

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

Application No.: CA-2021-01156
Application Name: Palm Beach Dog Academy
Control No./Name: 2021-00081 (Palm Beach Dog Academy)
Applicant: Jack Nelson
Owners: Jack Nelson
Agent: Land Research Management, Inc. - Kevin McGinley
Telephone No.: (561) 686-2481
Project Manager: Ed Tombari, Senior Site Planner
 Wendy N Hernández, Deputy Zoning Director

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

APPLICATION SUMMARY: Proposed is a Class A Conditional Use for the Palm Beach Dog Academy. The 1.15 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 2,112 square feet (sq.ft) existing Single Family Residence, a detached garage, stable, stall and one shed that total 966 sq. ft accessory structures. Two parking spaces are provided with an existing access to the site from 76th Road North to remain. The use approval applies to the Single Family Residence, as the pets are to be boarded within the home, and not the accessory structures.

SITE DATA:

Location:	South side of 76th Road North, approximately 246 feet east of Apache Boulevard.
Property Control Number(s)	00-41-42-30-00-000-2070
Existing Future Land Use Designation:	Rural Residential (RR-2.5)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	Agricultural Residential (AR) Zoning District
Proposed Zoning District:	No proposed change
Total Acreage:	1.15 acres
Affected Acreage:	1.15 acres
Tier:	Exurban
Overlay District:	N/A
Neighborhood Plan:	Acreage Neighborhood Plan
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 no contacts from the public regarding this application.

PROJECT HISTORY:

The subject site is approved with a Single Family Home and accessory structures that were previously approved through a building permit process.

SURROUNDING LAND USES:

NORTH: Across 76th Road N.
 FLU Designation: Rural Residential (RR-2.5)
 Zoning District: Agricultural Residential District (AR)
 Supporting: Residential

SOUTH:

FLU Designation: Rural Residential (RR-2.5)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential

EAST:

FLU Designation: Rural Residential (RR-2.5)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential

WEST:

FLU Designation: Rural Residential (RR-2.5)
Zoning District: Agricultural Residential District (AR)
Supporting: Residential

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 and amendment is consistent with the Goal, 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 Land Use amendment. The county-initiated Exurban Tier FLUA Revisions, 00-14 RR 1, was adopted with no conditions via ORD. 2000-056, which amended the future land use designation from Rural Residential 1 unit per 10 acres (RR-10) to Rural Residential 1 unit per 2.5 acres (RR-2.5).
- *Relevant Comprehensive Plan Policy:* The subject request is located in the Exurban Tier of the County's Managed Growth Tier System (MGTS) and is currently developed as a single family detached residence, which is appropriate and characteristic for this Tier. The request is to add an accessory use to the Single Family Residential use. Per Future Land Use Element Policy 1.3-i, which states "the county shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents." The policy, under provision #6, goes on to require that regulations within the Tier shall "Provide limitations on the types and number of uses permitted by the conditional use process." The Limited Pet Boarding use is an accessory use to the principal single-family residential use, and is allowable per the ULDC as a conditional use approval, consistent with the Comprehensive Plan.
- *Density & Intensity:* The request for the limited pet boaring, 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. Therefore, Floor Area Ratio (FAR) is not applicable.
- *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.*

○ *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:

