with the existing or planned character of the neighborhood in which it was located, and she provided examples of rural character per the Comp Plan. She indicated her understanding that commercial uses in rural areas were limited in scale and scope, though she thought that the airsoft business generated people from different areas. She opined that the intense amount of traffic each weekend was at a scale large enough to damage the substructure of Fullerville Road, and to degrade the character of the community. She suggested that the staff report noted that there were 102 existing parking spaces, and she felt that this was a considerable amount of potential traffic each weekend. She relayed an understanding that the staff report indicated that there were two activity fields, though the Raptor Airsoft website suggested that there were six fields. She opined that this use was dissimilar to a hunting and fishing resort, and she felt that staff did not mention that this area was in the Wekiva-Ocala Rural Protection Area. She suggested that as part of the protection area framework, Objective 5.1 stated that Lake County shall exercise extraordinary care to uphold the long term integrity of rural protection areas, and shall reorganize the primacy in FLU decisions. She then opined that Objective 5.2 addressed the Wekiva-Ocala Rural Protection Area, and indicated that this rural protection area was intended to preserve rural density, character and lifestyles, and to protect the ecological integrity of public and private lands associated with the Ocala National Forest, the Wekiva-Ocala Greenway, and the St. Johns River. She relayed her understanding that within the Wekiva-Ocala Rural Protection Area, private land use was largely characterized by agrarian and equestrian oriented activities that represented a valuable part of the history, culture and lifestyle of rural Lake County. She then indicated an understanding that Policy 5.2.2 stated that Lake County shall limit the FLU within the Wekiva-Ocala Rural Protection Area to the Rural FLU category, the Conservation FLU category, and the Public Benefit FLU series. She felt that the commercial operation of Raptor Airsoft was not compatible with the adjacent properties, nor was it consistent with the land use plan objectives. She opined that no reasonable steps had been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscape and screening. She expressed a concern that no reasonable steps had been taken to reduce the traffic and noise, opining that Saturdays and Sundays were most people's free time from work. She suggested that nothing had been changed or enhanced for the community since the inception of this commercial operation, and she commented that the Lake County Sheriff's Office (LCSO) had been called due to noise but that the noise had started again. She did not think that the clay road could accommodate the amount of traffic generated by the operation, and she was worried that the

cost for maintenance could increase. She questioned why the rural community should have to change the character of the road and the community because of increased traffic and disturbances due to Mr. Adriatico's business. She relayed her understanding that Mr. Adriatico did not appeal the Special Master's order, opining that he therefore admitted to the charges and agreed to the terms of the order. She felt that Mr. Adriatico disregarded the Special Master's orders and remained in continued violation status, and that he should not be entitled to equitable recovery through a CUP process. She felt that providing a CUP would be a reward for undesirable behavior, and she questioned if Mr. Adriatico would obey any imposed conditions of approval due to having not obeyed a County order. She opined that the CUP needed to be denied for these reasons.

Ms. Murphy also presented images of the following items: Mr. Adriatico's access road from her fence line, opining that this was where the transports drove from the entrance of the subject property to field number two; the fence line from her gate, which included her field and the emergency access road; the emergency access road, relaying an understanding that there was no buffer; an image of her fence which was her responsibility to maintain; the wind barrier that was mentioned in exhibit B of the Board's packet; fencing that she felt was processed for an airsoft facility; Fullerville Road; signs for Raptor Airsoft; a transport that she suggested was going to field number two; and an image advertising 100 acres on special events. She felt that this would not be limited to 58 acres, and she relayed her understanding that it was a fully functioning operational business with a $25 per person admission fee. She then displayed an image referencing a special event with over 400 participants, along with an image of camping near her driveway. She then displayed images from outside her gate where cars were waiting, and she suggested that she could not get out of her gate in these instances. She also showed an image of Fullerville Road when it rained, and she indicated an understanding that culverts were installed so that clients would not splash Mr. Adriatico's fences; additionally, she expressed concerns for the danger of culverts that had been submerged.

Mr. Melvin Rollins, the property manager for Ms. Murphy, indicated that he wanted to speak on the transports and the number of individuals.

Ms. Johnson commented that Ms. Murphy could call Mr. Rollins as a witness.

