



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION  
CURRENT PLANNING ACTIVITY  
123 W. Indiana Avenue, Room 202, DeLand, FL 32720  
(386) 943-7059

**PUBLIC HEARING:** August 13, 2013 - Planning and Land Development  
Regulation Commission (PLDRC)

**CASE NO:** S-13-041

**SUBJECT:** Special exceptions for a private school and a recreational area  
on Osteen Cluster Residential/Category # 3 (OCR-3) and  
Osteen Cluster Residential/Category # 5 (OCR-5) zoned  
property.

**LOCATION:** 345 Black Lake Road, Osteen

**APPLICANT:** Derek George

**OWNER:** Derek George

**STAFF:** Carol McFarlane, AICP, Planner II

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## I. SUMMARY OF REQUEST

The applicant is requesting two special exceptions for a law enforcement dog (K-9) training facility and private shooting range. The granting of these special exceptions would resolve code compliance actions.

The requested special exceptions are:

Special Exception 1: Special exception for a private school (K-9 training facility) on Osteen Cluster Residential/Category # 3 (OCR-3) and Osteen Cluster Residential/Category # 5 (OCR-5) zoned property.

Special Exception 2: Special exception for a recreational area (gun range) on Osteen Cluster Residential/Category # 3 (OCR-3) and Osteen Cluster Residential/Category # 5 (OCR-5) zoned property.

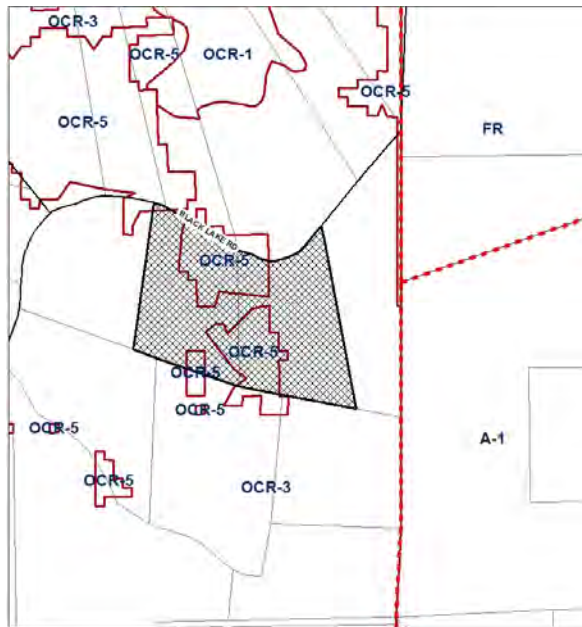
Staff Recommendation: Forward to the county council for final action with a recommendation of denial for both special exceptions.

## II. SITE INFORMATION

1. Location: South side of Black Lake Road, approximately 550 feet east of its intersection with Owens Harbor Road, in the community of Osteen.
2. Parcel Number(s): 9205-00-00-0280 and 9205-00-00-0311
3. Property Size:  $\pm$  20 acres
4. Council District: 5
5. Zoning: Osteen Cluster Residential/Category #3 (OCR-3) and Osteen Cluster Residential/Category #5 (OCR-5)
6. Future Land Use: Cluster Residential, #3 and #5
7. ECO Map: No
8. NRMA Overlay: Yes
9. Local Plan: Osteen
10. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	OCR-3 and OCR-5	OCR	Vacant
East:	OCR-3	OCR	Vacant
South:	OCR-3 and OCR-5	OCR	Vacant
West:	OCR-3	OCR	Vacant and Single-Family Residential

### 10. Location Maps



ZONING MAP



AERIAL MAP

### III. BACKGROUND AND PREVIOUS ACTIONS

The subject parcels were inherited by the applicant in May of 2012, and prior to that, the applicant assisted the former owner in the maintenance of the properties. There are several buildings on the parcels that were constructed over the past few years under a building exemption for agricultural use and therefore did not require building permits. According to historical aerial images, there has been shooting range improvements on the property since at least 2010.

Code enforcement complaints were documented in October of 2012 for various issues, including operating a shooting range and a police dog training service without the proper permitting or licensing. In November of 2012, a notice of violation was issued for the operation of a canine service business without the proper permits. The owner was notified that a special exception would be required before the business could be granted a business tax receipt.

Special Exception 1: The property owner has leased to at least two different canine training services company in the past few years. Currently, there are up to twelve dogs boarded on the site that belong to the Vigilant Canine Services International, LLC. These dogs are raised and trained to be sold as law enforcement dogs (K-9 units). There are approximately 2-4 employees present during the day. Depending on demand, these dogs are trained in a variety of law enforcement specialties, for example, sniffing out cadavers, narcotics, explosives, or fruit cargo, as well as traditional police protection dogs. These dogs are trained in proximity to the gun fire of the shooting range so that they will become accustomed to the sound.

Special Exception 2: According to the written statement provided by the applicant, the property is to be used as a gun shooting range for law enforcement, and fire arms practice and gun safety classes. The applicant is the owner of a gun store, and his store offers training at this site to assist his clients fulfill gun ownership licensing requirements. The range would not be open to the general public. In his written statement, the applicant stated that he expects to hold monthly and quarterly law enforcement training classes with no more than 10 students per class. It should be noted that holding classes at a recreational area is typical of the use, and should not be confused with the canine training private school being requested above.

#### Osteen Cluster Residential

This zoning classification was adopted into the zoning ordinance in 2012, following the adoption of the Osteen Local Plan in 2008. The intent of this zoning classification is *“to allow low density residential development while affording protection of environmental resources, in accordance with the Osteen Local Plan.”* The uses allowed in this classification are similar to the uses one would find in a rural classification, with some agricultural uses allowed as special exceptions.

## IV. REVIEW CRITERIA AND ANALYSIS

### Site Plan

The special exception site plan submitted with this application shows designated areas for parking, restrooms, classrooms, and a target practice area. The shooting range is located approximately 480 feet from the northern property line, 490 feet from the western property line, and 74 feet from the southern property line. There are 4 different range sizes visible on aerial imagery, with a maximum distance of 50 yards. This range is primarily used for handgun target practice. Shooting occurs in a southern direction, into a 14-foot tall earthen berm. It should be noted that the applicant also owns the parcels to the south.

The proposed classroom marked on the plans is approximately 30-feet by 50-feet. The applicant has stated that he may put the classrooms in an existing 12-foot by 40-foot aluminum building as opposed to what is marked on the plans, depending on the building permit requirements. The structures on site were exempt from building permitting requirements because they were constructed to be used for agricultural purposes. The buildings are approximately 200 feet south of the northern lot line, and 400 feet east of the western lot line.

The kennels for the dogs are not shown on the site plan, and are currently located in one of the existing structures (see pictures). The structure has a roof and has been fitted with cage enclosures for the dogs, and a black fabric material on one side to reduce sunlight exposure. Concrete flooring is provided.

Parking is currently provided by a crushed shell area with no demarcation of individual spaces. The northern property boundary, which faces Black Lake Road, has no landscaping. Requirements such as building setbacks, landscaping, and tree preservation shall be complied with at the time of site plan review.

The special exception site plan provided is conceptual in nature and does not constitute county site plan approval. A detailed site plan review will be required through the Land Development office.

### Special Exception Review Criteria

Under subsection 72-415(8) *Reasons for denial*, the commission may recommend denial of any application for a special exception, and the county council may deny the application for one or more of the following reasons:

#### ***(a) It is inconsistent with the purpose or intent of this article.***

The proposed special exceptions may be inconsistent with the purposes or intent of this article as it may cause undue traffic congestion as described in criteria (f). The request for special exceptions may be made consistent by limiting the scale and scope of the requests.

