



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
MAY 6, 2013**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Present
James Lloyd	Present
Michele Dubois, 1 st Alternate	Present

Also present were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made a motion for approval of the Agenda, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The Motion carried 4-0 and the Agenda was unanimously approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the Minutes of the April 1, 2013, Planning & Zoning Board Meeting as submitted. Vice-Chair Schneider made a motion to approve the Minutes. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The Motion carried 4-0 and the Minutes of the April 1, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business and Public Comments procedures.

PUBLIC COMMENTS

Chair Thomas asked if there were any public comments.

Francine Mantyh, a North Palm Beach resident, addressed the Board and stated that she has been a client of Barkley’s Canine Club for 3-4 years. Ms. Mantyh stated that Barkley’s is an amazing place, that they have taken great care of her animals and that she wouldn’t trust them with anyone else.

NEW BUSINESS

A. A TEXT AMENDMENT APPLICATION FILED BY BARKLEY’S CANINE CLUB PROPOSING TO CREATE A SPECIAL EXCEPTION USE SECTION IN THE C-1 BUSINESS DISTRICT, AND RE-DISTRIBUTING CERTAIN USES FROM THE PERMITTED USE CATEGORY TO THE NEWLY PROPOSED SPECIAL EXCEPTION USE CATEGORY, AND PROVIDING FOR ALL USE DEFINITIONS.

APPLICANT: BARKLEY’S CANINE CLUB

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the P&Z Board and stated that this is a Text Amendment Application to Code Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances, and that this item is a continuation from the April 1, 2013, P&Z Board Meeting wherein the Text Amendment Application was presented and the P&Z Board made recommendations. Staff took the recommendations and revamped the Application to create a more comprehensive list of Special Exception Uses, and definitions for the uses.

Ms. DiTommaso stated that the Applicant is the same, Barkley’s Canine Club, and that the Text Amendment Application was filed by Barkley’s Canine Club. She explained that Barkley’s is a tenant for a business located at 524 Northlake Boulevard, and they have

received authorization from the property owners, who are present at this Meeting. The Application proposes to include “Animal Boarding” as a Special Exception Use in the C-1 Business District under Section 78-71. The C-1 Business District currently does not include a Special Exception Use category, and this Application is proposing the creation of the Special Exception Use category. In doing so, and in accepting the Planning & Zoning Board’s recommendations from the April 1, 2013, Meeting, Staff is proposing the re-distribution of certain uses that are currently listed as permitted uses, to be relisted under the newly proposed Special Exception Use category. Additionally, Staff is proposing for the respective Use Definitions in Section 78-2.

Ms. DiTommaso explained that the C-1 Business District is intended to promote low intensity commercial uses, such as offices, retail uses and personal services, and is located on the south side of Northlake Boulevard, as well as on portions of 10th Street and U.S. Highway One. Ms. DiTommaso showed a visual of the Zoning Map on the screen which highlighted the C-1 Business District.

Ms. DiTommaso gave a brief history and summary of the Application and stated that in early 2012, the Applicant received approval from the Town’s Community Development Department to operate an “instructional studio” and a “beauty shop”, both of which are Permitted Uses in the C-1 Business District. Now, the Applicant is requesting an amendment to the Section of the Code to add an animal boarding use provision in the C-1 Zoning District. While researching the Code, Staff determined that the Code is deficient on animal related uses, and, while the original uses of “instructional studio” and “beauty shop” were approved, they are very broad uses - and in an attempt to better describe the animal related uses, Staff is proposing a comprehensive “animal service establishment” definition with its subcomponents which can be applied to the various zoning districts.

Ms. DiTommaso continued that in addition to proposing the Animal Service Establishment use in the C-1 Business District, both as a Permitted Use in the C-1 and as a Special Exception Use by using the various subcomponents, Staff is recommending that certain uses be re-listed per the recommendation of the P&Z Board at their April 1, 2013, Meeting, including:

- Gasoline and other motor-fuel stations, to be re-listed as “Automotive Service Station”
- Mortuaries, to be relisted as “Funeral Homes”
- Motels, to be re-listed as “Motel/Hotel”
- Hospitals, sanitariums and medical clinics
- Substance abuse treatment facilities
- Sales, service and rental of motor vehicles, to be re-listed as “Vehicle Sales and Rental”

Ms. DiTommaso stated that substance abuse treatment facilities are an interesting use since they are currently listed as a Special Exception Use in the Permitted Use section in C-1 Business District. Since this is a little odd, and now the special exception category is being

created, it will be relisted under the appropriate category. All of the uses which are being redistributed will now require a separate Special Exception Use Application and will need to meet the criteria which is already established in the Town Code and would require Board and Town Commission approval.

