



# CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearings: Planning & Zoning Board (PZB): June 3, 2020 (continued); July 1, 2020  
Board of County Commissioners (BCC): July 21, 2020

Case No. and Project Name: CUP-19-09-5, Raptor Air Soft

Applicant: Michael Wojuniak, P.E., Engineered Permits, Inc.

Owner: Juan Adriatico

Requested Action: Approval for a conditional use permit (CUP) on approximately 58-acres of a 162+/- acre property to allow a recreational air soft-gun facility within the Agriculture zoning district

Staff Determination: Staff finds the CUP consistent with the Comprehensive Plan and Land Development Regulations (LDR).

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

PZB Recommendation:

### Subject Property Information

Size: 58-acres of 162-acre parcel

Location: Along Fullerville Road, in the Deland area.

Alternate Key No.: 1784441 and 3636171

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "A" Firm Panel – C0252E

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural (R)	Agricultural (A)	Residential	Agricultural tracts with single-family structures
South	Conservation (C)	Rural Residential (R-1)	Vacant	Government Land
East	R & C	R-1	Vacant	Government Land
West	R	A	Residential	Agricultural tracts with single-family structures

**- Summary of Analysis -**

The subject properties, identified by Alternate Key Numbers 1784441 and 3636171, total 162+/- acres, along Fullerville Road in the Deland area of unincorporated Lake County. The Applicant seeks conditional use permit approval on 58.13-acres (Concept Plan) for a recreational airsoft gun facility use. The subject properties are zoned Agriculture (A) with a Rural future land use designation. The land area of the proposed recreational airsoft gun facility use is undeveloped and is not proposed for development of vehicular trails. The proposed CUP application is consistent with Comprehensive Plan Policy I-14.4 which allows outdoor sport-recreational club facilities within Rural future land use.

This request for a CUP is submitted in response to a notice of code violation that was issued for conducting a commercial or club use without proper approvals. An order to cease current commercial or club use was issued on August 8, 2018, pursuant to SM#2018-03-0002.

**- Analysis -**

LDR Section 14.05.03 (Standards for Review)

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

The proposed use of the subject property for a recreational airsoft gun facility within the Rural future land use may be allowed as an outdoor sport-recreational club pursuant to Comprehensive Plan Policy I-14.4. The County typically grants outdoor recreational sport uses within the Rural future land use categories with conditional use approval. While the Agriculture zoning district does not permit airsoft gun range use, this use may be compared to a hunting and fishing resort, which would require an approved CUP pursuant to LDR Table 3.01.03, Schedule of Permitted and Conditional Uses.

The conditional use of the property for an airsoft gun facility is no more impactful or harmful than a hunting and fishing resort. Pursuant to LDR Section 3.01.05 (Similar Uses), other similar uses not specifically listed and not more detrimental than the uses listed in LDR Section 3.01.03, may be permitted within Agricultural Zoning Districts after review and approval. The proposed CUP application is the first step of the approval process. If the Board of County Commissioners (BCC) approves the CUP, the Applicant will be required to submit a development application for site plan review and approval prior to operating the airsoft gun facility use.

Based on the attached concept plan, the airsoft gun facility will be comprised of two (2) activity field areas, previous parking area (102 spaces, with 4 being ADA compliant), an existing staging area, and 70-foot wide vegetative landscape buffer around the activity area. The application proposes hours of operation between 10:00am through 5:00pm, on Saturday and Sunday only, for the airsoft gun range operations. The application also proposes to undertake two (2) special events per year, which may have different hours than the regular hours. The Applicant proposes to limit the amount of special event participants to 300 persons per event. At this time, there are no structures proposed for construction to support the airsoft gun range operations.

**B. Effect on Adjacent Properties.**

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

Implementing hours of operation and the 70-foot wide vegetative landscape buffer is intended to reduce any potential adverse effects to the neighboring properties. The orientation of the proposed activity areas is southeast of residential dwellings that exist along the northside of Fullerville Road. This will further reduce potential adverse impacts to adjacent properties. Additionally, the activity areas are situated on the most western portion of the parcel far removed from the adjacent eastern undeveloped Conservation and Rural land uses.

**2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

It appears that the proposed CUP would be compatible with the existing rural character of the properties to the east and south as those properties are vacant undeveloped acreage. The proposed spatial buffering of the airsoft gun range increases compatibility to the rural character of the neighboring western and northern properties. The supplemental information provided by the Applicant indicates the provision of a minimum buffer 70-feet, but 193-foot

buffer to the western property line nearby Field #2. This information also conveys a that a separation distance of at least 500-feet between the northern property line to the parking area and Field#1.

Moreover, the Applicant's residential property is situated within this 500-foot separation area, which contains wetlands that will provide additional noise and visual screening to the adjacent northern residential uses.

