



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Scoopy Doo's

Meeting	File No.	Application Type
September 17, 2024	2024-184-USE-PZB	Conditional Use
Property Owner	Applicant	Authorized Agent
Jo Jo Realty, LLC	Jo Jo Realty, LLC	Mike Covelli, ASLA/AICP Covelli Design Associates, Inc.

Request

Provide a recommendation to the City Commission on Resolution No. 171-24, a Conditional Use request to allow pet grooming services at 507 East Atlantic Avenue.

Background Information

The subject property, 507 East Atlantic Avenue, is a 990 square foot commercial space in the 500 block of East Atlantic Avenue. The parcel includes two other commercial bays, 501 and 505 East Atlantic Avenue, with a main address of 501 East Atlantic Avenue. The property is zoned Central Business District (CBD), Central Core Sub-district and has a Land Use Map (LUM) designation of Commercial Core (CC).

The site fronts East Atlantic Avenue, which is designated as a primary street with required retail frontage. These streets are intended to be lively, highly active pedestrian environments that support business and reinforce local character. Primary streets with required retail frontage have specific use standards that apply to the sidewalk level.

The property's history is outlined below:

- **1934.** The 990 square foot commercial bay was constructed as part of the 5,344 square foot, one-story commercial building (501 East Atlantic Avenue)
- **1934 - 2019.** Space occupied with various retail uses.
- **May 20, 2021.** A Zoning Certificate of Use (ZCU) was approved for Salty Paws, a 990 square foot pet retail store. The name of the business later changed to Scoopy Doo's.
- **April 12, 2023.** A ZCU was denied for the addition of dog grooming, as pet services require a Conditional Use Permit in the CBD.



Project Planner:
Alexis Rosenberg, Senior Planner
rosenberg@mydelraybeach.com
561.243.7040, Ext. 7226

- Attachments:**
- Resolution No. 171-24
 - Property Survey
 - Floor Plan
 - Traffic Impact Statement
 - Legal Review for Resolution No. 171-24

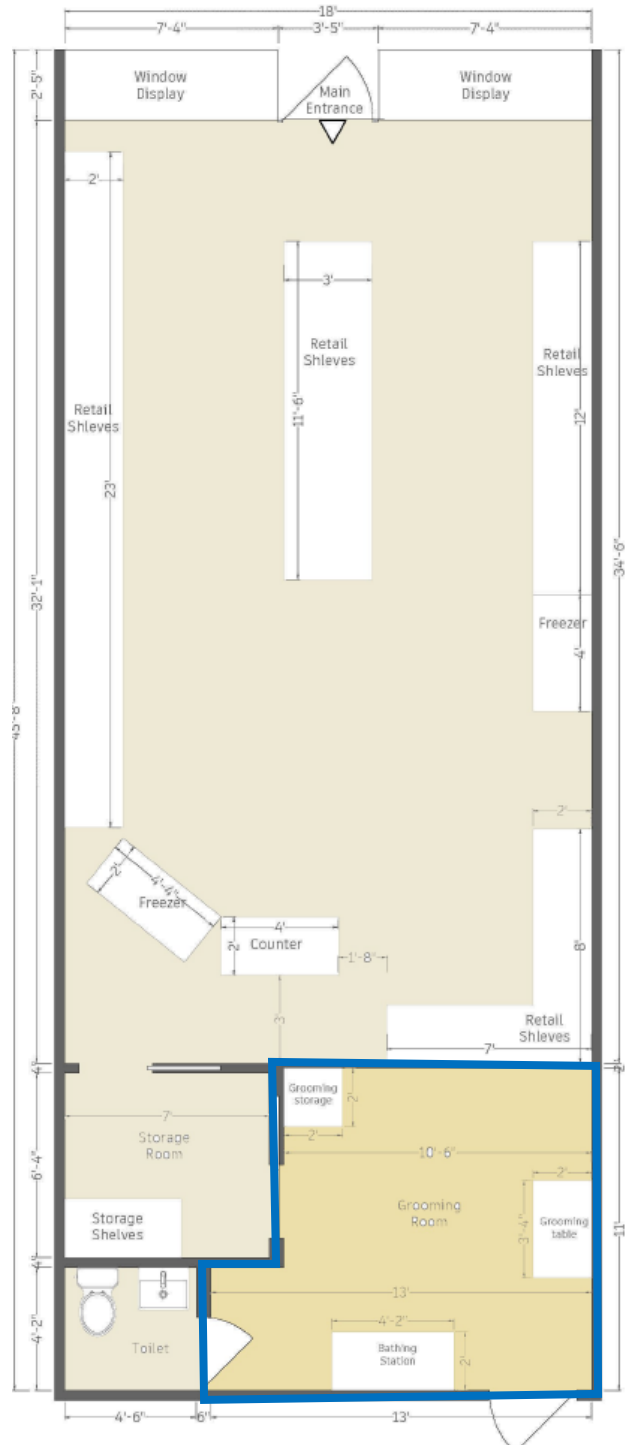
- **July 2, 2024.** A Conditional Use application was submitted for the addition of pet grooming services as part of the business.

