



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Candy Wonderland Delray, LLC

Meeting	File No.	Application Type
January 27, 2025	2024-242-USE-PZB	Conditional Use, Recreational Establishment (Children's Indoor Playground)
Property Owner	Applicant	Authorized Agent
Shoppes of Delray AP, LLC	Candy Wonderland Delray, LLC	Rebecca Zissel, Sachs Sax Caplan, PL

Request

Provide a recommendation to the City Commission regarding a Conditional Use request to allow a +/- 2,423 square-foot Recreational Establishment (Children's Indoor Playground) at 14406 South Military Trail.

Background Information

The subject property, 14406 South Military Trail, is a 2,423 square-foot commercial space within the Shoppes of Delray shopping center, whose main address is 14400 South Military Trail (map at right). The shopping center was constructed in 1975 on a 2.5-acre parcel with approximately 23,827 square feet of commercial space. The property is zoned General Commercial (GC) and has a Land Use Map (LUM) designation of General Commercial (GC).

The property's relevant history is outlined below:

- **1975.** The +/- 23,827 square foot shopping center (Shoppes of Delray) was constructed.
- **1990.** The property was annexed into the City from Palm Beach County via Ordinance No. 47-90.
- **May 14, 2024.** While investigating a complaint from a tenant of the plaza regarding parking, Code Enforcement determined that the business did not have a valid Business Tax Receipt, and further would be classified as a recreational establishment, which requires conditional use approval, pursuant to **Land Development Regulations (LDR) Section 4.4.9 (D) Conditional Uses and structures**, which identifies *Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks* as such.



In order to comply with the LDR requirements and to right the Code Enforcement violation, the applicant is requesting conditional use approval to operate an children's indoor playground under the category "Recreational Establishment."

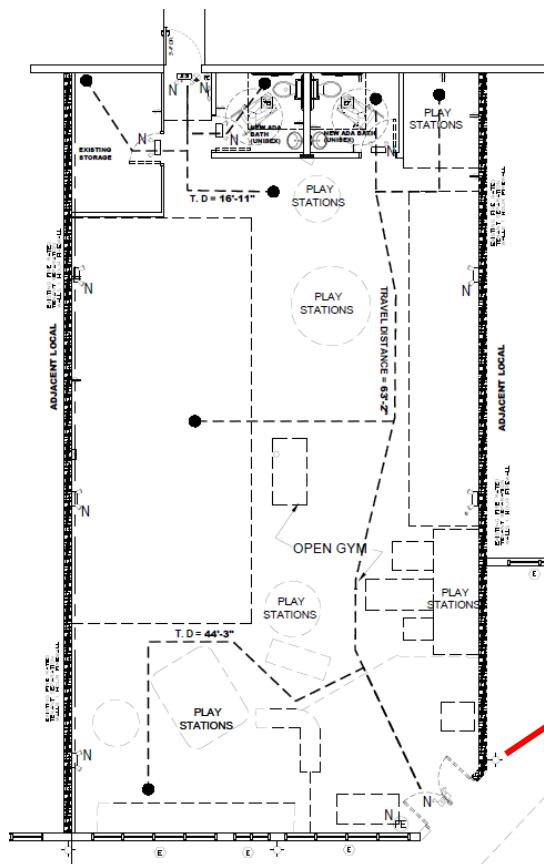
Project Description

The applicant is requesting Conditional Use approval for the existing 2,423 square-foot children's indoor recreational facility at 14406 South Military Trail. Candy Wonderland is an indoor play area where children, accompanied by a supervising adult, will be able to play in a secure and weather-controlled space. No exterior activities are proposed. The use is categorized as a Recreational Establishment, and subject to conditional use approval.

