

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
 May 29, 2013



BOARD OF COUNTY COMMISSIONERS
 June 18, 2012

| | | |
|--|--|------------------------|
| CUP #13/6/1-3 Vega Kennel CUP | Case Manager: Jennifer M. Cotch, Environmental Specialist | Agenda Item # 1 |
|--|--|------------------------|

Applicant: Rhonda V. Vega (the "Applicant")

Owner: Rhonda V. Vega (the "Owner")

Requested Action: To re-establish a conditional use permit for a kennel use in Agriculture zoning with a new Conditional Use Permit (CUP) for dog rescue and commercial boarding uses.

- Site Location & Information -

Approximate site location outlined in Red



| | | |
|--------------------------------|---|-----------------|
| Size | 31.68+/- acres | |
| Location | Yalaha area; 26135 Bloomfield Avenue | |
| Alternate Key # | 1780373 | |
| Future Land Use/Density | Rural/1 du/5 net acre | |
| | Existing | Proposed |
| Zoning District | A | A |
| Density | 1 du/5 ac | 1 du/5 ac |
| Joint Planning Area | N/A | |
| Utility Area: | N/A | |
| Site Utilities | Private well & septic | |
| Road Classification | Local | |
| Flood Zone/ FIRM Panel | Zones X and AE/ Panel 480 eff.12/18/12 | |
| Commissioner District | District 3 | |

Site Visit: April 11, 2013
 Sign Posted: May 7, 2013

Land Use Table

| Direction | Future Land Use | Zoning | Existing Use |
|-----------|-----------------|--------------------------------|--|
| North | Rural | Agriculture (A) | Nursery/tree farm |
| South | Rural | Agriculture (A) | grove |
| East | Rural | Agriculture (A) | Agriculture, low density residential |
| West | Rural | Planned Unit Development (PUD) | Paddock Hills (61 platted lots, 1 developed lot) |

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request for a Conditional Use Permit for kennel use in Agriculture zoning.

ZONING BOARD RECOMMENDATION:

– Summary of Analysis –

The 31.68+/- acre property is located in the Yalaha area, west of Bloomfield Avenue, south of County Road 48. The property is zoned Agriculture (A) and situated within the Rural Future Land Category (FLUC). The property was originally granted a Conditional Use Permit (CUP) on May 22, 2001 by Ordinance #2001-81 (reference Attachment 1). On October 25, 2011 the CUP was voluntarily revoked since the kennel operation was closed pursuant to a condition of Ordinance #2001-81. The Applicant seeks to re-establish a kennel use with a new CUP. The Applicant desires to open a dog rescue facility that will take in stray dogs until a permanent home is found. The Applicant is also seeking the ability to use the kennel for a commercial operation, as needed, to help supplement the cost of the rescue operation.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

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

The proposed use is consistent with the general purpose, goals, objectives and standards of Comprehensive Plan Policy 1-1.4.4 ("Rural Future Land Use Category"), which permits agricultural uses in the Rural FLUC.

The request is consistent with LDR Table 3.01.03, "Schedule of Permitted and Conditional Uses", which allows Kennel uses in the Agriculture (A) Zoning District with the issuance of a CUP, but requires that the conditions of Section 3.01.04(18) are met to ensure compatibility with surrounding uses.

The Applicant has submitted a concept plan that shows the kennel will meet the 200-ft minimum setbacks from property lines, per LDR 3.02.05 (J). The proposed Ordinance limits the maximum number of animals to no more than forty-four (44) at any time and requires that animal waste be picked up and disposed of as necessary to protect the health of the dogs, per LDR 3.01.04(18).

B. Effect on Adjacent Properties.

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

The Owner had an active CUP for a kennel from 2001 to 2011, approved by Ordinance #2001-81. There are no records of complaints or documentation of any inspections by Animal Control resulting from complaints. All kennel structures used to house animals will be setback a minimum of 200-ft from all property lines.

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

The surrounding area is characterized by rural residential lots, vacant lands and agricultural uses. The current zoning of the subject parcel is Agriculture; thus, approving the CUP will not change the nature of the surrounding area.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

If the Conditional Use Permit is granted, the proposed ordinance contains conditions to minimize potential impacts on properties within the immediate vicinity. The proposed ordinance includes conditions on setbacks,

landscaping, buffering and screening. The conditions of the ordinance will be implemented in detail during the site plan process.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The CUP will not interfere with the development of neighboring properties. The proposed ordinance addresses landscaping, buffering, and screening requirements.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed use of the property for kennel use is not expected to result in significant additional demands on public facilities and services. Any potential impacts to roads, solid waste, etc. will be addressed during site plan review.