**3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

In order to minimize impacts to surrounding properties, the proposed Concept Plan appears to provide a great amount of spatial separation and visual screening. The Applicant's supplemental documentation indicates the provision of a minimum 70-foot buffer of natural vegetation around the CUP activity areas will provide additional visual screening. The documentation also indicates that this natural screening will minimize potential noise impacts to the adjacent properties. Additionally, the documentation indicates that limiting the hours operation to Saturday and Sunday, between 10:00am and 5:00pm will also reduce impacts to the adjacent properties.

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

Based on information conveyed on the concept plan, the airsoft gun activities will be oriented to the west-southwest portion of the property, east of Royal Trails Road (that runs along the western property line). As stated previously, a naturally vegetated buffer, 70-feet wide (minimum) will surround the airsoft gun range activity areas. Based on this orientation impacts to the adjacent properties are not anticipated

**C. Adequacy of Public Facilities.**

**The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.**

Parks

No adverse impacts are anticipated on parks.

Schools

No adverse impacts are anticipated on schools.

Solid Waste

No adverse impacts are anticipated to current solid waste capacity levels.

Transportation

Fullerville Road, a county-maintained clay road, provides access to the parcel from the west. Fullerville Road is a clay road, extending from CR 42. It must be noted that should the CUP be approved, a development application for site plan review and approval will be required prior to commencement of the airsoft gun range operations.

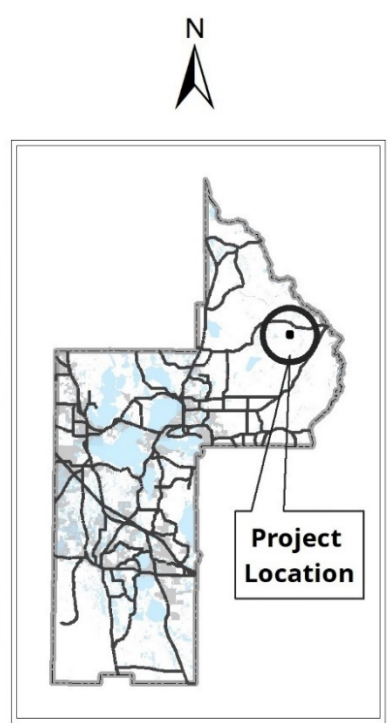
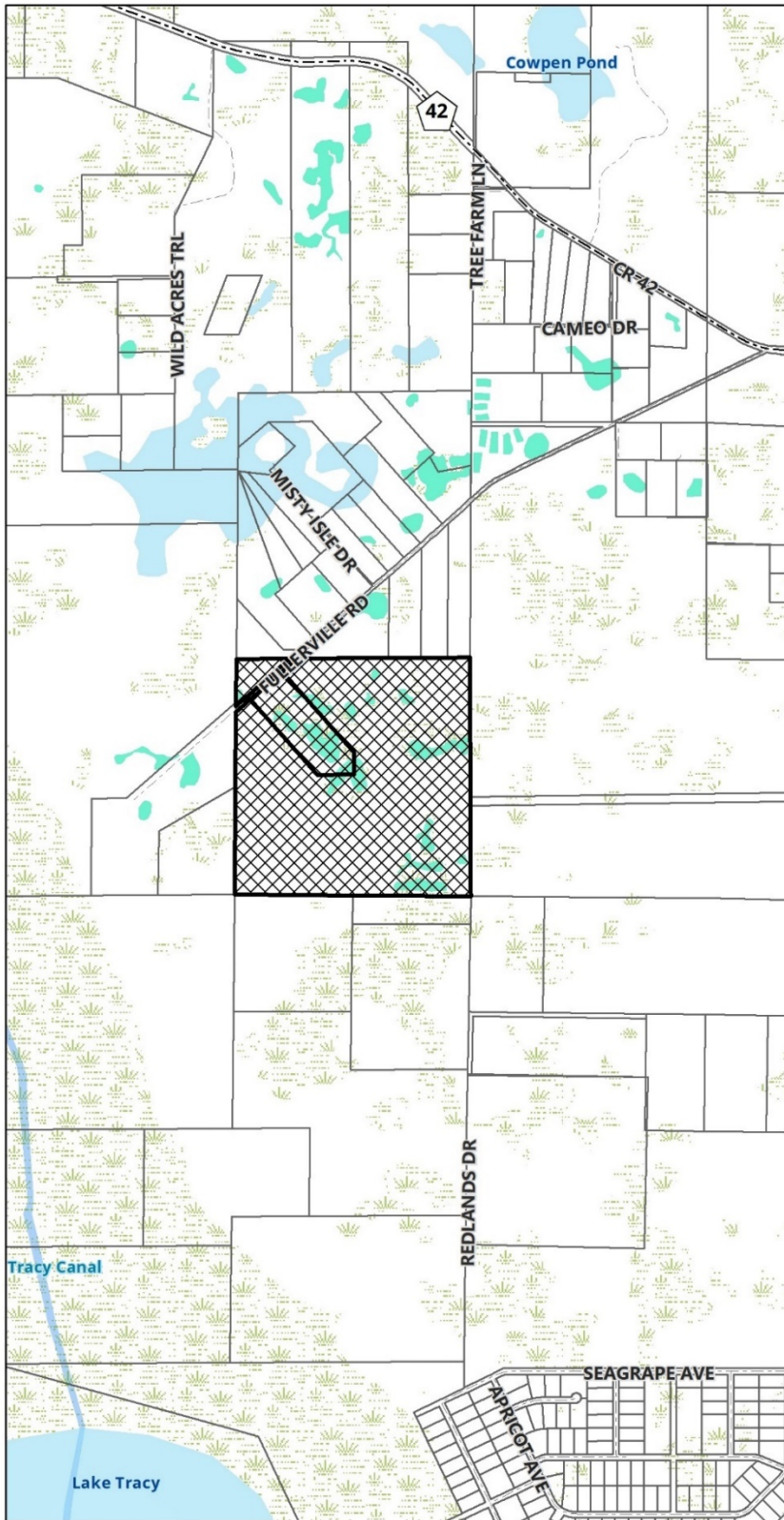
In response to this matter, the Applicant has submitted a waiver to the paved road access requirement for BCC consideration (Reference Attachment 1). The ordinance contains a condition for transportation improvements should the BCC decline the Applicant's waiver request.

