



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearings: Planning & Zoning Board (PZB): October 4, 2023
Board of County Commissioners (BCC): November 14, 2023

Project Name: Raptor Air Soft Gun Facility

Applicant/Owner: Juan J. Adriatico, Sr. as Trustee of the Juan J. Adriatico Revocable Trust u/a/d May 10, 2022

Requested Action: Conditional Use Permit (CUP) amendment to modify the conditions in Ordinance #2020-43.

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

Case Manager: Janie Barrón, Chief Planner

PZB Recommendation:

Subject Property Information

Size: 58-acres of 162-acre parcel

Location: 29540 Fullerville Road, in the Deland area.

Alternate Key No.: 1784441 and 3636171

Future Land Use: Rural (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zones: "A" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva-Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

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

- Summary of Analysis -

The subject 162 +/- acres are identified by Alternate Key Numbers 1784441 and 3636171 are located at 29540 Fullerville Road in the Deland area of unincorporated Lake County. The subject properties are zoned Agriculture (A) with conditional use permit approval in accordance with Ordinance #2020-43 (Attachment "C"); designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; situated within the Wekiva - Ocala Rural Protection Area. The Applicant is requesting to amend CUP Ordinance #2020-43 to remove conditions that restrict the training facility operation. In support of the application, the applicant has provided a Project Narrative (Attachment "D").

The subject properties are located within the Wekiva-Ocala Rural Protection Area (RPA) in accordance with Comprehensive Plan Objective I-5.2. The Rural Protection Area is intended to preserve rural density, character, and lifestyle, and to protect the ecological integrity of public and private lands associated with the Ocala National Forest, Wekiva-Ocala Greenway, and St. John's River.

On September 8, 2023, the Owner's representative desires the following modifications:

- Expand the days and hours of operation of the facility;
- Add night game the 1st Saturday of the month;
- Increase the number of special events and modify the special event hours;
- Include an environmental condition to allow non-biodegradable pellets and ammunition;
- Include a lighting condition that allows shooting sports light and smoke during night game and special events;
- Include a noise condition to allow shooting sport noises;
- Include a signage condition to eliminate the "No Parking" signs along Fullerville Road; and
- Include an expiration clause that indicates that the CUP will not expire, nor require the Applicant or Owner to reapply, reappear, or renew the CUP unless some specific issue warrants a hearing.

Background History:

- On August 11, 2020, the Board of County Commissioners ("the Board") approved conditional use permit Ordinance #2020-43 to allow a recreational air soft gun facility on Agricultural zoned parcel with specific conditions to minimize adverse effects to nearby properties.
- On December 2, 2020, the development application for the proposed airsoft recreational gun range was approved in accordance with Ordinance #2020-43, Comprehensive Plan and LDR, as amended.
- On January 20, 2021, the acceptance of As-built plans were approved, and incorporated into the development application for basis of all future site plan amendments, redevelopment plans, and inspection.
- On March 20, 2023, Bowen | Schroth, the law firm representing the owner, Juan Adriatico and Raptor Airsoft, LLC submitted a conditional use permit to amend to allow the modification of conditions reflected in Ordinance #2020-43.

Opposition correspondence included as Attachment "F" and Notice of Appearances included as Attachment "G".

– Analysis –

LDR Section 14.05.03 (Standards for Review)

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

The existing use is consistent with Comprehensive Plan Policy I-1.4.4 entitled *Rural FLUC* which conditionally allows outdoor sport-recreational clubs.

The LDR is silent regarding recreational airsoft gun facilities and outdoor sport-recreational clubs. The existing use was approved by the BCC in accordance with Attachment “C” - Ordinance #2020-43. Generally, when a recreational use request is submitted, the primary use, accessory use, and conditions are listed within the zoning ordinance to meet the intent of the County’s regulations. LDR Section 14.15.01 states that conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.

The existing use was established under LDR Section 3.01.05 entitled *Similar Uses* specifies that uses not specifically listed and not more obnoxious or detrimental than the uses listed in Subsection 3.01.03, may be permitted in the Commercial, Industrial, Agricultural, and Community Facility Zoning Districts after review and approval by the County Manager or designee. Similar uses contained in the LDRs that closely resemble the requested use are Hunting and Fishing Resorts, defined as an establishment, operated in association with a hunting or fishing reserve or resource, that offers accommodations and accessory sale and rental of hunting and fishing equipment. This use classification does not include hotels or motels.

The existing use is consistent with Comprehensive Plan Policy I-5.2.2 entitled *Land Use in the Wekiva-Ocala Rural Protection Area*, which states that future land uses within the Wekiva-Ocala RPA are limited to the Rural FLUC and Public Benefit FLUC.

The applicant has provided the following justification statement: *“The facility currently operates within the limitations of the previously approved CUP but there are undue restrictions that if lifted, will promote a better experience for the patrons and serve a wider customer base. The requested amendments to this CUP are in compliance with the requirements, general purpose, goals, objectives, and standards of the Comprehensive Plan, and the Lake County Code.”*

B. Effect on Adjacent Properties.

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

Ordinance #2020-43 was established with specific conditions with the intention of reducing any adverse effects or impacts to neighboring properties. Pursuant to LDR Section 14.15.01 conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.

The applicant has provided the following statement: *“The proposed modifications of the CUP are not expected to have undue adverse effects on nearby properties and the current design of the facility limits impacts to the character of the neighborhood by the use of natural vegetation screening and more than adequate buffering. The site operates in a manner to avoid interference with neighboring properties and their future development in accordance with district regulations.”*

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

The existing use is consistent with Comprehensive Plan Policy I-1.4.4 entitled *Rural FLUC* which conditionally allows outdoor sport-recreational clubs.

The existing use is consistent with Comprehensive Plan Policy I-5.2.2 entitled *Land Use in the Wekiva-Ocala Rural Protection Area*, which states that future land uses within the Wekiva-Ocala RPA are limited to the Rural FLUC and Public Benefit FLUC.

The applicant has provided the following statement: *“The proposed modifications of the CUP are not expected to have undue adverse effects on nearby properties and the current design of the facility limits impacts to the character of the neighborhood by the use of natural vegetation screening and more than adequate buffering. The site operates in a manner to avoid interference with neighboring properties and their future development in accordance with district regulations.”*

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 applicant has provided the following statement: *“The proposed modifications of the CUP are not expected to have undue adverse effects on nearby properties and the current design of the facility limits impacts to the character of the neighborhood by the use of natural vegetation screening and more than adequate buffering. The site operates in a manner to avoid interference with neighboring properties and their future development in accordance with district regulations.”*

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.

The applicant has provided the following statement: *“The proposed modifications of the CUP are not expected to have undue adverse effects on nearby properties and the current design of the facility limits impacts to the character of the neighborhood by the use of natural vegetation screening and more than adequate buffering. The site operates in a manner to avoid interference with neighboring properties and their future development in accordance with district regulations.”*

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.

