

MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
January 2, 2013

The Lake County Planning and Zoning Board met on Wednesday, January 2, 2013 in County 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, January 22, 2013 at 9 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Debbie Stivender	School Board Representative

Members Not Present:

Ted DeWitt	District 2
Kasey Kesselring	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military Representative

Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, 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 9:05 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and Timothy Morris, Vice Chairman, 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	PH# 2-13-5	Fred C. Hunter Hunter Property rezoning
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AdjournmentAGENDA UPDATES

Mr. Bryan stated that Tab 3, PH# 39-12-3, would be moved from the Consent Agenda to the Regular Agenda due to some concerns and that it was requested for Tab 5, LPA# 13/1/8-2, to be heard first on the Regular Agenda.

Brian T. Sheahan, Planning Manager, mentioned that Tab 1, PH# 37-12-5, had been withdrawn by the applicant.

MINUTES

MOTION by John Ameri, **SECONDED** by Rick Gonzalez to **APPROVE** the November 28, 2012 Lake County Planning and Zoning Board Public Hearing minutes, as submitted.

FOR: Ameri, Gonzalez, Morris, Bryan, Stivender

AGAINST: None

MOTION CARRIED: 5-0

CONSENT AGENDA

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MOTION by Debbie Stivender, **SECONDED** by Timothy Morris to **APPROVE** the Consent Agenda, consisting of agenda items 1 and 2.

FOR: Stivender, Morris, Ameri, Gonzalez, Bryan

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA

LPA# 13/1/8-2	COMPREHENSIVE PLAN AMENDMENT FLUM Change-Regional Office to Regional Commercial	TAB NO. 5
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Mr. Sheahan stated that this was a County-initiated Comprehensive Plan Map Amendment to change the Future Land Use Map from Regional Office to Regional Commercial for six parcels located on the south side of east SR 50 and west of the county line. He noted that the BCC adopted the 2030 Comprehensive Plan on May 25, 2010 which included this amendment, and the Plan was then sent to the Department of Community Affairs (DCA). The DCA determined that the Amendment had not been properly processed because it had not been considered at the Transmittal hearing, and it was sent back to the County to be properly adopted. He explained the differences between the Regional Office and Regional Commercial categories specifying that the major difference was that the Regional Office did not allow commercial uses unless they were accessory to office type uses. He noted that both categories allowed one family dwelling unit per 10,000 square feet, a floor area ratio of 3.0, and an impervious surface ratio of 75 percent. He added that both required 15 percent open space and non-residential developments were allowed to be 75 feet high. He indicated that Regional Office allowed general office uses including services, finance, insurance and real estate, and it limited retail trade uses to those that supported office uses. He related that Regional Commercial

allowed commerce uses including retail trade, finance, insurance and real estate. He pointed out that both categories allowed light industrial uses such as manufacturing, wholesale trade, transportation, communications, electric, gas and sanitary services, as well as public safety, civic, college, school, day care and utility uses. He stated that both categories required a conditional use permit for heliports, hospitals, and for light industrial uses that took place primarily outside an enclosed building. He noted that physical site improvements would require a rezoning hearing if the zoning was not appropriate for the property and that a site plan approval would have to be submitted specifying the types of buffers, screening, lighting, and parking requirements if the use was allowed within the zoning category. He also exhibited a copy of Section 3.05.00 of the Land Development Regulations which he explained required a screening wall between commercial/industrial uses and residential uses. He then illustrated on a map the Headquarter Honda site which is nonconforming to the current Regional Office category and mentioned that they were required to put in an eight foot wall, a 20 foot landscape buffer on the opposite side of the wall and that conditions for the hours of operation and lighting were implemented as well to ensure compatibility with the adjoining residential homes.

Mr. Bryan asked if the original land use on the property was Regional Office.

Mr. Sheahan replied that the original land use that was adopted by the Board was Regional Commercial, but DCA rejected it so it was changed back to Regional Office.

Mr. Bryan asked if there was a significant difference in the screening requirements between the two categories.

