

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: CA-2022-01786
Application Name: K9 Spa and Training Center
Control No./Name: 2022-00099 (K9 Spa and Training Center)
Applicant: Michael Grushoff
Owners: Michael Grushoff
Agent: Land Research Management, Inc. - Kevin McGinley
Telephone No.: (561) 686-2481
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Class A Conditional Use **Request:** to allow Limited Pet Boarding Facility on 2.19 acres

APPLICATION SUMMARY: Proposed is a Class A Conditional Use for the K9 Spa and Training Center. The 2.19-acre site is currently developed as a Single Family Residence.

The Applicant is proposing a Class A Conditional Use to allow Limited Pet Boarding as an accessory use to a Single Family dwelling. The Preliminary Site Plan PSP) indicates a 4,625 square feet (sq.ft) existing Single Family Residence and two parking spaces with two existing access driveways to the site, 60th Place North and 60th Street North. The pets will be boarded within the home.

SITE DATA:

Location:	South side 60th Place N, approximately 0.25 miles West of Hall Road
Property Control Number(s)	00-41-42-31-00-000-5079
Existing Future Land Use Designation:	Rural Residential (RR-2.5)
Existing Zoning District:	Agricultural Residential District (AR)
Total Acreage:	2.19 acres
Tier:	Exurban
Overlay District:	N/A
Neighborhood Plan:	Acreage Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	Westlake
Future Annexation Area	N/A
Commission District	District 6, Commissioner Sara Baxter

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: The subject site is approved with a Single Family Home through the building permit process

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ Consistency with the Comprehensive Plan: The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

- *Relevant Comprehensive Plan Policy:* Future Land Use Element (FLUE) Policy 2.2.1-g.1 establishes consistent residential zoning districts with their corresponding Future Land Use designation in Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency. The existing AR Zoning District is consistent with the Rural Residential, 1 unit per 2.5 acres (RR-2.5) Future Land Use designation. In addition, FLUE Policy 1.3-i.7, establishes that home occupational uses that will not degrade the rural character of the area are allowed.
- *Density & Intensity:* Floor Area Ratio (FAR) is not applicable since the request is for is accessory to the principal single-family residential use, is consistent with the land use of RR-2.5, and does not result in the conversion to a commercial use.
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the Acreage Neighborhood Planning area (ANP). The request is not inconsistent with the neighborhood plan recommendations. The Applicant was advised to meet with the Acreage Landowners Association (ALA), the neighborhood group responsible for implementing the Neighborhood Plan. No comments have been received as of the writing of this report.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed Class A Conditional use is not in conflict with any portion of this Code, and is consistent with the stated purpose, intent and the requirements of the Code as indicate on Article 4.B.1.W.12.a through j – Limited Pet Boarding.

As indicated on Article 4.B.1.W.12.a the use is permitted in a Single Family dwelling as an accessory boarding of domestic cats and dogs that are not owned by the occupants of premises. In addition as part of the approval process the Applicant must provide a letter from ACC confirming the intent to develop the proposed use in the specific location and to provide compliance with the Standards indicated on Article 4.B.1.W.12.a through j which are summarize below

The proposed Class A use must be in compliance with the following requirements related to:

1. Lot Size - minimum of one acre, proposed is 2.19 acres.
2. Separation Distance – not located within a radius of 1,000 feet on another Limited Pet Boarding measured from the property line, see Exhibit F.
3. Maximum Number of pets – No more than seven cats or dogs at any given time, and the total number boarded and owned by the resident of the dwelling shall not exceed the maximum limits established by ACC, the Applicant indicates that the total number of animals including their animals will not exceed 10 as limited by ACC.
4. Boarding – Cats or dogs shall be boarded within the Single Family structure except when outdoor activities take place, and the Applicant acknowledges.
5. Hours of Operation - Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or control of a person by means of a leash; and business hours including drop-off and pick-up shall be between 6:00 a.m. to 7:00pm; and the Applicant acknowledges.
6. Outdoors Areas – animals shall be personally supervised during the outdoor activity and shall be set back a minimum of 25 feet from all property lines, and the proposed use meets the requirements as indicated in Figure 3, Preliminary Site Plan.
7. Signage – shall be not be allow, and the Applicant acknowledges.
8. ACC Permit – at time of submittal the Applicant must provide a Letter of Intent to operate an accessory Limited Pet Boarding facility, see Exhibit E for Applicant’s Letter of Intent

Staff has analyzed the Preliminary Site Plan and Justification Statement provided by the Applicant and has determined that proposed development is in compliance with the requirements as required in the ULDC.

