

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 Certificate of Appropriateness (COA) and a Class V Site Plan for the new construction of a mixed-use building containing a medical office and residential unit on the property located at 226 Palm Court, located within the Del-Ida Park Historic District, has come before the City Commission on May 3, 2016.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the appeal of the COA and Class V Site Plan. 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 **Future Land Use Element, Objective A-4**, the redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines.

Is Future Land Use Element, Objective A-4 met?

Yes_____ No_____

c. 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_____

d. Pursuant to the **Housing Element, Policy A-11.3**, in evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed 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.

Is Housing Element, Policy A-11.3 met?

Yes_____ No_____

II. LAND DEVELOPMENT REGULATIONS:

a. Pursuant to **LDR Section 2.4.5(F)(5), Findings**, in addition to provisions of Chapter Three, the approving body must make a finding that the development of the property pursuant to the site plan will be compatible and harmonious with the adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

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

Yes _____ No _____

b. Pursuant to **LDR Section 2.4.6(H)(5), Procedures for Obtaining Permits and Approvals, Certificate of Appropriateness for Individually Designated Historic Structures and all Properties Located within Historic Districts, Findings**, prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, and the Secretary of the Interior's Standards for Rehabilitation.

Are the requirements of LDR Section 2.4.6(H)(5) met?

Yes _____ No _____

c. 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 _____

d. 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 _____

e. 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 _____

f. 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 3rd day of May, 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