

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

**Application No.:** CA-2021-00439  
**Application Name:** Calypso Canine  
**Control No./Name:** 2021-00024 (Calypso Canine)  
**Applicant:** Michael Reich  
**Owners:** Michael Reich  
**Agent:** Land Research Management, Inc. - Kevin McGinley  
**Telephone No.:** (561) 686-2481  
**Project Manager:** James Borsos, Site Planner II

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**TITLE:** a Class A Conditional Use **REQUEST:** to allow Limited Pet Boarding.

**APPLICATION SUMMARY:** Proposed is a Class A Conditional Use for Calypso Canine. A Single Family residence is currently established on site.

The Applicant is requesting a Class A Conditional Use to allow Limited Pet Boarding as an accessory use to the existing Single Family residence, to board a maximum of seven cats or dogs within the home. The Preliminary Site Plan (PSP) indicates a 3,401 square foot (sq. ft.) one-story, Single-Family residence with a 2,009 sq. ft. garage, and a 620 sq. ft. outdoor area for the proposed pet boarding use. The existing access point from 185th Trail North will remain unchanged.

**SITE DATA:**

Location:	East side of 185 <sup>th</sup> Trail North, approximately 0.5 miles south of W. Sycamore Drive
Property Control Number(s)	00-40-43-15-01-000-0300
Existing Future Land Use Designation:	Rural Residential (RR-5)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	No Change
Total Acreage:	5 acres
Affected Acreage:	5 acres
Tier:	Rural
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	N/A
Future Annexation Area:	N/A

**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 0 contacts from the public regarding this application.

**PROJECT HISTORY:** The existing Single-Family residence was permitted in 1999 and constructed in 2000. The Applicant has provided permits for the garage and fencing surrounding the property. There are no prior public hearing approvals for the site as previously stated. Note: The site is also the subject of a Code Enforcement Notice of Violation for the pet boarding facility, which has resulted in the Applicant submitting the request for a Class A Conditional Use to allow the Limited Pet Boarding.

**SURROUNDING LAND USES:**

**NORTH:**  
FLU Designation: Rural Residential (RR-5)

Zoning District: Agricultural Residential (AR)  
Supporting: Residential (Control Name & No. n/a)

**SOUTH:**

FLU Designation: Rural Residential (RR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Agricultural (Control Name & No. n/a)

**EAST:**

FLU Designation: Rural Residential (RR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Agricultural (Control Name & No. n/a)

FLU Designation: Rural Residential (RR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Vacant (Control Name & No. n/a)

**WEST:**

FLU Designation: Rural Residential (RR-5)  
Zoning District: Agricultural Residential (AR)  
Supporting: Vacant (Control Name & No. n/a)

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**FINDINGS:**

Class A Conditional Use: When considering a Development Order application for a Conditional Use, the BCC or ZC shall consider Standards a – h listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An 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.*

PLANNING DIVISION COMMENTS:

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Prior Land Use Amendments:* The site has been the subject of one previous County initiated land use amendment, 01-1 Rural FLUA Revisions, Central County (ORD. 2001-042) which amended the land use from RR-10 to RR-5 with no conditions.
- *Intensity:* The maximum Floor Area Ratio (FAR) of .15 is allowed for the subject future land use designation in the Rural Tier (217,811 square feet or 5 acres x .15 maximum FAR = 32,671.65 square feet maximum). The request of 5,410 square feet equates to a FAR of approximately 0.03 (5,410/ 217,811 square feet or 5 acres = 0.025).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

**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.*

- *Article 4 Supplemental Use Regulations:* The proposed use complies with all supplementary use standards contained in Article 4.B.1.W.12, Limited Pet Boarding. This includes the following:  
*Lot size:* A site requesting Limited Pet Boarding is required to be on a lot a minimum of one acre in size. The 5-acre site exceeds the minimum one-acre lot size requirement. The site is an existing conforming lot that meets the minimum 2.5-acre requirement for Agricultural Residential (AR) districts pursuant to Table 3.D.1.A, Property Development Regulations.

- *Letter from Palm Beach County Division of Animal Care and Control (ACC):* Per Art. 4.D.1.E.12.b, Approval Process [Related to Limited Pet Boarding], the Applicant submitted a letter from Palm Beach County ACC, confirming the Applicant's intent to operate an accessory Limited Pet Boarding facility at this specific location and to obtain Class A Conditional Use Approval prior to issuance of any permits for the proposed use.
- *Separation Distance:* Per Art. 4.B.1.E.12.d, Separation Distance, Limited Pet Boarding uses are required to have a separation distance of 1,000 feet from one another as measured from property line to property line. According to the separation exhibit provided by the Applicant, the proposed Calypso Canine site location is separated from the nearest Limited Pet Boarding use, Cotton Limited Pet Boarding (Control No. 2004-00903) by approximately 12,686 feet southeast of the subject site. The proposed location exceeds the separation requirement by Code and is in compliance of this supplemental standard.
- *Maximum Number of Pets:* Per Art. 4.B.1.E.12.e, Maximum Number, no more than a total of 7 cats and dogs shall be boarded at any given time. The total number of cats and dogs boarded and owned by the owner of the Single Family residence shall not exceed the maximum limits for dogs and cats established by Animal Care and Control pursuant to Sec. 4-22 of the PBC Code.
- *Boarding:* Per Art. 4.B.1.E.12.f, Boarding, cats and dogs must be boarded within the Single-Family residence except when outdoor activities take place. The Applicant has acknowledged that the pets will be boarded within the existing residence except when supervised outdoor activities are taking place.
- *Hours of Operation:* Art. 4.B.1.E.12.g, Hours states that 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. Business hours including drop-off and pickup shall be limited between 6:00 a.m. and 7:00 p.m.
- *Outdoor Areas:* Art. 4. B.1.E.12.h, Outdoor Areas states that cats and dogs shall personally supervised during outdoor activity and shall be set back a minimum of 25 feet from all property lines. The PSP indicates a 620 sq. ft. outdoor area designated for the outside activities of the animals, which will be enclosed by a four ft. high vinyl chain link fence oriented at the north side of the garage. The outdoor area will be approximately 200 ft. from the nearest adjacent residence to the north.
- *Signs:* Art. 4.B.1.E.12.i, Signage states that no signage shall be allowed to advertise the Limited Pet Boarding use. No signs are proposed as part of this request.
- *ACC Permit:* Art. 4.B.1.E.12.j, states that the operator of the use shall obtain Zoning Approval prior to application for an Operational Permit by the ACC.
- *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 driveway along 185<sup>th</sup> Trail North provides access to the site as well as the 2 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. While buffering is not required for the use, the overall site has significant existing landscaping that provides substantial buffering for the proposed use to existing residential development to the north, south and east.