- *Architectural Review:* This use is not subject to the Architectural Guidelines specified in Article 5.C., Design Standards, therefore no further analysis is required.
- *Parking:* The PSP proposes no changes to the existing parking provided on the site. The driveways connected to 60th Place North and 60th Street North provides access to the site as well as the two parking spaces required for the Single Family residence, and will remain unchanged.
- *Landscape/Buffering:* The property is within a Single Family residential area and the request is not subject to landscape buffering.

- c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed use will be compatible with surrounding uses. All lands surrounding the subject site are zoned Agricultural Residential (AR). To the north, east and west of the subject property are Single Family residences; and to the south is the Town of Westlake with residential units across the 330 foot canal. The principal residential use will remain unchanged with the request. Further, Table 4.B.1.D – Corresponding Accessory Use to a Principal Use of the ULDC recognizes Limited Pet Boarding as an allowable use when accessory to a Single Family residential use within the AR Zoning district.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The overall area surrounding the subject site is designated and developed with similar Single Family uses on within the AR Zoning district. The proposed Limited Pet Boarding facility is classified as an accessory use to a residential use per Table 4.B.1.D. The Single Family dwelling is existing, and the inclusion of the Limited Pet Boarding within the existing dwelling will have no adverse impact to the adjacent parcels as the applicant is in compliance with all the required setbacks. The proposed outdoor recreation area is located immediately adjacent to the existing structure and setback a minimum of 50-feet from the west property line, and approximately 100 feet to the nearest adjacent residential structure.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone,
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use will result in a logical, orderly and timely development pattern. The overall area surrounding the subject site is designated and developed with similar Single Family uses on 1.0 to 2.4-acre lots within the AR Zoning district. The proposed Limited Pet Boarding facility is classified as an accessory use to a Single Family use per Table 4.B.1.D, Corresponding Accessory Use to a Principal Use. Single Family dwellings have limited uses that may be an accessory use, one of them being the Limited Pet Boarding use.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed pet boarding facility for a maximum of 7 dogs is expected to generate 14 net AM peak trips, and 14 net PM peak hour trips. This is a conservative estimate since it has been assumed that all 7 dog owners will arrive and depart during the peak hour. The actual impacts is expected to be much less. The build out of the project is assumed to be by 2023.

Since the additional peak hour trips generated are 20 or less, a detailed traffic study is not required and the project meets Traffic Performance Standards without any roadway improvement requirements.

