



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): December 2, 2020
Board of County Commissioners (BCC): December 22, 2020

Case No. and Project Name: CUP-20-05-1, Yorton Dog Breeding Kennel

Applicant: Dean and Kristen Yorton

Owner: Cindy A. McCall and Steven H. Adamick

Requested Action: Conditional use permit on approximately 9.04 +/- acres to allow a dog breeding facility/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: Emily W. Johnson, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 9.04 +/- acres

Location: Southwest of the intersection of Casteen Road and Flatwoods Road, in the Leesburg area.

Alternate Key No.: 1087708

Future Land Use: Rural

Existing Zoning District: Agriculture (A)

JPA / ISBA: Leesburg ISBA

Overlay: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units adjacent to Casteen Road
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit, adjacent to Flatwoods Road
West	Rural	Agriculture (A)	Vacant	Large Agriculture Tract

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval for a dog breeding facility on a 9.04-acre parcel, identified by Alternate Key Number 1087708, and located southwest of the intersection of Casteen Road and Flatwoods Road, in the unincorporated Leesburg area. The subject parcel is zoned Agriculture (A), designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is currently vacant and undeveloped. The Applicants have proposed associated improvements to the property, to include a dog kennel, dog runs, shop building, caretaker's residence, 6-foot chain-link fence, and driveway access, which are depicted on the Concept Plan (Attachment "A"). Additionally, the Applicants have requested an allowance for up to twenty-five (25) adult dogs, male and female.

- 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 (A) zoning. The proposed use is consistent with Comprehensive Plan Policy I-1.4.4, Rural 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 specify the allowance of Kennel uses in the Agriculture (A) zoning district with approval of a Conditional Use Permit (CUP).

The request for the proposed kennel is consistent with Chapter II and LDR Section 3.01.02, which defines a Kennel use 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, structures housing or otherwise containing dogs (dog kennel and dog runs included) will be located a minimum of two-hundred (200) feet from the property lines, consistent with the setback required under LDR Section 3.02.05(J).

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

A Kennel use is defined as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming or rearing of dogs. Pursuant to LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, Kennel uses are allowed in the Agriculture (A) zoning district with a CUP. The surrounding properties are zoned Agriculture (A), and contain single-family residences on large tracts of land, with the exception of the adjacent parcels to the west, which are vacant and undeveloped.

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, any structures which will house (or otherwise contain) dogs will be located a minimum of two hundred (200) feet from the property lines. Also, the Applicants have indicated on the Concept Plan (Attachment "A") that a 6-foot high chain-link fence will be installed along the northern, southern, and western (side and rear) property lines, and a 4-foot high decorative fence will be installed along the eastern (front) property line.

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. Should the CUP be approved, a subsequent development application for site plan review must be submitted prior to commencement of construction or Kennel activities; the site plan shall be consistent with the Concept Plan (Attachment "A").

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.

Water and Sewer

The City of Leesburg has indicated that water and sewer services will not be provided; future well and septic systems will be permitted through the Florida Department of Health.

