



Cover Memorandum/Staff Report

File #: 26-0413

Agenda Date: 5/5/2026

Item #: 7.B.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 5, 2026

RESOLUTION NO. 20-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A 24-HOUR BUSINESS TO OPERATE AT 3921 WEST ATLANTIC AVENUE, 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 (QUASI JUDICIAL).

Recommended Action:

Consider 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:

The applicant, JFK Medical Center Limited Partnership, requests Conditional Use approval to operate a 24-hour, 10,860 square-foot freestanding emergency department (FSED) at 3921 West Atlantic Avenue. Medical offices and medical clinics are allowed as Principal uses within the POC zoning district, which means they are allowed by right during regular business hours. In Delray Beach, regular business hours end at midnight and begin at 5 am. Conditional use approval is required for any commercial use to operate 24 hours within 300 feet of residentially zoned property. The subject property is located within 300 feet of residentially zoned property. FSEDs are required by state and federal regulations to operate 24/7; therefore, the facility requires conditional use approval as a 24-Hour or Late Night Business.

To approve a conditional use, applications must be consistent with the Comprehensive Plan and meet the following findings:

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.*

LDR Section 4.3.3(VV)(2)(c), Findings

(c) Findings: In addition to any findings required by Section 2.4.5(E) of the Land Development Regulations, and any other required findings, the following specific findings shall be made in order for any 24-Hour or late night business to be approved for a conditional use:

1. *That the use will be consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach.*
2. *That the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees and nearby residents.*
3. *That the amount and type of proposed buffering is adequate to minimize the effects of noise impacts upon surrounding uses and nearby residential properties and to act as a visual buffer to the property from surrounding uses and nearby residential properties.*

Comprehensive Plan Policy HOU 1.1.12: *Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.*

A full analysis of the request is provided in the attached Planning and Zoning Board (PZB) staff report.

The request was heard by the PZB on December 15, 2025, and continued to February 23, 2026. The item was not heard at the February 23, 2026, meeting at the request of the applicant, and was rescheduled for March 16, 2026, and was subject to a second mailed public notice to all properties within 500 feet of the property. PZB recommended approval by a vote of 6-0, with the condition that the project be implemented as presented in the conceptual site plan detailing the landscaping, building placement, and ambulance entrance.

City Attorney Review:

Resolution No. 20-26 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Resolution No. 20-26 will be effective immediately, if approved.