



Planning & Zoning Department M E M O R A N D U M

TO: NOEL PFEFFER, CITY ATTORNEY
FROM: CANDI N. JEFFERSON, SENIOR PLANNER
DATE: FRIDAY, SEPTEMBER 11, 2015
RE: BOARD ORDERS – ORIGINAL DOCUMENTS

RECEIVED

SEP 14 2015

CITY ATTORNEY

RECEIVED

SEP 15 2015

CITY CLERK

It is noted that the attached original signed and completed board order has been approved by the City Commission and require the City Attorney's signature:

1. One (1) City Commission **BOARD ORDER** as indicated in the following table:

Project Title	Type of Document	Received by: (Initials)
Fido's Play-N-Stay	City Commission Board Order (Conditional Use Approval)	

Please initial the last column and return this cover sheet to me. Please route to the City Clerk's Office with the attached memo for continued processing. *Thanks for your help !!! ☺*

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA

CONDITIONAL USE REQUEST FOR A KENNEL

1. This conditional use request for Fido's Play-N-Stay to allow a kennel to be located within Delray Industrial Park at 1885 SW 4th Avenue within the I (Industrial) Zoning District has come before the City Commission on September 3, 2015.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the conditional use request for a kennel for Fido's Play-N-Stay. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections I and II.

I. COMPREHENSIVE PLAN

a. **Comprehensive Plan - Future Land Use and Map**: Is the future use and intensity of the development consistent with the future land use map and comprehensive plan and is it appropriate in terms of soil, topographic, and other applicable physical considerations, complementary to adjacent land uses, and fulfills remaining land use needs?

Yes X

No

b. **Concurrency**: Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Are the concurrency requirements met, subject to the attached conditions, as respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste and schools?

Yes X

No

II. LDR REQUIREMENTS:

LDR Section 2.4.5(E) Required Findings: (Conditional Use): Pursuant to Section 2.4.5(E)(5), in addition to provisions of Chapter 3, the conditional use will not:

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

Will the requirements of LDR Section 2.4.5(E) and Chapter 3 be met, subject to the attached condition(s)?

Yes X No

3. The comments and notes set forth in the staff report are hereby incorporated herein.

4. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the conditional use request was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan and Land Development Regulations.

5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

6. Based on the entire record before it, the City Commission approves X denies the conditional use request and adopts the conditions as set forth in Exhibit "A", attached hereto and incorporated herein, and hereby adopts this Order this 3rd day of September , 2015, by a vote of 5 in favor and 0 opposed.

ATTEST:



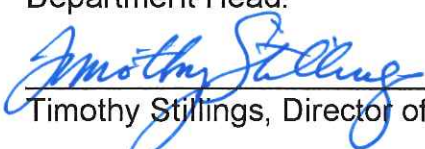
Chevelle Nubin, City Clerk

Approved as to legal form
And sufficiency:

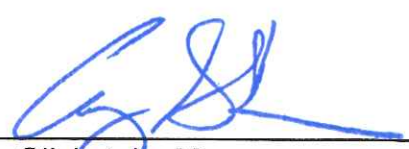


City Attorney

Department Head:



Timothy Stillings, Director of Planning & Zoning



Cary D. Glickstein, Mayor

EXHIBIT "A"

Conditions of Approval for Fido's Play-N-Stay

1. Approval of a Class I Site Plan Modification that is in general conformance to the submitted concept plan and satisfies any outstanding technical comments from City Departments and includes plan notations, including but not limited to the following:
 - a. Transfer the parking data chart in the PZB staff report to the concept plan which summarizes that no additional parking is required.
 - b. Notation: Include on concept plan the method of collecting and disposing of animal waste, and the frequency.
 - c. Notation: Include on concept plan that per LDR Section 4.4.20(D)(10), no on-site disposal of carcasses is allowed.
 - d. Notation: Expansion of any use area outside of the two bays within which the kennel is proposed will require a modification to the conditional use.
2. Provision of a dumpster enclosure for the refuse container intended for this conditional use, prior to issuance of a certificate of occupancy.
3. Ensure common wall with adjoining tenant includes sound attenuation, if needed.
4. No pick-up or drop-off in any parking lot driveway aisles.
5. If waivers are needed to satisfy any of the above conditions, then the site plan will require approval by the Site Plan Review and Appearance Board (SPRAB).