***(b) It is inconsistent with any element of the comprehensive plan.***

Osteen Local Plan

The subject property is within the Osteen Local Plan, which was adopted into the Comprehensive Plan in 2009. The purpose of the Osteen Local Plan is *“to recognize and enhance urban opportunities for the area while protecting the rural and environmental characteristics that make up a significant portion of the Osteen area. Development (in the Osteen Local Plan) will be aesthetically pleasing, functional and adequately supported by infrastructure.”*

This property is within the Osteen Cluster Residential future land use designation, which allows low-density residential development, directs development away from natural resources, and limits habitat fragmentation. While there are no policies that speak directly about private schools and recreational areas, there are several policies that are used to guide development:

- OST 1.4.2 *To the greatest extent possible, wetlands within the Osteen Local Planning Area shall be preserved. In situations where wetland impacts are found to be unavoidable appropriate mitigation shall be provided.*
- OST 1.4.3 *All wetlands situated within the Osteen Local Planning Area shall be afforded a wetland buffer. The wetland buffer widths shall be a minimum of 25 feet, unless otherwise permitted and mitigated in accordance with the natural resource protection of the land development code, except in the CR designation which requires an average 100 feet wetland buffer. The City's proposed water treatment plant site located within the CR category shall maintain a minimum 25 feet wetland buffer. In the event that the St. Johns River Water Management District requires a larger wetland buffer, the most restrictive wetland buffer width shall apply.*
- OST 1.4.5 *The functions of flood plains and other flood prone areas shall be protected by directing development away from such areas. If activities do occur within floodplain or flood prone areas such impacts shall be minimized. In addition, if development does occur within floodplain/prone areas then techniques such as compensating storage and the elevation/design of improvements shall be required to ensure that floodplain functions are protected.*

According to the attached staff comments from Environmental Permitting, there are wetlands and their associated buffers on this site. The existing development has impacted wetlands and buffers, and appropriate mitigation will be handled at the time of site plan review. As evidenced in the attached floodzone map, most of the site is within the 100-year floodplain. Compliance with floodplain regulations will occur at the time of site plan approval. Staff finds that with the recommended conditions of obtaining site plan approval and wetland alteration permit, this application may be consistent with these Osteen Local Plan policies.

### Future Land Use Element

Policy 1.3.1.3 applies to special exception 2 since it addresses commercial uses in non-urban areas:

*1.3.1.3 Business uses as outlined under the Commercial designation and appropriate rural oriented recreational uses, excavations, and disposal operations that need a Special Exception may be permitted in non-urban areas within the following guidelines:*

- a. Size of parcel should not exceed 5 acres, unless the use can be specifically related to agricultural support such as sawmills or processing, packaging, storage and shipping of agricultural products, rural oriented recreational use, or is a disposal or extraction oriented use. A Floor Area of up to thirty-five percent (0.35 FAR) will apply unless the use is specifically related to agricultural support or is a disposal or extraction oriented use;*
- b. Uses must be located on major roadways or intersections with major roadways and not be allowed to locate on local or unpaved roadways.*
- c. Signage shall comply with Section 821.09, Thoroughfare Overlay Zone regulations from the Zoning Ordinance 80-8, as amended; and*
- d. Business uses shall not disrupt the rural lifestyle by being compatible with the area's rural character (does not generate increased traffic, generally serves the local population and agricultural uses, be of single use, low profile, limited square footage format, etc.)*

The shooting range is a rural oriented recreational use, so this policy applies. While the guidelines of subparagraphs a, c, and d can be achieved by placing conditions on the development, subparagraph b states that such uses cannot be located on local or unpaved roadways. Black Lake Road is an unpaved road that is privately maintained. Staff finds that special exception 2 is inconsistent with the future land use element.

*1.3.1.10 Residential neighborhoods and other residential areas shall be protected from encroachment by incompatible land uses such as commercial and industrial development. The type of protection may range from landscape buffers to land use buffers to preventing the location of a particular land use near a residential area. Selecting the appropriate type of protection shall depend upon the intensity of the commercial or industrial use adjacent to the residential use. Compatibility protection may also be needed between varying residential intensities.*

Special Exception 1: The dogs are currently being kept in a structure that is 330 feet from the north property line, 350 feet from the west property line, 375 feet from the south property line, and will be 680 feet from the east property line when the two subject parcels are combined into one.

Special Exception 2: The nearest neighbor resides in the parcel immediately to the west of the subject property. The distance from the designated shooting range to the neighbor's property line is approximately 460 feet. The distance from the designated shooting range to the neighbor's house is approximately 750 feet.

Staff recommends that there be no further encroachments to the property lines than referenced above. No additional structures or berm expansion are permitted within the undeveloped portions of the site. There shall be no additional clearing of the property beyond of the existing developed footprint.

Staff finds that special exception 1 with the staff recommended conditions may be consistent with the Comprehensive Plan.

Staff finds that special exception 2 is inconsistent with the Comprehensive Plan.

***(c) It will adversely affect the public interest.***

Given the large parcel size and remote location of the requested special exceptions, and enhanced natural vegetative buffering, staff finds that special exemptions 1 and 2 will not adversely affect the public interest.

***(d) It does not meet the expressed requirements of the applicable special exception.***

Special Exception 1: Section 72-293(4), of the zoning ordinance lists specific special exception provisions for cemeteries, parochial and private schools. There are three applicable provisions for the proposed private school; subsection c applies only to cemeteries.

- a. No principal or accessory building shall be located less than 50 feet from any property line.*

There are two structures along Black Lake Road that do not meet these setbacks. Those structures will need to be moved or demolished. The applicant has stated that he will comply with this requirement.

- b. Unless waived by the development review committee (DRC), off-street parking areas meeting the requirements of section 72-286 and landscaped buffer areas meeting the requirements of section 72-284 shall be constructed. Notwithstanding the provisions of subsection 72-286(1) off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous, concrete or packed shell or marl material and shall be maintained in a smooth, well-graded condition.*

The OCR zoning requires a minimum 25-foot landscape buffer on all property boundaries but staff recommends increased buffer along property lines. It should be noted the property has little to no landscaping along its frontage with Black Lake Road. Additional plantings will be required to meet the requirements of the OCR zoning classification.

The land development code requires that parking areas be paved and include interior landscape islands. Staff finds that these requirements would be excessive in this case, and would not be in consistent with the rural nature of the area. In an effort to maintain the rural character of the community, staff is recommending that the off-street parking paving requirements of the land development code be waived for this project. However, the applicant is required to comply with Federal ADA parking requirements.

- d. All schools must meet the requirements of F.S. 333.3(3) or obtain a variance under division 10 of this article.*

The above referenced state statute refers to developments within airport runway clear zones. This subsection does not apply to this development.

Special Exception 2: Per section 72-293(3), recreational areas are a permitted special exception, provided that:

- a. The total lot area covered with principal and accessory buildings shall not exceed 15 percent.*

There is ample room on the 20-acre site to meet this provision.

- b. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.*

Any dwelling unit provided for on the premises shall comply with this requirement and be reviewed and inspected through the building permitting process.

- c. No principal or accessory building, swimming pool or tennis court shall be located less than 50 feet from any lot line.*

As stated above, there are two buildings that will need to be removed or relocated to meet this requirement.

- d. No outdoor loudspeaker or call system shall be audible on adjoining property.*

This requirement shall be a condition of approval.

- e. All artificial lights shall be directed away from adjoining property.*

This requirement shall be a condition of approval.

- f. Unless waived by the county council, off-street parking areas meeting the requirements of section 72-286 and landscaped buffer areas meeting the requirements of section 72-284 shall be constructed.*



The OCR zoning requires a 25-foot landscape buffer on all property boundaries. The parking requirements for recreational areas are 8 parking spaces per acre. As mentioned earlier, these requirements are excessive and would not be consistent with the rural nature of the area. In an effort to maintain the rural character of the community, staff is recommending that the off-street parking paving requirements of the land development code be waived for this project. However, the applicant is required to comply with Federal ADA parking requirements.

Staff finds that with the recommended conditions, this application shall meet these requirements.

***(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.***

The applicant must meet the requirements of the special exceptions as well as permitting requirements by any applicable federal, state, and local agencies. Staff finds that with the staff recommended conditions, this application shall meet all requirements.

***(f) Notwithstanding the provisions of article XIV of the land development code [appendix A], it will generate undue traffic congestion.***

This application has been reviewed by the County's Traffic Engineering department (see attached memo). There is some concern about the quality of the roadways leading to the site, namely Acorn Lake Road, Keelhaul Road, and Black Lake Road. Black Lake Road varies in width between 10 to 15 feet, which limits the traffic to one-way. The nearest paved, publicly maintained road is State Road 415, which is 1½ miles from the driveway entrance to the site at its shortest route.

Staff finds that the proposed special exceptions may cause undue traffic congestion due to commercial uses being accessed by substandard roadways.