Mr. Rollins opined that one could not hear an airsoft gun from Ms. Murphy's home from the property line, but indicated a concern for noise associated with transports with 40 to 60 individuals and a megaphone. He also expressed concerns for noise made by airsoft players, along with many airsoft guns being shot at once. He indicated an understanding that the first group had 40 to 60 individuals that stayed two to three hours, with multiple groups each day.

Mr. Cecil Gray, a resident who had also filed a notice of appearance, suggested that he had a flyer that he received from a parks counter in the City of DeLand which advertised the operation. He expressed concerns for this being for the general public rather than friends of Mr. Adriatico, and he felt that Fullerville Road represented the purpose and intent of the Agriculture zoning district. He opined that the road was once used by individuals for walking

and horse riding, though he felt that these activities were too hazardous to participate in on a weekend due to the Raptor Airsoft customers speeding. He felt that this traffic also deteriorated the road, and implied that the applicant's road requirement waiver suggested that Mr. Adriatico already maintained the road; however, he opined that he did not recall seeing Mr. Adriatico perform any maintenance there. He also expressed concerns for a private citizen altering the road to address stormwater runoff or safety, and he thought that it should be maintained by the County. He suggested that on February 17, 2018, he had entered the Raptor Airsoft property and counted over 150 vehicles, and that he had reported this to the Lake County Office of Code Enforcement on February 22, 2018. He relayed his understanding that a commercial gun range was not permitted in an Agriculture district, nor did he feel that the density of 102 requested parking spaces on 58 acres was comparable to a hunting outing or an agricultural activity. He indicated an understanding that an agritourism law only applied as long as the activity related directly to agriculture production; therefore, he felt that it did not apply to a commercial gun range. He relayed an understanding that only the acreage used for agricultural operations could be classified as agriculture. He implied that since early 2018, Mr. Adriatico had been noticed multiple times by the Office of Code Enforcement and the Special Master's office that this commercial business was in violation of the Lake County Code, and to come into compliance or cease the operation. He relayed his understanding that Mr. Adriatico had disregarded these notices and grew this business while knowing that he was in violation, and he questioned if Mr. Adriatico should be rewarded for this with a CUP. He also questioned that with this history of noncompliance, what residents could expect if Mr. Adriatico disregarded any conditions. He thought that Mr. Adriatico had requested the Agriculture zoning in February 2019, and opined that he was now requesting changes that contradicted this zoning. He indicated an understanding that the LDRs and the 2030 Comp Plan stated to keep the country as country.

The Chairman opened the public hearing.

Mr. Rollins began to present information about Mr. Adriatico, but the Board felt that it was not material to this case.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Mr. Gonzalez asked if a special master in 2018 had told Mr. Adriatico to stop this operation.

Ms. Johnson confirmed this and explained that there was a code enforcement case for the violation of the use which went through the special master process; furthermore, there was an order of fine which was entered and recorded. She elaborated that the order of fine continued to accrue until such time that Mr. Adriatico brought the property into compliance, noting that he was attempting to do so by appearing here for the CUP and ultimately going to the BCC. She said that if the CUP was approved by the BCC, then the code enforcement fine would stop at that point, and Mr. Adriatico would have the ability to go back to the Special Master and discuss the next steps.

Mr. Gonzalez asked to confirm that Mr. Adriatico was told to stop in 2018.

Ms. Johnson clarified that he was found in violation, and that the Special Master did not have the ability to tell someone to stop or enter any type of injunction; rather, all the Special Master could do was say that one was in violation for an improper use. She added that until that use was properly permitted or was stopped, then there would be a fine each day.

Mr. Gonzalez inquired if code enforcement followed up afterward and imposed a fine.

Ms. Johnson confirmed that this occurred pursuant to the Special Master's order. She explained that the fine continued to accrue until such time that the use stopped or the CUP was approved by the BCC. She mentioned that the applicant could then go back to the Special Master to deal with their case at that time.

Mr. Gonzalez asked if there was a history of the LCSO being called to the site, and Ms. Johnson denied this.

Mr. McClendon stated that should the applicant obtain the CUP, he would need to apply for the site plan and have it approved. He added at that point, they would be in compliance.

Mr. Gonzalez questioned if Mr. Adriatico would still be subject to the outstanding fine.

Ms. Johnson confirmed this and said that the fine was not waived, and it would just be for the time that the Special Master found a violation until such time that they came into compliance.

