

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
September 5, 2012

The Lake County Planning and Zoning Board met on Wednesday, September 05, 2012 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for Rezonings.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, September 11, 2012 at 9 a.m. for the Simpkins-Roper CUP#12/9/2-2 case. All other cases listed, will be transmitted to the BCC on Tuesday, September 25, 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:

Gregg Welstead, Director, Conservation and Compliance
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
Courtney Vincent, Clerk, Board Support

Chairman Paul Bryan called the meeting to order at 9:04 a.m. He led the Pledge of Allegiance, and Mr. Morris 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.

MINUTES

MOTION by Kasey Kesselring, SECONDED by Tim Morris to APPROVE the August 1, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Kesselring, Morris, De Witt, Ameri, Gonzalez, Bryan, Miller

AGAINST: None

MOTION CARRIED: 7-0

AGENDA UPDATES

Steve Greene, Chief Planner, requested that Case Number CUP# 12/9/1-1, Saddlewood Stables, be moved to the Regular Agenda and that Case Number PH# 30-12-4, Thanh An Buddhist Center, be moved to the Consent Agenda.

CONSENT AGENDA

Tab 2	PH# 33-12-4	Stephens-Barrios Engineering, LLC/ Hussey, Jr. Family Dollar CP rezoning amendment
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Tab 3	PH# 30-12-4	K. Phan/Thanh An Buddhist Center, Inc. Thanh An Buddhist CFD rezoning
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MOTION by Tim Morris, SECONDED by Kasey Kesselring to APPROVE the Consent Agenda, consisting of agenda items 2 and 3.

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

AGAINST: None

MOTION CARRIED: 7-0

REGULAR AGENDA

CASE NO: CUP# 12/9/1-1 **TAB NO.** 1

OWNER: Amanda & Sean Bacon, and Debra & Ronald McCready
APPLICANT: Amanda Bacon
PROJECT NAME: Saddlewood Stables

Melving Isaac, Planner, Planning and Community Design Division, presented Case No. CUP# 12/9/1-1, Saddlewood Stables. He explained that the ten acre property was located in the Groveland area, southwest of the Brantley Road and Equestrian Drive intersection, and was in the Agriculture (A) Zoning District in the Green Swamp of Critical State Concern. He stated that the applicant was requesting a Conditional Use Permit (CUP) to allow a Riding Stable/Academy for riding lessons and associated equestrian-themed events such as trails, day camps, and birthday parties. He noted that the property had an existing residence, a barn, a garage and a storage building. He remarked that the proposed ordinance included conditions to require maintenance of the access roads by the applicant. He added that the applicant currently maintained the access road from Equestrian Drive and had agreed to maintain the access from Brantley Road which is actually maintained by other property owners. He mentioned that a letter of concern had been received from Mr. Brantley regarding the maintenance of Brantley Road. He reported that the proposed CUP was consistent with the Comprehensive Plan and Land Development Regulations (LDR) and based on those findings, staff recommended approval of the CUP request.

Mr. Ameri asked how wide the dirt road was.

Mr. Isaac replied that he did not have the site dimensions with him but that it was similar in width to the paved road and opined that it could accommodate two cars.

Mr. Gonzalez asked who would decide whether the applicant was maintaining the road adequately.

Mr. Isaac replied that it could be enforced by Code Enforcement, or Public Works could request a bond for the maintenance of the road, and he specified that the details could be worked out during the site plan.

Mr. Ron McCready, the applicant and owner of the property, opined that the paperwork stating that he would be responsible for the entire road was wrong and that he did not agree with requiring him to maintain it. He also stated that the business was a one person operation and that the amount of traffic estimated was incorrect because there would only be one or two cars per day traveling to the property. He mentioned that none of the neighboring property owners had addressed their concerns with them at Saddlewood Stables. He explained that they had been repairing the road down from the ranch at their own expense and filling in the potholes for the past nine months, which cost them about \$1,000. He requested that Section 2, Part B, Subsection 12 of the proposed Ordinance be amended so that they were not required to fix the road.

