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

PLANNING & ZONING BOARD September 4, 2013



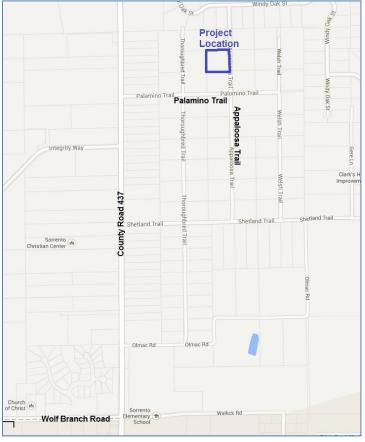
BOARD OF COUNTY COMMISSIONERS September 24, 2013

#### CUP #13/9/1-4 Cheryl's Doggie Day Spa

Case Manager: Melving Isaac, Planner Agenda Item #3

Applicant: Cheryl Sitton (the "Applicant") Owner: Caroline & Nelson Sitton (the "Owner")

**Requested Action:** The Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District to allow a pet grooming facility.



### - Site Location & Information –

Size	2 +/- acres		
Location	Sorrento area, East of CR 437, Northwest of Appaloosa Trail and Palamino Trail intersection		
Alternate Key #'s	1645158		
Future Land Use & Maximum Density	Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area 5.5 du/net ac		
	Existing	Proposed	
Zoning District	А	A	
Density	1 du/5 ac	1 du/5 ac	
Floor Area Ratio (LDR Table 3.02.06)	0.10 max	0.10 max	
Impervious Surface Ratio (LDR Table 3.02.06)	0.10 max	0.10 max	
Joint Planning Area	N/A		
Utility Area	N/A		
Site Utilities	Existing well and septic system		
Road Classification	Appaloosa Trail - Local Road Palamino Trail - Local Road CR 437 - Rural Major Collector		
Flood Zone/ FIRM Panel	X/385		
Commissioner District	4 (Campione)		

Approximate site location outlined in Blue

Site Visit	August 15, 2013
Sign Posted	August 15, 2013 (3 posted)

Land Use Table

<b>Direction</b>	Future Land Use	Zoning	Existing Use	<u>Comments</u>
North	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Rural Residential	
South	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Rural Residential	
East	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Rural Residential	Appaloosa Trail ROW
West	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Rural Residential	

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the Conditional Use Permit request, subject to the conditions set forth in the attached Ordinance.

#### PLANNING & ZONING BOARD RECOMMENDATION:

#### - Summary of Analysis -

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow a pet grooming facility. The subject property is located in the Sorrento area, East of CR 437, Northwest of Appaloosa Trail and Palamino Trail intersection. The property currently has an existing residence with a converted attached garage which will be used as a shop for the proposed activity.

The property is located within the Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area Future Land Use Category (FLUC), Wekiva River Study Area and Wekiva River Protection Area. The requested use for pet grooming is consistent with the 2030 Comprehensive Plan, which allows animal specialty services in this FLUC with the issuance of a CUP.

#### - 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 conditional use is consistent with criteria contained in Comprehensive Plan Policy I-3.2.4 for the Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area FLUC, which allows animal specialty services with the issuance of a CUP.

Section 3.01.05 LDR *Similar Uses*, allows the approval of uses that are similar but not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed pet grooming facility is no more obnoxious or detrimental than the comparable uses of kennels, veterinary services or pet shops with appropriate conditions.

A 200-foot setback is required by LDR Section 3.02.05.J. for structures as kennels or catteries that house, feed, exercise or maintain 5 or more dogs or cats. This grooming facility does not propose the keeping of pets overnight and will not function as a kennel; therefore, the 200-foot setback is not applicable to the proposed use.