***(g) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.***

#### Traffic

As discussed in criteria (f), above, the condition of Black Lake Road and the roads leading up to Black Lake Road do not meet County standards. Given the very narrow aspect of the roadways, only one-way traffic can be accommodated on these roads. If the request is approved, staff has suggested limitations to the intensity of the special exceptions to mitigate the development impacts on traffic.

### Noise Nuisance

The county's code of ordinances limits sound levels from exceeding the following (Section 50-496(c)):

Decibel Limits by Receiving Land Use Occupancy		
Receiving Use Occupancy Category	Time	Sound Level Limit (dBA)
Residential	7:00 a.m. to 10:00 p.m.	60
	After 10:00 p.m. to 6:59 a.m.	55
Commercial or tourist	7:00 a.m. to 10:00 p.m.	65
	After 10:00 p.m. to 6:59 a.m.	60
Manufacturing	At all times	75
Agricultural	At all times	75

Special Exception 1: The dogs are currently being kept in a structure that is 330 feet from the north property line, 350 feet from the west property line, 375 feet from the south property line, and will be 680 feet from the east property line when the two subject parcels are combined into one. The property is heavily wooded on the perimeters, and is required to provide a 25-foot landscape buffer and a 50-foot building setback. In accordance with the intent of section 72-293(25), regulations regarding animal shelters and kennels, staff is requesting a condition that no animal shelters be constructed within 100 feet of any property boundary.

Special Exception 2: The nearest neighbor resides in the parcel immediately to the west of the subject property. The distance from the designated shooting range to the neighbor's property line is approximately 460 feet. The distance from the designated shooting range to the neighbor's house is approximately 750 feet. Therefore, staff recommends these dimensions be maintained for all structures relating to the use.

The development's noise limitations will be reviewed at the time of site plan submittal. Any violation of these noise limitations would be acted upon through code enforcement. Staff finds that with the recommended conditions, the proposed special exception can meet this criterion.

***(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.***

The surrounding neighborhood is rural in character. The proposed special exceptions are types of uses that would be typical in rural areas. The staff recommended conditions will limit the intensity of the special exceptions such that it will maintain the rural character of the community.

***(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.***

The uses are utilizing existing cleared portions of the property, and the buildings and other improvements have already been developed. Staff is recommending that the uses be approved through a site plan review, which would include reviews on tree preservation, wetland alteration, stormwater design and other development requirements.

Special Exception 2: Though there are no state licensing requirements or regulations for this use, the State of Florida does have concern with potential lead pollution associated with the high concentrate of lead bullets and shots used at shooting ranges. Therefore, the Florida Department of Environmental Protection (FDEP) Bureau of Solid and Hazardous Waste has published a Best Management Practices for Environmental Stewardship of Florida Shooting Ranges (BMPs) manual to provide range owners and operators with management techniques to protect the health and safety of the environment, as well as that of the general public and wildlife.

The FDEPs BMPs recommends that earthen berms be maintained at a height of 20 to 25 feet tall. Staff is recommending that the berm be maintained at a height of 20 feet, with the understanding that regular maintenance will be required since regular erosion will continually reduce the height of an earthen berm.

Staff finds that with the recommended conditions, the proposed special exceptions can meet this criterion.

## **V. STAFF RECOMMENDATION**

Staff recommends denial of a special exception for a private school (Special exception 1) on Osteen Cluster Residential/Category #3 (OCR-3) and Osteen Cluster Residential/Category #5 (OCR-5) zoned property.

Staff recommends denial of a special exception for a recreational area (Special exception 2) on Osteen Cluster Residential/Category #3 (OCR-3) and Osteen Cluster Residential/Category #5 (OCR-5) zoned property.

However, if the county council finds reasons to approve the special exceptions, staff recommends the following conditions for consideration:

These conditions are recommended for both special exceptions:

1. A lot combination to combine the two parcels shall be approved through the Land Development Office.
2. The applicant shall submit a site plan to the Land Development Activity for review and approval. The applicant shall submit the site plan within 90 days of the special exception approval date. Site plan approval, any required building permits, property and building improvements associated with the special exceptions shall be obtained and completed within twelve months of the date of the site plan submittal, unless extended by the Zoning Enforcement Official.

3. A wetland alteration permit shall be approved in accordance with comments from Environmental Permitting.
4. A waiver to the requirements of section 72-612(a) is approved, and the development may front on an unpaved, privately maintained street.
5. A waiver to the requirements of section 72-286 is approved, and the development is exempt from constructing an impervious parking area. The applicant is required to comply with Federal ADA parking requirements.
6. The special exceptions are valid for a period of one (1) year from date of county council rendition letter. Renewal of the special exceptions will require a new county council approval.
7. The placement of the sign shall comply with the applicable regulations of section 72-298 of the zoning ordinance with a condition that no ground sign shall exceed 8 feet in height.
8. These special exceptions shall comply with the County's noise ordinance, section 50-496(c).
9. No outdoor loudspeaker or call system shall be audible on adjoining property.
10. All artificial lights shall be directed away from adjoining property.
11. No additional structures or berm expansion are permitted within the undeveloped portions of the site. There shall be no additional clearing of the property beyond of the existing developed footprint.
12. A 25-foot landscaped buffer shall be provided along Black Lake Road in those areas of the property that are currently cleared in accordance with the section 72-284, as amended.
13. Competitions, tournaments, or outdoor entertainment events are not allowed.

The following conditions apply to the special exception for a private school for a canine training facility (special exception 1) in addition to the conditions for both requests:

1. Business Tax Receipts shall be issued for the canine training business operating on the property.
2. No structures shall be located within 350 feet from any property line, and shall be located outside of any easements. Structures that do not currently meet this requirement shall be moved or demolished.
3. The dogs shall be boarded in accordance with section 72-293(25).

4. The number of dogs housed on the site shall be limited as required in section 72-306.
5. The private school shall be limited to one class per week, and individual classes shall be limited to 10 students or less.

The following conditions apply to the special exception for a recreation area for a gun range (special exception 2) in addition to the conditions for both requests:

1. No structures shall be located within 460 feet from any property line, and shall be located outside of any easements. Structures that do not currently meet this requirement shall be moved or demolished.
2. The applicant will develop and implement an environmental stewardship plan based on FDEP BMPs.
3. The height of the backdrop safety berm shall be installed at a height of at least 20 feet, and shall be maintained in such a way that the height of the berm will not be less than 20 feet.