Mr. Kesselring asked whether the road was a County right-of-way or a private drive.

Mr. Isaac responded that it was a private road with about 20 other people having access to it.

Mr. Kesselring expressed that Mr. McCready should not be held accountable for maintenance of the entire road especially since 20 other people accessed the road.

Mr. Miller commented that he should not be held accountable for the entire road because it was in his best interest to keep the road passable; otherwise he would be out of business.

Mr. DeWitt asked how much traffic was generated daily on the road.

Mr. McCreedy answered that there were maybe one or two vehicles per day and that some days there may not be any.

Mr. Robert Azcano spoke in opposition to the CUP and explained that there were a total of 31 vehicles that travelled the road each day by residents that lived on the road, and that did not include vehicles such as farm equipment, repair vehicles, mail carriers, or garbage trucks. He mentioned that the road is 16 feet wide between the two 100 year old oak trees, that his house sat 50 feet off the road, and that he owned 660 feet of the road. He stated that he and his neighbor across the street who owns the other half of the road have supplied the limerock and equipment to maintain the road over the past eight years. He expressed that he was not opposed to what the applicant wanted to do, but he would rather the applicant look at every possible option because he wanted there to be another entrance to relieve some of the traffic on the road. He opined that because it was a private road, the residents should have a lot of say in what happens. He stated that the applicant has been conducting open houses which have generated over 100 vehicles up and down that road throughout the day, and opined the only reason the applicant has applied for the CUP is because of neighbors' complaints.

Mr. Bryan asked if he thought the ranch had been generating considerably more traffic than what was indicated and if the traffic, rather than the weather, was causing the deterioration of the road.

Mr. Azcano replied "yes," adding that there was a lot more traffic which was causing the bad condition of the road. He then asked the Board for a continuance of the case so that the paperwork could get straightened out since none of it was correct.

Mr. Ameri asked how many horses were on the property.

Mr. Azcano stated that the last he saw there had been six horses.

Mr. Isaac clarified that page 2 of the ordinance indicated a maximum of 15 horses.

Mr. Bryan pointed out that it seemed as though the ordinance was developed without a lot of discussion with the applicant on what the exact plans were, such as the number of horses and the number of people allowed at birthday parties, and he asked where staff came up with those numbers.

Mr. Isaac noted that the applicant provided the numbers for the horses, the birthday parties and the camps and that the final numbers were worked out between staff and the applicant.

Mr. DeWitt asked if the County had an obligation to maintain the road considering it was used by 31 residents, there was garbage pick-up twice a week, and school busses five times a week.

Mr. Isaac stated that the County did not have an obligation to maintain the road at that time. He added that he spoke with the County and with the City of Groveland to determine if either would be able to maintain the road and he was told that neither could.

Mr. McCreedy addressed the concerns of the amount of vehicles and the road condition and stated that the grand opening of the stables only happened once and no one has even shown up for participating in the day camp. He mentioned that the main problem with the road was at the very

beginning, and because of the record rainfalls they have had this year, the road will continuously need to be repaired. He stated that although he did not mind repairing it, he did not want a stipulation in the ordinance stating that he must maintain the road.

Mr. Bryan commented that if the request was more intensive than what was described, then it would make sense to have that requirement in the ordinance.

Mr. McCready noted that the stables did not have that kind of volume and that the paperwork was incorrect.

Mr. Kesselring asked if he was amenable to a continuance on the case in order to revisit the numbers.

Mr. McCready answered "yes."

Ms. Amanda Bacon, the applicant, explained that when she was asked to provide the number of horses, the number of birthday parties, and the number of children at the stables, she was unsure so she gave staff a maximum number. She pointed out that she currently had nine horses on the property and that she did not own all of them because she boarded other people's horses. She noted that she gave a maximum number of 15 horses because she did not know whether other people would want their horses boarded in the future. She indicated that she only used three of the horses for lessons and that currently she was giving two lessons per week which meant that there were two kids and two cars travelling on that road each week. She added that one boarder currently comes out to the stables once a month, and the other boarder comes out twice a week.

