



Town of Lauderdale-by-the-Sea

Development Services
4501 N. Ocean Drive
Lauderdale-by-the-Sea, FL 33308
Phone (954) 776-3611
Fax (954) 776-3431

MEMORANDUM

To: Planning & Zoning Board
Thru: Bud Bentley, Assistant Town Manager
From: Jeff Bowman, Zoning and Code Supervisor
Date: 5/11/2011
Re: Conditional Use Approval for a pet store in the B-1 Zoning District.

The purpose of this memorandum is to provide Staff's comments on the Conditional Use Application submitted by Dominic and Dominique Casale for a pet store received on March 24, 2011.

Background

Dominic and his daughter, Dominique, are in the process of renovating the store located at 111 Commercial Blvd. They will be providing the following services:

1. Jewelry sales for people and dogs as well as jewelry repair.
2. Pet couture and accessories.
3. Dog food.
4. Dog sales and related kenneling of dogs which are for sale.

The applicant is requesting a Conditional Use Permit for a pet store involving kenneling of Teacup and Toy Breed dogs. Below, I have summarized the applicant's letter to the Board:

1. Puppies will be no more than ten (10) pounds.
2. Dogs will be from registered AKC breeders.
3. Usually from twelve (12) to fifteen (15) pups on site at any one time.
4. Puppies will be housed at night in an enclosed sound proof sleep room with A/C and ventilation.
5. No public kenneling or boarding of animals.
6. The premises are staffed from approximately 6:30 am till 10:00 pm.

Conditional Use Documents

This office has reviewed the documents submitted (**Exhibit 1**) pursuant to the requirements of the Town's Land Development Code. The following documents were provided:

1. Application
2. A letter with a floor plan, drawings, printed information, and pictures.

The attached copy of Section 30-56 of the Towns Code of Ordinances (**Exhibit 2**) outlines the specific criteria for approving a Conditional Use.

Criteria and Analysis

1. Land Use Compatibility.
The proposed use, including its scale, intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses. There are no residential uses immediately adjacent to the property and the use, as proposed with mitigation of noise during the overnight kenneling and subject to the conditions of this approval, will not negatively impact the surrounding neighborhood.
2. Sufficient Site Size, Site Specifications and Infrastructure
The use is proposed in an existing bay and there will be no change in the physical characteristics of the site or structure. The size and proposed layout of the store are adequate to accommodate the proposed use.
3. Compliance with the Comprehensive Plan and Code of Ordinances
The conditional use, as proposed, complies with the applicable regulations of the Code of Ordinances and is consistent with the Town's Comprehensive Plan and Land Development Regulations.
4. Proper Use of Mitigative Techniques.
The applicant has proposed, and a recommended condition of approval is, that all dogs be housed at night in an enclosed sound proof sleep room with A/C and ventilation. This significantly reduces the impacts of the proposed use. During business hours, when the dogs are in the main shop for display, any noise will be absorbed by the high level of pedestrian and vehicular traffic found in this busy commercial area. At night, when natural noise levels are reduced, the dogs will be in an enclosed sound proof sleep room, thereby mitigating any noise impacts. The conditions of approval also require timely care to mitigate any odor concerns. The recommended conditions of approval,

together with the mitigative steps proposed by the applicant, will eliminate adverse impacts to the general public health, safety and welfare.

Site Plan Review and Recommendation

The previous use at this location was retail. The proposed use will remain the same with the addition of the pet sales, which includes the boarding/kenneling of dogs for sale. The store is located at 111 Commercial Boulevard and in zoned B-1. There are two abutting properties which are food establishments (Kilwins = 117 Commercial Blvd. on west side of proposed use / Coco Yogurt = 107 Commercial Blvd. east side of proposed use) and two abutting properties to the rear that are parking lots.

