

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

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

1. This appeal of an approval of a Class III Site Plan Modification for a change of use from Professional Office to Medical Office on the property located at 830-836 SE 5<sup>th</sup> Avenue (Sober Living Outpatient), has come before the City Commission on January 5, 2016.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the appeal of the Class III Site Plan Modification for a change of use to Medical Office. All of the evidence is part of the record in this case. Required findings are made in accordance with Subsections I and II.

**I. COMPREHENSIVE PLAN:**

a. Pursuant to the **Future Land Use Element, Objective A-1**, property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

**Is Future Land Use Element, Objective A-1 met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Pursuant to the **Transportation Element, Policy D-2.2**, bicycle parking and facilities shall be required on all new development.

**Is Transportation Element, Policy D-2.2 met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**II. LAND DEVELOPMENT REGULATIONS:**

(a) Pursuant to **LDR Section 2.4.5(G)(5), Findings**, a finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification.

**Are the requirements of LDR Section 2.4.5(G)(5) met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) Pursuant to **LDR Section 3.1.1(A), Required Findings: Future 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 Future Land Use Map.

**Are the requirements of LDR Section 3.1.1(A) met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

(c) Pursuant to **LDR Section 3.1.1(B), Required Findings: Concurrency**, concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the 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 CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.

**Are the requirements of LDR Section 3.1.1(B) met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

(d) Pursuant to **LDR Section 3.1.1(C), Required Findings: 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.

**Are the requirements of LDR Section 3.1.1(C) met?**

Yes \_\_\_\_\_ No \_\_\_\_\_

(e) Pursuant to **LDR Section 3.1.1(D), Required Findings: Compliance with LDRs**, whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations..

**Are the requirements of LDR Section 3.1.1(D) met?**

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original site plan was submitted.

4. 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.

5. Based on the entire record before it, the City Commission approves \_\_\_\_\_ denies \_\_\_\_\_ the Class III Site Plan Modification and hereby adopts this Order this \_\_\_\_\_ day of January, 2016, by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

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

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Cary Glickstein, Mayor