

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the  
BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. CU-17-7-16

**LPA Recommendation:** The LPA finds that the request for a conditional use to allow for the day care, training, grooming, and overnight boarding of up to 100 dogs, and to allow for the boarding of up to two horses (request modified from three horses to two by the applicant during the LPA hearing) on a property without a primary residential use is consistent with Pinellas County Comprehensive Plan, and recommends Approval of the request, along with the associated variances to (a) allow the existing 6-foot high fence to remain with a 0-foot front setback where 50-feet is required in an A-E zone, and (b) allow for the construction of a 36 square foot sign where a maximum 24 square foot sign is permitted in a residential district, subject to the following conditions, as revised (see revisions underlined and struck-through below) (The vote was 5-0, in favor):

1. Full site plan review, including a change of occupancy from residential to commercial for the kennel facility.
2. There shall be no more than 45 100 dogs on site an any given time. **Overnight boarding shall be limited to 75 dogs at any given time.**
3. Hours of business operation shall be between 7:00 AM and 10:00 PM, seven days per week
4. Agility training shall be limited to two classes per day, three days per week during daylight hours only. No whistles or amplified sound devices shall be used for the operation of the classes.
5. ~~The number of employees shall not exceed four on site at any given time.~~
5. All parking and setback requirements shall be met.
6. The existing 6-foot high fence is to remain with a 0-foot front setback.
7. The boarding of horses shall be for the property owner only and limited to two animals.
8. Dogs shall be boarded indoors only.
9. The identification sign shall not exceed 36 square feet in size and shall be non-digital.
10. All animal waste shall be disposed of properly.
11. All kennel areas shall be soundproofed and certified by a professional engineer or architect as per STC rating in keeping with the Pinellas County Noise Ordinance.
12. The kennel operation shall maintain compliance with Section 14-29 (a) through (g) of the Pinellas County Code, relating to pet dealerships and kennels.
13. No retail sales of pet related products is permitted.
14. The property and its uses shall maintain substantial conformance with the submitted concept plan, as modified to reflect the number of approved animals and approved uses.

- 15. Any changes to the conditions listed shall require approval of the Board of County Commissioners.
- 16. In the event any of the above conditions are not met or the conditional use becomes a nuisance, the Board of County Commissioners may rescind the conditional use permit.

**LPA Public Hearing: September 15, 2016**

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**PLANNING STAFF RECOMMENDATION:**

- **Staff recommends** that the LPA find that the proposed conditional use inconsistent with the Pinellas County Comprehensive Plan based on the findings in this report; and
- **Staff further recommends** that the LPA recommend denial of the proposed conditional use to the Pinellas County Board of County Commissioners.
- **Staff further recommends** that the LPA recommend that the Board approve the requested variance to allow the existing 6-foot high fence to remain with a 0-foot front setback where 50-feet is required in an A-E zone, and the requested variance to allow for the construction of a 36 square foot sign where a maximum 24 square foot sign is permitted in a residential district, subject to the following conditions: 1) all required permits shall be obtained and applicable fees paid; 2) full site plan review; and 3) the development shall maintain substantial conformance with the submitted concept plan with respect to the variance requests.

**CASE SUMMARY**

**APPLICANT’S NAME:** Renee’ Letosky- Smith (Briggs)

**DISCLOSURE:** N/A

**REPRESENTED BY:** Housh Ghovae, Northside Engineering

**CONDITIONAL USE**

A modification of an existing conditional use to allow for the day care, training, grooming, and overnight boarding of up to 100 dogs, and to allow for the boarding of up to three horses on a property without a primary residential use, along with a variance to allow an existing 6-foot high fence to remain with a 0-foot front setback where 50 feet is required in an A-E zone and a variance to allow for the construction of a 36 square foot sign where a maximum 24 square foot sign is permitted in a residential district.

