



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Banfield Pet Hospital Conditional Use

Meeting	File No.	Application Type
June 17, 2019	2019-185	Conditional Use

Request

Provide a recommendation to the City Commission regarding a request for a Conditional Use to allow a Veterinary Clinic for Banfield Pet Hospital at 600 and 660 W. Linton Blvd.

Optional Board Motions for Action Item

- A. Continue with direction.
- B. Recommend **approval** to the City Commission for the Conditional Use request to allow a Veterinary Clinic for Banfield Pet Hospital at 660 W. Linton Blvd., finding that the request is consistent with respect to Land Development Regulations Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(W)(Special Regulations), Chapter 3(Performance Standards) and the policies of the Comprehensive Plan.
- C. Recommend **approval** to the City Commission for the Conditional Use request to allow a Veterinary Clinic for Banfield Pet Hospital at 660 W. Linton Blvd., finding that the request is consistent with respect to Land Development Regulations Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(W)(Special Regulations), Chapter 3(Performance Standards) and the policies of the Comprehensive Plan, **with the following condition(s)**:
 - 1.
- D. Recommend **denial** to the City Commission for the Conditional Use request to allow a Veterinary Clinic for Banfield Pet Hospital at 660 W. Linton Blvd., finding that the request is inconsistent with respect to Land Development Regulations Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(W)(Special Regulations), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan.

Assessment and Summary

The request is to allow a veterinary clinic for Banfield Pet Hospital to be located at an existing bay in the shopping center located at 600 and 660 W. Linton Blvd. Veterinary Clinics are allowed as a Conditional Use in the PC zoning district, subject to the requirements of Section 4.3.3.W of the Land Development regulations (LDRs). The proposed 2,424 sf. veterinary clinic will be the first tenant in the subject tenant space after the redevelopment of the plaza. Services to be provided at this location include exams, surgeries, and pharmacy and retail pet supply sales. Boarding, overnight accommodations and disposal of carcasses on-site are not allowed and will not be provided. No outdoor facilities or exterior changes are proposed to accommodate the use. The establishment does not "walk animals" for animal safety reasons; but a pet-waste station with bags and disposal is provided adjacent to the clinic entry for customer and employee use to clean-up pet waste if it were to occur while arriving or leaving the facility; this area will be maintained and monitored by staff.

The anticipated hours of operation are from 7:00am to 7:00pm, 7 days a week. Although staffing may vary, typically the facility can operate with four to seven staff members including Veterinarians, technicians and administrative support. The proposal is consistent with Chapter 3 of the Land Development Regulations and the policies of the Comprehensive Plan. Also, positive findings with respect to LDR Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(W)(Veterinary Clinics), can be made as the proposal will not have an adverse impact on the surrounding area nor will it hinder development or redevelopment of nearby properties.

Background Information

The proposed Veterinary Clinic use is to be located at a shopping center zoned Planned Commercial (PC), located on the southwest corner of W. Linton Blvd. and Lavers Ave. Veterinary Clinics are allowed as a Conditional Use in the PC zoning district subject to the requirements of Section 4.3.3.W of the Land Development regulations (LDRs). The subject shopping center, known as the Delray Beach Plaza and formally known as Lavers International Plaza, was recently redeveloped to include three one-story freestanding buildings, including one grocery store located at the northeast corner of the property, and two additional retail buildings along the rear property line (200 and 300 Buildings). The proposed use will occupy the middle bay in the 200 Building.

Conditional Use Review and Analysis

REQUIRED FINDINGS: (Chapter 3):

Pursuant to 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.

FUTURE LAND USE MAP: The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation).

The subject property has a Future Land Use Map (FLUM) designation of GC, and a zoning designation of PC. PC zoning is consistent with GC FLUM designation. Per LDR Section 4.4.12(D)(1) and 4.4.9(D)(14), Veterinary Clinics are allowed as a conditional use in the Planned Commercial (PC) zoning district. Therefore, a positive finding with this section can be made.