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

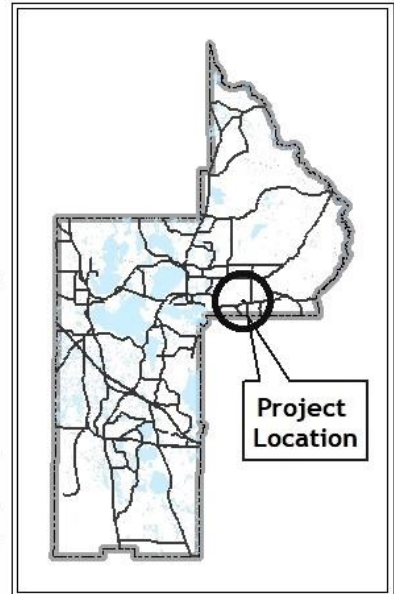
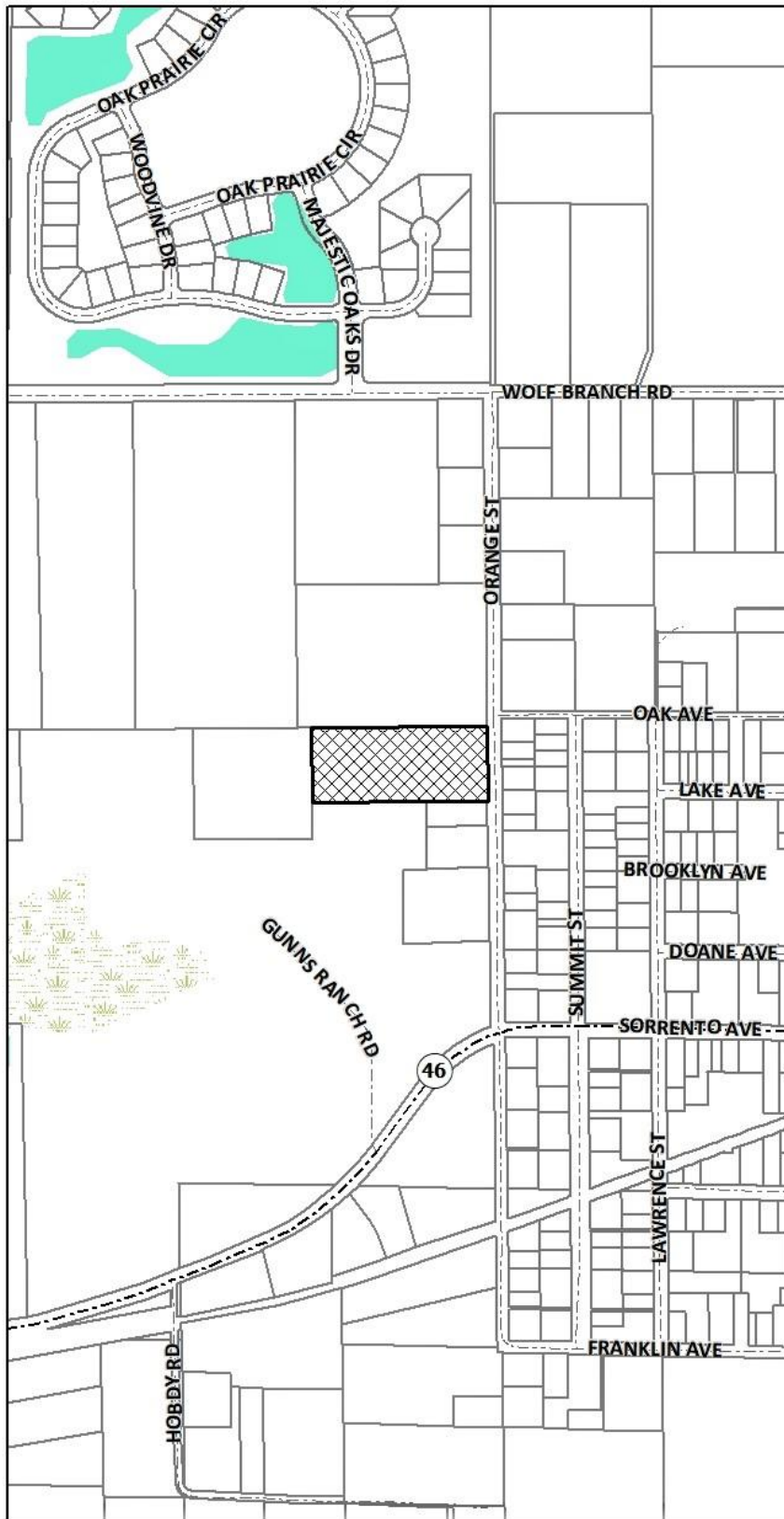
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

