

Item# 38

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment's decision to deny a special exception for a Kennel (David Lloyd, Applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Kathy Fall EXT. 7389

Agenda Date: <u>06/10/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Uphold the decision of the Board of Adjustment to deny a special exception for a kennel, located at 1675 Tuscawilla Road, based on attached site plan. (David Lloyd, applicant); or
2. Overturn the decision of the Board of Adjustment to deny a special exception for a kennel, located at 1675 Tuscawilla Road, based on attached site plan. (David Lloyd, applicant); or
3. Continue the appeal to a time and date certain.

(District 1 – Commissioner Maloy)

(Kathy Fall, Senior Planner)

BACKGROUND:

The applicant proposes to construct a 5,800 square foot kennel for up to 60 dogs on a .68 acre site. The site is located in the A-1 zoning district which permits kennels as a conditional use. The applicant proposes indoor kennels within a building constructed with soundproofing material. There are four fenced yards in which dogs will be walked and exercised. Outdoor activity will be supervised and there will be one dog per fenced area at the time.

On April 28, 2003, the Board of Adjustment denied the request for a special exception on the basis that the use was too intense and located next to a school. On May 6, 2003 the applicant, David Lloyd, appealed the Board of Adjustment's decision to deny the special exception for a kennel.

Reviewed by:	
Co Atty:	<u>KFC</u>
DFS:	
Other:	<u>MW</u>
DCM:	<u>SS</u>
CM:	<u>KS</u>
File No.	<u>ph130pdp01</u>

STANDARDS FOR GRANTING SPECIAL EXCEPTIONS IN THE A-1 (AGRICULTURE DISTRICT):

Prior to granting a special exception, the Board of County Commissioners must reach a determination that the proposed use meets the following standards:

Section 30.124(a)(1)	Is consistent with the general zoning category and plan of A-1 Agriculture; and
Section 30.124(a)(2)	Is not highly intensive in nature; and
Section 30.124(a)(3)	Is compatible with the concept of low-density, rural land use; and
Section 30.124(a)(4)	Has access (where applicable) to urban services such as sewage, water, police, fire, schools, and related services; and
Section 30.43(b)(2)(A)	Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area; and
Section 30.43(b)(2)(B)	Does not have an unduly adverse effect on existing traffic patterns, movements and volumes; and
Section 30.43(b)(2)(C)	Is consistent with the County's comprehensive plan; and
Section 30.43(b)(2)(D)	Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification.

STAFF FINDINGS:

1. The proposed kennel is a conditional use in the A-1 zoning district. Which is an allowable zoning district in the property's Office future land use designation.
2. The proposed kennel would be consistent with the development trend of the area.
3. The proposed kennel would not be highly intensive in nature.
4. The proposed use would be compatible with the concept of low density land use as veterinary clinics are allowed by special exception within the office FLU designation.
5. The proposed use would not have an unduly or adverse effect on existing traffic patterns, movements, and intensity as the site abuts a recently widened County arterial roadway and land development regulations are in place to address traffic impacts.
6. The subject property is situated to be served by a full range of County urban services.

STAFF RECOMMENDATION:

Based on the above Standards for Granting Special Exceptions and staff findings, staff recommends that the Board of County Commissioners overturn the Board of Adjustment's decision to deny the Special Exception for a kennel located at 1675 Tuscawilla Road, per the following conditions:

1. The number of kennels shall not exceed 60.
2. The kennel shall be indoor kennels with no outside kennels on the site.
3. The building shall be constructed with soundproofing materials.

4. Outdoor activity will be supervised and will be limited to the fenced areas as depicted on the site plan.
5. Operating hours shall be from 8:00 am to 6:00 pm, Monday thru Sunday.
6. A 6 foot wall consisting of masonry like material shall be constructed on the east property line.
7. An on-site waste disposal plan shall be provided at site plan review.
8. Final site plan shall meet the applicable requirements of the Seminole County Land Development Code.

David F. Lloyd 1675 Tuscawilla Road



1675 Tuscawilla Road
David F. Lloyd
BS2003-003

BS2002-003

of Stillwater Drive, approximately 0.7 mile southwest of the Alafaya Trail and Stillwater Drive intersection (BV2003-032).