In addition, a previous determination was made by the Board of County Commissioners (BCC) on 2011 (see Attachment 1) to allow a pet grooming business to be located on a multi-tenant shopping center as the intent for the 200-foot setback was not applicable in those circumstances. As indicated above, the LDR references a 200-foot setback for kennels and catteries; however, in a somewhat similar case where a pet grooming business was proposed for a multi-tenant shopping center, and where the impacts of the grooming business were determined to be minimal, the Board determined that the 200-foot setback would not apply, and that staff believes similar circumstances apply here such that the 200-foot setback need not apply. Specifically, the animals will not be boarded overnight or kept any length of time longer than that required to perform the grooming and for their owners to pick them up, and the animals will never be outside except upon entering or leaving the facility in the custody of their owner (see Attachment 2).

A pet grooming facility will have fewer impacts than a pet shop where pets stay overnight, which are usually located in shopping centers. Pet shops are not required to comply with the 200-foot setback for kennels; because the impacts of this pet grooming facility are anticipated to be similar and minimal, staff will not require this pet grooming facility to meet the setback requirement. This pet grooming facility will take place in an enclosed building, and pets will not stay overnight.

#### B. Effect on Adjacent Properties.

#### 1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties. No pets will be allowed outside the grooming facility as conditioned in the proposed ordinance.

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

The area is characterized by low density rural residential uses. Animal specialty services are allowed as a Conditional Use Permit by Comprehensive Plan Policy I-3.2.4. Similar uses such as kennels and veterinary clinics are allowed uses in the Agriculture (A) Zoning District. The proposed conditional use will be made compatible with the surrounding rural residential land uses through the conditions implemented by the proposed ordinance limiting off-site impacts through the implementation of hours of operation, number of animals, parking and disposal of animal waste.

# 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.

The residence is mostly surrounded by dense trees which serve to screening the pet grooming facility from adjacent properties. The proposed Ordinance contains conditions to limit impacts on properties within the immediate vicinity through the implementation of hours of operation, number of animals, parking and disposal of animal waste. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed conditional use. These items will be addressed in detail during the site plan or building permit 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 pet grooming use will be contained within the converted attached garage. Conditions are incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses through the implementation of hours of operation, number of pets, parking and disposal of animal waste. See the attached Conceptual Plan for generalized layout.

#### 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 conditional use will not result in additional demands on public facilities. The proposed CUP Ordinance contains conditions for the disposal of animal waste in the solid waste containers that will be picked up by the county's contracted provider.

The property is being served by an existing well and septic system. The Florida Department of Health (Lake County) has indicated that the existing septic system for the house will need to have an existing system evaluation to determine if the addition of this operation will need to have the system brought up to current code standards.

Public Works Department has indicated that the driveway apron may need to be upgraded to meet commercial driveway standards of 20 feet wide minimum. This will be evaluated during the site plan approval.