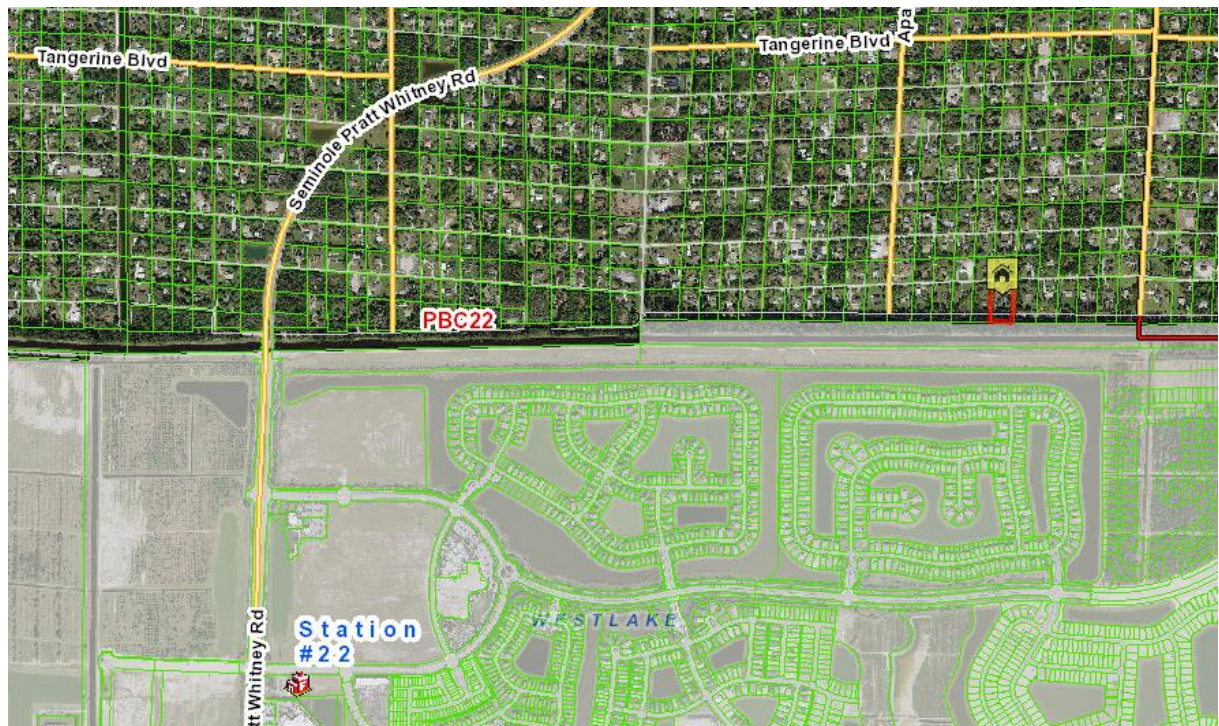
There are no proposed Engineering conditions of approval associated with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The proposed development is located within the boundary of PBC Fire Station 22.



SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

The School Board has no comment regarding this non-residential application.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

All lands surrounding the subject site are zoned AR and support single family residences. The owner/operator of the proposed Limited Pet Boarding use is proposing to provide a facility that would serve a growing demand for pet boarding services within this area of the County.

CONCLUSION: Staff has evaluated the standards listed in Article 2.B7.B.2, and determined the there is a balance between the need for change and the potential impacts generated by K9 Spa and Training for a Class A Conditional Use. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C - Class A Conditional Use on 2.19 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 21, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Outdoor activities shall be limited from 7:00 a.m. to 9:00 p.m. unless under the restraint or control of a person by means of a leash. (ONGOING: CODE ENF - Zoning)

2. The Owner, employees, representatives, and/or Agents must comply with all operational permit requirements imposed by the Division of Animal Care and Control and the Palm Beach County Animal Care and Control Ordinance. (ONGOING: CODE ENF - Monitoring)

3. The Owner shall not operate a Limited Pet Boarding use until the Owner has been approved for a Limited Pet Boarding Permit by the Division of Animal Care and Control. (ONGOING: CODE ENF - Monitoring)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