Mr. Sheahan answered "no," adding that would be implemented through the Land Development Regulations (LDR) as was seen in the exhibited LDR.

Ms. Anita Geraci-Carver, who represented B&B of South Florida, which was one of the property owners subject to the amendment, explained that they supported the County-initiated Comprehensive Plan Amendment and they were asking for the Planning and Zoning Board's support as well. She noted that the SR 50 corridor was populated with commercial development and that the property owners' interest was for commercial uses rather than for office uses, so they believed the location was ideal. She also mentioned that the property was located approximately one mile from the turnpike and that the property to the east was the Headquarter Honda site. She addressed some of the concerns from the nearby residents including the fact that the property used to be a concrete plant, that there were fallen trees on the property, and that there was an issue with the fence and stated that a concrete plant was no longer allowed; therefore, the dust and noise issues from before would not happen, the trees had been removed, and the fence issue would be addressed once they found out who owned the fence. She also indicated that the property owner would address all of the LDR requirements during the site plan approval process.

Ms. Brandi Haines, a nearby resident who lives on Lake Boulevard, expressed her concerns for the neighborhood such as the lake levels, the drainage from the property into the lake, the stormwater issues, the buffers, the lighting, the noise and the dust. She commented that the lighting at Headquarter Honda was supposed to be darkened at night and that there were many buffer requirements, but the dealership had not upheld all of those requirements. She also mentioned that she never received a notification in the mail regarding the meeting.

Ms. Karin Arellano, the listing agent for the property, mentioned that she has had the property listed for a couple of years and currently had a few people interested in it. She related that all of the inquiries on the property were for commercial uses and not for office uses. She also noted that the

fallen trees had been taken care of and that they would have the fence fixed as soon as they found out who owned it.

Ms. Doris Powell, who lives on the property adjacent to Headquarter Honda and to the property in question, stated that Headquarter Honda had made promises to the neighborhood about the buffer wall, the lighting and the noise, but those promises were not kept. She indicated that the dealership was supposed to have an eight foot wall, but it was only six feet in some sections and only four feet along her property line. She noted that the lighting was bad and that there was constant noise all day long. She expressed that when she built her house in 2005 there were only orange groves surrounding it and although she knew it would not stay that way, she was concerned about the potential of having commercial businesses built around her neighborhood.

Mr. Charles Crouso, a resident of Winter Garden, submitted a letter asking for a postponement of the case and pointed out that he received a card in the mail notifying him of this case that was postmarked on December 18, 2012 and because of the short notice, he did not have enough time to research the case or to hire a lawyer. He noted that he was concerned about what would be built on the property in the future because as with Headquarter Honda, the conditions set forth for businesses may not always be followed. He stated that he was also concerned about the decline in property values and other impacts a commercial business would have on his neighborhood. He mentioned that he did not understand why Headquarter Honda was being included in the rezoning because he thought it was already properly zoned.

Mr. David Bushie, a resident of Winter Garden, expressed that his major concern was what would be built on the property because Headquarter Honda had not been a good neighbor. He also submitted a letter asking for a postponement on the case.

Ms. Cheryl Bushie, a resident of Winter Garden, commented that she would like more time to research the case and hire a lawyer.

Ms. Amy Wright, a resident of Winter Garden, submitted a petition with a list of residents opposing the land use change. She stated that she had made complaints about the fallen tree and the fence being down and noted that the back portion of the property had debris on it. She pointed out that the difference between regional office and regional commercial was that regional commercial allowed retail and office uses including neighborhood and community shopping centers, convenience stores, retail stores, highway oriented commercial, and other commercial services. She indicated that the reason the DCA kicked the amendment back to the County was because it was not appropriate for the amount of residential that surrounded the property. She mentioned that Headquarter Honda was not compatible with the land use and that they have had to live with noise pollution and light pollution, and she urged the Board to protect the residents by denying the land use change.