## **VI. ATTACHMENTS**

- Written Explanation
- Special Exception Site Plans
- Site Photos
- Maps

## **VII. AUTHORITY AND PROCEDURE**

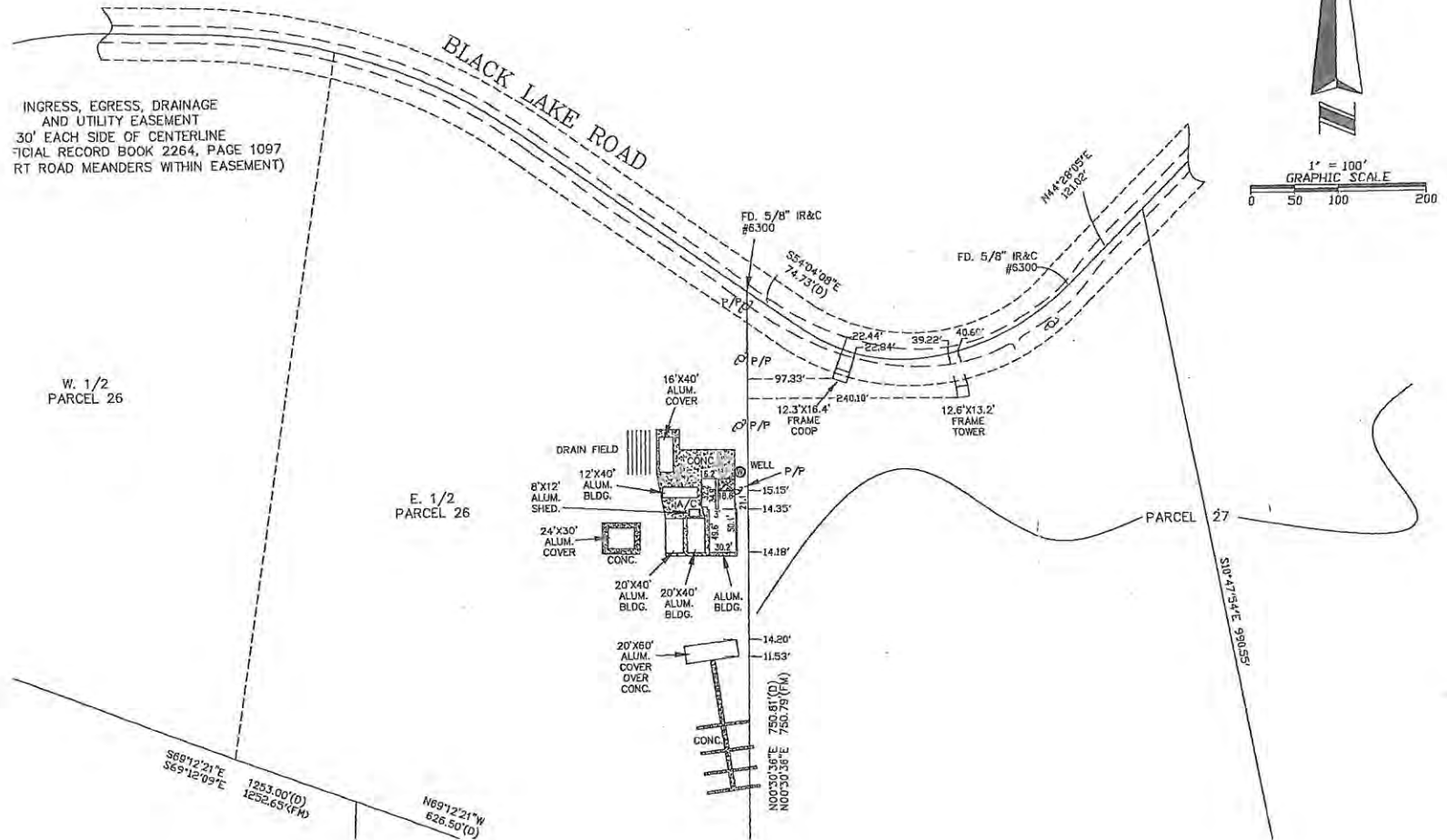
Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information to be presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information to be presented at the county council meeting that was not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

# SPECIAL EXCEPTION SITE PLAN

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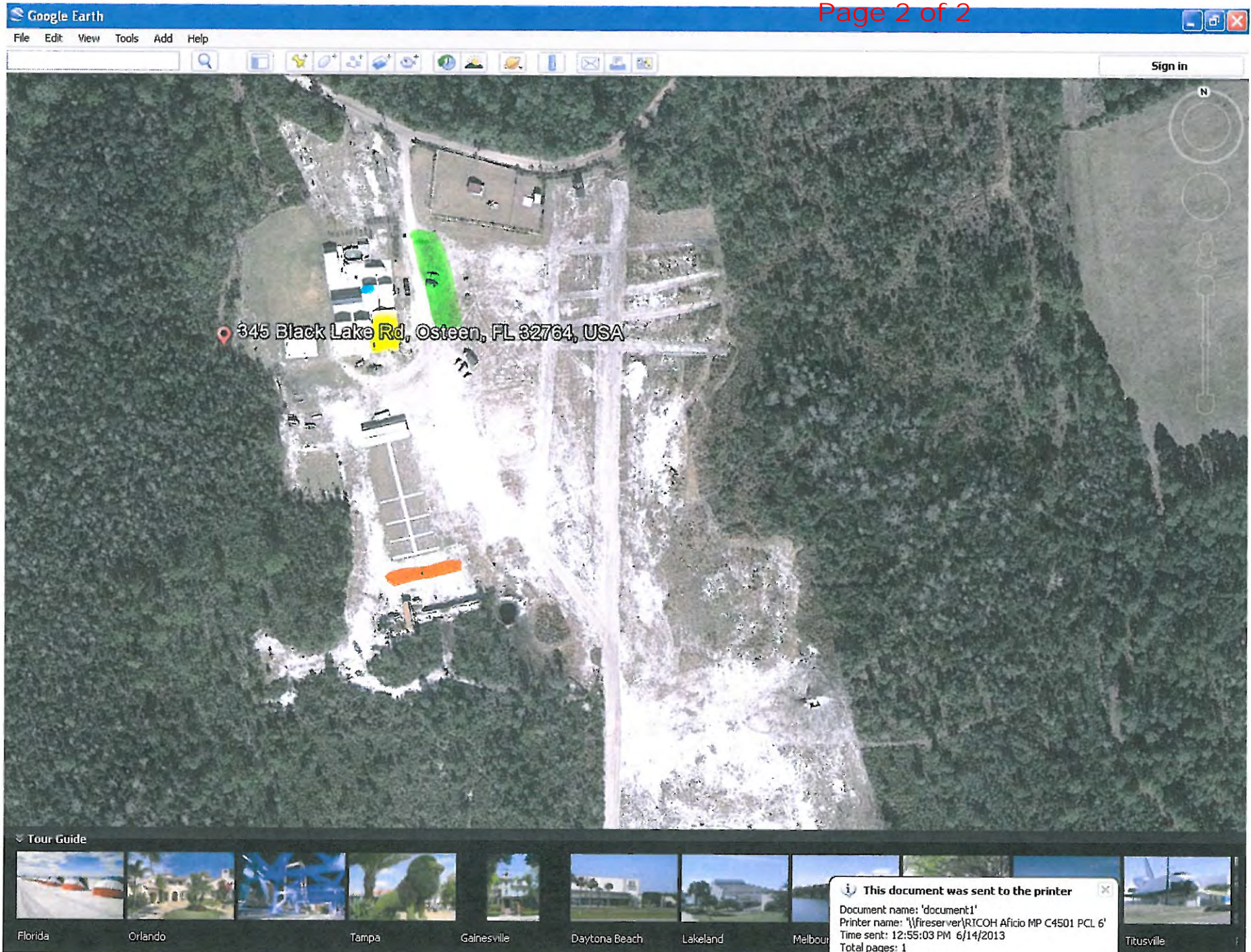




Site Plan

**SPECIAL  
EXCEPTION  
SITE PLAN**

Page 2 of 2

PARKING  
AREAREST  
ROOMTARGET  
PRACTICE  
AREACLASS  
ROOM

**From:** <gunfiretraining@aol.com>  
**To:** Carol McFarlane <cmcfarlane@volusia.org>  
**Date:** 7/19/2013 3:08 PM  
**Subject:** Re: 345 Black Lake Road Special Exception

Carol,

Yes, please use the most recent statement as I feel it more accurately reflects what I'm trying to do.  
Thank you again for all your help.

Derek

Sent from my iPhone

On Jul 19, 2013, at 9:32 AM, "Carol McFarlane" <cmcfarlane@volusia.org> wrote:

> Derek,  
>  
> This explanation definitely has more specifics. I appreciate you coming up with this on such short notice. If you want me to use the new statement, dated July 18, 2013, instead of the statement submitted with the application, please respond in writing so I can add it to the file.  
>  
> Thank you and please feel free to call or email me if you have any additional questions.  
>  
> Carol McFarlane, AICP, Planner II  
> County of Volusia, Growth and Resource Management  
> 123 W. Indiana Ave., Room 202  
> DeLand, FL 32720  
> office: 386-736-5942 ext. 12025  
> fax: 386-626-6551  
> cmcfarlane@volusia.org  
>  
>  
>>>> <gunfiretraining@aol.com> 7/18/2013 5:05 PM >>>>  
>  
> Carol,  
>  
> I revised by outline to more accurately reflect my intended operation at 345 Black Lake Road. Does this look okay?  
>  
> Thanks  
>  
> Derek  
>



## Derek L. George

728 Herbert Street Port Orange, Fl. 32129 (386) 290-6001

### Request for Special Exception

#### **Description:**

I, Derek L. George, owner of the subject properties and President of Gun Fire, Inc., hereby request a “special exception” to allow me to operate a “private school” on my property. The “private school” with the “recreation area” will provide instructions in law enforcement, defensive shooting, K9 training and firearms safety.

#### **Private School Need:**

Due to budgetary constraints and geographic locations, many smaller police do not have an area to train their personnel. Many of them rely on using properties owned by larger governmental entities. Since the larger governmental entities take care of their own personnel first and foremost, many times smaller agencies are left without a place to train their people in a timely manner.