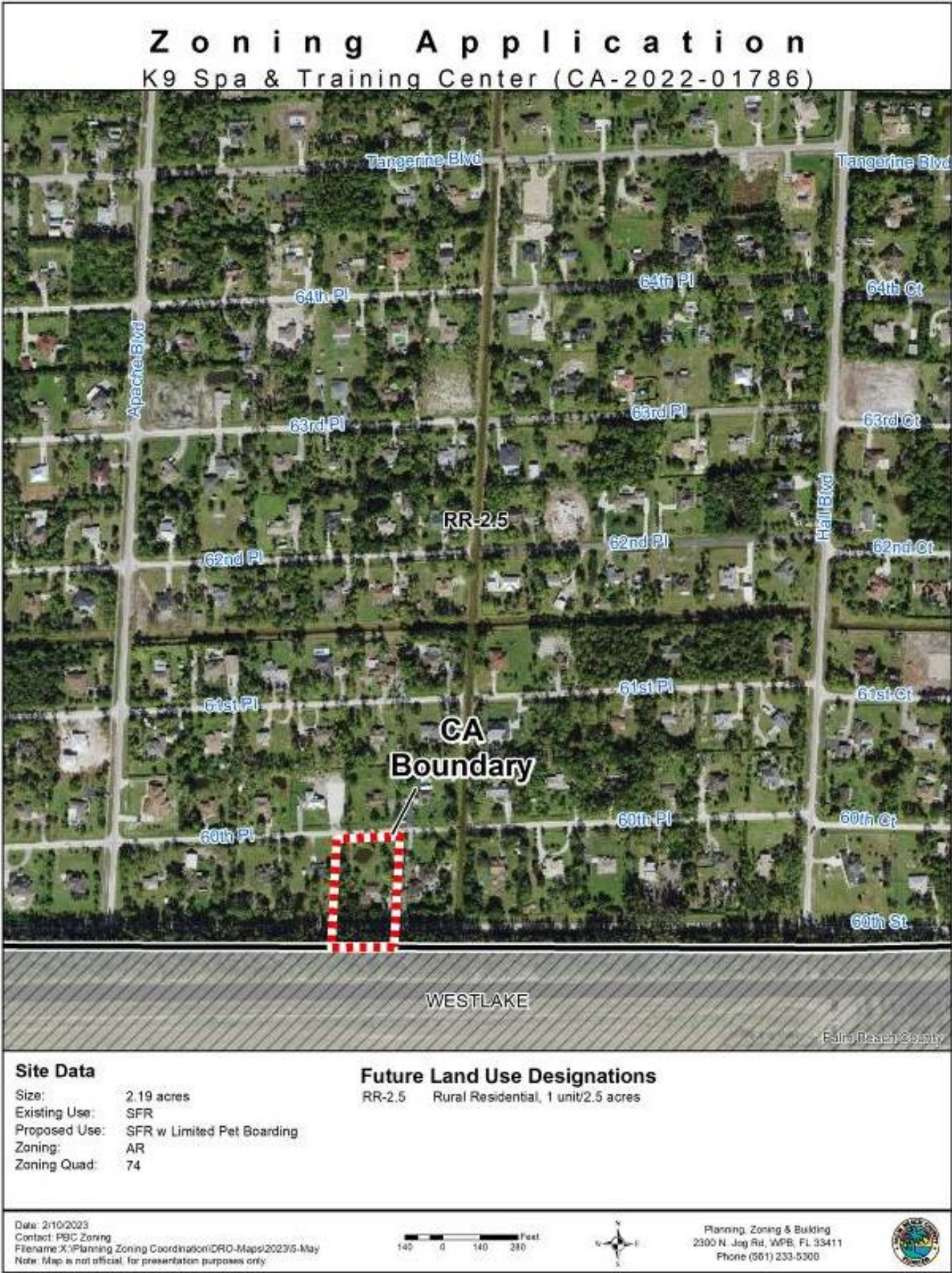


Figure 2 - Zoning Map