**PROPERTY DESCRIPTION:** Approximately 1.3 acres located at 2845 Belcher Road in the unincorporated area of Dunedin.

**PARCEL ID(S):** 30/28/16/07254/000/3600

**PROPOSED BCC HEARING DATE:** November 22, 2016

**CORRESPONDENCE RECEIVED TO DATE:**

Correspondence received from the City of Dunedin and Two letters received in favor.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:**

One person appeared in opposition.

**SURROUNDING ZONING AND LAND USE FACTS:**

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Residential Low Medium	A-E	Kennel
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low Medium	A-E	Church
<b>East</b>	Institutional	City of Dunedin	Church
<b>South</b>	Residential Medium	City of Dunedin	Fire Station
<b>West</b>	Residential Low Medium	A-E	Single family home

**PLANNING REVIEW COMMITTEE:**

The Planning Review Committee (PRC) reviewed this application on August 8, 2016. The PRC Staff summary discussion and analysis follows:

**PRC DISCUSSION AND ANALYSIS**

Background and Requests

The subject area is a 1.3-acre parcel located at 2845 Belcher Road in the unincorporated area of Dunedin. The property is located approximately 0.35 mile north of SR-580. It does not front Belcher Road as it is removed from the roadway by a separate 200-foot deep parcel of land. Site access is via a dedicated ingress/egress easement. The site is currently used as a dog kennel on its western side and for the boarding of two horses on its eastern end. The kennel is located in a former single family home. The proposed use is an expansion of the kennel regarding the number of dogs and the addition of ancillary activities such as doggie daycare, grooming and agility training. The applicant is also proposing to board up to three horses and is asking for two variances related to fence height and sign size. The proposed dog kennel, its ancillary activities, the boarding of horses, and requested variances are depicted on the associated concept plan.

The subject site is zoned A-E, Agricultural Estate Residential, and is designed Residential Low Medium (RLM) on the Pinellas County Future Land Use Map (FLUM). The Pinellas County Land Development Code requires kennels located in the A-E district to obtain conditional use approval from the Board of County Commissioners. The Board granted such an approval on the subject property in 1995. The conditions associated with that approval limited the kennel to a maximum of 15 dogs associated with the breeding of Labrador Retrievers and set its hours of operation from 10:00 am to 9:00 pm Monday through Saturday. At the time, the property was also utilized as a full-time residence. Since then, property ownership has changed, no one resides there anymore (the property was last homesteaded in 2002), and the number of boarded dogs has increased beyond the approved maximum. Site inspections have documented as many as 70 dogs present at one time. The applicant states that the increased number of dogs, which is on average around 45 animals during the peak summer season, is based on a misunderstanding of the previous conditional use approval and past interpretations from County staff. The purpose of this current application is to bring the current operation into compliance and expand its size and scope.

Specifically, the applicant is requesting approval to have up to 100 dogs on the property at any given time via a combination of activities, including overnight boarding, doggie daycare, grooming and agility training. The applicant is projecting the following breakdown per activity:

*Overnight Boarding*

- Maximum of 85 dogs per night
- Hours of business operation: 7:00 am – 10:00 pm, seven days per week
- Staffed 24 hours per day

*Doggie Daycare/Grooming*

- Maximum of 60 dogs per day
- Hours of operation: 7:00 am – 10:00 pm, seven days per week

*Agility Training*

- Maximum five dogs per class
- Projected hours: 9:00 am – 11:00 am & 5:00 pm – 7:00 pm, up three days per week

In addition to the kennel and its ancillary activities, the applicant is proposing to board up to three horses in an area toward the rear (east side) of the property. Two horses are currently boarded there, which is a violation of the Land Development Code. The A-E district permits up to three horses per acre, but only as accessory to a residential use. Conditional use approval is required for the boarding of horses when a property is not primarily used for residential purposes. At this time, no one is residing on the subject property.

Proposed Variances

The applicant is requesting the following two variances in association with the conditional use application: 1) to allow for an existing six-foot high opaque fence to remain with a zero-foot front setback where 50 feet is required in an A-E zone, and 2) to allow for the construction of a 36 square foot identification sign where a maximum 24 square foot sign is allowed in a residential district.