- *Letter from Palm Beach County Division of Animal Care and Control (ACC):* Per Art. 4.D.1.E.12.b, Approval Process, Limited Pet Boarding, the Applicant submitted a letter from Palm Beach County ACC (Exhibit E), 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.
- *Lot size:* A site requesting Limited Pet Boarding is required to be on a lot a minimum of one acre in size. The 1.15-acre site exceeds the minimum one-acre lot size requirement. The site is an existing non-conforming lot within the AR districts pursuant to Table 3.D.1.A, Property Development Regulations because it is less than the minimum 2.5 acre requirement.
- *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 (Exhibit F), the proposed Palm Beach Dog Academy site location is separated from the nearest Limited Pet Boarding use, Fine Line K9 by approximately 9,160.76 feet northeast 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. A condition of approval has been included to reinforce the outdoor activity hours.
- *Outdoor Areas:* Art. 4. B.1.E.12.h, Outdoor Areas limits cats and dogs to be personally supervised during outdoor activity and shall be set back a minimum of 25 feet from all property lines. The PSP indicates a 630 sq. ft. outdoor area designated for the outside activities of the animals, which will be a fenced enclosure. The outdoor area is approximately 70 feet from the nearest adjacent residential structure to the west. Prior to the issuance of the permit for the Limited Pet Boarding permit the Applicant shall obtain a Certificate of Completion for the fence for the outdoor area. The current fenced area does not meet the setback requirements.
- *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, The ACC Permit states that the operator of the use shall obtain Zoning Approval prior to application for an Operational Permit by the ACC. Staff has also included conditions of approval to ensure that the use does not commence until the Applicant has received from Animal Care and Control the Limited Pet Boarding Permit to ensure the use operates in compliance with that permit.
- *Inspections:* A condition of Approval has been included, in coordination with Code Enforcement and Animal Care and Control to allow inspections of the Boarding facility without notice during normal business hours, or at reasonable times during daylight hours. This is to ensure compliance with the operation permit.
- *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 connected to 76th Road 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 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 north and northwest are Single Family residences, while the property to the northeast is vacant. To the south, southwest and southeast are Single Family residences, the property to the west is a single-family residence and the property to the east is a single family residence. 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:

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS: 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. Single Family dwellings have limited uses that may be an accessory use, and the Limited Pet Boarding use is one that is allowed. Other accessory Limited Pet Boarding uses are within the area, and is part of the development pattern and will therefore remain logical, orderly, and timely.

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 proposed Engineering conditions of approval 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.

SCHOOL IMPACTS:

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

PARKS AND RECREATION:

Non-residential application, therefore Park and Recreation Department ULDC standards do not apply.

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

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 serve the site as a corresponding accessory use to the residential use and remain consistent with the surrounding uses. The request serves as a response, to the Applicant's justification that there is a 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

1. The approved Preliminary Site Plan is dated November 29, 2021. 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)

BUILDING

1. Prior to the issuance of a Limited Pet Boarding Permit by Animal Care and Control, the applicant shall receive a Certificate of Completion for a fence for the outdoor activity are for the Limited Pet Boarding use. (BLDG PERMIT: BUILDING – Zoning)

USE LIMITATIONS

1. Outdoor activities shall be limited from 7:00 a.m. to 9:00 p.m. unless 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 County's inspections of the Limited Pet Boarding facility shall be made without notice during normal business hours or at any reasonable time during daylight hours. The Owner, employees, representatives, and/or its Agents shall allow access to the premises by the Palm Beach County Division of Animal Care and Control or Code Enforcement officers without notice during normal business hours or at any reasonable time during daylight hours for the purpose ensuring compliance with the Palm Beach County Animal Care and Control operational permit requirements and the Limited Pet Boarding requirements. (ONGOING: CODE ENF - Monitoring)

