



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

GoodVets Delray

Meeting	File No.	Application Type
June 20, 2022	2022-166-USE-PZB	Conditional Use
Property Owner	Applicant	Authorized Agent
KP Delray, LLC	Ken Just, RWE Design Build	Ken Just, RWE Design Build

Request

Provide a recommendation to the City Commission regarding a Conditional Use request to allow a +/- 3,000 square foot veterinary clinic within Delray Commons, located at 5068 West Atlantic Avenue.

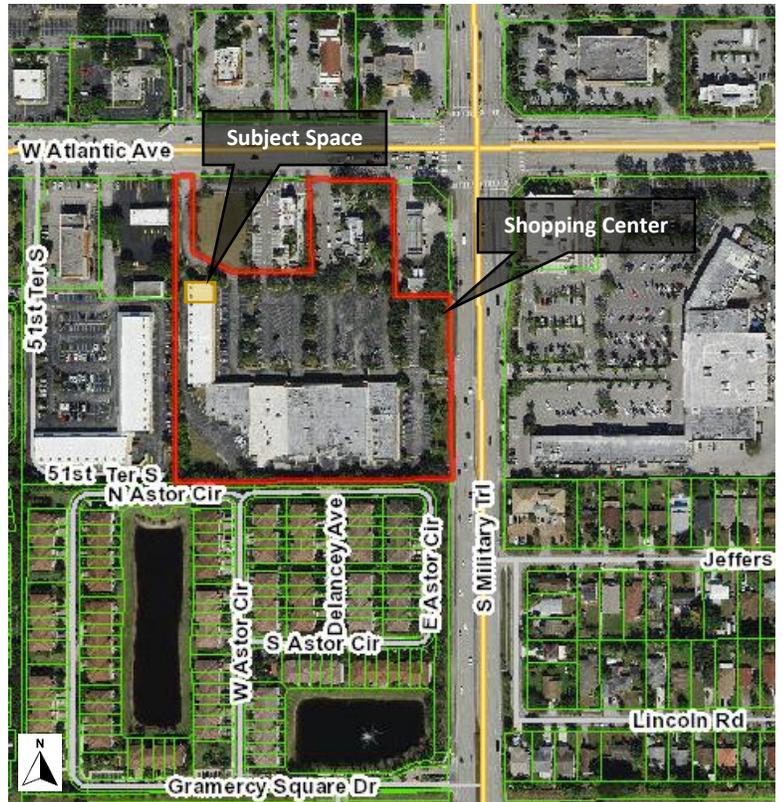
Background Information

The subject property, 5068 W Atlantic Avenue, is a +/- 3,000 square foot commercial space within the Delray Commons Shopping Center, whose main address is 5024 West Atlantic Avenue. The Delray Commons Master Development Plan is comprised of two tracts – Tract 1 is a 7.21 acre parcel, containing 73,393 square feet of commercial space and 299 parking spaces. Tract 2, whose address is 5070 W Atlantic Avenue, is a 1.18 acre parcel developed with a +/- 1,950 square foot Taco Bell drive-thru restaurant. The subject space is located within Tract 1.

The property is zoned Planned Commercial (PC) within the Four Corners Overlay District and has a Land Use Map (LUM) designation of General Commercial (GC).

The property's history is outlined below:

- 1981 – the +/- 68,413 square foot shopping center (Delray Commons) was constructed.
- 1991 – the property was annexed into the City from Palm Beach County via Ordinance No. 07-91.
- June 1, 1999 – Cross ingress, egress, parking, and drainage easements were recorded in ORB 11169, Page 1360 for Tract 1 and Tract 2. Currently, both tracts are under the same ownership.
- September 17, 2018 – the Planning and Zoning Board approved a Master Development Plan Modification (MDPM) to Delray Commons, and a waiver request to the minimum building size for a proposed Taco Bell restaurant.



Project Planner:
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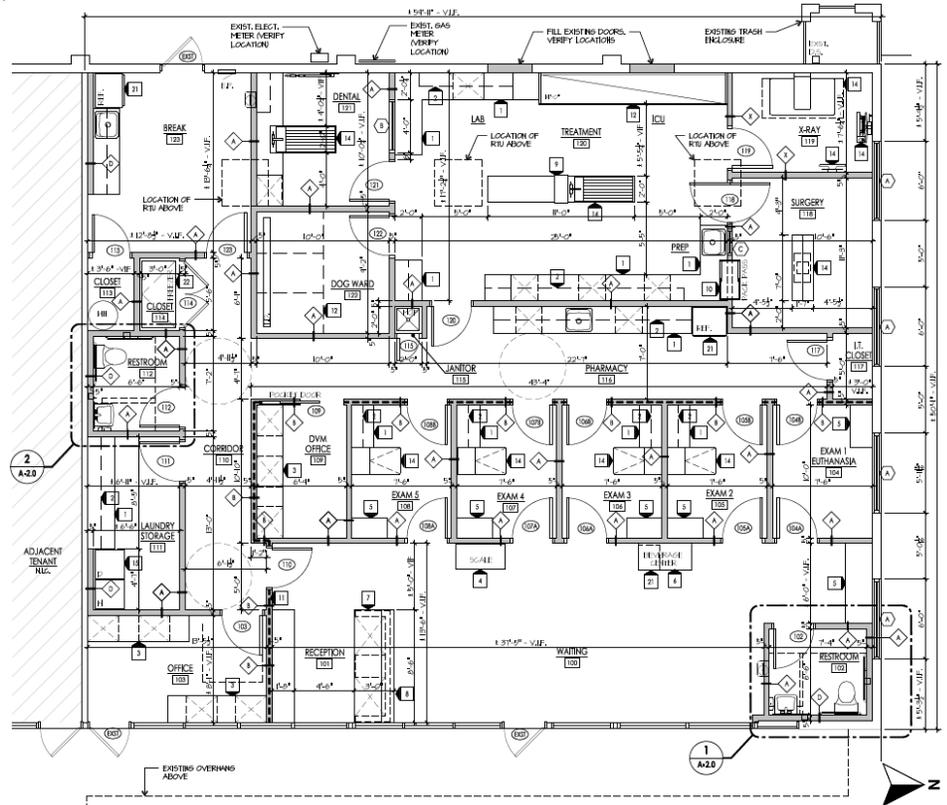
- Attachments:**
- Resolution No. 80-22
 - Property Survey
 - Floor Plan
 - Traffic Performance Standards (TPS) Letter
 - Traffic Impact Analysis
 - Legal Review Form

- April 10, 2019 – minor façade changes were approved including the removal of the vestibule, addition of outdoor seating, addition of two cart corrals, addition of a bicycle rack, new lighting, and the installation of a ramp and railing system.
- October 16, 2019 – the Site Plan Review and Appearance Board (SPRAB) approved a Class I Site Plan Modification for improvements to the north and east façade of the building.
- October 19, 2021 – the City Commission adopted Ordinance No. 17-21, establishing special requirements for domestic animal services, including veterinary clinics.
- October 27, 2021 – the SPRAB approved a Class III Site Plan Modification for a 2,136 square foot addition and modifications to parking, landscaping, and elevations associated with Sprouts Farmers Market.

Project Description

The applicant is requesting Conditional Use approval to establish a +/- 3,000 square foot veterinary clinic at 5068 West Atlantic Avenue. Pursuant to LDR Section 4.4.12(D), properties within the Four Corners Overlay District are subject to LDR Section 4.4.9(G)(3)(c), which permits a veterinary clinic in the PC zoning district subject to the approval of a Conditional Use. Based on the applicant's application, GoodVets Delray will be providing the following services:

- Wellness exams
- Vaccines and wellness diagnostics
- Routine surgeries (e.g. spay, neuter, mass removal)
- Dental cleanings and teeth extraction
- Behavior or nutrition counseling
- Dermatology
- Microchipping
- Flea, tick and heartworm prevention
- Diarrhea or vomiting remedy
- Treatment for itchy skin or rashes
- Treatment for loss of appetite, overeating, lethargy
- Eye care (e.g. treat tearing, redness, discharge)
- Ear care (e.g. treat ear infections)
- Treatment for coughing or sneezing
- Treatment for hair loss



The business will operate indoors and will not offer overnight boarding or hospitalization. All cases needing hospitalization will be referred to local emergency and specialty animal hospitals. The floor plan above illustrates a waiting area with reception desk, five exam rooms, employee break facilities, dental exam area, dog ward, treatment room, x-ray room, and surgery room.

Review and Analysis

Pursuant to **LDR Section 2.4.5(E)(1), Rule**, 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. If there are concerns with the request, conditions may be imposed in accordance with the following provisions.

Pursuant to **LDR Section 2.4.5(E)(4), Establishment of a Conditional Use: Conditions**, conditions may be imposed pursuant to Section 2.4.4(C). In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.

Pursuant to **LDR Section 2.4.5 (E)(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;
- b) Hinder development or redevelopment of nearby properties.

The Board's recommendation to the City Commission must take into consideration whether or not the required development standards specific to veterinary clinics are sufficient to prevent a significantly detrimental effect upon the stability of the neighborhood, or hinder development or redevelopment of nearby properties. The surrounding zoning, land use, and uses are outlined in the table below:

Adjacent Zoning, Land Use, and Use			
	Zoning Designation	Land Use	Use
North	PC	GC	Mix of Banks and Restaurants
South	Multi-Family Residential, Medium Density (RM-8)	Medium Density Residential (MD)	Multi-family (Gramercy Square)
East	PC and GC	GC	CVS Drugstore/Pharmacy
West	PC	GC	Mix of Auto Sales and General Commercial

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 LDRs

(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.

As noted, 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 a conditional use permit application. As part of the conditional use review, the Board shall find 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.

- Schools. Commercial development is not subject to school concurrency evaluation.

- **Water and Sewer.** The site is currently serviced by a four-inch sanitary sewer connection along West Atlantic Avenue and South Military Trail, and water and sewer connections were recently joined into the existing eight inch water main on South Military Trail.
- **Solid Waste.** The previous business that occupied the subject space was an eye and ear doctor's office with associated retail. Based on the Palm Beach County Waste Generation Rates, a medical office produces 4.6 pounds of solid waste per square foot per year, and retail uses produce 10.2 pounds of solid waste per square foot per year. As the proposed veterinary clinic would encompass the entire +/- 3,000 square foot commercial space with no associated retail, the waste generation rates are anticipated to decrease compared to the previous use. Overall, the proposed veterinary clinic is expected to generate approximately 13,800 pounds (6.9 tons) of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.
- **Drainage.** Drainage will be accommodated on site as existing. As noted, the subject property shares cross drainage easements with Tract 2, the adjacent parcel to the north. The establishment of a veterinary clinic is not expected to pose negative drainage impacts on neighboring properties.
- **Traffic.** The submitted Traffic Impact Analysis, dated April 15, 2022, was conducted by JFO Group Inc. The Analysis states that *"the proposed request to allow interior renovations on +/- 3,000 square feet to accommodate a Conditional Use will not generate additional traffic. Therefore, the proposed development will be in compliance with PBC TPS – Article 12 of the PBC ULDC."* Further, the submitted Traffic Performance Standards (TPS) letter from the Palm Beach County Traffic Division, dated May 10, 2022, states that *"the proposed project meets the TPS of Palm Beach County. The proposed renovation project is not expected to generate any additional traffic."*

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

Neighborhoods, Districts, and Corridors Element

Objective NDC 1.3 *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 1.1.2 *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.*

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.*

The proposed +/- 3,000 square foot veterinary clinic will provide needed services to residents, as many residents have pets in need of veterinary care. The establishment of the veterinary center will add to the mix of non-commercial uses in the immediate area and promote job creation. Further, because the use is proposed within an existing commercial space, the scale and intensity of the structure will remain harmonious with the surrounding development. As noted, the business will not have accessory outdoor space nor will overnight boarding be an offered service. Therefore, the use is not anticipated to pose negative impacts on the surrounding properties.

(D) Compliance with the LDRs. *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** demonstrating that the proposed veterinary clinic complies with LDR.

Board Action Options

- A. Move to recommend **approval** to the City Commission of a Conditional Use request for **GoodVets Delray** to allow a veterinary clinic at the property located at **5068 West Atlantic Avenue**, 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 a Conditional Use request for **GoodVets Delray** to allow a veterinary clinic at the property located at **5068 W Atlantic Avenue**, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan, **subject to conditions**.
- C. Move to **deny** the Conditional Use request for **GoodVets Delray** to allow a veterinary clinic at the property located at **5068 West Atlantic Avenue**, 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

Courtesy Notices were provided to the following neighborhood associations:

- Country Club Acres
- Grammercy Square
- Coconut Key

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 5 working 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.	The hours of operation will be Monday through Friday, 8:00am – 6:00pm, and Saturday 8:00am – 12:00pm. The business will be closed on Sundays.
(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.	The subject +/- 3,000 square foot commercial space is enclosed with solid core doors and walls which are sufficiently insulated to minimize noise and odor detection from outside the facility.
(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.	The conditional use does not include a request for outdoor activities aside from drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord.
(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.	In the event of euthanasia, the business is partnered with a local crematorium/aftercare vendor that transports the euthanized patient, in a fully concealed bag or box, to an animal hospital the day of euthanasian. All medical waste is stored in disposal containers and removed from the site regularly by a biomedical hazardous waste disposal partner.
(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.	The parking requirements in LDR Section 4.3.3(W)(6) require a minimum of four- and one-half spaces per 1,000 square feet. The subject property is located within an existing shopping center, which requires a minimum of four spaces per 1,000 square feet of gross floor area for shopping centers between 25,000 and 400,000 square feet. Based on the latest approved site plan, dated November, 12, 2021, the shopping center, which contains 73,393 square feet of commercial space, is required to provide a minimum of 294 parking spaces. A total of 299 parking spaces are currently provided. As the proposed conditional use does not result in additional floor area, no additional spaces are required with the subject request. Therefore, the existing parking complies with the LDR.

(7) Overnight boarding. Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following:

- (a) An on-site attendant shall be present at all times during boarding services.
- (b) Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses.
- (c) *Emergency Preparedness Plan.* 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).

Not applicable.

(8) Outside use areas. Domestic animal service facilities may be approved for outside use areas pursuant to [Section 4.6.6](#), subject to the following:

- (a) Outdoor cages, crates, kennels, or other enclosures intended for animal habitation, and not for exercise or training purposes, are prohibited.
- (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.
- (c) Pervious outside use areas intended for domestic animal services may be counted towards open space requirements.
- (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.
- (e) Separation requirements:
 - 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 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.

Not applicable.