**D. Adequacy of Fire Protection.**

**The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

Lake County Fire Station #13, located at 25250 CR 42, in the Paisley area is located seven (7) miles from the subject property, however, the closest fire hydrant is located a mile from the property. This facility contains engine, tanker and brush truck capabilities.

### Subject Property



# ATTACHMENT-1



311-A S. Woodland Blvd., DeLand, FL 32720  
Phone 386-734-0830 Fax 386-734-8226  
[epi@epieng.net](mailto:epi@epieng.net) COA#26298

May 13, 2020

Office of Planning and Zoning  
315 W Main Street  
Room 510  
Tavares, FL 32778  
Attention: Steve Greene

RE: Raptor Airsoft CUP (AR#3831) Waiver Request for Paved Road Access

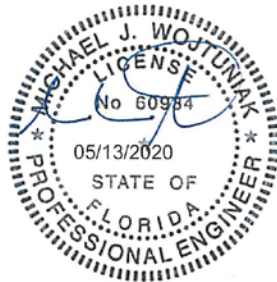
Dear Mr. Greene:

We are requesting a waiver for a Paved Road Access with regards to Raptor Airsoft CUP AR#3831. The hardship imposed by paving 29540 Fullerton Road, Deland FL 32720 is the distance from this property to CR 42 is 1.5 miles. The amount of traffic that would be entering the project area does not warrant paving 1.5 miles of dirt road. Mr. Adriatico already maintains the road as it is.

If you should have any further questions or concerns, please don't hesitate notifying me via email ([mwojtuniak@epieng.net](mailto:mwojtuniak@epieng.net)) or by phone at 386-734-0830.

Sincerely,

Michael Wojtuniak, P.E.

