



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Chewy Vet Care

Meeting	File No.	Application Type
February 24, 2025	2025-095-USE-PZB	Conditional Use
Property Owner	Applicant	Authorized Agent
Delray Place, LLC	Delray Place, LLC	Beth Schrantz and Bonnie Miskel, Esq. Miskel Backman, LLP

### Request

Provide a recommendation to the City Commission on Resolution No. 33-25, a Conditional Use request to allow a +/- 3,685 square foot veterinary clinic at 1911 South Federal Highway, Units 200, 202, and 204.

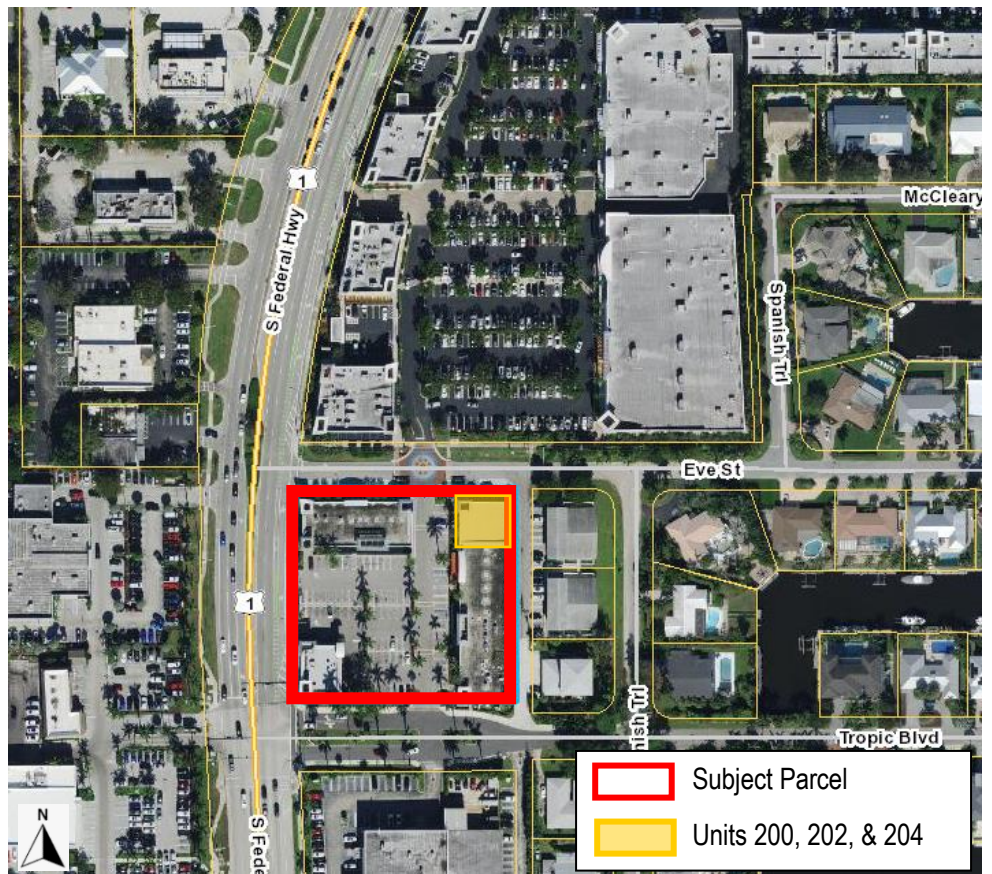
### Background Information

The subject property at 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. Units 200, 202, and 204, which are the intended tenant spaces for the proposed veterinary clinic, are 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).

The property's relevant history is outlined below:

- 1977. The shopping center was constructed as the Gateway Shopping Center.
- August 16, 2000. The Site Plan Review and Appearance Board (SPRAB) approved minor site plan modifications that involved architectural elevation changes to the structures.



#### Project Planner:

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#### Attachments:

- Property Survey
- Preliminary Site Plan & Leasing Plan
- Floor Plan
- Traffic Impact Statement
- Parking Breakdown Calculation
- Justification Statement

- October 26, 2016. The SPRAB approved a Class III Site Plan Modification that included modifications to the building elevations and landscape plan, including a special landscape area waiver and a waiver to the minimum number of shade trees in landscape islands.
- August 14, 2019. The SPRAB approved a Class III Site Plan Modification with a parking reduction, adopting a new parking rate of 3.3 spaces per 1,000 square feet of leasable space in lieu of the required four spaces per 1,000 square feet of gross floor area.