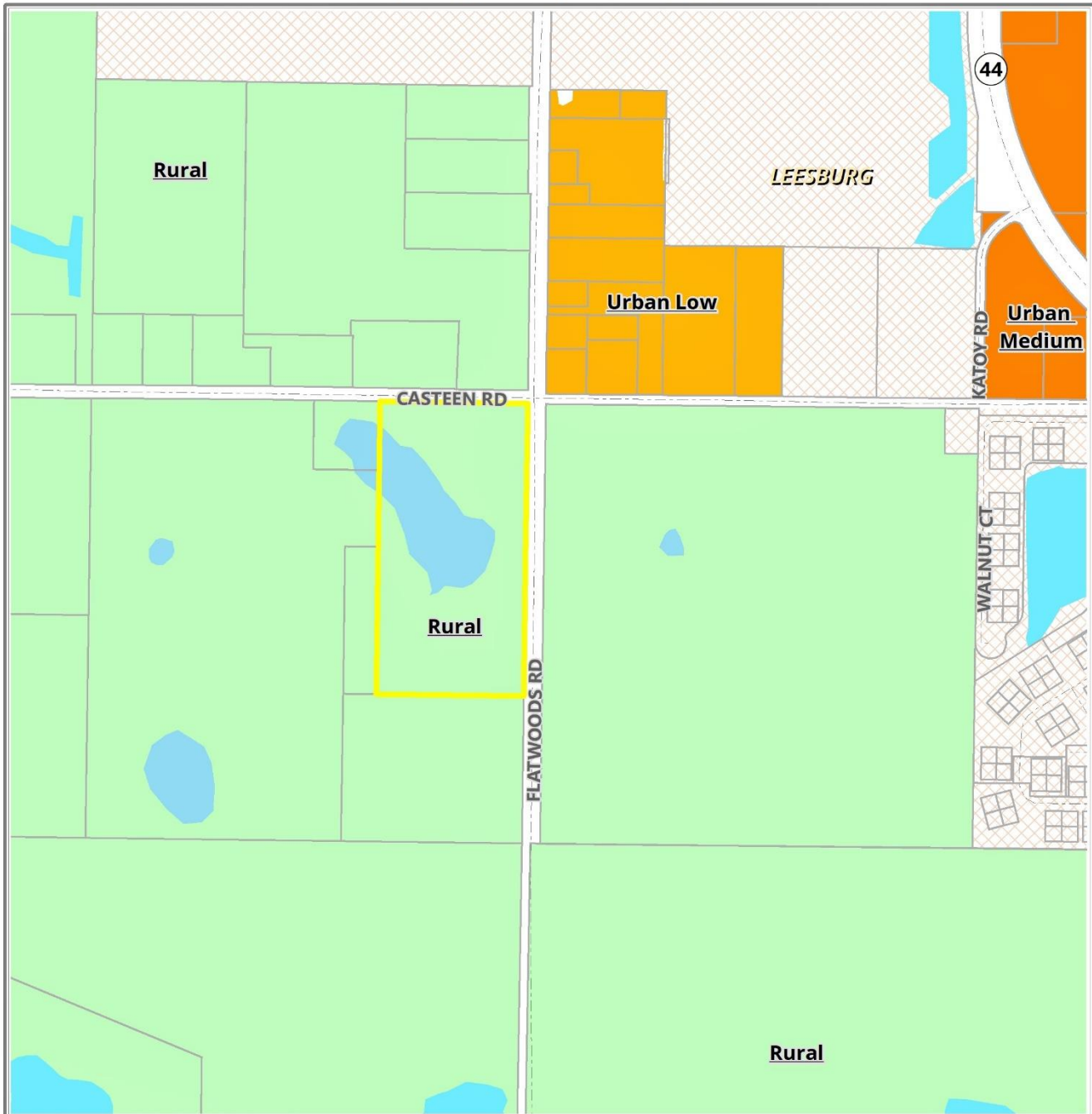
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station (LCFS) #59 is located approximately two (2) miles from the subject property, at 1201 Lewis Road, in the Leesburg area. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is granted.

