

RESOLUTION NO. 34-20

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 COMMUNITY RESIDENCE AT 727 PLACE TAVANT WITHIN 570 FEET OF ANOTHER EXISTING COMMUNITY RESIDENCE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Planned Care Agency (“the Operator”) on behalf of 727 Place Tavant Land Trust and Daniel Valk TR (“Property Owner”) submitted a Conditional Use application (2019-033-USE-PZB) to allow the establishment of a Community Residence located at 727 Place Tavant (PCN: 12-42-46-12-03-003-0070) within the R-1-AB Single-Family Residential zoning district within the Chatelaine neighborhood and less than 660 feet of an established Community Residence; and,

WHEREAS, Land Development Regulation (LDR) Section 2.4.5(E)(5), *Establishment of a Conditional Use*, in addition to the provisions contained within Chapter 3, *Performance Standards*, establishes the findings that must be made, namely that 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 Section 4.3.3(I)(3), *Purpose of Conditional Use Permit*, in conjunction with Section 2.4.5(E), provides narrowly tailored standards for determining whether to make the reasonable accommodation of granting a conditional use permit; and,

WHEREAS, LDR Section 4.4.3(D)(7) *Conditional Uses and Structures Allowed*, provides that a Community Residence, except as required by state law, that is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence is permitted as a conditional use provided that the City Commission makes findings, in accordance with Section 4.3.3(I)(4), *Standards for Awarding a Conditional Use Permit*, that the proposed Community Residence will not interfere with the normalization and community integration of the residents of any existing community residence and vice versa and 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; and,

WHEREAS, the Conditional Use (2019-033-USE-PZB) was presented to the Planning and Zoning Board at a public hearing conducted on January 27, 2020, and a recommendation of _____ was made by a vote of ____ - ____; and,

WHEREAS, the Conditional Use (2019-033-USE-PZB) was presented to the City Commission at a quasi-judicial hearing conducted on February 4, 2020, and the City Commission considered the respective findings as set forth in the LDRs; and,

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 (2019-033-USE-PZB) to allow a Community Residence for six residents at 727 Place Tavant, pursuant to Land Development Regulations Sections 2.4.5(E)(5), Conditional Use Findings, 4.3.3(I), Community residences application form and conditional use permit requirements, Chapter 3, Performance Standards, and the applicable policies of the Comprehensive Plan, subject to the following conditions:

1. That an updated Agency for Health Care Administration (AHCA) license be provided that lists address 727 Place Tavant prior to establishment of the conditional use or within 45 days of this approval, whichever occurs first; and,
2. That an updated Agency for Persons with Disabilities (APD) certification be provided that lists approval for 6 residents prior to establishment of the conditional use or within 45 days of this approval, whichever occurs first; and,
3. That the establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(I); and,
4. That annual renewals of the Community Residence Zoning Application (CRZA) be submitted by April 1st of each subsequent year; and,
5. That no more than 4 vehicles shall be parked on the property at any time.

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

PASSED AND ADOPTED in regular session on the ____ day of _____, 2020.

Shelly Petrolia, M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney