



# CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): June 5, 2019  
Board of County Commissioners (BCC): June 25, 2019

Case No. and Project Name: CUP-19-04-5, Galloway CUP

Applicant: Jimmy D. Crawford, Esquire and Richard K. Galloway

Owner: William Shane Files and Cheryl J. Files

Requested Action: Conditional use permit on approximately 30.0 +/- acres within the Agriculture (A) zoning district for a kennel and dog training facility.

Staff Determination: Staff recommends approval of the conditional use permit to allow a dog training facility on Agriculture (A) zoned property.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 30.0 +/- acres

Location: North of County Road 44A, in the Eustis area.

Alternate Key #: 1710847

Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area

Existing Zoning District: Agriculture

Overlay: Wekiva Study Area

Rural Protection Area: Wekiva Ocala Rural Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Vacant	Vacant Large Tract of Land
South	N/A	N/A	County Road	County Road 44A
East	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Residential	Single-Family Dwelling Units

### - Summary of Analysis -

The conditional use permit (CUP) application proposes a kennel and dog training facility on the subject parcel, identified by Alternate Key Number 1710847. The property is located north of County Road 44A, in the Eustis area. The subject property is zoned Agriculture (A) with a Rural Future Land Use Category designation and situated within the Wekiva Ocala Rural Protection Area.

The subject parcel is currently developed with a single-family dwelling unit and four (4) accessory structures. Ordinance 2002-10 approved conditional use permit #02/1/1-5 to allow a home occupation to operate a veterinary clinic for small and large animals from the residence. The contract purchaser is interested in amending the conditional use permit to allow a dog training facility.

Currently, the kennel has the capacity to board up to two hundred (200) dogs. However, the Applicant has expressed the desire to board up to one hundred-forty nine (149) dogs. The Applicant has submitted a Renovation Rendering (Attachment A), which provides photos of the proposed uses for illustration purposes. The Conceptual Plan (Exhibit A) for the proposed kennel and dog training facility proposes the following:

- Dog Kennel
- Dog Training Facility
- Dog Wash and Grooming Facility
- Dog Play and Training Facility
- Offices related to the Kennel/Dog Training Facility

On May 9, 2019, the Board of Adjustments (BOA) approved variance (VAR-19-18-5) to allow four (4), existing accessory structures to remain in their current location for kennel use with setbacks of less than two-hundred (200) feet from the north property line with the following conditions:

1. The northern property boundary existing vegetation must be maintained to serve as a buffer.
2. Replaced and/or new structures proposed to be used as kennels shall be required to meet the minimum two-hundred (200) foot kennel setbacks as specified in the Land Development Regulations (LDR).

### - Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The CUP request for the proposed kennel and dog training facility is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category (FLUC). This land use allows animal specialty services as a conditional use.

This use is reflected in LDR Table 3.01.00 and LDR Section 3.01.03, which specifies the allowance of Kennel and Dog Training Facilities in the Agriculture Zoning District with a conditional use permit.

#### **B. Effect on Adjacent Properties.**

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

The Owner has proposed operating hours from 7:00 a.m. to 10:00 p.m. for outdoor activities. Additionally, the BOA approved variance 19-18-5 to allow four (4), existing accessory structures to remain in their current location and to be used as kennels with a setback of less than two-hundred (200) feet from the north property line with the following conditions:

1. The northern property boundary existing vegetation must be maintained to serve as a buffer.
2. Replaced and/or new structures proposed to be used as kennels shall be required to meet the minimum two-hundred (200) foot kennel setbacks as specified in the LDRs.

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

The subject parcel is currently developed with a single-family dwelling unit and four (4) accessory structures. Ordinance 2002-10 approved conditional use permit #02/1/1-5 to allow a home occupation to operate a veterinary clinic for small and large animals from the residence.

The surrounding area is developed with a vacant large tract of land and large tract of lands developed with single family residences and agriculture uses.

**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.**

In order to minimize impacts to surrounding properties, the proposed ordinance includes conditions that require the submission of a noise study at the time of site plan submittal. Additionally, the BOA approved variance 19-18-5 to allow four existing accessory structures to remain in their current location and to be used as kennels with the condition that the northern property boundary existing vegetation be maintained to serve as a buffer.

