



Planning, Zoning and Building Department

TO: Mayor and Commissioners

FROM: Timothy Stillings, Planning, Zoning and Building Director

THROUGH: Donald B. Cooper, City Manager

DATE: June 21, 2016

RE: Conditional Use Request To Allow The Establishment Of A Veterinary Clinic For Oceanside Veterinary Clinic, 836 SE 5th Avenue

Background:

The item before the City Commission is approval of a Conditional Use request to allow the establishment of a veterinary clinic for Oceanside Veterinary Clinic located at 836 SE 5th Avenue. The property has a GC (General Commercial) zoning and Future Land Use Map (FLUM) designation. Veterinary Clinics are listed as an allowed conditional use in the GC Zoning District by LDR Section 4.4.9(D)(14). Veterinary clinics are conditional uses because of the potential operational issues requiring a higher level of approval.

The subject property consists of 0.40 acres (17,299 sq. ft.). Two, one-story office buildings totaling 2,664 square feet were constructed on the property in 1934 and remain on the property. The northernmost building located at 830 SE 5th Avenue measures 1,230 square feet. The southernmost building located at 836 SE 5th Avenue measures 1,434 square feet. Both buildings were previously occupied as professional offices, most recently as State Farm Insurance at 836 SE 5th Avenue and Moore Hearing Aid Center at 830 SE 5th Avenue. The veterinary use is intended in the southernmost building.

On October 28, 2015, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan Modification request to allow the conversion of both buildings from professional office to medical office. On November 17, 2015, the City Commission appealed the approval of the Class III Site Plan Modification by SPRAB. On January 5, 2016, the City Commission denied the Class III Site Plan Modification application.

Project Description:

Oceanside Veterinary Clinic will be a full service veterinary clinic offering medical treatment of dogs and cats including wellness care, vaccines, anesthesia, surgery, radiology, dermatology, nutrition and behavior counselling. The anticipated hours of operation are from 8:00 A.M. to 7:00 P.M. Monday through Friday, and from 9:00 A.M. to 1:00 P.M. on Saturday. The facility will be closed on Sunday. The office will

accommodate a maximum of 5 employees including the veterinarians. No exterior structural or aesthetic improvements are proposed. The only site improvement will include the installation of a bike rack accommodating 3 bikes.

The veterinary clinic will not offer boarding, daycare or overnight care of patients except for the care of patients which are under supervision of the veterinary staff. Oceanside Veterinary Clinic will employ a private contractor for the disposal of biological wastes which are stored in 13 gallon containers within the office until the containers are picked-up for off-site disposal. Other waste materials are handled by using heavy duty garbage bags which are disposed in the roll-out trash carts located at the north side of the site. On-site disposal of carcasses is prohibited and the removal and disposal of deceased pets is done by Paws and Cherish of Deerfield Beach, which is contracted to serve the business.

LDR Section 3.1.1 requires the evaluation of findings which pertain to the Future Land Use Map; Concurrency with respect to meeting the established level of services in the Comprehensive Plan; Consistency with the Goals, Objective and Policies of the Comprehensive Plan; and Compliance with the LDRs. With respect to the Future Land Use Map, zoning consistency is met as the Future Land Use Element lists the GC zoning as consistent with the General Commercial Future Land Use Map designation. Items of concurrency pertinent to this action pertain to water and sewer services, traffic and waste disposal. No concurrency issues with respect to water and sewer services are identified.

With respect to traffic, the traffic statement provided by the applicant indicates that no additional trips will be generated during the AM peak hour of traffic and 4 new trips will be generated during the PM peak hour, when compared to the most recent use of professional office. The total number of trips anticipated for the proposed veterinary clinic is 3 during the AM peak hour and 6 during the PM peak hour. These added trips are minimal and are typically not considered to have a negative or significant impact on adjacent traffic circulation or the adjacent neighborhood, as the property is located along SE 5th Avenue/South Federal Highway, the roadway by which clientele would likely arrive.

A review of solid waste impacts show a decreased generation rate, as the previous professional office use generated approximately 3.87 tons per year for this building, whereas the veterinary clinic (which falls within the category of medical office for waste generation rates) will generate 3.29 tons per year, a reduction of 0.58 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

With respect to consistency with the Goals, Objective and Policies of the Comprehensive Plan, Objective A-1 of the Future Land Use Element states "Property shall be developed or redeveloped, in a manner so that the future use and intensity is appropriate in terms of soil, topographic, and other applicable physical considerations; is complementary to adjacent land uses; and fulfills remaining land use needs."

With the establishment of a veterinary clinic, consideration however must be undertaken to determine if the use is complementary to the adjacent land uses. The adjacent land uses to the north are retail (The Boat House) and a Fraternal Club (VFW); to the west are single family residences. To the south (south side of SE 9th Street) is an office use (J.M.D. Properties, Inc.), and to the east (east side of SE 5th Avenue) is Center State Bank and a vacant parcel. The properties where the potential for the greatest impact exists are the adjacent residential uses to the west and the commercial uses immediately to the north.

With the establishment of a veterinary clinic, the primary concerns with compatibility are namely, the noise generated by barking pets, the manner in which biological wastes are disposed of, and traffic impact.

The applicant has indicated that services offered will not include boarding or daycare or overnight accommodation of pets except for the care of patients which are under supervision of the veterinary staff.

The applicant states that “the patients who remain overnight will be in locked cages within the ICU/Treatment area of the hospital. Nearly all of our patients will be referred to local 24/7 care facilities for continued overnight treatment and observation. In the rare event that a patient is not stable enough to be transported to another facility upon the end of the business day, that patient (critical) will be kept overnight, patient vocalization (barking, meowing) is not considered an issue. This care is limited to medical patients only and it is not foreseen to be done on a regular basis.” As the facility will not provide for daycare or boarding, and pets will be kept indoors, no additional noise greater than normal business operations are anticipated.

Pertaining to the disposal of biological wastes, the applicant has provided the following information: “Biological or hazardous wastes (such as needles, scalpel blades, surgical instruments, products harmful to the environment, and infected animal tissue) will be disposed of through a contracted third party waste disposal company. The hazardous waste will be contained in 13 gallons red plastic biohazardous waste bins that are stored inside and on the premises as the containers are filled, a non-removable plastic lid will be inserted, and placed within a red bag-lined cardboard biological waste box for transporting.”

Other biological waste materials will be disposed of through the public sewage lines. Surgical waste or regular animal tissue is disposed of through regular trash collection.

Based on the above, since there will be no boarding or daycare services, overnight stay is restricted to critical patients under the veterinarian supervision; biological or hazardous wastes will not be disposed of on-site, and minimal new traffic to be generated, positive findings can be made with respect to compatibility.

With respect to compliance with the Land Development Regulations, the requirements pertaining to parking, commercial zoning adjacent to residential zoning, lighting,

handicap accessible parking, bicycle parking, crime prevention through environmental design (CPTED), perimeter landscape buffers, and refuse disposal were evaluated.

Also evaluated, was LDR Section 2.4.5(E)(5) which requires that in addition to the 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.

The use is located within an existing commercial structure. To the north, south and east are existing commercial uses. To the west are single family residences. Safeguards are proposed by the applicant that the potential of objectionable aspects of a veterinary clinic, such as barking pets, disposal of medical wastes have been addressed. Based upon the analysis in this report, a veterinary clinic is compatible with adjacent and nearby properties and will not have a detrimental effect on the stability of the neighborhood within which it is located nor hinder development or redevelopment of nearby properties.

A finding of compliance can be made for these requirements provided that the conditions of approval are addressed.

Review by Others:

Public notices were provided to all property owners within 500 feet of the subject property and courtesy notices were provided to the following groups and neighborhood associations:

- Delray Citizen's Coalition
- Osceola Park
- Domaine Delray
- Harbour Club

No public comments were received with respect to these notices.

Community Redevelopment Agency: On April 28, 2016, the Community Redevelopment Agency unanimously recommended approval of the conditional use request.

Planning and Zoning Board:

At its meeting of May 16, 2016, the Planning and Zoning Board held a public hearing in conjunction with the request. There were no public comments. Following the public hearing, the Planning and Zoning Board on a 6 to 0 vote (Robin Bird absent) recommended approval to the City Commission to allow a veterinary clinic for Oceanside Veterinary Clinic, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations with the following conditions:

1. That the applicant submit an application for Class I site plan modification which provides:
 - i. An additional roll-out cart is provided to ensure that overflow of trash will not occur.
 - ii. Security cameras are installed at the entrance and at the parking lot.
 - iii. The hedge screening the roll-out carts continues along the north side of the refuse/ storage area and a portion of the hedge screening the refuse area is cut back to allow the roll-out carts access to the curb.
 - iv. A note be placed on the site plan stating that the hedge located along the west property line shall be maintained at a minimum height of 4 ½ feet.
2. A life safety plan showing emergency lighting, exit signs and fire extinguishers be provided prior to action by the City Commission on the conditional use request.

A copy of the Planning and Zoning Board Staff Report is attached.