4. 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

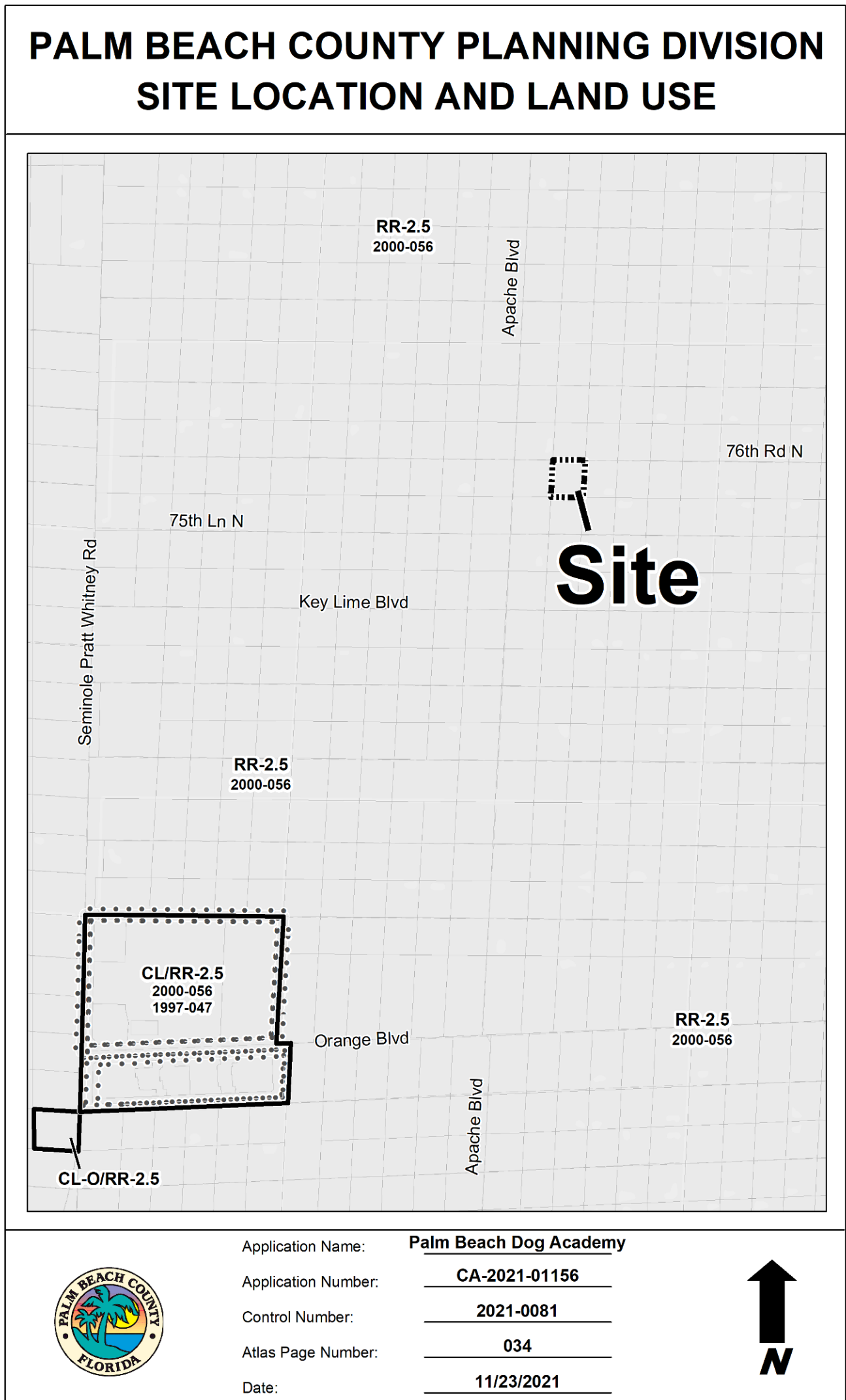
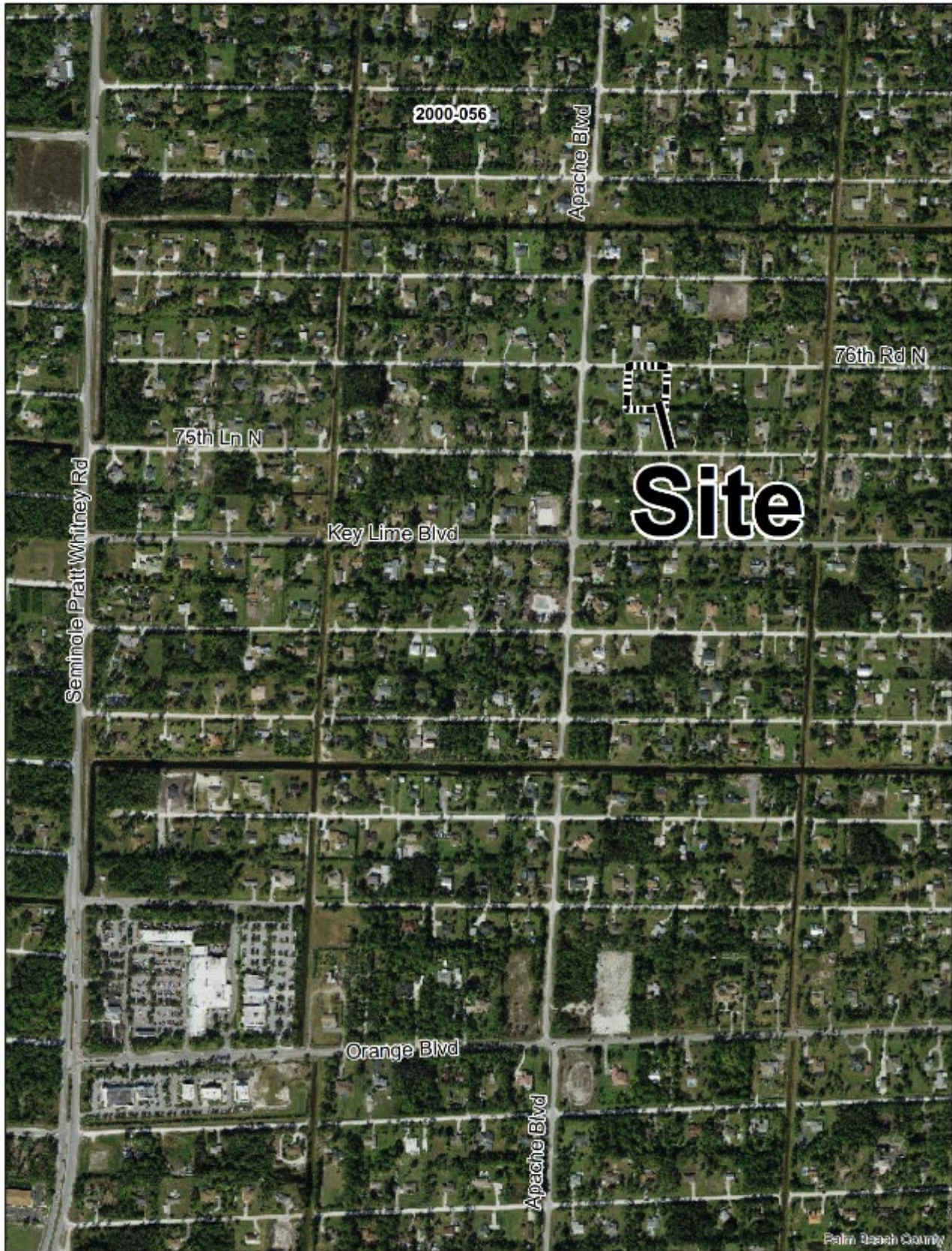