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

LDR Section 3.02.05(J) requires a setback from the adjacent boundaries owned by others of two-hundred feet for Kennels to minimize impacts to surrounding properties. However, the BOA approved variance 19-18-5 to allow four (4) existing accessory structures to remain in their current location and to be used as kennels with the condition that the northern property boundary existing vegetation be maintained to serve as a buffer. The closest existing accessory buildings that will be used as a kennel is approximately 40 feet from the northern property line and the other three (3) accessory buildings are located at a minimum of one-hundred (100) feet from the northern property line.

Mitigation of impacts will be addressed at the time of site plan submittal.

**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, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.**

Parks

According to the 2018 Trail Master Plan a proposed trail is planned to run along County Road 44A from the intersection of State Road 44 to County Road 439 and will continue further west.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

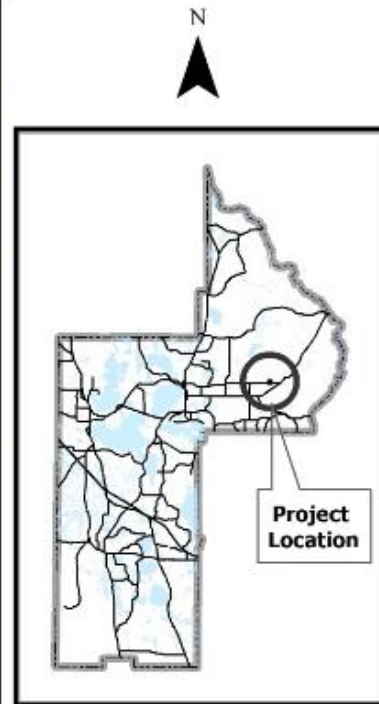
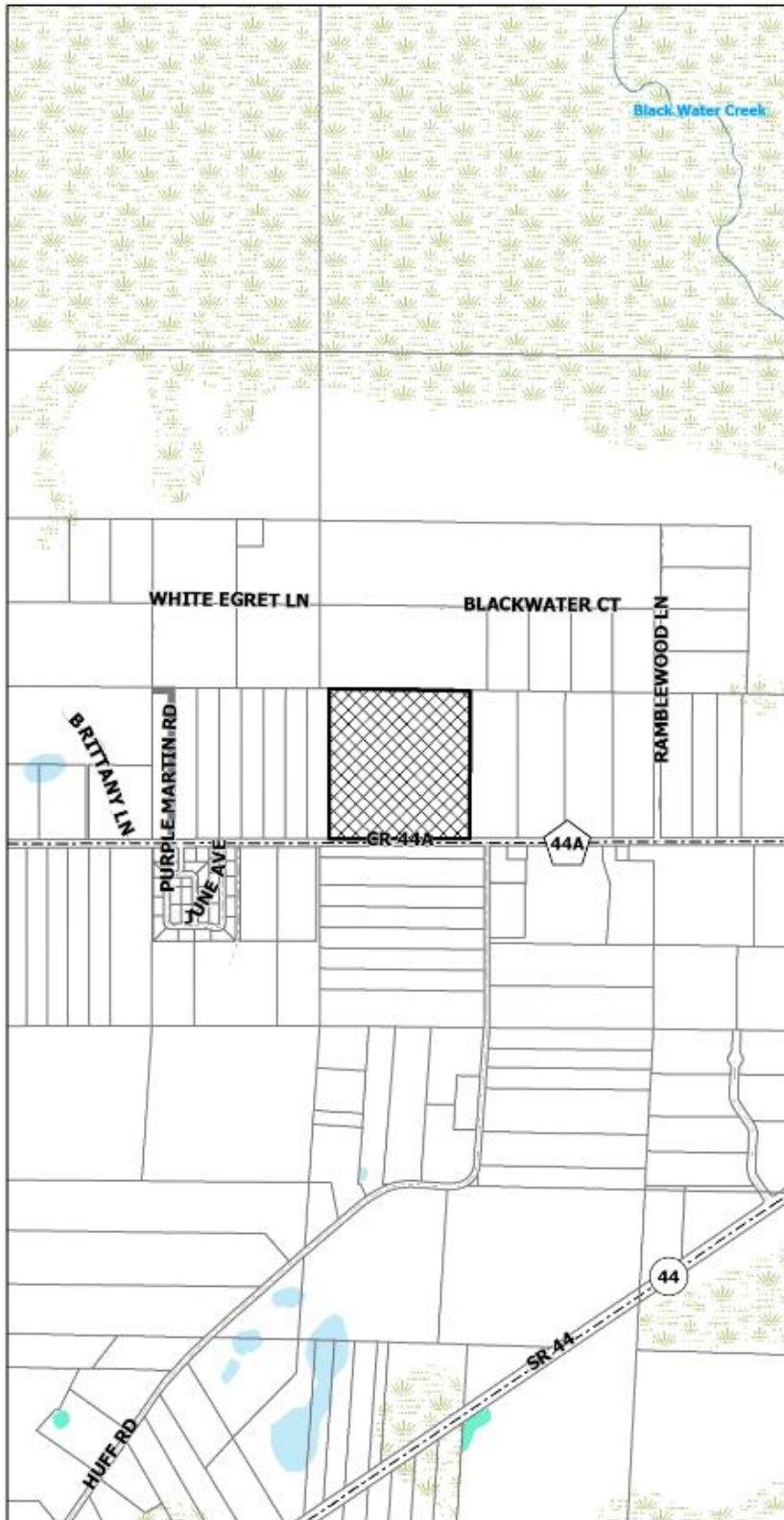
The proposed request is not anticipated to adversely impact roadway levels of service.

