



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### JFK Medical Center Freestanding Emergency Department

Meeting	File No.	Application Type
December 15, 2025	PZ-000234-2025	Conditional Use, 24-Hour or Late-Night Use (Freestanding Emergency Department)
Property Owner	Applicant	Authorized Agent
JFK Medical Center Limited Partnership	John Roach, AICP Gunster	John Roach, AICP Gunster

#### Request

Provide a recommendation to the City Commission regarding a Conditional Use request to allow the establishment of a 24-Hour or Late-Night Use (Freestanding Emergency Department) at 3921 West Atlantic Avenue.

#### Background Information

The subject property, 3921 West Atlantic Avenue, is a 1.87-acre parcel with a Transitional (TRN) land use designation and Planned Office Center (POC) zoning.

TRN land use is intended to *allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses (Policy NDC 1.3.13) and to be used for properties located between two or more land use designations that allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions (Policy NDC 1.3.14).*

POC zoning (LDR Section 4.4.15) *provides for the concentration of office and support uses in a well-planned and managed environment. It is not intended that the District be for commercial activities in which goods and merchandise are stored, displayed, or sold except as appropriate to meet the needs of users of the POC. Further, POC is to be planned and developed on land under unified control and as a single development, or in a programmed series of development phases.*



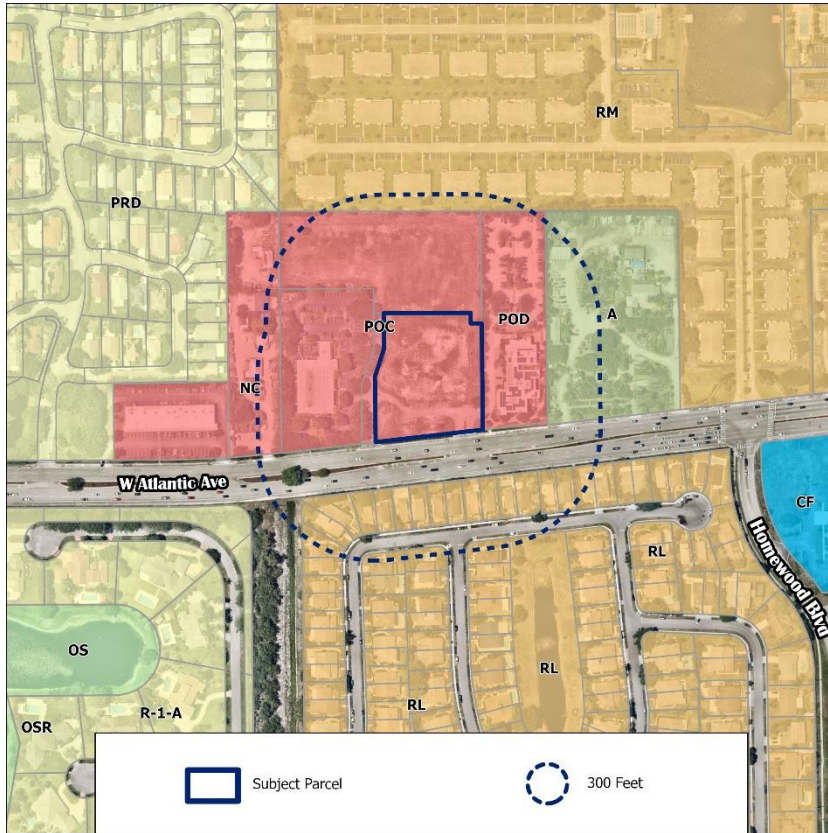
#### Project Description

The applicant, JFK Medical Center Limited Partnership, intends to operate a 24-hour, 10,860 square-foot freestanding emergency department at 3921 West Atlantic Avenue. The use requires approval and licensing by the Florida Agency for Health Care Administration (AHCA) to provide the same emergency services as an emergency room (ER) attached to a hospital, including treatment services that range from minor injuries to life-threatening situations. Visits are limited to those receiving emergency treatment; if a patient needs to be admitted to a hospital, they will be transferred. Unlike an urgent care facility, the Federal Emergency Medical Treatment and Active Labor Act ("EMTALA") provides that freestanding emergency departments must treat all patients and all emergency conditions regardless of their ability to pay.