The applicant has provided the following statement: *“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

No adverse impacts are anticipated to the current transportation levels of service. Ordinance #2020-43 included a waiver request to the paved road access requirements.

D. Adequacy of Fire Protection.

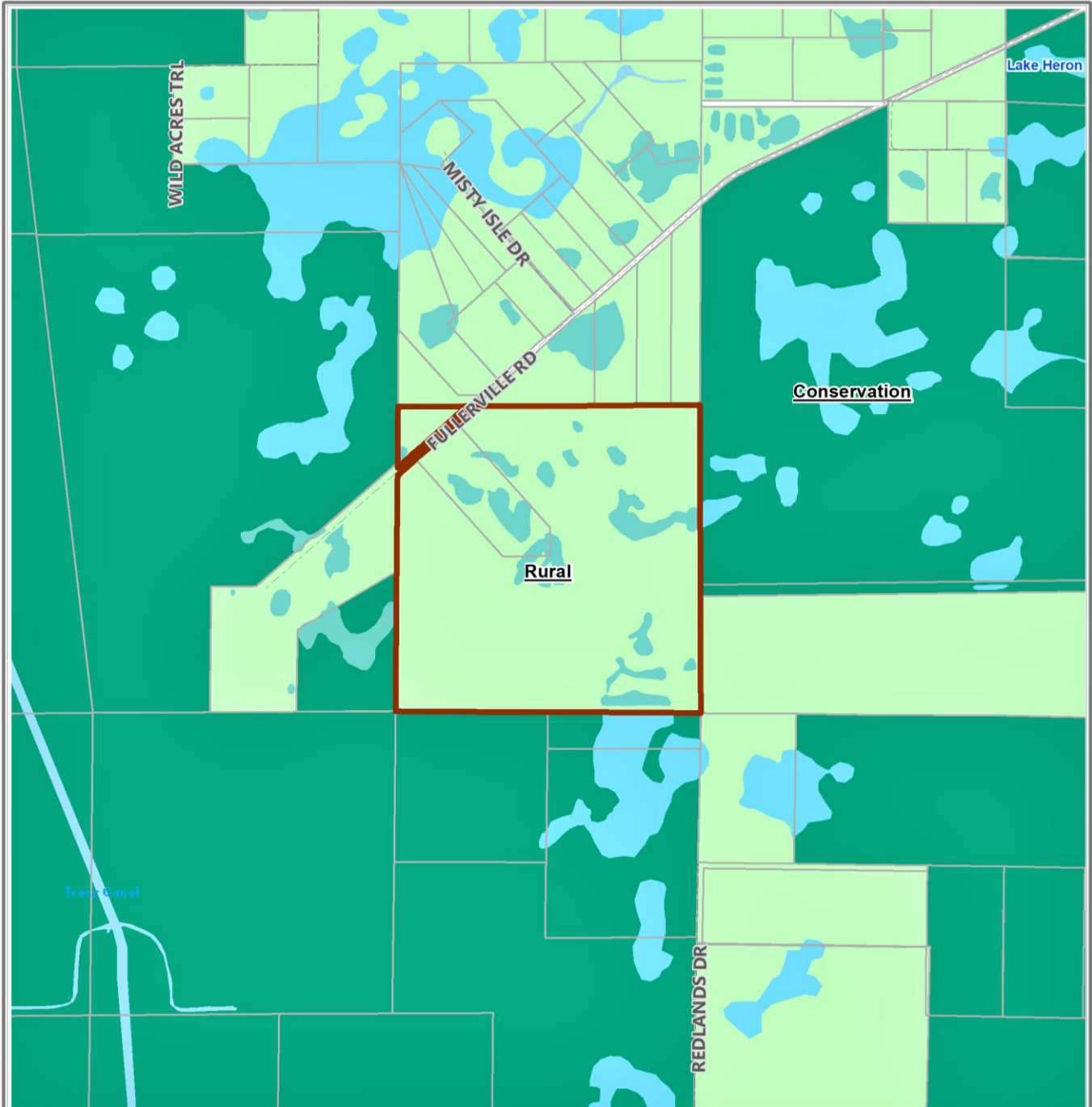
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #13, located at 25250 CR 42, in the Paisley area is located seven (7) miles from the site. This facility will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the development review process.

The applicant has provided the following statement: *“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.”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

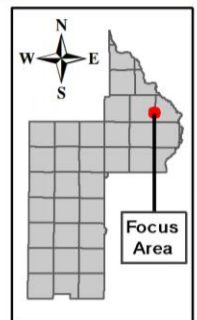


Future Land Use

 Rural  Conservation

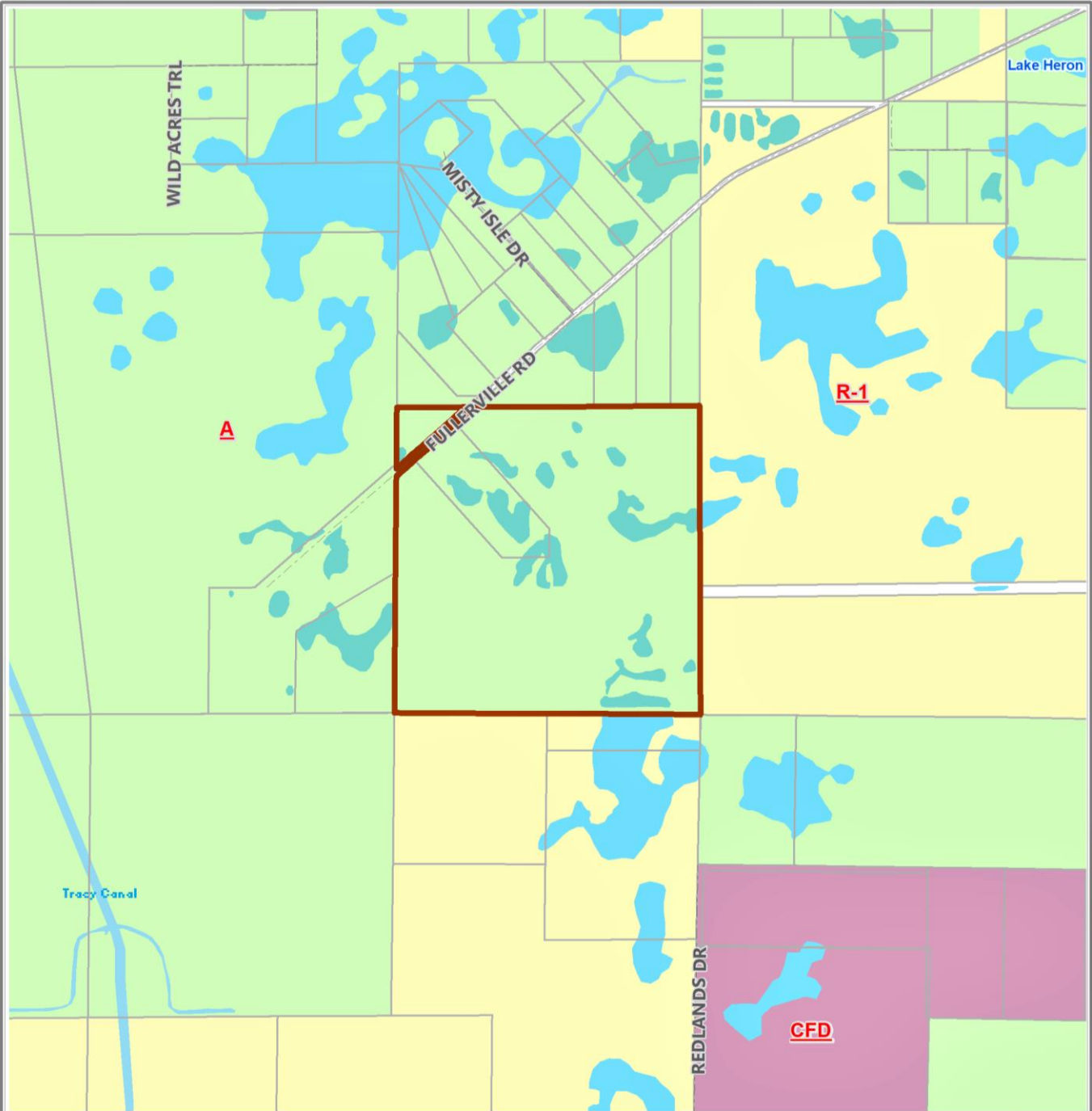
NAME: **RAPTOR AIR SOFT GUN FACILITY PROPERTY**
CASE NUMBER: **CUP-19-09-5**
LOCATION (S-T-R): **24-17-28**
REQUEST: **ALLOW RECREATIONAL AIRSOFT GUN FACILITY**

DISTRICT: **4**



Attachment "B" – Zoning District Map

CURRENT ZONING



Zoning Legend

A
 R-1
 CFD

NAME: RAPTOR AIR SOFT GUN FACILITY PROPERTY
CASE NUMBER: CUP-19-09-5
LOCATION (S-T-R): 24-17-28
REQUEST: ALLOW RECREATIONAL AIR SOFT GUN FACILITY

DISTRICT: 4



Attachment "C" – Ordinance #2020-43 (Page 1 of 7)

Ordinance 2020-43
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 3rd day of June 2020 and the 1st day of July 2020 and by the Board of County Commissioners of Lake County, Florida on the 11th day of August 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

INSTRUMENT #2020123594
OR BK 5576 PG 18 - 24 (7 PGS)
DATE: 11/4/2020 9:25:42 AM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$61.00

a. Hours of Operations:

a. Saturday and Sunday (Regular Hours): 10:00 AM to 5:00 P.M; excluding the last Sunday of each month on which the facility shall be closed.

b. Special Event hours – pursuant to an approved special event application submitted as required under Subsection A.4 below.

BOARD SUPPORT



Attachment "C" – Ordinance #2020-43 (Page 2 of 7)

Ordinance #2020-43
CUP-19-09-5, Raptor Airsoft Gun Range Facility

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- 4. Special Events/Special Event Site Plans:
 - a. Two (2) total Special Events per calendar year; limited to 300 patrons per event will be allowed, in accordance with the LDR, as amended. The Owner shall apply for a Special Event permit event though the number of patrons allowed under this provision is less than the permit threshold;
 - b. Events shall not exceed seventy-two (72) hours per event;
 - c. Events shall not be located closer than one-hundred (100) feet from the property line of any adjacent residentially used property;
 - d. The Owner shall retain off-duty law enforcement officers to direct and control vehicular traffic accessing Fullerville Road for Special Events, as determined to be necessary.
- 5. No more than fifty (50) players shall be permitted on the property at any given time with the exception of the approved Special Events.
- 6. Overnight camping (primitive or Recreational Vehicle (RV)) shall be limited to members of the property owner's family. Primitive or Recreational Vehicle overnight camping by others is prohibited.
- 7. Accessory uses may be approved by the County Manager or designee. Any other use of the site not identified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Specific Conditions.

- 1. Parking requirements:
 - a. Ninety-eight (98) pervious parking spaces shall be provided.
 - b. Four (4) parking spaces shall be Americans with Disabilities Act (ADA) compliant.
 - c. Unless specified above, parking shall be in accordance with the LDR and Comprehensive Plan, as amended.
 - d. "No Parking" signs shall be placed along Fullerville Road in such locations as approved by the Public Works Department. The signs shall be placed each day of operation one (1) hour prior to the start of operations and removed immediately upon completion of the business operation for the day. The signs shall be easily readable and may be mounted on a stake or other temporary structure. The sign shall be placed between five (5) feet and ten (10) feet from the edge of the clay that constitutes Fullerville Road. Signs shall be installed on both sides of Fullerville Road beginning at the south end of the property and extending 500 feet north of the property and spaced no more than 100 feet apart.
- 2. There shall be no storage of materials, equipment or vehicles within the building setbacks, wetland setbacks or landscape buffers.
- 3. Explosive devices as defined in Section 790.001, Florida Statutes, and materials including but not limited to such products as tannerite and flash bangs are prohibited at all times.
- 4. Only biodegradable pellets and ammunition shall be permitted on the property regardless of whether it is sold on the property or brought in by patrons.
- 5. Accessory uses including but not limited to restroom facilities and dumpsters shall be constructed or placed as far away from the property lines as possible.

Attachment "C" – Ordinance #2020-43 (Page 3 of 7)

