



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearings: Planning & Zoning Board (PZB): October 30, 2019
Board of County Commissioners (BCC): November 19, 2019

Case No. and Project Name: CUP-19-06-4, Dickerson Kennel

Applicant: Jimmy D. Crawford, Esquire

Owner: Jeffrey L. Dickerson

Requested Action: Conditional use permit on approximately 5.0 +/- acres to allow a kennel within the Agriculture (A) zoning district.

Staff Determination: Staff finds the conditional use permit application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 5.0 +/- acres

Location: West of Orange Street, north of State Road 46, in the Sorrento area.

Alternate Key No.: 3378784

Future Land Use: Mount Plymouth Sorrento Neighborhood

Existing Zoning District: Agriculture

Overlay: Wekiva Study Area, and Mount Plymouth-Sorrento

Rural Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount Plymouth Sorrento Neighborhood	Agriculture (A)	Vacant	Agriculture Large Tract of Land with Barn
South	Mount Plymouth Sorrento Neighborhood	Agriculture (A)	Residential and Hayfield	Agriculture Large Tract of Land, Single-Family Dwelling Units
East	N/A	N/A	Street	Orange Street, Single-Family Dwelling Units
West	Mount Plymouth Sorrento Neighborhood	Agriculture (A)	Cattle	Agriculture Large Tracts of Land

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for a kennel on a 5-acre parcel identified by Alternate Key Number 3378784 located west of Orange Street and north of State Road 46, in the Sorrento area. The Owner proposes a 4,213.32 square foot kennel building on the subject parcel as illustrated on Attachment A. The subject property is zoned Agriculture (A) and is part of the Mount Plymouth Sorrento Neighborhood Future Land Use Category. The property is situated within the Wekiva Study Area, and Mount Plymouth-Sorrento Area. The subject parcel is currently developed with a single-family dwelling unit, pool, stable, and shed.

On July 11, 2019, the Board of Adjustments (BOA) approved Variance 19-24-4, to allow a proposed kennel building to be constructed with a setback less than two-hundred (200) feet from the western, northern, and southern property lines with a condition that a Type "A" landscape buffer must be installed and maintained along the western, northern, and southern property lines to serve as a buffer and mitigate any potential noise impacts. The concept plan provided with the conditional use permit application is consistent with the BOA approval as illustrated in Attachment A.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

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

The application seeks conditional use approval for a kennel in Agriculture zoning. The propose use is consistent with Comprehensive Plan Policy I-3.2.5, Mount Plymouth-Sorrento Neighborhood Future Land Use Category (FLUC), which allows animal specialty services as a conditional use.

This use is reflected in LDR Section 3.01.02 and LDR Table 3.01.03, which specifies the allowance of Kennel in the Agriculture Zoning District with a conditional use permit.

The requested for the proposed kennel is consistent with Chapter II and LDR Section 3.01.02, defines Kennel as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs.

B. Effect on Adjacent Properties.

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

To minimize any undue adverse effect to the adjacent parcels, the Owner has proposed outdoor activities for the dogs between the hours of 8:30 a.m. to 6:00 p.m. However, the Owner intends to have dogs outdoors until 9:00 p.m. to allow the dogs to relieve themselves before sheltering overnight. Additionally, the BOA approved Variance 19-24-4, to establish a setback of less than two-hundred (200) feet from the western, northern, and southern property lines with landscape buffer along the western, northern, and southern property lines for noise mitigation.

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

The Applicant provides the following statement regarding compatibility with the character of the neighborhood: *"The property and adjacent lands are located within the Wekiva Study Area and are zoned Agriculture. Neighboring properties contain equestrian related use, landscape nurseries and other typical uses found in the Agriculture zoning district. The proposed use is in harmony with the surrounding agriculture uses and meets the intent of the existing land use and agriculture zoning."*

Kennel is defined as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs. In the past, the County has allowed kennels within Agriculture zoning districts with a CUP, in conjunction with a veterinarian office. This past approval practice establishes precedence to conditionally allow kennel use within agriculturally zoned parcels. The adjoining western property is active with cattle grazing and southern property being use for hayfield operation. The proposed use would be compatible with these adjacent zoned Agriculture zoned lands.

