

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.

WHEREAS, JFK Medical Center Limited Partnership (“Owner”) is the owner of a parcel of land measuring approximately 1.87 acres located at 3921 West Atlantic Avenue (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Planned Office Center (“POC”) and located within 300 feet of a residentially-zoned property; and

WHEREAS, the Owner designated John Roach, Gunster (“Applicant”), to act as its agent; and

WHEREAS, the Applicant submitted a conditional use application (File No. PZ-000234-2025) to allow a 24-hour freestanding emergency department to operate at the Property; and

WHEREAS, pursuant to Section 4.4.15(G) of the Land Development Regulations of the City of Delray Beach (“LDR”), a 24-hour or late night business within the POC District is subject to Section 4.3.3(VV) of the LDR; and

WHEREAS, pursuant to LDR Section 4.3.3(VV), any 24-hour or late night business located or proposed to be located within a 300-foot straight line route from any residentially-zoned property shall obtain a conditional use permit from the City for the operation of such use; and

WHEREAS, LDR Section 2.4.6(A)(5) requires the approving body to 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; nor
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, LDR Section 4.3.3(VV)(2)(c), which governs 24-hour and late night businesses, also requires the approving body to make findings that:

- (a) The use will be consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach;
- (b) The submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees, and nearby residents; and
- (c) The amount and type of 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; and

WHEREAS, on March 16, 2026, the Planning and Zoning Board voted 6 to 0 to recommend approval of the conditional use to the City Commission subject to the condition that the conceptual site plan detailing the landscaping, building placement, and ambulance entrance for the project be implemented as presented; and

WHEREAS, on April 21, 2026, the City Commission considered the conditional use request and the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested conditional use (1) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and (2) will not hinder development or redevelopment of nearby properties.

Section 3. The City Commission makes positive findings that (1) the proposed use is consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach, (2) the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees, and nearby residents, and (3) the amount and type of buffering provided is adequate to minimize the effects of noise impacts and to act as a visual buffer to the property from surrounding uses and nearby residential properties.

Section 4. The City Commission approves the conditional use request to allow a 24-hour freestanding emergency department to operate at the Property.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to John Roach, Gunster, at 777 South Flagler Drive, Suite 500 East, West Palm Beach, FL 33401.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

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Alexis Givings, City Clerk

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Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

**EXHIBIT "A"**

Parcel "1", THE COMMONS, according to the Plat thereof as recorded in Plat Book 57, Page 11, of the public records of Palm Beach County, Florida.

PCN 12-43-46-18-33-001-0000

