

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD  
September 5, 2012



BOARD OF COUNTY COMMISSIONERS  
September 25, 2012

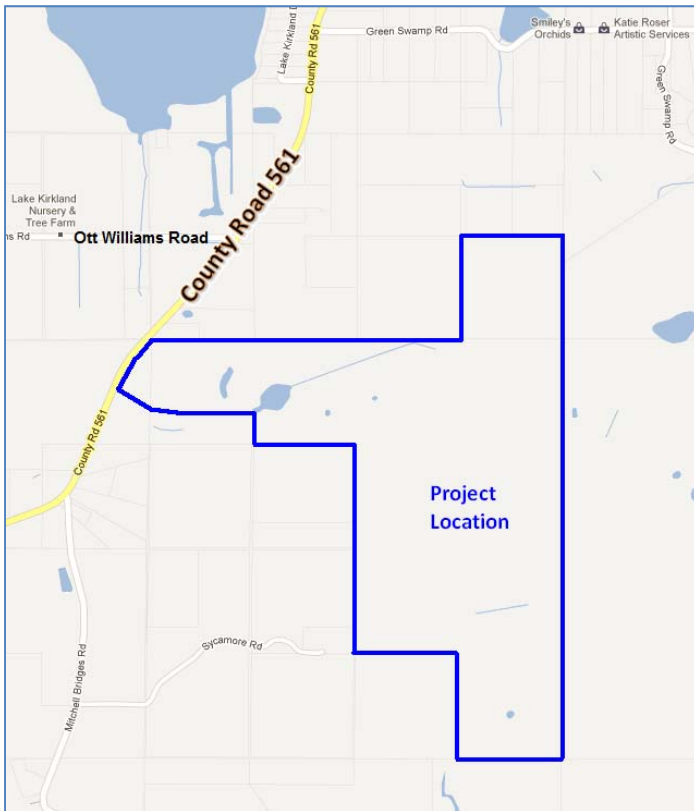
<b>CUP #12/4/1-1 Off Road Hummer Adventure</b>	<b>Case Manager:</b> Melving Isaac, Planner	<b>Agenda Item #4</b>
--	--	-----------------------

**Applicant:** Justin Tirri (the "Applicant")

**Owner:** Tracey Tirri (the "Owner")

**Requested Action:** The Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District in the Green Swamp to allow an outdoor recreational use for an off road driving course of Hummer and All-Terrain Vehicles (ATV), remote control car track, paintball, customer center (concession/snack/office/training), including the use of the existing building for a vehicle maintenance facility.

### - Site Location & Information -



<b>Size</b>	189.5 +/- acres	
<b>Location</b>	Clermont area, Southeast of CR 561/Ott Williams Road intersection	
<b>Alternate Key #'s</b>	A portion of AK #1047102, 1239664 and 1047081	
<b>Future Land Use &amp; Maximum Density</b>	Green Swamp Rural/Conservation 1 du/10 net ac	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	A	A
<b>Density (Policy I-4.2.4)</b>	1 du/10 net ac	1 du/10 net ac
<b>Floor Area Ratio (LDR Table 3.02.06)</b>	.10 max	.10 max
<b>Impervious Surface Ratio (LDR Table 3.02.06)</b>	.10 max	.10 max
<b>Joint Planning Area</b>	N/A	
<b>Utility Area</b>	N/A	
<b>Site Utilities</b>	Existing well and septic system	
<b>Road Classification</b>	CR 561 - Rural Major Collector	
<b>Flood Zone/ FIRM Panel</b>	(A,X)/625	
<b>Commissioner District</b>	1 (Hill)	

Approximate site location outlined in Blue

**Site Visit**            May 25 and August 9, 2012  
**Sign Posted**        August 23 and September 12, 2012 (2 posted)

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Green Swamp Rural/Conservation	Agriculture (A)	Agriculture	
<b>South</b>	Green Swamp Rural/Conservation, Green Swamp Core Conservation	Agriculture (A)	Agriculture	Revolution Off Road Driving Experience located Southwest
<b>East</b>	Green Swamp Rural/Conservation, Conservation	Agriculture (A)	Agriculture	
<b>West</b>	Green Swamp Rural/Conservation	Agriculture (A)	Agriculture	

– Summary of Staff Determination –

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the Conditional Use Permit request for an outdoor recreational use, subject to the conditions set forth in the attached Ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:** Approval with a 5-1 vote.

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District on approximately 189.5 acres of property to allow an outdoor recreational use for an off road driving course of Hummer and All-Terrain Vehicles (ATV), remote control car track, paintball, and customer center (concession/snack/office/training), and to allow the use of the existing building for vehicles maintenance facility. The subject property is located south of Clermont in the Green Swamp Area of Critical State Concern, southeast of the CR 561/Ott Williams Road intersection. The property currently contains one existing residence and two existing storage buildings that are used to conduct an existing hay production operation.

The property is located within the Green Swamp Rural/Conservation Future Land Use Category (FLUC). The requested use is consistent with the 2030 Comprehensive Plan and Land Development Regulations (LDR), which allow outdoor small-scale sporting and recreational camps uses consistent with the future land use and the Agriculture (A) Zoning District with the issuance of a CUP.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

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

The "Definitions" section of the Comprehensive Plan defines *Small-Scale Sporting and Recreational Camps* as outdoor sports and recreation clubs that comprise 20-developed acres or less (excluding areas maintained in their natural state). The proposed conditional use is consistent with criteria contained in Comprehensive Plan Policy I-4.2.4 for the Green Swamp Rural/Conservation FLUC which allow outdoor small-scale sporting and recreational camps with the issuance of a CUP. A stipulation is included in the proposed ordinance limiting the developed area to 20 acres to ensure conformity with this requirement.

The use in many respects is similar to a Commercial Amusement use which is allowed as a conditional use within the Agricultural Zoning District pursuant to Land Development Regulations (LDR) Table 3.01.03. It is also similar in impacts to a Hunting or Fishing Camp which also requires conditional use approval pursuant to LDR Table 3.01.03.

Section 3.01.05 LDR, *Similar Uses*, allows the approval of uses that are similar to those listed in LDR Table 3.01.03 but are not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed recreational facility is not more obnoxious or detrimental than the comparable uses of commercial amusement or recreational and hunting and fishing camps with appropriate conditions.

Comprehensive Plan Policy III-2.5.12 requires wetlands to be protected through the use of a conservation easement. The policy requirements have been established as conditions within the proposed CUP Ordinance and will be further addressed during the site plan review process if this CUP is granted.

**B. Effect on Adjacent Properties.**

**1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.**

Applicant owns approximately 64 acres located north and northwest of the 397-acre parent parcel, which will serve as a buffer between the existing rural residential uses and the proposed recreational activities. The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, screening, noise and hours of operation. Wetlands and/or surface waters shall be protected from the proposed recreational activities through setbacks, signage and markers as stated in the attached CUP ordinance.

**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 mostly characterized by agricultural and some low density rural residential uses. There is also an existing off road driving facility (approved 2004) located approximately 1 mile southwest from the proposed site. The applicant proposes to keep the agricultural operation (hay production) on this property. The proposed recreational facility will be made compatible with the surrounding land uses through the conditions implemented by the proposed ordinance. Given the nature of the proposed use, it is appropriate to be located in a remote low density area.

**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 east, northeast, south, and west portions of the property are surrounded by dense wooded areas and wetlands, therefore, no landscape buffer is required for these areas. Landscape buffers will only be required to screen the proposed north parking area and main office buildings. The proposed Ordinance contains conditions to limit impacts on properties within the immediate vicinity such as setbacks, landscaping, buffering, screening, noise and limiting the hours of operation. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed conditional use. These items will be addressed in detail during the site plan process.

**4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

The CUP will not interfere with the development of neighboring properties. The facilities will be contained on-site with setbacks, landscaping, buffering, screening, noise and hours of operation incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses. See the attached Conceptual Plan for generalized layout.

