



Planning and Development Services
Planning Division

M E M O R A N D U M

TO: Board of County Commissioners

THROUGH: Leslie Olson, AICP, Director
Bonnie C. Landry, AICP Planning Manager

FROM: Bethany Grubbs, Planner

DATE: September 5, 2017

SUBJECT: Tilton Road Dog Retreat – Conditional Use Permit

GENERAL INFORMATION

Applicant/ Property Owner: Matthew & Jann Rudd
8600 S. Ocean Drive Apt LN2
Jensen Beach, FL 34957

Agent: McCarty and Associates – Mike McCarty

Location: 1050 Tilton Road

Parcel Id Number: 3414-501-0612-000-1

Parcel Size: 9.76 acres

Current Zoning: AR-1 (Agricultural, Residential – 1)

Future Land Use: RU (Residential Urban – 5)

Existing Uses: Vacant Land

Proposed Use(s): The operation of an enclosed dog kennel facility

Urban Service Boundary: Inside

Utilities: Port St. Lucie Utilities Water and Wastewater

BACKGROUND

The Planning and Development Services Department, Planning Division received a petition on May 1, 2017 from Matthew and Jann Rudd requesting a Conditional Use Permit to operate an enclosed dog kennel facility on a 9.76 acre property. Planning and Development Services staff considered the definition of a completely enclosed kennel and made the determination that this section of the code refers to the kennel as where the dogs reside. An outdoor run and activity area may be provided for the purpose of airing the dogs. The applicant is proposing an indoor, full-service boarding, grooming and training facility with outdoor play areas. The outdoor play areas will be situated along the north side of the dog kennel. The subject property is zoned AR-1 and is located approximately 600 feet east of Prima Vista Boulevard, on the north side of Tilton Road. Port St. Lucie Utilities will provide public water and sewer service. The subject property is partially developed. The previous use was a single family residence that was destroyed by a fire. New construction is proposed for a +/- 2,668 sq. ft. building that will be utilized as the kennel along with retaining the existing +/- 3,300 sq. ft. metal structure for ancillary uses. The business is proposed to be open seven days of the week and shall be staffed 24 hours a day with on-site personnel at all times.

A public hearing notice in accordance with the St. Lucie County Land Development Code Section 11.00.03 was placed in the St. Lucie News Tribune on August 24, 2017. Notices were mailed to property owners within a 500 foot radius, and a public hearing notification sign was installed on the property.

NEIGHBORHOOD MEETING

The applicants held an onsite neighborhood meeting on May 31, 2017. The informational meeting was attended by five adjacent property owners. In attendance were property owners who abut the easterly property line of the subject parcel. The current use of the neighboring property is horse boarding, rescue, training and riding. The primary concern of these property owners was the possibility of conflict between horses and dogs. The owners of the horse stable fear the horses may be spooked by the sight and sounds of the dogs. In an effort to mitigate this potential incompatibility of uses, the applicant proposes an 8' tall opaque wood fence lined with noise dampening acoustic material with a continuous 24" hedge on both sides. Nonetheless, the property owner to the east stated they would prefer a masonry wall to separate the two uses. Staff considered this request as a potential condition of approval but concluded that the opaque wood fence with the acoustic material was a sufficient measure to mitigate this potential incompatibility.

**CONDITIONAL USE PERMIT
STANDARDS OF REVIEW SET FORTH IN
LDC, SECTION 11.07.03**

Land Development Code, Section 11.07.03 establishes the standards for reviewing Conditional Use Permits. In reviewing an application for a Conditional Use Permit, the Board of County Commissioners and the Planning and Zoning Commission shall consider:

A. *Consistency with Land Development Code and Comprehensive Plan*

Consistency with the Land Development Code

The Conditional Use Permit is consistent with the general purpose, goals, objectives and standards of the Land Development Code (LDC) and Comprehensive Plan. The approximately 9.76 acre parcel is zoned AR-1, Agricultural, Residential – 1 du/ac, which is consistent with RU, Residential Urban future land use per Table 1-3 Land Use Designation/Zoning Compatibility Matrix located in the Future Land Use Element of the St. Lucie County Comprehensive Plan. The purpose of the AR-1 zoning district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one (1) dwelling unit per gross acre, together with such other uses, such as telecommunication towers, veterinary services and riding stables.