The facility will be served by individual well and septic. The Florida Department of Health (DOH) commented that domestic and commercial waste must be disposed into an approved Department of Health/Lake County Health Department system. This matter will be addressed in detail by DOH during the site plan review and approval process.

D. Adequacy of Fire Protection.

The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire station 76 is approximately 1.5 miles from the proposed project site.

FINDINGS OF FACT: Staff has reviewed the application for the proposed Conditional Use Permit and found:

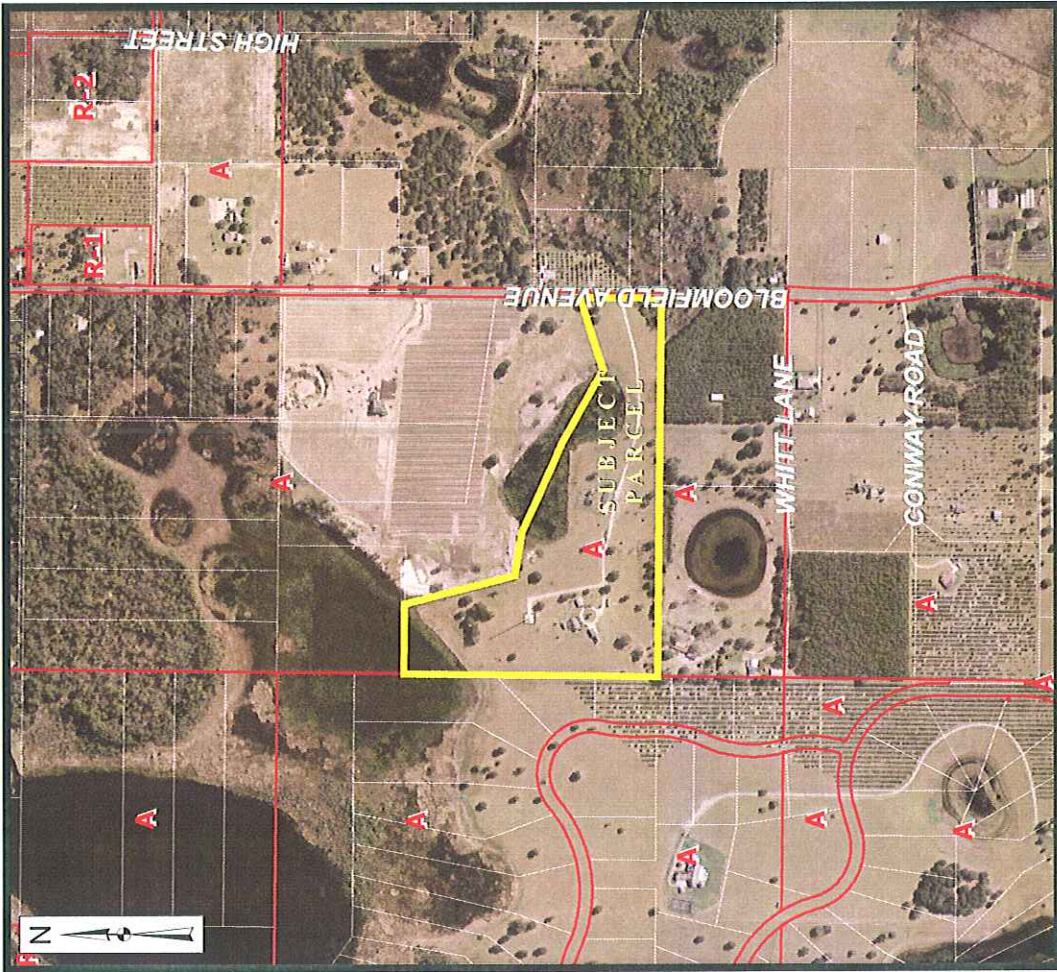
1. The request remains **consistent** with Section 3.02.05(J) LDRs as the request proposes a minimum 200 foot setback, as required for the kennel structure.
2. The request remains **consistent** with the Comprehensive Plan Policy 1-1.4.4 relating to the general land use criteria and activities of the Rural Future Land Use Category.
3. The request remains **consistent** with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows Kennel uses in the Agriculture (A) Zoning District with the issuance of a CUP.