In addition, Daytona State College also uses the Sheriff’s Range to have their police academy students and advanced law enforcement students trained on firearms. Due to the cost of rural land, even large governmental entities like Volusia County cannot afford an adequate place to train their people.

Most law enforcement agencies shoot twice a year (lately due to ammo cost, once a year). I expect that there will be about 4-6 agencies that will use the range during the year.

Since I own approximately 100 acres of rural land and have the ability to perform the aforementioned services, this “private school” will be a huge benefit to law enforcement agencies throughout Volusia County.

#### **Community / Area Impact:**

This operation is expected to be a small scale operation with little to no impact on the traffic flow or parking. The majority of the classes will have 10 students or less. The classes will not be taught on a daily basis. I anticipate having a monthly shooting safety course. I also hope to perform a quarterly training class as well. I do not anticipate or want to run a training school that has regular daily or weekly courses. I am simply requesting to be allowed to host courses from time to time at this property without being subjected to a code violation.

Under Florida law, I am allowed to have guest and invitees shoot at my property, however, I was strongly advised that if the person shooting can be tied to a gun safety course, this special excepting is needed to be compliant with Volusia County's rules/codes.

I expect that there will be 8-12 gun safety courses that last about 2hrs during the year. In addition, I expect that 4-6 law enforcement agencies will use the shooting area 1 or twice each throughout the year. Lastly, I expect that a quarterly training topic will be presented 4 times throughout the year. In total, I expect that there will be a total of about 40-60 hours of training throughout the entire year.

As for the K9 training, the dog would continue to be housed at the property in the number allowed by the County. Only 1-2 people would be on site at a regular basis to feed and train the dogs. On occasion, law enforcement agencies or private contractors would visit the property to evaluate a dog before purchasing it from a off -site commercial location. It is expected that the K9 company would have about 2- 4 customers per month visit this location.

The majority of the students will be current or former governmental employees. As a result of the student cliental, the community will benefit from a higher law enforcement presence in an unincorporated County area that is under policed.

#### **Property:**

I am asking to use a combination of two of my property parcels that are contiguous with one another (see attached). Each parcel is approximately 10 acres giving the " private school" 20 acres of usable area. As a matter of interest, I own approximately 100 acres that are also contiguous with the aforementioned parcels.

#### **Utilities:**

Power will be provided by Florida Power and Light. Water will be provided by the onsite well. Sewage will be disposed of via the onsite septic system.

#### **Subject Property Description(s)**

##### **345 Black Lake Road:**

5 19 32 IRREG PARCEL IN SE 1/4 BEING W 626.5 FT OF E 1517.78  
FT ON S/L & MEAS 750.8 FT ON E/L AKA E 1/2 LOT 26 ACORN LAK  
E RANCHES UNREC #254 PER OR 4664 PGS 2782-2783 PER OR 5565 P  
G 0652 PER OR 6412 PG 0213 PER OR 6504 PG 1917 PER OR 6714 P  
G 1944 & OR 6848 PG 4421

**Property immediately east of 345 Black Lake Road(both owned by Derek George)**

5 19 32 IRREG PARCEL IN SE 1/4 MEAS 659.36 FT ON S/L & MEAS  
990.55 FT ON E/L AKA LOT 27 ACORN LAKES RANCHES UNREC SUB N  
O 254 PER OR 5279 PGS 3404-3407 INC PER OR 6265 PG 0724 PER  
OR 6714 PG 1944

**Insurance / Safety:**

A liability insurance policy will be provided with a \$2,000,000.00 aggregate payout. In addition, the shooting area is modeled in accordance with industry standards as applies to a law enforcement shooting area. Law enforcement agencies that use the range will be covered by their respective liability insurance.

Many of the instructors have additional liability insurance. Medical personnel will be on site during the super majority of training exercises.

**Noise / Nuisance Statement:**

This property allows for 12 dogs per parcel over 5 acres in accordance with the Volusia County Land Development Code. It is therefore allowable for me to have 96 dogs on the 8 parcels that I own which total around 100 acres. I am only anticipating having 12 dogs or less.

Shooting is a regular activity in this rural area. You can hear shooting almost anytime that you visit the property. The nearest neighbor will be over 800ft away with over 600 ft of heavily wooded area separating the parcels.

Since shooting and dogs are already allowed on this property, the only issue should be if the business activity will have any impact on the neighbors. Most of the business transactions will occur off site and will have no impact on the community.

## Derek L. George

728 Herbert Street Port Orange, Fl. 32129 (386) 290-6001

### Request for Special Exception

#### **Description:**

I, Derek L. George, owner of the subject properties and President of Gun Fire, Inc., hereby request a "special exception" to allow me to operate a "private school" on my property. The "private school" will provide instruction(s) to Firefighters, Police Officers, Military Personnel, Security Forces, Canines and their handlers, and Students wishing to further their knowledge in firearms safety. The subject matters will include, but not be limited to:

- First Aid
- CPR
- Emergency Medicine
- Active Shooter
- Tactical Shooting
- Dignitary Protection
- NRA Courses
- Canine Services
- Other related law enforcement / emergency services instruction(s)

#### **Private School Need:**

Due to budgetary constraints and geographic locations, many smaller police and fire departments do not have an area to train their personnel. Many of them rely on using properties owned by larger governmental entities. Since the larger governmental entities take care of their own personnel first and foremost, many times smaller agencies are left without a place to train their people in a timely manner. In addition, Daytona State College also uses the Sheriff's Range to have their police academy students and advanced law enforcement students trained on firearms. Due to the cost of rural land, even large governmental entities like Volusia County cannot afford an adequate place to train their people on long range rifles, specialty team operations, etc.

Since I own approximately 100 acres of rural land and have the ability to perform the aforementioned services, this "private school" will be a huge benefit to law enforcement and emergency services throughout Volusia County.

**Community / Area Impact:**

This operation is expected to be a small scale operation with little to no impact on the traffic flow or parking. The majority of the students will be current or former governmental employees. As a result of the student cliental, the community will benefit from a higher law enforcement presence in an unincorporated County area that is under policed. The community will benefit from the Firefighters/Paramedics/EMTs as well.

Most members of emergency services have a duty to act in the event of an emergency and their actions will benefit this unincorporated area that is remotely located in the middle of the woods. The school will have an emergency medical officer assigned to it and an emergency trauma / basic life support kit will be readily available.

This property meets the requirements of Volusia County's Aero Medical Helicopter's landing zones and could be used as a helipad in times of emergencies in the immediate area. In addition, some students may have City/County/State vehicles that will be equipped with emergency medical supplies as well.