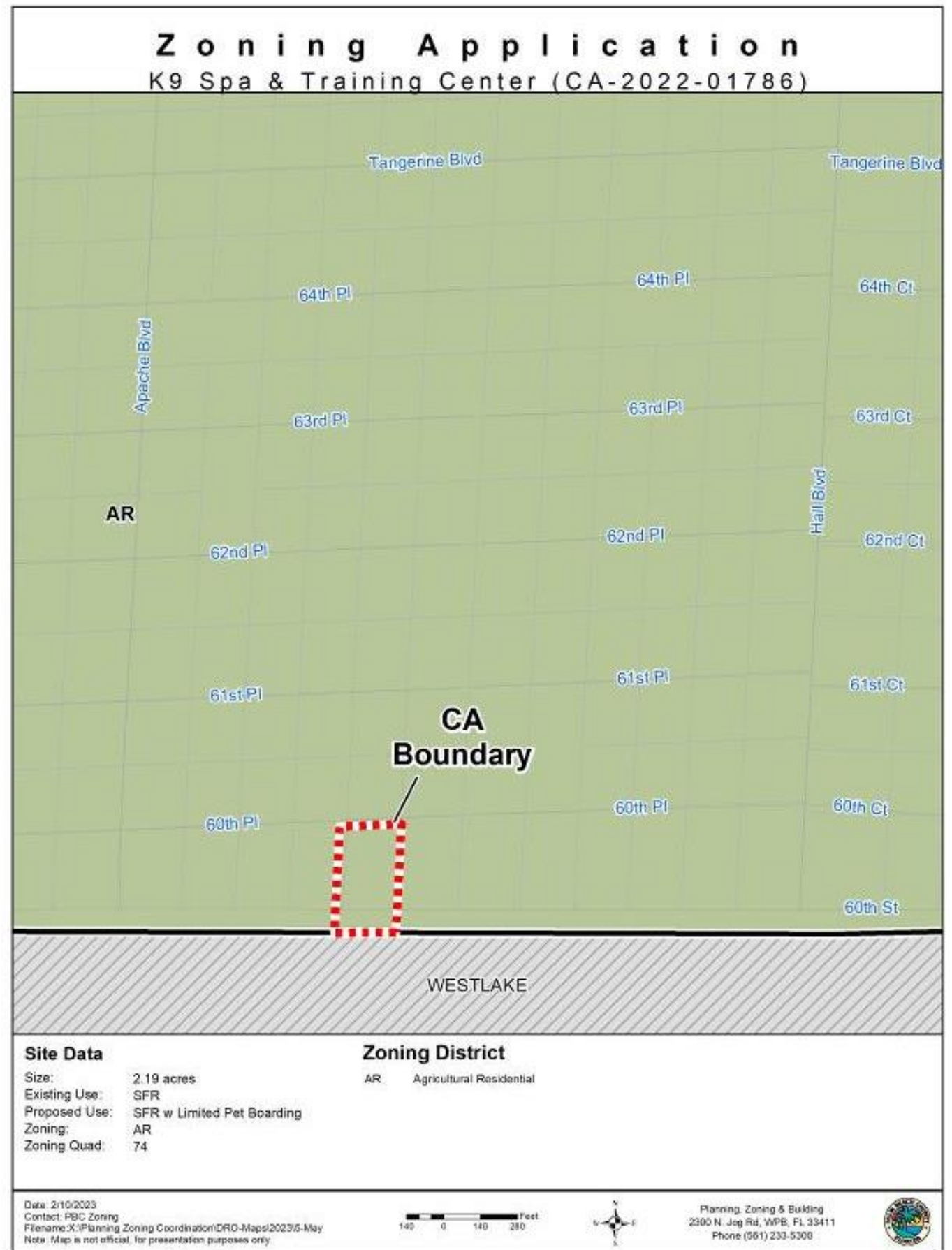
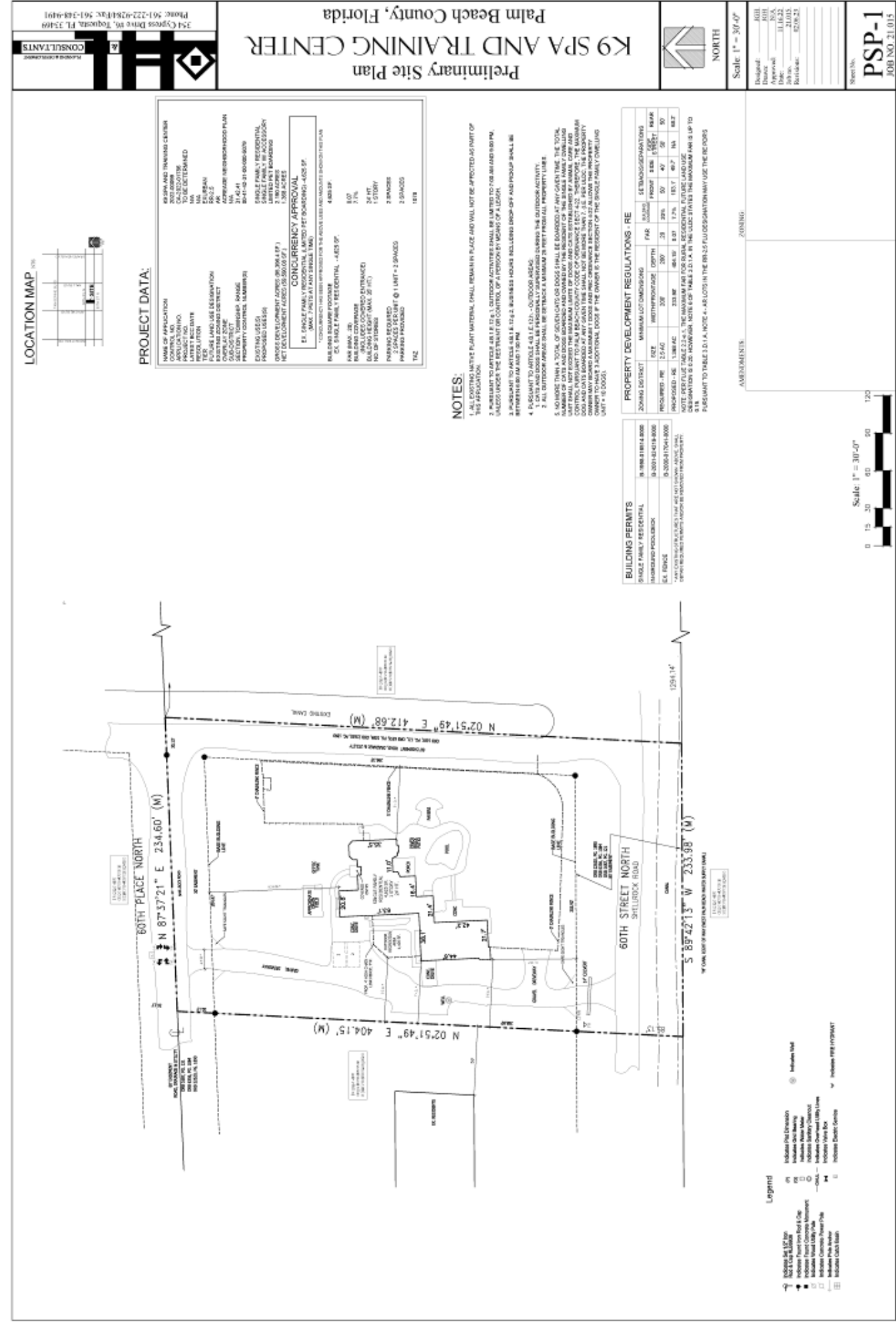


