

RESOLUTION NO. 17-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A RECREATIONAL ESTABLISHMENT AT 14406 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Shoppes of Delray AP, LLC, (the “Owner”) is the owner of a parcel of land measuring approximately 2.5 acres located at 14406 South Military Trail (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, 14406 South Military Trail (the “Property”) is a 2,423 square foot commercial space within the Shoppes of Delray shopping center; and

WHEREAS, the Property is zoned General Commercial (“GC”); and

WHEREAS, Owner designated Rebecca Zissel of Sachs Sax Caplan, PL (the “Applicant”) to act as its agent; and

WHEREAS, the Applicant submitted a conditional use application (File No. 2024-242-USE) to allow a recreational establishment of a children’s indoor playground at the Property, as shown in Exhibit “B”; and

WHEREAS, pursuant to Section 4.4.9(D)(11) of the Land Development Regulations of the City of Delray Beach (“LDR”), recreational establishments are permitted as a conditional use within the GC zoning district; and

WHEREAS, LDR Section 2.4.6(A)(5) requires the approving body to make findings establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, on January 27, 2025, the Planning and Zoning Board voted 5 to 1 to recommend approval of the conditional use to the City Commission; and

WHEREAS, on February 18, 2025, the City Commission considered the conditional use request and the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings that the requested conditional use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and will not hinder development or redevelopment of nearby properties, subject to the imposition of conditions as contained herein.

Section 3. The City Commission approves the conditional use request to allow a recreational establishment of a children's indoor playground at the Property with the condition that operations be limited to between 9:00 a.m. to 7:00 p.m., Monday through Thursday, and 9:00 a.m. to 9:00 p.m., Friday through Sunday.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Rebecca Zissel of Sachs Sax Caplan, PL at 6111 Broken Sound Parkway, NE Ste 200, Boca Raton FL 33487.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

THE NORTH HALF (N ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼), EXCEPTING THEREFROM A STRIP OF LAND ONE-HUNDRED FEET (100') IN WIDTH EAST OF THE CENTERLINE OF MILITARY TRAIL, SECTION 13, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE EAST 305 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA EXCEPT THE WEST FIFTEEN FEET (15') OF THE SOUTH FORTY-FOUR FEET (44') THEREOF.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B" SITE PLAN



EXISTING/PROPOSED SITE PLAN
SCALE: 1"=20'

- ### SITE PLAN NOTES
1. CONTRACTORS AND SUBCONTRACTORS SHALL PERFORM ALL CONSTRUCTION IN ACCORDANCE WITH ALL CODES, REGULATIONS, PLANNING JURISDICTION AND RESTRICTIONS AND SHALL BE RESPONSIBLE FOR THE SAME.
 2. ALL DIMENSIONS SHALL BE VERIFIED PRIOR TO ANY CONSTRUCTION BY THE CONTRACTOR AND/OR SUBCONTRACTOR. CONTRACTOR AND/OR SUBCONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
 3. SURVEYORS SHALL VERIFY ALL SITE DIMENSIONS PRIOR TO THE CONSTRUCTION AND SHALL NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCY TO THE CONSTRUCTION DOCUMENTS.
 4. CONTRACTOR TO VERIFY ALL SETBACKS, EASEMENTS, E.O.W. SIZE AND LOCATIONS AND BE RESPONSIBLE FOR THE SAME.
 5. THE DRAINAGE SWALE SHALL BE A MINIMUM OF 2' DEEPER LOWER THAN THE EDGE OF THE STREET IN THE DRIVEWAY AND A MINIMUM OF 4" DEEPER LOWER IN THE SWALE.
 6. OWNER SHALL SUBMIT A FINAL SURVEY TO CITY ENGINEER OFFICE PRIOR TO THE FINAL INSPECTION. SURVEY MUST INCLUDE SUFFICIENT INFORMATION TO VERIFY CONFORMANCE TO THE GENERAL APPROPRIATE LOCATION OF THE DRIVEWAY, DRIVEFIELD, WALKS AND SERVICE LINES TO THE BUILDING.
 7. PLEASE SEE CIVIL PLANS FOR GRADES AND DIMENSIONS.
 8. FINISH FLOOR ELEVATION SHALL NOT BE LESS THAN 1'0" ABOVE THE CROWN OF THE ROAD.
 9. MAXIMUM SLOPE SHALL NOT EXCEED 4%:1 (V).

Bay	Tenant	Use	Approx. SF (+/-)	Parking Required (at 1000 SF)	Operating Hours
14400	DeRay Liquor	General Commercial	2,640	11	Mon-Thur: 9am-9pm Fri-Sat: 9am-10pm Sun: 10am-8pm
14402	China Gardens	Restaurant	2,530	11	Mon: Closed Tue-Sat: 11am-10p Sun: 12n-10p
14406	Candy Wonderland	Recreation	2,500	10	Mon-Th: 9am-7pm Fri-Sun: 9am-5pm
14408	Yankee Clipper	Personal Services	702	3	Mon-Fri: 8:30am-5p Sat: 9am-4pm Sun: Closed
14410	Sister at Home, Home Health	Medical Office	1,040	5	Mon-Fri: 9am-5pm Sat-Sun: Closed
14412	Turtle Tavern	Restaurant	3,418	14	Mon: 3pm-11pm Tue-Sat: 11am-11p Sun: 12n-11p
14416	Harold H Weisman PA	Business and Prof. Office	1,888	7	Mon-Fri: 9am-5pm Sat-Sun: Closed
14418-A	Kravitz	General Commercial	850	4	Mon-Tues: Closed Wed-Fri: 10am-7pm Sat: 10am-5pm Sun: 11am-5pm
14418-B	King Sewing & Vacuum	General Commercial	850	4	Mon-Fri: 9am-5pm Sat-Sun: Closed
14420	Ruff to Fluff	Personal Services (Pet)	850	4	Mon-Thur: 8:30a-5p Fri: 8:30am-4p Sat: 9am-2pm Sun: Closed
14422	Studio 34 Hair & Beauty Salon	Personal Services	1,275	6	Mon: 9am-2pm Tues-Sat: 9am-6pm Sun: Closed
14424	Five Star Spa	Personal Services	1,275	6	Mon-Sun: 8:30a-10pm
14426	Brenda's Birds	General Commercial	2,295	10	Mon-Fri: 10a-6pm Sat: 10a-5pm Sun: 11am-4pm
14428-B	Celine R. Soltan, DPM, PA	Medical Office	1,163	5	Mon-Wed: 9a-4pm Thur: Closed Fri: 9am-4pm Sat-Sun: Closed

Total Parking Required: 100 spaces
Total Parking Provided: 118 spaces

THE CONSTRUCTION AND ARCHITECTURE GROUP, INC.
DAVID A. FLETCHER, P.E., P.E., P.A. ARCHITECT-AT-LARGE
PHOTO: J. H. HARRIS, 2011 PHOTOGRAPHY

14400 S MILITARY TRL

Submitted For New Tenant:
Candy Wonderland, 14400 S Military Trl, 33184
Project ICD: 12-22-16-100000-300

Site Plan
Scale:
Prepared By: [Signature]
Reviewed By: [Signature]

SHEET
SP-1