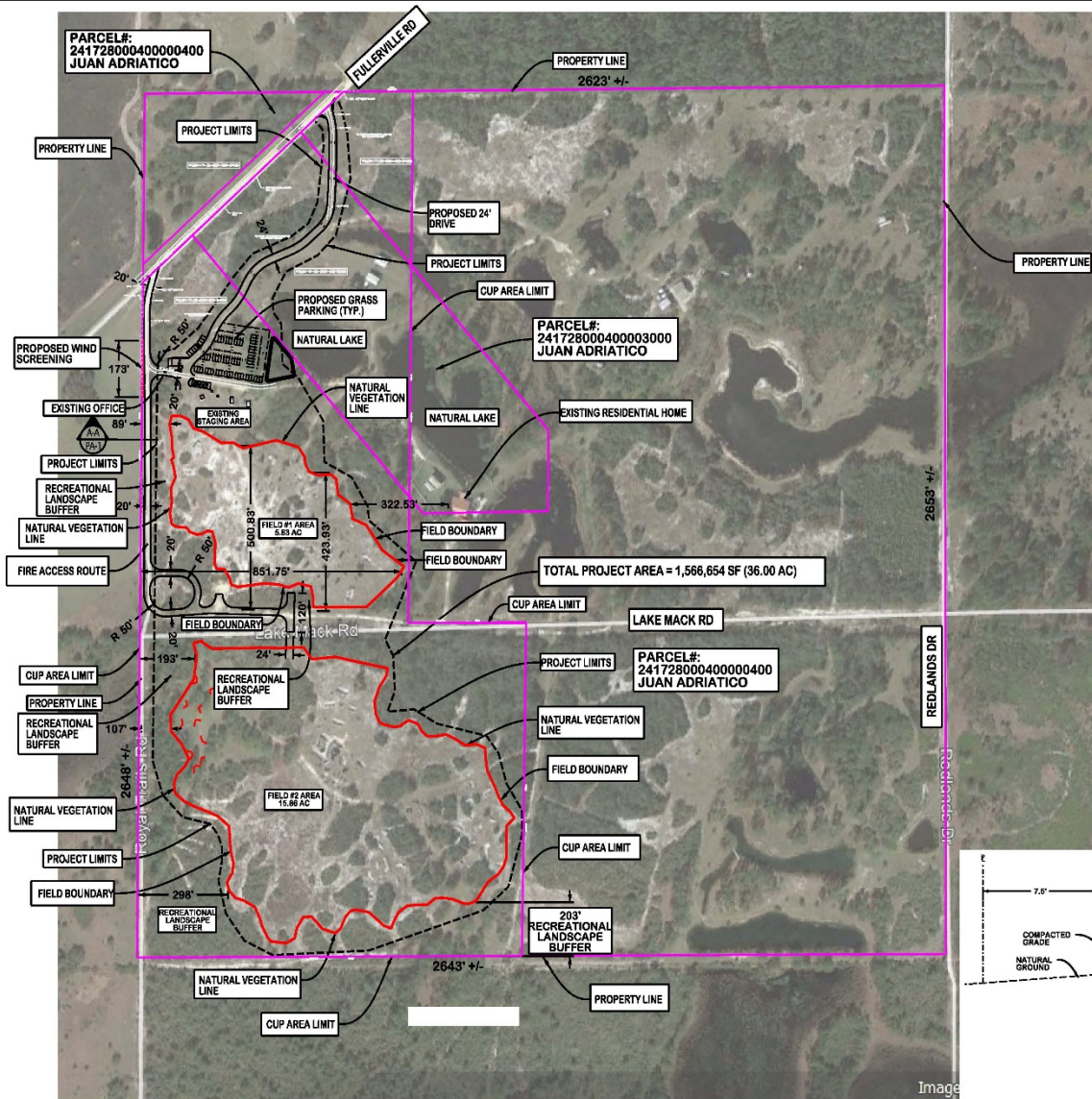


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P.E.  
DN: cn=Michael  
Wojtuniak, P.E.,  
o=Engineered  
Permits Inc., ou,  
email=mwojtuniak  
@epieng.net, c=US  
Date: 2020.05.14  
13:27:02 -04'00'

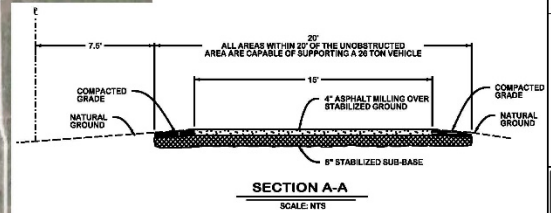


CONCEPT PLAN



**NOTE:**

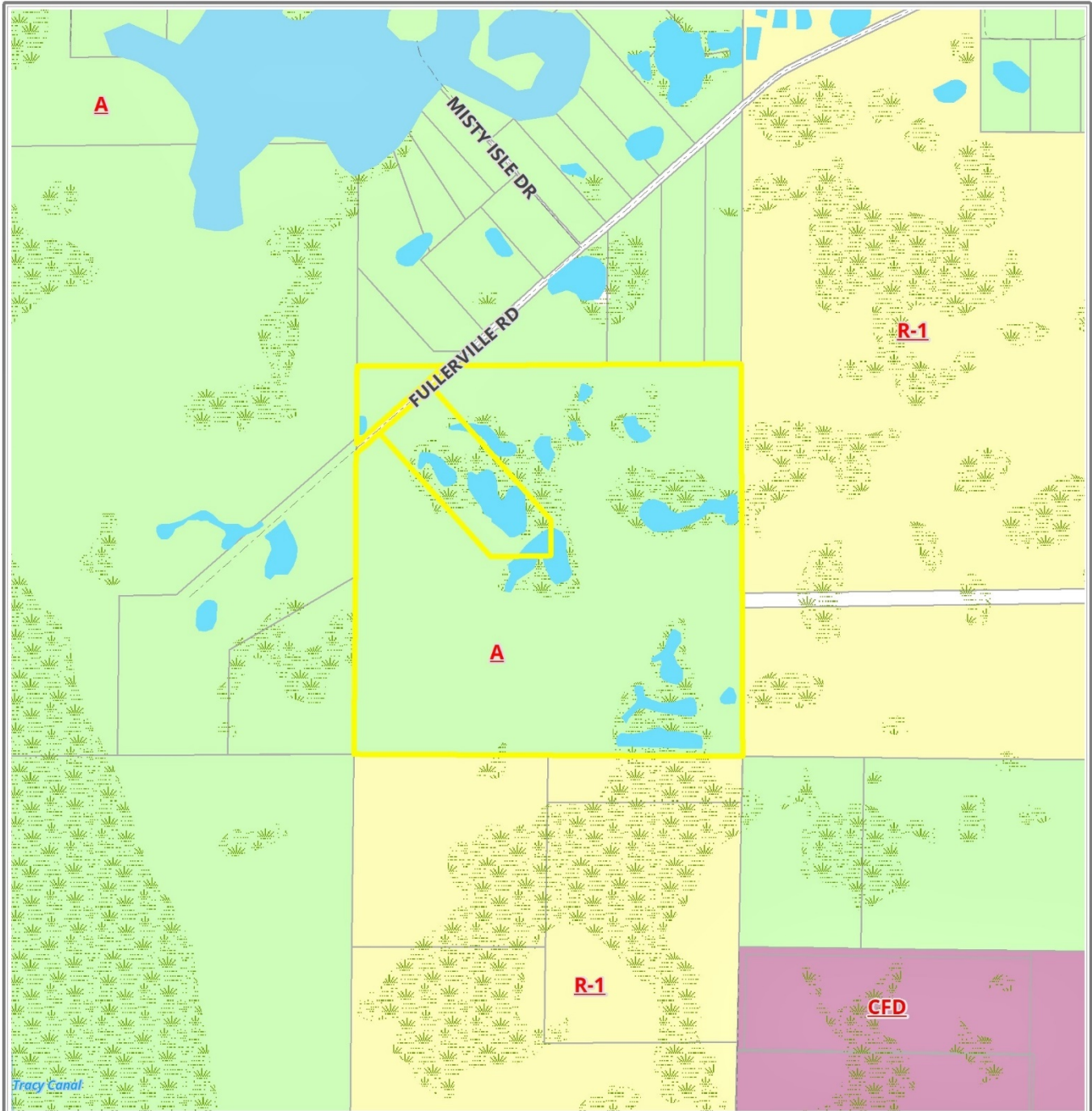
1. RECREATIONAL LANDSCAPE BUFFERS ARE USED TO MAINTAIN VEGETATION AND PROVIDE ADDITIONAL SCREENING. THE BUFFER ALSO CONTAINS A MAINTENANCE ROADWAY TO SERVICE THE PROPERTY.
2. HOURS OF OPERATION SHALL BE SATURDAYS AND SUNDAYS 10:00 AM TO 5:00 PM.