**D. Adequacy of Fire Protection.**

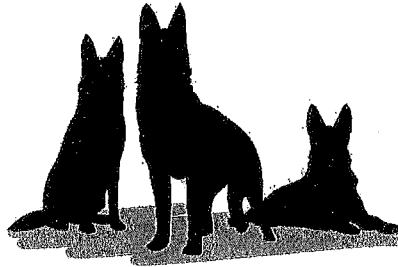
**The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

Lake County Fire Station 21 is located within two (2) miles of the subject property at 25100 County Road 44A, Eustis.

# Subject Property



# RENOVATION RENDERING



## CENTRAL FLORIDA K-9

April 2019

27101 CR 44A, Eustis

The images and descriptions within are intended to help convey the ideas and overall style for the renovation of the existing buildings at 27101 County Road 44A, Eustis, Florida.

PHOTOS ARE FOR ILLISTRATION PURPOSES ONLY

# Renovation Rendering

27101 CR44, EUSTIS

## EXISTING BUILDINGS

There are currently two kennel buildings and one partially enclosed pole barn on the property that are proposed to be renovated for use as a canine training facility. The photos below show the arrangement of the buildings in relation to each other on the rear of the property.



Image A.

Bird's Eye View of Property looking to the South



Image B.

Paved driveway leading to partially enclosed **pole barn** on the west (photo left) **reception building** (photo center) and **main kennel building** to the east (photo right).

Renovation  
Rendering

BUILDINGS EXTERIOR

Central Florida K-9 proposes to renovate the buildings in an appropriate style which is in keeping with the agricultural surroundings. The photos below have been selected to show an overall style and are not exact representations of the planned work to be done. All buildings will be renovated in the same colors, architecture and finishes. Colors of the buildings will be kept in a neutral family. Medium to light gray, with white and/or black trim are likely and cedar trim is possible.

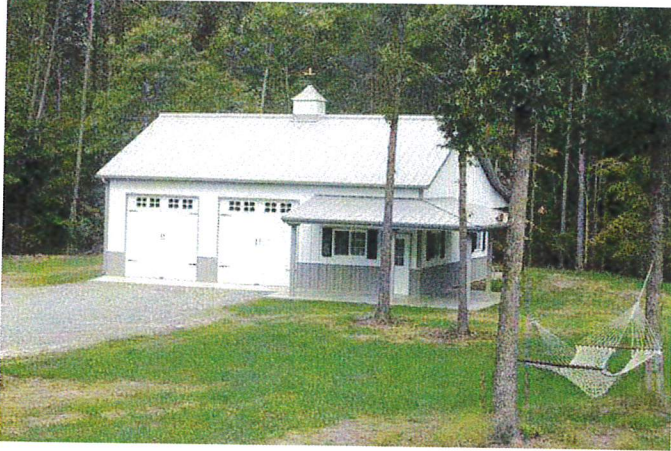


Image C.

**Pole Barn** – The pole barn will be completely enclosed and will include windows for added light, garage doors and a covered entrance.



Image D.

**Reception Building** – A covered porch will be added to the reception building as well as a covered porte cochere (See Image F) for convenient drop-off and pick-up.



Image E.