Mr. Joseph Maxwell, a resident of Winter Garden, mentioned that the property had been used for a borrow pit, a gravel pit, and for storing building debris, vegetation debris, and trash. He noted that he complained to the Environmental Protection Agency (EPA), but the person in charge of the EPA was related to the property owner so nothing was ever resolved. He indicated that he was concerned about the fence being down because two of his cats have gone missing from coyotes wandering onto his property. He expressed that they should start protecting the residents of Lake County.

Mr. Albert Koehnlein, who owns property adjacent to Headquarter Honda, pointed out that a similar request was brought up to the City of Clermont and they denied the request because they had not received a site plan and stated that the property could not be changed to regional commercial unless there were clear objectives. He noted that some of the statements made previously were incorrect

specifying that the State did not accept the amendment because the guidelines set by the State were not correctly followed. He related that one of the stipulations for regional commercial was that there had to be an artillery road from one major road to another to alleviate traffic congestion and there was not one. He indicated that Headquarter Honda has not complied with any of their requirements and that the residents have not had any luck with code enforcement. He also submitted a letter asking for a postponement of the case so he could do more research and get legal advice, and he inquired as to the reason why the land use change needed to be done immediately.

Ms. Gayle Harris, a resident of Winter Garden, noted that the amendments were rejected on July 22, 2010 according to the letter from DCA and that the letter also stated that no development was allowed on the property until the amendment was in effect.

Mr. Bryan asked Mr. Sheahan to address some of the concerns of the residents.

Mr. Sheahan stressed that the Comprehensive Plan amendment did not approve any particular development on the subject property and specified that concerns such as lighting, screening, stormwater, and impervious surface are required to be dealt with through the site plan and the zoning regulations. He noted that there was a lighting ordinance for the Headquarter Honda property which required them to dim their lights at 10:00 p.m. and any issue with that would be a code enforcement matter. He then discussed that the change had been directed by the BCC and this amendment was approved at the adoption hearing of the 2030 Comprehensive Plan, but was rejected on procedural grounds. He indicated that public input was accepted throughout the process and over 110 public meetings were held when the BCC considered the 2030 Comprehensive Plan. The Headquarter Honda property was brought forth at the last workshop held on the plan because they had already received site plan approval, but it was not allowed under the assigned land use category and therefore is nonconforming under the Regional Office category. He added that the auto dealership use was a retail use only allowed in the Regional Commercial category and given the development pattern that had already occurred in that area, the BCC determined that it was appropriate to change that property to Regional Commercial from Regional Office. He pointed out that the change went to DCA, but they disagreed with the administrative process that was used to send it to them, so they asked the County to bring it back after the effective date of the Comprehensive Plan which was September 20, 2011 using the appropriate process. He also noted that the County was required to send out a notice 10 days prior to the hearing and the notices appear to have been received 15 days prior to the hearing. He added that the property was also properly posted and a display ad was posted in the newspaper.

Debbie Stivender, Board Member, asked if there was a timeframe in order to have the amendment submitted to the BCC and back to DCA.

Mr. Sheahan replied that the BCC directed staff to bring the amendment back as soon as possible, but they could continue it to the February hearings and it would not delay anything.

Rick Gonzalez, Board Member, asked if they could request for staff to work with the landowners to get in contact with code enforcement to address the complaints about Headquarter Honda.

Erin Hartigan, Assistant County Attorney, replied that the code enforcement process was complaint driven so it could not be generated by the County.

Mr. Bryan asked if the Zoning Board could request that the BCC hear the case at a later date if they decided to move the case forward.

Mr. Sheahan answered that the Zoning Board could recommend that the BCC hear the case in the February cycle.

MOTION by Debbie Stivender, SECONDED by Rick Gonzalez to APPROVE Comprehensive Plan Amendment FLUM change – Regional Office to Regional Commercial, LPA# 13/1/8-2, with a recommendation that the hearing with the BCC be delayed until February 26, 2013 and to clarify that this was a Comprehensive Plan amendment and not a rezoning amendment.