Ordinance #2020- ~~43~~
CUP-19-09-5, Raptor Airsoft Gun Range Facility

- 1 6. The existing road that runs along the property line adjacent to Alternate Key Nos. 3784497 and
2 3884345 shall be used only by emergency vehicles for emergency purposes.
- 3 7. The airsoft gun and archery use shall not commence until such time as a site plan has been approved
4 by the County and all required building permits have received final inspections and certificates of
5 completion or occupancy. Prior to the County approving the site plan, the site plan will be submitted
6 to each Commissioner and to the adjoining property owners for review. The adjoining property
7 owners will have ten (10) days in which to provide comments, if any.
- 8 8. The property owner shall allow, during the specified business hours, periodic, unannounced
9 inspections of the property by employees of the Lake County Public Works Department and the Lake
10 County Office of Code Enforcement to insure compliance with this Ordinance.
- 11 9. Within one (1) year of the date the site plan is approved, this Conditional Use Permit will be brought
12 back to the Board of County Commissioners for review to insure compliance with the terms has been
13 consistently maintained. County staff shall use the rezoning process to initiate the required review.
14 The Board shall have the ability to impose additional restrictions or conditions if the property owner
15 has not complied with the terms of the Ordinance, or to revoke the Conditional Use Permit if
16 warranted. Alternatively, if all conditions have been complied with, the Board may modify or lift
17 restrictions if warranted.
- 18 **C. Building Height, Open Space, and Setbacks.** Building height, open space, and setbacks shall be in
19 accordance with the Comprehensive Plan and LDR, as amended.
- 20 **D. Environmental Requirements.** Environmental requirements shall be in accordance with the
21 Comprehensive Plan and LDR, as amended.
- 22 **E. Impervious Surface Ratio.** The maximum Impervious Surface Ratio (ISR) shall be 0.20 for the overall
23 development in accordance with the Comprehensive Plan, as amended.
- 24 **F. Landscaping, Buffering, and Screening.** Landscaping, Buffering, and Screening shall be in accordance
25 with the LDR, as amended.
 - 26 1. A 70-foot wide (minimum) native vegetative buffer will be required around the CUP activity areas,
27 which shall be maintained in a healthy vibrant condition; provided, however, a 100-foot wide native
28 vegetative buffer shall be required along the property line bordering Alternate Key Nos. 3784497 and
29 3884345. The existing road may be incorporated into the 100-foot buffer.
 - 30 2. Right of Way landscape buffer shall be provided in accordance with LDR, as amended.
- 31 **G. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with the LDR,
32 as amended.
- 33 **H. Noise.**
 - 34 1. Noise amplification equipment is prohibited.
 - 35 2. A noise assessment must be submitted for review and acceptance prior to commencement of the air
36 soft gun facility operations, and consistent with the LDR, as amended.
- 37 **I. Signage.** All signage must be in accordance with the LDR, as amended.
- 38 **J. Floodplain / Stormwater Management.**
 - 39 1. The stormwater management system must be designed in accordance with all applicable Lake
40 County and St. Johns River Water Management District (SJRWMD) requirements.
 - 41 2. Prior to development, any required flood studies will comply with FEMA, Comprehensive Plan and
42 LDR, as amended. Any development within the floodplain as identified on the FEMA maps will
43 required compensating storage.

Attachment "C" – Ordinance #2020-43 (Page 4 of 7)

Ordinance #2020- 43
CUP-19-09-5, Raptor Airsoft Gun Range Facility

- 1 **K. Transportation Improvements.** Prior to commencing operations of the airsoft recreational gun range
2 conditional use, transportation and access improvements on Fullerville Road shall be
3 installed/constructed, including applying for and receiving any necessary driveway connection permits
4 and ensuring the access to Alternate Key Nos. 3784497 and 3884345 is not impeded. Transportation
5 and access improvements shall be constructed in accordance with the Comprehensive Plan and LDR,
6 as amended; provided, however, that the requirement to pave Fullerville Road is hereby waived.
- 7 **L. Utilities.** Individual well and septic tank shall be utilized, in accordance with the Comprehensive Plan and
8 LDR, as amended.
- 9 **M. Concurrency Management Requirements.** Any development must comply with the Lake County
10 Concurrency Management System, as amended.
- 11 **N. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or Owner shall
12 be required to submit a development application and engineered site plan generally consistent with
13 EXHIBIT "B" - Conceptual Plan for review and approval in accordance with the Comprehensive Plan and
14 LDR, as amended.
- 15 **O. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in this
16 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
17 Lake County LDR will include any future amendments to the Statutes, Code, Plans, or Regulations.
- 18 **Section 3. Conditions.**
- 19 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be used for the
20 purposes named in this Ordinance, unless a proposed use meets every requirement of the zoning district
21 in which the property is located. Any other proposed use must be specifically authorized by the Board of
22 County Commissioners.
- 23
- 24 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move,
25 convert, or demolish any building structure, add other uses, or alter the land in any manner within the
26 boundaries of the above described land without first obtaining the necessary approvals in accordance
27 with the Lake County Code, as amended, and obtaining the permits required from the other appropriate
28 governmental agencies.
- 29
- 30 **C.** This Conditional Use Permit will inure to the benefit of and will constitute a covenant running with the
31 land; and the purpose, terms, and conditions contained in this Ordinance will be binding upon the
32 Applicant or any successor and her interest.
- 33
- 34 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must include
35 in the transfer or lease agreement, a provision that the purchaser or lessee is made aware of the
36 conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or
37 lessee may request a change from the existing plans and conditions by following the procedures
38 contained in the Land Development Regulations, as amended.
- 39
- 40 **E.** The Lake County Code Enforcement Special Master will have authority to enforce the terms and
41 conditions set forth in this Ordinance and to recommend that the ordinance be revoked.
- 42 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
43 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the
44 remaining portions of this Ordinance.
- 45 **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance to the
46 Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Attachment "C" – Ordinance #2020-43 (Page 5 of 7)

Ordinance #2020- 43
CUP-19-09-5, Raptor Airsoft Gun Range Facility

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

2 ENACTED this 11th day of August, 2020.

3 FILED with the Secretary of State August 21st, 2020.

4 EFFECTIVE August 11th, 2020.

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BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

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Leslie Campione
LESLIE CAMPIONE, CHAIRMAN

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ATTEST:

Gary J. Cooney
GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



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APPROVED AS TO FORM AND LEGALITY:

Melanie Marsh
MELANIE MARSH, COUNTY ATTORNEY

Attachment "C" – Ordinance #2020-43 (Page 6 of 7)

Ordinance #2020- 43
CUP-19-09-5, Raptor Airsoft Gun Range Facility

1 **Exhibit A – Legal Description**

2 **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
3 FULLERVILLE RD, N 48-27-44 E ALONG SAID RD 216.10 FT FOR POB, CONT N 48-27-44 E 475.56 FT,
4 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
5 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
6 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
7 PG 1285 ORB 1588 PG 228 ORB 2428 PG 322 ORB 4347 PG, 1093

8 **AK#3636171** - FROM SW COR OF SE 1/4 RUN N 00DEG 33MIN 17SEC E 2063.94 FT, TO S LINE OF
9 FULLERVILLE RD, N 48DEG 27MIN 44SEC E ALONG, SAID S LINE OF RD 216.10 FT FOR POB, CONT
10 N 48DEG 27MIN, 44SEC E 475.56 FT, S 41DEG 42MIN 44SEC E 1220.93 FT, S 00DEG, 19MIN 24SEC W
11 246.55 FT, S 89DEG 03MIN 59SEC W 410 FT, N 41DEG 42MIN 44SEC W TO POB, ORB 1534 PG 1425,
12 ORB 1570 PG 1285, ORB 1588 PG 228, ORB, 1768 PG 418

13 **CUP Activity Area**

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

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Attachment "D" – Project Narrative (Page 1 of 2)

Raptor Air Soft Gun Facility
2023 CUP App

Project Narrative

Location

This site is located on the south side of Fullerville Road, 1.3 miles south of CR 42 in rural Lake County, Florida. The airsoft facility is contiguous to approximately 160 acres of agricultural property owned by Juan Adriatico and is referenced by Alt Keys 3636171 and 1784441.