**Covered Porch** will create a warm welcome for clients

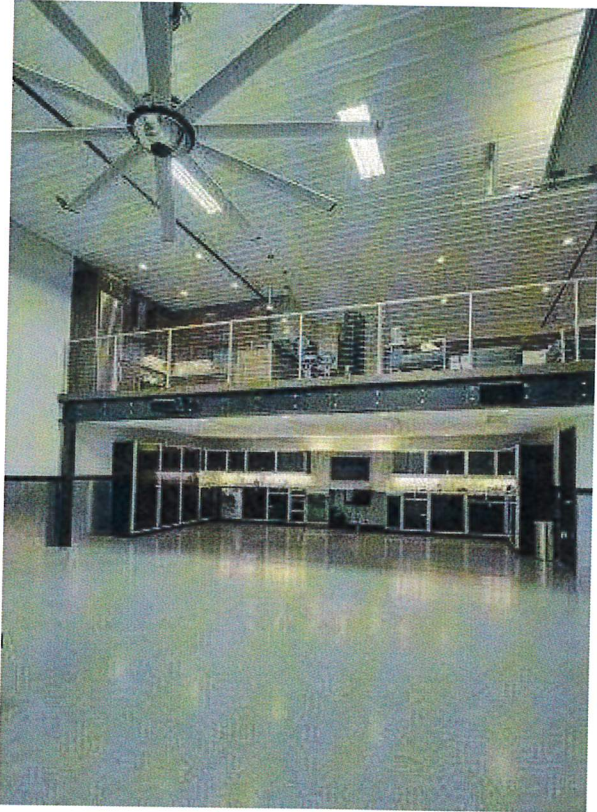


Image F.

**Porte Cochere** for drop-off and pick-up.

## ENCLOSED POLE BARN

The interior of each building will be planned to safely and efficiently provide for multiple uses.



**Pole Barn** –Once enclosed, the pole barn will serve as climate-controlled indoor training with an observation/seating area and built in storage for training equipment. The business owner's office is planned to occupy the loft overhead.