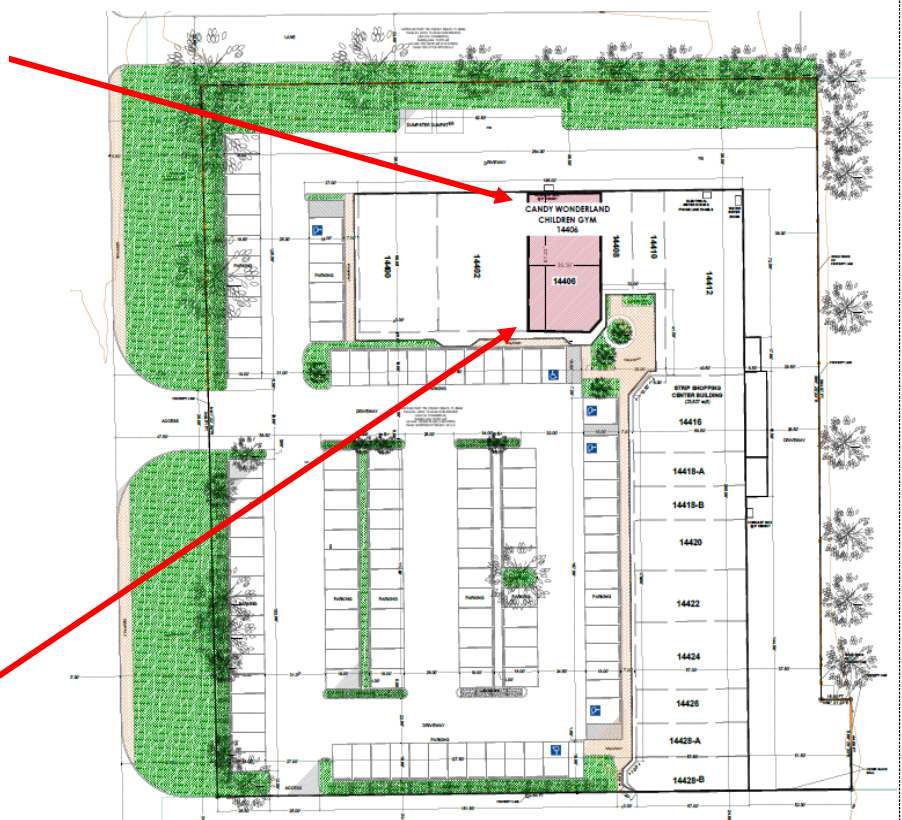
Candy Wonderland will be open seven days a week. The proposed hours of operation are as follows.

Days of Operation	Proposed Hours of Operation	Proposed Maximum Capacity
Monday – Thursday	9:00 AM to 7:00 PM	50 persons (children and adults combined)
Friday – Sunday	9:00 AM to 9:00 PM	50 persons (children and adults combined)

The interior layout and the location of Candy Wonderland within the plaza is shown below.



Interior Layout



Location of Candy Wonderland Within the Plaza

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)(4), Establishment of a Conditional Use: Conditions

If the reviewing bodies have concerns with elements of the request, 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.

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:

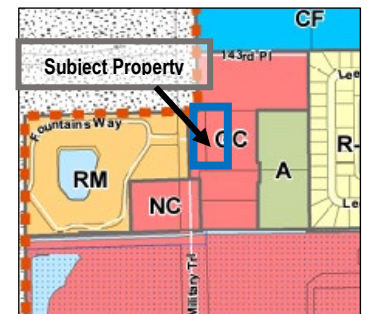
- Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- Hinder development or redevelopment of nearby properties.*

The plaza has 23,827 square feet of floor area and 14 tenant bays. The shopping center includes two restaurants, two medical offices, eight personal services or general commercial services, and one professional office. A barber is adjacent to Candy Wonderland on the east, and a restaurant is adjacent on the west. A full listing of the plaza's tenants is provided in the attached site plan. The prior tenant in the subject space was an insurance company.

Pursuant to **LDR Section 4.6.9(3)(e)**, *Shopping centers require four spaces per thousand square feet of gross floor area irrespective of uses.* The plaza requires 100 spaces based on the square footage; 118 parking spaces to serve 14 tenants, including the proposed indoor playground (which requires 10 spaces). Thus, there are 18 surplus parking spaces.