District 1 - Commissioner Maloy

Kathy Fall, Senior Planner

This item was removed from the consent agenda and heard with the regular agenda items.

Kathy Fall stated that staff recommendation was for approval of the pool enclosure for the footprint of the existing cool deck. This is the minimum variance. The applicant wants more cool deck.

No one spoke from the floor concerning the application.

Dr. Buchanan stated that no one lives behind the site of the variance.

Dr. Buchanan made a motion to approve the granting of the variance.

Mr. Bushrui seconded the motion.

The motion passed by unanimous vote.

14.1675 TUSCAWILLA ROAD – David F. Lloyd; A-1 (Agriculture District); Special exception to allow a kennel for the lodging of approximately 60 dogs in a 6,000 square foot building; located on the east side of Tuskawilla Road, approximately 180 feet north of the Tuskawilla Road and Dike Road intersection (BS2003-003).

District 1 - Commissioner Maloy

Kathy Fall, Senior Planner

Kathy Fall stated that this use was allowable in the zoning classification. Ms. Fall read the conditions from her staff report that she placed on the project which included: no more than 60 dogs allowed, no outside kennels allowed, construction must be of sound-proofing materials, hours of operation restricted to 8 A.M. to 6 P.M., Monday through Friday, a 6-foot wall to be placed on the east side of the property for buffering, and there is to be an on-site waste disposal system.

Pat Begley of Old Carriage Trail, is the treasurer for the Stonehurst Subdivision HOA. His property is 500 feet from the site of the request. He stated that most of the surrounding properties are residential in nature, not office. When this property was rezoned, the context was for a doctor's office or business office. A kennel will make noise. Having it next door to a school is a safety issue. If the kennel goes in, what type of professional office building will want to go in next to it?

Mr. Hattaway stated that this was an administrative change from LDR – Low Density Residential to Office on future land use. The property was not rezoned.

Kathy Fall said that A-1 (Agriculture) is allowed in office future land use. Kennels are a conditional use in the office future land use designation.

Tom Philips, owner of the Tuscowilla Montessori School, said that if this was an agricultural use it would have to be 100 feet back from a residence. The school should be separated too.

Lois Philips stated that students are from 3 years old to 8th grade. When they are outside, they are near the boundary of the property.

Nadine Jackson lives in Cardinal Creek subdivision. She stated that the trend of development in the area was for single family homes. This would not be a wise use of the land.

In rebuttal, the applicant stated that plans for the kennel were given in before the change in land use. The staff report with its conditions was accepted by Mr. Lloyd, with a solid concrete wall to be placed in the rear and wood fences to be placed on the sides. Dogs will be walked twice a day for 5 minutes at a time.

Mr. Bushrui stated that he could not see putting a dog kennel next to a school.

Mr. Bushrui made a motion to deny the granting of the request.

Mr. Pennington seconded the motion.

Mr. Hattaway stated that this use was too intense for this area.

The motion to deny was unanimously passed. (5 – 0)

15.1217 TRINITY WOODS LANE - Richard T. McCree; R-1 (Single-Family Dwelling District) Special exception for the expansion and renovation of an existing church; located on the northeast corner of I-4 and Wymore Road. (BS2003-007).

District 1 – Commissioner Maloy

Kathy Fall, Senior Planner

The Chairman stated that he will abstain from voting on this item.

16. 3340 EAST SEMORAN BOULEVARD - Ikemoto Masahiko; Special exception to allow incidental alcohol sales in a bona fide restaurant located within 1,200 feet of a school in the OP (Office Professional District) and C-2 (Retail Commercial District); located on the south side of State Road 436, approximately 0.10 mile east of the Hunt Club Road and State Road 436 intersection (BS2003-010).

District 3 - Commissioner Van Der Weide

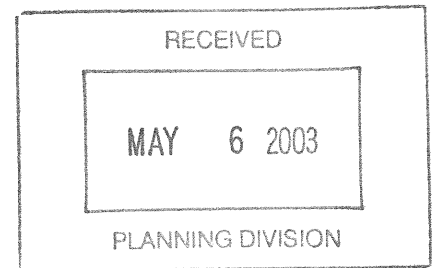
Earnest McDonald, Principal Coordinator

REGULAR AGENDA:

17.321 SALINA DRIVE - Yvonne Ann Roux; R-1 (Single-Family Dwelling District); Rear yard setback variance from 30 feet to 6 feet for an existing accessory building; located on the east side of Salina Drive, approximately 0.17 miles north of the Merritt Street and Salina Drive intersection (BV2003-034).

