

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 _ to _ to recommend approval / denial of the conditional use to the City Commission; and

WHEREAS, on _____, 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., Saturday and 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