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

Adjacent Zoning, Land Use, and Use			
Direction	Zoning Designation	Land Use	Use
North	GC	GC	Commercial – Grocery Store
South	GC	GC	Commercial - Stores
East	Agriculture (A)	Transitional (TRN)	Agriculture / retail
West	Medium Density Residential (RM)	Medium Density Residential, 5-12 du/acre (MD)	Multi-family – The Fountains at Delray



The residential development to the west is separated by Military Trail, and all other surrounding commercial uses are similar in use type being retail or service-based in nature. Therefore, the proposed use is not anticipated to have a detrimental effect upon the stability of the neighborhood or to hinder development or redevelopment of nearby properties.

Relative to the parking complaint received by Code Enforcement, it is important to note that the plaza has 118 parking spaces, 18 spaces more than the 100 parking spaces required for the plaza based on gross square footage, and enough to accommodate any high occupancy days at Candy Wonderland. Thus, staff has not identified any issues of concern. However, if the Board identifies any issues that may have a detrimental effect upon the stability of the neighborhood, or hinder development or redevelopment of nearby properties, the Board may consider adding conditions.

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.*

The subject property is zoned GC, which is a preferred zoning district under the GC land use designation. The GC zoning district permits recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, and skating rinks as a conditional use.

(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.*

Traffic. The submitted Traffic Performance Standards (TPS) letter from the Palm Beach County Traffic Division, dated September 16, 2024, states that *"the proposed project generates less than 21 peak hour trips, and therefore, a detailed traffic study is not required. Based on the information provided, the project meets the TPS of Palm Beach County."*

Solid Waste. The subject property is located within a +/- 23,827 square-foot shopping plaza; pursuant to the County's Waste Generation Rates, shopping centers generate about 7.3 pounds of waste per square foot per year. Additionally, based on the Palm Beach County Waste Generation Rates, a recreational use, such as a bowling alley, for example, produces 4.1 pounds of waste per square foot per year (9,934 pounds per year). Further, the Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054. The proposed indoor children's playground, without food service, is not anticipated to have a negative impact.

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.

Drainage. No exterior modifications are proposed, to impact the existing, approved drainage, which is accommodated on site. The establishment of an indoor children's playground will not have negative drainage impacts on neighboring properties.

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

(C) Consistency. *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

The following Comprehensive Plan objectives and policies are relevant to the Conditional Use request:

Neighborhoods, Districts, and Corridors Element

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 connections between the Delray Beach's vibrant hubs of activity.

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

The proposed 2,423 square-foot indoor playground will provide an amenity for families with young children. The establishment of the indoor playground will add to the diversity of commercial uses in the immediate area. Further, because Candy Wonderland is located within an existing commercial space, and no exterior modifications are proposed, the scale and intensity of the structure will remain the same and an existing real estate asset is utilized.

(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 2.4.6 and in special regulation portions of individual zoning district regulations.

There are no regulations specifically governing recreational establishments.

Technical Notes

The applicant must apply for a building permit for after-the-fact approval of the interior buildout if the use is approved.

Board Action Options

- A. Move to recommend **approval** to the City Commission of a Conditional Use request for **Candy Wonderland Delray, LLC** to allow a Recreational Establishment (children's indoor playground) at the property located at **14406 South Military Trail**, 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 **Candy Wonderland Delray, LLC** to allow a Recreational Establishment (children's indoor playground) at the property located at **14406 South Military Trail**, 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 **Candy Wonderland Delray, LLC** to allow a Recreational Establishment (children's indoor playground) at the property located at **14406 South Military Trail**, 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

 X Courtesy Notices were provided to the following neighborhood associations:

- Lee's Crossing
- High Point 1
- High Point 2

 X Public Notice was posted at the property 7 calendar days prior to the meeting.

 X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

 X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

 X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

 X Agenda was posted at least 5 working days prior to meeting.