**Property:**

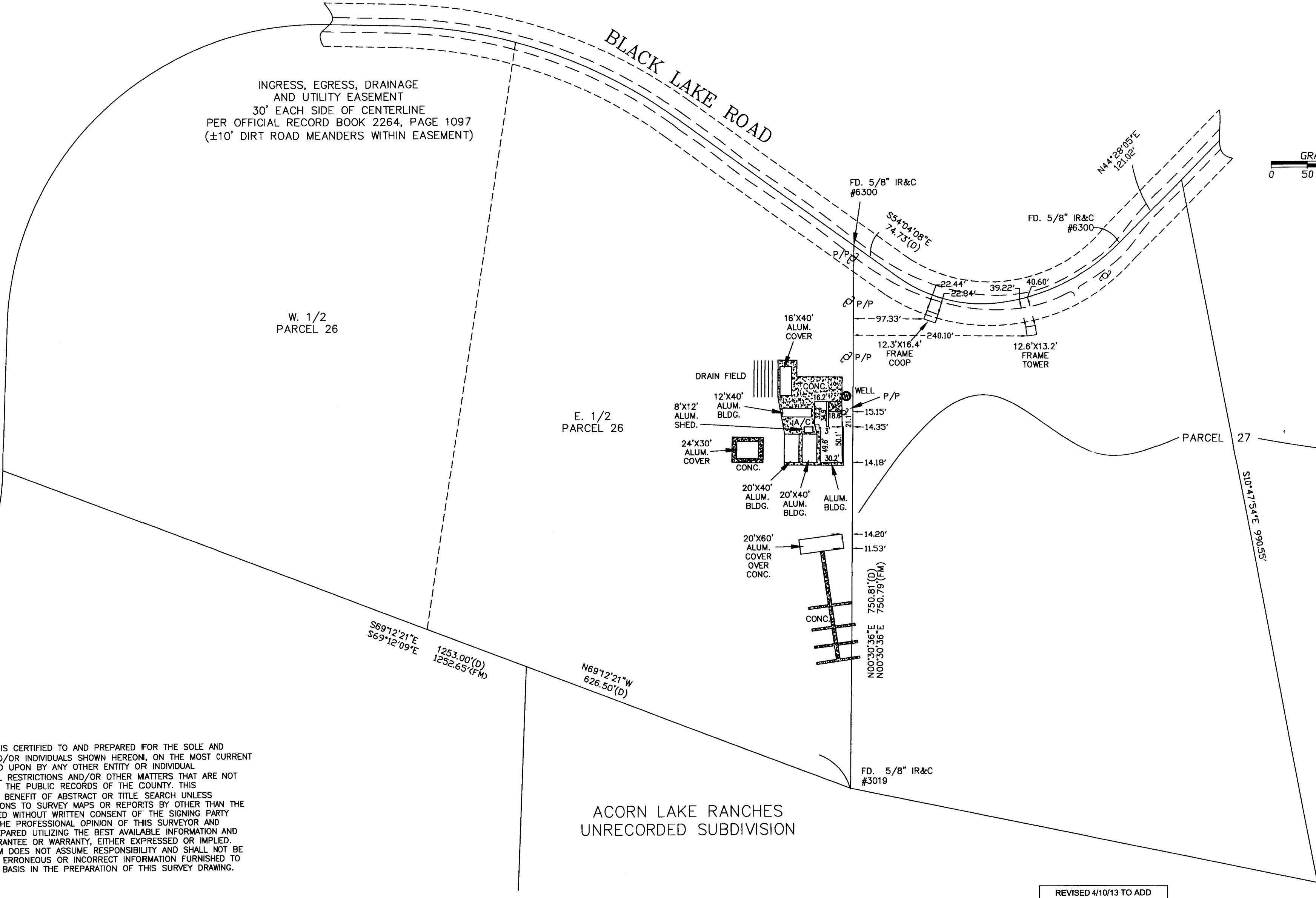
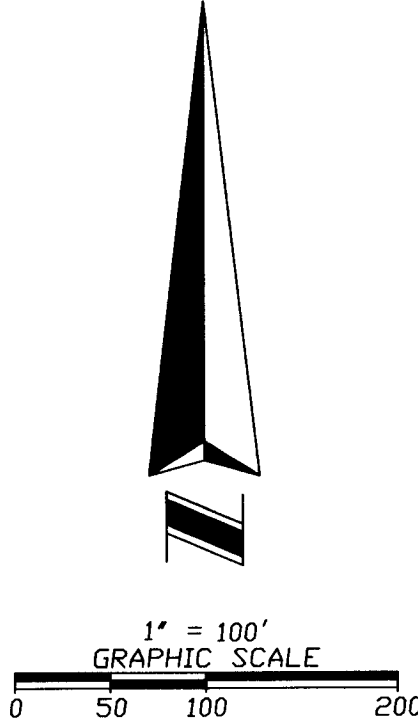
I am asking to use a combination of two of my property parcels that are contiguous with one another (see attached). Each parcel is approximately 10 acres giving the " private school" 20 acres of usable area. As a matter of interest, I own approximately 100 acres that are also contiguous with the aforementioned parcels.

**Utilities:**

Power will be provided by Florida Power and Light. Water will be provided by the onsite well. Sewage will be disposed of via the onsite septic system.

SECTION 5, TOWNSHIP 19 SOUTH, RANGE 32 EAST  
VOLUSIA COUNTY, FLORIDA

- ABBREVIATIONS:
- A/C = AIR CONDITIONER
  - (C) = CALCULATED
  - CL = CENTERLINE
  - CLF = CHAIN LINK FENCE
  - CONC. = CONCRETE
  - CSL = CONCRETE SLAB
  - CB = CONCRETE BLOCK
  - C.M. = CONCRETE MONUMENT
  - (D) = DEED OR DESCRIPTION
  - D/U = DRAINAGE/UTILITY EASEMENT
  - E = EAST
  - E/P = EDGE OF PAVEMENT
  - ESM.T. = EASEMENT
  - ELEV. = ELEVATION
  - F.F. = FINISHED FLOOR
  - FD. = FOUND
  - (FM) = FIELD MEASURED
  - I.D. = IDENTIFICATION
  - IP = IRON PIPE
  - IR = IRON ROD
  - IR&C = IRON ROD AND CAP
  - LS = LICENSED SURVEYOR
  - LB = LICENSED SURVEY BUSINESS
  - N = NORTH
  - N/D = NAIL AND DISK
  - N/W = NAIL AND WASHER
  - O.R. = OFFICIAL RECORDS
  - O/H = OVERHANG
  - O/E = OVERHEAD ELECTRIC LINE
  - PG. = PAGE
  - (P) = PLAT (MAP) DIMENSION
  - P/P = POWER POLE
  - P.C. = POINT OF CURVATURE
  - F.F. = FINISHED FLOOR
  - P.O.B. = POINT OF BEGINNING
  - P/L = PROPERTY LINE
  - R/W = RIGHT-OF-WAY
  - S = SOUTH
  - S/T = SEPTIC TANK
  - S.F. = SQUARE FEET
  - TYP. = TYPICAL
  - UGE = UNDER GROUND ELECTRIC
  - W = WEST
  - W/F = WOOD FENCE
  - W/M = WATER METER
  - Δ = DELTA OR CENTRAL ANGLE
  - L = LENGTH OF CURVE
  - R = RADIUS
  - T = TANGENT DISTANCE
  - C.B. = CHORD BEARING
  - CH. = CHORD DISTANCE



NOTE:

THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON, ON THE MOST CURRENT DATE SHOWN, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY /SKETCH IS PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

- NOTES:
1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
  2. NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  3. NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS OR OTHER INTERIOR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
  4. UNLESS NOTED, LEGAL DESCRIPTION FURNISHED BY CLIENT.
  5. FEATURES SHOWN BY SYMBOL AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
  6. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH, A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN.
  7. WHERE APPLICABLE, MONUMENT DIAMETERS, ETC., AND/OR LS OR LB NUMBERS ARE SHOWN NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.
  8. BEARINGS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION.
  9. UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL BOUNDARY HAVE BEEN LOCATED.

EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE  
DELAND, FLORIDA 32824  
PHONE: (386) 740-4144 FAX: (386) 740-4155  
e-mail: lefird@bellsouth.net  
Certificate Of Authorization Licensed Business Number 7230

Specific Purpose Drawing

Survey Date:	Drawing Number	Scale:
12/12/12	12-0489-B	1"=100'
For:		Drawn By: JM

DALLAS GEORGE

I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPLIES IN FORM WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 6007-6, F.A.C. PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**NOTARY SEAL**  
LARRY R. EFIRD JR.  
Professional Surveyor  
No. 5823













***Inter-Office  
Memorandum***



**TO:** Carol McFarlane, Planner II    **DATE:** July 19, 2013

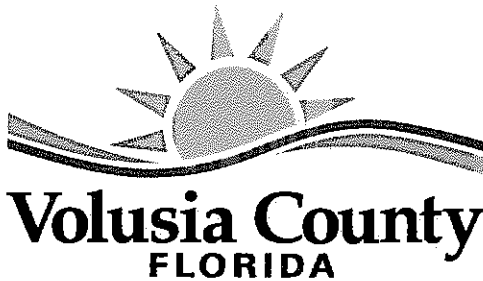
**FROM:** Danielle Dangleman, Environmental Specialist III

**SUBJECT:** Planning & Land Development Regulation Commission meeting for  
Date: August 13, 2013  
Parcel #: 9205-00-00-0280 and 9205-00-00-0311  
Case #: S-13-041 owner Derek George

Environmental Permitting (EP) visited the subject site on July 16, 2013. Parcel 9205-00-00-0311 has existing buildings for a dog training school and gun range. The west side of this parcel contains forested wetlands. Parcel 9205-00-00-0280 is mostly cleared with wetlands along the eastern property line as well as in the south west corner. These wetlands are subject to buffers that are described in the Article IV Overlay Zones Division I as an average of 100 feet. Portions of these wetland buffers have been disturbed. Please inform the owner that he needs to remain in contact with Brant Kruger, Environmental Specialist II in regards to this matter.

