

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
June 6, 2012

The Lake County Planning and Zoning Board met on Wednesday, June 6, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings and Conditional Use Permits.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, June 26, 2012 at 9 a.m., in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Kasey Kesselring	At-Large Representative
Jim Miller	School Board Representative

Members Not Present:

Donald Heaton	Ex-Officio Non-Voting Military Representative
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Staff Present:

Amye King, AICP, Growth Management Director
Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division
Melving Isaac, Planner, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
Erin Hartigan, Assistant County Attorney
Ross Pluta, Engineer III, Public Works
Shannon Treen, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:03 a.m. He led the Pledge of Allegiance, and Kasey Kesselring, Board Member, gave the invocation. Chairman Bryan confirmed that the meeting was properly noticed and explained the procedure for hearing cases on the consent and regular agendas, stating that they only hear the cases that are on the regular agenda individually. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Recording Secretary prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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Tab 2	CUP# 09/9/2-1 CUP Revocation	Lee Hess, Inc./K. Owji Auto Pass
Tab 3	CUP# 12/6/1-5	M. McElroy/ Planning & Community Design Division McElroy Kennel
Tab 4	PH# 22-12-1	Douglas L. and Elizabeth Vasser Vasser Rezoning
Tab 5	PH# 26-12-5	Jo Ann & Larry Benton Benton Property Rezoning
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CASE NO: CUP# 12/7/1-1 **TAB NO.** 10
OWNER: Kevin and Audrey Jowett
APPLICANT: Kevin Jowett
PROJECT NAME: JAK Holdings, LLC/Revolution Off Road

Mr. Sheahan presented the case explaining that the applicant is requesting approval to combine two existing Conditional Use Permits (CUP) in the Agriculture Zoning District on approximately 215 acres of property to add new recreational and special event uses to an approved off-road driving facility (Ordinance No. 2004-84) and ski school facility (Ordinance No. 1999-120.) He noted that the property is located south of Clermont and east of SR 33 in the Green Swamp Core Conservation Future Land Use Category and that there are not any recommended changes to the zoning, density, impervious surface ratio or floor area ratio. He pointed out that all of the special events and activities, except for the ski school, will be operating on the uplands and indicated that the special events requested include fishing competitions, endurance races, music festivals and cooking contests, and the outdoor small-scale recreational activities include a paintball course, archery and skeet shooting, a corn maze and a pumpkin patch. He related that the applicant is requesting to hold only one music festival per calendar year and that neither the Comprehensive Plan nor the Land Development Regulations (LDR) specifically address music festivals; however, the most similar use to music festivals in the Comprehensive Plan is Outdoor Recreation and that is allowed in the Green Swamp Future Land Use Category with a CUP. He added that the most similar use to music festivals in the LDR's is Outdoor Commercial and that is allowed in the Agricultural Zoning District with a CUP. He stated that limits on the location and hours of operation have been included in the ordinance to ensure consistency with those uses. He mentioned that the requested uses have been found to be consistent with the Comprehensive Plan and the LDR's, specifically Comprehensive Plan Policy I-4.2.5 which allows passive parks, equestrian related uses and outdoor small-scale sporting and recreational camps as a conditional use. He remarked that the proposed uses are not directly defined by the LDR's, but they are similar to commercial amusements and hunting and fishing camps. He noted that those similar uses are allowed as long as the use is not more obnoxious or detrimental than those listed and staff determined that the proposed recreational facility would not be with appropriate conditions. He explained that the proposed ordinance includes conditions limiting the developed area to 20 acres, requiring a minimum of a 100 foot setback from property lines with residential uses, limiting the hours of operation, and limiting the number of special events that can be held on the property to six per calendar year. He pointed out that a noise study is also required and specific conditions are included to minimize impacts to neighboring residential properties. He specified that staff received one letter of objection from a neighboring residential property and received 14 letters of support from other neighboring property owners.

Lorenzo G. John Ameri, Board member, asked what type of activities did the endurance races involve. Mr. Sheahan responded that the endurance races are foot races.

Ted DeWitt, Board member, asked if the mining operation was still running. Mr. Sheahan answered that the mining operation had ceased. He then asked what the hours of operation were for that mine and whether there had been constant activity and traffic at the mine when it was operating. Mr. Sheahan replied that the mine did not have a limit because that mine predated the mining ordinance and it was his understanding that there had been constant activity.

Mr. Bryan asked how long Revolution Off Road had been in operation with the existing activities on that property. Mr. Sheahan stated that they received approval in 2004 and started operating in 2005. He added that the ski school received approval in 1999 but he was unsure when that started operating.