Map of Subject Property



FLUC Map CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

- Urban Medium
- Urban Low
- Rural

NAME: **YORTON DOG BREEDING KENNEL PROPERTY**

DISTRICT: **1**

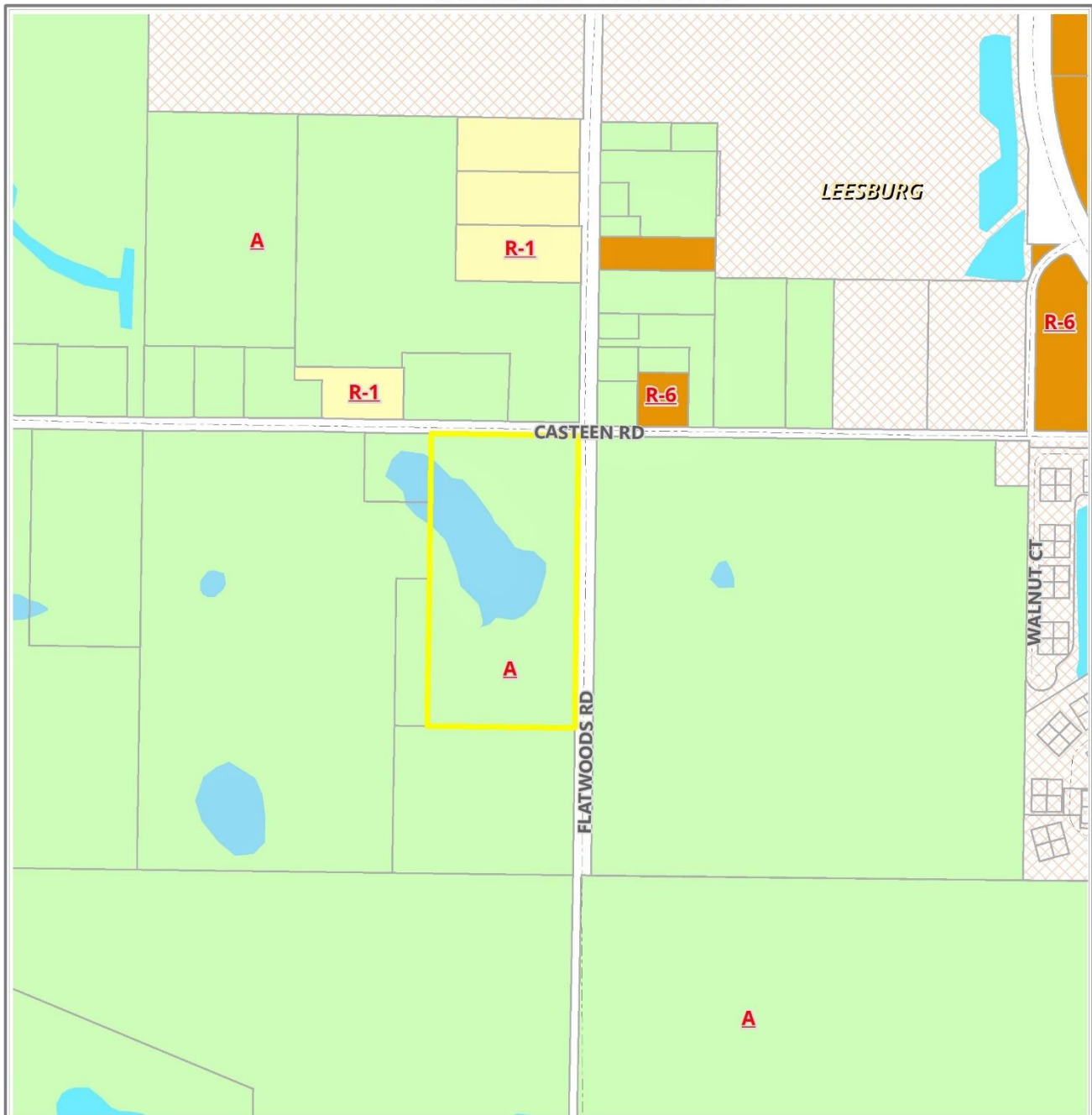
CASE NUMBER: **CUP-20-05-1**

LOCATION (S-T-R): **29-19-24**

REQUEST: **ALLOW DOG BREEDING KENNEL**



Zoning Map CURRENT ZONING



ZONING LEGEND

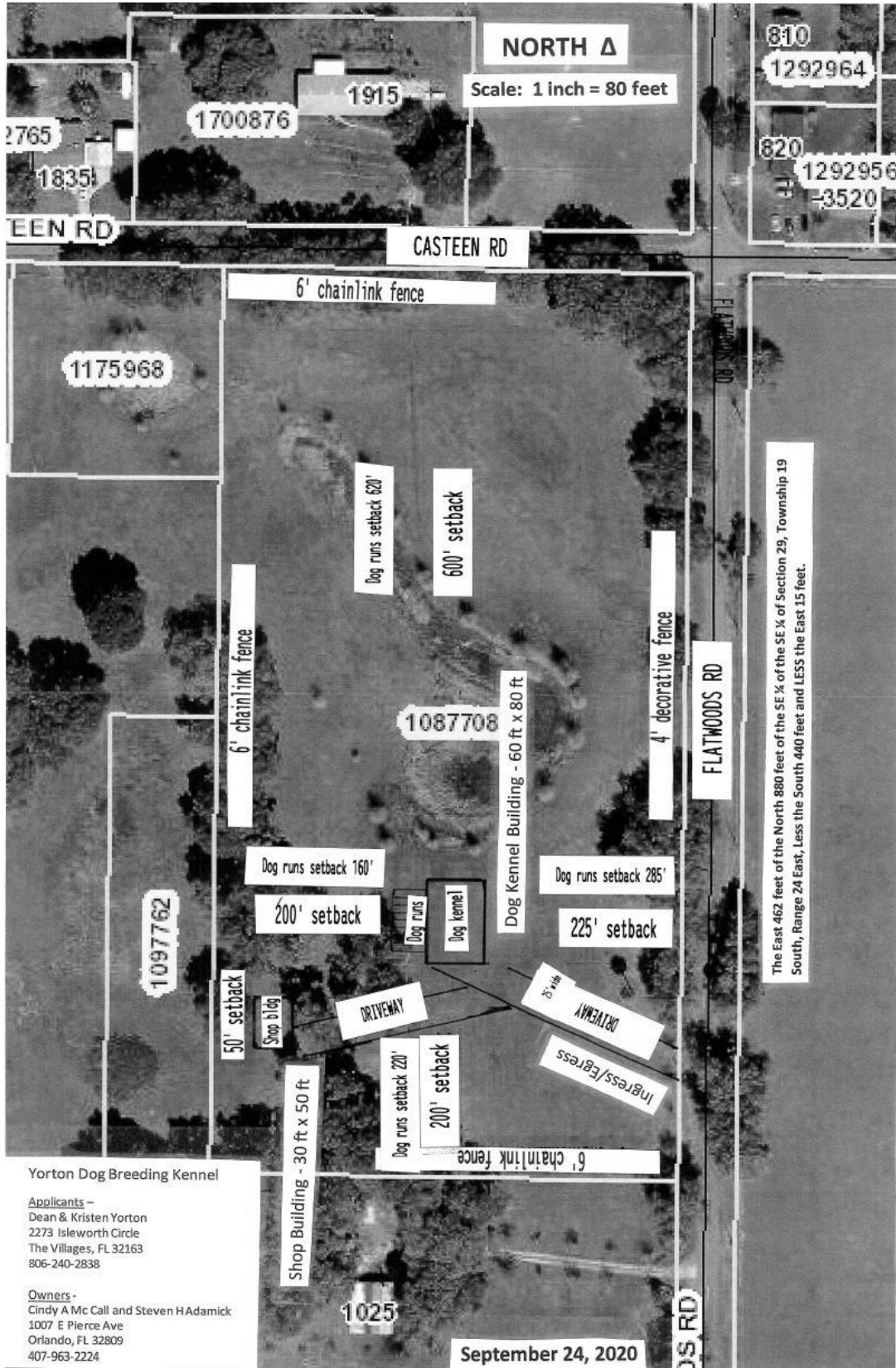
■ A ■ R-1 ■ R-6

NAME: YORTON DOG BREEDING KENNEL PROPERTY
CASE NUMBER: CUP-20-05-1
LOCATION (S-T-R): 29-19-24
REQUEST: ALLOW DOG BREEDING KENNEL

DISTRICT: 1



Attachment "A" – Concept Plan



Ordinance 2020-XX
Yorton Dog Breeding Kennel
CUP-20-05-1

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**, Dean and Kristen Yorton (the “Applicants”) submitted a conditional use permit
4 application on behalf of Cindy A. McCall and Steven H. Adamick (the “Owner”) to allow a dog breeding
5 facility/kennel on approximately 9.04 +/- acres within the Agriculture (A) zoning district; and

6 **WHEREAS**, the subject property consists of approximately 9.04 +/- acres, is located southwest of
7 the intersection of Casteen Road and Flatwoods Road, in the unincorporated Leesburg area of Lake County,
8 Florida, situated in Section 29, Township 19 South, Range 24 East, having Alternate Key Number 1087708,