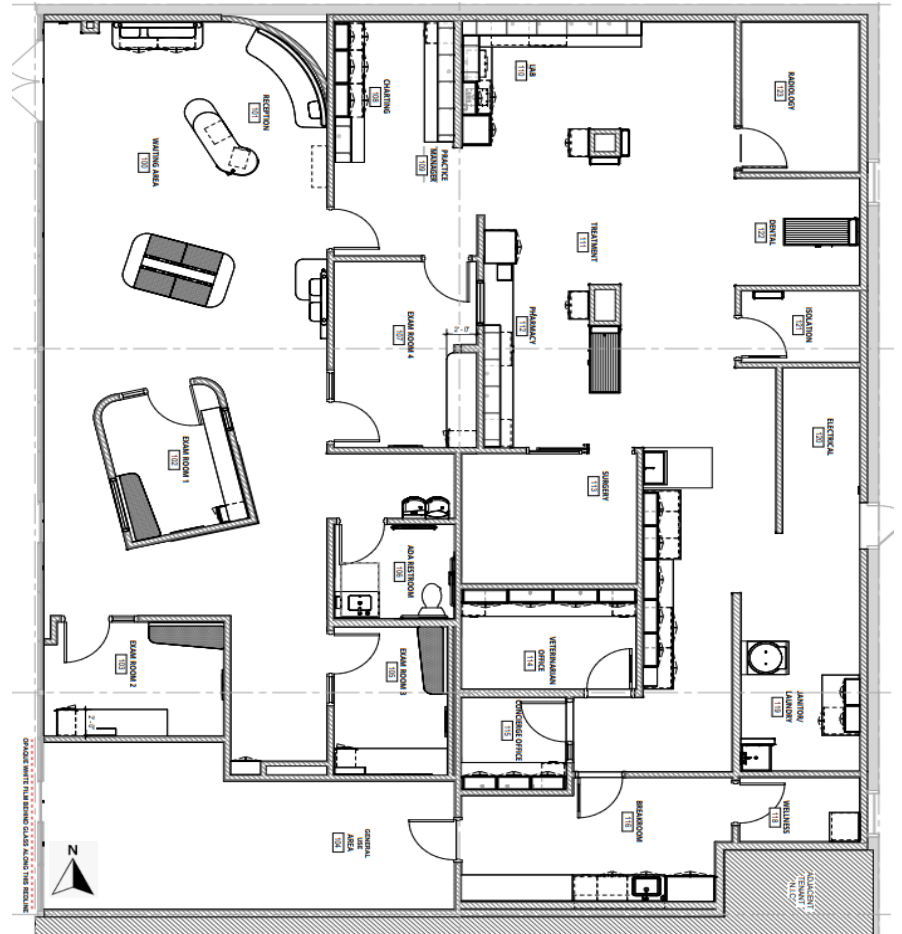
## Project Description

The applicant is requesting Conditional Use approval to establish a 3,685 square foot veterinary clinic, Chewy Vet Care, at 1911 South Federal Highway, Units 200, 202, and 204. 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.

Chewy Vet Care provides both routine and urgent care to animals. The business does not offer services outdoors, or overnight boarding, except as needed to treat patients. The floor plan below illustrates the proposed interior buildout for the veterinary clinic, which includes a waiting room, four exam rooms, a surgery, radiology room, and other space incidental to the veterinary clinic. The applicant has submitted a building permit for the buildout of the existing tenant spaces (Units 200, 202, and 204) into a veterinary clinic with no increase in square footage or structural changes.

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, as the shopping center was approved at a reduced parking rate of 3.3 spaces per 1,000 square feet of leasable space in 2019, the applicant is requesting that the approved parking rate be applied to this application. Analysis of the parking requirements is provided in this report.

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 (attached) and discussion of the special requirements for this





specific use in **Appendix A** of this report provide additional details on this request relative to the requirements for the veterinary clinic use.

## Review and Analysis

### LDR Section 2.4.6(A)(1), Establishment of a Conditional Use: General

*The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a Conditional Use.*

If the Board provides a recommendation of approval, the request will be scheduled for an upcoming City Commission meeting. However, if the Board does not provide a recommendation of approval, the application would not move forward with the review process to the City Commission.

### 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:*

- Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- Hinder development or redevelopment of nearby properties.*

On October 19, 2021, the City Commission approved Ordinance No. 17-21, which updated and expanded regulations related to services for domestic animals to accommodate the growth of the industry and the service delivery model. Veterinary clinics were classified as a conditional use both before and after the amendment, to ensure that proper and sufficient measures are taken to mitigate any potentially negative impacts on adjacent properties and surrounding neighborhoods, as well as ensuring protection of the animals. However, specific regulations related to hours of operation, outside use area, overnight boarding, and noise to mitigate potential negative impacts on residential uses and neighborhoods were adopted as part of Ordinance No. 17-21. These requirements in **LDR Section 4.3.3(W)** are detailed in **Appendix A** of the report, along with an analysis of Chewy Vet Clinic's compliance with the regulations.