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 assessment at the time of site plan submittal. Additionally, the BOA approved Variance 19-24-4, to allow a proposed kennel building to be constructed with a setback of less than two-hundred (200) feet from the western, northern, and southern property lines with the following condition that a Type "A" landscape buffer must be installed and maintained along the western, northern, and southern property lines to serve as a buffer and mitigate any potential noise impacts.

Kennel is defined as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs. In the past, the County has allowed kennels within Agriculture zoning districts with a CUP, in conjunction with a veterinarian office. This past approval practice establishes precedence to conditionally allow kennel use within agriculturally zoned parcels. The adjoining western property is active with cattle grazing and southern property being use for hayfield operation. The proposed use would be compatible with these adjacent zoned Agriculture zoned lands.

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. The previously states BOA Order dictates the arrangement of the kennel building on the subject property to minimize adverse impacts to neighboring properties. The future site plan will be development consistent with Attachment A to ensure adherence to the Board Order (Variance 19-24-4).

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

The proposed request is not anticipated to adversely impact parks.

Solid Waste

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

Transportation

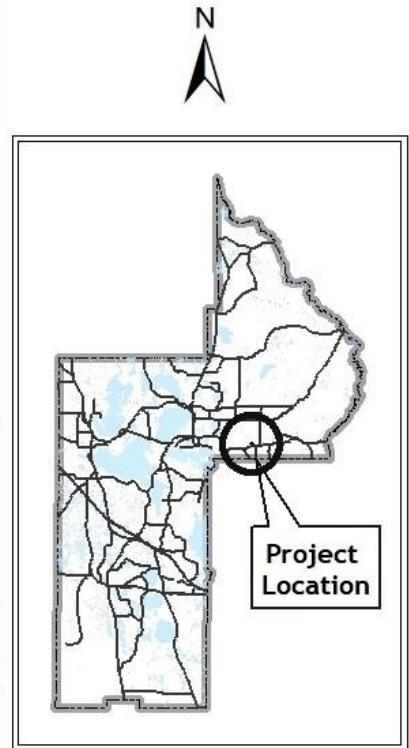
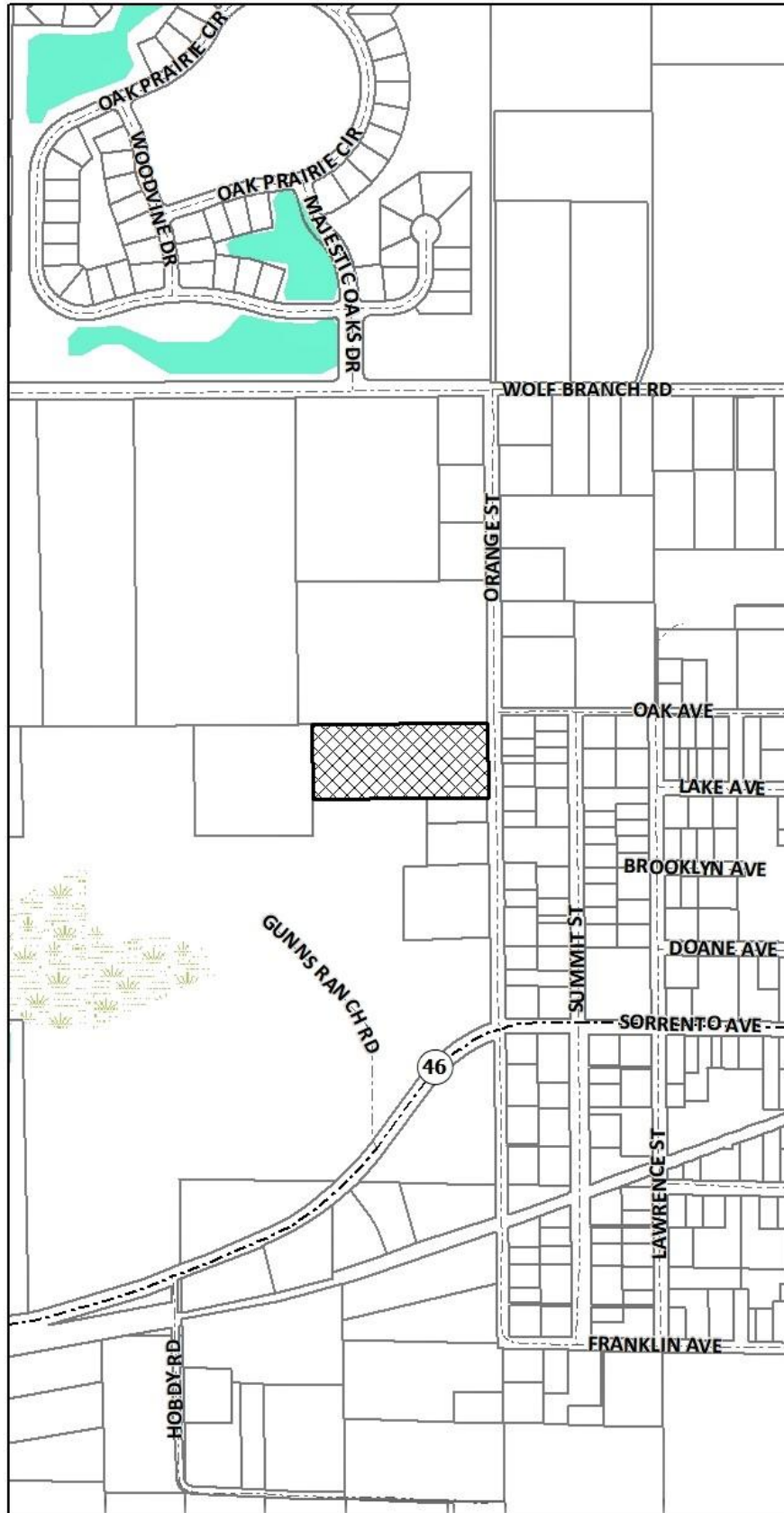
The proposed request is not anticipated to adversely impact transportation levels of service.