**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, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.**

The proposed rezoning for the proposed use will not result in additional demands on public facilities. The property is being served by an existing well and septic system. The City of Clermont has indicated that there is no central water/sewage available to this property.

Transportation – Public Works Division has indicated that the proposed CUP will be required to adhere to the following public works requirements:

- The proposed driveway location may not have enough sight distance per Florida Greenbook standards. The exact location may be required to be moved to provide more sight distance. A sight distance analysis will be required with future site plan.
- Additional right-of-way maybe required.
- The land for this CUP contains Flood Zone A which has no established elevation by FEMA. However, Lake County has determined through previous elevation determinations within the area that the flood elevation is 114 feet. From the latest contours that the County has the flood zone would be more than is shown on FEMA maps. If there is any impact to the flood area then compensative storage will be required.
- A Driveway Connection permit will be required with the site plan.

**D. Adequacy of Fire Protection.**

**The Applicant shall obtain from the Lake County Emergency Services Division 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.**

The subject parcel is approximately half (1/2) mile from Lake County Fire Station 110 (closest fire station), located at 6234 County Road 561, Clermont.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed conditional use permit and found:

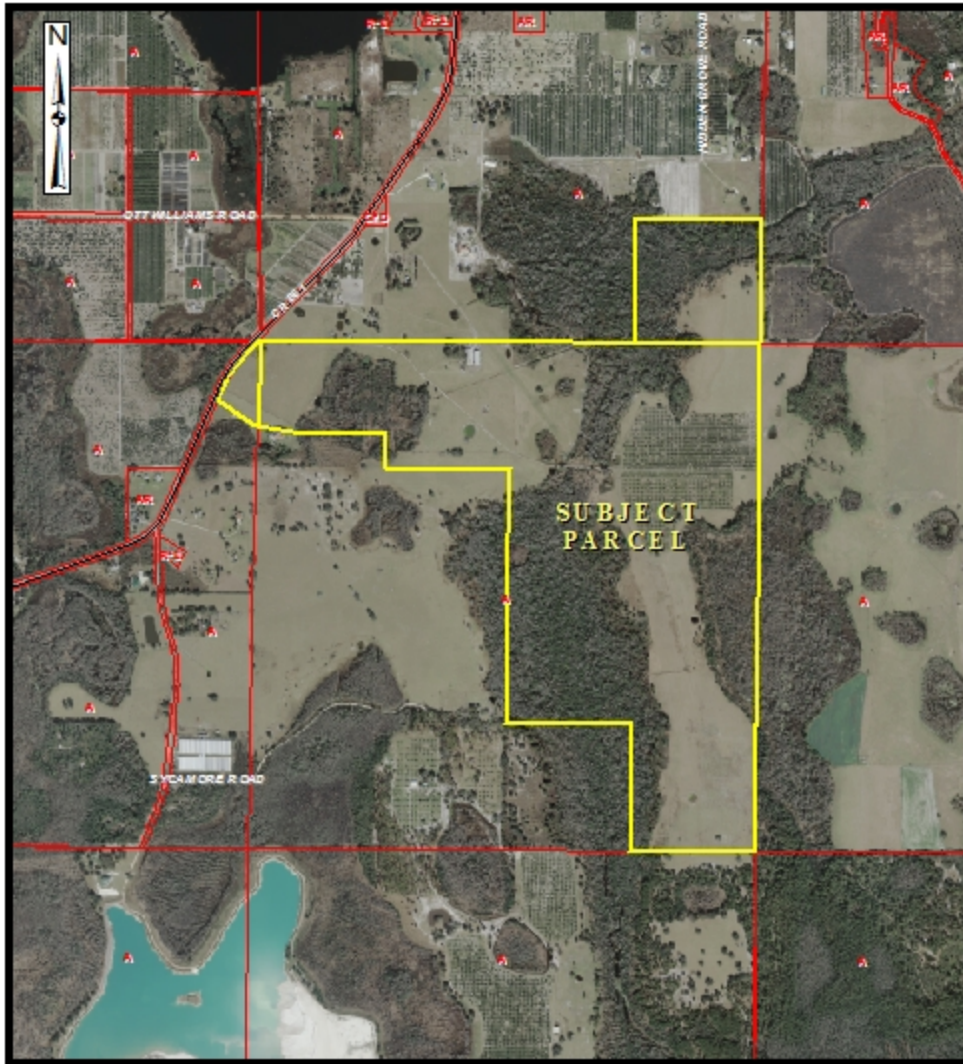
1. The request is consistent with the Comprehensive Plan Policy I-4.2.4 and conforms to the general land use criteria for activities in the Green Swamp Rural/Conservation Future Land Use Category.
2. The request is consistent with the Comprehensive Plan Policy I-4.2.4 which permits the Agriculture (A) Zoning District and uses within the Green Swamp Rural/Conservation Future Land Use Category.
3. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allow Recreational Uses (Similar Uses) in the Agriculture (A) Zoning District with the issuance of a CUP.
4. The application is consistent with LDR Section 3.01.05 *Similar Uses*, as the proposed is not specifically listed and is not more obnoxious or detrimental than the uses listed in LDR Subsection 3.01.03 for the Agriculture Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

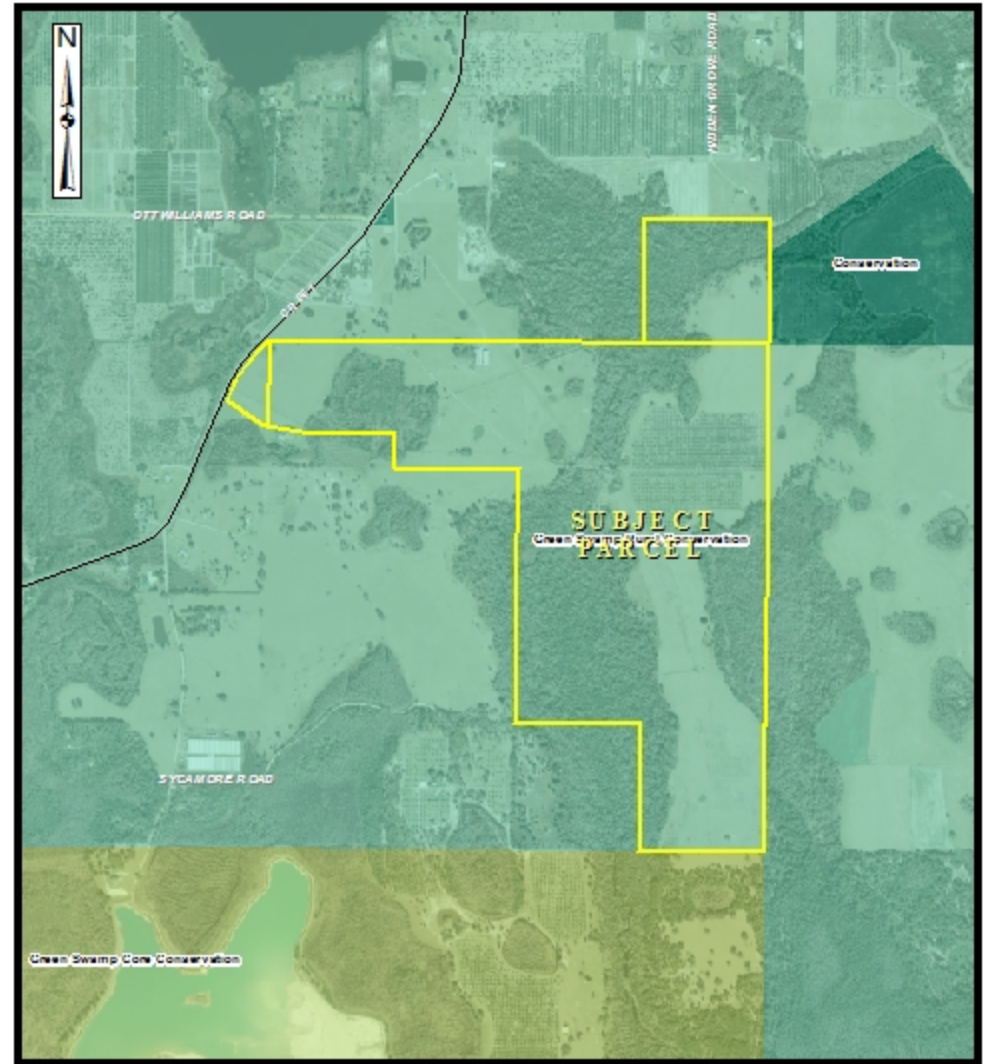
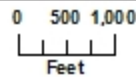
**WRITTEN COMMENTS FILED: Supportive: -0-**

**Concern: -0-**

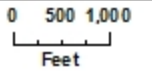
**Opposition: -2-**



**CURRENT ZONING**  
**AGRICULTURE (A)**



**ADOPTED FUTURE LAND USE**  
**GREEN SWAMP RURAL/CONSERVATION**



**OFFROAD  
HUMMER  
ADVENTURE**

**CASE NO.**  
CUP #12/4/1-1  
**CASE LOCATION:**  
S34, T23S, R25E and  
S3/4, T24S, R25E  
**REQUESTING:**

CUP for Offroad Hummer and ATV, Remote Control  
Car-track and Paintball Recreational Facilities.