As previously mentioned, the subject property does not have direct access to Belcher Road or any other publicly-accessible roadway. It is accessed via an ingress/egress easement across the neighboring property to the west. This is an important consideration regarding both requested variances. Fences within front setbacks are typically limited to three-feet in height or somewhat higher if they are considered decorative. The intent of the height limitation is to maintain aesthetic compatibility with surrounding properties and to promote roadway visibility, which is a safety issue. The six-foot high fence is approximately 200 feet from the Belcher Road right-of way and will not impact it in any way. In addition, it helps screen the kennel from neighboring uses. The proposed sign would also be 200 feet from the roadway. Its larger size would provide better visibility for customers and it would not present a clutter issue since it is so far removed from Belcher Road.

Surrounding Uses

The area surrounding the subject property contains a mix of residential and non-residential uses. Adjacent to the east is the Guardian Angels Catholic School within the City of Dunedin, to the north is a property owned by the Clearwater Community Church that is currently being used for residential purposes, to the south is a City of Dunedin fire station, and to the west is the 200-foot deep parcel that separates the subject property from Belcher Road. That property contains a vacant single family residential structure. In 2012, the Board approved a now expired conditional use for a veterinary clinic on that site. Residential uses within the City of Dunedin exist on the west side of Belcher Road. Other nonresidential uses in the immediate area include a daycare center to the south of the fire station and a water utility facility to the northwest of the subject property across Belcher Road.

**Recommendation**

The original (and still in effect) 1995 conditional use approval for the subject property permitted the boarding of up to 15 dogs for breeding purposes. Since that time the number of boarded dogs has significantly increased well beyond the number permitted by the approved conditional use. The applicant is now attempting to come into compliance and expand further via a substantial modification to the approved conditional use that would significantly increase the permitted number of dogs on site at any given time from 15 to 100 and expand the allowed uses to include doggie daycare, grooming and agility training. Staff cannot support such a significant increase in the number of permitted dogs, as

it could lead to detrimental effects on surrounding properties, particularly the residential uses to the north and west. The traffic impacts on the property to the west, through which access to the subject property is granted via an easement, could increase substantially. Staff could, however, support a compromise approach that would set the maximum number of dogs on site at any given time to a number lower than 100. An approval for up to 45 dogs would be in keeping with the average number of dogs that are currently boarded on site during the peak summer season, as stated by the applicant. In this way, surrounding properties would not be subject to significantly increased impacts than what already occurs. Staff supports the addition of the doggie daycare, grooming and agility training as long as the number of dogs on site at any given time does not exceed 45 and all other conditions of the approved conditional use are met.

In addition to the dog kennel, the applicant is currently boarding two horses on the subject property and would like the option to add a third. This would be a permitted use in the A-E district if the property was primarily used for a residential purpose. Since the property is used primarily as a dog kennel, the boarding of horses requires conditional use approval. For A-E designated properties where there is a primary residential use, the Land Development Code allows up to three horses per acre. The submitted concept plan shows the horse 'pasture' area as being approximately 2/3 acre in size. Therefore, staff can support the boarding of two horses on site subject to conditions, but not the requested three.

In summary, Staff cannot support the proposed conditional use as requested with up to 100 dogs and three horses, but can support a modified approach that would allow up to 45 dogs on site at any given time and the boarding of up to two horses. This compromise would allow the existing scale of the uses to continue and meets the General Standards of Section 138-269 of the Pinellas County Land Development Code regarding conditional uses as follows: *(staff response is in italic print)*