Notification was published in the Sun-Sentinel and mailed to effected parties within 300 feet as required by the Towns Code of Ordinances 30-13 (d) (2)

Staff recommends approval of the proposed conditional use with the following conditions:

1. The use will be maintained and operated as provided in the applicant's letter of request submitted with the application received by the Development Services Department on March 24, 2011, attached as part of Exhibit 1.
2. No odors from inside the premises shall be detectable from outside the premises.
3. No sounds from the dogs located onsite shall be detectable from outside the premises.
4. Dog excrements shall be removed daily from the cages.
5. The premises shall have solid waste removed at least three times per week.
6. No outside display, cleaning, exercising or bathing of dogs is permitted.
7. Applicant shall maintain any and all state and county licenses.
7. The Conditional Use Permit is specific to the applicant and is not transferable.
8. Dogs will be no more than ten (10) pounds.
9. The premise is limited to fifteen (15) dogs on site at any one time.
10. Dogs shall be housed at night in an enclosed sound proof sleep room with A/C and ventilation.
11. No public kenneling or boarding of dogs is allowed.
12. The premises shall be staffed from approximately 6:30 a.m. till 10:00 p.m. each day when there are animals on the premises.

Planning and Zoning Board
May 18, 2011 Meeting

File: U:\0 Agenda Commission & PZ Board\5-18-11 P&Z\Pet Store Conditional Use Application BD Memo.doc

Exhibit 1

Conditional Use Permit Application

Development Services
Town of Lauderdale by the Sea
4501 Ocean Drive

Lauderdale by the Sea, FL. 33308
www.townoflbts.com (954-776-0576)

Application # 2011-EU-004

LAUDERDALE-BY-THE-SEA
RECEIVED

APR 28 2011

DEVELOPMENT
SERVICES

Date application submitted 4-28-11
Date Application found to be completed _____
Planning and Zoning Date _____
Commission Date _____
Application fee paid \$900.00

General Information

Applicants Name DIAMONDS @ Doggies Address 111 Commercial Blvd Phone # 954-439-2023
Owners Name if not the same as the Applicant FISHERMANS Pier Inc.
Owners Address 4400 N. OCEAN BLVD Phone # 954-465-7934
Property address where use will be conducted 111 COMMERCIAL BLVD

Current Property Information

Folio # _____ Zoning District B-1 Lot _____ Block _____ Subdivision LBTS
Present Use RETAIL
Hours of operation for each use 11-9
Existing total floor area per use (sq. ft.) 938
Required number of parking spaces for current use _____
Existing number of parking spaces 2

Proposed Use Information

Type of Use requested Pet Boutique
Hours of operation for the proposed use 11-9
Estimated number of individuals to be employed 2-3

Applicant shall include a site plan and all applicable information outlined in Article IV of Chapter 30 of the Town's Code of Ordinances. Non applicable information outlined within Chapter 30 may be waived by the Development Services Director.

[Signature] Date 4/28/11
Signature (Owner/Authorized Agent)

Dominic Casale
Printed Name

TO THE ZONING AND COMMISSION MEMBERS OF LAUDERDALE BY THE SEA.

RE: DIAMONDS AND DOGGIES LLC.

WE WOULD APPRECIATE YOU TAKING THE TIME TO TRY TO ALLOW US TO OPEN ANOTHER AWARD WINNING PUPPY STORE AND PET BOUTIQUE AT 111 COMMERCIAL BLVD OWNED BY ATHENA RESTAURANT OWNERS AS OUR LANDLORD..WE HAVE A CURRENT FAMILY OWNED OPERATION IN MIAMI ON WASHINGTON AVE FOR 5 YEARS WWW.LESPETITSPUPPIES.COM . WE LIVE HERE LOCALLY IN FT.LAUDERDALE BEACH AREA....ATTACHED IS OUR MAGAZINE ARTICLES FOR REFERENCE.