 **ZONING**  
 **LAND USE**  
 **SUBJECT PARCEL**

**DATA SOURCES:**

Lake County GIS Department Planimetrics, 2008 Aerial Image,  
Data Compilation and Map production compliments of the  
Growth Management Department, Planning and Community Design.  
This map product was prepared from a Geographic Information System  
established by the Lake County Board of County Commissioners. Its  
employees, agents and personnel, make no warranty as to its accuracy  
and in particular its accuracy as to labeling, dimensions, contours, property  
boundaries, or placement or location of any map features thereon. The Lake  
County Board of County Commissioners, its employees, agents and personnel  
MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR  
FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED  
WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data  
contained on this map product should be obtained by any user of this map.

**MAP COMPOSITION:**  
JANUARY, 2008





- 1                   4. All uses permitted within the Agricultural Zoning District.  
2                    Accessory uses directly associated with these uses may be approved by the County  
3                    Manager or designee. Any other use of the site shall require an amendment to this  
4                    Ordinance as approved by the Board of County Commissioners.  
5                    To the extent where there are conflicts between the Conceptual Plan and this Ordinance,  
6                    the Ordinance shall take precedence.
- 7            B. Specific Conditions:
- 8            1. Site plan approval is required for the outdoor recreational uses. The Permittee shall  
9            submit a site plan application for review and approval within six (6) months of the effective  
10           date of this Ordinance.
- 11           2. Developed Area: The developed area of the outdoor recreational facility and its accessory  
12           uses shall not exceed 20-acres (excluding areas maintained in their natural state) of the  
13           total site.
- 14           3. Structures: The site shall be limited to three (3) existing buildings to be used for offices,  
15           training areas, concession/snack, storage, vehicle maintenance/fueling and agricultural  
16           operations. Shade structures, no larger than 200 square feet each, are permitted. These  
17           shade structures are not to be enclosed.
- 18           4. The use on the property shall be in conformance with all Federal, State and Local  
19           Regulations at all times.
- 20           5. Grading: Existing grade shall not be changed except for tracks.
- 21           6. There shall be no storage of materials, equipment or vehicles within setbacks, buffers or  
22           easements.
- 23           7. Noise: Public Address Systems or similar amplification devices shall not be installed or  
24           used. Compliance shall be in accordance with the LDR, as amended.
- 25           8. Hours of Operation for the recreational facility use on the property will be from 9:00 a.m.  
26           to 8:00 p.m. or sunset, whichever is earlier.
- 27           9. Wetlands:
- 28            a. An Environmental Assessment shall be provided with the site plan application.  
29            b. Wetlands shall be placed in a conservation easement prior to site plan approval and  
30            in accordance with the Comprehensive Plan, as amended.  
31            c. All tracks, driveways, structures, or any other activity must maintain a minimum 50-  
32            foot wetland buffer with the exception of existing dirt roads.  
33            d. Wetland Markers and Signage: Wetlands markers shall be erected every 100 feet  
34            along the 50 foot wetland setback and stating "Wetland Buffer, No Vehicles  
35            Permitted".
- 36           10. Parking:
- 37            a. Parking surfaces may be grass or other pervious material, except as required for  
38            disabled access.  
39            b. There shall be no vehicular parking within 50-feet of any wetland.
- 40           11. No special events permitted.

- 1                    12. The operation of off-road type vehicles shall be restricted to designated track areas.
- 2                    C.    Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as  
3                    amended.
- 4                    D.    Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in  
5                    accordance with the Comprehensive Plan and LDR, as amended.
- 6                    E.    Landscaping, Buffering and Screening:
- 7                    1.    Landscaping, buffering and screening will be required to screen the proposed north  
8                    parking area and main office buildings only. Screening shall consist of a continuous  
9                    opaque fence or wall a minimum of 6 feet high, or landscaping, situated at the north  
10                    property line, north of proposed parking area and north of the existing buildings. Existing  
11                    building to be used for agricultural is not required to comply with the above screening  
12                    requirement. Landscaping if provided instead of a wall or fence, shall consist of three (3)  
13                    canopy trees and two (2) ornamental trees per 100 linear feet. A hedge shall not be  
14                    required.
- 15                    2.    East, South and West property lines: No landscaping, screening or additional buffering  
16                    required at these locations.
- 17                    3.    Existing trees located within the required buffer areas may be used to meet the above  
18                    tree requirements in accordance with the LDR.
- 19                    4.    Agricultural Buffer: Buffer adjacent to property designated as agricultural shall be a  
20                    minimum of 50 feet from the property line. This buffer shall not be required for adjacent  
21                    properties owned by the Permittee.
- 22                    F.    Fire Protection and Emergency Services Access:
- 23                    1.    Access and fire safety requirements of the property shall be provided in accordance with  
24                    the Florida Fire Prevention Code and LDR, as amended.
- 25                    2.    An improved and unobstructed point of ingress and egress shall be provided for all  
26                    emergency vehicles. If improvements are necessary for ingress and egress, the property  
27                    owner shall be responsible for constructing the point of ingress and egress to Lake  
28                    County standards.
- 29                    G.    Transportation Improvements/Access Management: Shall be in accordance with the LDR, as  
30                    amended.
- 31                    H.    Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and  
32                    shall be in accordance with the LDR, as amended, and consistent with Dark-Sky Principles.
- 33                    I.    Signage: Signs shall be in accordance with the LDR, as amended.
- 34                    J.    Development Review and Approval: Prior to the issuance of any permits, the Permittee shall  
35                    submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review  
36                    and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 37                    K.    Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in  
38                    this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
39                    Comprehensive Plan, and Lake County Land Development Regulations shall include any  
40                    future amendments to the Statutes, Code, Plans, and/or Regulations.



- 1 L. After establishment of the facilities as provided herein, the aforementioned property shall only  
2 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets  
3 every requirement of the zoning district in which the property is located. Any other proposed  
4 use must be specifically authorized by the Board of County Commissioners.

5 **Section 3. Additional Conditions:**

- 6 A. In the event of any breach in any of the terms or conditions of this permit or any default or  
7 failure of the Permittee or his successor to: Fulfill development in substantial accordance with  
8 the conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
9 Commissioners; comply with the codes of the governmental agencies having lawful and  
10 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use  
11 Permit; or if this CUP is found to become a nuisance or safety hazard, the permit may be  
12 revoked after due Public Hearing before the Planning & Zoning Board and the Board of  
13 County Commissioners.
- 14 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant  
15 running with the land; and the purpose, terms, and conditions contained herein shall be  
16 binding upon the Permittee or any successor and his interest hereto.
- 17 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
18 Enforcement Special Master shall have authority to enforce the terms and conditions set forth  
19 in this ordinance and to recommend that the ordinance be revoked.
- 20 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure  
21 compliance with the conditions of this Conditional Use Permit and the approved site plan. An  
22 annual inspection fee will be assessed. If an emergency inspection is necessary during non-  
23 operating hours, a fee shall also be assessed.