Figure 3 – Preliminary Site Plan dated February 21, 2023



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Pamela Marie May, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☒ individual or ☐ _____ [position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 15288 60th Place North, Loxahatchee, FL 33470

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Pamela May
 Pamela May Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of 11 2022 by Pamela May (name of person acknowledging). He/she is personally known to me or has produced Florida DL # (type of identification) as identification and did not (circle) make a false correct response. MO006673688270

Tennyson Zeigler
 (Name - type, stamp or print clearly)

Tennyson Zeigler
 (Signature)

My Commission Expires on 3/29/2025

Notary Public State of Florida
 Tennyson Zeigler
 My Commission HH 110793
 Expires 03/29/2025

EXHIBIT "A"

PROPERTY

THE WEST 234.6 FEET OF THE EAST 1532.2 FEET, LESS THE NORTH 4888.06 FEET OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES TO INDIAN TRAIL WATER CONTROL DISTRICT OVER THE EAST 30 FEET AND THE SOUTH 85 FEET.

AKA TRACT K-121

CONTAINING 2.190 ACRES (GROSS) 1.368 (NET)

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Michael Grushoff	15288 60th Place North, Loxahatchee, FL 33470 50%
Pamela Marie May	15288 60th Place North, Loxahatchee, FL 33470 50%

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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STATE OF FLORIDA
COUNTY OF PALM BEACH

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1. Affiant is the ☒ individual or ☐ _____ [position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
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7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Michael Grushoff
Michael Grushoff, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of 11, 2022 by Michael Grushoff (name of person acknowledging). He/she is personally known to me or has produced Florida ID # (type of identification) as identification and did not take an oath (circle correct response) G621541690510.