EPI ENGINEERING & PLANNING INCORPORATED 10000 W. 10TH AVE. DENVER, CO 80202 TEL: 303.751.1000 WWW.EPI-INC.COM	PROJECT: RAPTOR AIRSOFT	SHEET TITLE: OVERALL PROJECT AREA	PERMITTING:
	ENGINEERING:	PLANNING:	DESIGN:
MICHAEL J. WOLUNIAK, P.E. MICHAEL.WOLUNIAK@EPI-INC.COM		SHEET NO: PA-1	REVISIONS:

\*\*\*THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MICHAEL J. WOLUNIAK, P.E. ON 01/19/2020. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES. UNLESS THE RAISED SEAL HAS BEEN UTILIZED. \*\*\*

### CURRENT ZONING

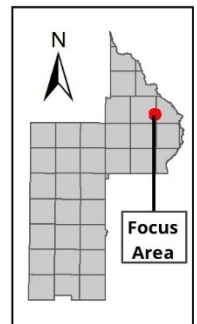


**ZONING LEGEND**

A R-1 CFD

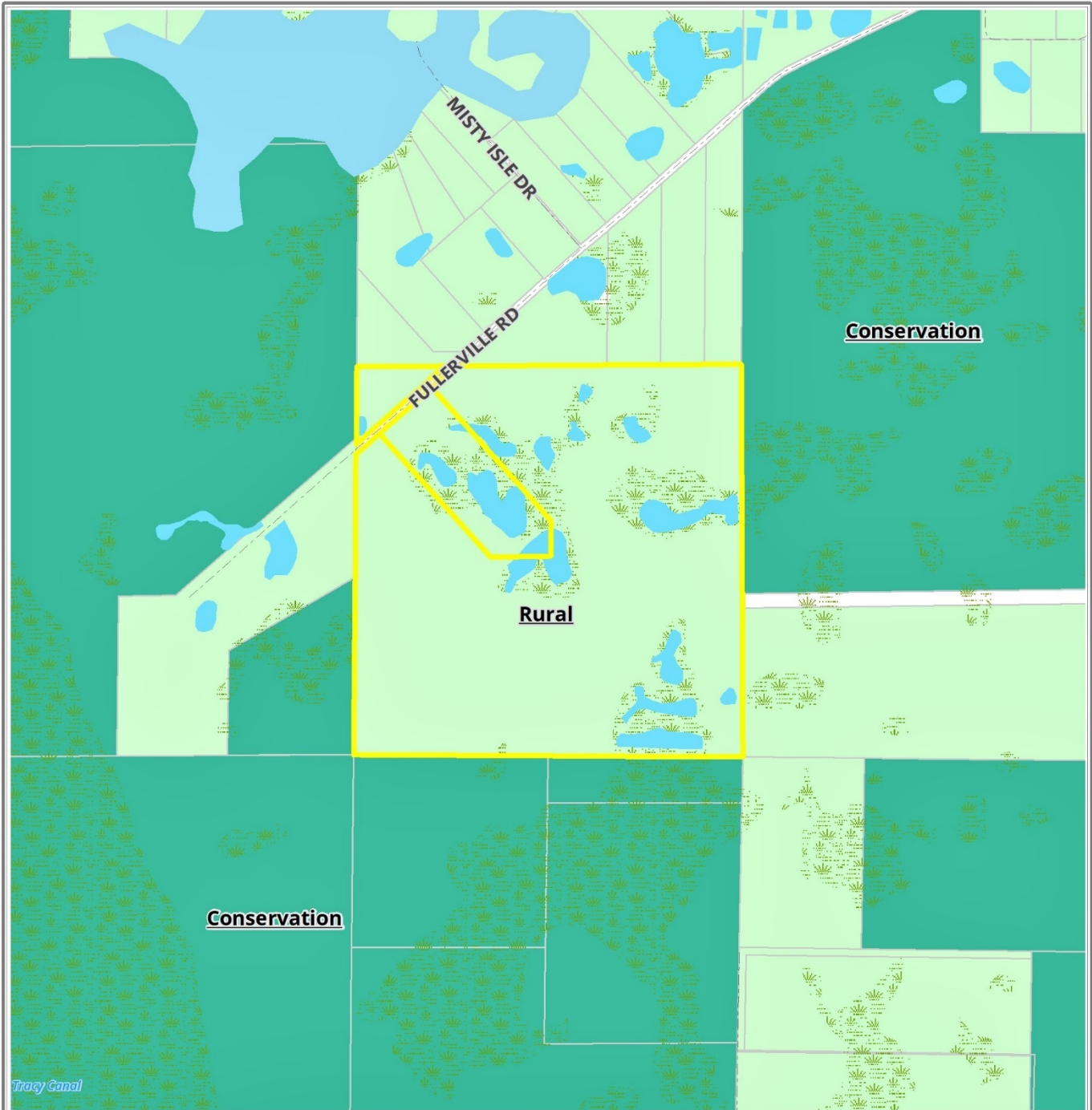
**NAME: RAPTOR AIRSOFT PROPERTY**  
**CASE NUMBER: CUP-19-09-5**  
**LOCATION (S-T-R): 24-17-28**  
**REQUEST: ALLOW OUTDOOR RECREATION AIRSOFT FIELD**