1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.

2  
3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

4  
5 FILED with the Secretary of State \_\_\_\_\_, 2012.

6  
7 EFFECTIVE \_\_\_\_\_, 2012.

8  
9 BOARD OF COUNTY COMMISSIONERS  
10 LAKE COUNTY, FLORIDA

11 \_\_\_\_\_  
12 LESLIE CAMPIONE, Chairman

13 ATTEST:  
14

15 \_\_\_\_\_  
16 NEIL KELLY, Clerk of the  
17 Board of County Commissioners  
18 Lake County, Florida

19 APPROVED AS TO FORM AND LEGALITY

20 \_\_\_\_\_  
21 SANFORD A. MINKOFF, County Attorney

**EXHIBIT "A" – LEGAL DESCRIPTION**

1  
2 Parcel 2  
3 A portion of Sections 3 & 4, Township 24 South, Range 25 East, Lake County, Florida, being more  
4 particularly described as follows:

5 Commence at the north 1/4 corner of said Section 3; thence run N 89°51'45" W, along the north line of said  
6 Section 3, a distance of 205.84 feet to the POINT OF BEGINNING; thence run S 00°47'20" W, a distance  
7 of 508.75 feet; thence run N 68°42'14" E, a distance of 217.37 feet to the north-south center section line of  
8 said Section 3; thence run S 01°22'36" W, along said north-south center section line, a distance of 877.85  
9 feet; thence run N 89°52'38" W, a distance of 1300.51 feet; thence run N 00°00'00" E, a distance of 92.05  
10 feet; thence run S 87°51'16" E, a distance of 63.73 feet; thence run N 33°42'48" E, a distance of 66.86 feet;  
11 thence run N 19°02'32" E, a distance of 84.96 feet; thence run N 69°04'31" E, a distance of 80.13 feet;  
12 thence run N 68°06'56" E, a distance of 110.53 feet; thence run N 39°18'58" E, a distance of 84.86 feet;  
13 thence run N 18°55'02" E, a distance of 112.83 feet; thence run N 13°45'42" E, a distance of 90.31 feet;  
14 thence run N 15°08'16" E, a distance of 71.53 feet; thence run N 06°34'03" W, a distance of 49.39 feet;  
15 thence run N 14°31'09" E, a distance of 21.09 feet; thence run N 59°59'30" W, a distance of 31.04 feet;  
16 thence run N 38°19'00" W, a distance of 57.54 feet; thence run N 42°17'24" W, a distance of 68.18 feet;  
17 thence run S 70°18'33" W, a distance of 96.86 feet; thence run N 74°35'30" W, a distance of 81.89 feet;  
18 thence run N 62°31'54" W, a distance of 67.73 feet; thence run N 07°41'10" W, a distance of 97.10 feet;  
19 thence run N 08°37'25" E, a distance of 72.18 feet; thence run N 31°15'47" W, a distance of 77.16 feet;  
20 thence run N 55°56'23" W, a distance of 42.55 feet; thence run S 87°03'23" W, a distance of 57.64 feet;  
21 thence run S 73°59'19" W, a distance of 82.79 feet; thence run S 35°01'02" W, a distance of 36.15 feet;  
22 thence run N 79°55'43" W, a distance of 58.04 feet; thence run N 38°38'20" W, a distance of 79.30 feet;  
23 thence run N 40°31'47" W, a distance of 69.39 feet; thence run N 47°49'11" W, a distance of 63.82 feet;  
24 thence run N 85°46'39" W, a distance of 47.39 feet; thence run S 56°29'19" W, a distance of 57.57 feet;  
25 thence run S 39°15'08" W, a distance of 100.21 feet; thence run S 26°35'12" W, a distance of 127.50 feet;  
26 thence run S 26°02'47" W, a distance of 70.34 feet; thence run N 89°42'53" W, a distance of 1079.80 feet  
27 to a point on the east right-of-way line of State Road 561 and a point on a non-tangent curve, concave  
28 southeasterly, having a radius of 1656.55 feet and a central angle of 17°20'28"; thence on a chord bearing  
29 of N 38°05'28" E, run 501.37 feet along the arc of said curve to the end thereof and a point on the north line  
30 of said Section 3; thence run S 89°51'45" E, along said north line, a distance of 2481.35 feet to the POINT  
31 OF BEGINNING.  
32 Containing 42.9 acres, more or less.

33 Parcel 4  
34 A portion of Section 3, Township 24 South, Range 25 East, Lake County, Florida, being more particularly  
35 described as follows:

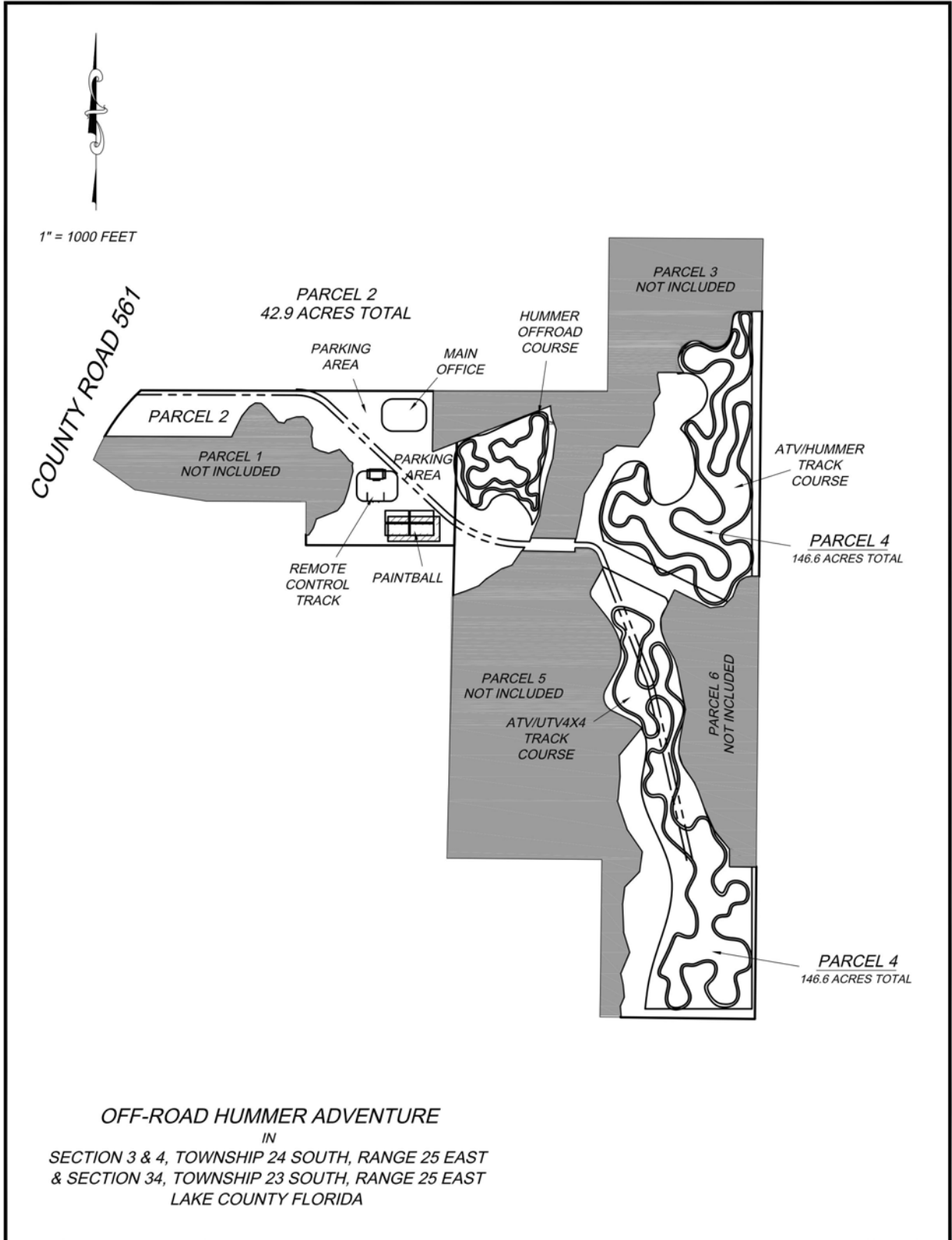
36 Commence at the north 1/4 corner of said Section 3; thence run S 01°22'36" W, along the north-south  
37 center section line of said Section 3, a distance of 429.39 feet to the POINT OF BEGINNING; thence run N  
38 68°42'14" E, a distance of 855.63 feet; thence run S 05°10'32" E, a distance of 86.71 feet; thence run S  
39 18°46'00" E, a distance of 125.43 feet; thence run S 06°22'52" W, a distance of 249.65 feet; thence run S  
40 17°29'25" W, a distance of 160.56 feet; thence run S 12°16'33" W, a distance of 178.69 feet; thence run S  
41 09°33'12" W, a distance of 161.59 feet; thence run S 21°57'35" W, a distance of 138.06 feet; thence run S  
42 23°27'32" W, a distance of 56.41 feet; thence run S 88°56'53" E, a distance of 375.97 feet; thence run N  
43 11°29'29" E, a distance of 69.44 feet; thence run N 12°06'24" E, a distance of 133.32 feet; thence run N  
44 09°17'28" E, a distance of 182.83 feet; thence run N 32°25'34" E, a distance of 137.55 feet; thence run N