Therefore, based on these findings of fact, staff recommends **APPROVAL** of the conditional use permit request, subject to the conditions as set forth in the attached Ordinance.

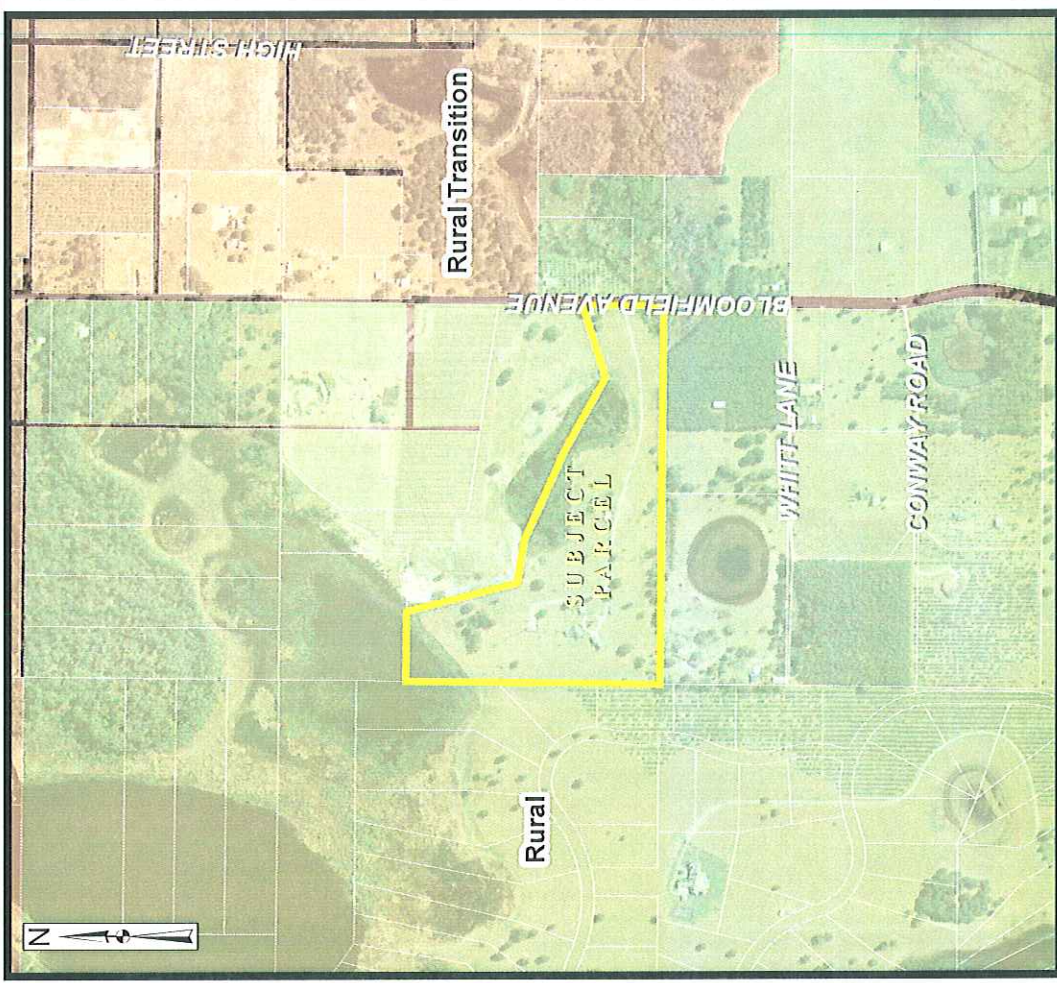
WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
AGRICULTURE (A)



2030 FUTURE LAND USE
RURAL

VEGA KENNEL
CUP REQUEST

CASE NO.
CUP # 13/6/1-3

CASE LOCATION:
21/20S-25E

REQUESTING:
CUP for a dog kennel

ZONING [Red outline box]

LAND USE [Pink outline box]

SUBJECT PARCEL [Yellow outline box]

DISCLAIMERS:
Lake County GIS Department. Prepared in 2008. Annual Update. Data Compilation and Map Production compliments of the South Shorement Development Planning and Community Design.