{PLEASE READ }

WE WOULD SELL ONLY TEACUPS AND TOY DOGGIE BREEDS, ON AND AVERAGE OF ONE TO FOUR LB BABIES AT BIRTH THAT ARE A MINIMUM OF EIGHT WEEKS OLD TO TWELVE WEEKS OLD , MAX TO TEN LBS AND ALL FROM PRIVATE REGISTERED AKC BREEDERS. AND NO PUPPY MILLS. THEY VERY RARELY BARK LOUD AT THAT AGE.WE NO FROM EXPERIENCE... WE HAVE AROUND TWELVE TO 15 BABY PUPS AT ONE TIME NORMALLY IN THE FRONT WINDOW SHOWCASES ALL SEPERATED MAINLY AGAIN ALL AIR CONDITIONED AND VENTED ..BUT WE WOULD LIKE TO HOUSE THEM AT NITE IN THE STORES ENCLOSED SOUND PROOF SLEEP ROOM WITH ALL AC AND VENTED HOUSES AGAIN ALL IN AN INSULATED QUIET ENVIROMENT GUARANTEED .. NO ONE WILL EVER NO THEY ARE THERE AT NITE. AND BECAUSE OF THE STRESS OF MOVING THEM DAILY TO AN OUTSIDE KENNEL ,IT COULD POSSIBLY INJURE THEM OR MAKE THEM HYPOGLYCEMIC WHICH IS SERIOUS....THERE WILL BE NO KENNEL STORAGE OR BOARDING FROM ANY OUTSIDERS... OUR CLEANING LADY WILL BE THERE AT SIX THIRTY AM AND LEAVE AT 2 PM SO THERE WILL ALWAYS BE SOMEONE THERE TO MONITOR , EXCEPT FOR THE PERIOD OF CLOSING TEN PM TILL SIX AM. OUR STORE IS THE CLEANEST PUPPY STORE IN ALL OF SOUTH FLORIDA VOTED BY THE HEALTH DEPT AND THE CH 4 NEWS AS IN OUR ARTICLE ATTACHED ... ALL THE BABIES USUALLY SLEEP THRU THE NITE BECAUSE OF ALL THE EXERCISE WE DO WITH THEM DURING THE DAY SHOWING CUSTOMERS AND IN OUR PLAY AREAS EVERY 2 HRS FOR EXERCISE ..THEY ARE LOVED LIKE ONE OF THE FAMILY!! BECAUSE THEY ARE! WE WILL CARRY DIAMONDS AND JEWELRY FOR PUPPIES AS WELL AS PEOPLE JEWELRY TOO! PLUS ALL REPAIRS DONE ON PREMISES ..

WE THANK YOU FOR TAKING THE TIME TO SEE OUR APPLICATION AND WOULD LIKE TO

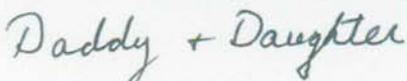
THANK YOU ALL VERY MUCH!

BEST REGARDS,



DIAMONDS AND DOGGIES LLC

DOMINICK AND DOMINIQUE CASALE.



LAUDERDALE-BY-THE-SEA
RECEIVED

MAR 26 2011

DEVELOPMENT
SERVICES

Colleen Tyrell

From: EMarchelos@aol.com [EMarchelos@aol.com]

Sent: Tue 5/10/2011 2:56 PM

To: Colleen Tyrell

Cc: Jeff Bowman

Subject: Diamonds & Doggies llc. letter

Attachments:

Dear Colleen,

I, Louis Marchelos from Fishermans Pier Inc has signed a lease agreement with Diamonds & Doggies LLc. I am aware and fully support Mr. Casale's usage of the rental property in the selling of tea cup and toy breeds as well of the overnight boarding of the puppies he intends to sell. Any questions, please feel free to call me at 954-465-7934.

Thank You, Louis Marchelos
Fishermans Pier Inc.



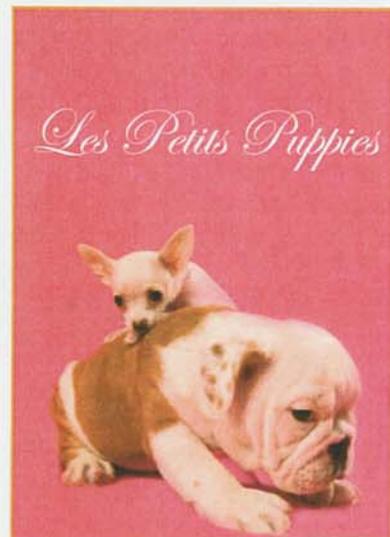
THE BEAUTIES AND THE BEASTS OF SOUTH BEACH