Ms. DiTommaso stated that Staff is recommending Text Amendments to Section 78-2, Definitions, which would apply to all zoning districts, and which could be applied as either a permitted use or special exception use, as follows:

“Animal Service Establishment” means an establishment which may include any of the following uses as specified in the individual zoning district:

- 1) *Animal day care establishment* - An indoor facility operated between the hours of 7a.m.-10 p.m., for the purpose of providing care and protection of domesticated animals, no overnight boarding
- 2) *Animal training center* - A facility operated between the hours of 7a.m.-10 p.m. for the teaching and training of domesticated animals, no overnight boarding
- 3) *Grooming parlor* - An indoor facility operated between the hours of 7a.m.-10 p.m. which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related services (not to include breeding, veterinary, dentistry or overnight boarding)
- 4) *Pet Shop* - An indoor facility operated between the hours of 7a.m.-10 p.m. for the purpose of selling animal accessories
- 5) *Pet Dealer* - An indoor facility operated for the sale of domesticated animals, which includes overnight boarding (*“Domesticated Animals” as defined in “Chapter 11-Animals” of the Code, are specific animals that can be sold in a licensed pet shop in the State of Florida*)
- 6) *Animal Boarding Kennel* - An indoor facility, where domesticated animals are kept overnight

Ms. DiTommaso said that it is important to note that the Subcomponents which relate to daytime uses, the timeframe of 7 a.m. – 10 p.m. has been provided because the Noise Ordinance in Chapter 10-155 specifically lists certain decibel limitations for the receiving land uses and it has a daytime cap of 10 p.m. For those uses which could potentially create noise impacts, they are defined separately and have a later than 10:00 p.m. definition. For Subcomponents Number 5 & Number 6, Staff included the additional description: *Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which are certified by a licensed noise professional and submitted to the Town’s Building Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.*

Ms. DiTommaso further explained that since Staff created the Text Amendment for the C-1 District, other uses were listed and additional definitions were created for the C-1 District since they are new to the Section 78-2, but they are not new to the Code. The Code already defines several of these uses along Northlake Boulevard in the Northlake Boulevard Overlay Zone (NBOZ), and Staff is trying to create consistency in bringing those definitions into Section 78-2 overall Definitions, including:

- Automotive Service Station
- Funeral Home
- Hospital, sanitarium or medical center
- Motel/Hotel
- Substance Abuse Treatment Facility
- Vehicle Sales and Rentals

Ms. DiTommaso stated that Staff is also recommending Text Amendments to Section 78-71, **as shown on the visual**, as follows:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

- a. Animal Service Establishments ("animal day care establishment", "animal training center", "grooming parlor" and "Pet shops" only; no overnight boarding)
- ~~a. b.~~ Appliance stores, including radio and television services.
- ~~b. c.~~ Bakeries the products of which are sold at retail but not produced on the premises.
- ~~c. d.~~ Banks.
- ~~d. e.~~ Barbershops, beauty shops, chiropodists, masseurs.
- ~~e. f.~~ Fertilizer, stored and sold at retail only.
- ~~f. Gasoline and other motor-fuel stations.~~
- g. Laundry pickup stations.
- ~~h. Mortuaries.~~
- ~~i. Motels.~~
- ~~j. Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:~~
 - ~~1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;~~
 - ~~2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and~~
 - ~~3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.~~

- ~~k.~~ h. Offices, business and professional.
- ~~l.~~ i. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- ~~m.~~ j. Restaurants.
- ~~n.~~ k. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- ~~o.~~ l. Indoor Theatres.
- ~~p.~~ m. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.
- ~~q.~~ ~~Hospitals, sanitariums and medical clinics.~~
- ~~r.~~ ~~Motels without shop fronts or stores facing the street.~~
- ~~s.~~ ~~Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.~~
- ~~t.~~ n. Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the town's community development director.
- ~~u.~~ o. Transient residential use

(2)

Special exception uses permitted. Within the C-1 Business District, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged for the following uses unless a special exception has been approved by the Town Commission, pursuant to section 78-184 and the standards set forth herein:

- a. Animal Service Establishment (Animal Boarding Kennel and Pet Dealer Only)
- b. Automotive Service Station
- c. Funeral home
- d. Hospital, Sanitarium or Medical Clinic
- e. Motel/Hotel
- f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the

open storage area is within 25 feet of any street line provided that:

1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;

2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and

3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff is recommending that the Planning & Zoning Board make a recommendation of approval to the Town Commission for Text Amendments to Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances, and that the Applicant and property owners are in attendance, that they were provided with the Staff Reports and they are in agreement with the proposal. Cindy Hackle, co-proprietor of Barkley's Canine Club, approached the Board and confirmed that she is in agreement, and said how amazing Lake Park has been to work with and thanked the Staff.