FOR: Stivender, Gonzalez, Morris, Ameri, Bryan

AGAINST: None

MOTION CARRIED: 5-0

CASE NO: PH# 39-12-3

TAB NO. 3

OWNER: Eustis Gun Club, Inc.

APPLICANT: Thomas Jinks, P.E.

PROJECT NAME: Eustis Gun Club

Mr. Sheahan related that this case by the Eustis Gun Club was a result of a code enforcement complaint regarding some unpermitted work and structures. He indicated his staff had worked with the applicant to resolve those issues and to come up with a new ordinance to meet their needs and protect the interests surrounding the property. He illustrated on the overhead map that the property was adjacent to the landfill, near Animal Control and the Sheriff's driving and tactical range, and he mentioned that the Loma Linda property west of this property had been annexed into the City of Tavares in approximately 2006 for a residential subdivision and was expected to be provided utilities by the City. He added that the applicant has asked for a reduced setback requirement for some of the structures on the property to meet current setback requirements, and there were several structures set up to allow participation in their gun club and they were primarily located on the north side. He also stated that the shooting range has been in existence for many years, and this use was considered when the residential subdivision was approved by Tavares after several assurances were provided by the adjacent property owner's representative that there would be sufficient measures taken to ensure compatibility between the two uses. He noted that the City's ordinance provides for a significant buffer between this use and the adjacent residential property in their approval ordinance. Based on this buffer condition on the adjacent property he reported that staff recommends that that buffer be eliminated on the shooting range property, since there was a ten-foot setback and the road with no real ability to put significant landscaping there. He reported that they were also supporting an applicant request to reduce the building setbacks to the north property line as provided in Section 1 B(5) for Buildings 1, 2, and 3 to ten feet, with the condition that in the future the buildings would have to comply with the current requirements, and he pointed out that Section 1 C(1) indicated that no landscaping would be required on the west or north side.

Mr. Gonzalez clarified that the buildings are the uses that have come into existence which are not specified.

Mr. Morris asked if those were actual buildings or part of the shooting range.

Mr. Thomas Jinks, the applicant who was representing the Eustis Gun Club, explained that over the years the club has added some storage buildings as the club has slowly expanded, were trying to add a meeting hall and some additional shooting ranges, and over time they have become out of compliance with the original CFD approval. He stated that they were trying to revise the CFD ordinance in order to get the club in compliance and allow them to move forward with a site plan to complete some building improvements, including a meeting hall, a permanent bathroom facility, some handicapped parking, and closing a pole barn that was previously built. He specified that there were currently three existing structures onsite which do not meet the setback requirement of ten feet, although the closest any building is to the property boundary is eight feet. He opined that the cost to move those buildings or tear them down would be burdensome. He added the School Board was amenable to these proposed changes.

Mr. Ameri asked how large the buildings were.

Mr. Jinks responded that the buildings were not very large and specified that they were 20 by 12 feet, 80 by 12 feet, and 22 by 30 feet.

Mr. Jerry Cloud, President of Loma Linda Corporation, the adjacent land owner and citrus grower, expressed a concern that the old ordinance would be null and void if the new ordinance passes, specifically statements about 50-foot setbacks and berms being put around the gun ranges. He commented, however, that the company is not opposed to guns or gun clubs. He also expressed an interest in meeting with the applicants to work out some of their differences, which they have not had time to do yet, and asked for more time to be able to do that.

Mr. Sheahan responded that as amended the reference regarding the setbacks and berms would be taken out, but he pointed out that the gun club already operates under NRA firing range standards with buffers already in place. He also noted that all of the structures except one exceed 50 feet off of the west property line and that they could put in a 50-foot requirement for any new structures to ensure this was maintained; however, if they put in a 50-foot landscape buffer requirement in for everything, users would not be able to drive on the property with the existing drive.