This Award Winning Puppy Store is the most visited puppy shop by celebrities in the city of Miami Beach. Celebrities such as: The Kardashian sisters, Eva Longoria, Lenny Kravitz, Ozzy Osbourne, Shaquille O' Neal, Amber Rose, Paolo Maldini, Gloria Estefan, Robin Williams, Fat Joe, have purchased their Tea Cup puppies at Les Petits Puppies located in 933 Washington Ave in the "Heart of South Beach". This is a place where also tourists and locals are astonished by the wide variety of puppies and the purity of the breeds. The store does not purchase breeds from puppy mills. These babies come with state of Florida Health Certificates, vaccinations, breeders records, a microchip implanted and a free first visit to their five star veterinarian. The store holds an excellent qualified personnel with high knowledge in breeds and their care. Since the store is in South Beach, the glamour and the luxurious accessories with the outfits for the puppies cannot be forgotten. For those fashion lovers, you can style up your dogs before heading out or match their outfits with your new Louis Vuitton purse.

The Store has been open for 5 years already in South Beach with a great clientele. It is a pleasure to visit this store because of its colorful and bright ambiance as well as its cleanliness. Les Petits Puppies has been recognized by Channel 4 News in CBS Miami as the cleanest puppy boutique in all Miami Beach this December 2010. These dogs are used to being on camera all the time. One day by customers, another by commercials and magazines. These dogs are always well taken care of and maybe are a little spoiled once they find a home they become a bit like divas.

Buying a dog is not only focusing on how cute the puppy looks. One must take into consideration their breeders, vaccines, microchip, Pedigree Certificates, and their First Vet visit. This is what makes Les Petits different. They also offer the best services in Puppy Couture, Grooming and Day Care.



KOURTNEY & KHLOE KARDASHIAN



LENNY KRAVITZ



EVA LONGORIA



AMBER ROSE

LIFE IS GOOD

AT

Les Petits Puppies

SOUTH BEACH

933 Washington Ave

Miami Beach, FL, 33139

Specializing in Teacup & Toy Breeds
Puppies • Grooming • Daycare & Pet Couture

\$150 OFF

ALL BREEDS IN STOCK

PHONE: 305.403.0405
www.lespetitspuppies.com
lespetitspuppies@yahoo.com



LIFE IS RUFF!
BUT NOT AT
LES PETITS PUPPIES









Exhibit 2

Section 30-56. Conditional Uses Review.

- (a) **Generally.** A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. The purpose of this Section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code, where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This Section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this Section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review. Site plan approvals shall be processed concurrently with the conditional use application (and, if required, the site plan public hearing shall be held jointly with the conditional use public hearing).

- (b) **Application.** A conditional use application shall provide the following information unless waived by the Development Services Director:
- i. A copy of any existing approved site plan;
 - ii. If no previously approved site plan exists, a site plan, providing the information required in Article IV of Chapter 30 of the Land Development Code, except that the Development Services Director may waive individual components of the site plan requirements;
 - iii. Traffic impact study meeting the requirements of Section 30-71(a)(4);
 - iv. Square feet designated (indoors or out) for each specific use;
 - v. Estimated employment;
 - vi. Estimated number and type of service vehicles;
 - vii. Any unique facilities or structures proposed as part of site improvements; and
 - viii. A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.
 - ix. Application fee.
- (c) **Review.** The Planning and Zoning Board shall review the application and provide a recommendation for approval, modified approval, or denial to the Town Commission. The Town Commission shall follow the quasi-judicial procedures in the Code of Ordinances and shall, prior to taking action on a conditional use application, hold a quasi-judicial public hearing. The Board and/or Commission

may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. Notice of the public hearing shall be given and the hearing shall be conducted as provided in the quasi-judicial procedures.

- (d) **Specific Criteria for Approving a Conditional Use.** A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The applicant shall demonstrate the following:

- (1) *Land Use Compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

- i. Permitted uses, structures and activities allowed within the land use category.
- ii. Building location, dimensions, height, and floor area ratio.
- iii. Location and extent of parking, access drives and service areas.
- iv. Traffic generation, hours of operation, noise levels and outdoor lighting.
- v. Alteration of light and air.
- vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment.
- vii. The architectural and site design are compatible with the character of the surrounding area.
- viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

- (2) *Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the

conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

- (3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.
- (4) *Proper Use of Mitigative Techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.