The surrounding zoning, land use, and uses are outlined in the table below:

Adjacent Zoning, Land Use, and Use			
Direction	Zoning Designation	Land Use	Use
North	Special Activities District (SAD)	Transitional (TRN)	Commercial shopping center – retail/restaurant
South	Automotive Commercial (AC)	General Commercial (GC)	Car dealership (Grieco Mazda)
East	Medium Density Multi-family Residential (RM)	Medium Density Residential (5-12 du/acre) (MD)	Multi-family residential
West	AC	GC	Car dealership (Schumacher Chrysler)

Delray Place North is the commercial shopping center to the north. The plaza encompasses a variety of retail and restaurant businesses. Car dealerships are located to the south, across Tropic Boulevard, and South Federal Highway, which are anticipated uses in the AC zoning district. Multi-family residential exists to the east of the subject site, across the 20-foot alleyway within the Tropic Isle Neighborhood.

A veterinary clinic is an anticipated use in the PC zoning district; staff has not identified any issues of concern related to the stability of nearby properties. The applicant states that all interior areas where animals will be present will be enclosed with solid core doors to diminish potential noise; a building permit has been submitted to make these improvements and will commence review if the use is approved. As there is residential development across the alley to the east, the Board can consider if the soundproofing requirements and separation between the use and the Tropic Isle neighborhood across the twenty-foot alley are sufficient to ensure the proposed use does not have a detrimental effect on the stability of the neighborhood, specifically Tropic Isle.

The proposed veterinary clinic generally complies with the LDR, other than specific requests to allow the business hours to extend to 9:00 p.m., and to apply the previously approved 3.3 space per 1,000 square feet of leasable space parking ratio. The Board's recommendation to the City Commission must take these required findings into consideration, and whether or not the required development standards specific to domestic animal services are sufficient to prevent a significantly detrimental effect upon the stability of the neighborhood, specifically Tropic Isle, or hinder development or redevelopment of nearby properties.

#### **LDR Section 2.4.6(A)(4), Establishment of a Conditional Use: Conditions**

*Conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.*

Staff have not identified any items of concern, but the reviewing bodies may impose conditions if there are concerns with the request.

#### **LDR Section 3.1.1, Required Findings**

*Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas:*

- Land Use Map
- Concurrency
- Consistency
- Compliance with the LDR

**(A) Land Use Map.** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject property is zoned PC, which is a preferred zoning district under the GC land use designation. The PC zoning district permits the establishment of veterinary clinics through the conditional use process. As part of the conditional use review, the Board must make a finding that all applicable LDR requirements are satisfied.

**(B) Concurrency.** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

- Water and Sewer. The site is currently serviced by municipal water and sewer. As the proposed conditional use does not involve major structural changes or an increase in building area, no change in water and sewer services are anticipated as a result of the request.
- Solid Waste. The Solid Waste Authority (SWA) is the waste collector for both the City and the County, and currently serves the subject property. No changes are proposed to the method of refuse collection as part of this request. Additionally, it is noted that the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.
- Drainage. No exterior modifications are proposed to impact the existing approved drainage, which is accommodated on site.
- Traffic. The traffic statement performed by Flynn Engineering, dated January 16, 2025, states that a veterinary clinic is anticipated to generate approximately 17 trips per day. On the other hand, a restaurant, which generates approximately 395 trips per day (107.2 per 1,000 sq ft), is a permitted use in the PC zoning district. Therefore, the proposed veterinary clinic will result in substantially less daily trips than a use permitted by right in shopping center.
- Schools. Commercial development is not subject to school concurrency evaluation.