Mr. Bryan stated that the main concern was whether the capacity that was indicated would be reached and if it would cause additional traffic.

Ms. Bacon noted that it would be less intense than the maximums that she indicated, since she worked by herself and taught lessons by herself and she can only teach so many people a week. She also stated that the conditions of Brantley Road and Equestrian Drive were completely different and if the condition of the road was related to the amount of traffic coming to the stables, then she did not understand why both roads were not in the same condition.

Mr. Greene noted that if this was a commercial nursery, it would be permissible in the agricultural use and there would be a lot more volume on that particular road. He added that Public Works indicated that with a reduction in activity, the conditions could possibly be removed; however, staff would have to discuss the reduction in the maximum number of children allowed per camp and at birthday parties and the number of horses to determine whether or not that condition should be removed. He remarked that was something the Board could consider if the applicant was prepared to discuss that today, otherwise staff recommended a continuance so that staff could discuss the matter with the applicant.

Mr. DeWitt asked if the condition of the road would determine whether or not the bond was required.

Mr. Greene answered "yes," adding that it would be determined at site plan.

Mr. Bryan asked what kind of numbers would be applicable in order to lessen or remove the road requirements.

Mr. Greene remarked that given the agricultural nature of the community, he would suggest reducing the numbers in half. He noted that a site plan approval was necessary to conduct the use anyway and was another hurdle before they could conduct the business.

Mr. Gonzalez asked if it was possible to strike paragraph 12 of the ordinance and let the site plan approval process work out the details on everything else.

Mr. Bryan commented that he would be more comfortable reducing the numbers in half before completely eliminating the road maintenance requirements since the applicants have already indicated that the numbers were more than what they foresee happening.

Mr. Miller opined that they should give the applicants and staff one month to resolve the issues.

MOTION by Jim Miller, SECONDED by Kasey Kesselring to APPROVE the continuance of CUP# 12/9/1-1, Saddlewood Stables, for 30 days in order for staff and the applicant to work out numbers that would adequately relieve the road maintenance and bond requirement.

FOR: Miller, Kesselring, Morris, Ameri, Bryan

AGAINST: DeWitt, Gonzalez

MOTION CARRIED: 5-2

CASE NO: CUP# 12/9/2-2 **TAB NO.** 4
OWNER: T. Roper, Trustee
APPLICANT: Jonny Simpkins
PROJECT NAME: Simpkins-Roper Rock-on Adventures

Mr. Steve Greene, Chief Planner, presented the case for Simpkins-Roper Rock-on Adventures, explaining that the applicant was seeking to conduct outdoor recreational uses within an Agriculture (A) Zoning District. He described the property as being approximately 647 acres in size and noted that it bordered the Orange County Line in southwest Lake County. He also noted that the primary access to the property was via Old YMCA Road in Orange County, which was a two-lane maintained road up to the property line. He specified that the applicant wished to conduct foot races, obstacle courses, bike races, kayaking, paintball, fitness expos, and Jet Ski and water jet pack type uses on the property and sought to conduct at least four events a year that would attract 2,000 participants as well as at least four other events that would attract less than 2,000 participants and an additional ten events with less than 500. He added that none of the events were expected to last more than 12 consecutive hours. He stated that the property was designated as Rural Future Land Use Category (FLUC), which allowed for recreational-type uses as well as outdoor clubs, however the Land Development Regulations (LDR) required a Conditional Use Permit (CUP) for such activities. He remarked that with a CUP, the proposed use is consistent with passive recreational uses specified by the LDR. He described that the proposed CUP ordinance would have setbacks to the property line for the activities that would take place and mentioned that the events would only be held 18 times per year. He listed the conditions contained in the proposed Ordinance such as a 100 foot setback to all property lines that have adjacent residential uses, a minimum setback of 50 feet to maintain existing landscape, and a noise assessment to be evaluated during the site plan. He indicated that the conditions listed in the proposed Ordinance included screening requirements and specific hours of operation as well as how many events can be held, what type of events can take place, and how long the events can run. He mentioned that porta-lets would serve as public restroom facilities, noting that the property did not have water or sewage. He discussed the access to the property off of Old YMCA Road, noting that the road, which was in Orange County, was paved all the way up to the property. He commented that with Orange County going back and forth with regarding traffic mitigation it had been decided that some level of traffic management or maintenance would be required for every event. He added that the specifics of the traffic requirements still needed to be worked out with Orange County. He reported that Lake County's Public Safety Department had indicated that the applicant needed to give a 60 day advance notice for any event to allow time to coordinate public safety services for the event. He noted that the current proposed ordinance only had a 30 day requirement but staff was asking to change that to 60 days. He mentioned that staff had received one letter of opposition and they had also received numerous emails of concern from Orange County. He stated that staff found the request consistent with the Comprehensive Plan LDR and recommended approval with the understanding that staff would meet with Orange County officials to discuss their concerns prior to the Lake County Board of County Commissioners (BCC) meeting and then staff would present the concerns of Orange County to the BCC at the meeting.

