



## Legislation Details (With Text)

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**On agenda:** 6/7/2022      **Final action:**

**Title:** RESOLUTION NO. 69-22: 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 1551 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO 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).

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Resolution 69-22 Barkingham Palace, 3. 1551 N Federal Hwy P & Z Staff Report Barkingham Palace, 4. 1551 N Federal Hwy Applicant Justification, 5. 1551 N. Federal Hwy Floor Plan, 6. 1551 N Federal Hwy Site Plan, 7. 1551 N Federal Hwy Property Pictures, 8. Legal Review Res 69-22 Barkingham Palace conditional use

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 7, 2022

RESOLUTION NO. 69-22: 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 1551 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO 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).

### **Recommended Action:**

Review and consider Resolution No. 69-22 approving a Conditional Use to allow a Domestic Animal Services facility offering Pet Services, including daytime boarding and pet grooming, and a Pet Hotel for Barkingham Palace located at 1551 North Federal Highway.

### **Background:**

Barkingham Palace has been operating since 2007 and is approved to provide pet grooming services. The conditional use request is to establish additional Pet Services (daytime boarding) and a Pet Hotel (overnight boarding) pursuant to the adoption of Ordinance No. 17-21. Outdoor use area is not proposed; all activities are to be conducted inside the building, except for necessary outdoor

walks by leash.

The property has a Land Use Map (LUM) designation of General Commercial (GC), and a zoning designation of General Commercial (GC). The property is also located within the North Federal Highway Redevelopment Area. Pursuant to **LDR Section 4.4.9(D)(14), GC District, Conditional Uses and Structures Allowed**, a conditional use approval is required for Pet Services, Pet Hotels, and Veterinary Clinics, subject to **LDR Section 4.3.3(W), Domestic Animal Services**, which provides specific regulations for domestic animal services to ensure sufficient measures are taken to mitigate potential impacts to the adjacent properties and surrounding neighborhood, as well as to protect the animals.

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 facility is adjacent to residential development and neighborhoods. The subject property is developed with two single-story buildings constructed in 1940 and 1961. The easternmost building is 3,339 sq. ft., fronts onto Eastview Avenue, and is occupied by a personal training facility (Temple Martial Arts and Fitness Club). This building provides a buffer between the adjacent neighborhood and the 6,000+/- sq. ft. building located at the southeast corner of North Federal Highway and Eastview Avenue, occupied by Barkingham Palace. The building Barkingham Palace occupies is constructed of concrete block, and improvements that will “minimize noise and odor detection from outside the facility” are required. The City is not in receipt of any recent noise complaints. The site adjoins a remnant portion of an alley right of way that has not been formally abandoned. At one point a fence was installed in this area and had to be removed, subject to code enforcement violation. The fence has been removed and the applicant has been advised to file an abandonment application, if desired.

The requirements of **LDR Section 4.3.3(W)** have generally been met, however, the applicant has requested a Special Parking Reduction, pursuant to **LDR Section 4.6.9(F)(1)**, as the minimum required parking is not provided on the site. 12 parking spaces are on site. The current uses on site require a total of 42 parking spaces, resulting in a legal nonconformity and a deficit of 30 parking spaces. The addition of the daytime boarding use will not increase the parking requirement as it maintains the 4.5 parking spaces per 1,000 square feet calculation. The addition of the pet hotel will not increase the parking requirement, as it is calculated at a lower rate of 1 parking space per 300 square feet. The applicant submitted a traffic and parking statement to demonstrate that the parking provided is sufficient for the business. A full analysis is provided in the attached Planning and Zoning Board staff report.

The Planning and Zoning Board recommended approval by a vote of 6 to 0 at its April 18, 2022 meeting.

**City Attorney Review:**

City Resolution No 69-22 has been reviewed as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The conditional use approval will become effective immediately upon adoption.