**(C) Consistency.** The following Comprehensive Plan objectives and policies are relevant to the Conditional Use request:

#### **Neighborhoods, Districts, and Corridors Element**

Objective NDC 1.1 Land Use Designation *Land Use Designation Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

Objective NDC 1.3 Mixed-Use Land Use Designations *Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.*

Policy NDC 1.3.10 *Use the General Commercial land use designation to accommodate a wide range of non-residential and mixed-use development, and limited stand-alone residential development, along major corridors and in certain districts in the city.*

Policy ECP 3.1.6 *Promote both good job creation and business ownership opportunities when encouraging the development and diversification of industry clusters.*

Policy ECP 3.3.3 *Encourage concentrations of commercial services, amenities and employment centers and creation of connections between the Delray Beach's vibrant hubs of activity.*

Policy NDC 3.4.2 *Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).*

Policy ECP 5.5.2 *Increase essential retail and consumer services and neighborhood based employment opportunities for residents.*

The proposed +/- 3,685 square foot veterinary clinic will provide needed services to residents and thus foster the economic vitality of the existing shopping center. The establishment of the veterinary clinic will promote job creation and diversify the use types in the shopping center, as most of the uses are currently retail and restaurant. Further, because the use is proposed within an existing commercial space, the scale and intensity of the shopping center will remain harmonious with the surrounding development. As noted, the business will not have accessory outdoor space nor will overnight boarding be offered service, except as needed to treat patients. The addition of outdoor areas would require a site plan modification. Therefore, the use is not anticipated to pose negative impacts on the surrounding properties.

**(D) Compliance with the LDR.** *Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The LDR provides specific regulations for Domestic Animal Services, including veterinary clinics, to ensure that proper and sufficient measures are taken to mitigate impacts on adjacent properties and surrounding neighborhoods, as well as ensuring protection of the animals. A complete review of **LDR Section 4.3.3(W), Domestic Animal Services**, is provided as **Appendix A** of the report, demonstrating that the proposed veterinary clinic complies with the LDR with the exceptions identified as follows:

#### Hours of Operation

As part of the Conditional Use, the applicant is requesting that the business be allowed to operate from 7:00 a.m. to 9:00 p.m. in lieu of the required hours of operation, limited from 7:00 a.m. to 8:00 p.m. pursuant to LDR Section 4.3.3(W)(1).

The applicant's justification statement indicates that the intent of extending the business hours to 9:00 p.m. is consistency with other businesses in the shopping center. Most of the businesses in the shopping center close between 7:00 p.m. and 10:00 p.m. The Board should consider whether the extended hours of operation will pose negative impacts on the surrounding neighborhood, and whether additional measures are needed to limit any negative impacts due to the extended business hours.

#### Parking

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. Therefore, the applicant is requesting that the approved parking rate be applied to this application.

The shopping plaza is required to provide a total of 82 parking spaces (3.3 spaces per 1,000 square feet for 24,761 square feet of leasable space, including outdoor dining areas, and the Chewy Vet Care space). Applying the previously approved parking ratio of 3.3 spaces per 1,000 square feet of leasable space, the proposed veterinary clinic would be required to provide 12 parking spaces. If applying the parking requirement for domestic animal services in LDR Section 4.3.3(W)(6)(a) (4.5 spaces per 1,000 square feet), the 3,685 square foot veterinary clinic would be required to provide 17 spaces. Currently, 90 parking spaces are provided, leaving a surplus of eight spaces at the 3.3 spaces per 1,000 parking rate. Whether honoring the approved parking rate, or using the requirement adopted subsequent to the 2019 parking reduction, there is a surplus of parking,

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 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 more than other uses with higher parking requirements that are permitted by right.

#### Board Action Options

- A. Move to recommend **approval** to the City Commission of Resolution No. 33-25, a Conditional Use request for **Chewy Vet Care** to allow a +/- 3,685 square foot veterinary clinic at **1911 South Federal Highway, Units 200, 202, and 204**, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend **approval** to the City Commission of Resolution No. 33-25, a Conditional Use request for **Chewy Vet Care** to allow a +/- 3,685 square foot veterinary clinic at **1911 South Federal Highway, Units 200, 202, and 204**, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan, **subject to conditions**.
- C. Move to **deny** Resolution No. 33-25, a Conditional Use request for **Chewy Vet Care** to allow a +/- 3,685 square foot veterinary clinic at **1911 South Federal Highway, Units 200, 202, and 204**, finding that the request is inconsistent with respect to Land Development Regulations and the policies of the Comprehensive Plan.
- D. **Continue with direction.**

#### Public and Courtesy Notices

- ☒ Public Notice was posted at the property 7 calendar days prior to the meeting.
- ☒ Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.
- ☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.
- ☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.
- ☒ Agenda was posted at least 7 calendar days prior to meeting.
- ☒ Courtesy notices were sent to the Tropic Isle Neighborhood Association at least 10 calendar days prior to meeting.