Project Description

The applicant is requesting Conditional Use approval to establish a 140 square foot pet grooming area within the existing 990 square foot pet retail store. Pursuant to **Table 4.4.13(A), Allowable Uses and Structures in the CBD Sub-Districts**, Pet Services are permitted in the CBD, Central Core Sub-district subject to Conditional Use approval. The Land Development Regulations (LDR) defines pet services as “a place of business that provides temporary care and services for domestic animals such as grooming, bathing, training, and daytime boarding.”

The application proposes to convert the 140 square foot office in the rear of the commercial bay (outlined in blue, right) into a grooming room. The floor plan at right illustrates the current layout and proposed interior buildout for the pet grooming room, which can accommodate one pet at a time. No additional floor area will be created by the intended modifications. The grooming services will be accessory to the primary pet retail store use.

The application states that grooming services will be provided by appointment only, with drop-off and pick-up by the pet owners. The business will not provide pet boarding or overnight stay for grooming clients. The existing retail portion of the business is open from 11:30 AM to 8:30 or 9:00 PM, Monday through Friday, and from 10:00 AM to 8:30 or 9:00 PM Saturday and Sunday. All grooming operations will take place indoors with the service hours being 9:00 AM to 6:00 PM Monday through Sunday.



Review and Analysis

LDR Section 2.4.6(A)(1), Establishment of a Conditional Use: General

The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a Conditional Use.

If the Board provides a recommendation of approval, the request will be scheduled for an upcoming City Commission meeting. However, if the Board does not provide a recommendation of approval, the application would not move forward with the review process to the City Commission.

If there are concerns with the request, pursuant to **LDR Section 2.4.6(A)(4), Establishment of a Conditional Use: Conditions**, conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.

LDR Section 2.4.6(A)(5), Establishment of a Conditional Use: Findings

In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- b) Hinder development or redevelopment of nearby properties.

Staff has not identified any issues of concern, but the Board’s recommendation to the City Commission must take these required findings into consideration, and whether or not the required development standards specific to pet services are sufficient to prevent a significantly detrimental effect upon the stability of the downtown, or hinder development or redevelopment of nearby properties. The surrounding zoning, land use, and uses are outlined in the table and shown on the zoning map below:

Adjacent Zoning, Land Use, and Use			
Direction	Zoning Designation	Land Use	Use
North	CBD	CC	Commercial – Hotel & Office
South			Commercial – Retail
East			Commercial – Retail & Hotel
West			Commercial – Restaurant & Retail



The surrounding commercial uses consist of a mix of restaurants, retail, and office, which are permitted and anticipated uses in the CBD. The proposed pet grooming is a service-based business that will be accessory to the established pet retail store. Therefore, the primary use will remain retail. The addition of pet grooming services requires a conditional use to ensure that proper and sufficient measures are taken to mitigate any potentially negative impacts on adjacent properties and surrounding neighborhoods, as well as ensuring protection of the animals. A complete review of **LDR Section 4.3.3(W), Domestic Animal Services**, is provided as **Appendix A** of the report, demonstrating that the proposed pet grooming service complies with the LDR and is not anticipated to negatively impact the neighborhood or hinder development of nearby properties.

LDR Section 3.1.1, Required Findings

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas:

- Land Use Map
- Concurrency
- Consistency
- Compliance with the LDR

(A) Land Use Map. *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject property is zoned CBD, which is a preferred zoning district under the CC land use designation. The CBD zoning district permits the establishment of pet services through the conditional use process. As part of the conditional use review, the Board must find that all applicable LDR requirements are satisfied.

(B) Concurrency. *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

- **Schools.** Commercial development is not subject to school concurrency evaluation.
- **Water and Sewer.** The site is currently serviced by municipal water and sewer. As the proposed conditional use does not involve major structural changes or an increase in building area, no change in water and sewer services are anticipated as a result of the request.
- **Solid Waste.** Based on the Palm Beach County Waste Generation Rates, the existing pet retail store that occupies the subject space produces about 10.2 pounds of waste per square foot (10,098 pounds of waste per year). If 140 square feet of space is converted into a pet grooming area, which is anticipated to generate 9.3 pounds of waste per square foot, the total space would generate approximately 9,972 pounds of waste per year (850 square feet x 10.2 pounds) + (140 square feet x 9.3 pounds). The dumpster located in the rear parking lot is utilized by all three bays (501, 505, and 507 East Atlantic Avenue) for waste disposal. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.
- **Drainage.** No exterior modifications are proposed to impact the existing approved drainage, which is accommodated on site. The addition of pet grooming services is not expected to pose negative drainage impacts on neighboring properties.
- **Traffic.** The traffic statement performed by JMD Engineering, Inc., dated June 12, 2024, states that the Institute of Transportation Engineers (ITE) recognizes that retail shopping attracts both retail users and non-retail users. As the trip generation rate for retail businesses factor in additional trips for non-retail users, converting 140 square feet of retail to a dog grooming room will not affect the trip generation for the existing retail use.

(C) Consistency. The following Comprehensive Plan objectives and policies are relevant to the Conditional Use request:

Neighborhoods, Districts, and Corridors Element

Objective NDC 1.3 Mixed-Use Land Use Designations *Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.*

Objective NDC 1.1 Land Use Designation Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

Policy NDC 1.3.5 *Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.*

Policy NDC 3.4.2 Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).

Policy ECP 3.1.6 Promote both good job creation and business ownership opportunities when encouraging the development and diversification of industry clusters.

Policy ECP 3.3.3 Encourage concentrations of commercial services, amenities and employment centers and creation connections between the Delray Beach's vibrant hubs of activity.

Policy ECP 5.5.2 Increase essential retail and consumer services and neighborhood based employment opportunities for residents.

The proposed addition of pet grooming services will provide a needed service to residents and thus foster the economic vitality of the retail store. Additionally, the service will add to the mix of commercial uses along Atlantic Avenue and promote job creation in the downtown. As the use is proposed within an existing commercial space, and no exterior modifications are proposed, the scale and intensity of the structure will remain the same.

(D) Compliance with the LDR. *Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The LDR provides specific regulations for Domestic Animal Services, including pet grooming services, to ensure that proper and sufficient measures are taken to mitigate impacts on adjacent properties and surrounding neighborhoods, as well as ensuring protection of the animals. A complete review of **LDR Section 4.3.3(W), Domestic Animal Services**, is provided as **Appendix A** of the report, demonstrating that the proposed pet grooming service complies with LDR.

As noted, the site fronts East Atlantic Avenue, which is designated as a primary street with required retail frontage. These streets are intended to be lined by uses that promote *lively, highly active pedestrian environments that support businesses and reinforce local character*. Pursuant to **LDR Section 4.4.13(C)(3)(b)**, 100 percent of the building frontage at the sidewalk-level story shall be either general retail uses and/or facilities, services and facilities, hotels, motels, residence-type inns, or NEV sales, lease or rental offices. The use that currently lines the street is categorized as retail. The proposed pet grooming use is service-based in nature and meets the criteria for locating on a required retail street.

The pet grooming use serves as an accessory use to the retail store and will be separated from the retail area by two sliding pocket doors. Both the requirement and intent of the required retail frontage will be met, as the retail component will remain as the primary use at the sidewalk level. The bay is also activated by an outdoor seating area, approved through a sidewalk café permit in 2023.

Board Action Options

- A. Move to recommend **approval** to the City Commission of a Conditional Use request for **Scoopy Doo's** to allow pet grooming services at **507 East Atlantic Avenue**, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend **approval** to the City Commission of a Conditional Use request for **Scoopy Doo's** to allow pet grooming services at **507 East Atlantic Avenue**, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan, **subject to conditions**.
- C. Move to **deny** the Conditional Use request for **Scoopy Doo's** to allow pet grooming services at **507 East Atlantic Avenue**, finding that the request is inconsistent with respect to Land Development Regulations and the policies of the Comprehensive Plan.
- D. **Continue with direction.**

Public and Courtesy Notices

- Public Notice was posted at the property 7 calendar days prior to the meeting.
- Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.
- Public Notice was posted to the City's website 10 calendar days prior to the meeting.
- Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.
- Agenda was posted at least 7 calendar days prior to meeting.

APPENDIX A

LDR Section 4.3.3(W), Domestic animal services. Facilities providing domestic animal services shall obtain a permit issued by Palm Beach County Animal Care and Control Division prior to the establishment of the use and must comply with the following:

Requirement	Provided
(1) Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services.	The hours of operation for grooming services will be Monday through Sunday, 9:00 AM – 6:00 PM.
(2) Domestic animal service facilities shall be fully enclosed with solid core doors and walls sufficiently insulated to minimize noise and odor detection from outside the facility. If frequent, habitual, or long continued animal sounds are plainly audible from adjacent properties, the building is not considered sufficiently insulated.	The 990 square foot commercial space is fully enclosed with solid core doors and walls, which are sufficiently insulated to minimize noise and odor detection from outside the building. The 140 square foot grooming room will be closed off from the retail portion of the space by solid core walls and a sliding pocket door.
(3) Outside activities and services are limited to drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord. Pursuant to Section 4.6.6, any other outside use requires approval through the conditional use process specifically determining the outside aspects of the use are appropriate.	The conditional use does not include a request for outdoor activities aside from drop-off and pick-up of animals.
(4) Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service.	Not applicable.
(5) On-site disposal of carcasses is prohibited.	Not applicable.
(6) Parking Requirements. The minimum number of parking spaces required shall be determined by the gross floor area. Facilities offering a mix of domestic animal services shall provide parking spaces based on the cumulative use designation of each area. (a) Pet services and veterinary clinics shall provide 4.5 spaces per 1,000 square feet. (b) Pet hotels and animal shelters shall provide one space per 300 square feet. (c) Common areas within a facility offering a mix of domestic animal services shall calculate parking spaces based on the use requiring the least amount of parking spaces.	The parking requirements in Table 4.4.13(L), Minimum Number of Off-street Parking Spaces Required in the CBD, require a minimum of one parking space per 500 square feet of gross floor area for retail and commercial uses. Therefore, a total of two parking spaces were required for the retail use. Applying the parking requirement for pet services (4.5 spaces per 1,000 square feet) to the 140 square foot area, the parking requirement for the total space remains two parking spaces, and therefore has not increased as a result of the request. There is a 12-space parking lot to the rear of the building shared between the three commercial bays.
(7) Overnight boarding. Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following: (a) An on-site attendant shall be present at all times during boarding services.	Not applicable.

<p>(b) Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.</p> <p>(c) <i>Emergency Preparedness Plan</i>. Facilities approved for and offering overnight boarding services shall provide an Emergency Preparedness Plan to ensure continued humane care conditions are provided for the animals and their attendants, in case of an emergency, power outage, natural disaster, or other similar event. The plan shall include items outlined in LDR Section 4.3.3(W)(7)(c)(1-5).</p>	
<p>(8) Outside use areas. Domestic animal service facilities may be approved for outside use areas pursuant to Section 4.6.6, subject to the following:</p> <p>(a) Outdoor cages, crates, kennels, or other enclosures intended for animal habitation, and not for exercise or training purposes, are prohibited.</p> <p>(b) A solid finished masonry wall or privacy fence six feet in height shall be provided on all sides of outside use areas designated for domestic animal services.</p> <p>(c) Previous outside use areas intended for domestic animal services may be counted towards open space requirements.</p> <p>(d) Outside activities are limited to 7:00 a.m. to 8:00 p.m., except for necessary outdoor walks of one animal at a time in direct control of a person by means of a leash or similar device.</p> <p>(e) Separation requirements:</p> <ol style="list-style-type: none">1. Properties with outside use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outside use areas intended for domestic animal services as measured from lot line to lot line in a straight line.2. Outside use areas are subject to required minimum building setbacks, which may be increased as part of the conditional use approval.	Not applicable.