**DISTRICT: 5**





### CURRENT FUTURE LAND USE

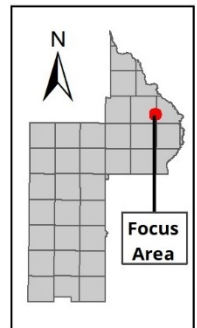


**FUTURE LAND USE LEGEND**

 Rural  Conservation

**NAME: RAPTOR AIRSOFT PROPERTY**  
**CASE NUMBER: CUP-19-09-5**  
**LOCATION (S-T-R): 24-17-28**  
**REQUEST: ALLOW OUTDOOR RECREATION AIRSOFT FIELD**

**DISTRICT: 5**



Ordinance 2020-XX  
Raptor Air Soft Gun Facility  
CUP-19-09-5

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Michael Wojuniak, P.E, Engineered Permits, Inc. (the "Applicant") submitted a conditional use permit application on behalf of Juan Adriatico (the "Owner") to allow a recreational air soft-gun facility on Agriculture zoned property; and

**WHEREAS**, the subject property consists of approximately 158 +/- acres, Fullerville Road, in the Deland area., situated in Section 24, Township 17 South, Range 28 East, consisting of Alternate Key Numbers 1784441 and 3636171, and more particularly described as:

**LEGAL DESCRIPTION:  
EXHIBIT "A"**

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

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

**WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 3<sup>rd</sup> day of June 2020 and the 1<sup>st</sup> day of July, 2020 and by the Board of County Commissioners of Lake County, Florida, on the 21<sup>st</sup> day of July 2020.

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

**Section 1. Conditional Use Permit.** Permission is hereby granted for operation of a recreational air soft-gun facility as a Conditional Use within the Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan as shown in Exhibit "B" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

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

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

1. Residential use
2. Agriculture use
3. Airsoft Gun and Archery use
  - a. Hours of Operations:
    - i. Saturday and Sunday (Regular Hours): 10:00 AM to 5:00 P.M.
    - ii. Special Event hours – pursuant to an approved special event application.

- 1           4. Special Events/Special Event Site Plans:  
2           a. Two (2) total Special Events per calendar year; limited to 300 patrons per event will be allowed,  
3           in accordance with the LDR, as amended.  
4           b. Events shall not exceed seventy-two (72) hours per event;  
5           c. Events shall not be located closer than one-hundred (100) feet from the property line of any  
6           adjacent residentially used property; and

7                     The Owner shall retain off-duty law enforcement officers to direct and control vehicular traffic  
8                     accessing Fullerville Road for Special Events, as determined to be necessary.