9 and more particularly described as:

10 The East 462 feet of the North 880 feet of the SE 1/4 of the SE 1/4 of Section 29, Township 19 South,
11 Range 24 East, LESS the South 440 feet and LESS the East 15 feet.

12 And that certain reservation for drainage retained by H. L. Wiley in deed recorded in Deed Book 335,
13 page 389, Public Records of Lake County, Florida.

14 **WHEREAS**, the subject property is located within the Rural Future Land Use Category as shown on
15 the Lake County Comprehensive Plan Future Land Use Map (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 2nd day of December 2020, and by the Board of County Commissioners of Lake County, Florida, on
22 the 22nd day of December 2020.

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 to allow for a dog breeding facility/kennel as a Conditional Use
26 within the Agriculture (A) Zoning District. All land uses must be generally consistent with the
27 Concept Plan as shown in Exhibit “A” of this Ordinance. To the extent that there are conflicts
28 between the 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 Breeding Facility/Kennel. Structures associated with kennel use, including dog kennel,
35 dog runs, storage and/or shop building shall be permitted.
- 36 2. Caretaker’s Residence.
- 37 3. Agriculture uses as allowed by the Rural Future Land Use.

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

4 **B. Specific Conditions:**

- 5 1. Twenty-five (25) adult dogs, maximum.
- 6 2. Animal Waste: Animal waste shall be picked up at least once daily, shall not be allowed to
7 accumulate, and shall be properly disposed. There shall be no storage of organic waste
8 material within the setback areas.
- 9 3. Removal of Animal Waste and Sewage: Domestic and commercial waste must be disposed
10 of in an approved Department of Health/Lake County Health Department system. Additional
11 permitting may be required by the Florida Department of Environmental Protection (FDEP).
12 All development permit requirements shall be addressed during the site plan review and
13 approval process.
- 14 4. There shall be no storage of materials within the setbacks or buffers.
- 15 5. No dog(s) shall be allowed to roam, unless accompanied by an adult, within the kennel
16 setbacks.

17 **C. Setbacks.**

- 18 1. Any buildings or structures which shall house, or otherwise contain, animals will be setback
19 a minimum of two hundred (200) feet from property lines.
- 20 2. All other buildings or structures shall require building setbacks in accordance with the Land
21 Development Regulations (LDR), as amended.

