

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

**CONDITIONAL USE MODIFICATION REQUEST
FOR MIDTOWN DELRAY**

1. This conditional use modification request is for 39 (additional) Residential-Type Inn units for the Midtown Delray project has come before the City Commission on February 6, 2018.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the conditional use request for the Midtown Delray development. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections I and II.

I. COMPREHENSIVE PLAN

- a. **Comprehensive Plan - Future Land Use Element Objective A-1:** Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

Is the Future Land Use Element Objective A-1 met?

Yes ____ No ____

- b. **Comprehensive Plan Housing Element A-12:** To assist residents of the City in maintaining and enhancing their neighborhood environment, the City shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline.

Is the Housing Element Objective A-12 met?

Yes ____ No ____

- c. **Comprehensive Plan Housing Policy A-12.3:** In evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

Is the Housing Element Objective A-12.3 met?

Yes ____ No ____

- d. **Future Land Use Map:** The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map. The subject property has a Future Land Use Map designation of Commercial Core and is zoned Central Business District.

Is the project's proposed location consistent with the Future Land Use Map?

Yes __ No ____

- e. **Concurrency:** Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Are the concurrency requirements met as respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste and schools?

Yes ____ No ____

- f. **Consistency:** Will the granting of the conditional use be consistent with and further the goals and policies of the Comprehensive Plan?
Yes _____ **No** _____

II. LDR REQUIREMENTS

- a. **LDR Section 2.4.5(E) Required Findings: (Conditional Use):** Pursuant to Section 2.4.5(E)(5), in addition to provisions of Chapter 3, the conditional use will not:
1. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
 2. Hinder development or redevelopment of nearby properties.

Are Section 2.4.5(E)(5) requirements met?

Yes _____ **No** _____

3. The comments and notes set forth in the staff report are hereby incorporated herein.
4. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the conditional use request was submitted.
5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

[Intentionally left blank.]

6. Based on the entire record before it, the City Commission approves ____ / denies ____ the conditional use modification request set forth above subject to the conditions set forth in Exhibit A, attached hereto and made a part hereof, and hereby adopts this order this 6th day of February, 2018, by a vote of ____ in favor of approval and ____ opposed.

Cary D. Glickstein, Mayor

ATTEST:

Katerri Johnson
City Clerk

R. Max Lohman, Esq.
City Attorney

EXHIBIT A

TO THE CONDITIONAL USE MODIFICATION REQUEST FOR MIDTOWN DELRAY

1. That the Class V Site Plan and Certificate of Appropriateness be approved.
2. That Palm Beach County Traffic Engineering Division provide a determination to Staff that the proposal meets the Traffic Performance Standards of Palm Beach County.
3. That the plat for the complete development be approved and recorded prior to the issuance of a building permit.
4. That the applicant provide significant evidence that the use operate as a residential-type inn.