



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearings: Planning & Zoning Board (PZB): September 1, 2021
Board of County Commissioners (BCC): October 5, 2021

Case No. and Project Name: CUP-21-04-5, The 1 Dog Trainer Academy

Applicants/Owners: Tisha T. and Sharon L. Brucelas-Burch

Requested Action: Conditional use permit on approximately 5 +/- acres to allow a dog training facility and kennel operation within the Agriculture (A) zoning district.

Staff Determination: Staff finds the conditional use permit application consistent/inconsistent 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: 19844 Wiygul Road, Umatilla

Alternate Key No.: 3827730

Future Land Use: Rural Transition

Existing Zoning District: Rural Residential District (R-1)

JPA/ISBA: N/A

Overlay/Rural Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Vacant	Vacant Large Tract of Land
South	Rural Transition	Rural Residential (R-1)	Residential Subdivision	Lake Dalhousie Estates
East	Rural Transition	Rural Residential (R-1)	Residential	Large Tract of Land with Single-Family Dwelling Unit
West	Rural Transition	Rural Residential (R-1)	Residential	Large Tract of Land with Single-Family Dwelling Unit

- Summary of Analysis -

The application seeks approval of a dog training facility and kennel operation on the subject 5 +/- acre parcel. The subject 5 +/- acre parcel is identified by Alternate Key Number 3827730; the parcel is zoned Agriculture (A) and designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comp Plan. The subject parcel is developed with a single-family dwelling unit, detached garage, and three (3) storage structures.

On April 15, 2021, the Owners were cited for a dog training operation without the proper approvals (Code Case No. 2021040137). To satisfy the code case for the dog training operation and kennel, the Owner was directed by staff to rezone the property to Agriculture (A), obtain a variance for the after-the-fact kennel which does not meet the required 200-foot setback from the western and eastern property lines, and seek conditional use approval for the dog training and kennel use.

On August 12, 2021, the Board of Adjustments (BOA) approved a variance request (VAR-21-38-5) to allow a proposed kennel building to be setback 198-feet from the western and eastern property lines.

The conditional use permit is submitted in conjunction with an application to rezone the subject property from R-1 to A and a conditional use permit to facilitate the approval of a dog training operation and kennel.

- 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-1.4.5, Rural Transition 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 uses in the Agriculture Zoning District with a conditional use permit.

The request for the proposed kennel is consistent with LDR 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 impacts to surrounding properties, the proposed ordinance limits the dog training facility to a maximum of 10 dogs and the kennel operation to a maximum of 10 dogs and requires submittal of a noise assessment. To further lessen any undue adverse effect to the adjacent parcels, the Owner proposes to limit outdoor structured training activities for the dogs between the hours of 7:00 a.m. to 9:30 p.m. However, the Owner intends to allow the dogs outdoors until 9:30 p.m. to relieve themselves before sheltering overnight.

Additionally, the BOA approved variance request (VAR-21-38-5) to allow the after-the-fact kennel setback 198-feet from the eastern and western property lines. The variance approval is a 1% deviation from the minimum 200-foot setback requirement and an expectation of minimal adverse impacts to neighboring properties due to the kennel placement.

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

A kennel is defined as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs. The LDR Section 3.01.03 allows kennels within the Agriculture zoning district with a CUP.

The Applicant provided the statement below to demonstrate compatibility with the character of the neighborhood:

“As we are not changing any of the major structures, not adding density, and are willing to increase natural buffers, we do not believe that the character of the area will be changed; there will be no significant increase in traffic as there will only be scheduled drop off and pick up times; there will be no ecological impact, so the bucolic character of the neighborhood is not impacted; there will be sound reducing measures taken for inside kennel; there will be proper waste disposal so that there are no issues with wafting odor; the dogs will have a curfew of 9:30 p.m., so as not to increase noise at night; and we believe that since the area is rich with other domestic animal noises, such as roosters crowing, and other dogs barking, that the occasional congress of dogs barker in unison, will not affect the already established natural noise traffic of the area.”

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

To increase compatibility between the proposed use and surrounding uses, and 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 request (VAR-21-38-5) to allow the after-the-fact kennel setback 198-feet from the eastern and western property lines.

To further lessen any adverse effects on the adjoining properties owned by others, the kennel and training area are proposed to be centrally located on the subject property.

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. As previously stated, the BOA order dictates the arrangement of the kennel structure on the subject property to minimize adverse impacts to neighboring properties. The future site plan shall be developed consistent with the Concept Plan (Attachment “A”) to ensure adherence with the Board of Adjustment approved Development Order (Variance 21-38-5).

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

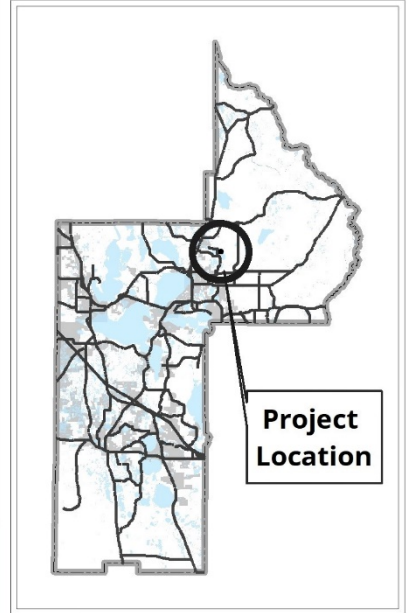
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

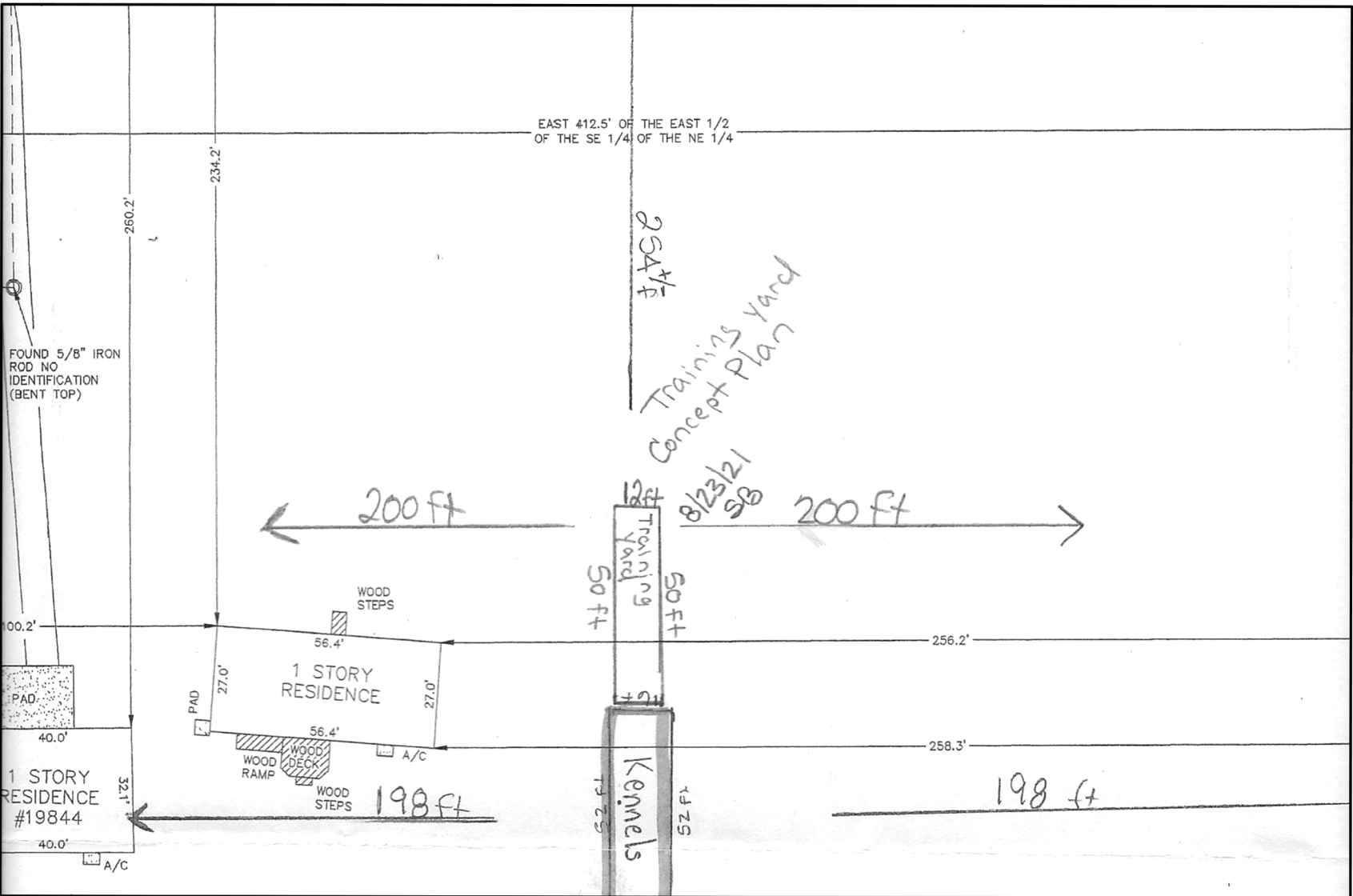
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #20 is located less than six (6) miles from the subject property at 37711 State Road 19, Umatilla, 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, should the conditional use permit be approved by the Board.

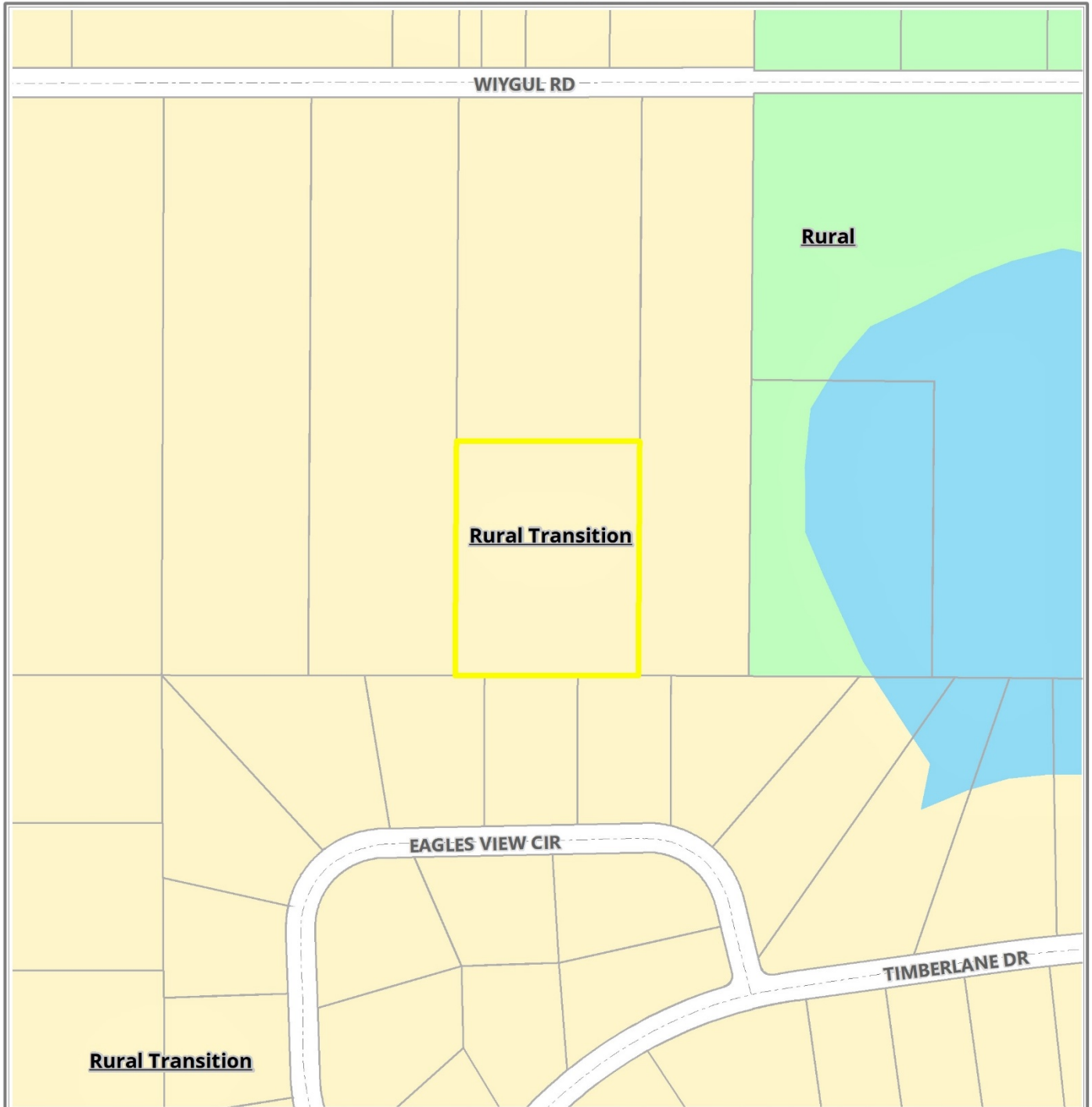
Subject Property



Attachment "A", Concept Plan



CURRENT FUTURE LAND USE



Future Land Use

 Rural  Rural Transition

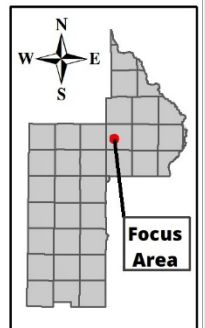
NAME: BRUCELAS-BURCH PROPERTY

DISTRICT: 5

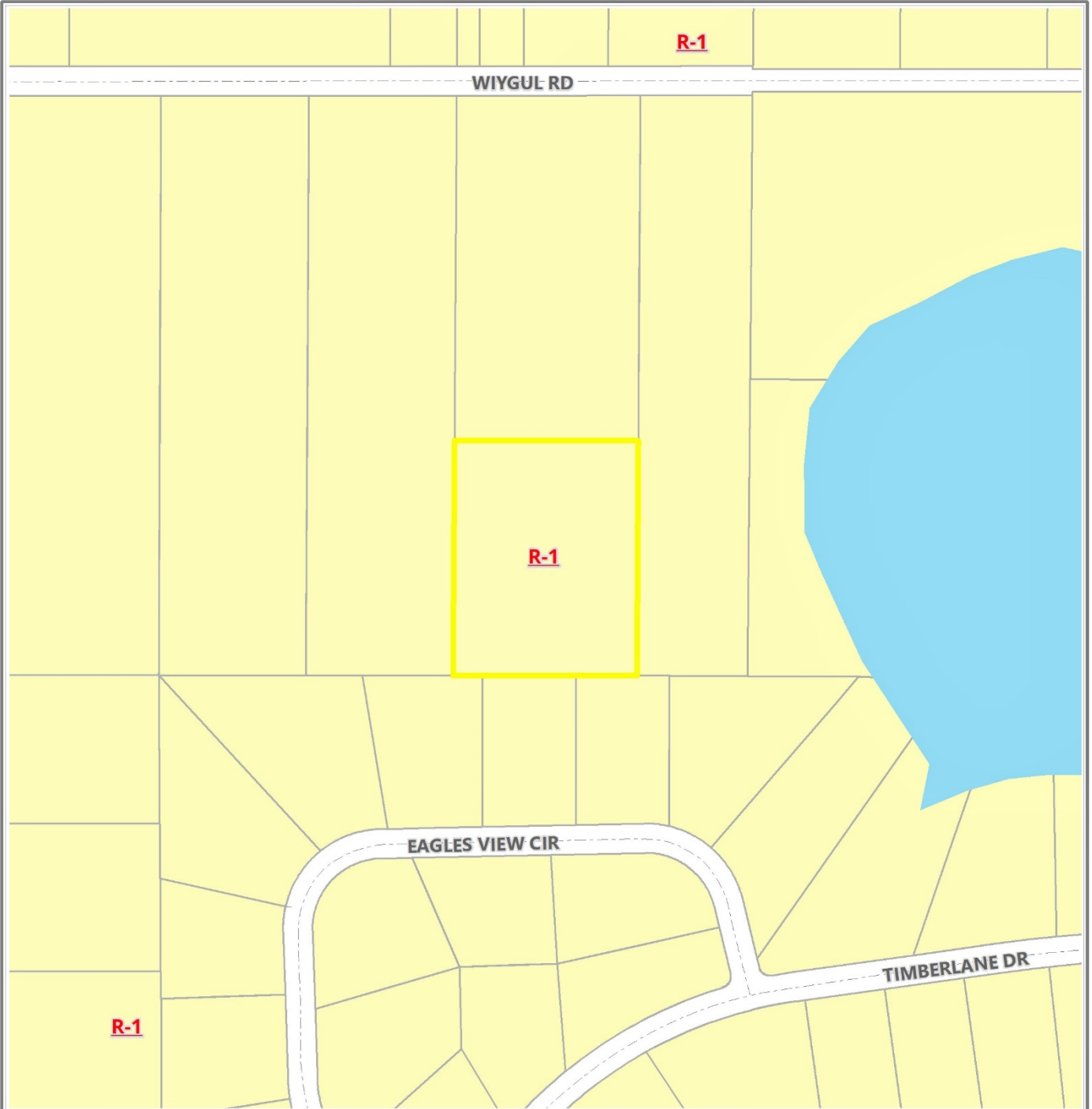
CASE NUMBER: CUP-21-04-5

LOCATION (S-T-R): 20-18-27

REQUEST: ALLOW IN-HOME DOG TRAINING & BOARDING KENNEL



CURRENT ZONING



Zoning Legend

 R-1

NAME: **BRUCELAS-BURCH PROPERTY**

CASE NUMBER: **CUP-21-04-5**

LOCATION (S-T-R): **20-18-27**

REQUEST: **ALLOW IN-HOME DOG TRAINING & BOARDING KENNEL**

DISTRICT: **5**



ORDINANCE 2021-XX
THE 1 DOG TRAINER ACADEMY, LLC
CUP-21-04-5

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

WHEREAS, Tisha T. and Sharon L. Brucelas-Burch (the “Owners” and “Applicants”) submitted a conditional use permit application to allow a dog training facility and kennel operation on approximately 5.0 +/- acres within the Agriculture zoning district; and

WHEREAS, the subject property consists of approximately 5.0 +/- acres, located at 19844 Wiygul Road, in the unincorporated Umatilla area of unincorporated Lake County, Florida, situated in Section 20, Township 18 South, Range 27 East, having Alternate Key Number 3827730, and more particularly described as:

The South 527.97 feet of the following described parcel: The West 412.50 feet to the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 18 South, Range 27 East, Lake County, Florida.

WHEREAS, the subject property is located within the Rural Transition Future Land Use Category 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 and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions set forth in this Conditional Use Permit; and

WHEREAS, on August 12, 2021, the Lake County Board of Adjustments approved variance request (VAR #21-38-5) to allow a kennel building to be constructed with a setback 198-feet from the western, and eastern property lines; and

WHEREAS, this Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 1st day of September 2021, and by the Board of County Commissioners of Lake County, Florida, on the 5th day of October 2021.

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

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

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

1 **A. Land Use.**

- 2 1. Agriculture Uses.
- 3 2. Dog Training Facility: Ten (10) dogs, maximum.
- 4 3. Dog Kennel Operation: Ten (10) dogs, maximum.

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

8 **B. Specific Conditions:**

- 9 1. Animal Waste: Animal waste shall be picked up at least once daily, shall not
10 be allowed to accumulate, and shall be properly disposed. There shall be no
11 storage of organic waste material within the setback areas.
- 12 2. Removal of Animal Waste and Sewage: Domestic and commercial waste
13 must be disposed of in an approved Department of Health/Lake County
14 Health Department system. Additional permitting may be required by the
15 Florida Department of Environmental Protection (FDEP). All development
16 permit requirements shall be addressed during the site plan review and
17 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
20 the kennel setbacks.
- 21 5. Daily outdoor dog activities: 7:00 a.m. to 9:30 p.m.

22 **C. Setbacks.**

- 23 1. The Lake County Board of Adjustment (BOA) approved a variance (VAR-21-
24 38-5) from Land Development Regulations (LDR) Section 3.02.05(J) to allow
25 an existing kennel building to be setback 198-feet from the western, and
26 eastern property lines.
- 27 2. Any new buildings or structures shall require building setbacks in accordance
28 with the Land Development Regulations (LDR), as amended.

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

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

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

- 1 **G. Transportation Improvements and Access Management.** All access management
2 shall be in accordance with the Comprehensive Plan and LDR, as amended.
- 3 **H. Floodplain Management.** The developer shall be responsible for any flood studies
4 required for developing the site and comply with Federal Emergency Management
5 Agency (FEMA), Comprehensive Plan and Land Development Regulations (LDR), as
6 amended. Any development within the floodplain as identified on the FEMA maps will
7 required compensating storage.
- 8 **I. Stormwater Management.** The stormwater management system shall be designed in
9 accordance with all applicable Lake County and St. Johns River Water Management
10 District (SJRWMD) requirements, as amended.
- 11 **J. Environmental Consideration** shall be in accordance with the Comprehensive Plan and
12 Land Development Regulations (LDR), as amended.
- 13 **K. Parking.** All parking will be provided in accordance with the Land Development
14 Regulations (LDR), as amended.
- 15 **L. Lighting.** Exterior lighting shall be consistent with Dark-Sky Principles and in accordance
16 with the Land Development Regulations (LDR), as amended.
- 17 **M. Noise.** A noise assessment must be submitted for review and acceptance, with
18 appropriate mitigation measures, prior to commencement of the operations. Compliance
19 must be in accordance with the Lake County Land Development Regulations (LDR), as
20 amended.
- 21 **N. Signage.** All signage must be in accordance with the Land Development Regulations
22 (LDR), as amended.
- 23 **O. Utilities.** Individual well and septic tank shall be utilized in accordance with the
24 requirements of the Florida Department of Health, the Comprehensive Plan and Land
25 Development Regulations (LDR), as amended.
- 26 **P. Concurrency Management Requirements.** Any development must comply with the
27 Lake County Concurrency Management System, as amended.
- 28 **Q. Development Review and Approval.** Prior to the issuance of any permits, the Applicant
29 shall be required to submit a development application generally consistent with Exhibit
30 "A" - Conceptual Plan for review and approval in accordance with the Comprehensive
31 Plan and Lake County Land Development Regulations (LDR), as amended.
- 32 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
33 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
34 County Comprehensive Plan, and Lake County Land Development Regulations will
35 include any future amendments to the Statutes, Code, Plans, and/or Regulations.
- 36 **S. Other Uses.** After establishment of the facilities as provided in this Ordinance, the
37 property must only be used for the purposes named in this Ordinance, unless a proposed
38 use meets every requirement of the zoning district in which the property is located. Any
39 other proposed use must be specifically authorized by the Board of County
40 Commissioners.

1 **Section 3. Conditions.**

2 **A.** In the event of any breach in any of the terms or conditions of this permit or any default
3 or failure of the Permittee or his successor to: Fulfill development in substantial
4 accordance with the conceptual plan as submitted to the Planning & Zoning Board and
5 the Board of County Commissioners; comply with the codes of the governmental
6 agencies having lawful and appropriate jurisdiction thereon; or comply with any of the
7 terms of the Conditional Use Permit; or if this CUP is found to become a nuisance or
8 safety hazard, the permit may be revoked after due Public Hearing before the Planning
9 & Zoning Board and the Board of County Commissioners.

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

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

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

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

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

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

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ENACTED this _____ day of _____, 2021.
FILED with the Secretary of State _____, 2021.
EFFECTIVE _____, 2021.

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

SEAN M. PARKS, 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

