



## Cover Memorandum/Staff Report

File #: 25-246

Agenda Date: 3/11/2025

Item #: 7.B.

**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: March 11, 2025**

RESOLUTION NO. 33-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A VETERINARY CLINIC AT 1911 SOUTH FEDERAL HIGHWAY, UNITS 200, 202, AND 204, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, AND EXTENDING THE HOURS OF OPERATION TO 9:00 PM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

### **Recommended Action:**

Review and consider a conditional use request to allow a veterinary clinic with hours of operation extending to 9:00 p.m. at 1911 South Federal Highway, as set forth in Resolution No. 33-25.

### **Background:**

The subject property, 1911 South Federal Highway, is a 1.78-acre shopping center located on the east side of South Federal Highway between Eve Street and Tropic Boulevard. The shopping center, also referred to as Delray Place South, is comprised of three buildings totaling 22,089 square feet of retail, restaurant, and personal services. The applicant is requesting Conditional Use approval to establish a veterinary clinic, Chewy Vet Care, in Units 200, 202, and 204, located at the north end of the shopping center and total approximately 3,685 square feet. The property is zoned Planned Commercial (PC), and has a Land Use Map (LUM) designation of General Commercial (GC).

Pursuant to Land Development Regulations of the City of Delray Beach ("LDR") Section 4.4.12(D)(1), all conditional uses allowed within the General Commercial (GC) zoning district are allowable conditional uses in the PC District. Consequently, pursuant to Section 4.4.9(D)(14), veterinary clinics are permitted as a conditional use within the GC zoning district. The application includes the internal build-out of the existing retail tenant spaces into a veterinary clinic with no increase in square footage or structural changes. The floor plan includes a waiting room, four exam rooms, surgery and radiology rooms, and other space incidental to the veterinary clinic. Chewy Vet Care provides both routine and urgent care to animals. The business does not offer outdoor services or overnight boarding, except as needed to treat patients.

Pursuant to LDR Section 4.3.3(W)(6)(a), veterinary clinics shall provide a minimum of 4.5 spaces per 1,000 square feet. However, the shopping center was approved at a reduced parking rate of 3.3 spaces per 1,000 square feet of leasable space in 2019 for the mix of retail and restaurant uses. The applicant is requesting that the approved plaza parking rate also be applied to veterinary clinic use. The plaza has 90, whereas only 82 are required for the current mix. At the veterinary clinic rate, 17

spaces would be required, while at the plaza rate, only 12 are required; a difference of 5 spaces. The current 8-space surplus accommodates the vet clinic use.

Additionally, as part of the Conditional Use, the applicant is requesting modified business hours to allow the business to operate from 7:00 a.m. to 9:00 p.m. instead of the 7:00 a.m. to 8:00 p.m. limitation in LDR Section 4.3.3(W)(1). The applicant's justification statement is attached.

LDR Section 2.4.6(A)(5), Establishment of a Conditional Use: Findings, in addition to provisions of Chapter 3, the City Commission must make findings that 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.

LDR Section 4.3.3(W), Domestic Animal Services establishes development standards for all domestic animal services, including grooming facilities:

- (1) Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services; and
- (2) Domestic animal service facilities shall be fully enclosed with solid core doors and walls sufficiently insulated to minimize noise and odor detection from outside the facility. If frequent, habitual, or long continued animal sounds are plainly audible from adjacent properties, the building is not considered sufficiently insulated; and
- (3) Outside activities and services are limited to drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord. Pursuant to Section 4.6.6, any other outside use requires approval through the conditional use process specifically determining the outside aspects of the use are appropriate; and
- (4) Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service; and
- (5) On-site disposal of carcasses is prohibited; and
- (6) Parking Requirements. The minimum number of parking spaces required shall be determined by the gross floor area. Facilities offering a mix of domestic animal services shall provide parking spaces based on the cumulative use designation of each area.
  - (a) Pet services and veterinary clinics shall provide 4.5 spaces per 1,000 square feet.
  - (b) Pet hotels and animal shelters shall provide one space per 300 square feet.
  - (c) Common areas within a facility offering a mix of domestic animal services shall calculate parking spaces based on the use requiring the least amount of parking spaces.
- (7) Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services.
- (8) Domestic animal service facilities may be approved for outside use areas pursuant to LDR Section 4.6.6.

#### Conditional Use Analysis

The request meets the concurrency standards of the Always Delray Comprehensive Plan, with no changes to water, sewer or drainage services, sufficient capacity for solid waste, and minor additional vehicular trips. As it relates to consistency with the comprehensive plan, the establishment of a veterinary clinic will provide a needed service to nearby residents, which helps the economic vitality of the shopping center. The service will also add to the mix of commercial uses along South Federal Highway and promote job creation along the corridor.

The proposed hours of operation exceed the allowable business hours set forth in LDR Section 4.3.3

(W)(1); however, the applicant's justification statement indicates that the intent of extending the business hours to 9:00 p.m. is so the hours are consistent with other businesses in the shopping center, as most of the businesses in the shopping center close between 7:00 p.m. and 10:00 p.m.

The applicant is requesting the previously approved parking rate of 3.3 spaces per 1,000 square feet of leasable space. The site currently provides adequate parking for the veterinary clinic under either parking requirement - 4.5 spaces per 1,000 square feet pursuant to LDR Section 4.3.3(W)(6)(a) and the 3.3 spaces per 1,000 square feet of leasable space. Based on the attached site plan and parking breakdown calculation for the shopping center, the total amount of leasable space, including outdoor dining area is 24,761 square feet. This also includes the space for Chewy Vet Care. Therefore, the shopping center is required to provide a total of 82 parking spaces (3.3 spaces per 1,000 square feet). Currently, 90 parking spaces are provided, leaving a surplus of eight spaces. Looking at the plaza as a whole, restaurants are a permitted use in PC, and several are located in the plaza. LDR Section 4.6.9, Off-street parking regulations has a requirement of 12 spaces per 1,000 square feet of gross floor area for restaurants - a much higher rate than the parking required for a veterinary clinic. Therefore, applying the 3.3 space per 1,000 square feet parking ratio to the proposed use is not anticipated to impact the parking for the shopping center any more than other uses that are permitted by right.

All veterinary services will take place in an enclosed building; there will be no outdoor activities or daytime or overnight boarding, except as may be needed to actively treat or monitor patients under treatment. Residential uses are located across the alley to the east, and the City Commission should consider if the soundproofing requirements and separation between the plaza and the Tropic Isle neighborhood across the 20-foot alley are sufficient to ensure the proposed use does not have a detrimental effect on the stability of the neighborhood.

The requirement for conditional use approval for a veterinary clinic is based upon the potential disturbances barking dogs can create. As pet services have evolved within the industry to also include "doggie daycare," the main concern is veterinary clinics keeping their canine clients for long periods of time or overnight unsupervised. In this case, all interior areas where animals will be present will have solid core doors. Additionally, the build-out of the commercial space does not have an area that could accommodate longer term boarding and only animals under treatment might be accommodated overnight. In the event noise becomes an issue from the veterinary clinic, the applicant will be responsible for addressing the impact, including increasing soundproofing of the space. Pursuant to LDR 2.4.6 (B), the City Commission has the authority to revoke or modify a conditional use should a chronic problem arise that impacts adjacent residents.

The attached Planning and Zoning Board (PZB) staff report provides a full analysis of the request.

On February 24, 2025, the PZB heard the subject request and recommended approval by a vote of 6 to 0.

**City Attorney Review:**

Resolution No. 33-25 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Resolution No. 33-25 will be effective immediately upon adoption and building permits for the internal improvements may be issued.