#### 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.

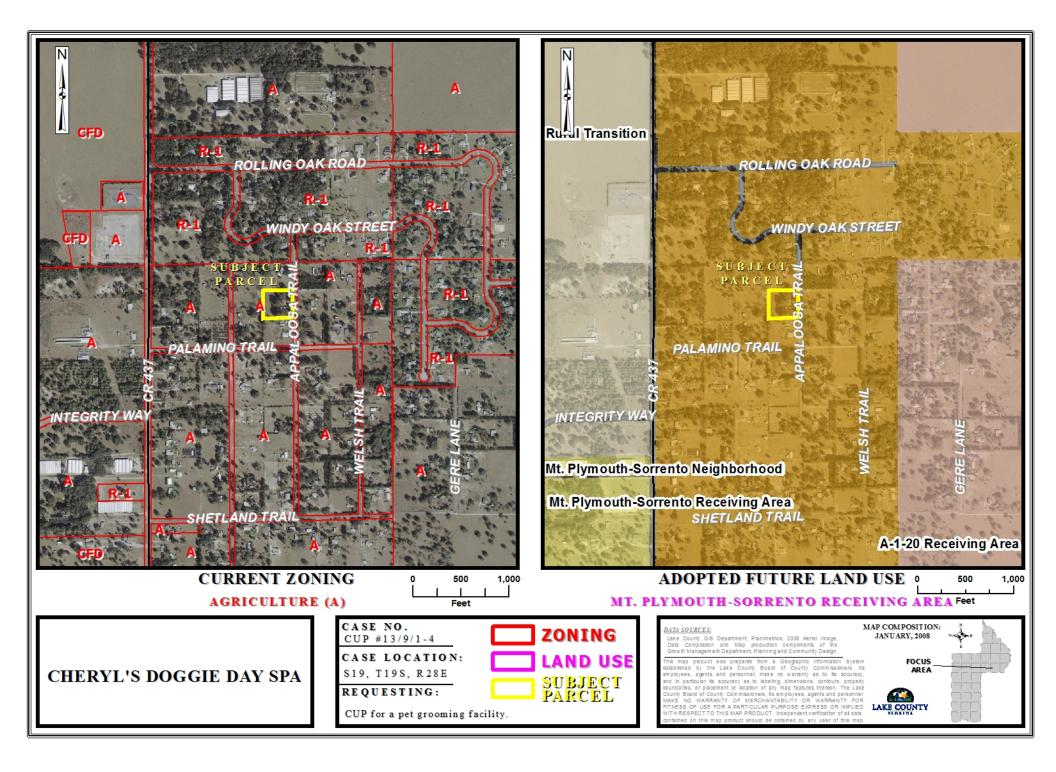
The subject parcel is approximately 2.7 miles from Lake County Fire Station 39 (closest fire station), located at 31431 Walton Heath Avenue, Sorrento which is a full-time, staffed station (see Attachment 3).

**FINDINGS OF FACT**: Staff has reviewed the application for the proposed conditional use permit and found:

- 1. The request is consistent with the Comprehensive Plan Policy I-3.2.4 which allows animal specialty services in the Mt. Plymouth-Sorrento Receiving Area Future Land Use Category with the issuance of a CUP.
- 2. The request is consistent with LDR Section 3.01.05 *Similar Uses*, which allows the approval of uses that are similar but not specifically listed, providing they are not more obnoxious or detrimental than those listed. The proposed pet grooming facility is no more obnoxious or detrimental than the comparable uses of kennels, veterinary clinics or pet shops with appropriate conditions.
- 3. A 200-foot setback is required by LDR Section 3.02.05.J. for structures as kennels or catteries that house, feed, exercise or maintain 5 or more dogs or cats. However, this grooming facility does not propose the keeping of pets overnight and will not function as a kennel; therefore, the 200-foot setback is not applicable to the proposed use.

Therefore, based on these findings of fact, staff recommends **APPROVAL** with conditions, as specified in the proposed ordinance.

WRITTEN COMMENTS FILED: Supportive: -4- Concern: -0- Opposition: -0-



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#### ORDINANCE #2013-XX Cheryl's Doggie Day Spa CUP #13/9/1-4

#### 4 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE 5 LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

6 WHEREAS, Cheryl Sitton (the "Permittee") on behalf of Caroline & Nelson Sitton (the "Owner") has 7 made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to 8 allow a pet grooming facility; and

WHEREAS, the subject property consists of 2 +/- acres and is generally located in the Sorrento
 area, East of CR 437, Northwest of Appaloosa Trail and Palamino Trail intersection in Section 19,
 Township 19 South, Range 28 East, currently having Alternate Key Number 1645158, and more particularly
 described by the following legal description:

Lot 72 of Hilltop - Sorrento, a subdivision located in Lake County, Florida, according to the plat thereof, as recorded in Plat Book 18, Page 16, Public Records of Lake County, Florida.

WHEREAS, the subject property is located within the Wekiva River Protection Area Mt. Plymouth Sorrento Receiving Area Future Land Use Category, and within the Wekiva River Study Area and Wekiva
 River Protection Area as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM);
 and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable in order to protect the public health, safety, and general welfare of the citizens of Lake County in accordance with the purpose and intent of the Land Development Regulations (LDR) to require compliance with the special conditions herein after set forth.