Mr. Trevor Hall, Jr. of Colliers International Real Estate Brokers in Orlando, representing the Loma Linda Corporation, opined that they have not had sufficient time to deal with these important gun-related safety issues, and related that they would ask for a continuance so that they can talk to the City, staff, and the applicant as well as to research gun safety guidelines and what kind of protections those would provide. He indicated that the Eustis Gun Club, which has 1400 members, was on an improved clay road and not on a paved road as indicated in the application, and he commented that they have not found any evidence that they were in compliance with any building permits or any safety conditions that were imposed in Ordinance #40-89. He opined that since the gun club has apparently built buildings and structures over the years without permits, they perhaps have created a dangerous situation out there and that they have certainly created a noisy situation. He commented that there should be some common-sense gun safety improvements required in the ordinance. He pointed out that Loma Linda has owned the pasture to the west consisting of 123 acres since 1950 and has been a long-standing taxpayer and supporter of the community. He noted that Loma Linda has concerns about safety and noise issues that need to be addressed and asked for safety and noise mitigation from the inception, and he opined that the County was being asked to overlook past violations and to remove safety conditions for this inherently dangerous use of land at the outset, which he opined would be a huge mistake and could possibly set a precedent. He also opined that the granting of this rezoning would be detrimental to the value of the land owned by Loma Linda as well as other adjoining lands and that this was a non-compliant land use which is a threat to public safety, health, and welfare.

Mr. Gonzalez asked if Loma Linda has complained to Code Enforcement in the past about this gun range.

Mr. Hall responded that they had not complained before. He then commented that he believed that the gun club was amenable to working out a solution that would address their concerns if they had more time in order to do so, and he believed there should be a high, sound attenuation gun safety wall or a line of pine trees.

Ms. Stivender disclosed that she lives in Lakeside of Tavares, which is one mile from the site, and although she hears the gun range every day, it is not a nuisance to her and was there prior to her moving into that home. She also indicated that she went out to look at the site and talk to some of the people there, and she saw that only one building was within the 50-foot setback.

Mr. Ira Davenport, a resident of Tavares, opined that the Eustis Gun Club is a very safety minded gun club and related that he is an instructor for the club. He noted that they have range officers during the hours their range is open to assist people and to make sure the range is run safely, and he pointed out that they have buffers that protect each of the shooting ranges. He added that their gun club does not allow automatic weapons, and he has not gotten complaints from nearby residents about the noise.

Mr. Glenn Lapere, President of the Eustis Gun Club, pointed out that they have not had a single accident in the 24 years they have been in existence or a single complaint about a round leaving their property, and he opined that they were a very safe range. He reported that they have had the NRA come out on two separate occasions to survey the property and make various recommendations on the height of the berms and the backstops, which they fully complied with. He added that they built some sound protection on the west side of the property of their own accord.

Mr. Bryan asked Mr. Sheahan whether the ordinance would require NRA safety compliance.

Mr. Sheahan responded that was not carried over from the ordinance because they are already operating; however, he indicated that the applicant was willing to add that condition to the new ordinance as well as a 50-foot setback requirement from the west for any new structures.

Mr. Gonzalez asked Mr. Lapere whether he was willing to talk to representatives from Loma Linda.

Mr. Lapere responded that he had talked to Mr. Hall last Sunday, December 30, to try to address his concerns; however, he opined that even if he built a 100-foot wall, it would not reduce the noise a significant level. He added that they have already added rubber tires above the shooting positions and a 100-foot wall on the west side of the property adjacent to Loma Linda to try to reduce noise.

Ms. Hartigan interjected that the 2011 Florida Legislature preempted regulation of firearms to the state, so they were permitted to apply zoning ordinances that only encompass firearms businesses along with other businesses. She stated that she did not recommend putting something in the ordinance requiring that the applicant meet any kind of NRA guidelines, since that would not normally apply to any other business.

Mr. Jim Hamilton, who was on the Board of Directors of the Eustis Gun Club, emphasized that the club has been proactive regarding safety from its inception, and he noted that they have the proper buffers, including double 20-foot walls consisting of stone and crushed concrete and that the range was specifically run at an angle so it did not run straight down the property line. He mentioned that

they have had only one complaint, which was resolved, and no accidents.

