

RESOLUTION NO. 120-22

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 355 NORTH CONGRESS AVENUE, 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; APPROVING A REDUCTION IN THE REQUIRED PARKING FOR THE CONDITIONAL USE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 355 Congress LLC, (“Owner”) is the owner of a parcel of land measuring approximately 1.8 acres located at 355 North Congress Avenue (“Property”), situated east of North Congress Avenue and south of the Lake Worth Drainage District E-4 Canal, as more particularly described in Exhibit “A,” Legal Description and shown on Exhibit “B,” Location Map; and

WHEREAS, Berrie Architecture & Design, Inc., Perry and Taylor, PA (“Agent”) submitted a conditional use application (File No. 2022-155-USE) on behalf of Jason Hershman (“Applicant”), to allow a domestic animal services facility offering pet services (grooming, bathing, and daytime boarding) and a pet hotel at the Property; and

WHEREAS, Applicant also requested a reduction in the required parking from 56 spaces to 27 spaces, pursuant to LDR Section 4.6.9(F)(1) (“Special Parking Reduction”);

WHEREAS, the Property is zoned Mixed Industrial and Commercial (MIC); and

WHEREAS, pursuant to Section 4.4.19(D)(1)(a) 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 MIC 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, Section 4.6.9(F)(1) of the LDR allows for the reduction in the required parking when, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use.

WHEREAS, at its meeting on August 15, 2022, the Planning and Zoning Board voted _ to _ to recommend approval of the conditional use to the City Commission; and

WHEREAS, on_____, the City Commission considered the Special Parking Reduction and 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 Commission finds it was conclusively demonstrated that a reduction in the required parking spaces from 56 space to 27 spaces will accommodate the approved conditional use.

Section 5. The City Commission approves the Special Parking Reduction for the conditional use.

Section 6. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jason Hershman, Wanderlust Dogs, 011 Eagle Park East Drive, Eagle, CO 81631.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 68. 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

Parcel B of LL Park of Commerce Replat, according to the Plat thereof recorded in Plat Book 72, at Page 91, of the Public Records of Palm Beach County, Florida.

Exhibit "B"
LOCATION MAP