Operation/Activity

In addition to agricultural uses, the existing site operates a recreational airsoft gun facility under Ordinance 2020-43, CUP-19-09-5. The following is a list of existing and proposed conditions to justify the request for the CUP modification:

1. CUP Compliance: Currently the CUP is required to be brought back to the BOCC for review to insure compliance with the terms and has been consistently maintained. If all conditions have been complied with, the Board may modify or lift restrictions if warranted.

The Applicant is requesting that the CUP be modified to clarify that Applicants no longer have to come back before the Board on a regular basis, and the CUP will be treated as other CUPs so that it exists unless some specific issue warrants a hearing.

2. Hours of Operation: The site is currently allowed to operate regular hours on Saturdays and Sundays from 10am to 5pm; excluding the last Sunday of each month on which the facility shall be closed. Special Events are currently limited to two (2) per calendar year, and seventy-two (72) hours per event.

The Applicant is requesting that the facility be allowed to open seven days a week from 9am to 5pm with a night game on the first Saturday of each month from 6pm to 11pm. Applicant also requests that they be allowed to host a military simulation event every other month (January, March, July, and October) on Friday from 3pm to 6pm and on Saturday and Sunday from 9am to 5pm.

3. Patrons: Currently, the facility is limited to fifty (50) players on the property at any given time with the exception of the approved Special Events that are limited to three hundred (300) patrons.

Applicant requests that three hundred (300) players be allowed on the property at any given time, regardless of whether such person is a player, spectator, or something else.

4. Signage: Currently, "No Parking" signs are required to be placed along Fullerville Road as approved by the Public Works Dept.

Applicant requests this requirement be eliminated.

Attachment “D” – Project Narrative (Page 2 of 2)

Raptor Air Soft Gun Facility
2023 CUP App

5. Pellets and Ammunition: Currently only biodegradable pellets and ammunition is permitted on the property.

Applicant requests this requirement be eliminated.

6. Lighting and Noise: Currently lighting is to be consistent with Dark-Sky Principles. Noise amplification equipment is prohibited and a noise assessment must be submitted for review and acceptance.

Applicant requests that limited noise, smoke, and lights consistent with the shooting sports activity of air soft be allowed.

Justification for CUP Modification

This facility currently operates within the limitations of the previously approved CUP but there are undue restrictions that if lifted, will promote a better experience for the patrons and serve a wider customer base.

Consistency with the Comprehensive Plan and Local Code

The requested amendments to this CUP are in compliance with the requirements, general purpose, goals, objectives, and standards of the Comprehensive Plan, and the Lake County Code.

Effect on Adjacent Properties

The proposed modifications of the CUP are not expected to have undue adverse effects on nearby properties and the current design of the facility limits impacts to the character of the neighborhood by the use of natural vegetative screening and more than adequate buffering. The site operates in a manner to avoid interference with neighboring properties and their future development in accordance with district regulations.

Public Facilities

The existing facility and its current operations are proven to be adequately supported by public facilities such as police, roads, solid waste, fire, and emergency medical services. Onsite facilities such as access, parking, site circulation, water supply, fire protection supply, stormwater, drainage, and sewage provide sufficient levels of service established by the Comprehensive Plan.

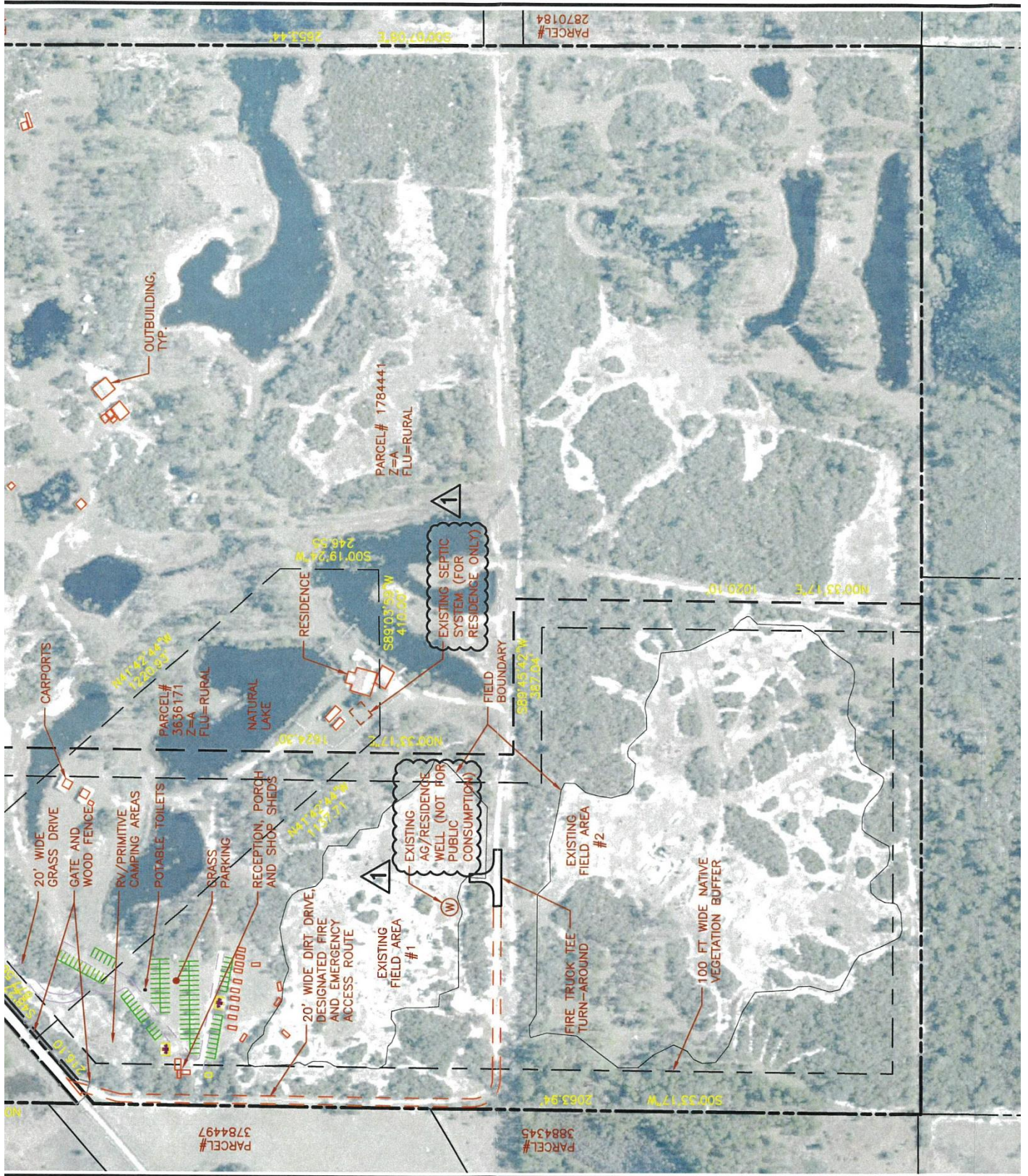
Fire Protection

The site is constructed, operated, and maintained in a manner that demonstrates adequate water supplies, evacuation routes, and emergency access routes to satisfactorily provide adequate fire protection.