WHEREAS, this Conditional Use Permit was reviewed by the Planning & Zoning Board on September 4, 2013 and by the Board of County Commissioners of Lake County, Florida on September 24, 2013; and

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

- Section 1
   Permission is hereby granted for the operation of a pet grooming facility as a Conditional Use within the Agriculture (A) Zoning District.
- Section 2
   Terms: This Ordinance shall mean and include the total of the following uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Conditional Use Permit (CUP), in accordance with this Ordinance.
- A. Land Uses: In addition to those uses listed as permitted uses with the A Zoning District, the use of the site shall also allow the use specified below and consistent with EXHIBIT "A", the Conceptual Plan:
- 3.5 1. Pet Grooming Facility.

Accessory uses directly associated with this use may be approved by the County Manager or

designee. Any other use of the site shall require an amendment to this Ordinance as approved by the
 Board of County Commissioners.

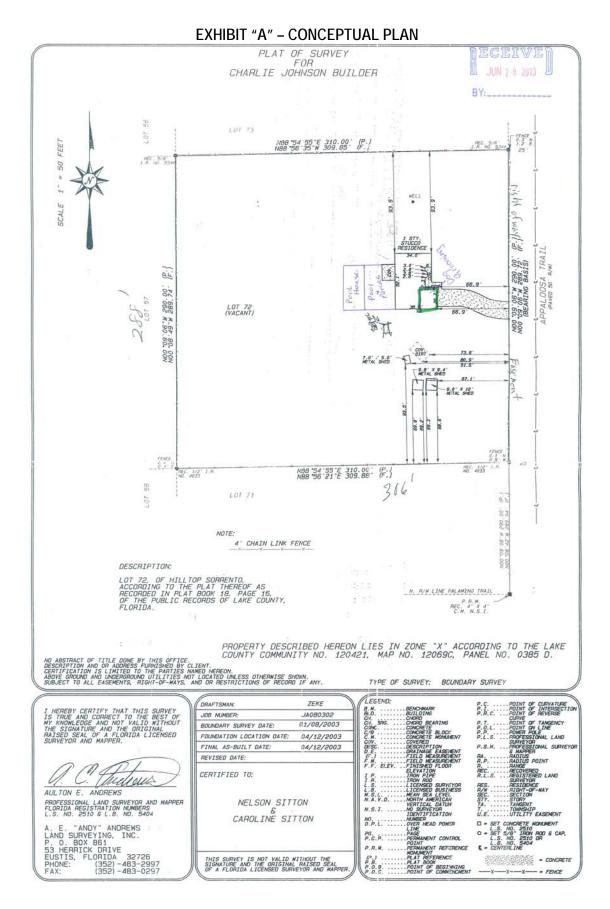
1 To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the 2 Ordinance shall take precedence.