1 31°17'23" E, a distance of 146.32 feet; thence run N 07°57'05" E, a distance of 96.94 feet; thence run N  
2 56°42'55" E, a distance of 132.83 feet; thence run S 86°09'12" E, a distance of 184.42 feet; thence run N  
3 35°27'48" E, a distance of 167.73 feet; thence run N 15°00'34" E, a distance of 137.21 feet; thence run N  
4 03°44'06" W, a distance of 103.37 feet; thence run N 32°59'46" E, a distance of 98.93 feet; thence run N  
5 08°35'39" W, a distance of 151.45 feet; thence run N 15°08'09" E, a distance of 27.14 feet; thence run N  
6 90°00'00" E, a distance of 213.74 feet to a point on a non-tangent curve, concave easterly, having a radius  
7 of 161.39 feet and a central angle of 87°02'45"; thence on a chord bearing of N 00°22'47" E, run 245.19  
8 feet along the arc of said curve to the point of compound curvature with a curve, concave southeasterly,  
9 having a radius of 144.74 feet and a central angle of 66°27'25"; thence run northeasterly, along the arc of  
10 said curve, a distance of 167.88 feet to a point; thence run S 63°26'45" E, a distance of 65.86 feet to a  
11 point on a non-tangent curve, concave northwesterly, having a radius of 112.12 feet and a central angle of  
12 83°06'53"; thence on a chord bearing of N 81°11'29" E, run 162.64 feet along the arc of said curve to the  
13 point of compound curvature with a curve, concave northwesterly, having a radius of 175.74 feet and a  
14 central angle of 35°10'15"; thence run northeasterly, along the arc of said curve, a distance of 107.88 feet  
15 to a point; thence run N 08°28'48" E, a distance of 119.95 feet to a point on a non-tangent curve, concave  
16 southeasterly, having a radius of 62.35 feet and a central angle of 80°55'13"; thence on a chord bearing of  
17 N 52°57'24" E, run 88.06 feet along the arc of said curve to a point; thence run N 90°00'00" E, a distance of  
18 186.71 feet; thence run S 00°53'12" W, a distance of 685.20 feet; thence run S 00°32'49" W, a distance of  
19 1565.07 feet; thence run N 90°00'00" W, a distance of 60.33 feet; thence run S 81°37'06" W, a distance of  
20 47.05 feet; thence run S 59°54'24" W, a distance of 61.09 feet; thence run S 28°07'59" W, a distance of  
21 71.47 feet; thence run S 19°57'38" W, a distance of 75.48 feet; thence run S 44°02'59" W, a distance of  
22 116.18 feet; thence run S 83°03'08" W, a distance of 115.05 feet; thence run N 63°27'06" W, a distance of  
23 336.29 feet; thence run S 25°22'28" W, a distance of 262.75 feet; thence run S 03°26'07" E, a distance of  
24 108.99 feet; thence run S 19°37'00" E, a distance of 102.62 feet; thence run S 28°48'28" E, a distance of  
25 148.49 feet; thence run S 19°00'44" E, a distance of 75.12 feet; thence run S 11°18'33" E, a distance of  
26 368.27 feet; thence run S 10°36'03" W, a distance of 277.87 feet; thence run S 03°38'51" W, a distance of  
27 97.28 feet; thence run S 18°26'43" E, a distance of 105.77 feet; thence run S 34°02'37" E, a distance of  
28 174.91 feet; thence run S 23°47'32" E, a distance of 78.86 feet; thence run S 19°57'24" E, a distance of  
29 161.29 feet; thence run S 24°30'47" E, a distance of 200.91 feet; thence run S 38°46'53" E, a distance of  
30 203.93 feet; thence run S 00°00'00" E, a distance of 146.82 feet; thence run S 89°24'16" E, a distance of  
31 222.94 feet to a point on the east line of said Section 3; thence run S 00°32'49" W, along said east line, a  
32 distance of 1290.30 feet to the southeast corner of said Section 3; thence run N 89°18'08" W, along the  
33 south line of said Section 3, a distance of 1136.83 feet; thence departing said south line, run N 04°26'20"  
34 W, a distance of 94.28 feet; thence run N 23°06'45" E, a distance of 84.27 feet; thence run N 04°58'15" W,  
35 a distance of 107.37 feet; thence run N 12°14'35" W, a distance of 94.30 feet; thence run N 22°57'43" E, a  
36 distance of 194.46 feet; thence run N 17°03'27" W, a distance of 174.16 feet; thence run N 02°10'24" W, a  
37 distance of 241.16 feet; thence run N 07°02'54" E, a distance of 149.09 feet; thence run N 44°12'25" E, a  
38 distance of 180.66 feet; thence run N 07°43'36" E, a distance of 168.29 feet; thence run N 34°34'38" W, a  
39 distance of 223.28 feet; thence run N 18°58'02" W, a distance of 259.45 feet; thence run N 19°40'24" E, a  
40 distance of 15.33 feet; thence run N 04°59'43" E, a distance of 193.17 feet; thence run N 02°05'05" W, a  
41 distance of 181.61 feet; thence run N 39°15'03" E, a distance of 299.76 feet to a point on a non-tangent  
42 curve, concave southwesterly, having a radius of 439.88 feet and a central angle of 15°40'22"; thence on a  
43 chord bearing of N 56°03'35" W, run 120.33 feet along the arc of said curve to the point of tangency  
44 thereof; thence run N 63°53'46" W, a distance of 154.83 feet to a point on a non-tangent curve, concave  
45 northeasterly, having a radius of 137.36 feet and a central angle of 94°55'27"; thence on a chord bearing of  
46 N 18°44'50" W, run 227.57 feet along the arc of said curve to the point of tangency thereof; thence run N  
47 28°42'54" E, a distance of 202.44 feet to a point on a non-tangent curve, concave westerly, having a radius