Mr. Daniel Belanger, a member of the Eustis Gun Club, mentioned that he was an avid hunter and gun-safety advocate. He commented that over the last 24 years they have evolved into a much better club than when the first ordinance, which required a 50-foot buffer to the west side, was approved; however, their access to the property was on the west side. He related that the officers on their board change every two years, and no one realized that they should have upgraded the old ordinance to match the zoning on the property. He explained that some of the structures were added so that some of the older members could store equipment such as clay targets that was difficult for them to access. They also needed classrooms and enclosed pole barns to instruct young 4H students how to properly and safely use a firearm, and they now want to add a flushable-type bathroom, especially for women. He asked that the Planning and Zoning Board allow the ordinance to be changed, and he commented that they are in agreement with almost anything they could do that would help their neighbors to the west, mentioning that their neighbor to the east is the Sheriff's Department, who uses numerous types of weapons including automatic weapons, sirens, helicopters, as well as SWAT Team and chase scene training. He opined that their property is located in a perfect area for the community and that they bring a service that is needed.

Mr. Davenport added that their club is a gold-metal club with the National Rifle Association, meaning every member in their club is a member of the NRA.

The Chairman closed the public hearing and commented that he did not see that they were removing anything that would result in a safety concern or a detriment to the adjoining property owner. He also commented that he would tend to agree that they need to put the 50-foot buffer in there and that no further improvements be made.

Ms. Stivender asked Ms. Hartigan if they could put a requirement against automatic weapons in the ordinance.

Ms. Hartigan responded that she would not recommend that they put anything in it that referred specifically to weapons that could be construed as a regulation which is solely under the State of Florida at this point.

Mr. Gonzalez asked if there was a copy of the Tavares Comp Plan as amended in February of 2012 in the packet that included a 50-foot wide vegetative buffer that was a requirement for development of the Loma Linda property.

Mr. Sheahan responded that it was still in effect under this ordinance until they change the zoning, and they can always request a zoning change.

Mr. Bryan asked if there was any reference to noise levels in the ordinance or if they were leaving out any references regarding noise from the old ordinance.

Mr. Sheahan responded that he could not find any references to noise levels in either ordinance, but he pointed out that this board has addressed noise on several occasions and cases, and it is debatable whether a wall would provide adequate sound attenuation versus what they are already doing.

Ms. Stivender related that the City of Tavares had no problem leaving it the way their ordinance is, and what the County approved would not affect them.

Mr. Gonzalez commented that they have no idea how much noise is coming from this gun club as

opposed to the Sheriff's adjacent facility.

Mr. Sheahan added that this use has been in existence for more than 20 years, and the applicant has indicated that the amount of activity is not greater than what was originally approved. He explained that this ordinance was specifically to identify some additional uses on the property that do not include the actual number of users and to allow them the ability to obtain building permits in order to ensure that those structures were safe, and they had to get the zoning first before they go through the building permit process. He recapped that the attorney testified that the County had absolutely no ability to specifically regulate the actual use of guns, and there were severe penalties in the Statute for any endeavor to do that.

MOTION by Timothy Morris, SECONDED by John Ameri to APPROVE PH# 39-12-3, Eustis Gun Club, amended to include the 50-foot buffer along the west property line, allowance of no new structures, and changes recommended by staff.

FOR: Morris, Ameri, Gonzalez, Bryan, Stivender

AGAINST: None

MOTION CARRIED: 5-0

ORDINANCE 2013-XX

**LDR AMENDMENT
Special Events Ordinance**

TAB NO. 4

Mr. Sheahan stated that this ordinance change was requested by the BCC to update the special event regulations specifically to address a case where an applicant wanted to hold numerous large endurance races on property in the Green Swamp. He noted that there were multiple issues with those events including neighborhood compatibility, impacts on the traffic circulation, and encroachments on adjoining properties, so they wanted to bring forward a new ordinance that would address all of the public safety concerns. He explained that the new ordinance would require a site plan process to ensure that the use was consistent with the zoning, and it also provided a time frame and the ability to acquire more information if necessary to ensure public safety. He added that the Public Safety Department would review the application and they would coordinate with the Sheriff, EMS and Fire. He pointed out that they did a trial run with the ordinance on the property in the Green Swamp and they found that the event ran better and there was only a slight traffic back-up. He also noted that they canvassed the ordinance heavily with the industry to make sure it was compatible with them. He indicated that this was a two part code change, one part was in the LDRs and the other part was in the Lake County Code. He added that the Zoning Board could only vote on the LDR change since that was what they had jurisdiction over.