Fully enclosed dog kennels are allowed with approved conditional use permit in the AR-1 zoning district per LDC, Section 3.01.03(E)(6)(d) – Kennels-completely enclosed, Standard Industrial Classification Manual (SIC) 0752. As previously stated, the kennels proposed are fully enclosed as it relates to where the dogs will reside. The outdoor areas are an accessory to the kennel use. Therefore, staff has determined that this proposed kennel meets the intent of the term “fully enclosed”.

Consistency with the Comprehensive Plan

The conditional use process allows for consideration of the impacts and compatibility of the proposed use to be considered on a case by case basis to ensure suitability with the surrounding, existing and future land uses. The proposed conditional use is consistent with the County’s Comprehensive Plan goals, policies and objectives. As stated previously, the subject property is zoned AR1 which is consistent with the Future Land Use designation RU (Residential Urban – 5 du/acre), according to the Table 1-3 Land Use Designation/Zoning Compatibility Matrix in the Comprehensive Plan.

The application supports the St. Lucie Comprehensive Plan by meeting the following objectives and policies:

Comprehensive Plan Objective 1.1.5 - In coordination with the other elements of this plan, future development within the Urban Service Area shall be directed to areas where urban and community services/facilities can be provided in the most efficient and compact manner so as to discourage the proliferation of urban sprawl.

The subject property is located in the Urban Service Boundary (USB). The boarding, grooming and training facility will provide a neighborhood service to the existing developing neighborhood.

Comprehensive Plan Policy 1.1.8.4 - Limited development of commercial/non-residential uses, that are not located within a special area plan adopted within the Towns, Villages and Countryside Element, will be allowed within areas classified for residential use, provided that these activities are compatible with the adjacent land uses and meet the following standards:

a) Intent of the commercial use is to provide easily accessible, convenience-type uses to immediately surrounding residents;

The boarding, grooming and training facility will provide a neighborhood service to the existing developing neighborhood.

b) Conversion of the petitioned property would not promote any strip commercial use of land;

The proposed project is the redevelopment of a former single family home and is not located within a strip commercial plaza.

c) Use is compatible with surrounding land uses and is provided with adequate screening and buffering of any adjacent residential property;

The project provides adequate screening and buffering to the adjacent properties.

d) The property for which the commercial designation is sought does not exceed 10 acres.

The property is less than 10 acres in size.

Comprehensive Plan Policy 1.1.8.6 - Require effective visual and light diffusion barriers between residential and nonresidential uses. Standards and requirements for such barriers are to be included in the landscaping and screening regulations of the St. Lucie County Land Development Code.

The proposed project includes an 8 foot opaque fence with a continuous 24" hedge on both sides. The property to the west has an approved residential site plan which includes four

acres of preserve area to create a natural buffer from the subject parcel.

Comprehensive Plan Policy 10.1.1.4 - Place a high priority on infill projects that are consistent with the smart growth policies of St. Lucie County.

This project is the redevelopment of a parcel which has been vacant since the single family home on this site was destroyed by a fire.

Comprehensive Plan Policy 10.1.1.6 - Continue to encourage the development of high wage, high skill, long term job creation in the County.

This new business is expected to create 15-20 new jobs which include a veterinarian and veterinarian technicians.