This map product was prepared from Geographic Information System established by the Lake County Board of County Commissioners. The map product is not intended to be used for any purpose other than the original purpose for which it was prepared. The Lake County Board of County Commissioners, its employees, agents, and personal representatives make no warranty, expressed or implied, as to the accuracy, completeness, or fitness of use for a particular purpose or purposes of any data or information contained in this product. The user of this product shall be responsible for obtaining all data and information necessary to use this product for any purpose other than the original purpose for which it was prepared.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA

LAKE COUNTY
ILLINOIS

1 NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS
2 FOLLOWS:

3
4 **Section 1** Permission is hereby granted to the Permittee for the operation of a Kennel as a Conditional Use
5 within the Agriculture (A) Zoning District.

6 **Section 2** Terms: This Ordinance shall mean and include the total of the following uses as included herein. The
7 County Manager or designee shall amend the Lake County Zoning Map to reflect a CUP, in
8 accordance with this Ordinance. To the extent where there are conflicts between the Conceptual Plan
9 and this Ordinance, the Ordinance shall take precedence.

10 A. Land Uses: Use of the site shall be limited to the existing residential uses and the uses specified
11 below, and shall be generally consistent with EXHIBIT "A", the Conceptual Plan:

- 12 1. All permitted uses within the Agriculture (A) Zoning District.
- 13 2. Kennel, subject to the conditions contained within this Ordinance.
- 14 3. Accessory uses directly associated with these uses may be approved by the County Manager or
15 designee. Any other use of the site shall require an amendment to this Ordinance as approved by
16 the Board of County Commissioners.
- 17 4. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this
18 Ordinance shall take precedence.

19
20 B. Specific Conditions:

- 21 1. Number of Animals. The Kennel shall be limited to a maximum of 44 animals over the age of six (6)
22 months at any time.
- 23 2. Permits. The Kennel shall be in conformity with all Federal, State and Local Regulations at all
24 times. The Permittee shall secure all applicable required State and Local Licenses including a Lake
25 County occupational tax receipt.
- 26 3. Site Plan. A Site plan application shall be submitted for review and approval for the Kennel
27 structures within six (6) months of the effective date of this Ordinance; otherwise this Permit shall
28 be null and void. In the event that this Permit becomes null and void, the Permittee shall submit a
29 new conditional use permit application for consideration by the Planning & Zoning Board and the
30 Board of County Commissioners.
- 31 4. Building Permits. The Permittee shall obtain a Building Permit for the Kennel structures that
32 demonstrates compliance with all requirements of the Florida Building Code.
- 33 5. Kennel Configuration and Operation.
 - 34 a) Kennel shelters shall be large enough so the dogs can sit, stand, lie down and/or turn
35 around comfortably.
 - 36 b) Kennel shelter shall be constructed and maintained so that dogs are securely confined and
37 the shelter does not cause injury to the dogs as determined.
 - 38 c) Cages shall be stacked in no more than two (2) rows high and the lowest level may be no
39 higher than four (4) feet from the floor or ground.
 - 40 d) Protection from adverse weather conditions must be provided. All enclosures shall be
41 adequately ventilated and lighted. Protection from humidity and temperatures below 50

- 1 degrees Fahrenheit and above 85 degrees Fahrenheit and all weather events that may be
2 hazardous or uncomfortable must be provided.
- 3 e) Dogs shall have access to exercise at least twice a day for at least twenty (20) minutes.
4 f) Dogs shall have access to fresh water on a daily basis.
5 g) Food should be fresh and appropriate.
6 h) Animal waste shall be picked up and disposed of as necessary to protect the health of the
7 dogs.
8 i) Individual kennel enclosures shall be cleaned daily and dogs shall be moved out of the
9 enclosure during cleaning.
10 j) The front of each cage shall have the animal's birth date. All dogs on the premises shall be
11 examined on an annual basis by a licensed veterinarian and kept up to date on rabies,
12 distemper, Bordetella and Parvovirus vaccines. Examination and vaccination records shall
13 be maintained on the premises and made available upon request.
14 k) The County Manager or designee shall be allowed on the property for visits to check on
15 the health and living conditions of all animals on the property. These visits do not have to
16 be scheduled in advance. Staff must be allowed to inspect the property during these
17 unannounced visits.
- 18 C. Setbacks:
- 19 a. Dog runs shall be located outside of the Kennel setbacks.
20 b. Other setbacks shall be in accordance with the Comprehensive Plan and LDR, as
21 amended.
- 22 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
23 with the Comprehensive Plan and LDR, as amended.
- 24 E. Landscaping, Buffering and Screening: Shall comply with the LDR, as amended. Landscaping may be
25 used for noise mitigation if recommended by accepted noise study.
- 26 F. Fire Protection and Emergency Services Access: Access to the property shall be provided in
27 accordance with the Florida Fire Prevention Code and/or the LDR, as amended.
- 28 G. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent with Dark-
29 Sky Principles.
- 30 H. Signage: Signs shall be in accordance with the LDR, as amended.
- 31 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall submit a
32 site plan for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 33 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
34 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,
35 and Lake County Land Development Regulations shall include any future amendments to the
36 Statutes, Code, Plans, and/or Regulations.
- 37 K. After establishment of the facilities as provided herein, the aforementioned property shall only be used
38 for the purposes named in this Conditional Use Permit, unless a proposed use meets every
39 requirement of the zoning district in which the property is located. Any other proposed use must be
40 specifically authorized by the Board of County Commissioners.