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 39 is located within two (2) miles of the subject property at 31431 Walton Heath Avenue, Sorrento, and will provide advanced life support should an emergency on the property demand this service. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

Subject Property



**Ordinance 2019-XX
Dickerson CUP
CUP-19-06-4**

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 (the “Applicant”) submitted a conditional use permit
4 application on behalf of Jeffrey L. Dickerson (the “Owner”) to allow a kennel on approximately 5.0 +/- acres
5 within the Agriculture zoning district; and

6 **WHEREAS**, the subject property consists of approximately 5.0 +/- acres, located at 31707 Orange
7 Street, in the unincorporated Sorrento area of Lake County, Florida, situated in Section 25, Township 19
8 South, Range 27 East, having Alternate Key Number 3378784, and more particularly described as:

9 Commence at the intersection of the East line of the Northwest 1/4 of Section 25, Township 19 South,
10 Range 27 East, Lake County, Florida, with the South line of the North 1358.77 feet of the Northwest
11 1/4 of said Section 25, run thence S.89°54’08”W., along the said South line of the North 1358.77
12 feet of the Northwest 1/4 a distance of 30.0 feet to a point on the West right of way of Orange Street
13 and the Point of Beginning of this description; from said Point of Beginning, continue S.89°54’08”W.,
14 714.10 feet; thence S.00°23’50”E., 305.0 feet; thence N.89°54’08”E., 714.10 feet to a point on the
15 West right of way of Orange Street; thence N.00°23’50”W., along said West right of way of Orange
16 Street 305.0 feet to the Point of Beginning.

17 **WHEREAS**, the subject property is located within the Mount Plymouth-Sorrento Neighborhood
18 Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map
19 (FLUM); and

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

24 **WHEREAS**, on July 11, 2019, the Lake County Board of Adjustments approved VAR #19-24-4 to
25 allow a kennel building to be constructed with a setback of less than two-hundred (200) feet from the western,
26 northern, and southern property lines; and

27 **WHEREAS**, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board
28 on the 30th day of October, 2019, and by the Board of County Commissioners of Lake County, Florida, on
29 the 19th day of November, 2019.

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

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

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

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

4 1. Dog Kennel.

5 a. The subject parcel may board no more than forty (40) dogs.