1 of 322.60 feet and a central angle of  $46^{\circ}23'15''$ ; thence on a chord bearing of  $N 02^{\circ}33'53'' E$ , run 261.18  
2 feet along the arc of said curve to the point of compound curvature with a curve, concave southwesterly,  
3 having a radius of 679.89 feet and a central angle of  $17^{\circ}33'43''$ ; thence run northwesterly, along the arc of  
4 said curve, a distance of 208.40 feet to the point of tangency thereof; thence run  $N 38^{\circ}11'27'' W$ , a distance  
5 of 186.06 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 77.33 feet and a  
6 central angle of  $72^{\circ}53'25''$ ; thence on a chord bearing of  $N 07^{\circ}47'59'' W$ , run 98.38 feet along the arc of  
7 said curve to the point of tangency thereof; thence run  $N 28^{\circ}38'44'' E$ , a distance of 201.62 feet; thence run  
8  $N 21^{\circ}18'39'' W$ , a distance of 108.61 feet to the point of curvature of a curve, concave southwesterly,  
9 having a radius of 100.00 feet and a central angle of  $67^{\circ}38'14''$ ; thence run northwesterly, along the arc of  
10 said curve, a distance of 118.05 feet to the point of tangency thereof; thence run  $N 88^{\circ}56'53'' W$ , a distance  
11 of 96.55 feet; thence run  $S 01^{\circ}03'07'' W$ , a distance of 35.00 feet; thence run  $N 88^{\circ}56'53'' W$ , a distance of  
12 453.83 feet; thence run  $S 33^{\circ}44'09'' W$ , a distance of 144.70 feet; thence run  $S 70^{\circ}45'27'' W$ , a distance of  
13 96.16 feet; thence run  $S 56^{\circ}13'23'' W$ , a distance of 155.28 feet; thence run  $S 47^{\circ}39'12'' W$ , a distance of  
14 84.36 feet; thence run  $S 67^{\circ}55'29'' W$ , a distance of 119.21 feet; thence run  $S 70^{\circ}58'26'' W$ , a distance of  
15 115.05 feet to a point on the north-south center section line of said Section 3; thence run  $N 01^{\circ}22'36'' E$ ,  
16 along said north-south center section line, a distance of 1305.76 feet to the POINT OF BEGINNING.  
17 Containing 146.60 acres, more or less.

1

EXHIBIT "B" – CONCEPTUAL PLAN



2

## Attachment 1

TO: Brian Sheahan  
From: Rebecca Jetton  
Subject: Project 1239664; Application 1991; Hummer Driving School  
Date: March 12, 2012

Thank you for the opportunity to provide comments. The proposed development is described by the applicant as “an Active Commercial Recreational Facility that provides off road driving facilities for Hummers and all Terrain Vehicles with concessions”. The Lake County Comprehensive Plan provides a description of uses that require a conditional use. The only use description allowed under the FLUM that is similar to that proposed is a “Small-scale sporting and recreational camp”.

“Small-scale sporting and recreational camps” are defined within the Lake County Comprehensive Plan as “outdoor sports and recreation clubs that are comprised of 20 developed acres or less (excluding areas maintained in their natural state)”.

Additionally, Chapter 10 of the Comprehensive Plan provides the following definitions:

**“Recreation-Active:** recreational activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term active recreation includes but is not limited to swimming, tennis, and other court games, baseball. And other field sports, golf, and playground activities, generally involves constructed facilities and organized activities.

**Recreation–Passive:** recreational activities that generally do not require a developed site. This generally includes activities such as hiking, horseback riding, wildlife appreciation, and picnicking, passive recreation involves existing natural resources and has a minimal impact which can be carried out with little alteration or disruption to the area in which they are performed.”

The proposed development does not precisely fit either of these definitions, nor does it seem to be an accessory to the existing agricultural use of the property. The applicant met with staff on site and verbally indicated that the driving school will serve both tourists and public organizations that would need to train employees to drive in remote areas. Examples of clients the school would provide services to included Federal Customs Agencies and electrical companies.

Since the definition of a “Small-scale sporting and recreational camp” indicates that activities should only be “comprised of 20 developed acres or less (excluding areas maintained in their natural state)”, it seems that the applicant would need to designate the necessary open space for the 20 acres of developed area to place into a conservation easement. The draft site plan does not indicate the location and extent of the open space.

The applicant should have an engineer determine if sufficient culverts have been placed in the access road that crosses the floodplain area to establish that the culverts are sized properly to maintain the flow of surface water through this area. Additionally, the only access to the other

portion of this property is through the 100-year floodplain area on site. While no structures are being proposed within the floodplain, the Lake County Land Development Regulations (LDRs) require paved access roads. The Comprehensive Plan Policy 1-4.4.8 also prohibits development within the 100-year floodplain and requires that all development conduct a floodplain study when there is 5 acres or more within the 100-year floodplain. If the County determines that a floodplain study is not necessary for the site, there should be a determination from a professional engineer regarding the capacity of the non-paved access road that leads through the floodplain area and whether improvements are needed to maintain the flow way. Furthermore, a decision should be made by the County regarding whether a paved access road will be required, pursuant to Section 9.05.06 of the Lake County LDRs.

Other actions for the applicant in regards to this proposed development include:

- A site plan which indicates the area that will be used for parking and whether that area has been calculated in the 20 acre or less area for the proposed development;
- A unity of title so that the lot that provides access to the property from County Road 561 (Alternative Key #1047102) is part of the parcel proposed for approval under the Conditional Use;
- Wetlands should be placed in a conservation easement pursuant to Lake County Comprehensive Plan Policy 1-4.4.7;
- A determination of the open space on the site and placed into a conservation easement pursuant to Lake County Comprehensive Plan Policies 1-4.2.5 and Policy 1-4.2.4;
- A wildlife survey for Threatened and Endangered Species pursuant to Lake County Comprehensive Plan Policy 111-3.2.8 and Section 6.04.00 of the Lake County LDRs;
- A topographic map and a statement from a professional engineer or geologist specifying any measure necessary to approximate existing quality and quantity in surface and ground waters pursuant to Section 8.00.04 of the Lake County LDRs. The applicant should also indicate whether or not the proposed modifications to the landscape to create hills will decrease routine sheet flow to the nearby wetlands;
- Provide clarity regarding the concession area. Will this be an area with soft drink machines or is a café envisioned? The concession area should be limited in size. These activities are not truly accessory to agriculture and should be addressed within the land development regulations.
- Careful consideration should be given to the placement of the trail and the buffers needed to ensure that no customer will drive a vehicle into the wetlands and suffer injuries; and
- Revision to the proposal regarding paintball activities. The applicant indicated during the site visit that paintball is not one of the proposed activities. If paintball is still proposed, then the maximum number of participants should be revised. Paintball activities can draw large crowds (thousands) of participants and may not be compatible with the rural nature of the area.

We would also like to have the ability to conduct site visits in the future to ensure the proposed development is within the boundaries of what is allowable in this area.



**ATTACHMENT 2  
LETTERS OF OPPOSITION**

**Isaac, Melving**

---

**From:** Sheahan, Brian  
**Sent:** Tuesday, September 04, 2012 4:33 PM  
**To:** 'Margaret Cox'  
**Cc:** Cotch, Jennifer; Greene, Steve; Greiner, Anita; Hartenstein, Rick; Isaac, Melving; Short, Sheila; Rebecca Jetton (rebecca.jetton@deo.myflorida.com)  
**Subject:** RE: P&Z Meeting-Sept. 5th - CUP #12/4/1-1

Peggy,

Thank you for your email. We will ensure it is provided to the Planning & Zoning and Board of County Commissioners. In response to your questions related to a Master Land Use Plan and requirements contained in the Land Development Regulations, compliance with these requirements are required to be address prior to approval of the Site Plan. If the Zoning is approved, then the Applicant will be required to obtain the site plan approval and adhere to the conditions of the ordinance as well as those contained in the LDRs.

