

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

CONDITIONAL USE REQUEST FOR STEPPING STONES AT 602 SE 3RD AVENUE

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

1. This conditional use request came before the City Commission on August 21, 2018. This conditional use request is to allow Stepping Stones located at 602 SE 3rd Avenue to establish a community residence.

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

I. COMPREHENSIVE PLAN

a. **Comprehensive Plan – Future Land Use Element Objective A-1:** This objective requires that the property 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 Future Land Use Element Objective A-1 met?

Yes _____ No _____

b. **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 LD (Low Density) and a zoning designation of R-1-A (Single Family Residential).

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

Yes _____ No _____

c. **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 with respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste, and schools?

Yes _____ No _____

d. **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 the provisions of Chapter 3, the City Commission must determine that the conditional use will not:

- i. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- ii. Hinder development or redevelopment of nearby properties.

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

Yes _____ No _____

b. **LDR Section 4.3.3(I)(3) Required Findings (Conditional Use: Community Residence)**: Pursuant to Section 4.3.3(I)(3), the City Commission must determine that the conditional use demonstrates compliance with all three of these standards:

- i. Be located a sufficient distance from any existing community residences so that the proposed community residence does not lessen nor interfere with the normalization and community integration of the residents of existing community residences or combine with any existing community residences to contribute to the creation or intensification of a de facto social service district;
- ii. Operate as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents, and;

- iii. Operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those of the proposed community residence in order to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

Are the requirements of Section 4.3.3(l)(3) met?

Yes _____ No _____

c. LDR Section 4.3.3(l)(4) Required Findings (Conditional Use:

Community Residence): Pursuant to Section 4.3.3(l)(4), in order to issue a conditional use permit to a community residence located within 660 linear feet on an existing community residence, the City Commission must determine that the conditional use meets the following standards:

- i. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and;
- ii. The applicant demonstrates that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating community residences on a block or in a neighborhood.

Are the requirements of Section 4.3.3(l)(4) met?

Yes _____ No _____

3. The comments and notes set forth in the staff report are hereby incorporated herein.

4. At its meeting of July 16, 2018, the Planning and Zoning Board considered the conditional use request and voted 4 to 1 to recommend denial of the conditional use, based upon failure to make positive findings.

5. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the conditional use request was submitted.

6. 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 and testimony of experts and other competent witnesses supporting these findings.

7. Based on the entire record before it, the City Commission approves ____ denies ____ the conditional use 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 21 day of August, 2018 by a vote of _____ in favor and _____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

R. Max Lohman, City Attorney

EXHIBIT A

**TO THE CONDITIONAL USE REQUEST FOR STEPPING STONES AT 602 SE 3RD
AVENUE**

LIST CONDITIONS OF APPROVAL

1. Provide an updated floor plan of the residence that includes the dimensions of each bedroom.
2. Provide a parking plan for the site to illustrate 4 required parking spaces.
3. Conditional use is not effective until Florida Association of Recovery Residences (FARR) certification is achieved and submitted to the city.