- 3 B. Specific Conditions:
- Site Plan Required: Site plan approval is required for the Pet Grooming Facility and associated uses. The Permittee shall submit a site plan application for review and approval within six (6) months of the effective date of this Ordinance. The County Manager, or designee, may limit the required site plan submittal requirements if determined unnecessary for the new use.
- 8 2. Building Permits: The Permittee shall demonstrate that all structures utilized for the proposed use 9 meet the Florida Building Code.
- 10 3. Number of Animals: The Pet Grooming Facility shall be limited to a maximum of 12 animals per day.
- 4. All animals shall be contained inside the area designated for the pet grooming facility shown in the conceptual plan and shall not be permitted or kept outdoors of the facility. No pet shall stay overnight in the facility. This condition will not apply for animals owned or licensed by the Permittee.
- Animal Waste: Animal waste shall be picked up at least once daily, shall not be allowed to accumulate, and shall be properly disposed. There shall be no storage of organic waste material within the setback areas.
- 19 6. Storage: There shall be no storage of materials, equipment or vehicles within setbacks or 20 easements.
- 21 7. Noise: Compliance shall be in accordance with the LDR, as amended.
- 8. Hours of Operation: Monday through Saturday from 8:00 a.m. to 5:00 p.m. for public use.
- 9. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way, and shall be
   in accordance with the LDR, as amended, and consistent with Dark-Sky Principles.
- Parking: Parking surfaces may be grass or other pervious material, except as required for disabled access. Customer parking shall be limited to no more than 3 customer vehicles at any time.
- C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance with the Comprehensive Plan and LDR, as amended
- D. Landscaping, Buffering and Screening shall comply with the LDR, as amended.
- 30 E. Fire Protection and Emergency Services Access:
- Access and fire safety requirements of the property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as amended.
- An improved and unobstructed point of ingress and egress shall be provided for all emergency vehicles. If improvements are necessary for ingress and egress, the property owner shall be responsible for constructing the point of ingress and egress to Lake County standards.
- F. Transportation Improvements/Access Management: Requirements shall be determined for the proposed use at site plan review and in accordance with the LDR, as amended.
- 38 G. Signage: Signage shall be limited to a 1 square foot wall or window sign.

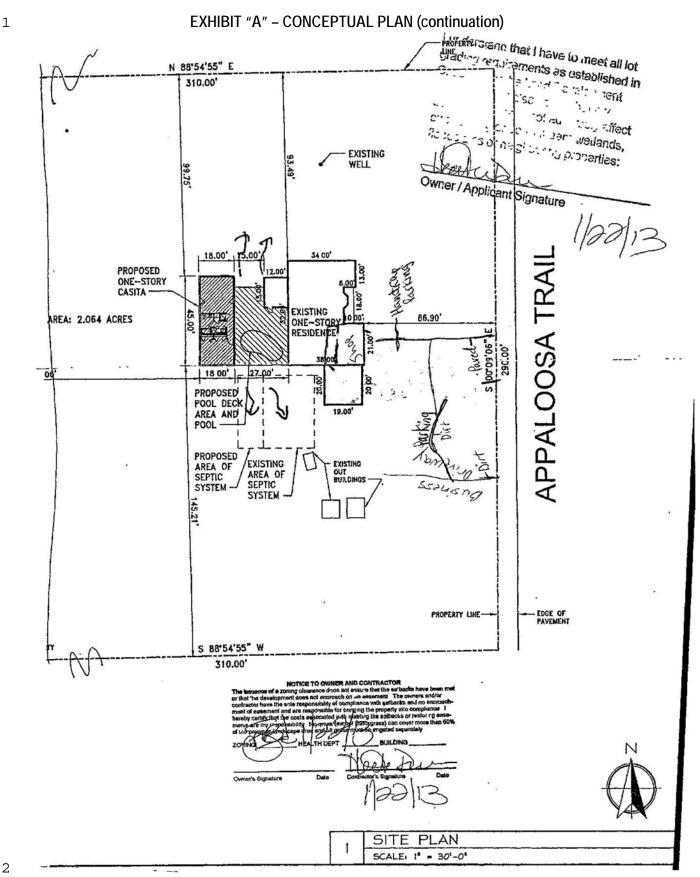
- H. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a site plan generally consistent with EXHIBIT "A" CONCEPTUAL PLAN, for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- Future Amendments to Statutes, Code, Plans, 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 shall include any future amendments to the Statutes,
   Code, Plans, and/or Regulations.
- J. 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. Any other proposed use must be
   specifically authorized by the Board of County Commissioners.
- 12 Section 3. Additional Conditions:
- A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of the
   Permittee or his successor to: Fulfill development in substantial accordance with the conceptual plan as
   submitted to the Planning & Zoning Board 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; or if this CUP is found to become a nuisance or safety
   hazard, the permit may be revoked after due Public Hearing before the Planning & Zoning Board 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 the Permittee
   or any successor and his interest hereto.
- C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
   Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
   to recommend that the ordinance be revoked.
- D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours, a fee shall also be assessed.