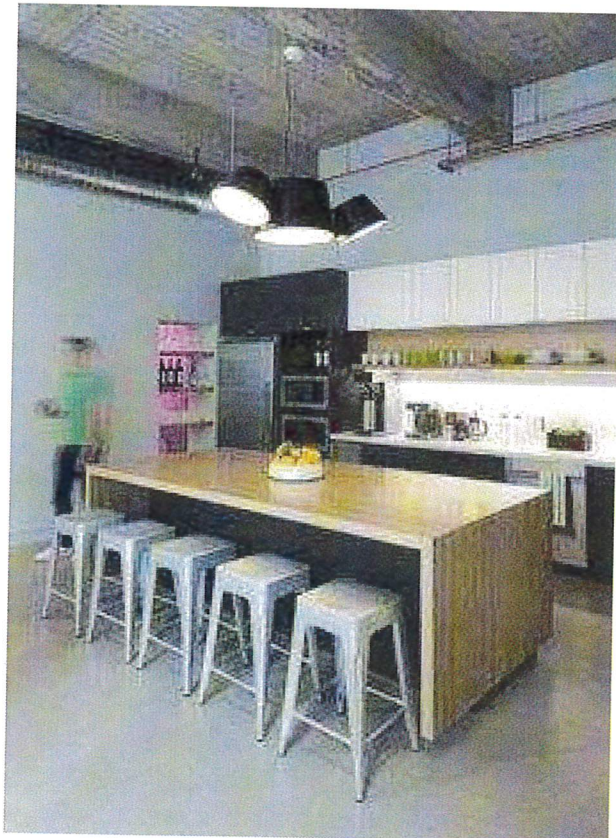




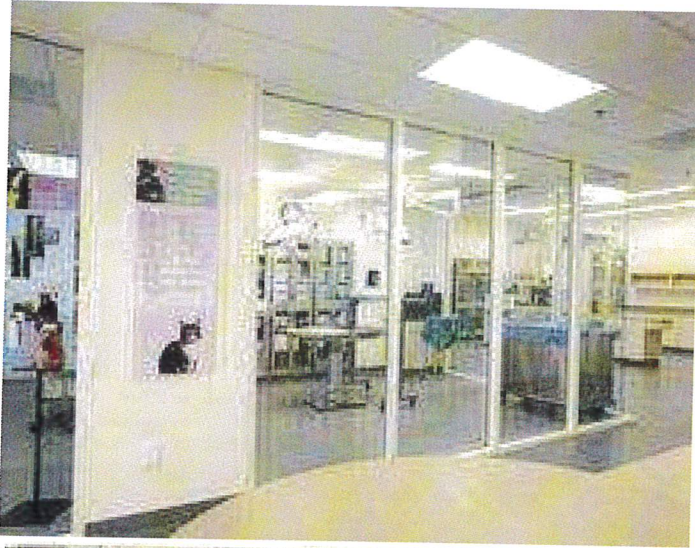
Renovation  
Rendering

## RECEPTION BUILDING

**Reception Building** – This building will house customer reception as well as trainer offices, meeting rooms, grooming area, physical therapy/rehabilitation, employee kitchen, restroom, etc.

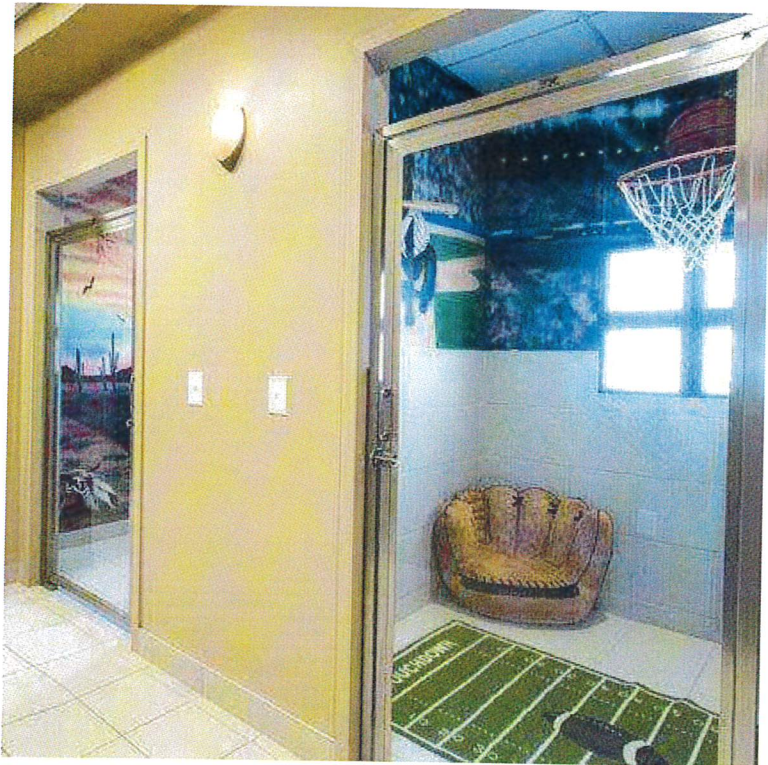
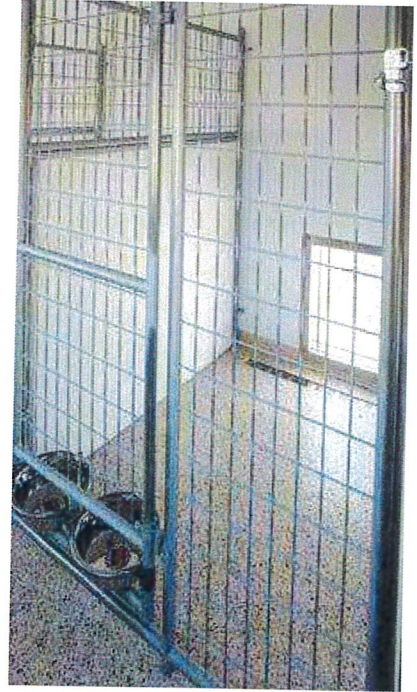


Canine Physical Therapy/ Rehabilitation Room



## MAIN KENNEL BUILDING

**Main Kennel Building** Will house standard kennels well as luxury suites



# GROUNDS



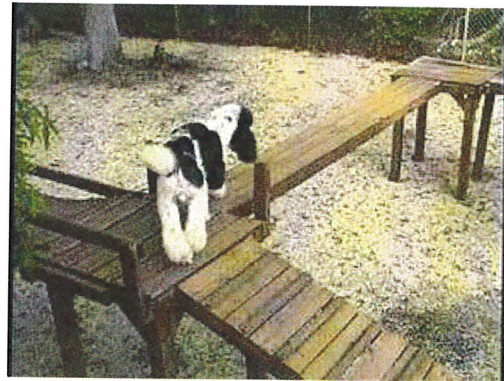
Image G.

