



# Planning Solutions

April 4, 2022

Ms. Anthea Gianniotis, AICP, Director  
Development Services Department  
City of Delray Beach  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

**RE: Beach Dog Day Care (820 SE 5<sup>th</sup> Avenue) – Conditional Use Application – Revised Narrative Letter**

Dear Ms. Gianniotis:

This revised narrative letter associated with the Conditional Use request for Beach Dog Day Care is respectfully submitted on behalf of Ms. Jennifer Roselli, Beach Dog Limited, LLC for the property located at 820 SE 5<sup>th</sup> Avenue, Delray Beach, FL 33483 (PCNs 12-43-46-21-09-001-0240), and includes withdrawal of the waiver request to LDR Section 4.3.3(W)(Domestic Animal Services)(8)(Outside Use Areas)(e)(Separation requirements) 1., to allow an outside use area intended for domestic animal services within 300 feet of residentially zoned properties.

**BACKGROUND:**

The subject property contains a 4,550 sf. commercial building with associated parking that was constructed in 1973 as a warehouse. In January 2020, the building was occupied by Beach Dog Day Care, which provides daytime and overnight boarding of dogs with other services such as grooming as an accessory use. A business tax receipt was approved for Dog and Pet Grooming. In 2020, a Code Enforcement Violation Notices were issued for conducting overnight boarding of animals and installation of a fence without a permit.

In 2021, the City Commission directed City staff to evaluate the Land Development Regulations regarding domestic animal services and bring forward an update that distinguishes among the range of specialized services that have emerged in the industry and identify where they can be appropriately accommodated without negatively impacting residential uses or neighborhoods. The City Commission adopted the ordinance related to Domestic Animal Services in October 2021.

The referenced code violations were recently discussed at the December 9, 2021, Code Enforcement Board Hearing. At that time, the Board was informed that the Beach Dog would be submitting the subject Conditional Use application.



On January 10, 2022, the Conditional Use and Class II Site Plan Modification applications as well as an associated waiver request were submitted to the City's Development Services Department to establish a Domestic Animal Services Facility/Pet Hotel with Pet Service as an accessory use, pursuant to LDR Section 4.3.3 (W) with an outside use area along the west side of the property abutting the residentially zoned (R-1-A) properties. The Domestic Animal Services/Pet Hotel operations included daytime boarding from 7:00 am to 6:00pm and overnight boarding from 6:00 pm to 7:00 am, Monday through Sunday. Pet Services to be provided from 7:00 am to 6:00pm. Drop-off primarily between 7:00 am and 11:00 am and pick-up between 4:00 pm and 6:00 pm. The outside use area would be limited to no more than 4 dogs from 7:00 a.m. to 6:00 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.

At its meeting of March 21, 2022, the Planning and Zoning Board considered the referenced Conditional Use request. There was public testimony both in support of and against the proposal. Subsequent to the review and discussion regarding the Conditional Use request, the Planning and Zoning Board moved to recommend approval (6-1) to the City Commission of a Conditional Use request for Beach Dog Daycare to allow a domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) at the property located at 820 SE 5th Avenue, with the hours of operation limited from 7:00 am to 7:00 pm, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.

Based on the discussion at the Planning and Zoning Board meeting as well as the Board's recommendation, the Conditional Use request has been modified to address concerns, as indicated in more detail below, and includes withdrawal of the referenced waiver request to allow an outdoor use area.