Mr. Ted DeWitt, Board Member, asked if the Jet Ski activities would take place only on lakes within the property boundaries, noting that there were lakes that shared shoreline with other properties.

Mr. Greene replied that it was the understanding of the staff that Jet Ski activities would only take place on the lakes completely within the property boundaries and added that it could be added as a condition to the CUP.

Mr. Bryan asked how the limit of 15 Jet Skis had been determined.

Mr. Greene replied that the limit had been determined by staff based on similar requests received in the past. He noted that the applicant had only requested general use of the property for the purpose of Jet Ski activities.

Mr. Lorenzo G. John Ameri, Board Member, asked how much of the property's 647 acres would be used for the business.

Mr. Greene replied that it was the understanding of the staff that the entire property would be used.

Mr. Jonny Simpkins, the applicant and owner of Rock-on Adventures, clarified that the lake where the Jet Ski activities would take place was completely within the property boundaries. He noted that the dirt road had been cleaned out and covered in gravel for where visitors would enter the property and mentioned that the houses on the property were rented out by the property owner, Mr. T. Roper, and added that Mr. Roper was happy to be helping out with the project. He discussed his experience as Treasurer of the Florida Trail Riders, explaining that the group put on about 35 events a year with about 23 of the events occurring on private land so he was familiar with coordinating standby emergency services as well as dealing with traffic and parking issues. He also clarified that he had staggered the start times for the races to help mitigate the influx of visitors.

Mr. Jim Miller, Board Member, asked if alcohol would be served on the property.

Mr. Simpkins replied that they would not serve alcohol but they had invited a local brewery to one of their events and the brewery had served alcohol on site. He emphasized that his was a family friendly business. He requested the CUP be approved.

Mr. Bryan asked if asked if Mr. Simpkins had reviewed the proposed ordinance and if he agreed with the provisions stated within.

Mr. Simpkins stated that he agreed.

Mr. Bryan asked Mr. Simpkins if the number of events and the potential number of visitors was a number that he and staff had come up with together.

Mr. Simpkins stated that it was.

The Chairman opened the public hearing.

Ms. Candi Shelton, Vice President of Lake Hickory Nut Homeowners Association located within Orange County, expressed concern on behalf of the Homeowners Association to the proposed CUP. She explained that the concern regarded the impact of traffic on Old YMCA Road, which was an Orange County maintained road. She stated that Old YMCA Road was a no outlet road that ended at the applicant's property and Lake Hickory Nut with only one way in and out. She remarked that the intersection of Old YMCA Road and CR 545/Avalon Road only had a stop sign and expressed concern of traffic bottleneaking in that area, preventing emergency first responders from being able to reach the residents of Lake Hickory Nut or the applicant's property. She noted that in the Summary of Staff Determination it stated under Section D, which pertained to Adequacy of Fire Protection, that "a condition for establishing an alternative access route is a condition of the proposed ordinance," and stressed that there was currently only one way in and out to the Lake County property and it was an Orange County road. She asked if Lake or Orange County would be

paying for emergency services to the applicant's property and if the applicant would need to create a Western access from Lake County to the property.