1 L. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
2 Special Master shall have the authority to enforce the terms and conditions set forth in this ordinance
3 and to recommend that the ordinance be revoked.

4 M. Inspection. This permit shall be inspected by the Code Enforcement and/or Animal Services Division
5 annually to ensure compliance with the conditions of this Conditional Use Permit and the approved
6 site/plot plan.

7
8 **Section 3** Additional conditions of this permit shall mean:

9 A. In the event of failure of the Permittee to fulfill development in substantial accordance with the plans as
10 submitted to the Zoning Board and the Board of County Commissioners; comply with the codes of the
11 governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the
12 terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the
13 Zoning Board and the Board of County Commissioners.

14
15 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
16 the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee
17 or any successor and his interest hereto.

18
19 C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or
20 any default on the part of the Permittee or his successor in interest shall be deemed a material breach
21 hereof, and this Ordinance for a Conditional Use Permit may be canceled or revoked. Cancellation or
22 revocation of this Permit may be instituted by the County. The County Manager or designee shall set
23 this matter for Public Hearing giving the same notice as provided in the Lake County Land
24 Development Regulations, as amended.

25
26 **Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

27
28 ENACTED this _____ day of _____, 2013.

29
30 FILED with the Secretary of State _____, 2013.

31
32 EFFECTIVE _____, 2013.

33
34
35 **BOARD OF COUNTY COMMISSIONERS**
36 **LAKE COUNTY, FLORIDA**

37
38
39 _____
40 **LESLIE CAMPIONE, Chairman**

41 **ATTEST:**

42 _____
43 **NEIL KELLY, Clerk of the**

1 Board of County Commissioners
2 Lake County, Florida

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5 APPROVED AS TO FORM AND LEGALITY

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SANFORD MINKOFF, County Attorney

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VAF

ORDINANCE NO. #2001- 81
CUP#01/5/1-3
Tracking No. #84-01-CUP
Rhonda Vega

CFN 2001058090
BOOK 01963 PAGE 1937 - 1941
DATE: 06/20/2001 03:06:38 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 21.00
TRUST FUND 3.00

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

This Conditional Use Permit is granted this 22nd day of May, 2001 by the Board of County Commissioners of Lake County, Florida, to Rhonda Vega "Permittee", for the purpose, terms, and the conditions as set out herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations, Ordinance #1992-6, as amended.

Background: The applicant is requesting a CUP in A (Agriculture) for a 32 -stall boarding kennel. (31.68 acres)

- 1. Permission is hereby granted to Rhonda Vega for maintaining a 32 stall commercial boarding kennel in and on real property in Lake County. The property is located in the Yalaha area -- South of C.R. 48 on Bloomfield Avenue. (Sec 21 Twp. 20S Rge. 25E)

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

- 2. Terms: This Ordinance shall mean and include the total of the following uses. The County Manager or designee shall amend the Lake County Zoning Maps to reflect a CUP in Agriculture in accordance with this ordinance.

- A. Land Uses: Use of the site shall be limited to that of a kennel for dogs. Normal accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.

- 1. A maximum of forty- four (44) adult dogs over the age of six months and twelve (12) dogs under the age of six months shall be harbored at the site.
- 2. All animal waste shall be disposed off-site at a frequency sufficient to prevent the impact of odor to surrounding properties and degradation of the environment.
- 3. Operation hours are to be from 7:00 a.m. until 6:00 p.m.
- 4. Any services provided shall be for boarded dogs only.
- 5. Kennel building shall be fully enclosed for the purpose of noise control within a building not to exceed a maximum of 3,500 square feet.
- 6. Setbacks for kennel and run to be 200 feet from property lines and 50 feet from wetlands jurisdictional line.