**Gate** – A solar operated gate will be added to the driveway for safety and security.



Images H. through M.

**Agility/Confidence Walking Path** – The small grove of trees on the east side of the driveway will have the underbrush removed and become a natural, but groomed, shady walking path that incorporates agility/confidence building equipment and scattered seating arrangements for dogs and their owners to enjoy.



**Ordinance 2019-XX**  
**Galloway CUP**  
**CUP-19-04-5**

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

3 **WHEREAS**, Jimmy D. Crawford, Esquire and Richard K. Galloway (the “Applicants”) submitted a  
4 conditional use permit application on behalf of William Shane Files and Cheryl J. Files (the “Owners”) on  
5 approximately 30.0 +/- acres to allow a kennel and dog training facility within the Agriculture zoning district;  
6 and

7 **WHEREAS**, the subject property consists of approximately 30 +/- acres, north of County Road 44A,  
8 in the Eustis area, situated in Section 34, Township 18 South, Range 28 East, having Alternate Key Number  
9 1710847, and more particularly described as:

10 THAT PART OF THE EAST 1,125 FEET OF THE WEST 1,203 FEET OF THE NORTH 1/2 OF THE  
11 SW 1/4 OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 28 EAST, LYING NORTH OF THE  
12 NORTH LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD 44A IN LAKE COUNTY, FLORIDA.

13 **WHEREAS**, the subject property is located within the Wekiva River Protection Area Receiving Area  
14 A-1-20 Future Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map  
15 (FLUM); and

16 **WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable, in  
17 order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance  
18 with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the  
19 special conditions set forth in this Conditional Use Permit; and

20 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board  
21 on the 5th day of June, 2019, and by the Board of County Commissioners of Lake County, Florida, on the  
22 25th day of June, 2019.

23 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,  
24 Florida, that:

25 **Section 1.** Permission is hereby granted for a kennel and dog training facility as a Conditional Use within the  
26 Agriculture (A) Zoning District. All land uses must be generally consistent with the Concept Plan  
27 as shown in Exhibit “A” of this Ordinance. To the extent that there are conflicts between the  
28 Conceptual Plan and this Ordinance, this Ordinance will take precedence.

29 **Section 2.** Terms. The County Manager or designee shall amend the Lake County Zoning Map to show a  
30 Conditional Use Permit to allow uses with conditions as outlined within this Ordinance.

31 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)  
32 Zoning District, the uses of the site will be allowed as specified below and generally consistent  
33 with Exhibit “A”, the Conceptual Plan.

34 1. Dog Kennel.

35 a. The subject parcel may board no more than one hundred-forty nine (149) dogs.

36 2. Dog Training Facility.

37 3. Dog Wash and Grooming Facility.

- 1                   4. Dog Play and Training Facility.
- 2                   5. Offices related to the Kennel/Dog Training Facility.
- 3                   6. Accessory uses directly associated with the above uses may be approved by the County
- 4                    Manager or designee. Any other use of the site will require approval of an amendment to
- 5                    this Ordinance by the Board of County Commissioners.

6                   **B. Specific Conditions:**

- 7                    1. Animal Waste: Animal waste shall be picked up at least once daily, shall not be
- 8                    allowed to accumulate, and shall be properly disposed. There shall be no storage
- 9                    of organic waste material within the setback areas.
- 10                  2. Removal of Animal Waste and Sewage: Domestic and commercial waste must be
- 11                  disposed of in an approved Department of Health/Lake County Health Department
- 12                  system. Additional permitting may be required by the Florida Department of
- 13                  Environmental Protection (FDEP). All development permit requirements shall be
- 14                  addressed during the site plan review and approval process.
- 15                  3. There shall be no storage of materials within the setbacks or buffers.

16                  **C. Setbacks.** Any new buildings or structures shall require building setbacks in accordance with

17                  the Land Development Regulations (LDR), as amended.

- 18                  1. The Lake County Board of Adjustment (BOA) approved a variance (VAR-19-18-5)
- 19                  from Land Development Regulations (LDR) Section 3.02.05(J) to allow a setback of
- 20                  less than two-hundred (200) feet from the northern property line for the operation of
- 21                  the kennel with the following conditions:
  - 22                  a. The northern property boundary existing vegetation must be maintained to
  - 23                  serve as a buffer.
  - 24                  b. Replacement and new structure(s) proposed to be used as kennels shall be
  - 25                  required to meet the minimum two-hundred (200) foot kennel setback as
  - 26                  specified in the Land Development Regulations (LDR).
- 27                  2. Existing accessory buildings that will be used as a kennel is approximately 40 feet
- 28                  from the northern property line.
- 29                  3. No dog(s) shall be allowed to roam, unless accompanied by an adult, within the
- 30                  kennel setbacks.