#### **CONDITIONAL USE REQUEST:**

The Conditional Use request is to establish a Domestic Animal Services Facility/Pet Hotel with Pet Service as an accessory use, pursuant to LDR Section 4.3.3 (W) (Domestic Animal Services) consisting of the following:

- Conversion of the existing 4,550 sf. building (containing Retail@3,300 sf and Warehouse@ 1,250 sf.) to a Domestic Animal Services Facility/Pet Hotel providing both daily and overnight boarding accommodations for domestic animals with Pet Service as an accessory use consisting of grooming, bathing, training, and daytime boarding.
- The facility will be fully enclosed with the installation of associated interior improvements consisting of solid core sound proofing and insulation as necessary internal to the building to minimize noise and odor detection from outside the facility. The sound proofing and insulation include installation of a sound insulated partition along the west side of and internal to the building, replacement of the existing non insulated doors with new impact insulated doors along the west, north and east sides of the building, as well as the addition of new sound insulated floor to ceiling Sound Transmission Class (STC) 55+ partitions along the north and east sides of the building.
- Accommodations for on-site attendant and generator, as well as other internal improvements/upgrades, including installation of a fire sprinkler system.
- Exterior improvements include installation of a 6' high board-on-board wood privacy fence along the west property line abutting the residential properties and within the rear yard along the south property line as well as a fence along the south side of the new parking spaces





connecting to the dumpster enclosure for security purposes; installation of a bike rack; modifications to the existing parking lot to accommodate 15 parking spaces as required, including a handicapped accessible parking space and ramp; site lighting and associated landscaping.

Domestic Animal Services/Pet Hotel operations include daytime boarding from 7:00 am to 7:00pm and overnight boarding from 7:00 pm to 7:00 am, Monday through Sunday. Pet Services will be provided from 7:00 am to 7:00pm. Drop-off is primarily between 7:00 am and 11:00 am and pick-up between 4:00 pm and 7:00 pm. The overnight boarding will accommodate no more than 20 dogs and will be restricted to the areas along the east and south-central sides of the building. Outside activity is limited to necessary outdoor walks of one animal at a time in direct control of a person by means of a leash or similar device, as provided for in LDR Section 4.3.3(W).

#### **CONDITIONAL USE FINDINGS:**

**Pursuant to LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, 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 Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

**(A) Future 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 Future Land Use Map.

The property has a Land Use Map designation of Commercial Core (CC) and is in zoned Central Business District (CBD) within the South Pairs Neighborhood Sub-District. Table NDC 1 lists CBD zoning as an implementing zoning district for CC land use. Pursuant to LDR Table 4.4.13(A), *Allowable Uses and Structures in the CBD Sub-Districts*, within the South Pairs Neighborhood, Pet Hotels and Pet Services are allowed as a Conditional Use, subject to the required findings of Section 2.4.5(E)(5), which is discussed in more detail under *Required Findings* below.

**(B) Concurrency.** Concurrency 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 the adopted Always Delray Comprehensive Plan.

With regard to Concurrency, as described in more detail below, the public facilities are adequate to meet Level of Service standards for the proposed Pet Hotel and Pet Services uses.

**Traffic:** A traffic study has been prepared and submitted to the Palm Beach County Traffic Division (copy attached). Based on the traffic study, the proposed facility will generate a “net” of 68 fewer daily trips, 16 additional AM peak hour trips, and 3 additional PM peak hour trips that must be analyzed for Traffic Performance Standards Ordinance purposes. The Traffic Division has requested additional analysis, which is in progress. There are no concerns with respect to traffic concurrency and the use will not negatively impact the surrounding roadway.



*Water & Sewer:* Water and sewer services exist to the site via connections to existing water main within the NE 5<sup>th</sup> Avenue right-of-way and sewer main located along the west side of the property. Pursuant to the Always Delray Comprehensive Plan, adequate water and sewer treatment capacity exists to meet the adopted Level of Service at the City's buildout population.

*Drainage:* The site is improved and there are no modifications that will impact drainage.

*Solid Waste:* The Solid Waste Authority of Palm Beach County reports that the landfill servicing this property has sufficient capacity to meet the City's needs until 2054.

*Schools & Parks and Open Space:* The commercial (non-residential) development will have no impacts on Schools or Parks and Open Space LOS.

**(C) Consistency.** A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

As discussed below, a finding of overall consistency can be made that the conditional use request is consistent with the Goals, Objective and Policies of the Always Delray Comprehensive Plan and Osceola Park Neighborhood Plan.