Timothy Morris, Vice Chairman, pointed out that the old ordinance limited the number of off-road vehicles to 30 and the new ordinance does not have a limit and asked if that was correct. Mr. Sheahan stated that the number of off-road vehicles should be limited and staff could add that to the ordinance.

Mr. Bryan asked if the adequacy of access to the property had been evaluated thoroughly. Mr. Sheahan explained that the Public Works Department reviewed the easements provided by the applicant and is satisfied that there is sufficient access to the property. He added that an easement exists from SR 33 to the applicant's property and that there is current litigation regarding one of the easements. He also mentioned that conditions are placed in the ordinance requiring the applicant to maintain the road and to do so within a reasonable amount of time to ensure that it always remains accessible for the applicant as well as for adjoining property owners.

Mr. Ameri asked if additional parking needs had been addressed. Mr. Sheahan pointed out that the property is very large so additional parking should not become an issue except for special events. He related that the special events will be evaluated on a case by case basis by Public Safety and Emergency Management staff to ensure that there are adequate facilities available for any event held on the property.

Kevin Jowett, the applicant and owner of Revolution Off Road Experience, gave a presentation and showed videos of the types of activities and the noise levels from the activities held on their property. He stated that they are located 15 miles west of Disney World and that the property has been commercially used for many years specifying that in the 1960's it was a sand mine, in the 1980's it was a sawmill, in the 1990's it became a water ski school, and then it became Revolution Off Road. He noted that their land is very important to them and that they have done wetland creation on the property and have planted over 2,000 trees. He mentioned that they do not allow free riding and that they follow the American Safety Institute guidelines to ensure the safety of all riders. He added that they supply the safety equipment and the instructors ride with the riders to show them the correct way of driving the vehicles. He stated that Mad Cap Events approached them at the beginning of last year to host an endurance race that ran over four and a half miles and had about 20 obstacles. He noted that the first event, which was held in August 2011, accounted for over 3,000 people and the second event, which was held in March 2012, accounted for over 6,000 people. He reported that 85 percent of the attendees were from Florida, 97 percent were from outside of Lake County, and 15 percent were from outside of the State. He indicated that there have been some concerns about the noise levels from the different activities and mentioned that the noise impact is exceptionally low. He added that the other concern is about the road and noted that the road was constructed for the sand mine so it is actually a very stable road because it has a hard base to it. He mentioned that they did have an issue with the road after the first race because a big storm came through which resulted in four to five inches of rain. He elaborated that the road was a mess but all of the 1,000 vehicles including fire trucks, paramedics, and police were able to leave unassisted. He related that it was in his best interest to keep the road maintained and immediately after the rain stopped, they started working on the road and had it graded and maneuverable in less than 24 hours. He pointed out that their business currently has three different sectors: tourists, corporate, and local residents and stated that they currently have five full-time staff and 15 part-time staff that are on-call for corporate events and that they use 36 vendors on a regular basis in which 23 of those are based in Lake County. He also mentioned that they had over 9,000 visitors to their facility last year. He noted that they are an active member of the Florida Attractions Association and that he is a board member of the Kissimmee Chamber of Commerce as well as the South Lake Chamber of Commerce. He added that they are affiliated with many major attractions such as Orlando Balloons and Boggy Creek Airboat Rides and they help promote each other's businesses. He concluded the

presentation stating that their sole purpose for the application is because the current CUPs limit their growth and expansion and they do not allow for special events. He added that they want to expand to an outdoor sports and recreation facility and become more of a family friendly business.

Jim Miller, Board Member, asked what an acceptable number would be to limit the off-road vehicles to. Mr. Jowett stated that 30 is an adequate number, but they have never put that many out at one time.

Mr. Morris asked about the skeet range. Mr. Jowett explained that they plan to have five stands in a basic skeet area, but that probably would not happen every day.