31                  **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**

32                  shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),

33                  as amended.

34                  **E. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan

35                  and Land Development Regulations (LDR), as amended, and as follows: .

- 36                  1. The Lake County Board of Adjustment (BOA) approved a Variance 19-18-5 with the
- 37                  condition that the northern property boundary existing vegetation must be
- 38                  maintained to serve as a buffer.

- 1           **F. Fire Protection and Emergency Services Access:** Access and fire safety requirements of the  
2 property shall be provided in accordance with the Florida fire Prevention Code and Land  
3 Development Regulations (LDR), as amended.
- 4           **G. Transportation Improvements and Access Management.** All access management shall be  
5 in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as  
6 amended.
- 7           **H. Stormwater and Floodplain Management.** The stormwater management system shall be  
8 designed in accordance with applicable St. Johns River Water Management District (SJRWMD)  
9 requirements, the Comprehensive Plan and Land Development Regulations (LDR), as  
10 amended.
- 11           **I. Environmental Consideration** shall be in accordance with the Comprehensive Plan and Land  
12 Development Regulations (LDR), as amended.
- 13           **J. Parking.** All parking will be provided in accordance with the Land Development Regulations  
14 (LDR), as amended.
- 15           **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with  
16 the Land Development Regulations (LDR), as amended.
- 17           **L. Noise.** A noise assessment must be submitted for review and acceptance prior to  
18 commencement of the operations of the new uses identified in this Ordinance. Compliance must  
19 be in accordance with the Lake County Land Development Regulations (LDR), as amended, and  
20 as follows:
- 21                   1. Noise: Soundproofing of the Kennel building(s) shall be required and demonstrated  
22                   on the building plans. Public Address Systems or similar amplification devices shall  
23                   not be allowed.
- 24           **M. Signage.** All signage must be in accordance with the Land Development Regulations (LDR), as  
25 amended.
- 26           **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of  
27 the Florida Department of Health, the Comprehensive Plan and Land Development Regulations  
28 (LDR), as amended.
- 29           **O. Concurrency Management Requirements.** Any development must comply with the Lake  
30 County Concurrency Management System, as amended.
- 31           **P. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall  
32 be required to submit a development application generally consistent with EXHIBIT "A" -  
33 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Lake  
34 County Land Development Regulations (LDR), as amended.
- 35           **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references  
36 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
37 Comprehensive Plan, and Lake County Land Development Regulations will include any future  
38 amendments to the Statutes, Code, Plans, and/or Regulations.
- 39           **R.** After establishment of the facilities as provided in this Ordinance, the property must only be used  
40 for the purposes named in this Ordinance, unless a proposed use meets every requirement of

1 the zoning district in which the property is located. Any other proposed use must be specifically  
2 authorized by the Board of County Commissioners.

3 **Section 3. Conditions.**

- 4 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure  
5 of the Permittee or his successor to: Fulfill development in substantial accordance with the  
6 conceptual plan as submitted to the Planning & Zoning Board and the Board of County  
7 Commissioners; comply with the codes of the governmental agencies having lawful and  
8 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit;  
9 or if this CUP is found to become a nuisance or safety hazard, the permit may be revoked after  
10 due Public Hearing before the Planning & Zoning Board and the Board of County  
11 Commissioners.
- 12 **B.** This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running  
13 with the land; and the purpose, terms, and conditions contained herein shall be binding upon the  
14 Permittee or any successor and his interest hereto.
- 15 **C.** Action by the Lake County Code Enforcement Special Master. The Lake County Code  
16 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in  
17 this ordinance and to recommend that the ordinance be revoked.
- 18 **D.** Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure  
19 compliance with the conditions of this Conditional Use Permit and the approved site plan. An  
20 annual inspection fee will be assessed. If an emergency inspection is necessary during non-  
21 operating hours, a fee shall also be assessed.

22 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
23 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
24 of the remaining portions of this Ordinance.

25 **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this  
26 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,  
27 Florida Statutes.