1	Section 4. Effective Date. This Ordinance shall become effective as provided	d by law.
2 3	ENACTED this day of	, 2013.
4 5	FILED with the Secretary of State	, 2013.
6 7	EFFECTIVE	, 2013.
8 9 10	BOARD OF COUNTY COMMISSIONER LAKE COUNTY, FLORIDA	S
11 12	LESLIE CAMPIONE, Chairman	
13	ATTEST:	
14 15 16 17	NEIL KELLY, Clerk of the Board of County Commissioners Lake County, Florida	
18	APPROVED AS TO FORM AND LEGALITY	

20 SANFORD A. MINKOFF, County Attorney



2



# Attachment 1

Isaac, Melving

From:	Greene, Steve
Sent:	Thursday, July 11, 2013 3:23 PM
To:	Hartenstein, Rick; Cotch, Jennifer; Isaac, Melving
Subject:	Kennels & pet grooming
Attachments:	BCC pet grooming interpretation 2-8-11.pdf

Team –

Please see the attached BCC minutes of their discussion on & interpretation of pet grooming & it's relationship to kennel requirements. Until the kennel definition is formally amended, the BCC desires not to require the 200-foot setback for pet grooming uses when there is no boarding.

A CUP application will still be required for pet grooming uses as an "animal specialty use", which is permissible in moste land use categories with conditional use approval.

Steve K. Greene, AICP, Chief Planner Planning & Community Design Lake County Department of Growth Management P.O. Box 7800 315 West Main Street Tavares, FL 32778-7800 Email: <u>sgreene@lakecountyfl.gov</u> Voice: 352-343-9641 Fax: 352-343-9595

#### FEBERUARY 8, 2011 BCC

#### **ISSUANCE OF PERMIT TO PET GROOMING BUSINESS**

Mr. Sandy Minkoff, County Attorney, stated that they had a request from the Growth Management Department for someone who has a pet grooming business. He mentioned that he believed that this issue has not arisen in the past since most of these businesses have been located in cities, and he explained that under their current LDR's (Land Development Regulations), a pet **groomer** is defined as a kennel, which have very stringent setback requirements of 200 feet. He related that this **groomer** wanted to locate his business in a multi-tenant shopping center that does not meet the 200-foot setback, but the department does not believe it makes sense to have a pet **groomer** meet a 200-foot setback. He noted that to approve this permit, they would have to change their LDR's, which is a process which usually takes three months, and he asked for Board permission to issue the permit to this particular person to allow him to open this business, and then come back and fix the LDR's so that anyone else could have that opportunity.

Commr. Cadwell commented that the logic for that was that a lot of those businesses were being located in homes rather than commercial areas, but that requirement did not make sense if it was located in a commercial building.

Mr. Minkoff mentioned that the new regulations would require them to be inside a fullyenclosed building with air conditioning and would include pet stores as well.

On a motion by Commr. Cadwell, seconded by Commr. Parks and carried unanimously by a vote of 5-0, the Board approved the issuance of the permit to the above-mentioned pet grooming service.

## Attachment 2

32913 Appaloosa Trail Sorrento, FL 32776 Lake County, (352) 397-1029

#### 7/18/2013

Department Of Growth Management,

I'm writing in response to you to give you some details of my business. Cheryl's Doggie Day Spa is a dog grooming shop. Where I am the owner and only worker in the shop? Where people bring their dogs to my house where my shop is located, I shave & bath their pets? They pick up their pet on the same day they drop them off to my shop to be groomed. There is NO boarding or any dogs running free on the property. They are inside only and remain there until the owners pick them up on the same day they were dropped off to be groomed.

I'd like the opportunity to tell you more about my work experience and how my skill set could contribute to the successful day-to-day running of my company. I graduated from the Florida Institute of Animal Arts in Winter Park, Florida in June 2009, I'm a Professional Pet Stylist.

