

RESOLUTION NO. 80-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A VETERINARY CLINIC AT 5068 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, KP DELRAY, LLC, (“Owner”) is the owner of a parcel of land measuring approximately 7.21 acres located at 5068 West Atlantic Avenue (“Property”) situated on the southwest corner of the intersection at West Atlantic Avenue and South Military Trail, as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Ken Just of RWE Design Build (“Applicant”) to act as its agent; and

WHEREAS, Applicant submitted a conditional use application (File No. 2022-166-USE) to allow a veterinary clinic at the Property; and

WHEREAS, the Property is zoned Planned Commercial (“PC”) and is located within the Four Corners Overlay District; and

WHEREAS, pursuant to Section 4.4.12(D)(1) of the Land Development Regulations of the City of Delray Beach (“LDR”), all conditional uses allowed within the General Commercial (GC) District are allowable conditional uses in the PC District; and

WHEREAS, pursuant to Section 4.4.9(D)(14) of the LDR, veterinary clinics are permitted as a conditional use within the GC zoning district; 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 June 20, 2022, the Planning and Zoning Board voted _ to _ to recommend approval of the conditional use to the City Commission; and

WHEREAS, on _____, 2022, 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 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 veterinary clinic at the Property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Ken Just, RWE Design Build, 1303 Ogden Avenue, Downers Grove, IL 60515.

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"
LEGAL DESCRIPTION

Tract 1 of Delray Commons, according to the Plat thereof, as recorded in Plat Book 85, Page 183 of the Public Records of Palm Beach County, Florida.