

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**December 2, 2020**

The Lake County Planning and Zoning Board met on Wednesday, December 2, 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, December 22, 2020 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Kathryn McKeeby, Secretary	District 1
Tim Morris, Chairman	District 3
Rick Gonzalez, Vice-Chairman	District 4
Josh Gussler	District 5

**Members Not Present:**

Laura Jones Smith	District 2
Jim Hamilton	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military

**Staff Present:**

Tim McClendon, Director, Office of Planning and Zoning  
Steve Greene, AICP, Chief Planner, Office of Planning and Zoning  
Michele Janiszewski, AICP, Chief Planner, Office of Planning & Zoning  
Emily Johnson, Senior Planner, Office of Planning and Zoning  
Ruth Mitchell, Associate Planner, Office of Planning and Zoning  
Marellys Moreno, CRA Coordinator, Office of Planning and Zoning  
Melanie Marsh, County Attorney  
Josh Pearson, Deputy Clerk, Board Support

Chairman Tim Morris 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.

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**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/PROJECT</u></b>
Tab 1	RZ-20-29-5	Shoreline Ranch Rezoning
Tab 2	CUP-20-05-1	Yorton Dog Breeding Kennel
Tab 3	RZ-20-33-5	Merrill Property Rezoning
Tab 4	RZ-20-32-5	Perkins Property Rezoning

**Other Business**

**Adjournment**

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Office of Planning and Zoning, said that the cases at the meeting had been duly advertised in accordance with the law; however, staff would recommend that Tab 1 be postponed due to an error in advertising. He added that it would be brought back in January 2021.

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to POSTPONE Tab 1, Shoreline Ranch Rezoning.**

**FOR: Morris, McKeeby, Gonzalez and Gussler**

**AGAINST: None**

**MOTION CARRIED: 4-0**

Mr. Greene then relayed that staff would recommend that the consent agenda be approved as presented.

Mr. Morris commented that he had received a comment card for Tab 2; therefore, the Board would pull it to the regular agenda and have it presented. He also stated that the Lake County Planning and Zoning Board was an advisory board and that these cases would be heard at the December 22, 2020 BCC meeting.

**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/PROJECT</u></b>
Tab 3	RZ-20-33-5	Merrill Property Rezoning
Tab 4	RZ-20-32-5	Perkins Property Rezoning

**MOTION** by Rick Gonzalez, **SECONDED** by Kathryn McKeeby to **APPROVE** the Consent Agenda, Tabs 3 and 4, as presented, pulling Tab 2 to the regular agenda.

**FOR:** Morris, McKeeby, Gonzalez and Gussler

**AGAINST:** None

**MOTION CARRIED:** 4-0

**PUBLIC COMMENT**

No one wished to address the Board at this time.

**MINUTES**

**MOTION** by Kathryn McKeeby, **SECONDED** by Rick Gonzalez to **APPROVE** the Minutes of October 7, 2020 and November 4, 2020 of the Lake County Planning and Zoning Board meetings, as submitted.

**FOR:** Morris, McKeeby, Gonzalez and Gussler

**AGAINST:** None

**MOTION CARRIED:** 4-0

**REGULAR AGENDA**

**YORTON DOG BREEDING KENNEL**

Ms. Emily Johnson, Senior Planner, Office of Planning and Zoning, presented Tab 2. She said that the property was located southwest of the intersection of Casteen Road and Flatwoods Road, in the City of Leesburg area, and that the property was approximately 9.04 acres; additionally, the applicant had requested a conditional use permit (CUP) on approximately 9.04 acres to allow a dog breeding facility/kennel within the Agriculture zoning district. She displayed the future land use (FLU) and zoning maps, noting that the FLU category was Rural. She also showed the concept plan. She relayed the following staff analysis findings: the CUP application sought approval for a dog breeding facility on a 9.04 acre parcel with up to 25 adult dogs, and associated improvements to include a dog kennel, dog runs, shop building, caretaker's residence, six foot chain link fence, and driveway access; the request was consistent with Chapter II and Land Development Regulations (LDRs) Section 3.01.02, which defined a kennel use as any premises, operation, or business used for the boarding, breeding, training, buying, selling, grooming, or rearing of dogs; the proposed use was consistent with Comprehensive Plan (Comp Plan) Policy I-1.4.4, Rural FLU Category, which allowed animal specialty services as a conditional use; the proposed use was reflected in LDRs Section 3.01.02 and LDRs Table 3.01.03, which specified the allowance of kennel uses in the Agriculture zoning district with the approval of a CUP; and as depicted in the concept plan, structures housing or otherwise containing dogs would be located a minimum of 200 feet from the property lines, consistent with the setback required under LDRs Section 3.02.05(J). She concluded that staff had found the CUP application to be consistent with the LDRs and Comp Plan.

Ms. Kristen Yorton, one of the applicants, said that she could answer any questions.

Mr. Rick Gonzalez noted that the property owner was a different individual, and he asked if they were buying the property.

Ms. Yorton replied that the purchase of the property was contingent upon approval of the CUP.

Mr. Morris asked about the type of dogs.

Ms. Yorton said that they would be Burnese Mountain Dogs and English Mastiffs.

The Chairman opened the public hearing.