Mr. Gonzalez inquired about the amount of the fine, and Mr. McClendon stated that it was approximately $58,000 at this point.

Mr. Wojtuniak said that this property was originally zoned R-1 and could have had roughly 170 houses on it, which he opined would be an intense use. He added that they made it consistent with the FLU and zoned it as Agriculture. He mentioned that as part of the Agriculture zoning, Mr. Adriatico had agricultural uses on the property, and they were carving off a conditional use area as a part for Raptor Airsoft and a part for other activities such as cattle farming, moringa farming, and other activities which were agriculture uses. He also commented that he had conducted certain noise studies there. He mentioned following the conditional use process which the Special Master had asked them to go through, and said that they would develop a site plan. He commented that they were trying to relocate the driveway and that they had worked with staff to increase a large amount of buffers from Ms. Murphy's property. He added that they had moved the driveway roughly 500 feet away and that the fields were further away. He noted that Fullerville Road was a County road, though he opined that the County performed limited maintenance on it. He relayed his understanding that the neighbors helped maintain the road, including Mr. Adriatico. He related that the hours of operation for this activity were limited to weekends only from 10:00 a.m. to 5:00 p.m. except for special events, which were only twice per year. He clarified that there were two main fields which were broken up into smaller areas for a total of six fields. He said that when they

would go through the site plan process, they would conduct normal environmental permitting which would incorporate the St. Johns River Water Management District (SJRWMD) and Lake County. He added that this would include landscaping and that they would place normal vegetation, and it would be intensified along the buffering between the neighboring properties. He denied that this was a commercial gun range with live fire, and he clarified that it was for airsoft which involved plastic BBs.

Mr. Gamble noted that there was an 800 foot adjacent property that ran along the road, and he asked if they moved that road 500 foot away. He also asked if they had talked about moving the driveway into the property 500 feet away.

Mr. Wojtuniak displayed a map of the property and stated that Mr. Adriatico travelled along the edge of the property near Ms. Murphy's property. He pointed out the driveway in contention and said that it would be moved to another location away from Ms. Murphy's entrance. He added that they would cease use of that entrance, and he said that this was where the landscaping and buffering would end up going.

Mr. Gamble noted that the proposed ordinance prohibited noise application equipment, and he inquired about the noise and explosions that neighbors were hearing.

Mr. Adriatico explained that in the past, they had noisemakers to simulate helicopters and other items, though they no longer used them. He relayed his understanding that Ms. Murphy's home was 800 feet away, and the proposed entrance would be 1,300 feet away. He opined that an airsoft gun could barely be heard from 100 yards away. He commented that for the maintenance of the road, he had a clay pit on his property that he personally hauled from. He commented that he had also provided dirt, and he stated that he had been maintaining Fullerville Road on that section.

Mr. Gonzalez asked if Mr. Adriatico recognized that he had been cited for a code violation since 2018. He also inquired if he was operating a clay pit on the property and if the clay was being sold.

Mr. Wojtuniak confirmed that Mr. Adriatico recognized that he had been cited for a code violation since 2018. He said that he had advised Mr. Adriatico of that situation, and they would have to work with the Special Master on those fees. He also suggested that a clay pit was not being operated, and commented that there happened to be a pit on the property; additionally, they were not selling clay.

Mr. Gonzalez questioned if they intended to keep using the western boundary to get to the fields.

Mr. Wojtuniak denied this and clarified that when he developed the site plan, he would be placing trees and shrubs there.

Mr. Gonzalez asked if they were going to cease operations until they received a CUP.

Mr. Wojtuniak stated that he would advise Mr. Adriatico to stop operations, but that he could only advise him.
Mr. Gamble noted that the applicant was asking to waive the work to be done on Fullerville Road, and he asked about the traffic on weekends.

Mr. Seth Lynch, with the Public Works Department, replied that the County's typical maintenance was about every two weeks for clay roads. He added that the roads were not meant for heavy traffic, and they had concerns about this. He commented that in their design standards for roads, site plans had to have paved access, which the applicant was asking for a waiver to. He noted that once the applicant received a CUP, they would develop a site plan. He stated that the road that the County maintained was 7,286 feet from County Road (CR) 42.

Mr. Gamble inquired if the applicant would be solely responsible for the upgrade or if it would go back to the landowners who were adjacent to the property.

