LAKE COUNTY PLANNING AND ZONING DIVISION REZONING STAFF REPORT

PLANNING & ZONING BOARD February 6, 2019



BOARD OF COUNTY COMMISSIONERS February 26, 2018

RZ-18-23-5 Adriatico Property	Commission District 5 Blake	Agenda Item #6	
	WILD A CREES TREE	22	
		PLORINE ST	

Requested Action: Rezone approximately 162 +/- acres from Rural Residential (R-1) to Agriculture (A).

Owner: Juan Adriatico (the "Owner")

Applicant: Michael Wojtuniak (the "Applicant")

- Site Location & Information -

Size	162 +/- acres
Location	29540 Fullerville Road, Deland, FL 32720
Alternate Key Nos	1784441 and 3636171
Future Land Use	Rural
Existing Zoning District	Rural Residential (R-1)
Proposed Zoning District	Agriculture (A)
ISBA/JPA	N/A

- Land Use Table -

Direction	Future Land Use	<u>Zoning</u>	Existing Use	<u>Comments</u>
North	Rural	Agriculture	Vacant	Agricultural Exemption
South	Conservation	Rural Residential	Vacant	Government Land
East	Rural; Conservation	Rural Residential (R-1)	Vacant	Government Land
West	Rural; Conservation	Agriculture	Vacant	Agricultural Exemption

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval** of the request to rezone approximately 162 +/- acres from Rural Residential (R-1) to Agriculture (A).

PLANNING & ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The subject 162 +/- acre properties are generally located south of County Road 42 and west of the St. Johns River, in the Deland area and identified as Alternate Key Numbers 1784441 and 3636171. The properties are currently zoned Rural Residential (R-1) and is designated by the 2030 Comprehensive Plan (Comp Plan) as Rural Future Land Use Category. The property identified by Alternate Key 3636171 contains on-going agricultural uses (tree production, cattle ranching, and aquaculture).

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The Applicant's rezoning request to the Agriculture Zoning District is consistent with agricultural uses of the property. However, any commercial use of the property allowed as a conditional use under the Agriculture Zoning District, including any portion of the property as an airsoft facility, will require the approval of a Conditional Use Permit.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The application request for Agriculture Zoning District is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category (FLUC). This land use allows agriculture uses and residential density of one (1) dwelling per five (5) net acres.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The existing Rural Residential (R-1) zoning of the property is inconsistent with the adjacent zoning and future land use density, as it allows for residential development of 1 dwelling per 1-acre. This is inconsistent with the Rural FLUC which allows a minimum density of 1 dwelling per 5-net acres. Agricultural uses (tree production, cattle ranching, and aquaculture) are currently being conducted on the property, which are inconsistent with the R-1 zoning. However, here is also a residence. The proposed Agriculture rezoning will result in land use consistency and allow the continuation agricultural uses consistent with Rural future land use category.

D. Whether there have been changed conditions that justify a rezoning;

There is no evidence of development trends of property rezoning in this area over the past 5 years. The property owners desire to continue agricultural uses on the property consistent within the Rural Future Land Use category. This request would result in development similar to nearby Agricultural (A) zoning and adjacent non-intensive agricultural uses.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water and Sewer

Potable water needs and sewage will be addressed via potable well and septic tank. These uses will be allowed pursuant to the requirements of Florida Department of Health.

Schools

No adverse impacts are anticipated on schools.

Transportation

No adverse impacts are anticipated for transportation.

Solid Waste

No adverse impacts anticipated to current Solid Waste capacity levels.

Fire and Emergency Services

In the event of fire services, Lake County Station 13, at 25250 CR 42, approximately 7.53 miles (six minutes) to east will provide the needed services. This facility is a full ALS station.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment:

Although adverse impacts are not anticipated, any future development will require the submittal of an environmental assessment pursuant to the LDR Chapter 6, as amended.

G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed rezoning will not disrupt the existing orderly, logical development pattern in the area.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

FINDINGS OF FACT: Staff has reviewed the proposed rezoning amendment and found:

- 1. The proposed rezoning is consistent with the LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows for agricultural uses and the LDR Table 3.00.03, *Land Use Zoning District Matrix*;
- 2. The proposed Agriculture rezoning is consistent with LDR Section 3.00.02, which specifies the intent of the agriculture district is to accommodate agriculture uses and endeavors; and
- 3. The proposed rezoning is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category which allows agriculture related uses.
- 4. Any commercial use of the property allowed as a conditional use under the Agriculture Zoning District, including any portion of the property as an airsoft facility, will require the approval of a Conditional Use Permit.

Therefore, based on these findings of fact, staff recommends **APPROVAL**, subject to the conditions as set forth in the attached Ordinance.

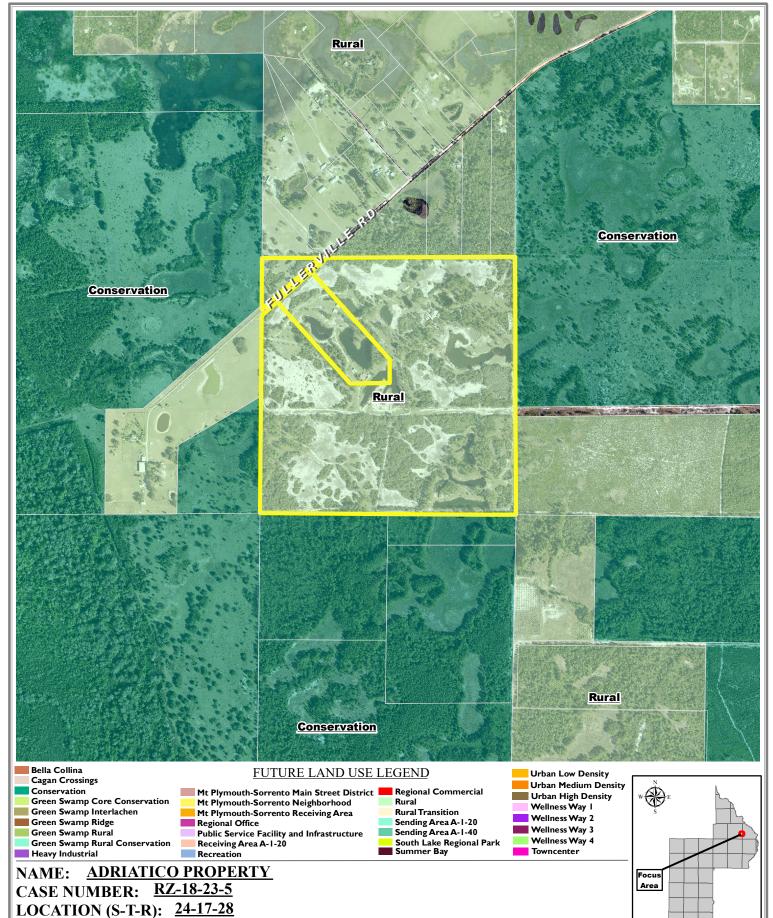
Case Manager: Steve K. Greene, AICP, Chief Planner

WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -5-







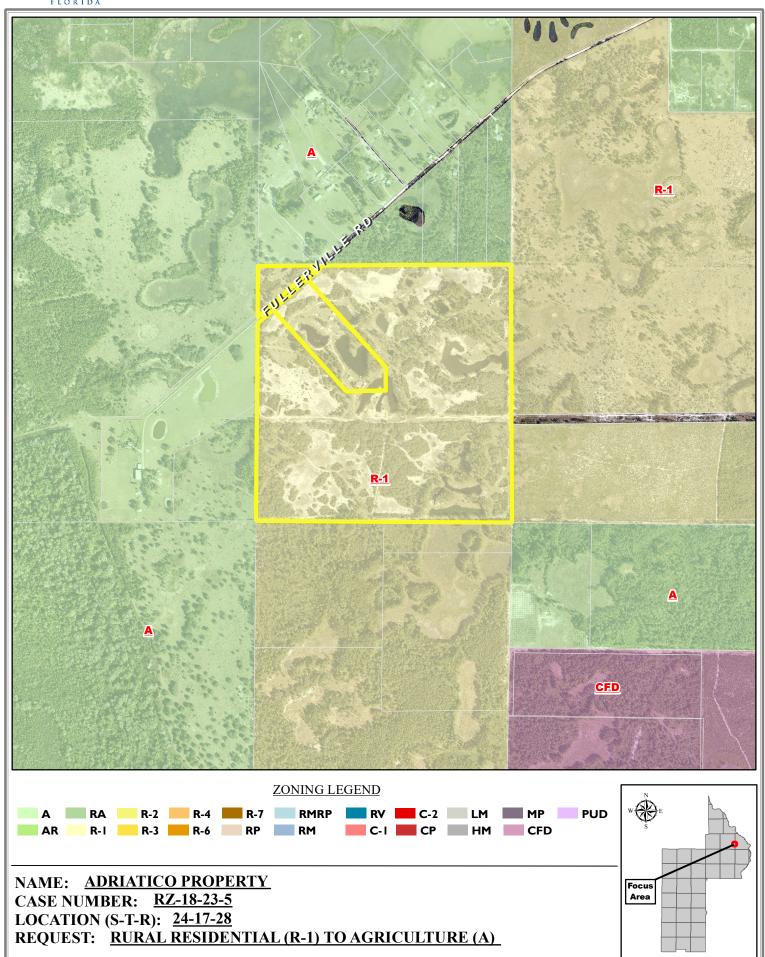


REQUEST: RURAL RESIDENTIAL (R-1) TO AGRICULTURE (A)









1 2 3		ORDINANCE #2019-XX Adriatico Property RZ-18-23-5
4 5		ANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE ONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.
6 7		HEREAS, Michael Wojtuniak ("Applicant") on behalf of Juan Adriatico ("Property Owner") submitted an to rezone property from Rural Residential (R-1) to Agriculture (A); and
8 9 10	Minneola ar	HEREAS, the subject property consists of approximately 162 +/ acres, and is generally located in the rea, in Section 30, Township 21 South, Range 26 West, identified by Alternate Key Numbers 1784441/1, and more particularly described below:
11		LEGAL DESCRIPTION:
12		EXHIBIT - A
13 14		HEREAS, the subject property is located within the Rural Future Land Use Category as shown on the y Comprehensive Plan Future Land Use Map (FLUM); and
15 16	WH Regulations	HEREAS, the property will be zoned Agriculture (A) in accordance with the Lake County Zoning s; and
17 18 19		HEREAS, any commercial use of the property allowed as a conditional use under the Agriculture rict, including any portion of the property as an airsoft facility, will require the approval of a Conditional and
20 21 22	2019, after	HEREAS, the Lake County Planning & Zoning Board reviewed Petition RZ-18-23-5 on February 6, giving Notice of Hearing on petition for a change in the use of land, including notice that said petition resented to the Board of County Commissioners of Lake County, Florida, on February 26, 2019; and
23 24 25	County Plan	HEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake nning & Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and property owners at a public hearing duly advertised; and
26 27		HEREAS, upon review, certain terms pertaining to the development of the above described property duly approved; and
28 29 30	that the Lar	DW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, and Development Regulations of Lake County, Florida, be altered and amended as they pertain to the ect property, subject to the following terms:
31 32	Section 1.	Terms: The County Manager or designee shall amend the Official Zoning Map to rezone the subject property to Agriculture (A).
33 34 35 36 37	Section 2.	Development Review and Approval: Prior to the issuance of any permits, the Owner will be required to submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations. The applications for final development orders shall meet all submittal requirements and comply with all County codes and ordinances, as amended.
38 39 40	Section 3.	Severability : If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

1 2 3	Section 4.	Filing with the Department of State. The clerk is hereby directed forthwith to so Ordinance to the Secretary of State for the State of Florida in accordance with Sect Statutes.	
4	Section 5.	Effective Date. This Ordinance shall become effective as provided by law.	
5 6	EN	IACTED this day of	, 2019.
7	FILED with the Secretary of State		, 2019.
8 9	EF	FECTIVE	, 2019.
10 11 12		BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA	
13 14		LESLIE CAMPIONE, CHAIRMAN	
15	ATTEST:		
16 17 18 19	BOARD OF	OONEY, CLERK OF THE F COUNTY COMMISSIONERS JNTY, FLORIDA	
20	APPROVEI	D AS TO FORM AND LEGALITY	
221 222 223 224 225 226 227 228 229 331 332 3333	MELANIE N	MARSH, COUNTY ATTORNEY	

1	EXHIBIT – A
2	
3	<u>AK# – 1784441</u>
4	SE 1/4LESS FROM SW COR OF SE 1/4 RUN N 0-33-17 E 2063.94
5	FT TO S LINE OF FULLERVILLE RD, N 48-27-44 E ALONG SAID RD
6	216.10 FT FOR POB, CONT N 48-27-44 E 475.56 FT, S 41-42-44 E
7	1220.93 FT, S 0-19-24 W 246.55 FT, S 89-03-59 W 410 FT, N
8	41-42-44 W TO POB, BEG AT SW COR OF SW 1/4 OF SEC 19-17-29,
9	RUN N 0-17-31 E 55.20 FT, S 0-50-57 E 55.23 FT TO S BOUNDARY
10	OF SW 1/4 OF SAID SEC 19, N 88-48-10 W ALONG SAID SW 1/4 A
11	DIST OF 1.10 FT TO POB
12	ORB 1570 PG 1285 ORB 1588 PG 228 ORB 2428 PG 322 ORB 4347 PG
13	1093
14	
15	<u>AK# - 3636171</u>
16	FROM SW COR OF SE 1/4 RUN N 00DEG 33MIN 17SEC E 2063.94 FT
17	TO S LINE OF FULLERVILLE RD, N 48DEG 27MIN 44SEC E ALONG
18	SAID S LINE OF RD 216.10 FT FOR POB, CONT N 48DEG 27MIN
19	44SEC E 475.56 FT, S 41DEG 42MIN 44SEC E 1220.93 FT, S 00DEG
20	19MIN 24SEC W 246.55 FT, S 89DEG 03MIN 59SEC W 410 FT, N
21	41DEG 42MIN 44SEC W TO POB
22	ORB 1534 PG 1425, ORB 1570 PG 1285, ORB 1588 PG 228, ORB
23	1768 PG 418

OPPOSITION

From:

Hanson, Jodine

To: Cc: Janiszewski, Michele; Greene, Steve

Subject:

Blake, Josh; Guzman, Glen FW: 29540 Fullerville Rd

Date:

Thursday, January 24, 2019 8:39:51 AM

Good morning Michele/Steve, am forwarding this to you for the zoning file.



JODI HANSON

Commissioner's Aide



BOARD OF COUNTY COMMISSIONERS

A 315 W Main Street, PO Box 7800, Tavares, FL 32778

P 352-343-9850 | **F** 352-343-9495

E jhanson@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

From: Rebecca Brown Murphy <rebecca4@embarqmail.com>

Sent: Wednesday, January 23, 2019 4:58 PM

To: Guzman, Glen <GGuzman@lakecountyfl.gov>; McClendon, Tim

<tmcclendon@lakecountyfl.gov>; sgreen <sgreen@lakecountyfl.gov>; Blake, Josh

<jblake@lakecountyfl.gov>

Cc: Greg Thompson <ssusa@tds.net>; kcgray <kcgray@embarqmail.com>

Subject: 29540 Fullerville Rd

Good Afternoon,

My property borders the property at 29540 Fullerville Rd.

I have just been looking at raptorairsoft.com.

I don't really even know where to begin. It seems that his website and advertising just continues to grow. The county seems to be doing very little to stop him. The fines being imposed do not seem to be affecting the growing, non permitted, noncomplying businesses that he is so blatently developing. Why is he allowed to continue? I can hardly wait for the

advertised, March 24 2019,"Large scale game type on 100 acres, an In-house event at Raptor Airsoft". That should be a wonderful weekend for the residents of Fullerville.

I have read the Agritourism statutes that he claims to be operating under. How do gun fire and war games promote agriculture.? My cattle will not go near our bordering fence line during his claimed open hours. How can plastic air soft pellets be good for

agriculture?

It has come to my attention that Mr Adriatico has requested that his property be rezoned from Residential back to Ag. The only reason that Juan Adriatico is even applying for this is because he knows that as long at is looks as if he is attempting to comply with the county then nothing will be done to him, Therefore he can continue to operate. I oppose this rezoning.

I am also a property owner in Lake County. Due to the fact the he is still allowed by the county to operate, my weekends are spent listening to people screaming, games calls, loud speakers and air soft guns cycling. Yes, I can hear them all weekend long. There is also extensive live- firing during his business hours. I have recordings from my front porch of repeated fire for over an hour straight. I came home from work last evening and was welcomed by rifle fire. I could hear it from inside my home. I have heard his gaming and live fire from my parents home. They are a mile away from me, live on Fullerville Rd and also border his fence line.

If he is allowed to continue and operate, then based on the lack of respect for our community, county and the government that he already exhibits, he will eventually operate and sell packages for the live, long and short gun ranges that he already advertises.

I am not the only property owner on Fullerville Rd who opposes this activity at this location. We did not desire to live next to nor seek out property next to an airlift or gun range.

Why do we have to suffer and tolerate this?

Sincerely, Rebecca Murphy 29300 Fullerville Rd

From:

Guzman, Glen

Sent:

Tuesday, January 29, 2019 3:05 PM

To:

Ella L List

Cc:

Janiszewski, Michele; Greene, Steve

Subject:

RE: Rezoning of 29540 Fullerville Road Deland, FL

From: Ella L List [mailto:nanna2323@embargmail.com]

Sent: Tuesday, January 29, 2019 2:45 PM

To: Guzman, Glen <GGuzman@lakecountyfl.gov> **Subject:** Rezoning of 29540 Fullerville Road Deland, FL

Recently I was notified that this property owner is trying to rezone to Agriculture while still operating a business in our residential neighborhood. I have felt since hearing about this rezoning is just another ploy to go around the law and still run his Airsoft business. We are not going to sit by and see this happen. The traffic situation is just horrible on our county maintained road. On any given weekend day there are so many vehicles travelling at high speeds going to this airsoft playground I'm wondering if the speed limit is still 30 mph were no speed sign if erected. Is there anything the Lake County Sheriff's office can do to slow these drivers. Almost every home on this road have children that are under the age of 5 and I fear that these speeders are going to endanger their lives. I understand that Dennis Bunt has made calls to some of the residents on this road regarding this rezoning and was wondering how I can stay updated to the ongoing code violations on this property. I have lived here since 1989 and it's just not conceivable that this Military pretending operation is going to be allowed! They have a septic tank company that comes down to this Military Outback every week to haul off their sewage. Also he has a school bus (JESUS inscription on bus) that is a motor home staying on site. All this has to be illegal. Would appreciate any updates you can email me about this ongoing circus down the road. Sincerely, Ralph & Ella List

From:

Vikki Moore <vikkilmoore@gmail.com>

Sent:

Sunday, January 27, 2019 3:42 PM

To:

Cole, Jeff

Subject:

29540 Conditional Use Permit

Good Afternoon,

I'm writing this letter in regards to our family's concern about the use of the property located at 29540 Fullerville Road. Our neighbor, Juan Adriatrico, has turned his residential property into a recreational area for airsoft/paintball and other activities. The name of the business he is running at his residence is Central Florida Expeditions (http://raptorairsoft.com/). This is a neighborhood road not meant for businesses to be run. Fullerville Road is a dirt road with no sidewalks; the sides of the road are covered in vegetation such as saw palmetto making walking along the side of the road not a great option either. There is also a large increase in traffic down our road during his operations, most of which do not obey any sort of speed limit. This is of great concern to us and other members of our street with young children. What should be a quiet country road now does not allow for families to safely walk or bike down the road. There is also a significant increase in the amount of noise created by this property as canons are set off as part of the gaming being done.

Mr. Adriatrico will be presenting a rezoning application to Lake County on 02/06/19 and a hearing will be on 02/26/19 in regards to his rezoning and conditional use permit. We would like to have our voices heard as to our concerns of a business being run at the end of a family filled residential street in Lake County.