EP has no specific objection to this Special Exception application for a private school; however the applicant should be aware that they will be required to meet all applicable requirements of the Land Development Code at the time of Final Site Plan and/or Building Permit application.

## INTER-OFFICE MEMORANDUM



TO: Carol McFarlane, AICP  
Planner II

DATE: August 2, 2013

FROM: Melissa Winsett  
Transportation Planner

RSN: 761752

SUBJECT: George Derek, S-13-041

LOCATION: On the west side of SR 415 (State Route) off of Black Lake Road (private road)

#### SITE INFORMATION

The proposed special exception is to allow a tactical military-law enforcement related private school with a gun range(s) in the existing Osteen Cluster Residential 5 (OCR-5) zoning classification.

Development from the proposed use could generate an average of 15 additional trip ends per weekday more than the existing zoning. Black Lake Road is an unpaved private local roadway; therefore, the county does not have traffic count data for Black Lake Road. As such the average daily traffic and level of service data are not available.

#### CONCLUSIONS

This office does not object to the requested special exception. However, if the special exception is approved, we recommend the developer be required to address the following:

1. The roadways leading to the property are dirt and maintained by the residents (not the county). The applicant's business will generate additional traffic; therefore, please state how the applicant will address the road maintenance issues.
2. Per section 72-612 of the VCLDC, all proposed developments shall front on a paved street, which is paved to local road standards. Paving shall be completed between the development's entrance and the nearest paved street.
3. The estimated number of trips on a single day is 25 (*ITE Trip Generation, 8<sup>th</sup> Edition, Private School K-12 land use*) if the trips are limited to 10 students per class with one class per week per staff's recommendation.

#### *Advisory for Site Plan:*

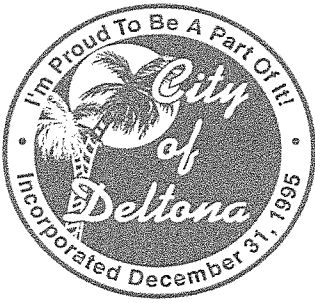
4. A commercial driveway will be required.
5. The gate must be a minimum of 125 feet from the right-of-way and/or the gate must be open 30 minutes prior to the start of classes.
6. Additional comments may be provided at subsequent stages of the development.











# City of Deltona

July 29, 2013

Ms. Carol McFarlane, AICP  
Planner II  
Volusia County Growth and Resource Management  
123 W. Indiana Av.  
Deland, Fl. 32725

Re: Volusia County Special Exception Application S-13-041

Dear Ms. McFarlane,

As requested, this office has reviewed the above referenced Special Exception (SE) to establish a "private school/recreational" facility on twenty acres of land located within the Osteen Local Plan area. As illustrated in the supporting materials sent to the City by the County, the school/recreation area involves the use of firearms and the training of dogs for police service.

With regard to the proposal, the City offers the following comments/suggestions:

- 1) The City's Eastern Wastewater Reclamation Facility is located about  $\frac{3}{4}$  of a mile west of the subject property – well within range of most rifle ammunition. To protect the facility from errant rounds that can be associated with firearm use, the City is requesting that all firing and shooting range areas be aligned in a manner that would direct fire away from the City property. Since the applicant represents that they own or control more land in the area, those lands should be used as a back drop for all target activities.
- 2) The SE request is located in a rural area accessed by a network of private, unpaved roads. Therefore, City staff suggests that to protect the rural characteristics of the area, traffic should be managed, hours of operation limited, the number of clients/classes be restricted, etc.

If there are any questions feel free to contact me at (386)878-8610.

Sincerely,

Ron A. Paradise

CC: Chris Bowley, AICP, Planning and Development Services Director  
Gerald Chancellor, Public Works Director