If you need more information about my business please feel free to contact me.

Sincerely,

Cheryl A. Sitton



### MEMORANDUM

To: Cheryl Sitton

From: Maggie Jarrell, Lake County Fire Rescue

**Date:** July 18, 2013

Subject: Fire Protection Insurance Inquiry

#### REFERENCE PROPERTY ADDRESS: 32913 Appaloosa Trail, Sorrento, 32776

Thank you for your recent inquiry regarding Lake County Fire Rescue services. Please note that as of October 1, 2008, all fire departments in Lake County, including municipalities, are dispatched from the same communications center, either automatically or by mutual aid. The current Insurance Services Office Public Fire Protection Rating for unincorporated Lake County is CLASS 6/9.

The referenced property is approximately 2.7 miles from Station 39, located at 31431 Walton Heath Avenue, Sorrento, FL which is a full-time, staffed station. In the event of a structure fire, Lake County Fire Rescue would respond with a minimum four 750-gallon water capacity engines and four 3,000-gallons water capacity tankers. The closest water resource is a hydrant located approximately 1.2 miles from property and is located on Woodhill Court.

For Fire Station locations, please visit the link below:

http://www.lakecountyfl.gov/departments/public\_safety/fire\_rescue/station\_location\_map.as px

Or navigate to <u>www.lakecountyfl.gov</u> using the "Keyword Search" box near the top left on the Lake County page type the words "Fire Rescue" (without the quotes) and click on go. On the next page, the second search result should read "Fire Rescue – Public Safety" click on that link to get to the Fire Rescue page. On the Fire Rescue page to the left, you can navigate around the site, clicking on Station Location Map will take you directly to our Station Map, complete with Station addresses and downloadable PDF map.

FIRE RESCUE | A division of the Public Safety Department P.O. BOX 7800 • 315 W. MAIN ST., SUITE 411, TAVARES, FL 32778 • P 352.343.9458 • F 352.343.9516 Board of County Commissioners • www.lakecountyfl.gov

TIMOTHY I. SULLIVAN District 1 SEAN M. PARKS, AICP, QEP District 2 JIMMY CONNER District 3 LESLIE CAMPIONE District 4

### Attachment 4

Date 6-06-13

To Lake County Growth Management:

I do \_\_\_\_\_ or I do NOT \_\_\_\_\_ foresee any issues or problems with Cheryl Sitton running a dog grooming business at 32913 Appaloosa Trail, Sorrento, FL 32776.

If so, what issues or problems: \_\_\_\_\_

Betty Jean Raulerson Address: 32942 APPAloosA Trail Signature <u>Sprrents, Fla.</u> Betty Jean Raulerson 32776

**Print Name** 

6-06

Date Junk 2, 2013

To Lake County Growth Management:

I do \_\_\_\_\_ or I do NOT \_\_\_\_\_ foresee any issues or problems with Cheryl Sitton running a dog grooming business at 32913 Appaloosa Trail, Sorrento, FL 32776.

If so, what issues or problems:

Print Name Amy Fowler Data

Date <u>5-30-13</u>

To Lake County Growth Management:

I do \_\_\_\_\_ or I do NOT \_\_\_\_\_ foresee any issues or problems with Cheryl Sitton running a dog grooming business at 32913 Appaloosa Trail, Sorrento, FL 32776.

If so, what issues or problems:

on

\_\_\_\_\_ Address: 32835 Pa 100 SACIPA 10

Signature

**Print Name** 

Tom 00

Date 5-30-13

To Lake County Growth Management:

I do \_\_\_\_\_ or I do NOT \_\_\_\_\_ foresee any issues or problems with Cheryl Sitton running a dog grooming business at 32913 Appaloosa Trail, Sorrento, FL 32776.

Address: 32912 App2looso. frc. SorrENTO. FC. Signature George 0525 4. 32776

Print Name

13. 30-