Conclusion

This CUP modification request is believed to be concurrent with the objectives of the State and Local requirements and is not expected to create adverse offsite impacts as a result of approval.

Attachment "E" – Revised Conceptual Plan



Attachment "F" – Opposition Correspondence

09-25-23

From: Cecil P Gray
30223 Fullerville Rd
Deland, FL 32720

To: Lake County Planning & Zoning Board
Lake County Board of County Commissioners

Subject: Case PZ2023-41 Raptor Air Soft Gun Facility

I am opposed to a conditional use permit amendment to allow modification of conditions to the existing CUP to allow:

1. Extended Hours
2. Night Events
3. Special Events
4. ETC?????

Each of these items will add more traffic on a sand-clay road that has many places where two vehicles can narrowly pass.

Night "war games" will bring more hazardous traffic and noise to this Ag district area.

Special events in the past have brought busses, motor homes, trailer campers and tent camping. This will only increase the traffic load on this road and bring more noise.

What does "ETC" on the request mean?

None of these modifications meet the purpose and intent of the Land Development Regulation in an Agriculture District or the 2030 Comprehensive Plan Policy intended to protect rural lifestyles.

To approve this request would be to lower the quality of life and property values of this area.

Respectfully,

Cecil P Gray

Attachment "G" – Notice of Appearance (Page 1 of 2)

Lake County Planning and Zoning Board
315 West Main St.
P.O. Box 7800
Tavares, Florida 32778

RE: NOTICE OF APPEARANCE

Date of 10-04-23 P&Z Hearing RE PZ2023-41:

I hereby request to appear before the Lake County Planning & Zoning Board, October 4, 2023, in the matter regarding PZ2023-41, Conditional Use Permit Amendment to allow Modification to existing CUP, submitted by Juan Adriatico for the property located at 29540 Fullerville Rd.

I own land on Fullerville Rd and have been substantially affected by his continued violation of Lake County's Land Development Regulations and am concerned with the further development and approval of his requests

Since the original complaint was filed with Lake County on March 1, 2018, I have made considerable substantive objections to the legal operation of an "airsoft business" to county staff.

I respectfully request to be allowed to provide testimony in opposition to the Request for Modification action and defend my position.

Thank you for your consideration
Please provide an email of confirmation and approval of my request.

Respectfully,

Cecil P. Gray
30223 Fullerville Rd
Deland, FL 32720

Cc via email: Marsh, Melanie: melanie.marsh@lakecountyfl.gov
Atkinson, Nova; nova.atkinson@lakecountyfl.gov
Barker, Jennifer; jennifer.barker@lakecountyfl.gov
Misty Spahn; misty.spahn@lakecountyfl.gov

Attachment “G” – Notice of Appearance (Page 2 of 2)

Lake County Planning and Zoning Board
315 West Main St.
P.O. Box 7800
Tavares, Florida 32778

RE: NOTICE OF APPEARANCE

Date of 10-04-23 P&Z Hearing RE PZ2023-41:

I hereby request to appear before the Lake County Planning & Zoning Board, October 4, 2023, in the matter regarding PZ2023-41, Conditional Use Permit Amendment to allow Modification to existing CUP, submitted by Juan Adriatico for the property located at 29540 Fullerville Rd.

I own the land immediately adjacent to Mr. Adriatico’s property and have been substantially affected by his continued violation of Lake County’s Land Development Regulations and am concerned with the further development and approval of his requests

I filed the original complaint with Lake County on March 1, 2018. Since then, I have made considerable substantive objections to the legal operation of an “airsoft business” to county staff.

I respectfully request to be allowed to provide testimony in opposition to the Request for Modification action and defend my position.

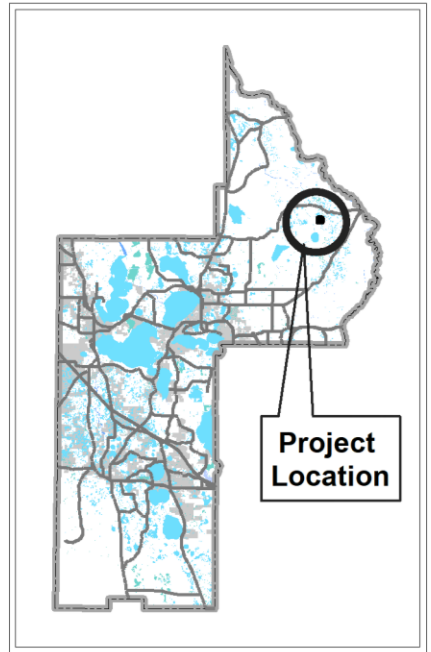
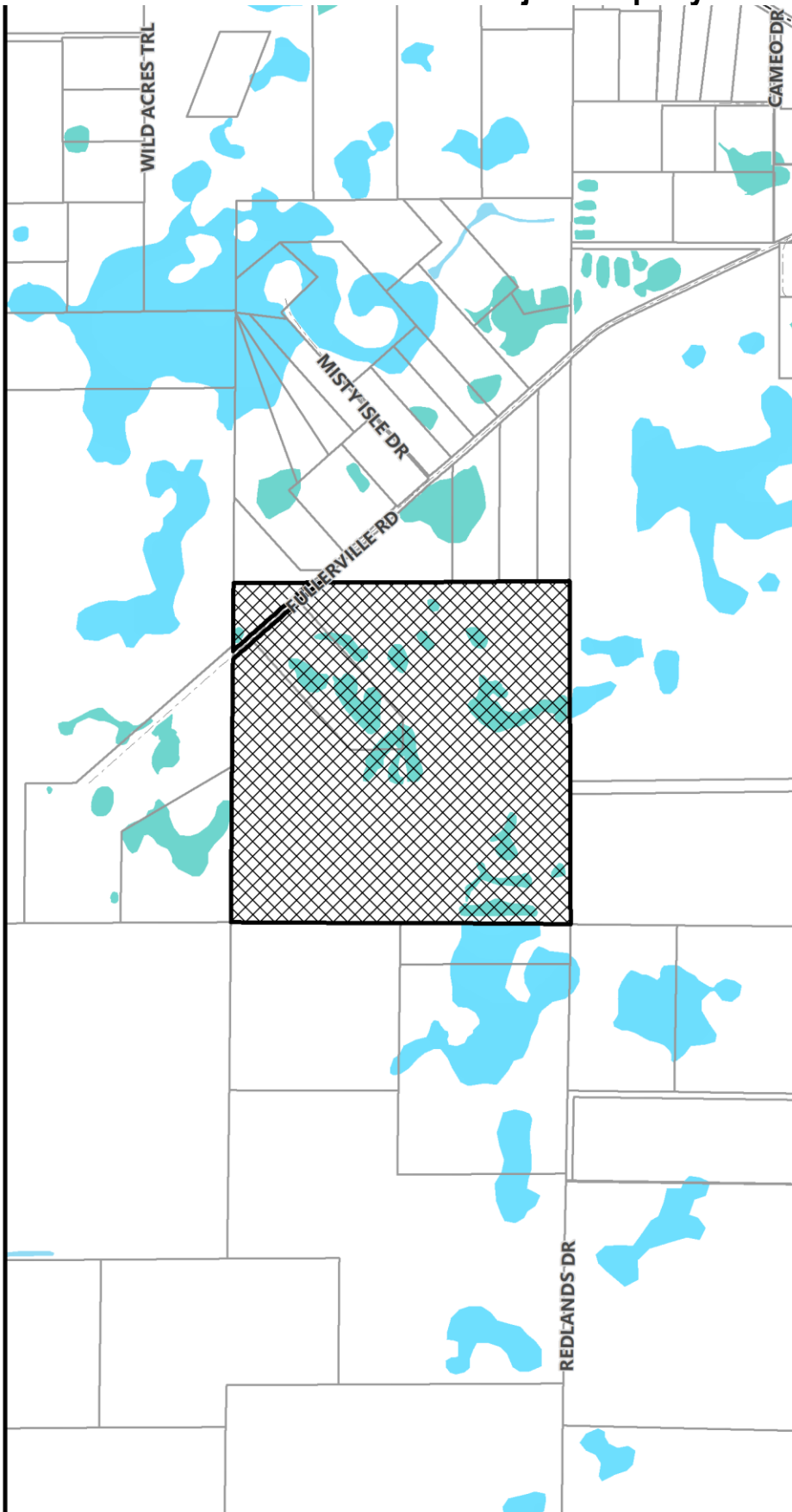
Thank you for your consideration
Please provide an email of confirmation and approval of my request.