Mr. Bryan commented that he believed the concerns brought up by Orange County would address those issues before the next BCC meeting.

Mr. Greene confirmed that staff would be contacting Orange County regarding this case once the meeting was concluded.

Ms. Shelton stated that the Lake Hickory Nut Homeowners Association was against the CUP as currently written and requested that the application be denied.

Mr. Simpkins replied that Ms. Shelton had valid concerns regarding traffic issues and explained that there would be a direct line for emergency first responders to reach the property during an event. He clarified that, because there was ample parking on the property and multiple lanes to reach parking, the incoming traffic should remain moving and not become backed up. He stressed that emergency first responders would not have a problem reaching Lake Hickory Nut.

The Chairman closed the public hearing. He then reviewed that staff was requesting to change the event notice requirements from 30 days to 60 days for all events and that staff would be meeting with Orange County regarding the traffic concerns prior to the next BCC meeting.

Mr. Greene informed the board that the applicant had requested a special BCC meeting on September 11, 2012 at 9:00 a.m. for the BCC to hear the case because the applicant sought to conduct an event before the end of the month. He noted that the 60 day notice requirements might pose a scheduling problem.

Mr. Miller asked if an exception could be made regarding the event notice requirements on a one-time basis.

Mr. Greene answered that it was a possibility and it would be brought to the attention of the BCC.

Mr. Rick Gonzalez, Board Member, commented that Mr. Greene had mentioned in the written analysis that Old YMCA Road was not a County maintained road. He asked if that meant that it was not maintained by Lake County.

Mr. Greene replied that that was correct; the Lake County portion of the road was not maintained by Lake County.

MOTION by Tim Morris, SECONDED by Ted DeWitt to APPROVE Case No. CUP# 12/9/2-2, Simpkins-Roper Rock on Adventures, with the condition that the applicant give a 60 day notice prior to conducting any event on the property.

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

AGAINST: None

MOTION CARRIED: 7-0

This case was heard and approved by the BCC on September 11, 2012 as follows:

Tab 1. Ordinance No. 2012-58

CUP #12/9/2-2

T. Roper, Trustee/J. Simpkins

Simpkins-Roper Rock-on-Adventures CUP

Request to conduct outdoor recreation uses within Agriculture (A) Zoning. **The Board approved the CUP with the conditions that the 60 day notification to Orange County be waived for the first two events, the Chairman will respectfully ask Orange County to waive the 60 day notification of the Traffic Maintenance Plan for the second event, and the turn lane will be addressed with Orange County after 24 months and will continue to be monitored during that period of time.**

RECESS AND REASSEMBLY

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

REGULAR AGENDA, CONT.

CASE NO: CUP# 12/10/1-1 **TAB NO.** 5

OWNER: Roy and Elaine Barton
APPLICANT: Elaine Barton
PROJECT NAME: Horses with a Mission

Ms. Jennifer Cotch, Environmental Specialist, stated that the applicant was requesting a CUP for a public horse stable on approximately five acres of agriculturally zoned property located in the Green Swamp Area of Critical State Concern south of Groveland at the intersection of SR 50 and SR 33. She noted that the property currently has one existing residence, a mobile home that was granted through a CUP in 1999, a barn, a workshop and two storage sheds and that the existing barn would be used to conduct the proposed activities. She indicated that on June 14, 2012 the Board of Adjustment granted two variances with conditions which allowed a reduction of the minimum acreage for riding stables or academies which are required to be a minimum of 10 acres in size, and a reduction in the setback for structures housing animals to be less than the 200 feet requirement from the nearest right-of-way or adjacent property line. She added that the variance would allow the barn to be in its current location at 35 feet away from the southern property line and that the conditions were specifically added to the variance because there was a single-family home adjacent to the existing barn and the neighbor does not support the CUP. She pointed out that the variance conditions also included that the existing livestock building should not be expanded, there should be no more than four horses and one pony on the parcel, and the existing type of landscape buffer established between the existing livestock building and the southern property line must be maintained. She mentioned that the existing barn was constructed as an agricultural building and was not intended for public use; therefore, the structure did not obtain a building permit or undergo inspections to be determined if the structure met Florida Building Code. She stated that if the CUP request was approved, a condition in the proposed ordinance would require the applicant to demonstrate compliance of the structure with the Florida Building Code prior to its use by the public to ensure that there are no public safety concerns. She added that the application was forwarded to the Florida Department of Community Affairs (DCA) since the property is located within the Green Swamp Area of Critical State Concern, and the proposed ordinance included conditions that attempt to satisfy the concerns staff received back from DCA. She remarked that to date staff had received three letters in support and three letters in opposition to the CUP and that because the request is consistent with the 2030 Comprehensive Plan which permits equestrian related uses in the Green Swamp Rural Future Land Use Category and with the Land Development Regulations which allow riding stables or academies in the Agricultural Zoning District with the issuance of a CUP, staff was recommending approval.