Figure 2 - Zoning Map



Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Palm Beach Dog Academy
Application Number:	CA-2021-01156
Control Number:	2021-0081
Atlas Page Number:	034
Date:	11/23/2021



Figure 4 – Preliminary Site Plan (PSP-1) dated November 8, 2021

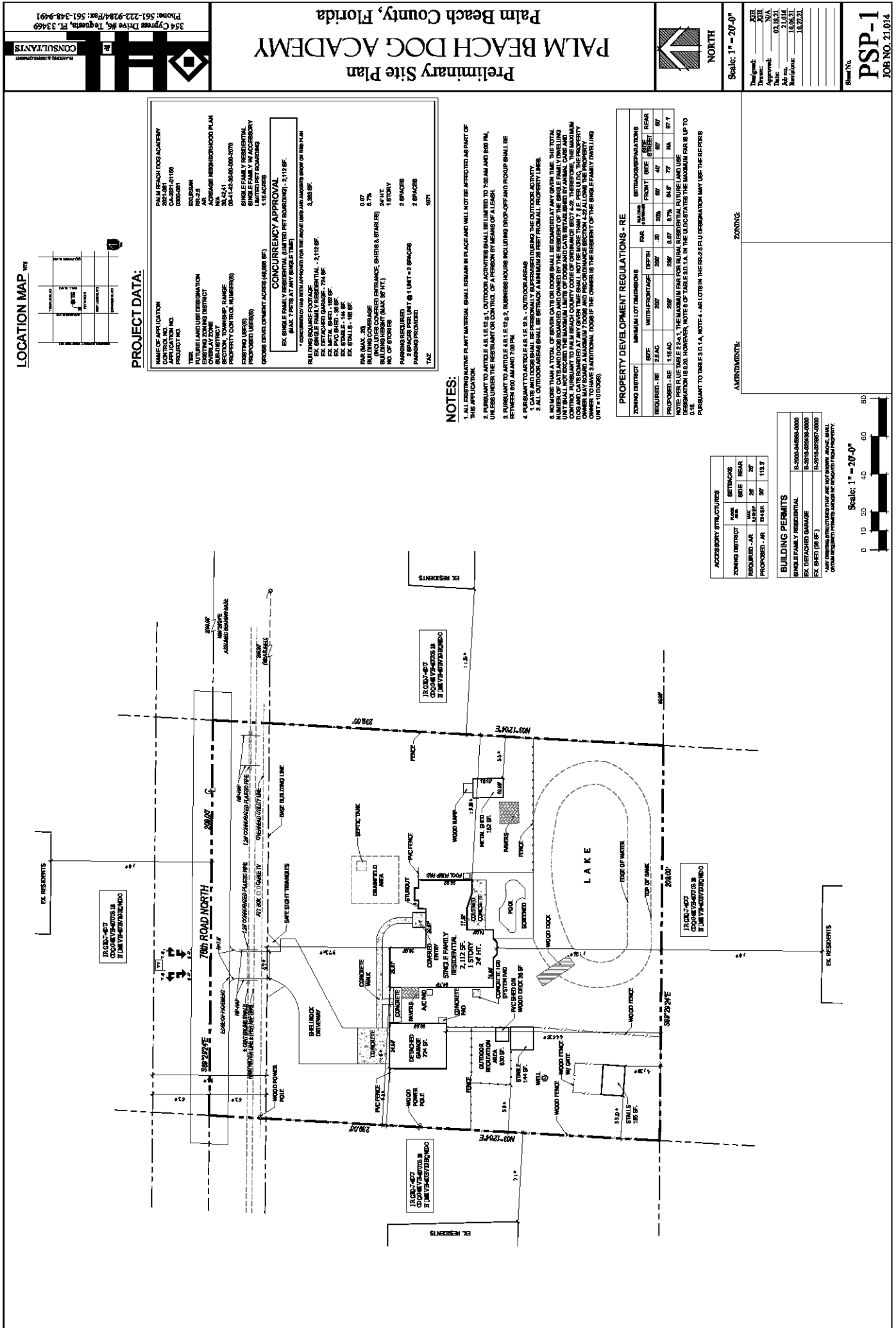


Exhibit D – Disclosure of Ownership

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 Jack Nelson, 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 JACK NELSON [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: 15440 76th Road North
Loxahatchee, FL 33470
3. Attached herelo 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.



Jack Nelson, 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 16th day of July, 2021 by JACK NELSON (name of person acknowledging). He/she is personally known to me or has produced Florida Driver Lic (type of identification) as identification and did did not take an oath (circle correct response).

Patrick Saint-Cyr (Name - type, stamp or print clearly)  (Signature)

My Commission Expires on: Nov 13, 2023

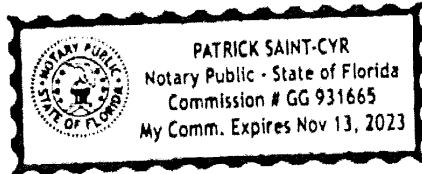


EXHIBIT "A"

PROPERTY

The South 239 feet of the North 2221 feet of the West 209 feet of the East 2399 feet of Section 30,
Township 42 South, Range 41 East, 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	100%
Jack Nelson	15440 76th Road N Loxahatchee, FL 33470	



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

Department of Public Safety
Division of Animal Care and Control
7100 Belvedere Road
West Palm Beach, FL 33411
(561) 233-1227
FAX: (561) 233-1224
www.pbcgov.com/publsafety/animal

NAME: Jeffrey & Natalie Nelson
PCN: 00-41-42-30-00-000-2070
Address: 15440 76th Rd N Loxahatchee, FL 33470
Date: 02-24-21

Request: **Limited Pet Boarding/ Dog Grooming 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.), 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. Deborah Coutts #2214
Commercial Licensing & Enforcement
Palm Beach County Animal Care & Control
7100 Belvedere Road
West Palm Beach, FL 33411
(561) 233-1227
(561) 233-1279 (fax)



**Palm Beach County
Board of County
Commissioners**

- Dave Kerner, Mayor
- Robert S. Wainright, Vice Mayor
- Hal B. Valche
- Gregg K. Weiss
- Mary Lou Berger
- Melissa McKinlay
- Mack Bernard