Respectfully,

Rebecca Murphy
29300 Fullerville Rd
Deland, FL 32720
352-455-0021
Rebecca4@embarqmail.com

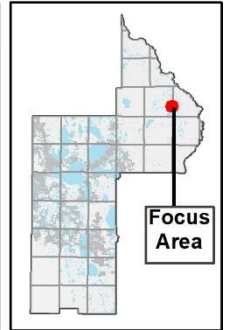
Cc via email: Marsh, Melanie: melanie.marsh@lakecountyfl.gov
Atkinson, Nova; nova.atkinson@lakecountyfl.gov
Barker, Jennifer; jennifer.barker@lakecountyfl.gov
Misty Spahn; misty.spahn@lakecountyfl.gov

Subject Property



Aerial of Subject Property

Raptor Air Soft Gun Facility Property



Allow Recreational Airsoft
Gun Facility



- 1 1. Residential use
- 2 2. Agriculture use
- 3 3. Airsoft Gun and Archery use
- 4 a. Hours of Operations:
 - 5 i. Monday through Sunday (Regular Hours): 9:00 A.M. to 5:00 P.M., excluding the last
 - 6 Sunday of each month on which the facility shall be closed.
 - 7 ii. 1st Saturday of Each Month (Night Game): 6:00 P.M. to 11:00 P.M.
 - 8 iii. Special Event Hours: Friday from 3:00 P.M. to 6:00 P.M. and on Saturday and
 - 9 Sunday from 9:00 AM to 5:00 PM, excluding the last Sunday of each month on which
 - 10 the facility shall be closed.
- 11 4. Special Events/Special Event Site Plans:
 - 12 a. Twelve (12) total Special Events per calendar year; limited to 300 players per event will
 - 13 be allowed, in accordance with the LDR, as amended.
 - 14 b. Events shall not exceed seventy-two (72) hours per event;
 - 15 c. Events shall not be located closer than one hundred (100) feet from the property line of
 - 16 any adjacent residentially used property; and
 - 17 d. The Owner shall retain off-duty law enforcement officers to direct and control vehicular
 - 18 traffic accessing Fullerville Road for Special Events, as determined to be necessary.
- 19 5. Overnight camping (primitive or Recreational Vehicle (RV)) shall be limited to members of
- 20 the property owner's family. Primitive or Recreational Vehicle overnight camping by others
- 21 is prohibited.
- 22
- 23 6. Accessory uses may be approved by the County Manager or designee. Any other use of the
- 24 site not identified above shall require approval of an amendment to this Ordinance by the
- 25 Board of County Commissioners.
- 26

27 **B. Specific Conditions.**

- 28 1. Parking requirements:
 - 29 i. Ninety-eight (98) pervious parking spaces shall be provided.
 - 30 ii. Four (4) parking spaces shall be Americans with Disabilities Act (ADA)
 - 31 compliant.
 - 32 iii. Unless specified above, parking shall be in accordance with the LDR and
 - 33 Comprehensive Plan, as amended.
- 34 2. There shall be no storage of materials, equipment or vehicles with the building setbacks,
- 35 wetland setbacks or landscape buffers.

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

- 1 **D. Environmental Requirements.** Environmental requirements shall be in accordance with the
2 Comprehensive Plan and LDR, as amended.
- 3 1. Non-biodegradable pellets to be allowed.
- 4 2. Proposed structures must maintain a minimum setback of fifty (50) feet from the
5 jurisdictional wetland line (JWL).
- 6 3. Environmental resources shall be protected in accordance with the Comprehensive
7 Plan and Land Development Regulations (LDR), as amended.
- 8 4. Consistency with Florida Department of Environmental Protection’s Best
9 Management Practices for Environmental Stewardship of Florida Shooting Ranges
10 Manual as provided in Section 790.333, Florida Statutes, is encouraged.
- 11 **E. Impervious Surface Ratio.** The maximum Impervious Surface Ratio (ISR) shall be 0.20 for the
12 overall development in accordance with the Comprehensive Plan, as amended.
- 13 **F. Landscaping, Buffering, and Screening.** Landscaping, buffering, and screening shall be in
14 accordance with the LDR, as amended.
- 15 1. A 70-foot wide (minimum) native vegetative buffer will be required around the CUP activity
16 areas, which shall be maintained in a healthy vibrant condition.
- 17 2. Right of Way landscape buffer shall be provided in accordance with LDR, as amended.
- 18 **G. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
19 the LDR, as amended. Shooting sports lighting and smoke to be allowed for First Saturday of
20 Each Month and Special Events.
- 21 **H. Noise.**
- 22 1. No noise amplification sound after sundown.
- 23 2. A noise assessment must be submitted for review and acceptance prior to commencement
24 of the air soft gun facility operations, and consistent with the LDR, as amended.
- 25 **I. Signage.**
- 26 1. The applicant agrees to pay for “No Parking” signs to be installed by the County along the
27 portion of Fullerville Road where the adjacent neighbor has their driveway, if Public Works
28 requires this condition at a future date.
- 29 2. All signage must be in accordance with the LDR, as amended.
- 30 **J. Floodplain / Stormwater Management.**
- 31 1. The stormwater management system must be designed in accordance with all applicable
32 Lake County and St. Johns River Water Management District (SJRWMD) requirements.
- 33 2. Prior to development, any required flood studies will comply with FEMA, Comprehensive
34 Plan and LDR, as amended. Any development within the floodplain as identified on the
35 FEMA maps will be required compensating storage.
- 36 **K. Transportation Improvements.**
- 37 1. Access to the facility be permitted through all three (3) gate entrances.