Tennysen Zeigler (Name - type, stamp or print clearly) Tennysen Zeigler (Signature)

My Commission Expires on: 3/29/2025

Notary Public State of Florida
Tennysen Zeigler
My Commission HH 110793
Expires 03/29/2025

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Pamela Marie May	15288 60th Place North, Loxahatchee, FL 33470 50%

Exhibit E: ACC Letter of Intent



Department of Public Safety
Division of Animal Care and Control
7100 Belvedere Road
West Palm Beach, FL 33411
(561) 233-1200
FAX: (561) 233-1234
www.pbcgov.com/pubsafety/animal

**Palm Beach County
Board of County
Commissioners**

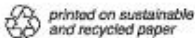
Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

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and recycled paper

Department of Public Safety,
Palm Beach County Animal Care & Control
7100 Belvedere Rd. West Palm Beach, FL 33411

Letter of Intent for Limited Pet Boarding

NAME: Michael Grushoff and Pamela May
PCN: 00-41-42-31-00-0005079
Address: 15288 60th Place
Loxahatchee, FL 33470
Date: 02/09/21

Request: **Limited Pet Boarding at a Single Family Home.**

This letter is to acknowledge that the applicant has requested a Letter of Intent from the Palm Beach County Division of Animal Care & Control of its intent to seek a Class A conditional approval for a Limited Pet Boarding operation. Pursuant to Article 4.B.1.E.12.J., ULDC the Division will not consider the applicant's request for an Operational Permit from the Division until the Class A conditional use is approved.

The applicant is encouraged to review 98-22 Chapter 4 sec 4-23 of the Palm Beach County Animal Care and Control Ordinance, to make sure that the applicant will qualify to receive an Operational Permit from the Division. This letter is to acknowledge that the applicant is seeking permission from the Department of Planning, Zoning and Building to conduct business from a Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.

This letter does not constitute that a Permit has been or will be granted by PBCAC&C, but only acknowledge that the applicant is seeking a permit for a Limited Pet Boarding operation.

The applicant shall understand that no inspection or Permit will be granted from PBCAC&C until confirmation of approval from, PZ&B is received and validated.

Sgt. D. Coutts
Commercial Licensing & Enforcement
Palm Beach County Animal Care & Control
7100 Belvedere Road
West Palm Beach, FL 33411
(561) 233-1227
(561) 233-1279 (fax)



**Department of Public Safety
Division of Animal Care and Control**

7100 Belvedere Road
West Palm Beach, FL 33411
(561) 233-1200
FAX: (561) 233-1234
www.pbcgov.com/pubsafety/animal

**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

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and recycled paper

Department of Public Safety,
Palm Beach County Animal Care & Control
7100 Belvedere Rd. West Palm Beach, FL 33411