B. Effect on Adjacent Properties

Surrounding Land Use and Zoning:

	Future Land Use	Zoning	Existing Land Use
North	RU (Residential Urban – 5 du/ac)	RM-5 (Residential, Multi-family – 5 du/ac)	Vacant Land
South	RU (Residential Urban – 5 du/ac)	RM-5 (Residential, Multi-family – 5 du/ac)	Vacant Land- Approved site plan for 49 multi-family units
East	RU (Residential Urban – 5 du/ac)	AR-1 (Agricultural, Residential – 1 du/ac)	Horse Rescue, Riding and Boarding Facility / Single Family Residence
West	RU (Residential Urban – 5 du/ac)	RM-5 (Residential, Multi-family – 5 du/ac)	Vacant Land- Approved site plan for 120 multi-family units

The proposed use should not have an undue adverse impacts (such as odor, noise or additional traffic) upon the adjacent properties. This determination was made based upon measures taken by the applicant to mitigate potential impacts and review of approved site plans and existing uses for the area. The adjacent properties include vacant land to the north, west and south, and a horse boarding, rescue and riding facility to the east. The property to the west has an approved site plan for a 55+ community of 120 multi-family units. There are four acres of preserve area that create a natural buffer between the proposed multi-family development and the subject property. Additionally, staff has reviewed the approved site plan to the south approved for 49 multi-family units. This approved plan reflects a 316' setback from the property line due to a wetland located toward the front of the property. Based upon the conceptual plan's proposed location of the building with the kennel, the uses will be approximately 600' apart. To mitigate the potential for increased nuisance noise from the dogs barking, the outdoor play areas will be fenced and padded with a product called Acoustifence, or similar noise reducing product. The kennel is proposed to be padded with Acoustiblok, or similar noise reducing product. To reduce the potential for odor and pollution, the operator will be required as a condition of approval to dispose of dog waste utilizing best management practices on a regular frequency. Staff recommends conditions of approval to include limiting hours of operation and limiting hours in the outdoor activity areas.

The existing character of the neighborhood is rural. The adjacent use to the east is horse boarding, which is a similar use to that proposed by the applicant, also animal boarding. All activities will occur within the indoor kennel and outdoors in the designated dog run and activity areas. Based upon the size of the building, the applicant has stated the maximum number of dogs that will be accommodated is 50 small dogs. With a mix of large and small breeds, the number would be less. A condition of approval caps the number of dogs to 50.

C. Adequacy of Public Facilities

The proposed use is not expected to create significant additional demands on any public facilities in this area. The subject property is located in the urban service boundary.

Water/Wastewater

The subject property will be served by Port St. Lucie Utilities (PSLU) public water and public sewer.

Transportation System

A traffic impact report is not required as per LDC, Section 11.02.09(4)(A); however, the applicant has provided a traffic statement. According to the Institute of Transportation Engineers (ITE) 9th Edition Trip Generation, 13 PM Peak Hour trips would be generated for the proposed use. The projected volumes generated by the anticipated uses indicate that the adjacent roadway links will operate at an acceptable Level of Service with no mitigation improvements.

D. Adequacy of Fire Protection

The St. Lucie County Fire District, Fire Prevention Bureau reviewed the proposed conditional use in accordance with the provisions of the State Fire Code and has no objections to the request. The St. Lucie County Fire District, Station #3 – River Park is located approximately 2.5 miles to the west (480 SW Ravenswood Lane).

E. Environmental Impact

The Environmental Resources Department (ERD) has completed a site visit and review of the August 9, 2017 Planning and Development Services' date-stamped resubmittal. The applicant is seeking conditional use approval in order to allow for a dog kennel/boarding facility.

ERD Findings:

The subject 9.76-acre site is located at 1050 Tilton Road. The AR-1 (Agricultural, Residential - 1) zoned site was previously utilized as a residential property with an associated horse farm facility. The site is characterized primarily by unimproved pasture (totaling approximately 5.28-acres) along with 1.51-acres of pine flatwoods, 1.4-acres of disturbed lands, 0.82-acres of lakes/other surface waters, 0.35-acres of remnant single family home and horse farm uses, 0.18-acres of Brazilian pepper, and an 0.21-acre freshwater marsh, which was confirmed by South Florida Water Management District Informal Wetland Determination No. 56-00037-IF.