- 9           5. Overnight camping (primitive or Recreational Vehicle (RV)) shall be limited to members of the  
10           property owner's family. Primitive or Recreational Vehicle overnight camping by others is prohibited.  
11  
12           6. Accessory uses may be approved by the County Manager or designee. Any other use of the site not  
13           identified above shall require approval of an amendment to this Ordinance by the Board of County  
14           Commissioners.  
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16           **B. Specific Conditions.**

- 17           1. Parking requirements:  
18                     i. Ninety-eight (98) pervious parking spaces shall be provided.  
19                     ii. Four (4) parking spaces shall be Americans with Disabilities Act (ADA) compliant.  
20                     iii. Unless specified above, parking shall be in accordance with the LDR and  
21                     Comprehensive Plan, as amended.  
22           2. There shall be no storage of materials, equipment or vehicles with the building setbacks, wetland  
23           setbacks or landscape buffers.

24           **C. Building Height, Open Space, and Setbacks.** Building height, open space, and setbacks shall be in  
25           accordance with the Comprehensive Plan and LDR, as amended.

26           **D. Environmental Requirements.** Environmental requirements shall be in accordance with the  
27           Comprehensive Plan and LDR, as amended.

28           **E. Impervious Surface Ratio.** The maximum Impervious Surface Ratio (ISR) shall be 0.20 for the overall  
29           development in accordance with the Comprehensive Plan, as amended.

30           **F. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be in accordance  
31           with the LDR, as amended.

- 32           1. A 70-foot wide (minimum) native vegetative buffer will be required around the CUP activity areas,  
33           which shall be maintained in a healthy vibrant condition.  
34           2. Right of Way landscape buffer shall be provided in accordance with LDR, as amended.

35           **G. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the LDR,  
36           as amended.

37           **H. Noise.**

- 38                     1. Noise amplification equipment is prohibited.  
39                     2. A noise assessment must be submitted for review and acceptance prior to commencement  
40                     of the air soft gun facility operations, and consistent with the LDR, as amended.

41           **I. Signage.** All signage must be in accordance with the LDR, as amended.

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**J. Floodplain / Stormwater Management.**

1. The stormwater management system must be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements.
2. Prior to development, any required flood studies will comply with FEMA, Comprehensive Plan and LDR, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.

**K. Transportation Improvements.** Prior to commencing operations of the airsoft recreational gun range conditional use, transportation and access improvements to Fullerville Road shall be installed/constructed from the CR 42 connection, in accordance with the Comprehensive Plan and LDR, as amended.

**L. Utilities.** Individual well and septic tank shall be utilized, in accordance with the Comprehensive Plan and LDR, as amended.

**M. Concurrency Management Requirements.** Any development must comply with the Lake County Concurrency Management System, as amended.

**N. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or Owner shall be required to submit a development application and engineered site plan generally consistent with EXHIBIT "B" - Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.

**O. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County LDR will include any future amendments to the Statutes, Code, Plans, or Regulations.

**Section 3. Conditions.**

- A.** After establishment of the facilities as provided in this Ordinance, the property must only be used for the purposes named in this Ordinance, unless a proposed use meets every requirement of the zoning district in which the property is located. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C.** This Conditional Use Permit will inure to the benefit of and will constitute a covenant running with the land; and the purpose, terms, and conditions contained in this Ordinance will be binding upon the Applicant or any successor and her interest.
- D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.
- E.** The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the ordinance be revoked.



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

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

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

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8 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

9 FILED with the Secretary of State \_\_\_\_\_, 2020.

10 EFFECTIVE \_\_\_\_\_, 2020.

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BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

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LESLIE CAMPIONE, CHAIRMAN

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19 **ATTEST:**

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21 **GARY J. COONEY, CLERK OF THE**  
22 **BOARD OF COUNTY COMMISSIONERS**  
23 **LAKE COUNTY, FLORIDA**

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26 **APPROVED AS TO FORM AND LEGALITY:**

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29 **MELANIE MARSH, COUNTY ATTORNEY**

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**Exhibit A – Legal Description**

**AK#1784441** - SE 1/4--LESS FROM SW COR OF SE 1/4 RUN N 0-33-17 E 2063.94 FT TO S LINE OF FULLERVILLE RD, N 48-27-44 E ALONG SAID RD 216.10 FT FOR POB, CONT N 48-27-44 E 475.56 FT, S 41-42-44 E 1220.93 FT, S 0-19-24 W 246.55 FT, S 89-03-59 W 410 FT, N 41-42-44 W TO POB, BEG AT SW COR OF SW 1/4 OF SEC 19-17-29, RUN N 0-17-31 E 55.20 FT, S 0-50-57 E 55.23 FT TO S BOUNDARY OF SW 1/4 OF SAID SEC 19, N 88-48-10 W ALONG SAID SW 1/4 A DIST OF 1.10 FT TO POB, ORB 1570 PG 1285 ORB 1588 PG 228 ORB 2428 PG 322 ORB 4347 PG, 1093