PLANNING & ZONING BOARD COMMENTS

Vice-Chair Schneider wanted to clarify that the term "Pet Shop" is being proposed and Staff confirmed, and commended Staff for a job well done.

Chair Thomas had questions such as Barkley's hours of operation, would they be consistent with the decibel levels in the Town Noise Ordinance, and who would regulate the animals. The Community Development Director explained that Palm Beach County Animal Care & Control has a comprehensive Ordinance which strictly regulates and inspects on a regular basis. Chair Thomas also questioned whether the outdoor runs would be paved or turf. Ms. DiTommaso stated that the Town would be as consistent as possible with the Palm Beach County Animal Care & Control Ordinance provision regarding the area to be paved or sodded, and that Staff would accommodate the recommendation for outdoor runs to be paved or sodded/turfed. Chair Thomas requested that the "Funeral Home" definition be changed from ...deceased "human beings" to ... deceased "human remains", Staff confirmed that "human beings" is already being used in an alternate section of the Code and that carrying it forward this way would have it remain consistent. Chair Thomas questioned the language: *C-1 p. m. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated...* and inquired if that means a facility in the C-1 Zoning District cannot be operated where there are flats upstairs. Ms. DiTommaso said this is a good point, and that this language was in the C-1, but that it would probably be best to eliminate this language based on the fact that

there are certain uses, for example, transient residential uses and motel/hotel, under the special exception subcategory which have a living quarter component.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion to approve Staff’s recommendation for the Text Amendment modifying Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances *as shown on the visual*. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 4-0 and the Motion was unanimously approved.

B. A SPECIAL EXCEPTION APPLICATION FILED BY BARKLEY’S CANINE CLUB TO ALLOW THE ANIMAL BOARDING KENNEL USE COMPONENT OF AN “ANIMAL SERVICE ESTABLISHMENT” WITHIN THE C-1 BUSINESS DISTRICT, FOR A PROPERTY LOCATED AT 524 NORTHLAKE BOULEVARD.

APPLICANT: BARKLEY’S CANINE CLUB

STAFF PRESENTATION

Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and said that she is presenting a request for the Special Exception Use of an “animal boarding-kennel” at 524 Northlake Boulevard, which is within the C-1 District. She explained that the facility is currently occupied by the Applicant, Barkley’s Canine Club, as an “instructional studio” and “beauty shop” exclusively for dogs. The Applicant, with the approval of the Property Owner, is requesting to expand its operations by offering an overnight animal boarding service to its patrons. Since the use of “animal boarding-kennel” is permitted only by Special Exception, the Applicant submitted a Special Exception Application. The Special Exception Application requires Staff to evaluate the proposed use to the criterion of Section 78-184 in the Town’s Code of Ordinances. The criterion assesses issues relating to the effects of the proposed use, such as: 1) Consistency with the Town’s Comprehensive Plan, Land Development Regulations, and Zoning Code; 2) Compatibility with the surrounding properties and 3) The likelihood of the proposed use generating detrimental impacts. Ms. Abraham stated that upon Staff’s investigation and review, it was determined that the proposed use is consistent with the Town’s Comprehensive Plan, Land Development

Regulations, and Zoning Code. While the use of an “instructional studio” and “beauty shop” are permitted by right in the Town’s Code, the concurrently proposed Text Amendment to include “animal service establishments” will re-title the already permitted use of “beauty shop” and “instructional studio” to “grooming parlor” and “training facility”, as well as to integrate a new Special Exception Use for “animal boarding” into the Town’s Code.

