

RESOLUTION NO. 58-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 820 SE 5TH 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, 820SE5, LLC, (“Owner”) is the owner of a parcel of land measuring approximately 0.33 acres located at 820 SE 5th Avenue (“Property”) situated south of SE 8th Street and north of SE 9th Street on the west side of SE 5th Avenue (US-1), as more particularly described in Exhibit “A”; and

WHEREAS, Jeffrey A. Costello, AICP, on behalf of Owner and Jennifer Roselli of Beach Dog Limited, LLC (“Applicant”), submitted a conditional use application (File No. 2022-083-USE) to allow a domestic animal services facility offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel at the Property; and

WHEREAS, the Property is zoned Central Business District (“CBD”) and is located within the South Pairs Neighborhood Sub-district; and

WHEREAS, pursuant to Section 4.4.13(C)(1) of the City of Delray Beach Land Development Regulations (“LDR”) as outlined in Table 4.4.13(A), domestic animal services facilities offering pet services (grooming, bathing, training, and daytime boarding) and a pet hotel are permitted as a conditional use within the South Pairs Neighborhood Sub-district within the CBD; and

WHEREAS, LDR Section 2.4.5(E)(5), requires the approving body to make findings 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, at its meeting on March 21, 2022, the Planning and Zoning Board voted 6 to 1 to recommend approval of the conditional use to the City Commission with conditions; and

WHEREAS, on May 3, 2022, the City Commission considered the conditional use request and the respective findings as set forth in the LDR.

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

Section 1. The forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

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

Section 3. The City Commission approves the conditional use request to allow a domestic animal services facility offering pet services and a pet hotel at the Property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jennifer Roselli, Beach Dog Limited, LLC, 820 SE 5th Avenue, Delray Beach, Florida, 33483.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

A PART OF LOT 10, BLOCK 1, IN MODEL LANDS COMPANY'S SUBDIVISION OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 43 EAST, DELRAY BEACH, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 128, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WEST LINE OF SOUTHEAST 5TH AVENUE, DELRAY BEACH, FLORIDA, WHICH POINT IS 211.13 FEET SOUTH OF INTERSECTION OF THE WEST LINE OF SOUTHEAST 5TH AVENUE WITH THE SOUTH LINE OF SOUTHEAST 8TH STREET; FROM SAID POINT OF BEGINNING RUN SOUTH ALONG THE WEST LINE SOUTHEAST 5TH AVENUE, A DISTANCE OF 100 FEET TO THE POINT OF INTERSECTION WITH A WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 22, BLOCK 2, IN SAID MODEL LAND COMPANY'S SUBDIVISION OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 43 EAST, THENCE WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 22, A DISTANCE OF 144.5 FEET.