CONCURRENCY: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

The proposal is to establish a 2,424 sf. veterinary clinic in a tenant bay at an existing shopping center. As described in Appendix "A", a positive finding of concurrency for the proposed use and its operations can be made as it relates to applicable standards such as water and sewer, drainage, solid waste and traffic.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies were found:

Future Land Use Element - Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourages affordable goods and services; is complimentary to adjacent land uses, and fulfills remaining land use needs.

No building additions or spatial alterations to the property are proposed to accommodate the conditional use. The request is to allow a 2,424 sf. Veterinary Clinic in an existing bay within the recently redeveloped shopping center known as Delray Beach Plaza. The approval of a Veterinary Clinic at this location will serve as a stable tenant to the plaza and will be an additional service option for the local community. The primary concerns with veterinary clinics are compatibility, the noise generated by barking pets, services provided and the manner in which biological wastes are disposed. The applicant has indicated that services offered will not include boarding or daycare or overnight accommodation of pets. As the facility will not provide for daycare or boarding, and pets will be kept indoors, no additional noise outside of normal business operations is anticipated. Pertaining to the disposal of biohazardous waste, the applicant has indicated that it will be kept in a freezer and removed by a third-party vendor on an as needed basis. Waste air/odor is exhausted thru multiple

roof top mounted exhaust fans. Two dumpsters are located to the east of the tenant building for disposal of other biological waste materials.

With respect to the adjacent land uses, the veterinary clinic will be located between two other commercial bays, which are currently vacant. Commercial uses, such as, personal service, retail and office establishments are allowed as principal uses at the subject property; the proposed use is not anticipated to create any negative impacts on the adjacent tenant spaces and their uses. The property is surrounded by shopping centers to the west and east. A fire station and a medical office is located to the north and multiple-family residential developments are located to the south and north as well. The properties to the north located across Linton Blvd. will not have any impact by the proposed use as the avenue serves as a buffer. The multifamily residential units to the south, located over 200 ft. from the southern shopping center property line, are buffered by a 10ft. landscape area in the commercial property. Based upon the above, a positive finding can be made with respect to Future Land Use Element Objective A-1, that the redevelopment of the subject property will be complimentary to adjacent land uses and will not negatively impact the existing physical conditions of the existing development.

Transportation Element - Policy A-6.2: The approval of a modification to an existing site development plan and/or conditional use shall be conditioned upon the upgrading of its points of access to meet adopted standards.

Access to the shopping center and parking lot complies with minimum standards and was recently upgraded as part of the redevelopment plan approved in 2017. The proposed access is consistent with the Transportation Element of the Comprehensive Plan and associated policies and meets the LDRs.

COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS: Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the land development application/request. This discussion is limited to those items which are relevant to the conditional use request.

No development or site plan changes are proposed. Per LDR Appendix A, Definitions, Veterinary Clinic, is a clinic or hospital facility for treatment of animals and pets operated by a licensed veterinarian.

Pursuant to LDR Section 4.3.3(W)(Special Requirements for Specific Uses), a veterinary clinic shall not accommodate on-site disposal of carcasses nor shall it provide overnight accommodations of patients except for those under medical supervision. Boarding of animals is expressly prohibited.

1. Boarding, overnight accommodations and on-site disposal of carcasses are not allowed and will not be provided. The applicant stated that in the event that there is a patient in critical condition and the patient requires longer-term care, the patient will be transported to a 24-hour veterinarian hospital in the local area for further treatment. Carcasses will be temporarily stored within the support room freezer until carcasses are picked-up by a 3rd party hazardous waste removal service vendor soon after.

Parking Requirement:

Pursuant to LDR Section 4.6.9(C)(3)(e), shopping centers are required 4 spaces per 1,000 sq. ft. of gross leasable floor area, irrespective of uses, for up to 400,000 sq. ft. The existing 84,989 sf. shopping center requires 340 (84,989 sf. x 4 / 1,000 = 340) parking spaces and 366 parking spaces are provided. No building additions are proposed; therefore, this requirement is met.