6 2. Accessory uses directly associated with the above uses may be approved by the County
7 Manager or designee. Any other use of the site will require approval of an amendment to
8 this Ordinance by the Board of County Commissioners.

9 **B. Specific Conditions:**

10 1. Animal Waste: Animal waste shall be picked up at least once daily, shall not be
11 allowed to accumulate, and shall be properly disposed. There shall be no storage
12 of organic waste material within the setback areas.

13 2. Removal of Animal Waste and Sewage: Domestic and commercial waste must be
14 disposed of in an approved Department of Health/Lake County Health Department
15 system. Additional permitting may be required by the Florida Department of
16 Environmental Protection (FDEP). All development permit requirements shall be
17 addressed during the site plan review and approval process.

18 3. There shall be no storage of materials within the setbacks or buffers.

19 4. No dog(s) shall be allowed to roam, unless accompanied by an adult, within the
20 kennel setbacks.

21 5. Daily outdoor dog activities: 8:30 a.m. to 9:00 p.m.

22 **C. Setbacks.** Any new buildings or structures shall require building setbacks in accordance with
23 the Land Development Regulations (LDR), as amended.

24 1. The Lake County Board of Adjustment (BOA) approved a variance (VAR-19-24-4)
25 from Land Development Regulations (LDR) Section 3.02.05(J) to allow a building
26 that will be used as a kennel to be constructed with a setback of less than two-
27 hundred (200) feet from the northern, western, and southern property lines.

28 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
29 shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),
30 as amended.

31 **E. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan
32 and Land Development Regulations (LDR), as amended, and as follows:

33 1. The Lake County Board of Adjustment (BOA) approved Variance #19-24-4 with the
34 condition that a Type "A" landscape buffer must be installed to serve as a buffer and
35 mitigate any potential noise impacts.

36 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of the
37 property shall be provided in accordance with the Florida Fire Prevention Code and Land
38 Development Regulations (LDR), as amended.

- 1 **G. Transportation Improvements and Access Management.**
- 2 1. The driveway accessing the property shall be upgraded to meet two-way traffic for
- 3 the public to access the site. Permitting for the driveway improvements will be
- 4 through the Department of Public Works.
- 5 2. All access management shall be in accordance with the Comprehensive Plan and
- 6 Land Development Regulations (LDR), as amended.
- 7 **H. Floodplain Management.** The developer shall be responsible for any flood studies required for
- 8 developing the site and comply with Federal Emergency Management Agency (FEMA),
- 9 Comprehensive Plan and Land Development Regulations (LDR), as amended. Any development
- 10 within the floodplain as identified on the FEMA maps will required compensating storage.
- 11 **I. Stormwater Management.** The stormwater management system shall be designed in
- 12 accordance with all applicable Lake County and St. Johns River Water Management District
- 13 (SJRWMD) requirements, as amended.
- 14 **J. Environmental Consideration** shall be in accordance with the Comprehensive Plan and Land
- 15 Development Regulations (LDR), as amended.
- 16 **K. Parking.** All parking will be provided in accordance with the Land Development Regulations
- 17 (LDR), as amended.
- 18 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
- 19 the Land Development Regulations (LDR), as amended.
- 20 **M. Noise.** A noise assessment must be submitted for review and acceptance prior to
- 21 commencement of the operations of the new uses identified in this Ordinance. Compliance must
- 22 be in accordance with the Lake County Lake Development Regulations (LDR), as amended, and
- 23 as follows:
- 24 1. Noise: Noise attenuation materials for soundproofing of the kennel building shall be
- 25 required and demonstrated on the building plans. Public Address Systems or similar
- 26 amplification devices shall not be allowed.
- 27 **N. Signage.** All signage must be in accordance with the Land Development Regulations (LDR), as
- 28 amended.
- 29 **O. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
- 30 the Florida Department of Health, the Comprehensive Plan and Land Development Regulations
- 31 (LDR), as amended.
- 32 **P. Concurrency Management Requirements.** Any development must comply with the Lake
- 33 County Concurrency Management System, as amended.
- 34 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant shall
- 35 be required to submit a development application generally consistent with EXHIBIT "A" -
- 36 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and Lake
- 37 County Land Development Regulations (LDR), as amended.

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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

Exhibit A, Concept Plan.