22 **D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building/Signage Height**
23 shall be in accordance with the Comprehensive Plan and LDR, as amended.

24 **E. Landscaping, Buffering, and Screening** shall be in accordance with the Comprehensive Plan
25 and Land Development Regulations LDR, as amended.

26 **F. Fire Protection and Emergency Services Access.** Access and fire safety requirements of the
27 property shall be provided in accordance with the Florida Fire Prevention Code and LDR, as
28 amended.

29 **G. Transportation Improvements and Access Management.** All access management shall be
30 in accordance with the Comprehensive Plan and LDR, as amended.

31 **H. Stormwater Management.**

- 32 1. The stormwater management system shall be designed in accordance with all applicable
33 Lake County and St. Johns River Water Management District (SJRWMD) requirements, as
34 amended.
- 35 2. The developer shall be responsible for any flood studies required for developing the site and
36 comply with FEMA regulations, the Comprehensive Plan and LDR, as amended. Any
37 development within the floodplain as identified on the FEMA maps will require compensating
38 storage.

- 1 **I. Environmental Consideration** shall be in accordance with the Comprehensive Plan and LDR,
2 as amended.
- 3 **J. Parking.** All parking will be provided in accordance with the LDR, as amended.
- 4 **K. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance with
5 the LDR, as amended.
- 6 **L. Noise.** A noise assessment must be submitted for review and acceptance prior to
7 commencement of the operations of the new uses identified in this Ordinance. Compliance must
8 be in accordance with the LDR, as amended.
- 9 **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 10 **N. Utilities.** Individual well and septic tank shall be utilized in accordance with the requirements of
11 the Florida Department of Health, the Comprehensive Plan and LDR, as amended.
- 12 **O. Concurrency Management Requirements.** Any development must comply with the Lake
13 County Concurrency Management System, as amended.
- 14 **P. Development Review and Approval.**
 - 15 1. Submittal and approval of residential zoning and building permits will be required
16 prior to commencement of dog breeding/kennel operations.
 - 17 2. Prior to the issuance of any permits, the Applicant shall be required to submit a
18 development application generally consistent with EXHIBIT "A" - Conceptual Plan
19 for review and approval in accordance with the Comprehensive Plan and LDR, as
20 amended.
- 21 **Q. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
22 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
23 Comprehensive Plan, and LDR will include any future amendments to the Statutes, Code, Plans,
24 and/or Regulations.
- 25 **R. Other Proposed Uses.** After establishment of the facilities as provided in this Ordinance, the
26 property must only be used for the purposes named in this Ordinance, unless a proposed use
27 meets every requirement of the zoning district in which the property is located. Any other
28 proposed use must be specifically authorized by the Board of County Commissioners.

29 **Section 3. Conditions.**

- 30 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or failure
31 of the Permittee or his successor to: Fulfill development in substantial accordance with the
32 conceptual plan as submitted to the Planning & Zoning Board and the Board of County
33 Commissioners; comply with the codes of the governmental agencies having lawful and
34 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit;
35 or if this CUP is found to become a nuisance or safety hazard, the permit may be revoked after
36 due Public Hearing before the Planning & Zoning Board and the Board of County
37 Commissioners.
- 38 **B.** This Conditional Use Permit shall inure to the benefit of and shall constitute a covenant running
39 with the land; and the purpose, terms, and conditions contained herein shall be binding upon the
40 Permittee or any successor and his interest hereto.

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

3 **D.** This use shall be inspected by the Code Enforcement Division annually to ensure compliance
4 with the conditions of this Conditional Use Permit and the approved site plan. An annual
5 inspection fee will be assessed. If an emergency inspection is necessary during non-operating
6 hours, a fee shall also be assessed.