An Environmental Impact Report conducted by Aspen Environmental Consulting, Inc. was provided consistent with Land Development Code 11.02.09.A.5. The proposed development will not impact any of the intact native habitats onsite (including the 1.51-acres of pine flatwoods and 0.21-acre freshwater marsh and associated upland buffer). Listed species surveys were conducted onsite, and no listed species impacts are anticipated. Due to the potential for impacts of the proposed use on water quality, a condition of approval has been included to address proper management of dog waste. The proposed project will impact a total of 36 inches in diameter at breast height (DBH) of native canopy trees and 12 cabbage palms meeting the mitigation thresholds outlined in Land Development Code 6.00.05.D. Mitigation for these impacts has been provided through preservation of a total of 310 inches DBH of native canopy trees and 49 cabbage palms.

A Landscape Plan prepared by McCarty & Associates Land Planning and Design was provided and found to be consistent with the landscaping requirements within Land Development 7.09.03 and 7.09.04 with conditions as outlined below, including providing an eight foot tall opaque fence with associated landscaping per Land Development Code 7.09.04.E to buffer the proposed use from adjacent residential properties.

PLANNING FINDINGS AND RECOMMENDATION

Staff finds that, with the conditions of approval as drafted, this petition meets the standards of review as set forth in Section 11.07.03 of the St. Lucie County Land Development Code and is not in conflict with the goals, objectives, and policies of the St. Lucie County Comprehensive Plan.

Staff recommends this petition be forwarded to the Board of County Commissioners with a recommendation for approval subject to conditions set forth below:

Conditions of Approval:

1. All kennel activities shall occur within an enclosed structure, with the exception of airing the dogs in the designated outdoor run area and outdoor play areas.
2. New structures and additions to existing structures which are used for boarding animals shall be located no closer than 100 feet to a side property line, no closer than 100 feet from the rear property line, no closer than 100 feet from the front property line, and shall be completely enclosed. Client drop-off and pick-up shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends.
3. No dogs shall be outside in the activity areas before 8:00 a.m. and after 6:00 p.m.
4. The outdoor dog run shall be fenced in and separated from the outdoor activity area to allow for a reduced nighttime walking area so as not to cause nuisances during the overnight hours.
5. No more than 50 dogs shall be boarded on the property at any one time.
6. The owner at all times shall comply with the St. Lucie County Code of Ordinances, Section 28-107 through 28-112, as amended regulating noise.
7. The owner shall comply with the St. Lucie County Code of Ordinances, Section 6-26, as amended regulating Animal Care.
8. A crematory shall not be permitted on site.
9. Must comply with the Restrictive Covenant Agreements for the North Lennard Road 1,2 and 3 Municipal Service Benefit Units (MSBUs).
10. Prior to issuance of a Certificate of Occupancy, the site shall be reviewed by the Environmental Resources Department for substantial conformity with the landscape plan dated 8/04/17 submitted as part of this conditional use application.
11. Prior to issuance of a Vegetation Removal Permit or Exemption, the landscape plan shall be revised to require a minimum 25 percent of the proposed hedge materials to consist of native species and specify the 8 foot fence will be opaque.
12. Prior to issuance of a Vegetation Removal Permit or Exemption, the applicant shall provide a Preserve Area Monitoring and Maintenance Plan for the wetland and associated upland buffer preserve area. This plan shall include the following information: a restoration plan, restrictions within the preserve area, monitoring and maintenance requirements, and required invasive exotic removal.
13. Prior to issuance of a Vegetation Removal Permit or Exemption the applicant shall provide a Conservation Easement over the onsite wetland and associated buffer and approved Preserve Area Monitoring and Management Plan (PAMMP) with an attached affidavit and cashier's check (payable to the Clerk of the Court for recording fees) to the County Attorney for review and approval. The applicant shall also provide a georeferenced CAD or shapefile of the conservation easement boundaries to St. Lucie County. A copy of a standard Conservation Easement may

be obtained by contacting the Environmental Resources Department at 772-462-2526.

14. All dog waste shall be immediately bagged by staff and properly disposed of in enclosed dumpsters. Failure to comply with this condition may result in revocation of the conditional use approval.
15. Prior to issuance of a Certificate of Occupancy all Category I listed invasive species shall be eradicated from the site.
16. The issuance of County development permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.