Mr. Gonzalez referred to the Lake County Code ordinance and asked if it was common for the County to dictate what could be on the event tickets and how much insurance the applicant would need to carry.

Mr. Sheahan replied that those were conditions that were carried over from the previous ordinance, adding that he believed the ticket condition was included to prevent fraud.

Mr. Gonzalez asked, in reference to the Lake County Code ordinance, if the permit could be valid

for 90 days instead of 30 in case there were several weeks of bad weather.

Mr. Sheahan responded that the Zoning Board purview was the LDR, but he would pass the comment on to the BCC.

Mr. Gonzalez asked if two events were acceptable to the industry.

Mr. Sheahan responded that they did not receive any comments from the industry on that provision.

MOTION by Timothy Morris, SECONDED by Rick Gonzalez to APPROVE the LDR Amendment for the Special Events Ordinance.

FOR: Morris, Gonzalez, Ameri, Bryan, Stivender

AGAINST: None

MOTION CARRIED: 5-0

LPA# 13/1/10-2

**COMPREHENSIVE PLAN AMENDMENT
FLUM Change-Rural Transition to Urban Low**

TAB NO. 6

Mr. Sheahan explained that this was another map amendment that was previously approved by the BCC but was rejected by DCA, and it was to change 151 parcels and approximately 580 acres from Rural Transition to Urban Low Density. He noted that the entire area was designated as Urban Expansion under the 1991 Future Land Use Map, which allowed a maximum density of four dwelling units per one acre, and the proposed change would restore that because Urban Low Density was almost identical to Urban Expansion. He indicated that several subdivisions had been approved in that area and the BCC thought that it did not make sense to leave the area as Rural Transition given the existing density on the ground, the high intensity commercial to the south, and because the turnpike was adjacent.

Ms. Ann Matella asked if this would change the zoning on the commercially zoned property that she owned on Old Highway 50.

Mr. Sheahan explained that the Rural Transition land use would nullify any current commercial zoning, but restoring the Urban Density land use would make the zoning consistent with the underlying land use. He added that he could meet with her after the meeting to discuss whether her property was included in the change.

Mr. Mark Ingram commented that he owned 16 acres of property north of the Collina Bay subdivision and he had tried to divide the property up so that his family members could build residences on it, but he has had problems with the Zoning Department. He also asked if his property was included in the change.

Mr. Bryan replied that his property was not included in the amendment and that they could not address his other concern that day.

MOTION by Debbie Stivender, **SECONDED** by Timothy Morris to **APPROVE** Comprehensive Plan Amendment FLUM Change-Rural Transition to Urban Low, LPA# 13/1/10-2.

FOR: Stivender, Morris, Ameri, Gonzalez, Bryan

AGAINST: None

MOTION CARRIED: 5-0

OTHER BUSINESS

Mr. Bryan asked why some rezonings had been done prior to DCA's approval of Comprehensive Plan amendments.

Mr. Sheahan responded that staff had to base any zoning decisions on what the current land use was at the time because the BCC did not enact zoning in progress that would have prevented the rezoning.

Mr. Bryan stated that he thought some zonings were postponed because the Comprehensive Plan amendments had not been approved.

Mr. Sheahan indicated that there were at least two cases that were postponed in order to allow the application to be processed under a more favorable land use category.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:52 a.m.

Respectfully submitted,



Shannon Treen
Clerk, Board Support



Paul Bryan
Chairman