Anita Geraci-Carver, Attorney representing Travis Ward and Kim and John Moore who live on property adjacent to the applicant's property, stated that Travis Ward, property owner, raises 80 deer and 110 cattle on his property and that he owns most of the easement road from SR 33 to the applicant's property. She noted that these properties are in the heart of the Green Swamp and most of the surrounding properties are being used for agricultural purposes. She pointed out that the endurance races held on the applicant's property have foreshadowed some of the detrimental effects that the additional uses to the property will cause the Wards to their farming operations adding that the endurance races also present issues that are inconsistent with the Comprehensive Plan as it applies to the Green Swamp and because it fails to protect the health and safety of those in the area. She related that the applicant indicated that the property had originally been a sand mine but that was well before the Wards purchased their property in the early 2000's. She further stated that the access road is not used for mining or logging purposes at this time and that it had not been used since they purchased their property. She expressed that they oppose many of the additional uses the applicant wants to add to the CUP, but they do not oppose the current uses or the current CUP's. She noted that additional conditions needed to be placed in the ordinance in order to make some of the uses consistent with the Comprehensive Plan, such as additional buffering and setbacks; limitations on the number of boats, vehicles, and ATV's; limitations on the number of people who can attend an event at any one time; as well as limitations on the hours of operation. She specified that the endurance races, the obstacle courses, the jet skis, and the music festivals are not consistent with the outdoor small-scale sporting and recreational camp use that requires a CUP in the Comprehensive Plan, but the active recreation use is more appropriate for what the applicant is proposing. She pointed out that music festivals are not referenced in the Comprehensive Plan or the LDR's, but they could be compared to commercial amusements; however, that also is not consistent with the Comprehensive Plan for this area. She opined that some of the uses are completely inconsistent and could not be made consistent even with conditions placed in the ordinance. She then showed some pictures of the condition of the access road after the first endurance race event and stated that it was impassable and it was not corrected within a matter of days as was previously stated. She added that Mr. Ward requires the daily care of a nurse and the nurse was unable to access his property by that road; however, his neighbors allowed him to use another access road. She noted that the road cannot accommodate the number of vehicles travelling to attend the events and mentioned that there were over 10,000 people at the most recent endurance race and traffic was backed up on CR 474, where they offered off-site parking, and on SR 33. She added that law enforcement had to direct traffic on those roads instead of tending to the crowds at the event and that neither the law enforcement nor the fire department would have been able to access that road if needed. She mentioned that the noise level has been a problem to the Wards because the deer become very nervous since they are not used to that kind of noise and related that the Wards had lost one of their deer that day due to the noise which was valued at \$2,000. She noted that the current ordinance states that these uses cannot continue for more than 72 consecutive hours, but it is possible that a music festival could last for 24 hours a day for three days straight. She expressed that because of the road and the noise issues, the detrimental effect it has on Mr. Ward's health and safety, the incompatibility with the agricultural

use of Mr. Ward's property, and the inconsistency with the Comprehensive Plan, they are urging the Board to deny the request.

Mr. DeWitt asked what the distance was from SR 33 to the Ward's driveway. Ms. Carver responded that it was about $\frac{3}{4}$ of a mile.

Mr. Ameri asked if there is an alternative to improving or changing the access road to benefit all parties. Ms. Carver answered that this is the only access road and paving it would be an improvement, but that would not address the traffic issues associated with the large events.

Mr. DeWitt asked which events would have the biggest impact to the Wards. Ms. Carver replied that the music festivals and the endurance races would have the biggest impact but they would be agreeable to the fishing competitions, archery, paintball, the corn maze, the pumpkin patch, the camping, and skeet shooting if limitations on the number of participants and additional buffering were required. She added that they also wanted to limit the number of vehicles, ATV's and jet skis.

Peter Brown, neighbor north of Revolution Off Road, spoke in support of the request stating that all of the dirt roads in that area are terrible especially after it rains. He noted that Mr. Jowett has always been a good neighbor and has never created any problems. He pointed out that there is not a buffer between his property and Mr. Jowett's property except for a lake and he has never heard any kind of noise generated by the vehicles or the events. He also mentioned that there are other roads and properties to cut through to get to Mr. Jowett's if there happened to be an emergency.

Jeff Ball, a resident of Lake County, spoke in support of the request explaining that people come from all over the country as well as other countries to participate in the events at Revolution Off Road and they leave with a very favorable impression of Lake County. He added that the Jowetts take very good care of the land and expressed that although he understands the inconvenience the events may pose to the Wards, Lake County could not afford to deny this request since it offers recreation and improves Lake County's image.

Mr. Jowett discussed some of the concerns raised by Mr. Ward's attorney and noted that he bought his property days before Mr. Ward bought his property and Mr. Ward was aware of his intentions to create an off-road adventure park. He stated that the main concern is the noise generated from the activities and events and related that the Wards have confirmed that the noise from the ATV's does not disturb any of their animals. He added that the live music is held over 4,000 feet away from Mr. Ward's property and that there is 2,000 feet of wetlands in between. He pointed out that Mr. Ward's property is just over 1,000 feet from a major highway and that noise would be greater than the noise generated from the events. He indicated that the current buffering has been sufficient and that they do not envision having 5,000 cars on the property at one time. He acknowledged that there were road issues at the first endurance race event and traffic issues at the second event, but they rectified the situation and have worked out those glitches. He added that as a small business, they could not afford to pave the road; however, he is certain the road is stable and sufficient for the amount of traffic proposed. He also mentioned that there are not any plans to have jet skis on the lake and that the proposed music festivals would only last until midnight but they would not run for 24 hours a day for three consecutive days.