Ms. Abraham explained that this Special Exception application is contingent on the approval of the Text Amendment Application which is being submitted under separate cover, and if approved, will allow the Applicant to board dogs overnight in the Applicant’s existing location. Since this Property is in a commercial area that abuts a residential district, concerns regarding noise and odor impacts have risen, and in this regard, Staff has learned that animal service establishments in Palm Beach County are strictly regulated by the Palm Beach County Animal Care & Control Division. This Agency has established operational standards, housing requirements, physical facility requirements, and cleaning procedures specifically for the use of kennels, and PBC Animal Care & Control Division requires individual licensing for each type of animal service, including kennel, day care, and grooming. Since the Applicant is licensed by PBC Animal Care & Control for their existing operations, the Applicant’s facility has already mitigated issues relating to noise and odor as it pertains to their existing use, and in order to ensure the Applicant does not cause negative impacts in the future, PBC Animal Care and Control regularly conducts unscheduled inspections. The Town will enforce the existing Noise Ordinance. Ms. Abraham stated that regarding potential on-site impacts, Palm Beach County’s Traffic Division has been notified of the proposed use and did not offer any objections. The Town’s parking requirements would require the use to have 5 parking spaces for every 1,000 square feet of gross floor area given the general use of the building. This would require the Property to have 26 spaces, and the Site currently offers more than 30 spaces.

STAFF RECOMMENDATION

Ms. Abraham stated that the proposed Special Exception Use is not expected to generate negative on-site or off-site impacts; however, **in order to deter any potential negative impacts, Staff is recommending approval, with the following conditions:**

- **The Applicant’s animal boarding kennel shall be limited to dogs**
- **No animals having a disease harmful to humans shall be boarded or maintained in the facility**
- **No animal boarding kennel or dog run shall be located within 40 feet of a residential property line**
- **No exterior dog runs shall be between 10 p.m. and 7 a.m.**
- **Methods shall be used to reduce off-site noise**
- **The Applicant shall have flushing drains which shall be connected to an approved sanitary facility**

- **The animal boarding kennel shall be air conditioned and heated so that any windows, doors, or other openings can be closed at all times except for ingress and egress.**

BOARD MEMBER COMMENTS

Chair Thomas asked if the Applicant would like to make a presentation. Cindy Hackle, co-proprietor of Barkley’s Canine Club, stated that their daycare is from 7:00 a.m. – 7:00 p.m., but that they are applying for overnight boarding. Ms. Hackle stated that by 9:30 p.m. her staff turns out the lights and they all go to sleep. Chair Thomas asked how many dogs are kept at Barkley’s and Cindy Hackle responded that 31 dogs were boarded over the Thanksgiving Holiday. Chair Thomas asked who regulates the total number of dogs that are allowed. Ms. DiTommaso responded that Palm Beach County Animal Care & Control regulates the number of dogs allowed, which is calculated by the square footage of the facility.

Vice-Chair Schneider stated that Barkley’s Canine Club had made a wonderful presentation at the April 1, 2013, Planning & Zoning Meeting. Also, Vice-Schneider commended Staff for doing an amazing job putting this together and said that she appreciates all the work that was put in to this matter as it went above and beyond the requirement.

Chair Thomas asked that since there was nothing in the Code that actually permits what they are doing and the “animal establishment” was not a part of the C-1 Zoning District, was this use broadly interpreted under “beauty shop” or “instructional studio”? Ms. DiTommaso responded yes, since that was how the original application came in, but now, given all of the amendments that are being proposed, it will be reclassified under the new titles.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion that the Planning & Zoning Board approves Staff recommendation for the approval of the Special Exception Use of the “animal boarding kennel” as defined under “animal service establishments” being proposed under a separate cover for the C-1 Business District, *with the Conditions listed in the Staff Report*. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 4-0 and the Motion was unanimously approved.

COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

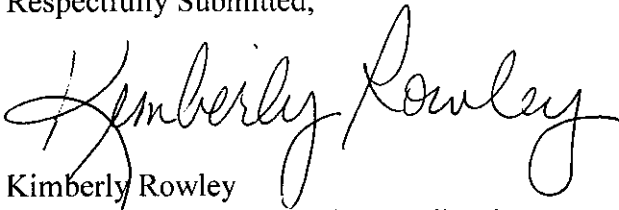
There were no further comments from the Community Development Director.

ADJOURNMENT

Chair Thomas welcomed Michele Dubois to the Planning & Zoning Board.

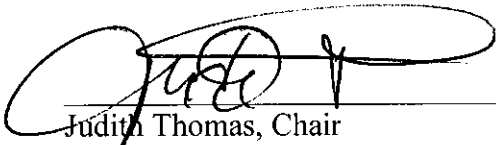
There being no further business before the Board, the Meeting was adjourned at 8:10 p.m. by Chair Judith Thomas.

Respectfully Submitted,



Kimberly Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:



Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE:

6/3/2012