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

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

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

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ENACTED this _____ day of _____, 2020.
FILED with the Secretary of State _____, 2020.
EFFECTIVE _____, 2020.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

CHAIRMAN

ATTEST:

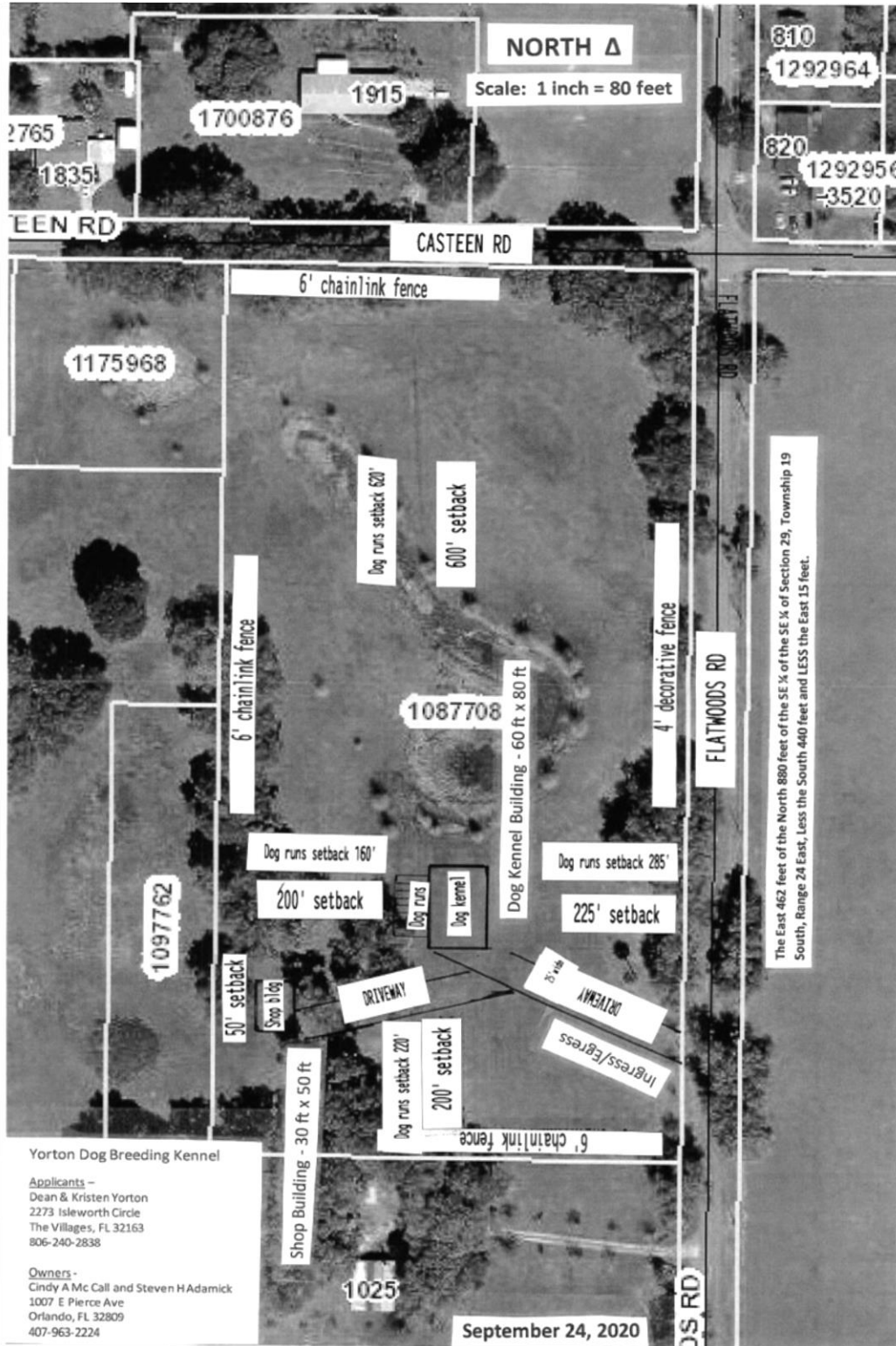
GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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Exhibit "A" – Concept Plan



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