Mr. Lynch was unsure, and he thought that it would be unless another action was taken. He added that special assessments sometimes occurred.

Mr. Gamble expressed concerns that there were two events per year that could have 300 participants, though not all of them may drive individual vehicles. He said that there could be from 150 to 200 vehicles on that road for three days each, twice per year, in addition to everything else happing on Saturdays and Sundays. He indicated concerns for wear and tear on the road for the residents who live there and travel the road as needed.

Mr. Lynch relayed that staff had concerns that it could increase maintenance.

Mr. Todd asked if the County was currently grading the road to the end.

Mr. Lynch confirmed this and added that they maintained it from CR 42 all the way to Ms. Murphy's gate, and he showed this on a map.

Ms. Todd inquired if this was every two weeks, and Mr. Lynch confirmed that this was their typical maintenance. Mr. Todd then asked what the average number of daily participants was on a typical weekend,

Mr. Wojtuniak stated that it was 20 to 40 participants. He replied that when he had visited the property to perform noise studies, the high end was 50 participants and that the low end was 30 to 40 people. He said that he had some aerial images done and it was about 40 people.

Mr. Gonzalez asked if there were qualifications necessary for conducting noise studies.

Mr. McClendon responded that typically, the County required a licensed engineer or surveyor. He added that the code was broad for noise interpretation, and that the BCC had generally

asked acoustical engineers to write a report, though this generally dealt more with kennels rather than this type of objective.

Mr. Gamble remarked that regardless of the vote today, this case could still go before the BCC at their next meeting.

Mr. Gonzalez expressed that he opposed the case, because he felt it was a disregard for the code violation for a number of years and was indicative of what may happen in the future.

Mr. McClendon added that this recommendation would go before the BCC on July 21, 2020 at 9:00 a.m.

**MOTION by Rick Gonzalez, SECONDED by Tim Morris to DENY Tab 7, Raptor Airsoft CUP.**

**FOR: Gamble, Morris, Gonzalez and Todd**

**AGAINST: None**

**MOTION CARRIED: 4-0**

**OTHER BUSINESS**

**WELLNESS WAY PRESENTATION**

Mr. Morris suggested to also send this presentation to the Board members.

Mr. McClendon said that he could do this and could also provide notes. He then presented an overview of Wellness Way. He explained that Wellness Way was a 15,000 acre master planned area in southeast Lake County, and that it originated in 2011 when the County developed the plan and moved it through the planning and zoning process, along with the BCC. He added that in 2016, there was a challenge from a land owner, though the County had settled this and Wellness Way had been effective since 2017. He commented that the buildout of all of Wellness Way was approximately 16,000 dwellings, which equated to 26,000 jobs due to dwellings being tied to job generation. He related that any developments had to move through a designated specific area plan (DSAP) and must contain a minimum of 1,000 acres in size. He displayed a map and mentioned that there were these five FLU categories in Wellness Way: Town Center, located along U.S. 27; and Wellness Way tiers one through four, which were less intense and allowed less intensity in each category to Wellness Way 4, which was a conservation FLU. He said that the FLU category determined the full density and intensities that were allowed, and he explained that capacity allocation meant that each FLU had their maximum allotted density. He gave the example that if there was a DSAP with Wellness Way 1 with 1,000 net acres, a total buildout of that project would allow 1,850 dwelling units, and the non-residential set aside would be 134 acres. He added that tiers could be mixed, so 500 acres could be within Wellness Way 1 and 500 acres could

be within Wellness Way 2; furthermore, staff could determine the numbers for a development program. He said that on the ground, what was seen from the density and intensity standpoint was what was allowed to be built with that total capacity number. He elaborated that there was no limit to the density that could be built, and one could build apartments or single family units as long as minimum densities were fulfilled in the tiers. He noted that there were also maximum densities, though this was not expected to be fulfilled, and he opined that the minimum densities were easy to achieve when considering water bodies, open space, and non-residential set asides. He commented that to move forward in Wellness Way, one must move forward as a master planned unit development (PUD) or a DSAP, with a minimum of 1,000 acres; however, this acreage could be waived by the BCC, provided that some specific criteria was adhered to. He recalled that recently, the last portion of Town Center of about 300 acres in size was allowed to move forward as a master PUD.

Mr. Gonzalez asked if this was for the Olympus development.