FILED
20 JUN 11 PM 3:47
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

R- Sandy, Board Support

ORDINANCE NO. #2001-81
(Tracking No. #84-01-CUP) (CUP#01/5/1-3) (Vega Kennel)

B. Inspection:

An inspection will be conducted annually by the Code Enforcement Division. An annual inspection fee will be assessed. If an inspection is necessary during non-working hours, an emergency inspection fee shall also be assessed.

C. Future Development Orders:

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

D. Future Amendments to Statutes, Code, Plan and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations include any future amendments to the Statutes, Code, Plan, and/or Regulations, as amended.

E. The "Permittee" shall submit complete building plans reflecting "sound proof" construction technique, site development plans and operational plans and have them approved by the County Manager or designee prior to the issuance of building permits for any construction authorized by this permit.

F. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Conditional Use Permit unless a proposed use meets every requirement of the zoning district in which the property is located. The Board of County Commissioners must specifically authorize any other proposed use.

3. Conditions of this permit shall mean:

A. In the event of failure of the Permittee to: Fulfill development in substantial accordance with the plans as submitted to the Planning and Zoning Commission and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners.

B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land, and the purpose, terms, and conditions contained herein shall be binding upon any successor and his interest hereto.

ORDINANCE NO. #2001-81
(Tracking No. #84-01-CUP) (CUP#01/5/1-3) (Vega Kennel)

- C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default in the part of the Permittee or his successor in interest shall be deemed a material breach hereof and this Conditional Use Permit may be canceled or revoked. The County or Planning and Zoning Commission may institute cancellation or revocation of this Permit. The County Manager or designee shall set this matter for Public Hearing before the Planning and Zoning Commission giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.

- D. Construction and/or operation for at least one of the permitted uses shall have begun within twelve (12) months; otherwise, this permit shall be null and void and the Permittee shall reapply for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners. Provided the operation has begun with the period specified, this permit shall be inspected by the Code Enforcement Department at the end of the twelve (12) month period to ensure compliance with the conditions of this CUP.

ORDINANCE NO. #2001-81
(Tracking No. #84-01-CUP) (CUP#01/5/1-3) (Vega Kennel)

Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 22nd day of May, 2001.

FILED with the Secretary of State June 11, 2001.

EFFECTIVE June 11, 2001.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Catherine C. Hanson
CATHERINE HANSON, CHAIRMAN

ATTEST:

James C. Watkins
JAMES C. WATKINS, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

Sanford A. Minkoff
Sanford A. Minkoff, County Attorney

EXHIBIT "A" – LEGAL DESCRIPTION

ORDINANCE NO. #2001-81

CUP#01/5/1-3

Tracking No. #84-01-CUP

Rhonda Vega

Terry Holihen, Akerman, Senterfitt & Eidson PA

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING NO.: CUP#01/5/1-3 (Rhonda Vega / Cecelia Bonifay, Esq)

LEGAL DESCRIPTION: From the SW cor of Sec 21 Twp. 20S Rge. 25E, Lake County, Florida, run thence N 00 deg. 02' 25" E 663.05 ft along the W line of the SW 1/4 of said Sec 21 to the NW cor of the S 1/2 of the SW 1/4 of the SW 1/4 of said Sec 21, said point being the POB; run thence N 00 deg 02' 25" E along the W line of the SW 1/4 of said Sec 21 a distance of 1326.11 ft to the SW cor of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Sec 21; run thence N 89 deg. 55' 31" E 364.05 ft along the S line of the NW 1/4 of the NW 1/4 of the SW 1/4 of said Sec 21; run thence S 14 deg 53' 39" E 595.70 ft; run thence S 80 deg. 52' 12" E 228.15 ft; run thence S 66 deg. 33' 53" E 508.79 ft; run thence S 61 deg 25' 47" E 436.70 ft; run thence N 71 deg 50' 06" E 420.82 ft; run thence S 00 deg. 01' 30" W 430.315 ft to the N line of the S 1/4 of the SW 1/4 of said Sec 21; run thence S 89 deg. 52' 27" W 1993.36 ft along the N line of the S 1/4 of SW 1/4 of said Sec 21 to the POB; LESS r/w for County Road on East.