

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

**REQUEST FOR EXTENSION OF MARCH 19, 2013 CITY COMMISSION  
CONDITIONAL USE APPROVAL TO ALLOW AN INCREASE IN HEIGHT FOR A  
HOSPITAL WING AT DELRAY MEDICAL CENTER**

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

1. This request for extension of the March 19, 2013 City Commission conditional use approval to allow an increase in height from 48 feet to 58 feet for a hospital wing at Delray Medical Center has come before the City Commission on March 31, 2015.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the request for an extension of the conditional use approval to allow an increase in height from 48 feet to 58 feet for a hospital wing at Delray Medical Center. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection I.

**I. LDR REQUIREMENTS:**

Pursuant to LDR Section 2.4.4(F) , Extensions, extensions may be granted to a project approval listed under Sections 2.4.4(F)(1) and (3) pursuant to the following:

(1) **General:**

- (a) A written request for an extension must have been received by the City at least forty-five (45) days prior to the expiration date;
- (b) The letter must set forth the basis and reason for the extension;
- (c) The extension shall be considered by the same body which granted the original approval;
- (d) The extension, if granted, shall be for eighteen months unless otherwise stated;

The applicant submitted the subject extension request on January 8, 2015. The applicant has requested an eighteen (18) month extension, which, if approved, would extend the approval to October 10, 2016.

Pursuant to LDR Section 2.4.4(F)(3), Extensions: No Construction, when the project has not commenced construction, or construction has not been deemed substantial, the request for extension shall be considered pursuant to the following:

- (a) The project shall be evaluated pursuant to the land development regulations in effect at the time of consideration of the extension request and shall comply with such current requirements;
- (b) Additional submittal information including a new application and copies of previously submittal material may be required;
- (c) The granting body must make findings pursuant to 2.4.4(B);
- (d) The granting body may impose additional conditions of approval pursuant to 2.4.4(C) to insure compliance with any applicable changes to regulations or changes in circumstances which have occurred since the previous approval.

The project has not yet commenced, and therefore the extension request has been reviewed in accordance with the criteria noted above. LDR Section 2.4.4(B) requires that certain findings be made as set forth in Article 3.1 of the LDRs. These required findings with respect to consistency with the Future Land Use Map, Concurrency, Consistency, and Compliance with the LDRs were all applied to the Site Plan Application, and positive findings were made. Those conditions placed upon the original request remain valid and should continue to be applied to the approval.

**Should the request for extension of the March 19, 2013 conditional use approval be granted for Delray Medical Center until October 10, 2016 pursuant to LDR Sections 2.4.4(F)(1) and (3)?**

Yes ✓ 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.

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 ✓ denies \_\_\_\_ the request for extension of the conditional use request set forth above subject to the conditions set forth in Exhibit A, attached hereto and made a part hereof, and hereby adopts this order this 31st day of March, 2015, by a vote of 5 in favor of approval and 0 opposed.

\_\_\_\_\_  
Cary D. Glickstein, Mayor

ATTEST:

\_\_\_\_\_  
Chevelle Nubin  
City Clerk

## **EXHIBIT A**

### **REQUEST FOR EXTENSION OF MARCH 19, 2013 CITY COMMISSION CONDITIONAL USE APPROVAL TO ALLOW AN INCREASE IN HEIGHT FOR A HOSPITAL WING AT DELRAY MEDICAL CENTER**

1. That a minimum of two additional techniques are included in the project design that address sustainability issues and consider achieving third-party green building or LEED certification.
2. That the Ficus hedge be replaced with a new hedge species along the south side of the property, and the buffer be enhanced with additional trees to address the City Commission condition of approval.