Letter of Intent for Limited Pet Boarding

NAME: Michael Grushoff and Pamela May

PCN: 00-41-12-31-00-000-5079

Address: 15288 60th PL N

Loxahatchee, FL 33470

Date: 09-12-22

Request: **Limited Pet Boarding at a Single Family Home.**

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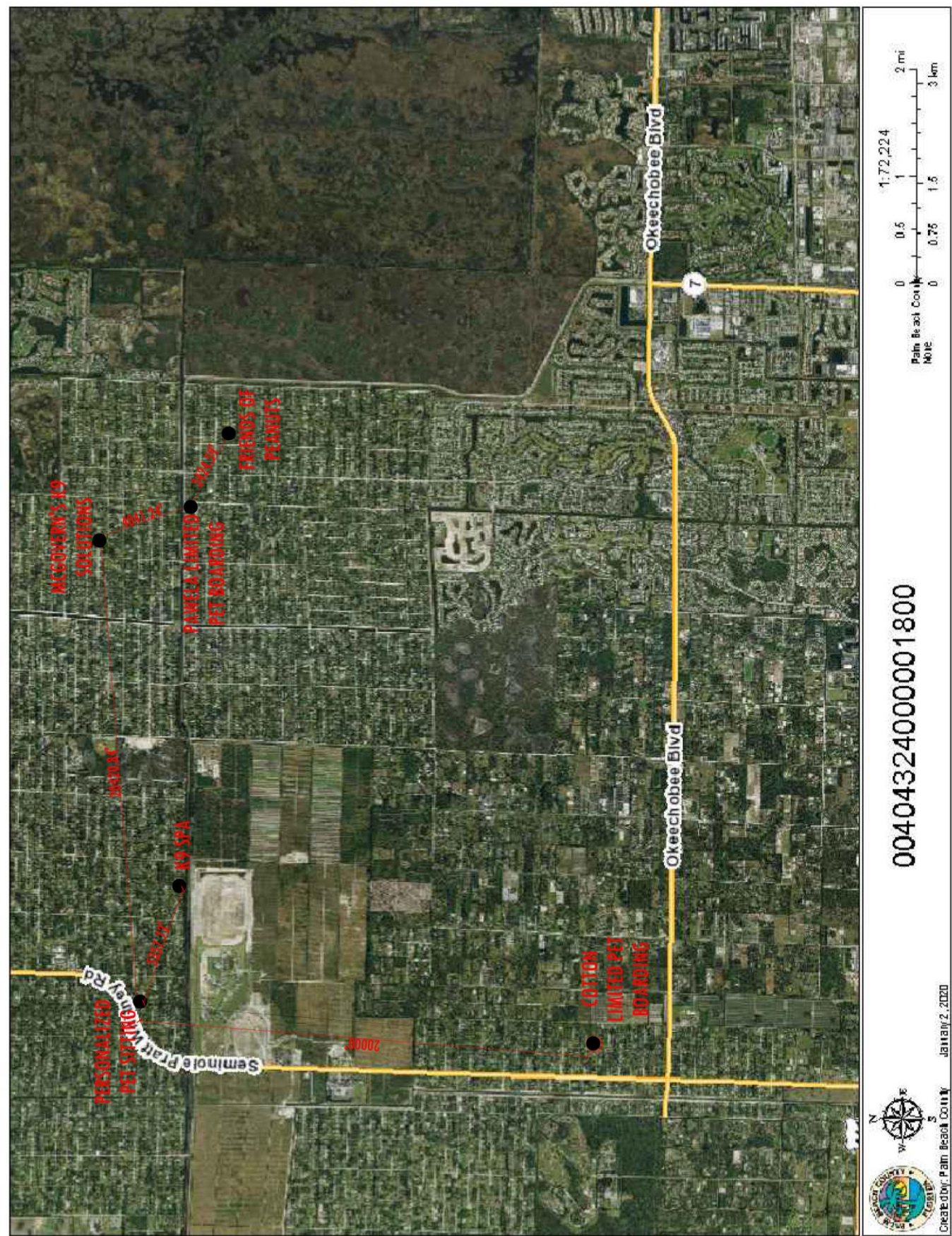
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Sgt. D. Coutts #2214 (561) 233-1227 or (561)233-1279 fax

Commercial Licensing & Enforcement
Palm Beach County Animal Care & Control
7100 Belvedere Road West Palm Beach, FL 33411
(561) 233-1227
(561) 233-1279 (fax)

Exhibit F – Distance separation between other Limited Pet Board facilities

Name	Distance to nearest Limited Pet Boarding
Personalized Pet Sitting	5,537.73 feet to K9 Spa and Training
Cotton Limited Pet Boarding	2,000 feet to Personalized Pet Sitting
McGovern's K9 Solutions	20,420.84 feet to Personalized Pet Sitting
Pawela Limited Pet Boarding	4,041.24 feet to McGovern's K9 Solutions
Friends of Peanuts	3,424.59 feet to Pawela Limited Pet Boarding



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