**(D) Compliance with LDRs.** Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), 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.

In conjunction with the Conditional Use Request, a Class II Site Plan Modification has been submitted and review/consideration by the Site Plan Review and Appearance Board will occur subsequent to City Commission approval of the Conditional Use request. The proposal will comply with LDR Section 4.3.3(W) as well as other applicable Land Development Regulations.

***Required Findings:***

As previously stated, the Conditional Use request is to establish a Domestic Animal Services Facility/Pet Hotel with Pet Service as an accessory use, pursuant to LDR Section 4.3.3 (W) (Domestic Animal Services).

***Conditional Use Findings:*** Pursuant to LDR Section 2.4.5(E)(5) (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.

The existing uses and zoning surrounding the proposed development are as follows:





	Land Use Designation	Zoning District	Use
North	CC	CBD	Commercial/Restaurant
South	CC	CBD	Commercial/Veterinary Clinic & Offices
East	CC	CBD	Vacant Commercial & Bank Drive-Thru
West	LD	R-1-A	Single Family Residences

The proposed domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel will provide a service that will fulfill a need for residents in the surrounding area and the community as a whole. The exterior and interior improvements will comply with LDR Section 4.3.3(W).

Drop-off is primarily between the 7:00 am and 11:00 am and pick-up between 4:00 pm and 7:00 pm, and will have no negative vehicular impacts along SE 5<sup>th</sup> Avenue (Southbound Federal Highway) or the surrounding roadway network.

The proposal includes installation of a 6' high wood privacy fence along the west property line abutting the residential properties, within the rear yard along the south property line, and installation of a fence adjacent to the dumpster enclosure and parking area for security purposes. The proposal also includes the installation of other site improvements (parking, landscaping, site lighting) in compliance with the Land Development Regulations.

While the existing building is located approximately 100' from the residential homes on the abutting properties to the west, the facility will be fully enclosed with the installation of associated interior improvements consisting of solid core sound proofing and insulation as necessary internal to the building to significantly minimize and eliminate noise and odor detection from outside the facility. The sound proofing and insulation include installation of a sound insulated partition along the west side of and internal to the building, creating a storage area between the existing exterior and new interior wall to provide additional buffering. Also included is the replacement of the existing non insulated doors with new impact insulated doors along the west, north and east sides of the building, as well as the addition of new sound insulated floor to ceiling Sound Transmission Class (STC) 55+ partitions along the north and east sides of the building. STC 55 is the highest frame partition rating. The overnight boarding will accommodate no more than 20 dogs and will be restricted to the areas along the east and south-central sides of the building. Per LDR Section 4.3.3(W)(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. There will be no outside use areas as provided for in LDR Section 4.3.3(W)(8). Solid waste is bagged (3 times) and disposed of immediately, thus eliminating any concerns with odors. As required, an Emergency Preparedness Plan has been submitted which ensures 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. An on-site attendant will be present at all times and a portable generator will be utilized for auxiliary power. It is also noted, a fire sprinkler system is required to be installed as well.

Per Housing Element Policy 1.1.12, per the proposed interior and exterior improvements as well as the limitations on the use as specified herein, compatibility with adjacent neighborhoods has been illustrated with respect to noise, odors, dust, traffic volumes and circulation patterns.



Based upon the above and the proposal, positive findings can be made with respect to Chapter 3 and LDR Section 2.4.5(E)(5) in that the conditional use will not have a detrimental effect on the stability of the adjacent Osceola Park neighborhood and surrounding area, and will not hinder development or redevelopment of nearby properties in a manner envisioned by the Osceola Park Neighborhood Plan and Always Delray Comprehensive Plan.

Please contact me should you have questions or require additional information. Thank you for your consideration.

Sincerely,



Jeffrey A. Costello, AICP, FRA-RA, Principal  
JC Planning Solutions, LLC