SECTION 2.4.5(E) REQUIRED FINDINGS: (Conditional Use)

Pursuant to 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:

- Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- Nor that it will hinder development or redevelopment of nearby properties.

The following zoning designations and uses are abutting the subject property:

	Zoning Designation:	Current Use:
<i>North:</i>	General Commercial (GC) Community Facility (CF) Multiple Family Residential (RM)	Medical Office Fire Station Multiple-Family Residential Development
<i>South:</i>	Special Activity District (SAD)	Multiple-Family Residential Development
<i>East:</i>	General Commercial (GC)	Shopping Center
<i>West:</i>	General Commercial (GC)	Shopping Center

The proposed use location is at a shopping center zoned Planned Commercial (PC) located on the southwest corner of W. Linton Blvd. and Lavers Ave. The shopping center, known as the Delray Beach Plaza and formally known as Lavers International Plaza, was recently redeveloped to include three one-story freestanding buildings, including one grocery store located at the northeast corner of the property, and two additional retail buildings along the rear property line. The request is to allow a 2,424 sf. Veterinary Clinic in an existing bay that has not been occupied since the redevelopment of the plaza. With respect to the adjacent land uses, the veterinary clinic will be located between two other commercial bays, which are currently vacant. Commercial uses, such as, personal service, retail and office establishments are allowed as principal uses at the subject property. The property is surrounded by shopping centers to the west and east. A fire station and a medical office are located to the north, and multiple-family residential developments are located to the south and north as well. The properties to the north, located across Linton Blvd., will not have any impact by the proposed use. The multifamily residential structures to the south, located over 200 ft. from the southern shopping center property line, are buffered by a 10ft. landscape area located in the commercial property besides the large distance between the structures. The establishment of a Veterinary Clinic will not have a significantly detrimental effect upon the stability of the neighborhood, nor will it hinder the development or redevelopment of nearby properties. The existing 10 ft. landscape buffer and the existing distance to the nearest residential structures mitigates any detrimental effect upon nearby residential properties. A positive finding can be made.

Review By Others

Public Notice:

Formal public notice has been provided to property owners within a 500-foot radius of the subject property. Letters of objection, if any, will be presented at the Planning and Zoning Board meeting.

Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

N/A Courtesy Notices were provided to the following, at least 5 working days prior to the meeting.

N/A Public Notices are not required for this request.

☒ Public Notice was posted at the property on Monday, June 10, 2019, 7 calendar days prior to the meeting.

☒ Public Notice was mailed to property owners within a 500' radius on Friday, June 7, 2019, 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

N/A Public Notice was published in the "newspaper" 10 calendar days prior to the meeting.

☒ Public Notice was posted to the City's website on Friday, June 7, 2019, 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall on Friday, June 7, 2019, 10 working days prior to the meeting.

☒ Agenda was posted on Friday, June 7, 2019, at least 5 working days prior to meeting.

Appendix A-Concurrency

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

Water and sewer services are available via service lateral connections to mains located within the Linton Blvd. right-of-way and are not proposed to be altered. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant for the City at build-out. Pursuant to the Comprehensive plan, treatment capacity is also available at the South Central County Regional Waste Water Treatment Plant for the City at Build-out.

Streets and Traffic:

A traffic statement is not required as the proposed use is located at a shopping center; change of uses without affecting the spatial relationship among improvements within established shopping centers do not represent a change in intensity of use.

Parks and Recreation Facilities:

Park dedication requirements do not apply for non-residential uses. Thus, the proposed development will not have any impact with respect to this standard.

Solid Waste:

The proposed 2,424 sf. veterinary clinic will generate approximately 5.6 tons ($2,424 \times 4.6 = 11,150 / 2,000 = 5.6$ tons) of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have any impacts with respect to this standard.

Drainage:

Drainage is to be accommodated by sheet flow to catch basins and exfiltration trenches. There should be no impact on drainage as it relates to this standard.