District 4 – Commissioner Henley

Earnest McDonald, Principal Coordinator



To: Kathy Fall

From: David Lloyd

Fax: 407-665-7385

Pages: 0

Phone: 407-665-7389

Date: 5/5/03

Re: Application for appeal

CC:

Kathy,

This is a request to appeal the April 28, 2003 decision by the Board of Adjustments on item number 14 of the consent agenda, (1675 Tuskawilla Road). I would very much like to appeal the decision before the Seminole County Board of Commissioners at the earliest possible date. Along with this notice to appeal is a check for \$370.00 (#1378), Dated May 6, 2003.

Thanks, David

David Lloyd
P.O BOX 940-882
MAITLAND, FL. 32794
PHONE: 407-325-5858
FAX: 407-977-8255



THE PET LODGE

To Whom It May Concern:

It was asked of me to provide an explanation of operations concerning the proposed indoor kennel facilities located at 1675 Tuskawilla Rd. "ALL CREATURES PET LODGE INC." will be a full service boarding facility specializing in providing quality housing and care for all types of in-house domesticated pets. The primary type of pets will be dogs and cats with birds and other type pets boarded on occasion. There will be a total of fifty runs and nine suites. The runs are from three to four feet wide and either fifteen or thirty feet long. The suites are small individual rooms that have tiled floors and decorated interiors. The Cat quarters will be pre-fab units that will be located off in a corner of the reception area. All facilities will be heated and air-conditioned. Three employees should be able to run the kennel with a 9:00-5:00 work day five days a week. Naturally a couple of employees will have to come in on Saturday and Sunday in order to feed the animals and clean the kennel and only by appointment will a customer be able to pick up an animal on those days. On the site plan there are four fenced yards. These yards are for employees to walk and exercise the animals. There will only be one dog per yard at a time and at no time will dogs be mixed together in one yard. When an animal has finished its business, the feces will be promptly picked up and put into a container where at the end of the day it will be disposed of in the septic tank. The septic tank is primarily for when the runs of the kennel are hosed down. All feces in the runs will be picked up and deposited into the septic tank, not hosed down the central drain, this is to help on keeping lines from getting clogged and to lessen maintenance costs. Along with the boarding facility a grooming room is also planned. This will be used for prepping animals for their return home as well as providing regular grooming services. I hope I have been able to clarify any questions you may have had, If however there are any other questions please call me at (407) 325-5858 or at home at (407) 365-3805.

RETURN TO SANDY MCCANN

FILE #B S2003-003

ADMINISTRATIVE ORDER #03-32000002

SEMINOLE COUNTY ADMINISTRATIVE ORDER

On April 28, 2003, Seminole County issued this Administrative Order relating to and touching and concerning the following described property:

Leg Sec 25 TWP 21S RGE 30 E S 210 FT of N 465 FT of W 210 FT as recorded in the Public Records of Seminole County, Florida.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Aida Declet
Calle 25 Bloque A #23
Bayamon, PR 00961

Project Name: David Lloyd Kennel

Requested Development Approval: Special Exception for a proposed kennel to be located at 1675 Tusawilla Road.

After fully considering staff analysis and all evidence submitted at the public hearing of April 28, 2003, regarding this matter, the Board of Adjustment has found, determined and concluded that the request for the special exception for a kennel does not meet the criteria in granting a special exception. The Board of Adjustment had the following findings:

1. The intensity of the use of a kennel is not compatible with the residential uses south of Howell Creek along Tusawilla Road.
2. The outdoor activities concerning the walking and waste removable of the dogs was not compatible with the adjacent school to the east.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04805 PG 1542
FILE NUM 2003074175
RECORDED 05/05/2003 01:50:47 PM
RECORDING FEES 15.00
RECORDED BY J Eckenroth

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: *[Signature]*
DEPUTY CLERK

