

RESOLUTION NO. 69-22

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 1551 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO 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, Steven Growsky Trust, (“Owner”) is the owner of a parcel of land measuring approximately 0.38 acres located at 1551 North Federal Highway (“Property”) situated on the southeast corner of North Federal Hwy and Eastview Avenue, as more particularly described in Exhibit “A”; and

WHEREAS, Matthew Scott of Dunay Miskel & Backman, LLP, on behalf of Owner, and Kathi Cibischino of Barkingham Palace, LLC (“Applicants”), submitted a conditional use application (File No. 2022-108-USE) to allow a domestic animal services facility offering pet services (grooming, bathing, and daytime boarding) and a pet hotel at the Property; and

WHEREAS, the Property is zoned General Commercial (“GC”) and is located within the North Federal Highway Overlay District; and

WHEREAS, pursuant to Section 4.4.9(D)(14) of the Land Development Regulations of the City of Delray Beach (“LDR”), domestic animal services facilities offering pet services (grooming, bathing, training, and daytime boarding) and pet hotels are permitted as a conditional use within the GC zoning district; and

WHEREAS, Section 2.4.5(E)(5) of the LDR 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 April 18, 2022, the Planning and Zoning Board voted 6 to 0 to recommend approval of the conditional use to the City Commission; and

WHEREAS, on June 7, 2022, the City Commission considered the conditional use request and the respective findings 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 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 Kathi Cibischino, Barkingham Palace, LLC, 1551 N. Federal Hwy., Delray Beach, FL 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

Exhibit "A"

Lot 10, EASTVIEW (less the 10 feet thereof) a Subdivision located in Palm Beach County, Florida, recorded in Plat Book 23, Page 44, Public Records of Palm Beach County, Florida, less the following described parcel recorded in Official Records Book 102, Page 209;

From the NW corner of Lot 10 EASTVIEW, according to the Plat thereof, recorded in Plat Book 23, Page 44, Palm Beach County, Public Records, run easterly along the North Line of said Lot 10, 21.56 feet, thence run in a southwesterly direction along the arc of a curve concave to the southeast and having a radius of 25 feet for a distance of 35.58 feet to a point on the West line of said Lot 10; thence run northerly along said West line for 21.56 feet to the NW corner of said Lot 10.