- 1 2. Prior to commencing operations of the airsoft recreational gun range conditional use,
2 transportation and access improvements to Fullerville Road shall be installed/constructed
3 from the CR 42 connection, in accordance with the Comprehensive Plan and LDR, as
4 amended.
- 5 **L. Utilities.** Individual well and septic tank shall be utilized, in accordance with the Comprehensive
6 Plan and LDR, as amended.
- 7 **M. Concurrency Management Requirements.** Any development must comply with the Lake
8 County Concurrency Management System, as amended.
- 9 **N. Development Review and Approval.** Prior to the issuance of any permits, the Applicant or
10 Owner shall be required to submit a development application and engineered site plan generally
11 consistent with EXHIBIT "B" - Conceptual Plan for review and approval in accordance with the
12 Comprehensive Plan and LDR, as amended.
- 13 **O. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in
14 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
15 Plan, and Lake County LDR will include any future amendments to the Statutes, Code, Plans, or
16 Regulations.

17 **Section 3. Conditions.**

- 18 **A.** After establishment of the facilities as provided in this Ordinance, the property must only be used
19 for the purposes named in this Ordinance, unless a proposed use meets every requirement of
20 the zoning district in which the property is located. Any other proposed use must be specifically
21 authorized by the Board of County Commissioners.
- 22
- 23 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
24 move, convert, or demolish any building structure, add other uses, or alter the land in any manner
25 within the boundaries of the above described land without first obtaining the necessary approvals
26 in accordance with the Lake County Code, as amended, and obtaining the permits required from
27 the other appropriate governmental agencies.
- 28
- 29 **C.** This Conditional Use Permit will inure to the benefit of and will constitute a covenant running with
30 the land; and the purpose, terms, and conditions contained in this Ordinance will be binding upon
31 the Applicant or any successor and her interest.
- 32
- 33 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
34 include in the transfer or lease agreement, a provision that the purchaser or lessee is made
35 aware of the conditions established by this Ordinance and agrees to be bound by these
36 conditions. The purchaser or lessee may request a change from the existing plans and conditions
37 by following the procedures contained in the Land Development Regulations, as amended.
- 38
- 39 **E.** The Lake County Code Enforcement Special Master will have authority to enforce the terms and
40 conditions set forth in this Ordinance and to recommend that the ordinance be revoked.

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

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

3 **Section 6. Effective Date.** This Ordinance shall become effective upon recordation in the public records of Lake
4 County, Florida. The Applicant shall be responsible for all recording fees.

5

6

7 **ENACTED** this _____ day of _____, 2023.

8

9 **FILED** with the Secretary of State _____, 2023.

10

11

EFFECTIVE _____, 2023.

12

13

14

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

15

16

17

KIRBY SMITH, CHAIRMAN

18

19

20

21 **ATTEST:**

22

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

23

24

25

26

27

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

29

30

MELANIE MARSH, COUNTY ATTORNEY

31

1 **Exhibit "A" – Legal Description**

2 **AK#1784441**

Parcel No. 24-17-28-0004-000-00400

The Southeast ¼ of Section 24, Township 17 South, Range 28 East, Lake County, Florida, LESS AND EXCEPT a portion of said property more particularly described as follows: Commence at the southwest corner of said Southeast ¼; thence run North 00 degrees 33' 17" East along the West line of said Southeast ¼, for 2063.94 feet to the South line of Fullerville Road; thence run North 48 degrees 27' 44" East along said South line for 216.10 feet to the Point of Beginning of the parcel hereinafter described; thence continue North 48 degrees 27' 44" East along said South line for 475.56 feet; thence run South 41 degrees 42' 44" East for 1220.93 feet; thence run South 00 degrees 19' 24" West, 246.55 feet; thence run South 89 degrees 03' 59" West, for 410.00 feet; thence run North 41 degrees 42' 44" West for 137.71 feet to the Point of Beginning

TOGETHER WITH a parcel of land lying in the Southeast ¼ of Section 19, Township 17 South, Range 28 East, Lake County, Florida, more particularly described as follows: For a POINT OF BEGINNING commence at the Southwest ¼ of said Section 19; thence along the West boundary of the Southwest ¼ of said Section 19, N.00 degrees, 17' 31" E, a distance of 55.20 feet; thence S 00 degrees, 50' 57" E, a distance of 55.23 feet to the South boundary of said the Southwest ¼ of Section 19; thence along the South boundary of the Southwest ¼ of said Section 19, N 88 degrees, 48' 10" W., a distance of 1.10 feet to the POINT OF BEGINNING.

3
4 **AK#3636171**

Parcel No. 24-17-28-0004-000-03000

A portion of the Southeast ¼ of Section 24, Township 17 South, Range 28 East, Lake County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Southeast ¼, thence run North 00 degrees 33'17" East along the West line of said Southeast ¼, for 2063.94 feet to the south line of Fullerville Road, thence run North 48 degrees 27'44" East along said South line for 216.10 feet to the point of beginning of the parcel hereinafter described; thence continue North 48 degrees 27'44" East along said South line for 475.50 feet; thence run South 41 degrees 42'44" East for 1220.93 feet; thence run South 00 degrees 19'24" West, 246.55 feet, thence run South 89 degrees 03'59" West for 410.00 feet; thence run North 41 degrees 42' 44" West for 137.71 to the point of beginning.

5
6 **CUP Activity Area**

7 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 17
8 SOUTH, RANGE 28 EAST, LAKE COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY
9 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE
10 SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 28 EAST AND THE
11 SOUTHEASTERLY RIGHT-OF-WAY LINE FOR FULLERVILLE ROAD; THENCE RUN SOUTH 23° 03' 31"
12 EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE 877.55 FEET; THENCE SOUTH 00° 33' 17"
13 WEST, 2063.94 FEET; THENCE NORTH 89° 45' 42" EAST, 1267.12 FEET; THENCE NORTH 00° 33' 17"
14 EAST, 1020.10 FEET; THENCE SOUTH 89° 45' 42" WEST, 387.04 FEET; THENCE NORTH 00° 33' 17"
15 EAST, 1624.30 FEET TO A POINT ON THE SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION
16 24; THENCE SOUTH 89° 27' 23" WEST, 228.84 FEET TO THE POINT OF BEGINNING, CONTAINING
17 58.13 ACRES MORE OR LESS.