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1 **Section 6. Effective Date. This Ordinance will become effective as provided by law.**

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**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
**FILED** with the Secretary of State \_\_\_\_\_, 2019.  
**EFFECTIVE** \_\_\_\_\_, 2019.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**LESLIE CAMPIONE, CHAIRMAN**

**ATTEST:**

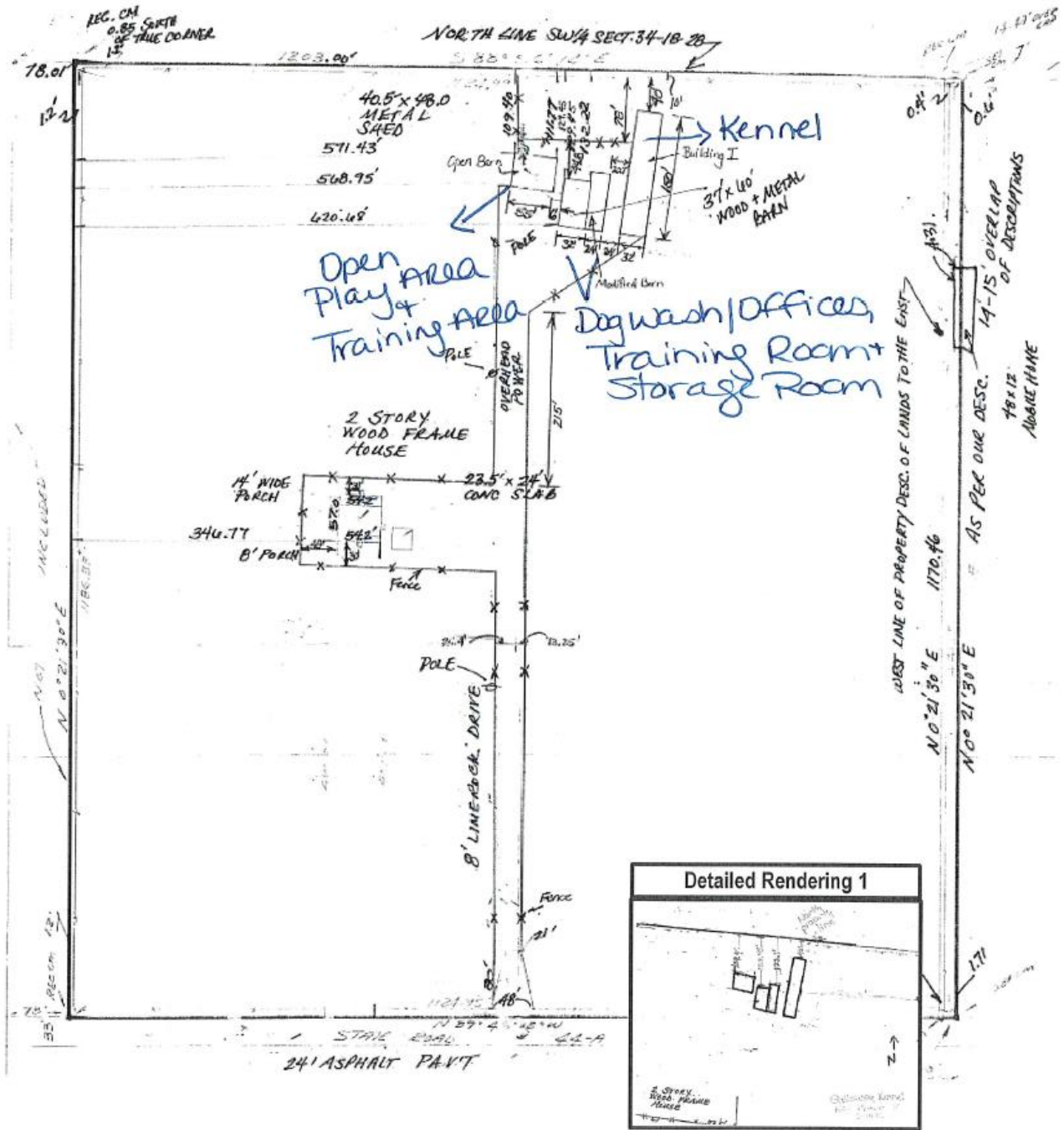
\_\_\_\_\_  
**GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**MELANIE MARSH, COUNTY ATTORNEY**

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Exhibit A – Concept Plan



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