Mr. Bryan asked if the Board should accept the lesser setback and the smaller size parcel that was granted by the Board of Adjustment in the variances as being adequate.

Ms. Erin Hartigan, Assistant County Attorney, replied "yes," adding that those variances have been granted so they are legally permissible.

Ms. Elaine Barton, the applicant and owner, explained that Horses with a Mission is a non-profit organization to provide therapy for disabled children. She mentioned that they currently had to move the horses to another barn three times a week for the lessons, and they decided to apply for the CUP because that has put a lot of stress on the horses and themselves. She requested that the Board grant the CUP.

Mr. Dan Judy, owner of the property on the northern boundary of the property in question, spoke in opposition to the CUP request and stated that he was concerned about the number of acres that were available to the horses, because it looked like the fenced in area was a little less than 2.5 acres. He added that his research on the internet indicated that most veterinarians recommend 1.2 to 2 acres per 1,000 pound horse in pastures, and a minimum of 675 square feet of a fenced in area for individual exercise was recommended for each horse if the horses were maintained in stalls. He pointed out that the only access to his property and the Barton property was through a 12 foot easement between both properties, and it was not travelable in its current condition because the easement went down into a drainage swell in front of his property. He noted that in order to mitigate an issue he has had with odors, flies, and ticks on his property, he planted a buffer of cedar trees on the north side of his property and has had to spray his house and yard. He indicated his main concern with spraying the pesticides is the health of his wife, as her oncologist states that it is not good for her health. Also, in response to a question from Mr. Bryan, he indicated that he attended and shared his concerns at the Board of Adjustment meeting.

Ms. Julia Rogers, sister-in-law to Mr. Judy, explained that what the Bartons were doing was a good thing, but certain conditions should be met for the handicapped children. She noted that the property was very small, and there was horse manure on the ground where the children would be riding the horses. She opined that clean dirt should replace the current dirt so that the children were not subjected to pinworms, ringworms, or tetanus, which are all diseases that horses carry. She mentioned that she checked with Freedom Ride in Orlando, and they offer three different kinds of treatments for the handicapped, they have handicapped facilities, and their horses and trainers are certified to deal with handicaps. She opined that the safety of the children and the road needed to be addressed and that the property was too small for what the Bartons planned on doing.

Ms. Elaine Barton, the Applicant, responded that she has not had any problems with ticks on any of her animals. She pointed out that all of her horses have had all of their shots as well as regular veterinary care and that they treat and feed them very well. She also pointed out that she was a certified equine therapist, and she emphasized that she would never endanger a child. She also pointed out that the issue of smell would not be a factor in deciding to approve the program, since she already has approval by the County to keep her horses on the property. She commented that she would be willing to maintain the road if that was a condition of the approval and mentioned that she and some of her neighbors already do help maintain it. She also indicated that she could turn their downstairs bathroom into a handicap bathroom.

Mr. Bryan pointed out that the ordinance requires the ability for two vehicles to pass on the road, although there may only be a 12-foot easement.

Ms. Barton responded that the engineer did not seem to indicate that that would be a problem. In response to a question from Mr. Bryan, she also related that the program is only three days a week, for a limited amount of hours.