Brian T. Sheahan, AICP, Manager  
Division of Planning & Community Design  
Department of Growth Management  
Lake County Board of County Commissioners  
P.O. Box 7800, 315 West Main Street  
Tavares, FL 32778-7800  
Website: <http://www.lakecountyfl.gov>  
Voice: 352-343-9672 Fax: 352-343-9767

 **Go Green:** Please do not print this email unless you really need to.

Please note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

*Let Lake County help your business grow. For questions on how to start or relocate a business call 352.343.9867*

 **How We HELP BUSINESS** [www.HowWeHelpBusiness.com](http://www.HowWeHelpBusiness.com)

---

**From:** Margaret Cox [<mailto:pegcox48@yahoo.com>]  
**Sent:** Tuesday, September 04, 2012 4:27 PM  
**To:** Sheahan, Brian  
**Cc:** Cotch, Jennifer; Greene, Steve; Greiner, Anita; Hartenstein, Rick; Isaac, Melving; Sheahan, Brian; Short, Sheila  
**Subject:** P&Z Meeting-Sept. 5th - CUP #12/4/1-1

**RE: CUP #12/4/1-1; Project Name: "Off Road Hummer Adventure"**  
**Applicant; Tirri**

This letter is to recommend that this CUP not be approved. The intensity of this development within the Green Swamp Area of Critical State Concern, and in a Rural/Conservation zoning, is in conflict with the Principles for Guiding Development within the GSACSC as stated in the Lake County Comp Plan 2030; and in conflict with Conservation Element, Policy III-3.1.1 that states that "The County Shall preserve the integrity of the Green Swamp as an intact ecosystem

of statewide significance by protecting its natural resources including but not limited to hydrologic regimes, wetland and upland communities, floodplain, ecologic connectivity, wildlife, and aquifer recharge."

The construction of an off road driving trail for large, heavy vehicles as a Hummer, and for ATVs, along with the proposed remote control track will have a heavy impact on the topography, and hydrologic systems on the property.

Adding maintenance facilities and paintball facilities, all that use various chemicals and pollutants in their operation, further violates the principles of development stated for the GSACSC.

Lake County's LDR's, Chapter VIII on the Green Swamp, have several requirements that I'm assuming will be presented tomorrow by the applicant and County staff that satisfy the requirement that a Master Land use plan has been prepared that adheres to the site alteration criteria listed for GSACSC developments.

In the LDRs any development within the GSACSC is required to protect the normal quantity, quality and flow of the surface water and ground water on the property being developed. Has the applicant had a certified geologist or engineer with that expertise review their plan and see that the criteria will be met?

As a resident of south Lake county, in the GSACSC, I respectfully request that the P&Z Board deny this CUP application.

Peggy Cox

[pegcox48@yahoo.com](mailto:pegcox48@yahoo.com)

352-429-1042



Lake County BCC  
315 West Main St.  
P.O. Box 7800  
Tavares, Florida 32778

August 31 2012

Dear Sirs,

We write to register our formal concerns over the forthcoming CUP application #12/4/1-1 aka #12/4/1-2 in the name of Off Road Hummer Experience Orlando and to ask you to reject the application for the following reasons.

Whilst imitation is the greatest form of flattery, in this instance it is not the case, indeed it is likely to be detrimental to our business and to the County generally since the principals of honest, safe business practice is not being applied by this company.

Firstly the application is made in the name of "Off Road Hummer Adventures", and their advertising says "Hummer The Off Road Experience" (please see the attached photograph). So incredibly close to our own business name that it is likely to cause confusion, suggesting association to our own business.

Their advertising and other social media networks as well as their own web site indicates that customers can " fly through the air" "get and airbourne" and "speeding through the dunes" in their vehicles, clearly indicates that speed is the main feature of this company.

Their Facebook pages show photographs of a Baja racing car in mid air, Baja's are not mentioned in their application and they are described as a "Dune Buggy" when in reality it is a fully prepared racing vehicle. Not suited to Lake County farm trails. (see attached photograph)

To be honest, we have had some experience with Baja racing cars and the owner of them since they have been on our property and know to our cost the destruction they do to the environment and the danger driving them brings. Legendary Excursions, who owns and operates these vehicles, is we believe in partnership with the Hummer Adventure, although they are not mentioned in the CUP application and their involvement has been carefully concealed.

These are not "recreational machines" but ones that should be operated by professionally trained or very experienced drivers not to tourists who will class the adventure as a theme park option, expecting the same safety criteria to be in place.

As you are aware the premis of our business is safe fun, we have worked tirelessly to ensure that our name and reputation is beyond repute. We have tried to work with the County on all aspects of our business and we do not wish our name or indeed our off road experience to be associated with this type of "off Road" business, this is an accident in waiting and we are terrified that will be tarred with the same brush when it does, our reputation ruined as people will only remember the words "Off Road Experience".

This business intends to open less than 2 miles from our entrance and whilst we are strong supporters for recreational growth in Lake County this business puts us and visitors in a serious situation. We have to call into question the integrity of this company who are trying to dupe the County into awarding a CUP for one thing whilst planning another style of off road driving.

We are well aware of the dangers of Off Road Vehicles which is why we only employ trained instructors, everything we do is guided and all visitors undergo full and comprehensive training instruction. We never encourage "wheels off" as this is where statistically the control of any vehicle is at it's most dangerous and difficult. Controlled speed in the hands of a competent driver in the right environment is fine but in the hands of an inexperienced "enthusiastic youngster" it is not.

Our CUP took us years to secure as the County required, Conservation Easements, DOT road entrance enforcements, Surveys, Flood Plain Surveys, Building regulations, Code enforcements, Tree Buffers. In addition we were required by St Johns Water Management to provide surveys, easements, environmental surveys, tree count and wetland monitoring.

The Army Corp Of Engineers insisted on a Antiquity survey, Wetland Creation, Environmental Studies and so much more. We have been monitored by an independant company for 5 years to ensure the protection of the wetland areas from secondary impacts and have paid for each of their visits. Will this company have to undergo the same enforcements, restrictions and requests by the regulatory bodies?

Please note Attachment 1 from Rebecca Jetton who made a number of recomendations in March 2012, all of which we were required to undertake prior to our permitting. It is to be sincerely hoped that this business will be required to follow the same regulations prior to their opening. As they are already advertising a date of September 14 it seems unlikely.

You are aware of the considerable amount of local opposition that has restricted our business in so many ways. Our operating hours, signage, the types and numbers of vehicles permitted, the number of visitors allowed to attend events and an expensive bond put in place over the clay road entrance roadway. I am unaware of similar restrictions in the CUP application in question.

It seems incredibly biased that a local hay farmer, can open his unused fields and turn them into trails in this manner without the same level of due care to the environment and the same controls levied upon them.

The local community will not be best served by another off road park in such a close proximity to the one already established. Our ATV, and dune buggy rentals, are the life blood of our business, it is this income that allows us to employ 5 instructors and team members if this section of our business diminishes so will our employment options.

This is not a letter of general complaint about another local business but one of genuine concern for the safety of the public the environment the reputation of the County and for the future of our business if this is allowed to go ahead unchallenged. We sincerely urge you to reject this CUP application.

Yours sincerely  
Kevin & Audrey Jowett

4000 State Road 33 Clermont Florida 34714 352 400 1322



Did I tell you we also have dune buggies?

**THIS PICTURE AND COMMENT POSTED 1st SEPTEMBER 2012**

## **Hummer Off Road Experience Orlando**

We are not your regular Orlando vacation! Come experience the thrilling fun of a true off-road driving adventure. Drive or be driven, but if you want to have fun in Orlando, GET OFF THE ROAD!

### **Description**

Now you can feel the rush of a 4X4 off road track **where you go flying over dunes, speeding through turns, and going airborne on jumps that leave you breathless.**

CASE NO: CUP#12/4/1-1

TAB NO. 6

OWNER: Tracey Tirri

APPLICANT: Justin Tirri

PROJECT NAME: Off Road Hummer Adventure

Mr. Isaac stated that CUP#12/4/1-1 (aka 12/4/1-2), brought by Justin and Tracey Tirri, was a request for a Conditional Use Permit in the Agriculture (A) Zoning District to allow an outdoor recreational use for an off-road driving course of Hummer and All-Terrain Vehicles (ATV), remote control car track, paintball, and customer center, including the use of the existing buildings for a vehicle maintenance facility and other uses. He explained that the subject property is about 190 acres east of CR 561, with a Future Land Use of Green Swamp Rural/Conservation. He indicated that the residence is located on the north portion of the property, which will also be used for offices and training areas. He related that a letter of opposition was received from Revolution Off Road, and he stated that they have added a condition to the ordinance in Section B12 creating a restriction of the off-road operation to a designated area. He showed the layout of the property on an overhead map. He concluded that the request was consistent with the LDR's and Comp Plan, and staff recommended approval of the CUP.