- 1) All structures and uses shall be separated from adjacent and nearby uses by appropriate screening devices or landscaped open area. *(A six-foot high opaque fence with a security gate is in place on the subject property. In addition, dense vegetation exists around much of property's perimeter.)*
- 2) Excessive vehicular traffic is not generated on residential streets and no vehicular parking or other traffic problem is created. *(Belcher Road is a minor arterial roadway and is not considered a residential street. All required parking for both customers and employees will be provided on site. The compromise approach of 45 dogs would not significantly change traffic impacts.)*
- 3) Appropriate drives, walks and parking areas are proposed so that no vehicular traffic or parking problems are created. *(The proposed use with 45 dogs would meet all traffic and parking requirements.)*
- 4) Drainage problems will not be created on the subject property or adjacent properties. *(Drainage will be managed in accordance with site plan drainage requirements.)*

- 5) All provisions and requirements of the zoning district in which the project is located will be met. *(The proposed use will meet the provisions of the A-E zoning district.)*
- 6) The conditional use shall be consistent with the county comprehensive plan adopted pursuant to state law and shall be in keeping with the purpose and intent of this chapter. *(The compromise approach of 45 dogs and two horses is consistent with the Pinellas County Comprehensive Plan. The requested 100 dogs and three horses is too intensive, and poses a heightened probability of incompatibility with adjacent uses and detrimentally affecting nearby properties due to noise, odor and traffic.)*
- 7) In approving a conditional use, the Board of County Commissioners may establish and require additional safeguards to ensure proper operation of the use and provide protection to the surrounding area. Such safeguards may include but are not limited to: a time limit for acquiring development authorization; hours of operation; entry and exit point to and from the site; additional setbacks; fencing and screening; and capacity of use. The board shall have the authority to grant variances at the hearing.

Staff has no objection with the proposed variances. As mentioned previously, the subject property is located approximately 200 feet from Belcher Road. The six-foot high fence will have no impacts on the roadway, will pose no safety issues and will help screen the kennel from neighboring properties. The proposed 36 square foot sign will provide needed visibility and will not promote clutter on the roadway.

Should the Board agree with staff's recommendation of a modified compromise approach that would allow up to a maximum of 45 dogs at any given time, the boarding of up to two horses on site, and the two requested variances for fence height and sign size, approval should be subject to the following conditions:

1. Full site plan review, including a change of occupancy from residential to commercial for the kennel facility.
2. There shall be no more than 45 dogs on site an any given time.
3. Hours of business operation shall be between 7:00 AM and 10:00 PM, seven days per week.
4. Agility training shall be limited to two classes per day, three days per week during daylight hours only. No whistles or amplified sound devices shall be used for the operation of the classes.
5. The number of employees shall not exceed four on site at any given time.
6. All parking and setback requirements shall be met.
7. The boarding of horses shall be for the property owner only and limited to two animals.
8. Dogs shall be boarded indoors only.
9. The identification sign shall not exceed 36 square feet in size and shall be non-digital.
10. All animal waste shall be disposed of properly.
11. All kennel areas shall be soundproofed and certified by a professional engineer or architect as per STC rating in keeping with the Pinellas County Noise Ordinance.
12. The kennel operation shall maintain compliance with Section 14-29 (a) through (g) of the Pinellas County Code, relating to pet dealerships and kennels.
13. No retail sales of pet related products is permitted.
14. The property and its uses shall maintain substantial conformance with the submitted concept plan, as modified to reflect the number of approved animals and approved uses.
15. Any changes to the conditions listed shall require approval of the Board of County Commissioners.
16. In the event any of the above conditions are not met or the conditional use becomes a nuisance, the Board of County Commissioners may rescind the conditional use permit.

**IMPLEMENTATION OF  
THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendments are consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

**Future Land Use and Quality Communities Element**

Objective 1.2 Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.

Policy 1.2.2 The Local Planning Agency (LPA) of the Board shall ensure that zoning provisions within the Land Development Code are in conformance with the density, intensity, and other relevant standards contained within the Future Land Use and Quality Communities Element.

Policy 1.2.3 Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.

Policy 1.2.8 Conditional uses, when authorized by the Board of County Commissioners after a public hearing, shall be consistent with the Pinellas County Comprehensive Plan.

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**COUNTY DEVELOPMENT REGULATIONS**

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)