Ms. Jennifer Cotch, Environmental Specialist, pointed out that this ordinance would result in more restrictive control of the use of the property than the regular agricultural zoning, including conditions regarding composting, animal waste, and setbacks.

MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE Case No. CUP# 12/10/1-1, Horses with a Mission.

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

AGAINST: None

MOTION CARRIED: 7-0

CASE NO: CUP#12/4/1-1 **TAB NO.** 6
OWNER: Tracey Tirri
APPLICANT: Justin Tirri
PROJECT NAME: Off Road Hummer Adventure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FOR: DeWitt, Ameri, Morris, Gonzalez, Bryan

AGAINST: Kesselring

ABSENT: Miller

MOTION CARRIED: 5-1

CASE NO: PH# 31-12-5 **TAB NO.** 7
OWNER: Grand Oaks Holding LLC – Thomas Warriner, Manager
APPLICANT: Greg Beliveau-LPG Urban & Regional Planners, Inc.
PROJECT NAME: Grand Oaks Holding

Mr. Rick Hartenstein, Sr. Planner, presented Rezoning Case PH#31-12-5, stating that Greg Beliveau and LPG Urban & Regional Planners are the applicants, and the owner is Grand Oaks Holding LLC, with Mr. Thomas Warriner as the manager. He specified that the property was located in the north Lady Lake area off of Marion County Road and was within the Rural and Public Services Facilities and Infrastructure Future Land Use categories. The property is zoned Agriculture, with a portion of it with CUP and Rural Residential, consists of 349 acres, and is within the Lady Lake JPA and notification area. He reported that the applicant is requesting to rezone 349 acres from Agriculture with the CUP and R-1 zoning to Community Facilities District (CFD) to accommodate an existing equestrian museum and equestrian training and educational facility together with the associated accessory support and recreational facilities that were approved under the CUP; the existing museum and equestrian facilities will be enhanced and expanded, including a 51,000 square foot arena and an outdoor amphitheater to hold about 200 people. He added that there will be a private helicopter landing pad for the owner's use and not for commercial traffic. He explained that this rezoning request seeks to incorporate all the uses under one zoning district and revoke and rescind the CUP to bring the property in conformance with the Comp Plan and LDR's in order to proceed with an amendment to their site plan. He stated that the applicant is proposing that the lodge and cabins would be similar to those provided at federal and state parks, which were considered ancillary uses to the civic uses of the museum and equestrian facilities, and there was also a request for special event parking, including 45 spaces which would allow recreational vehicles to park there. He stated that the length of stay is still being discussed, but staff recommended 30 days for the maximum duration of stay, although these facilities are not for the general public. He mentioned that the Health Department has confirmed that the facility would be required to have electric and water supplied for more than 5 RV's. He also mentioned that although staff believed that there was adequate capacity on the roads to support the project, a Tier 2 traffic analysis will be required at the site plan application submittal for further review to see if any further road improvements would be necessary. He stated the proposed facility will be served by onsite well and septic tank, since the Town of Lady Lake has indicated that at this time water and sewer services are not available in that area. He went over some last minute changes to the ordinance regarding the setbacks, hours of operations, and unpermitted structures. Based on those changes and the findings of fact, he related that staff recommends approval of the rezoning application with the conditions as specified in the attached ordinance and up to and including the latest ones that were just presented. He noted that they received no letters of either support or opposition of this, but received several phone calls from area residents asking about the project.

Mr. Greg Beliveau, the applicant, noted that he concurred with Mr. Hartenstein and complimented staff for their efforts during this process. He explained that Grand Oaks has taken over an ongoing operation of a CUP for the equestrian and museum operation that has been in operation since 2001. He stated that although staff has recommended a maximum of 30 days for special event parking, they were asking for 90 days for the special training that is offered on the site which was there under the existing CUP and was part of the operation of the facility.

