



Cover Memorandum/Staff Report

File #: 24-1276

Agenda Date: 10/15/2024

Item #: 7.B.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: October 15, 2024

RESOLUTION NO. 171-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW PET GROOMING SERVICES AT 507 EAST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider a conditional use request to allow pet grooming services at 507 East Atlantic Avenue, as set forth in Resolution No. 171-24.

Background:

The subject property, 507 East Atlantic Avenue, is a 990-square foot commercial space. 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 applicant is requesting Conditional Use approval to add pet grooming services within the existing retail store, Scoopy Doo's. 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.*" 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 application proposes to convert a 140-sq. ft. office in the rear of the commercial bay into a grooming room. The floor plan (attached) illustrates the current layout and proposed interior build-out 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. 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. All grooming operations are proposed to take place indoors from 9:00 AM to 6:00 PM Monday through Sunday.

Pet services are permitted in the CBD through a Conditional Use, subject to the specific use criteria in LDR Section 4.3.3(W), Domestic Animal Services.

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; nor*
- b) *Hinder development or redevelopment of nearby properties.*

LDR Section 4.3.3(W), Domestic Animal Services establishes development standards for all domestic animal services, including grooming facilities:

- (1) *Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services; and*
- (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; and*
- (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; and*
- (4) *Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service; and*
- (5) *On-site disposal of carcasses is prohibited; and*
- (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.*
- (7) *Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services.*
- (8) *Domestic animal service facilities may be approved for outside use areas pursuant to LDR Section 4.6.6.*

Conditional Use Analysis

The request meets the concurrency standards of the Always Delray Comprehensive Plan, with no changes to water, sewer or drainage services, sufficient capacity for solid waste, and no additional vehicular trips. As it relates to consistency with the Always Delray Comprehensive Plan, the addition of pet grooming services will provide a needed service to downtown residents, which helps the economic vitality of the retail store. The service will also add to the mix of commercial uses along Atlantic Avenue and promote job creation in the downtown.

The proposed hours of operation are within the allowable business hours. All grooming services will take place in an enclosed building; there will be no outdoor activities, or daytime or overnight boarding associated with the grooming. The parking requirement would not increase as a result of the request to add grooming services.

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), uses at the sidewalk-level story are limited and include both “general retail uses” and “services and facilities.” The proposed pet grooming use is service-based in nature and meets the criteria for locating on a required retail street. The retail component will remain as the primary use at the sidewalk level along the front of the store. The bay is also activated by an outdoor seating area, approved through a sidewalk café permit in 2023.

The requirement for a conditional use approval for grooming services is based upon the potential disturbances barking dogs can create. As pet services have evolved within the industry to also include "doggie daycare," the main concern is pet groomers keeping their canine clients for long periods of time for socialization following grooming. In this case, the area for grooming is small and the commercial space does not have an area that could accommodate longer term boarding or play interaction. To date, no code enforcement violations have been issued for this business. In the event noise becomes an issue from the addition of the grooming service, the applicant will be responsible for addressing the impact, including increasing soundproofing of the space. Pursuant to LDR 2.4.6 (B), the City Commission has the authority to revoke or modify a conditional use should a chronic problem arise that impacts adjacent tenants.

The attached Planning and Zoning Board (PZB) staff report provides a full analysis of the request.

On September 17, 2024, the PZB recommended approval of the conditional use request by a vote of 6 to 0.

City Attorney Review:

Resolution No. 171-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Resolution No. 171-24 will be effective immediately upon adoption.