Mr. Brady Sellars, a neighbor of the subject property, expressed a concern for there being wetlands that would have to be mitigated, and he was unsure how there would be 200 foot setbacks with a pond in the center of the property. He also indicated a concern for the proposed facility being a boarding facility.

Ms. Kathryn McKeeby asked where he lived, and Mr. Sellars replied that it was on Flatwoods Road.

Mr. Gonzalez asked for the concept plan to be displayed and for Mr. Sellars to confirm his address. He commented that it showed at least 200 feet from his property boundary; furthermore, the proposed kennel would be up against a wetland but not in a wetland.

Mr. Morris added that the applicant would have to provide a site plan to be reviewed by the County, and that the wetlands would be taken into consideration.

Mr. Sellars inquired if the kennels would be enclosed and if 25 dogs was the maximum at any time.

Mr. Morris noted that it said 25 adult dogs.

Mr. Sellars also asked about a traffic study, and Mr. Gonzalez said that it would be part of the site planning process. Mr. Sellars then inquired about a noise ordinance for dogs.

Mr. Morris stated that there was a noise ordinance in Lake County.

Mr. Sellars asked if it was based on decibels.

Ms. Melanie Marsh, County Attorney, explained that it was not based on decibels; rather, it was based on a reasonable person standard from a property line. She said that animal control through the Lake County Sheriff's Office (LCSO) would be who he could contact about noise from dogs.

Mr. Sellars inquired if a breeding facility was categorized under agriculture.

Ms. Marsh said that because the applicant was asking for a CUP, it was not a permitted use in their zoning district, though it was an allowable use because it could be conditioned to be made compatible with adjoining property owners. She stated that it was allowable in this zoning district but the applicant had to go through this process.

Mr. Sellars asked what the applicant needed to do to make it compatible.

Ms. Marsh replied that this was what they came through this process for. She remarked that it included setbacks, restrictions on the numbers of dogs, etc., and that based on the issues the public raised, the Board could impose additional conditions to make it compatible.

Mr. Sellars said that it was also a residential area, and indicated concerns for dogs barking.

Mr. Morris noted that regardless of the Board's recommendation, the case would go before the BCC on December 22, 2020, and he would have an opportunity to present there as well.

Mr. Sellars asked about the traffic study and noise ordinance.

Ms. Marsh commented that traffic studies and items of that nature were done after zoning approvals were granted because it was an expense; additionally, those items were required if the applicant wanted to go through the site planning process.

Mr. Sellars inquired about the outdoor runs and if the dogs would be in the building all the time.

Mr. Morris said that the Board would have these questions answered.

There being no one else who wished to address the Board regarding this matter, the Chairman closed the public hearing.

Mr. Morris asked if it was an enclosed facility and if the runs were attached.

Ms. Yorton replied that it was a climate controlled facility, and that the runs were attached so that dogs could come in and out to use the restroom. She added that on days with nice weather, the dogs could frequent the runs to enjoy time outside, though they would be inside at night.

Mr. Gonzalez inquired if there was a reason why they picked this side of the wetlands as opposed to being further north.

Ms. Yorton responded they could not meet any of the setback requirements on the other side, and that the other side was wetter.

Mr. Morris inquired if they would be breeding only.

Ms. Yorton confirmed this and said that it would not be a boarding facility.

Ms. Marsh added that the Board could specify in the ordinance that it was for breeding only, that it was not for boarding, and that all animals had to be owned by the applicant.

Mr. Morris inquired if traffic and noise would be addressed by the County if there was an issue.

Ms. Marsh said this was correct and that the applicant would have to comply with any noise ordinances or requirements resulting from a traffic study.

Mr. Morris asked if the CUP followed the owner instead of the land, and Ms. Marsh clarified that it stayed with the land.

Ms. Yorton stated that traffic would include her and her husband going in and out, along with their son. She opined that there would not be a significant increase in traffic. She

added that the puppies were basically delivered cross country and that it was not like a pet store, though some individuals may want to come in and see the adult dogs. She noted that they were all American Kennel Club (AKC) registered animals.

Ms. McKeeby asked if she had previous breeding kennels.

Ms. Yorton replied that her son did and that he had been doing this for approximately five years.

Mr. Josh Gussler inquired if someone was going to live at this facility and if there would be someone there overnight.

Ms. Yorton responded that there would be a caretaker's residence in the shop building and that someone would be there overnight.

**MOTION by Rick Gonzalez, SECONDED by Kathryn McKeeby to APPROVE Tab 2, Yorton Dog Breeding Kennel, with the modification to specify that there would be no boarding.**

**FOR: Morris, McKeeby, Gonzalez and Gussler**

**AGAINST: None**

**MOTION CARRIED: 4-0**

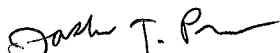
**OTHER BUSINESS**

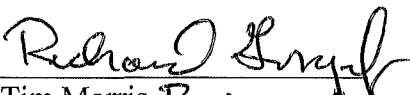
Mr. Greene stated that the next meeting would be on January 6, 2021.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:21 a.m.

Respectfully submitted,

  
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Josh Pearson  
Deputy Clerk, Board Support

  
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~~Tim Morris~~ Richard Gonzalez  
Chairman