## APPENDIX A

**LDR Section 4.3.3(W), Domestic animal services.** Facilities providing domestic animal services shall obtain a permit issued by Palm Beach County Animal Care and Control Division prior to the establishment of the use and must comply with the following:

Requirement	Provided
(1) Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services.	<p>The applicant is requesting that the business be allowed to operate from 7:00 a.m. to 9:00 p.m., instead of the established requirement limiting operations between 7:00 a.m. and 8:00 p.m.</p> <p>The applicant's justification statement indicates that the intent of extending the business hours to 9:00 p.m. is consistency with other businesses in the shopping center. Most of the businesses in the shopping center close between 7:00 p.m. and 10:00 p.m. The Board should consider whether the extended hours of operation will pose negative impacts on the surrounding neighborhood, and if so, whether sufficient measures have been taken to limit negative impacts due to the extended business hours.</p>
(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.	<p>All interior areas where animals will be present will have solid core doors. The three existing exterior egress doors along the east side of the building are solid, hollow, metal doors. The two existing exterior doors at the north and south are being permanently sealed, and the middle door remains, as it exists to provide egress. The remaining middle door is located in a back of house area where no animals will be present at any time. The north and south doors along the east side will be permanently sealed with interior partitions comprised of 3-5/8" metal studs with insulation and 1-layer of 5/8" drywall on the interior side.</p>
(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.	<p>The conditional use does not include a request for outdoor activities aside from drop-off and pick-up of animals. In the event a pet needs to use the bathroom, the grass immediately in front of and behind the business will be used.</p> <p>It is noted that if the applicant wishes to make any modifications to these areas, such modifications will require a Site Plan Modification and is subject to the requirements in LDR Section 4.6.16(G)(12).</p>
(4) Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service.	Not applicable.
(5) On-site disposal of carcasses is prohibited.	<p>Any remains, including biohazardous waste from surgery, will be stored in an on-site chest freezer. The veterinary clinic is partnered with a cremation company who will handle the disposal of remains and/or cremation. Pick-ups are scheduled by the practice manager.</p>



<p><b>(6) <i>Parking Requirements.</i></b> 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.</p> <ul style="list-style-type: none"> <li>(a) Pet services and veterinary clinics shall provide 4.5 spaces per 1,000 square feet.</li> <li>(b) Pet hotels and animal shelters shall provide one space per 300 square feet.</li> <li>(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.</li> </ul>	<p>Pursuant to this criterion, the proposed veterinary clinic shall provide a minimum of 4.5 parking spaces per 1,000 square feet. However, on August 14, 2029, the SPRAB approved a Class III Site Plan Modification for Delray Place South that included approval of a parking reduction, with a new parking rate of 3.3 spaces per 1,000 square feet of leasable space in lieu of the required four spaces per 1,000 square feet of gross floor area for a shopping center.</p> <p>As such, the applicant is requesting that the approved parking rate of 3.3 spaces per 1,000 square feet of gross floor area be applied to this application. Further analysis is provided on Page 5 of this report.</p>
<p><b>(7) <i>Overnight boarding.</i></b> Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following:</p> <ul style="list-style-type: none"> <li>(a) An on-site attendant shall be present at all times during boarding services.</li> <li>(b) Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.</li> <li>(c) <i>Emergency Preparedness Plan.</i> Facilities approved for and offering overnight boarding services shall provide an Emergency Preparedness Plan to ensure continued humane care conditions are provided for the animals and their attendants, in case of an emergency, power outage, natural disaster, or other similar event. The plan shall include items outlined in LDR Section 4.3.3(W)(7)(c)(1-5).</li> </ul>	<p>No overnight boarding will be offered except as needed to treat patients.</p>
<p><b>(8) <i>Outside use areas.</i></b> Domestic animal service facilities may be approved for outside use areas pursuant to Section 4.6.6, subject to the following:</p> <ul style="list-style-type: none"> <li>(a) Outdoor cages, crates, kennels, or other enclosures intended for animal habitation, and not for exercise or training purposes, are prohibited.</li> <li>(b) A solid finished masonry wall or privacy fence six feet in height shall be provided on all sides of outside use areas designated for domestic animal services.</li> <li>(c) Pervious outside use areas intended for domestic animal services may be counted towards open space requirements.</li> <li>(d) Outside activities are limited to 7:00 a.m. to 8:00 p.m., except for necessary outdoor walks of one animal at a time in direct control of a person by means of a leash or similar device.</li> <li>(e) Separation requirements: <ul style="list-style-type: none"> <li>1. Properties with outside use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outside use areas intended for domestic</li> </ul> </li> </ul>	<p>Not applicable.</p>



animal services as measured from lot line to lot line in a straight line.

2. Outside use areas are subject to required minimum building setbacks, which may be increased as part of the conditional use approval.