The use itself is a Principal Use within the POC zoning district, which means it is allowed by right, subsequent to approval of a site plan. Conditional use approval is required for any commercial to operate a 24-hour or late night business within 300 feet of residential zoning. A 24-hour or late night business is defined as any *restaurant, bar, lounge, nightclub, music hall, club, gasoline station, convenience*

store, convenience business, retail store, grocery store, laundromat or similar use which is or will, at any time during a calendar year, be open for business at any time between the hours of 12 midnight and 5 a.m.

The map below shows the location of the subject property in relation to residential zoning (gold and yellow colors).



**LDR Section 4.3.3(VV)(2)(a)**

Any 24-Hour or late night business located or proposed to be located within a 300-foot straight line route from any residentially zoned property shall obtain a conditional use permit from the City for the operation of such use. The distance shall be measured from the nearest point of the property on which the 24-Hour or late night business is or will be located to the nearest point of a residentially-zoned property.

Therefore, because the Freestanding Emergency Department will be open seven days a week, 24-hours a day, and is located within 300 feet of residentially zoned property, the applicant is requesting conditional use approval to operate as a 24-hour or late-night business at 3921 West Atlantic Avenue

Freestanding Emergency Departments are required by state and federal regulations to operate 24/7. As such, the facility is dependent on approval as a 24-Hour or Late Night Business. Therefore, the applicant was authorized by Development Services to seek approval of the 24-hour or late-night component of the use, accompanied by a conceptual site plan and landscape plan, **prior to submittal of the site plan** because this component of the use is not dependent on the site plan configuration.

Given the square footage indicated, a Level 2 Site Plan application will be required following the approval of the subject request. Pursuant to LDR Section 2.4.10(A)(2), *Level 2 Site Plan applications may be approved, denied, or approved with conditions pursuant to Article 2.2 by the Director. The Director has the sole discretion to elevate Level 1 and Level 2 Site Plan applications to board review with a written determination for the action.*

Note: The Freestanding Emergency Department is classified as a Medical Clinic, which is defined by the LDR as *an establishment where patients, not lodged overnight except for emergency treatment and observation, including out-patient surgery, are admitted for examination and treatment by one or more persons practicing any form of healing or medical health services. Such persons may be chiropractors, dentist, naturopaths, opticians, optometrists, psychologist, surgeons, or any other medical profession, the practice of which is lawful in the state.* Therefore, the requested use is not classified as a hospital or subject to the minimum requirements for hospitals in LDR Section 4.3.3(L). Further, the LDR limits hospitals within the POC zoning district to the Medical Arts Overlay District, generally located at West Linton Boulevard and South Military Trail.

**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 Conditional Use.*

If the Board provides a recommendation for 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

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.

#### Article 2.2, LDR Section 2.2.1(E)(3)

- (3) **Approval with conditions.** In granting approval to any development application, the granting body may impose conditions it deems necessary to ensure:
- (a) The compatibility of the use with nearby existing and proposed uses.
  - (b) Consistency with the requirements of these Land Development Regulations.
  - (c) Meeting concurrency requirements.
  - (d) Consistency with the Comprehensive Plan.
  - (e) The fulfillment of requirements of the Land Development Regulations that should have or could have been fulfilled prior to the approval action but were not due to conditions beyond the control of the applicant.
  - (f) The fulfillment of requirements of the Land Development Regulations that could have been fulfilled prior to the approval action, but remain outstanding, providing that they will be completed in a later stage of processing.
  - (g) Notwithstanding the provisions above, neither a final subdivision plat, nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.

The ability to impose conditions can be considered by the Board relative to the required findings, which are discussed below.

### LDR Section 2.4.6(A)(5), Establishment of a Conditional Use: Findings

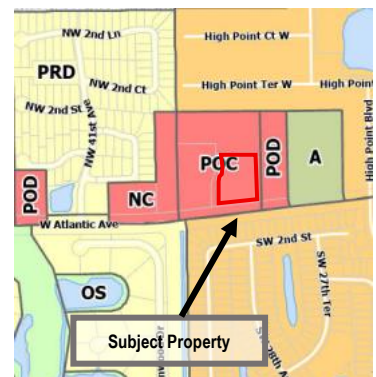
In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

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

The Board's recommendation to the City Commission must take into consideration these two required findings when evaluating the conditional use.

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	Medium Density Residential (RM)	Medium Density Residential, 5-12 du/acre (MD)	Multi-family – High Point
South	Low Density Residential (RL)	Low Density, 0-5 du/acre (LD)	Multi-family – Woodlake / Homewood Lakes
East	Professional and Office District (POD)	TRN	Medical office – Spodak Dental
West	POC	TRN	Medical office



The surrounding development consists of either medical or residential uses. Although the subject property is within 300 feet of residential zoning, it is not immediately abutting as it is separated by 120 feet of West Atlantic Avenue to the south, and a 250-foot deep parcel (also zoned POC) to the north.



Regarding the finding that approving the use will not “*hinder development or redevelopment of nearby properties*,” the subject property is vacant, and the West Atlantic Avenue corridor supports a variety of commercial activity to serve the surrounding neighborhoods and the community as a whole. Further, the requirement of a freestanding emergency department to treat all patients regardless of their ability to pay provides a unique community benefit that would not necessarily be associated with another medical office use.

The Board should consider if the proposed 24-hour or Late Night use associated with the emergency department *provide[s] a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide [s]imilar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods and [u]ses that meet the daily needs of residents*, pursuant to Policy NDC 1.1.2, and that the property is *developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs* (Policy NDC 1.1.14).

Comprehensive Plan Policy NDC 1.1.3 requires that *transitions between land use designations [be provided] at the rear of properties or at major corridors so that the prescribed uses and potential development patterns are arranged to achieve compatible and appropriate changes in intensity, height, and scale*. The subject property is located along a major corridor where the existing development pattern already provides the appropriate transitions necessary to mitigate impacts on less intense uses, specifically the residential neighborhoods to the north and south. To assist in buffering, a solid masonry wall spans the south border of High Point, and the north boundary of the Woodlake / Homewood Lakes community is bound by existing walls or fences screened by full and mature hedges.

In addition to the existing barriers and separations that support the required transition between use types, the conceptual site plan and landscape plan include a landscape buffer along the Property’s northern boundary and a 30-foot landscape setback along the south side of the parcel; the conceptual plans are discussed in detail further in this report. While the submitted site plan is conceptual, the LDR has specific minimum requirements to assist in buffering and mitigating impacts on adjacent properties. During the technical review, Staff identifies area of concern and provides recommendations to the applicant to mitigate potential impacts, i.e. exceeding minimum requirements for buffering depth or the size and number of trees.

Aside from concerns regarding the impact of new development, there may be concerns regarding lighting and noise resulting from the proposed freestanding emergency department. The LDR requires that *artificial lighting used to illuminate premises shall be directed in such a way to minimize light spillover on adjacent properties and reduce urban glow*. Aside from typical noise generated by a medical clinic, such as waste pick-up, there may be concerns regarding additional noise generated from emergency vehicles. However, given the type of services provided at the facility, a Code 3 emergency, which requires both lights and sirens, is more likely to require treatment at a hospital, such as Delray Medical Center.

Spodak Dental is located to the east of the subject property, and an addiction treatment center is located to the west. The proposed freestanding emergency department is consistent with these commercial uses and is not anticipated to have a detrimental effect on, or hinder development or redevelopment of these properties.

### **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 Land Use Map, Concurrency, Consistency (with the Comprehensive Plan), and 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 POC, which is a compatible zoning district under the TRN land use designation, per Table NDC-1 in the comprehensive plan. Pursuant to LDR Section 4.4.15(B), medical offices and clinics are permitted uses within the POC District. Therefore, **a Freestanding Emergency Department is allowed by right on the Property.**

**(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.** A traffic statement and Traffic Performance Standards (TPS) letter from the Palm Beach County Traffic Division will be required as part of the site plan review.

The application justification statement states that a freestanding emergency department produces less trips than certain other types of commercial uses serving the community (image at right). The applicant anticipates approximately 271 trips per day or 17 trips per PM peak hour, based on studies of other FSEDs developed by the Applicant. While an ambulance bay is required, the applicant anticipates 1.10-1.20 ambulances per day.

• Traditional Medical Office (11,500sf).....	45 trips at PM peak hour
• Coffee Shop with Drive Thru (4,000sf) .....	156 trips at PM peak hour
• Fast Food Restaurant w/DT (5,000sf) .....	165 trips at PM peak hour
• Pharmacy (14,000sf) .....	149 trips at PM peak hour
• Convenience Store (3,500sf) .....	172 trips at PM peak hour
• Urgent Care (11,500sf) .....	42 trips at PM peak hour

**Solid Waste.** The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

**Water and Sewer.** The site is currently serviced by municipal water and sewer. Water and sewer services will be evaluated as part of the site plan review process.

**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, and apply to the required conditional use findings:

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

**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 1.1.14** *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

**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 1.3.13** *Allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses.*

Policy NDC 1.3.14 Use the Transitional land use designation for properties located between two or more land use designations that allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions.

Policy NDC 1.3.15 Allow a maximum floor area ratio of 1.0, a maximum standard density of 12 dwelling units per acre, and a revitalization/incentive density of 12-24 dwelling units per acre in the Transitional land use designation to provide a mix of uses and potential development patterns to provide an appropriate scale, height, and intensity, and other essential transitions among areas with different land uses or levels of intensity.

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).

The underlying Transitional land use is intended to serve as a bridge between different land use designations, to accommodate a wide range of uses, and to allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions. The map at right shows the location of the subject property between different land uses.



### **Economic Prosperity Element**

Policy ECP 3.1.1 Improve understanding of Delray Beach's legacy industries (retail, hospitality and healthcare) and identify new and emerging industry clusters through data analysis and benchmarking every 3 – 5 years.

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 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.

Policy ECP 8.2.1 Support the development of intergenerational communities that attract a creative class of workers, businesses, residents and visitors, with a range of housing choices and opportunities for all residents; efficient public transportation systems; safe pedestrian networks; and access to quality health care and educational facilities; and other quality of life amenities.

Access to healthcare is a key priority identified in the comprehensive plan. Healthcare provides an essential service for residents, but it also supports job creation in a living wage industry.

### **Healthy Community Element**

GOAL HCE 1 ENHANCED QUALITY OF LIFE FOR ALL RESIDENTS IMPROVE THE QUALITY OF LIFE FOR ALL RESIDENTS BY PROVIDING AN ENVIRONMENT FOR ACTIVE LIVING, CULTURAL OPPORTUNITIES, AND EQUITABLE ACCESS TO HEALTHY FOOD AND HEALTH CARE.

OBJECTIVE HCE 1.3 Access to Health and Wellness Care Improve access to physical and mental health care.

Policy HCE 1.3.1 Allow wellness centers and physical and mental health offices and clinics along corridors and within commercial districts.

The location of healthcare on corridors in commercial districts (such as West Atlantic Avenue) has been identified as a key priority in the comprehensive plan.

**(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.*

The following section provides detailed review and analysis of the specific conditions for a 24-hour or late night business.

#### **LDR Section 4.3.3(VV), 24-hour or Late Night Businesses.**

The purpose and intent of the regulations and approval process in **LDR Section 4.3.3(VV)** is “to promote the health, safety and general welfare of the citizenry” and “to provide conditions upon the use of 24-Hour or late night businesses in order to minimize impacts upon residentially-zoned properties from such uses.” Businesses located “within a 300-foot straight line route from any residentially-zoned property shall obtain a conditional use permit from the City.” Pursuant to **LDR Section 4.3.3(VV)(2)(b), Conditions**, the following conditions shall apply to all 24-Hour or late night businesses seeking conditional use approval when located within 300 feet from a residentially-zoned property:

**1) Security plan:** A 24-Hour or late night business shall submit a security plan detailing the manner in which the business intends to address the security of the establishment, its patrons, employees and nearby residents. A convenience business as defined in Section 812.171, Florida Statutes (2000), as may be amended from time to time, is exempted from filing a security plan with the City pursuant to this subsection. However, convenience businesses shall comply with all applicable provisions of Sections 812.101-812.175, Florida Statutes (2000), as may be amended from time to time. A security plan shall include, at a minimum, a detailed description of the following:

- a. external lighting; and,
- b. other external security measures, such as security cameras or other similar measures; and,
- c. internal security measures, such as drop safes, silent alarms, security personnel or other similar measures.

