

RESOLUTION NO. 126-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A VETERINARY CLINIC AT 600 AND 660 WEST LINTON BOULEVARD; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Edwards Architecture LLP (“Agent”) on behalf of Banfield Pet Hospital (“Applicant”) and LIP I LLC, LIP II LLC, LIP III LLC (“Property Owner”) submitted a Conditional Use application (2019-185-USE-PZB) to allow the establishment of a Veterinary Clinic at a shopping center, known as Delray Beach Plaza (formally known as Lavers International Plaza), located at 600 and 660 West Linton Boulevard, Delray Beach, (PCN: 12-43-46-29-24-001-000) within the Planned Commercial (PC) zoning district; and

WHEREAS, LDR Section 2.4.5(E)(5), *Establishment of a Conditional Use*, establishes the findings that in addition to provisions of Chapter 3 of the Land Development Regulations (LDRs), the City Commission must make findings that establishing the Conditional Use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor hinder development or redevelopment of nearby properties; and

WHEREAS, LDR Sections 4.4.12(D)(1) and 4.4.3(D)(14) allows Veterinary Clinics as a Conditional Use in the PC zoning district, subject to the requirements of Section 4.3.3.(W) of the LDRs; and

WHEREAS, the Conditional Use (2019-185-USE-PZB) was presented to the Planning and Zoning Board (PZB) at a public hearing conducted on June 10, 2019, and the PZB recommended approval (5-0); and

WHEREAS, the Conditional Use (2019-185-USE-PZB) was presented to the City Commission at a quasi-judicial hearing conducted on July 9, 2019; and

WHEREAS, the City Commission has reviewed the Conditional Use to establish a Veterinary Clinic at 600 and 660 W. Linton Boulevard and has considered the respective findings for each as set forth in the LDRs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings for granting approval of the Conditional Use to allow a 2,424 sf. Veterinary Clinic at 600 and 660 W. Linton Boulevard, pursuant to Land Development Regulations Sections 2.4.5(E)(5) (Conditional Use Findings), 4.3.3(W) (Special Regulations), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan, subject to the requirements that the veterinary clinic shall not accommodate on-site disposal of carcasses nor shall it provide overnight accommodations of patients except for those under medical supervision, and boarding of animals is expressly prohibited.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2019.

Shelly Petrolia, M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney