MINUTES
LAKE COUNTY PLANNING AND ZONING BOARD
August 5, 2020

The Lake County Planning and Zoning Board met on Wednesday, August 5, 2020, in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, August 25, 2020 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Sandy Gamble, Chairman	School Board Representative
Kathryn McKeeby, Secretary	District 1
Laura Jones Smith	District 2
Rick Gonzalez	District 4
Jim Hamilton	At-Large Representative

Members Not Present:

Tim Morris, Vice-Chairman	District 3
Cori Todd	District 5
Donald Heaton	Ex-Officio Non-Voting Military

Staff Present:

Tim McClendon, AICP, Director, Office of Planning & Zoning
Steve Greene, Chief Planner, Office of Planning and Zoning
Melanie Marsh, County Attorney
Ruth Mitchell, Associate Planner, Office of Planning and Zoning
Josh Pearson, Deputy Clerk, Board Support

Chairman Sandy Gamble called the meeting to order at 9:00 a.m. and noted that a quorum was present. He led the Pledge of Allegiance and then called for a moment of silence. He remarked that the Lake County Planning and Zoning Board was an advisory board to the Board of County Commissioners (BCC) and that this Board was responsible for reviewing proposed changes to the Lake County Comprehensive Plan (Comp Plan), zoning, conditional uses, mining site plans, and making recommendations on these applications to the BCC. He stated that the Board's recommendations would be transmitted to the BCC for their consideration at a scheduled public hearing, and that the cases presented today were scheduled for the August 25, 2020 BCC meeting at 9:00 a.m.

TABLE OF CONTENTS

Agenda Update

Consideration of Minutes: July 1, 2020

Public Comment

CONSENT AGENDA

TAB NO:	CASE NO:	OWNER/APPLICANT/PROJECT
Tab 1	**ORD 2020-XX**	**LDR Amendment Medical Service Use**
Tab 2	**RZ-20-20-1**	**Lake County Fleet Property Rezoning**
Tab 3	**RZ-20-19-5**	**Goralnick Property Rezoning**
Tab 4	**CUP-20-03-4**	**Southern Oaks Training Center**
Tab 5	**CUP-19-16-1**	**SaveaFox Sanctuary**

Other Business

Adjournment

AGENDA UPDATES

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that these cases had been advertised in accordance with the law. He stated that there was only one change to the agenda and that they had a request from one of the Board members to pull Tab 5 to the regular agenda.

Ms. Laura Jones Smith relayed her understanding that Tab 2, which was a rezoning to Community Facility District (CFD) for a fire station, was within the City of Groveland interlocal service boundary agreement (ISBA). She said that she did not see anything in the packet showing that the City was aware of this or had responded.

Mr. Greene clarified that the City had been in communication with staff and that there were no issues.

Ms. Melanie Marsh, County Attorney, explained that the County was doing the rezoning for the City of Groveland and that the City would be putting their fire station on the County's property.

MOTION by Laura Jones Smith, SECONDED by Jim Hamilton to APPROVE pulling Tab 5 to the regular agenda.

FOR: **Gamble, McKeeby, Jones Smith, Gonzalez and Hamilton**

AGAINST: **None**

MOTION CARRIED: **5-0**

MINUTES

MOTION by Rick Gonzalez, SECONDED by Jim Hamilton to APPROVE the Minutes of July 1, 2020 of the Lake County Planning and Zoning Board meeting, as submitted.

FOR: **Gamble, McKeeby, Jones Smith, Gonzalez and Hamilton**

AGAINST: **None**

MOTION CARRIED: **5-0**

PUBLIC COMMENT

No one wished to address the Board at this time.

Mr. Gamble stated that the Board had comment cards for Tab 5 and that residents could speak at that time.

CONSENT AGENDA

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MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE the Consent Agenda, Tabs 1 through 4, as presented.

FOR: Gamble, McKeeby, Jones Smith, Gonzalez and Hamilton

AGAINST: None

MOTION CARRIED: 5-0

REGULAR AGENDA

Tab 5 – SAVEAFOX SANCTUARY

Mr. Greene presented Tab 5. He said that this case was within Commission District 1, and had been brought before the Board in March 2020; furthermore, at that time, the Board made a motion to continue the matter to a later date. He noted that the applicant was here to answer any questions, and he explained that the property was located in the City of Groveland area, along County Road (CR) 33, and was approximately 9.65 acres in size. He elaborated that the property was currently zoned Agriculture and had a Rural future land use (FLU). He mentioned that the conditional use permit (CUP) was to establish a sanctuary for exotic animals, particularly foxes, and it had been submitted in accordance with state law regarding class one and class two wildlife with a permit; additionally, County code allowed those wildlife sanctuaries or preserves with a CUP. He remarked that the applicant intended to operate the facility with a maximum capacity of 40 animals, and enclosures were designed such that they would not escape or burrow underneath the fences. He related that the application also sought three special events, and the applicant had requested to reduce the number of patrons attending those events to no more than 250. He said that the ordinance contained conditions with regards to these revised conditions, and he recalled that some questions were raised in the March 2020 meeting that the applicant's representative was unable to answer; therefore, they felt the need to continue the matter so that they could perform research and address concerns raised at that time. He concluded that staff had recommended approval of the case and that it had been on the consent agenda.

Ms. Mikayla Raines, the applicant and founder of SaveAFox Rescue, presented information about her organization. She explained that they were a nonprofit organization that focused on rescuing captive wildlife bred as exotic pets that were given up if the owners could not care for them, along with rescuing animals from fur farms. She said that she had been involved with wildlife from a young age until she was able to obtain a wildlife rehabilitation license. She commented that in the State of Minnesota, she had a captive wildlife license and exhibitor license from the Minnesota Department of Natural Resources (DNR), along with a United States Department of Agriculture (USDA) license and a CUP in her current county. She commented that they conducted educational events regarding exotic animals and the fur trade, along with other events, noting that their largest event had 30 people. She remarked that they worked with the animals to get them comfortable with people, and she

opined that the foxes were pet friendly. She displayed an image of their fencing and noted that it had a lean-in at the top, adding that they put the foxes away at night in enclosures and that they had supervised yard time during the day.

Ms. Sandi Raines, Ms. Mikayla Raines' mother, relayed her understanding that one of the neighbors was concerned about people sharing their driveway, and she suggested that she had spoken to Mr. Seth Lynch, with the Lake County Public Works Department, who had indicated that there would be no issue for them to bring their driveway straight down as shown in the displayed drawing.

Mr. Gamble asked if the circled area was where they were removing this portion of driveway.

Ms. Sandi Raines confirmed this and commented that the yellow section would be added and that between the purple and the yellow sections, there was a circle representing what they would be taking away. She stated that the entrance to the applicant's property would not cross the neighbors' property, though they would be giving the neighbor on the left side access to their property. She summarized that there would be two properties accessed through the applicant's driveway, and only one driveway from the property on the right side.

Ms. Jones Smith asked to confirm that the blue driveway section that currently connected to the neighbors Mr. Stephen Brauer and Ms. Lisa Brauer would be going away, but the other property owner adjacent to the subject property would now use the new yellow section of driveway, along with the remaining segment of blue driveway to access their property.

Ms. Sandi Raines said this was correct and indicated that the applicant was amicable to this.

Mr. Gamble commented that he did not see where the yellow section connected to another road to reach that driveway, and Ms. Sandi Raines clarified that the blue line went to the neighbor's property on the left.

The Chairman opened the public hearing.

Ms. Brauer suggested that she had 23 signatures on a petition from surrounding neighbors who did not want this sanctuary there. She commented that she had no objection to what the applicant was doing, but felt that this was not the property for it. She mentioned that she had moved to the country for peace and quiet, and she expressed a concern for noise and added attraction to the neighborhood. She felt that 250 people per special event was too many for the area, and she relayed her understanding that the 50 feet to the marsh on the map was to her driveway. She opined that if the applicant placed a driveway there, it would be less than 50 feet from the marsh and they would have to cut down a pine tree. She relayed her understanding that the proposed parking was a less than 40 foot area, and she questioned where they would park. She indicated an understanding that the property would be permitted for class one and class two animals, but that foxes were class three. She also expressed concerns for if adopting out the foxes was considered selling, and for signage. She did not want to have fencing in the area, and she opined that the applicant had wanted to put the

Mr. Gonzalez then asked if they were in contract to buy this property or if they had purchased it.

Ms. Sandi Raines explained that they had searched for six or seven months and talked to many sellers and realtors. She commented that the subject property had an irrigation system, a fire hydrant, and a mobile home which they planned on remodeling. She elaborated that there was a separate restroom building which could be used by volunteers.

Ms. Jones Smith asked if there were easements or entitlements that established the driveways for joint use.

Ms. Sandi Raines suggested that because there were three homes, Mr. Lynch had expressed interest in making the neighbors happy and granting permission to install another leg of the driveway.

Ms. Jones Smith inquired that for the existing blue driveway used by Ms. Shrout, was there a recorded document stating that she had access through there, or was this how she had always accessed the property.

Ms. Sandi Raines relayed her understanding that it was how she had always accessed the property. She commented that they would have surveyors visit the site and that they had fencing and driveway bids in already.

Ms. Jones Smith questioned who maintained the blue driveway.

Ms. Sandi Raines suggested that it was just gravel, though indicated an understanding that the Brauers' driveway was paved.

Ms. Jones Smith recalled a comment implying that foxes were not technically a class one or class two wildlife, and she said that she had looked this up and that they were class three according to the FWC. She noted that the ordinance would permit exotic animals to include both class one and class two captive wildlife, per the Florida Administrative Code (FAC). She asked if the FAC rule differed from the FWC classifications, and Mr. Greene was unsure. Ms. Jones Smith then expressed interest in ensuring that if the Board recommended approval of an ordinance allowing class one and class two wildlife, but foxes were class three wildlife, that this would be covered within the ordinance.

Ms. Marsh commented that she did not know offhand what was in class one and class two; however, if the Board chose to approve this today, staff could adjust this and verify it before it went before the BCC. She added that it could be changed to class three.

Ms. Jones Smith thought that class one and class two included animals such as lions and giraffes, and she expressed interest in being clear in what would be done. She relayed her understanding that the applicant's organization was specific to foxes.

Mr. Greene read into the record from Rule 68A-6.0022, FAC, that a permit was required for personal possession, exhibition, or sale of class three wildlife; furthermore, class three wildlife were all species not listed in class one or class two, and not among those species that were specifically listed as not requiring a permit for personal possession. He added that there was no formal list of class three species, and that the list of class one and two species must be checked, along with species not requiring a permit, to determine if an animal was a class three species. He continued that State of Florida residents age 16 or older may apply for a permit to possess, exhibit or sell a class three wildlife species.

Ms. Jones Smith noted that according to the FWC, they broke out what constituted class one and two, and they had the same statement in class three; however, there was a note indicating that foxes, skunks, bats, raccoons or whitetail deer taken from the wild shall not be possessed as personal use wildlife, and shall be possessed only if in accordance with permits under the FAC rule. She added that a license was still required if it was not for personal use, and that a permit was required for personal possession, exhibit or sale of class three wildlife. She added that there was no formal list of class three wildlife, though it included but was not limited to species such as parrots, finches, skunks, foxes, geckos, snakes and frogs. She expressed interest in the Board covering the list correctly and not overpromising the applicant a type of animal that would be under class one or two.

Ms. Marsh commented that if the Board chose to approve the request, they could add to the motion that it was for foxes only and that the classification needed to accurately reflect that.

Ms. Jones Smith thought that it would be anything that fell under the classification with the foxes. She expressed a concern for the land or CUP being vested for something more intensive than what was originally contemplated.

Mr. Gamble noted that the applicant's display showed skunks.

Ms. Jones Smith clarified that she did not want to specify foxes only; rather, she wanted to specify the classification that foxes fell within, such as class three. She questioned which animals would be there.

Ms. Sandi Raines said that Ms. Mikayla Raines had spoken to the FWC to explain what she had and what she was doing, and they had indicated that they would provide a full license.

Ms. Mikayla Raines elaborated that her plan was to have all of the class licenses to cover the animals, noting that she did not intend to have animals such as tigers. She mentioned that she was licensed currently to have bobcats, lynx, minks, foxes and coyotes. She said that they worked primarily with foxes because she felt the need was highest for this, though they had situations where people needed to surrender other species.

Ms. McKeeby questioned what happened long term if they took something else in, such as a mink.

Ms. Mikayla Raines replied that any of the animals they took in could be adopted to qualified homes, and she suggested that they did not exceed their capacity in their State of Minnesota sanctuary. She relayed her understanding that everyone knew the animals within class one and class two.

Ms. Sandi Raines indicated interest in distinguishing that they would not take a wild animal. She expressed interest in being able to take animals that were given away, indicating an understanding that the animals could otherwise be released into the wild.

Ms. McKeeby inquired about which animals they would take, and Ms. Sandi Raines indicated that they had met with staff to discuss the different animals.

Ms. Jones Smith asked about the fencing design and how this regarded other animals on the property.

Ms. Mikayla Raines suggested that their DNR and USDA licenses had strict qualifications for specific species; therefore, she would be unable to take a certain type of animal if she did not meet federal and state standards.

Ms. McKeeby questioned if this was a wildlife sanctuary rather than just a fox sanctuary, and Ms. Mikayla Raines confirmed this.

Ms. Jones Smith noted that they were asking for a conditional use on the property which required additional review by the County. She relayed her understanding that the CUP would run with the property and that a later owner could purchase the property and put other animals there. She felt that it was important for the Board to understand exactly what animals would be there.

Ms. Sandi Raines thought that the CUP could follow only SaveAFox, and that the CUP would cease once SaveAFox left the property.

Ms. Jones Smith noted that if the Board did this and if it was approved by the BCC, the applicant would still have the rights to have a wildlife sanctuary with any animals they wanted. She commented that SaveAFox could change direction; therefore, she felt that it was important to understand exactly what the applicant would be doing there. She did not feel that it was adequately represented in the depiction of what they were doing to have any type of wildlife that the State of Florida allowed.

Ms. Mikayla Raines recalled that when they first applied, they had written everything out. She relayed her understanding that they had requested up to 40 fur bearing animals at any given time, and that under the FWC, fur bearing animals species included muskrat, mink, raccoon, otter, civet cat, skunk, red and gray fox, and opossum. She added that they had requested up to twelve other types of captive fox such as fennec, pale, bat eared, swift, kit, and arctic, along with up to two domestic members of the feline family, specifically only lynx or bobcat with nothing larger. She said that additional requests included up to two canines at

any given time, specifically coyote, coydog and jackal, and up to 15 of what Lake County considered to be domestic pets and farm animals.

Ms. Jones Smith asked if this was their full list of all the animals that they could potentially have on the property, and Ms. Sandi Raines confirmed this and displayed the document.

Ms. Jones Smith mentioned that bobcats were class two under the FWC.

Mr. Tim McClendon, Director, Office of Planning and Zoning, added that coyotes were also class two.

Ms. Jones Smith thought that these were the only two species called out, and that the others would fall under class three due to not being listed.

Mr. McClendon stated that staff would agree.

Ms. Jones Smith asked if the applicant would be willing to go to just class three, and she relayed her understanding that this was what the Board was considering.

Ms. Marsh added that they had also listed up to two members of the bear family, and bears were class one.

Ms. Jones Smith felt that the bears would also need to come off the list. She asked if this was consistent with what the Board was contemplating.

Ms. McKeeby thought that it would only be foxes. She inquired if the Board could restrict this to only class three.

Ms. Marsh confirmed this and added that the Board could condition this however they wanted, including limiting it to just foxes, to class three, to class two or class three, or to all of the classes.

Mr. Greene said that the Board could permit class three, excluding a list of animals.

Ms. Jones Smith relayed an understanding that class three was mostly smaller animals, birds and non-venomous snakes. She felt that if class three animals were what most people could have in their home or on their property as a pet, then this could possibly be the proper category to restrict this to; however, she asked that if the applicant wanted to have bobcats, coyotes and bears, which were class one and two, then would the Board want to include them. She expressed a concern that because this case was noticed to people in the surrounding area, they may have thought that it was only foxes and possibly would not have attended the current meeting.

Mr. McClendon clarified that it was advertised as an exotic animal sanctuary and that everyone was properly noticed.

Mr. Gamble indicated a concern for the apron off CR 33.

Mr. Greene said that the applicant had discussions to obtain guidance for what would be required if this CUP was approved; additionally, the apron had not been approved yet.

Ms. Jones Smith asked if they would still have to have a site plan, and Mr. Greene confirmed this. Ms. Jones Smith also thought that an environmental assessment needed to be done.

Mr. Greene said this was correct and that it would be a standard site development application before they could operate.

Ms. Jones Smith expressed support for approving the request with class three captive wildlife only. She added that if the applicant wanted to later amend the CUP to add species from class two or class one, this could be revisited at a future date. She felt that given how the case was presented before the Board, it would largely be captured within the class three grouping as opposed to the higher levels of exotic animals.

Mr. Gonzalez opined that this was the wrong site for this use.

Ms. McKeeby agreed with Ms. Jones Smith.

Ms. Jones Smith thought that the site was zoned Agriculture, and she questioned where else the use would go.

Mr. Gamble shared that his thought process was how many steers they could put on that property if they wanted to; additionally, there could be travel in and out with trailers and similar vehicles.

Ms. Jones Smith mentioned that there could be any farming activity.

Ms. McKeeby noted that the land could not be designated for certain farm animals.

MOTION by Laura Jones Smith, SECONDED by Kathryn McKeeby to APPROVE Tab 5, SaveaFox Sanctuary, with the modification that the exotic animals permitted on the property would be limited to those captured only within the class three captive wildlife standard.

FOR: **Gamble, McKeeby, Jones Smith and Hamilton**

AGAINST: **Gonzalez**

MOTION CARRIED: **4-1**

OTHER BUSINESS

Mr. Greene said that there was no further business.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:24 a.m.

Respectfully submitted,

Josh T. Pearson

Josh Pearson
Deputy Clerk, Board Support

Sandy Gamble

Sandy Gamble
Chairman