Thank you for your time,

Daniel & Vikki Keller

From:

Guzman, Glen

Sent:

Tuesday, January 29, 2019 9:45 AM

To:

Greene, Steve

Cc:

gthompson; Janiszewski, Michele

Subject:

Re: airsoft business

Steve,

Please see Mr. Thompson's request below.

Thanks

Glen

On Jan 29, 2019, at 9:29 AM, gthompson < ssusa@tds.net > wrote:

My concern is this. Please forward to whomever is doing the staff report for the Adriatico rezone

The standard of review for a conditional use is vastly different than for a rezone. After reading the treasure island staff report, there appears to be zero chance Mr. Adriatico's CUP would be denied. The County <u>allows</u> the use <u>conditionally</u> and simply looks for ways to mitigate impacts. Whereas, in a rezone, the use is either allowed or not – period. In this case, <u>we all know that the purpose of the rezone is to operate an airsoft business</u>, and because that use is clearly not consistent with the Comprehensive plan or the LDR, it should be denied – there is no mitigating involved.

I truly hope the staff report reflects the real purpose of the rezone and how it should be used to test compatibility with comp plan and LDR – anything less would be an erroneous exercise of discretion.

I really need to find out how a gun range got 81 emails in support

Case Manager: Christine Rock, Planner WRITTEN COMMENTS FILED: Supportive: -81 emails - Concern: -0 - Opposition: -2 -

Who do I talk to?

Thanks greg

From:

Laura Jones Smith < laurajones.smith@gmail.com>

Sent:

Monday, January 28, 2019 4:52 PM

To:

Greene, Steve

Subject:

Fwd: Ares Gun Range Dispute

Received the email below...

Laura Smith
Laurajones.smith@gmail.com

Sent from my Sprint Samsung Galaxy S9+.

----- Original message -----

From: Kimberly Miller < kimlemon48@hotmail.com>

Date: 1/28/19 4:44 PM (GMT-05:00) To: laurajones.smith@gmail.com Subject: Ares Gun Range Dispute

Dear Ms. Jones.

My husband and I built our home in 2007. We both worked and retired from the City of Orlando after 26 years of service. We loved the tranquility and peaceful setting out here on Treasure Island Road. We never get tired of the continuous stream of wild life, birds and pastural sunsets. We knew there were aspects of country living such hunting and four wheelers that existed before we arrived. There's an enormous population of wild boar that hunters pursue and we accept that. The thing we didn't anticipate was a gun range appearing some five years ago. We live right on the cusp of the one mile mark from the range. It's shocking to wake up at the crack of dawn to gunshots that sound closer than a mile. It's as if we are under siege when hear the sounds of machine guns and large explosions.

We are very surprised how this commercial operation has been able to slip into our community and exist seemingly unmonitored. Not only the noise issues that occurs for extended amounts of time on the weekends, but the thought of the ammunition that they are using that can most definitely travel at great lengths. They have constructed a berm that does not seem adequate to contain the rounds of bullets that are being shot. Another problem that seems to be going unnoticed is the environmental impact that this is having on the land and Lake Griffin. A study would most likely expose the amount of lead that exists on the property and now in the lake.

The walking trails at the Emeralda Marsh Conservation Area have been closed due to the unsafe conditions from the gunshots from the range and the trees dying from bullet holes.

How is that the range takes priority over the citizens right to access that area? If you visit Treasure Island Road you will notice the narrow country lanes. The amount of traffic that has appeared with the participants at the range has increased dramatically. Sometimes these events attract up to 1200 people. These are county maintained roads that are enduring an exponential amount of traffic that was never intended for this area. So our question is why is the county allowing this? We are not fighting these folks and their 2nd amendment rights to have guns. We just feel that our rights of safety, peace, privacy and maintaining our property values are of no consideration to the county.

We will be present at the zoning meeting on February 6th in addition to all our neighbors that feel same way. If these folks are granted their Conditional Use Permit, it's going to be a sad day for this community. Please consider the residents of Treasure Island Road and our agriculturally zoned area. I have attached a 9 second recording (adjust your volume) of the normal gunfire we hear every weekend from our home and a printable copy of this email.

Thank you,

Mark & Kimberly Miller 8200 Treasure Island Rd. Leesburg, FI 34788 352-728-3933