Mr. McClendon responded that it tied into Olympus, and stated that originally, Town Center was about 750 acres but the majority of it had been annexed by the City of Clermont. He commented that Clonts Grove was able to demonstrate that because the City had already annexed approximately 500 of their 750 acres. He elaborated that the BCC saw this as a hardship, as the portion that was allowed to move forward could never be annexed by the City due to being under their service boundary, noting that the property would be served by Lake Utilities. He remarked that moving forward in Wellness Way was a three phase project which included boundary analysis, the preliminary DSAP or preliminary master PUD, and the final DSAP or master PUD which would be before the Planning and Zoning Board. He explained that in boundary analysis, staff would verify the actual boundary to ensure that 1,000 acres was being achieved, and staff would have applicants identify public facilities and whether there was capacity to support them. He added that the County required for primary roadways to be identified at that stage, along with a full development program breakdown including FLU designations for a total capacity number. He said that the preliminary DSAP or preliminary master PUD was the public input portion, and was in greater detail than what was submitted for the boundary analysis; additionally, during this phase, staff conducted their typical review and provided it to their adjacent partners such as Cities, the Lake County School Board, and the State. He mentioned that once feedback was received, staff rescheduled the application for public charrette, and the applicant was supposed to incorporate that feedback into a final submittal for a final master PUD. He stated that the final plans were an even greater detailed version of the submittal for the preliminary portion, and staff would break down use tables for what was allowed and disallowed. He mentioned reviewing standards such as floor area ratio (FAR), impervious surface ratio (ISR), setbacks, and height limitations of buildings. He added that there must be detailed transportation and public facility plans to ensure that no levels of service are reduced, and at that point, staff would bring it back before the Planning and Zoning Board as a presentation similar to a PUD. He concluded that staff would then take the Board's recommendation to the BCC.

Mr. Gonzalez asked if there were height restrictions.

Mr. McClendon replied that it was only what was being proposed by the applicant, and that there was currently no set of standards in place.

Mr. Gonzalez inquired if a 12 story tall hotel could be built if the County was amicable, and Mr. McClendon confirmed this.

Mr. Morris relayed his understanding that the zonings in this area which had been before the Board were already designated for what they could do, and he asked why they had to come to the Board to be done.

Mr. McClendon clarified that this board had not seen any development within Wellness Way proper and that everything had been adjacent, that individuals had been removing themselves from Wellness Way to move forward as a different entity due to being under the 1,000 acre threshold, or that this was due to being landlocked and unable to coordinate with other landowners.

Mr. Gonzalez asked if it was partly because the jobs were supposed to be there before the houses.

Mr. McClendon explained that the jobs were not required to be there prior to the dwellings, though a project was required to have a non-residential set aside. He added that there was no timing mechanism unless the Board decided to include one in a master PUD.

Mr. Gonzalez inquired if Mr. McClendon could update the Board in the near future regarding what was being done to balance the LDRs and the Comp Plan.

Mr. McClendon commented that this was a moving target and that anytime that staff found inconsistencies between the Comp Plan and the LDRs, they tried to correct them.

Mr. Gonzalez asked if there was a systematic effort to address these issues or if it was done on a case by case basis.

Mr. McClendon replied that given their staffing levels and what they were seeing from a development standpoint, it was challenging to set aside certain individuals to focus strictly on LDR rewrites. He mentioned that from January to June 2019, his office saw approximately 320 zoning clearances; additionally, from January 2020 to the current time, they had seen over 800 zoning clearances. He related that 600 of those clearances had occurred since March 20, 2020 when they shut down to the public due to coronavirus disease 2019 (COVID-19).

Mr. Gamble mentioned variances, and he indicated an interest in seeing the grey area cleaned up.

Mr. McClendon commented that variances were a good indicator of where there were gaps in the code. He said that when they continuously saw the same variances to the same part of the code, this was where they could quickly identify and address the issue. He stated that for

obscure rules or regulations in the code, they looked to streamline this and eliminate non-pertinent rules.

Mr. Gonzalez asked if Tab 6 on the current agenda would eliminate the 10 acre requirement for PUDs, and Mr. McClendon confirmed this.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:14 a.m.

Respectfully submitted,

Josh T. Pearson

Josh Pearson
Deputy Clerk, Board Support

Sandy Gamble

Sandy Gamble
Chairman