Rick Gonzalez, Board member, asked if a stipulation could be included to ensure there will not be any jet skis on the lake. Mr. Jowett responded that he did not have a problem with that.

Mr. Ameri asked how many people attended the second endurance race event. Mr. Jowett replied that there were approximately 6,000 people that attended that day specifying that 3,200 were runners

and the rest were spectators. He added that they were not on the site at the same time because they would come and go throughout the day.

Mr. Gonzalez asked if there were hundreds of cars that entered the property for those races. Mr. Jowett answered "yes," and explained that the normal parking is limited to about 1,000 vehicles for safety reasons, so once that limit is exceeded, the remaining vehicles will use the off-site parking. He pointed out that the reason for the traffic issues at the second event was because the vehicles were not directed to the off-site parking until they reached the normal parking area. He added that in the future there would not be that amount of traffic on the road with the off-site parking.

Mr. Bryan opined that the number of people and vehicles allowed at the events should be addressed in the ordinance. Mr. Jowett explained that they were asking for a maximum of 10,000 people and 1,500 vehicles per event.

Mr. Kesselring addressed the issue of Mr. Ward's daily access to a nurse and suggested notifying the law enforcement officials who will be attending the major events of his need for a daily nurse to ensure the nurse will have access to his home. Mr. Jowett stated that would not be a problem.

Mr. Gonzalez asked if he would make it a personal priority to make sure the nurse reaches Mr. Ward's house if there is an access problem. Mr. Jowett expressed that he would do that.

Mr. Kesselring asked if he knew the percentage of people who attended the events that stayed overnight in local hotels. Mr. Jowett replied that there was a considerable amount because there were people from all over the country that came to the events and they were constantly receiving phone calls asking for suggestions on where to stay.

The Chairman announced that there would be a five-minute recess at 10:26 a.m.

Mr. Bryan asked Ross Pluta, Engineer III with Public Works, if he had physically inspected the access road. Mr. Pluta answered "no," adding that since it is a non-County maintained road, the County cannot require any type of maintenance because it is not under their jurisdiction. He noted that rain is an inconvenience to residents who live on all clay roads, but this road seems to be better than most privately owned clay roads in Lake County because it was built for a mine.

Mr. DeWitt asked if adding any type of pervious material such as shell or limerock would help make the road more weatherproof. Mr. Pluta replied that the water would still seep into the base of the road and that the best solution would be to pave the road but it is relatively expensive.

Mr. Bryan asked if the proposed ordinance had the same limitations as the two original CUP's. Mr. Sheahan explained that the proposed ordinance is much more restrictive and the applicant has no objection to carrying over the vehicle number restrictions and the provision that jet skis are not allowed in the water ski school.

Mr. Sheahan mentioned that there is a specific provision in the special events section of the ordinance that requires notification to the Emergency Management Department who will then coordinate with the Sheriff, Emergency Medical Services, the Fire Department, as well as other County staff to ensure that the event is the least disruptive as possible to the County's public facilities. He added that each event can vary greatly and it is up to the Emergency Management Department to issue the special event permit.

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE CUP# 12/7/1-1, Revolution Off-Road Driving Experience, with the following conditions: 1) that the music events do not extend past midnight on any one day, 2) that law enforcement is required for the six major events for traffic control, 3) that the applicant maintain the road after major events if needed to restore the road to functional use, 4) that the off-road vehicles be limited to 30 and jet skis are not allowed, and 5) that the access for Mr. Ward's nurse during any major event be coordinated between the applicant and the law enforcement personnel on site for that event.

FOR: Kesselring, Gonzalez, Morris, DeWitt, Ameri, Bryan, Miller

AGAINST: None

MOTION CARRIED: 7-0

OTHER BUSINESS

Mr. Sheahan pointed out that July 5, 2012 will be the date for the next Planning and Zoning Board meeting since the first Wednesday of the month falls on July 4, 2012, which is a holiday. The Board members reached a consensus to hold the next meeting on July 11, 2012 instead, as long as the Board Chambers are available.

Mr. Gonzalez noted that Tabs 1 and 2 on the consent agenda were regarding CUP revocations and mentioned that when a property is incorporated into another city, the CUP is automatically cancelled. He asked if staff could amend their policy so that the CUP revocations do not have to go through the normal process and come to the Planning and Zoning Board for approval since it is just a routine matter. Mr. Sheahan stated that he would review the matter with the County Attorney.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:49 a.m.

Respectfully submitted,



Shannon Treen
Clerk, Board Support



Paul Bryan
Chairman