A security plan is not required. This requirement only applies to convenience retail establishments.

**2) Buffering:** A 24-hour or late night business shall provide adequate buffering to minimize the effects of noise and to act as a visual buffer to the property from nearby residential districts.

The conceptual site plan (below) is generally compliant with the requirements of the LDR, but along the north side of the subject property, a five-foot landscape buffer with a tree every 30 feet and a solid three-foot high hedge row (not currently depicted) will be required along the parking lot at the time of site plan.



The south property line of the High Point community (with an existing masonry wall) is approximately 255 feet from the north property line of the freestanding emergency department parcel, separated by a separate 2.72-acre vacant parcel (also owned by the applicant). In addition to these existing buffers, the conceptual site plan and landscape plan indicate that a solid tree line will be provided along the property line with High Point. **This is not required by the LDR for the subject property.** If the vacant parcel to the north of the subject property is developed, the following landscaping would be required **for that property**:

- LDR Section 4.6.16(H)(3)(e). *Where any commercial or industrial areas abut a residential zoning district or properties in residential use, in addition to requirements established for district boundary line separators in the zoning code, one tree shall be planted every 25 feet to form a solid tree line.*
- LDR Section 4.4.15(F)(2). *When abutting residentially zoned property, a 25-foot setback must be provided.*
- LDR Section 4.6.4(A)(2). *Where the rear or side of commercially zoned property directly abuts residentially zoned property without any division or separation between them, such as a street, alley, railroad, waterway, park, or other public open space, the commercially zoned property shall provide a ten-foot building setback from the property line located adjacent to the residentially zoned property. In addition, either a solid finished masonry wall six feet in height, or a continuous hedge at least four and one-half feet in height at the time of installation, shall be located inside and adjacent to the portion of the boundary line of the commercially zoned property which directly abuts the residentially zoned property. If a wall is used, it shall have only those openings as required by other city codes to meet hurricane or severe storm construction standards. No walkways or other pedestrian ways shall be located through the wall or hedge.*



If the Board finds that the proposed tree line on the High Point property line is important to mitigating any potentially negative impacts on the residential neighborhoods to the north, the Board could **require** the proposed tree line as a condition of approval, and any other relevant landscape treatments.

In addition to the physical barriers presented by Atlantic Avenue, a 30-foot landscape buffer (with one tree every 30 feet, a hedge, and plantings) is required along West Atlantic Avenue by LDR Section 4.3.4(H)(6)(b)3. If the Board does not consider this a sufficient landscape buffer, additional landscape requirements along the south property line could be considered as a condition of approval.



### Summary of Board Considerations

The Board should consider the following:

- Whether this is an appropriate location for a 24-hour or Late Night Business associated with the freestanding emergency department.
- Whether the landscape buffers are sufficient to shield the residential areas from the 24-hour activity, or if a more significant amount of landscaping should be required as a condition of approval.

### Options for Board Action

- A. Move to recommend **approval** to the City Commission of a Conditional Use request for a JFK Medical Center Freestanding Emergency Department to allow a 24-Hour of Late-Night Business (Freestanding Emergency Department) at the property located at **3921 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 a JFK Medical Center Freestanding Emergency Department to allow 24-Hour of Late-Night Business (Freestanding Emergency Department) at the property located at **3921 West 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 a **JFK Medical Center Freestanding Emergency Department** to allow a 24-Hour of Late-Night Business (Freestanding Emergency Center) at the property located at **3921 West Atlantic Avenue**, finding that the request is inconsistent with the Land Development Regulations and the Comprehensive Plan.
- D. **Continue with direction.**

### Public and Courtesy Notices

X Courtesy Notices were provided to the following neighborhood associations:

- High Point 1
- High Point 2
- Woodlake
- Homewood Lakes
- Golfview Estates

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.