**c. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed use will be compatible with surrounding uses. All lands surrounding the subject site are zoned Agricultural Residential (AR). The adjacent property to the north and north-east is a Single Family residence with an accessory equestrian use, while the property on the southeast is vacant. To the south is a Single Family residence, and the property to the west is currently vacant. The primary 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 a compatible use incidental to a Single Family residential use within the AR zoning district.

**d. Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANGEMENT:

VEGETATION PROTECTION: This is an existing single-family residence.

WELLFIELD PROTECTION ZONE: The property is not located within a 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 Water and Irrigation Conservation Ordinance No. 93 3. 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.

**e. Development Patterns** – *The proposed amendment 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 5-acre lots 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, Corresponding Accessory Use to a Principal Use, and aligns with the required AR Zoning district. Subsequently, there are no changes to the development pattern, and it will therefore remain logical, orderly, and timely. The Applicant’s Justification Statement says that the proposed Limited Pet Boarding facility desires to meet the need of the growing demand for pet boarding services in Palm Beach County. The timely development pattern of the expanding need for the proposed use is recognized as there are not any other Limited Pet Boarding facilities within the immediate vicinity.

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

ENGINEERING COMMENTS:

The proposed pet boarding facility is expected to generate 17 net AM peak hour trips, and 17 net PM peak hour trips. This is a very conservative estimate, since it has been assumed that all the 7 dog owners will arrive at the same peak hour every weekday. The real impacts is expected to be much lower than that of the above.

There are no roadway improvements necessary to meet Traffic Performance Standards since the impacts are insignificant.

There are no Engineering conditions of approval.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project meets the requirements of the Florida Department of Health.

FIRE PROPTECTION:

Staff has reviewed the application and has no comment.

SCHOOL IMPACTS:

Staff has reviewed the application and has no comment.

PARKS AND RECREATION:

This is pet boarding facility and the Parks and Recreation Department ULDC requirements do not apply.

**g. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances that necessitate a modification.*

The property is subject to Code Enforcement Violation (C-2020-10080010) issued on October 8, 2020 for conducting the Limited Pet Boarding use without a required Business Tax Receipt. The Owner desires to bring the property into full compliance by applying for the Class A Conditional Use for the requested use and to meet ULDC requirements and supplemental standards.

All lands surrounding the subject site are zoned Agricultural Residential and support residential uses. The site currently exists as a Single Family residence. The proposed Limited Pet Boarding use would better serve the site as a corresponding accessory use to the residential use and remain consistent with compatibility of the surrounding uses. As stated previously, the request serves as a response to the growing demand of Limited Pet Boarding services needed in the County.

**CONCLUSION:** Staff has evaluated the standards listed in Article 2.B. and determined the there is a balance between the need for change and the potential impacts generated by this change. 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

#### ALL PETITIONS

The approved Preliminary Site Plan is dated June 28, 2021. Modifications to the Development Order consistent 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)

#### SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Site Plan shall be modified to indicate a four-foot high vinyl-coated chain link fence around the Outdoor Area for the Limited Pet Boarding use. (DRO: ZONING - Zoning)

#### USE LIMITATION

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: ZONING - Zoning)

#### 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:

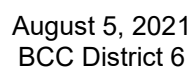
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; 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.

Zoning Commission  
Application No. CA-2021-00439  
Calypso Canine



## Figure 2 - Zoning Map



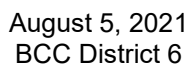


Figure 3 – Aerial





Zoning Commission  
Application No. CA-2021-00439  
Calypso Canine



## Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

## 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 Michael Reich, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [x] 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: \_\_\_\_\_  
3516 165th Trail 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.

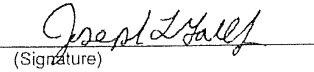
  
 Michael Reich, Affiant  
 (Print Affiant Name)

## 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 25 day of February, 2021 by Michael Reich (name of person acknowledging). He/she is personally known to me or has produced FLDL (type of identification) as identification and did did not take an oath (circle correct response).

Joseph L. Gall Jr  
 (Name - type, stamp or print clearly)

  
 (Signature)

My Commission Expires on: 6/5/2021

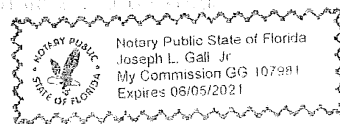


EXHIBIT “A”

PROPERTY

LOT 30, LAS FLORES RANCHOS, ACCORDING TO THE DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN PLAT BOOK (OFFICIAL RECORDS BOOK) 3014, PAGE 1515, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

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 Reich	3516 185th Trail N, Loxahatchee, FL 33470	100%