

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 approved Extension Request for a Certificate of Appropriateness, Class V Site Plan, Landscape Plan and Architectural Elevations for **Swinton Social**, located at **27 – 43 South Swinton Avenue** and **104 SE 1st Avenue**, has come before the City Commission on September 20, 2016.

2. The Applicant and City Staff presented documentary evidence and testimony to the City Commission pertaining to the appeal of the Extension Request. All of the evidence is part of the record in this case. Required findings are made in accordance with Subsections I and II.

3. As the project has not timely commenced construction, in accordance with LDR Section 2.4.4(F)(3), the granting body must make findings as outlined in Article 3.1.

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 **Future Land Use Element, Policy A-4.1**, prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

Is Future Land Use Element, Policy A-4.1 met?

Yes _____ No _____

c. Pursuant to the **Future Land Use Element, Policy A-4.2**, in order to protect the City's historic resources, the Land Development Regulations shall include provisions for designation of historically significant buildings, structures, archaeological sites, or districts. The City shall conduct periodic neighborhood surveys to identify and evaluate potential historic resources at least once every five years.

Is Future Land Use Element, Policy A-4.2 met?

Yes _____ No _____

d. Pursuant to the **Future Land Use Element, Objective C-2**, economic development, with due regard for private property rights, historic preservation and character, is an essential component of the redevelopment and renewal efforts which are directed to the future of the City of Delray Beach. Specific efforts for the coordination and provision of economic development activities shall be centered in the City Administration's Development Services Management Group.

Is Future Land Use Element, Objective C-2 met?

Yes _____ No _____

e. Pursuant to the **Future Land Use Element, Objective C-3**, the Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm. The following policies and activities shall be pursued in the achievement of this objective.

Is Future Land Use Element, Objective C-3 met?

Yes _____ No _____

II. LAND DEVELOPMENT REGULATIONS:

- (a) Pursuant to **LDR Section 2.4.4(B), Findings**, when an extension is requested for a project on which construction has not commenced, the granting body must make findings as outlined in Article 3.1 of the Land Development Regulations (LDR).

Are the requirements of LDR Section 2.4.4(B) 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 site plan extension request 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 twenty-four month extension request (expiring July 15, 2018) and hereby adopts this Order this 20th day of September, 2016, by a vote of _____ in favor and _____ opposed.

ATTEST:

Cary D. Glickstein, Mayor

Chevelle Nubin, City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Timothy Stillings, Director of Planning & Zoning