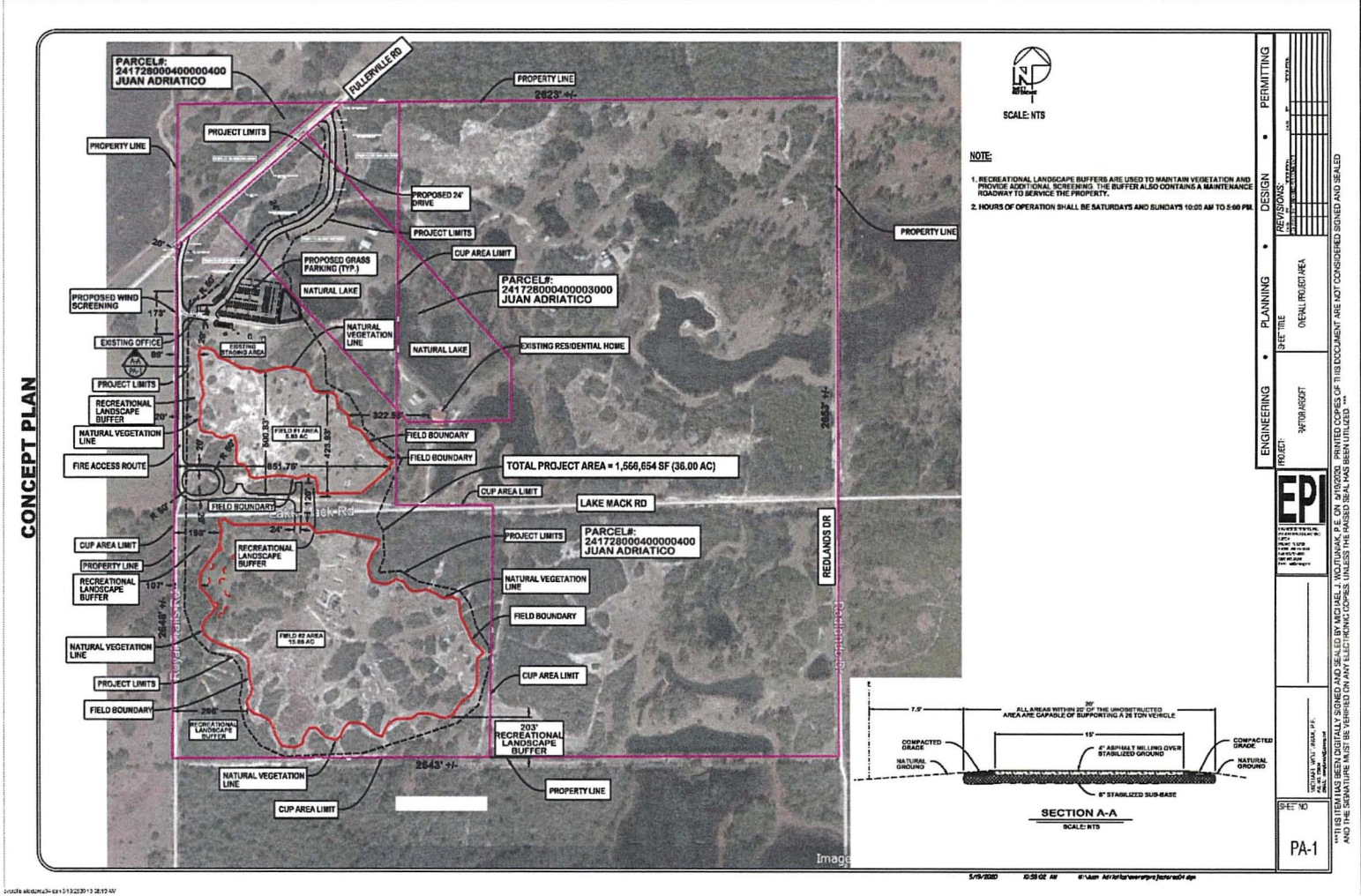
**AK#3636171** - FROM SW COR OF SE 1/4 RUN N 00DEG 33MIN 17SEC E 2063.94 FT, TO S LINE OF FULLERVILLE RD, N 48DEG 27MIN 44SEC E ALONG, SAID S LINE OF RD 216.10 FT FOR POB, CONT N 48DEG 27MIN, 44SEC E 475.56 FT, S 41DEG 42MIN 44SEC E 1220.93 FT, S 00DEG, 19MIN 24SEC W 246.55 FT, S 89DEG 03MIN 59SEC W 410 FT, N 41DEG 42MIN 44SEC W TO POB, ORB 1534 PG 1425, ORB 1570 PG 1285, ORB 1588 PG 228, ORB, 1768 PG 418

**CUP Activity Area**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 28 EAST AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE FOR FULLERVILLE ROAD; THENCE RUN SOUTH 23° 03' 31" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE 877.55 FEET; THENCE SOUTH 00° 33' 17" WEST, 2063.94 FEET; THENCE NORTH 89° 45' 42" EAST, 1267.12 FEET; THENCE NORTH 00° 33' 17" EAST, 1020.10 FEET; THENCE SOUTH 89° 45' 42" WEST, 387.04 FEET; THENCE NORTH 00° 33' 17" EAST, 1624.30 FEET TO A POINT ON THE SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 24; THENCE SOUTH 89° 27' 23" WEST, 228.84 FEET TO THE POINT OF BEGINNING, CONTAINING 58.13 ACRES MORE OR LESS.

Exhibit B -

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