Ms. Beth Morris, an adjoining property owner, voiced a few concerns with the changes that are being proposed on this property, including water runoff, since the dirt arena is only about 30 feet from her property line, and she requested that the arena be moved further from the property line and that there be more buffering. She also voiced a concern about the large septic system and well that

would be needed as well as the noise that the large helicopter pad would bring, which she believed would spook the horses and other animals.

Ms. Cecile Dunn, another adjacent property owner, concurred with Ms. Morris' concerns and requested to be shown on a map where all the new proposed facilities would be located on the property.

Mr. Lazzlo Lipovics, a nearby property owner, related that he had a concern regarding the water situation, stating that they have been draining off water on that property for a long time, resulting in lower water levels in nearby property owners' wells, as well as a concern regarding impacts to traffic in the area. He pointed out that an event during Bike Fest that involved 50 RV's created noise throughout the weekend. He requested that the Planning & Zoning Board vote "no" to this request.

Mr. Beliveau addressed the concerns that were brought up and gave assurances that the event Mr. Lipovics referred to was a one-time deal during Bike Fest and would not happen again. He also indicated that they have done upgrades to the water system from the previous ownership that meets code and all requirements to be utilized for the purposes of their new operations. He noted that all of their operations and improvements other than the existing arena will be covered in a meeting with County staff, and they were meeting the new 50-foot setbacks. He added that the requirements for stormwater and other impacts would be addressed for the covered arena in the site plan review, and the lights would be going inside of the arena rather than externally as they currently are, which would mitigate that problem. He also noted that the lodge location was internalized to the center of the project and was only 24 rooms, with 19 cabins already on the site. He assured everyone that this is not a high-intensity operation. He commented that they were trying to address the equine industry, which the County Commission has put forward as one of the pillars of economic development in this county.

Mr. Bryan asked where the heliport is located on the property.

Mr. Beliveau responded that it was in the center of the property and pointed out that the owner has the right by ownership to land there even without having it in the CUP, but they wanted to formalize it and put the location in there. He elaborated that the County put a condition in for the owner's use only.

MOTION by Rick Gonzalez, SECONDED by Kasey Kesselring to APPROVE Case No. PH#31-12-5, Grand Oaks Holding based on staff's amended recommendation and includes the special event parking up to 90 days for the 45 spaces for RV parking.

FOR: Gonzalez, Kesselring, DeWitt, Ameri, Bryan

ABSENT: Miller, Morris

MOTION CARRIED: 5-0

AMENDMENTS TO LDR

Tab 8 Ordinance 2012-XX Lake County Amending Chapter 11, Signs

Mr. Steve Greene, Senior Planner, presented Tab 8, regarding an ordinance for an LDR amendment to sign regulations seeking to amend the existing Chapter 11 to clarify agricultural signage and barn signs consistent with Florida Statute. He explained that there were recent changes to the Statute regarding the definition of a farm sign as erected, used, or maintained on a farm by an owner or a lease of a farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm. He reported that in order to be compliant, certain sections of the LDR were revised reflecting the definitions of farm, farm product, farm sign. He stated that staff is proposing this to maintain consistency with the new legislation regarding farm signs.

On a motion by Mr. Kesselring, seconded by Mr. Gonzalez and carried unanimously by those present by a vote of 5-0, the Planning & Zoning Board approved Tab 8, amendment to the agricultural sign ordinance.

MOTION by Kasey Kesselring, SECONDED by Rick Gonzalez to APPROVE amendment to the agricultural sign ordinance.

FOR: Kesselring, Gonzalez, DeWitt, Ameri, Bryan

ABSENT: Miller, Morris

MOTION CARRIED: 5-0

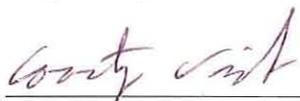
OTHER BUSINESS

There was no other business.

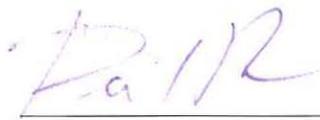
ADJOURNMENT

There being no further business, the meeting was adjourned at 12:42 p.m.

Respectfully submitted,



Courtney Vincent
Clerk, Board Support



Paul Bryan
Chairman