



Cover Memorandum/Staff Report

File #: 22-514

Agenda Date: 5/3/2022

Item #: 7.A.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 3, 2022

RESOLUTION NO. 58-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 820 SE 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommended Action:

Review and Consider Resolution No. 58-22 for a Conditional Use to allow a domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel at 820 SE 5th Avenue.

Background:

The conditional use request is to establish a domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel for Beach Dog Daycare at 820 SE 5th Avenue. The subject property is located at 820 SE 5th Avenue ("Property"), south of SE 8th Street and north of SE 9th Street on the west side of SE 5th Avenue (US-1). The property is zoned Central Business District (CBD) within the South Pairs Neighborhood Sub-district and has a Land Use Map (LUM) designation of Central Core (CC). The CBD South Pairs Neighborhood Sub-district allows Pet Services as a conditional use, pet hotels as a conditional use.

In January 2020, the building was occupied by Beach Dog Daycare, which provides daytime and overnight boarding of dogs with other services such as grooming as an accessory use. A business tax receipt was approved on January 8, 2020, but was limited to "Dog and Pet Grooming." The limitation was based on an approved Zoning Certificate of Use (ZCU) by Development Services that included retail use and specified that "*uses such as doggie daycare, pet boarding / overnight stays, dog-run and pet training, and the sale of dogs and cats*" were not included with the approval. A second ZCU that included dog daycare and boarding was requested and denied in May 2020. In 2020, Code Enforcement Violation Notices were issued for conducting overnight boarding of animals and for the 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 Beach Dog would be submitting the subject Conditional Use application. The Code case remains active and the property owner is being fined \$150 a day until the site comes into compliance by obtaining conditional use and site plan approval.

Pursuant to **LDR Section 2.4.5 (E)(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.*

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

On March 21, 2022, the Planning and Zoning Board voted 6 to 1 to recommend approval of the conditional use request with the limitation of hours from 7:00 AM to 7:00 PM and no outdoor use or overnight boarding.

City Attorney Review:

Resolution No. 58-22 has been reviewed as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A