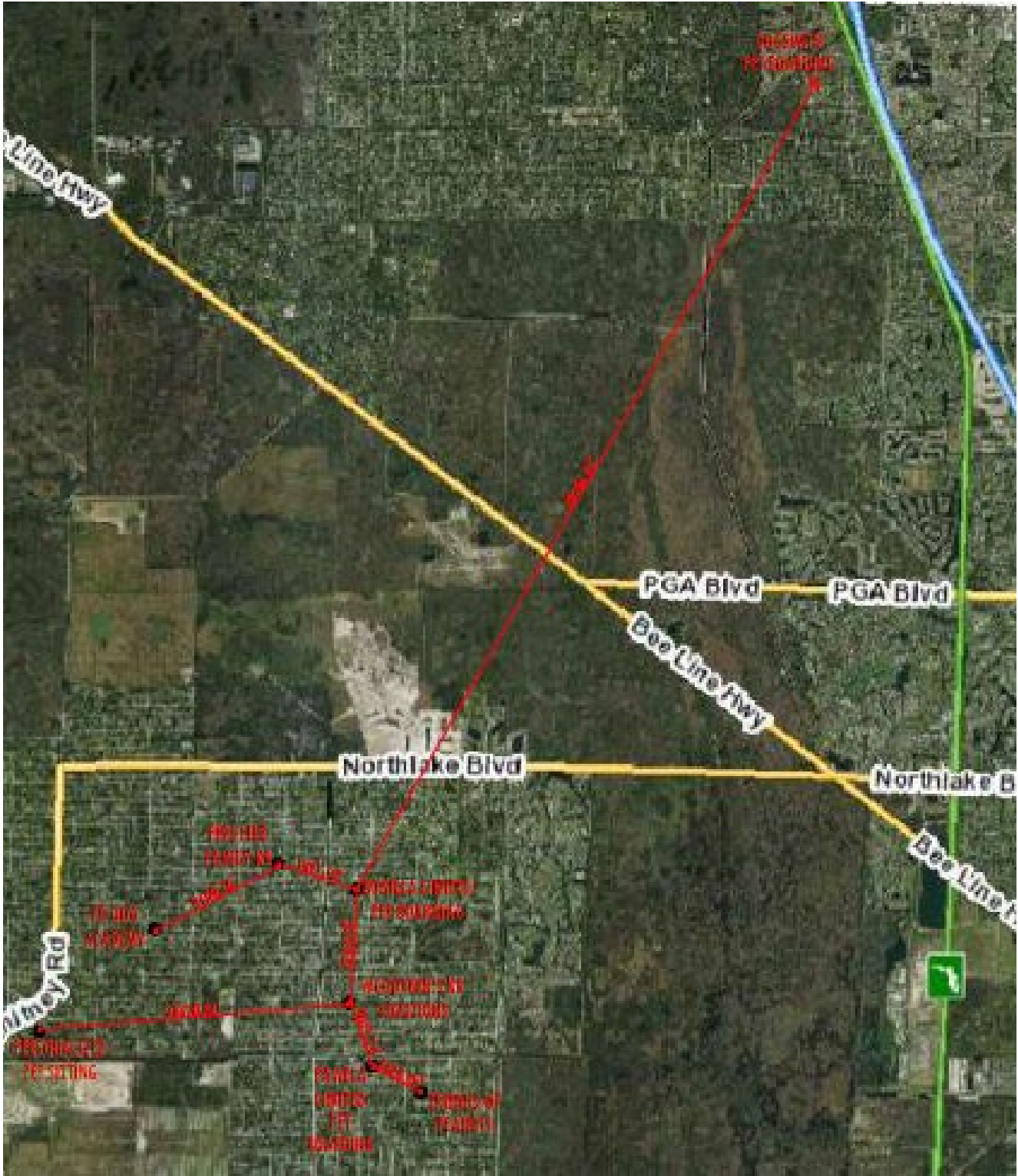
County Administrator

Vardana C. Baker

"An Equal Opportunity
Affirmative Action Employer"



Exhibit F – Limited Pet Boarding Separation Map



THIS PAGE LEFT BLANK INTENTIONALLY