**ECO/NRMA**

1 inch = 2,000 feet

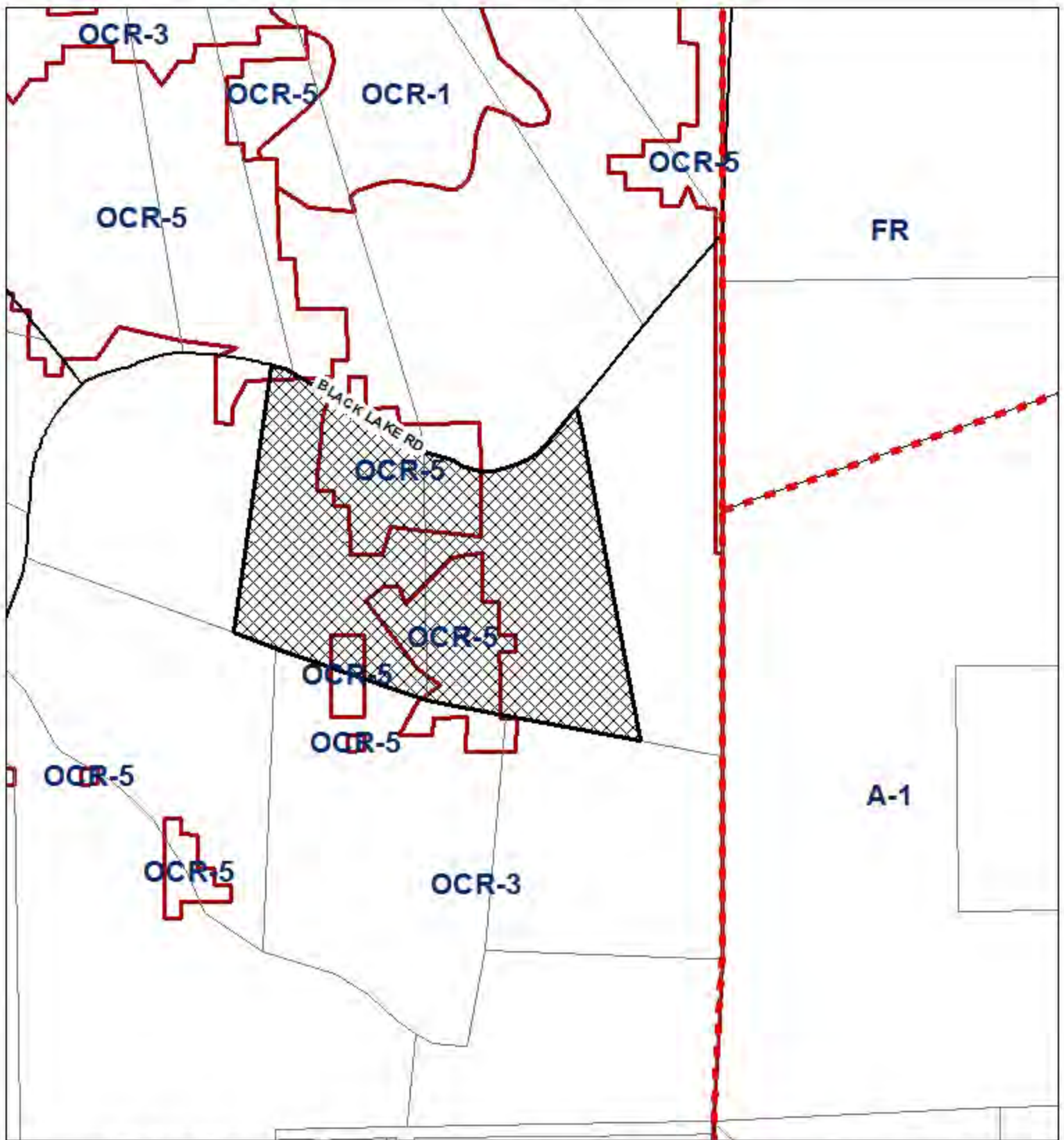


**SPECIAL EXCEPTION  
CASE NUMBER**


REQUEST AREA  ECO  NRMA

**S-13-041**





**ZONING CLASSIFICATION**

 REQUEST AREA

1 inch = 400 feet



**SPECIAL EXCEPTION  
CASE NUMBER**

**S-13-041**






**AERIAL**

IMAGE YEAR: 2010

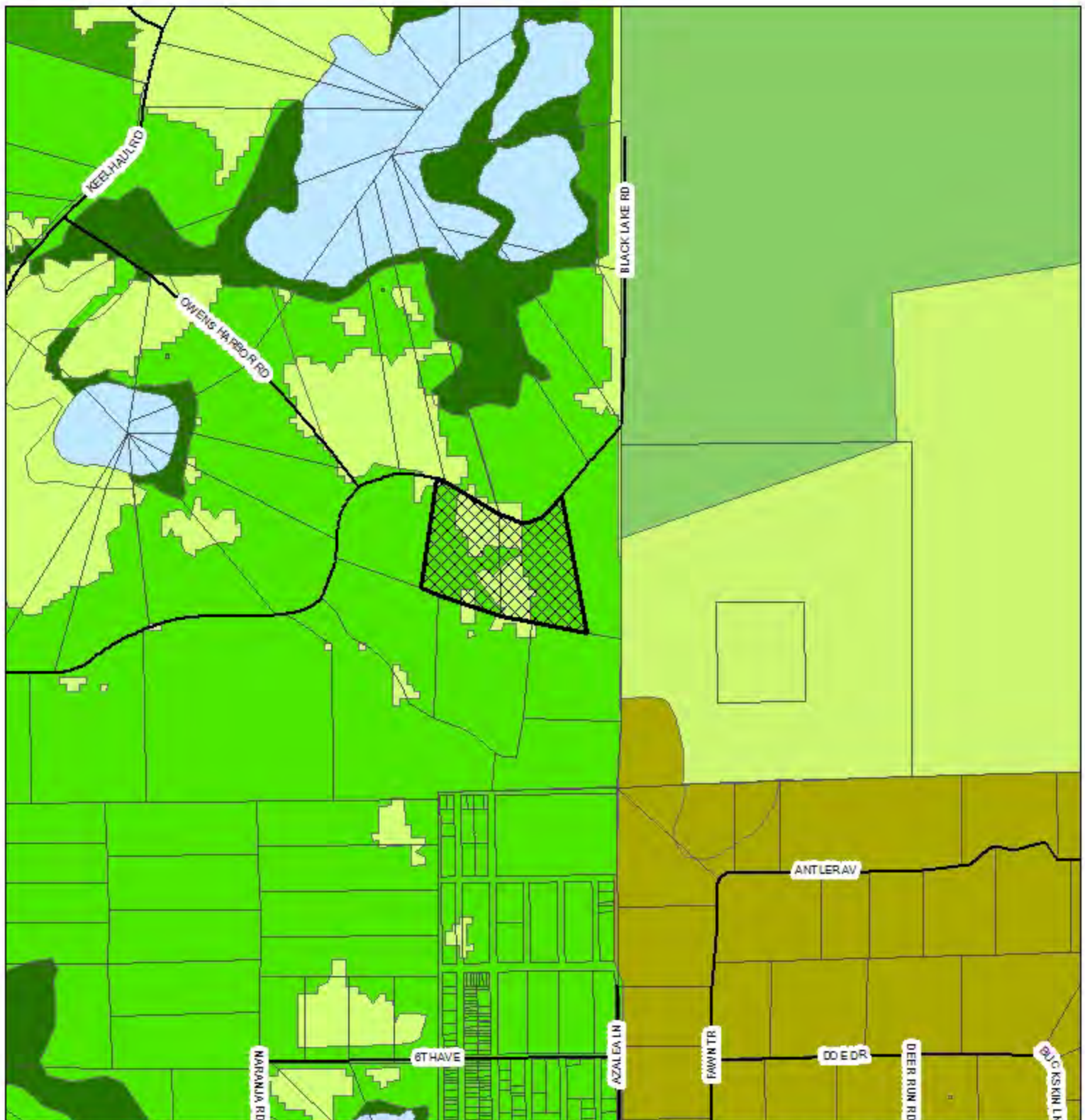
1 inch = 400 feet











 SUBJECT PARCEL

**SPECIAL EXCEPTION  
CASE NUMBER  
S-13-041**





### ***FUTURE LAND USE DESIGNATION***

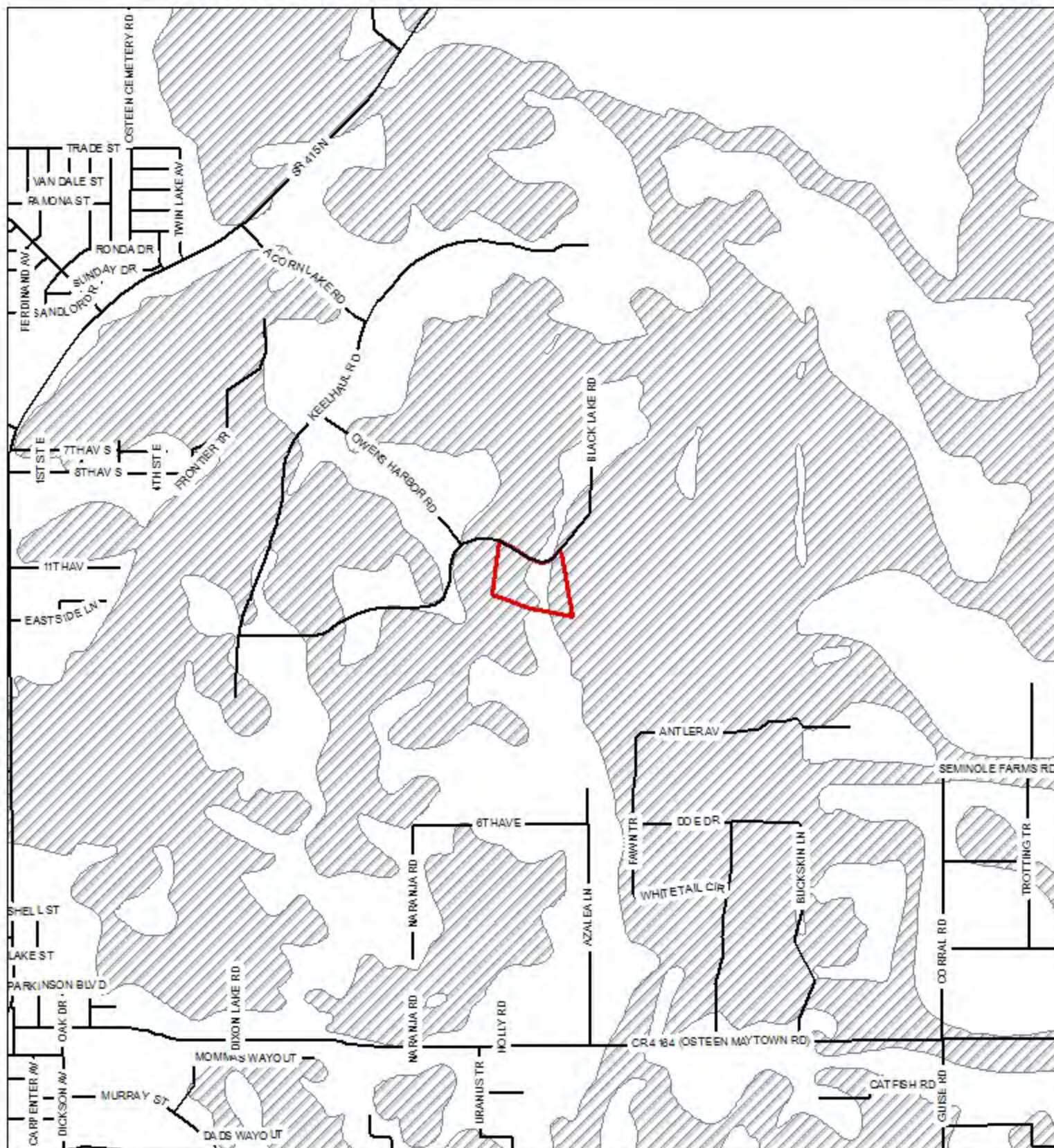
 AGRICULTURE RESOURCE (1)	 CLUSTER RESIDENTIAL5 (49)
 CLUSTER RESIDENTIAL1 (7)	 FORESTRY RESOURCE (1)
 CLUSTER RESIDENTIAL2 (2)	 RURAL (3)
 CLUSTER RESIDENTIAL3 (12)	 WATER (5)

### ***SPECIAL EXCEPTION CASE NUMBER***

***S-13-041***

1 inch = 1,000 feet





# **FLOOD MAP**

1 inch = 2,000 feet

A; AE; AH; AO; VE
 
 REQUEST AREA



**SPECIAL EXCEPTION**  
**CASE NUMBER**  
**S-13-041**