Mr. Bryan asked how long has the applicant been working on this application.

Mr. Isaac responded that they have been working on it since February and are aware of everything they would need while going through the site plan process. He assured that all of the conditions in the ordinance, the LDR's, and the Comp Plan would be met; and he noted that the applicants will still need to submit a site plan application and obtain building permits if this CUP was approved. He added that part of the parcels will be used as a buffer to protect wetland areas.

Mr. Elwood Obrig, Attorney on behalf of Off Road Hummer Adventures LLC and Justin Tirri, noted that there was a 50-foot setback from the forested wetland areas that were mentioned, which he assured the Board were not a part of the recreational area.

Ms. Jean Tirri, the Applicant's sister and a resident of Clermont, noted that Mr. Obrig has been working for months to ensure that this project is in compliance with Lake County standards. She commented that their mission was to provide a safe, fun, and exciting alternative for adventurous people in a park designed for off-road driving, with availability of tracks for different skill levels and involvements and with everyone required to start driving on the beginner's track. She related that the business will also include a visitor's center, training facilities, bathrooms, first aid, gift shop, food and beverage area, and parking area; and they were planning on starting with ten employees, including general and office managers, certified trainers, mechanics, drivers, and groundskeepers. She emphasized that safety is an important issue for them and noted that a Lake County fire station borders their property. She pointed out that they have done market research indicating a forecast of approximately \$150,000 gross revenue for the first year with annual growth of 20 to 30 percent, and they intend to serve the tourist market. She also mentioned that their farm will continue to be a working farm producing a substantial hay crop, and they plan to conserve and protect their natural resources at all times. She noted that they also plan on being good neighbors and not cause any disturbance to the nearby residents. She specified that they have a fleet of 12 customized hummers which weigh about 10,000 pounds each and are equipped with cameras, safety harnesses, and off-road tires.

Mr. Bryan asked if Off Road Hummer Adventure will have Baja vehicles.

Ms. Tirri responded that they will have Baja vehicles, but there has never been an incident of injury in the 20 years those vehicles have been operating and in use in the United States.

Mr. Gonzalez asked if they were going to use the 64 acres north of the area for the experience.

Ms. Tirri responded that they only plan to use 16 acres for the experience out of the 400 that they own.

Ms. Kathryn Stafford, a resident who lives near this site, expressed some concerns regarding the environment of the Green Swamp area, noise, and traffic issues, especially since the business would be open seven days a week from dawn until 9:00 p.m. She also was concerned that it would affect the value of the nearby homes, and she opined that this use is a much more intense use than a hunting and fishing camp. She related that 14 neighbors that she spoke with were not aware of this rezoning request. She asked the P & Z Board to either amend or deny this CUP.

Mr. Kevin Jowett, owner of Revolution Off Road Experience, which is about two miles away, confirmed that a lot of the neighbors did not know about this rezoning and opined that the CUP posting was done incorrectly by not running parallel to the road and containing only one sign which was hard to see from the road.

Mr. Isaac responded that the CUP was properly posted with two signs placed at the entrance of the property based on the regulations, and it was also advertised in newspapers; in addition, notification was sent to the adjacent property owners.

Mr. Steve Greene, Chief Planner, reported that the staff report indicates that two signs were posted on August 23 on either side of the driveway, and he assured the board that staff would have reposted the sign if it was removed after it was posted, but they could not be certain about the conditions and whereabouts of the sign after posting without further notification. He specified that typically they notify property within 350 feet of the subject property, but they most likely extended that notice to 500 feet given the size of this property. Mr. Greene announced that staff was making a copy of the buffer map.

Mr. Jowett indicated that he phoned and talked to Ms. Cotch last week, informing her that the sign was facing the wrong way.

Ms. Erin Hartigan, Assistant County Attorney, read an excerpt from the LDR's indicating that the County Manager designee shall post a copy of the notice on the property in the most conspicuous place to the passing public, as well as on public access roads and county roads closest to the property subject to the application. She pointed out that there was no requirement in the LDR's in terms of where it faces.

Mr. Jowett noted that his major concerns were stated in the letter that he submitted, and he opined that he thought this proposed business was doing things that were deceitful, including using a name similar to theirs, which he was concerned would negatively reflect on his business if there was any confusion. He mentioned that he was proud of his business' safety record but that he had reservations about the safety of the proposed business and believed the owners intended on using things far greater than an ATV or hummer track. He commented that he has knowledge of accidents involving Baja cars, and he noted that motor racing is dangerous and has to be operated properly; he also noted that Baja cars were not included in the CUP and would do damage to the environment. He mentioned that his business had to put wetlands into conservation in order to receive their CUP and had been inspected for five years by St. Johns River Water Management District. He was

concerned about whether they were all working on a level playing field and whether the proposed business intends to use other types of vehicles than what is proposed.

Mr. Greene reported that the applicant was going through all of the appropriate requirements as anyone else had in the past, and he assured the board that there were tremendous conditions placed in the CUP for what was required in the site plan submittal, including conservation easements on wetlands. He indicated that staff would consider a request to amend this application if the applicant chose to add the use of Baja vehicles to the CUP, and he stated that staff would research whether it was an ATV. He also indicated that while there is no prohibition against racing currently in the CUP, it can be placed in it if the board desired.

Mr. Mark Townsend clarified that these are street-legal vehicles, and the usage is considered as regular off-highway permit. He clarified that although it was an off-road vehicle, it was classified with ATV plates.

Mr. Obrig, as part of the rebuttal, assured everyone that there has been no deception and that they had submitted the application in the name of the corporation, which was Off Road Hummer Adventure LLC, and they also have a fictitious name registration for advertising and operation purposes as Hummer Off Road Experience, with both being legal names owned by the corporation. He also did not see any confusion between the two operations, since he felt that Revolution was a distinct identification. He pointed out that Mr. Townsend has operated for many years and has never had an accident, that they were not in the race business, and that the tracks are fixed tracks and not oval tracks which are used for racing.

Mr. Bryan asked about what kind of noise the vehicles would generate.

Mr. Obrig responded that the tracks themselves are shielded by the wetlands and the trees, and all the ATV tracks are between the trees on the right-hand parcel on the diagram, with the other hummer track being closer to CR 561. He commented that there has not been any problem with noise at this point.

Ms. Stafford commented that she currently hears the hay trucks and fork lifts that were out there right now, but she expected much more noise from several vehicles from the proposed operation, which would be constant.

Responding to a question from Mr. Bryan regarding alcohol availability, Mr. Obrig stated that there may be beer available after the events for refreshment purposes, but there would be no drinking allowed before entering or operating any of the motor vehicles, and drinking is not a component of the experience. He added that the County could conduct a noise assessment as part of the site plan review process, and he assured that the Terri family is very sensitive to the concerns of their neighbors, since they were also residents of the area, as well as sensitive to local businesses.

Mr. Greene stated that they located their buffer map, which indicated that every property within 500 feet was notified with a blue post card notification, in addition to newspaper notification and posting of the property. He assured them that staff will repost the property as soon as possible before the BCC meeting. He related that there was a noise requirement in the ordinance on Page 2 of 9, Line 23, which typically means that the County will require an assessment of adjacent properties to measure current ambient noise and whether the proposed use was expected to generate a difference to the current level, and if so implement the recommendations for mitigations.

Mr. Kesselring noted that there seemed to be some confusion over the definition or kind of vehicles



that would be on the property and what the potential effect of them would be on the environment.

Mr. Obrig stated that the ATV's and hummers are all street-ready vehicles with mufflers which should not make any more noise than an average vehicle.

**MOTION by Ted Dewitt, SECONDED by L. G. John Ameri to APPROVE Case No. CUP# 12/4/1-1, Off Road Hummer Adventure.**

**FOR: DeWitt, Ameri, Morris, Gonzalez, Bryan**

**AGAINST: Kesselring**

**ABSENT: Miller**

**MOTION CARRIED: 5-1**

DRAFT