



Legislation Text

File #: 18-086, Version: 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Mark R. Lauzier, City Manager
DATE: April 3, 2018

REQUEST FOR CONDITIONAL USE FOR A VETERINARY CLINIC AT 1235 N. FEDERAL HWY ("Q VETERINARY SERVICES"). (QUASI-JUDICIAL HEARING)

Recommended Action:

Move to approve the request for a Conditional Use for a veterinary clinic at 1235 N. Federal Hwy for Q Veterinary Services, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations with the condition that the applicant submit a Site Plan Modification application which includes the following:

1. A continuous hedge at least four and one-half feet in height at the time of the installation be provided on the east side of the property as a separation from the residentially zoned property;
2. The recordation (with the Palm Beach County Clerk's Office) of the legal instrument granting ingress and egress to the adjacent property to the south, 1205 N. Federal Hwy, for the utilization of the refuse container.

Background:

The subject property consists of 0.29 acres and is located on the east side of N. Federal Hwy, between Bond Way and S. Lake Ave. The property was annexed into the City of Delray Beach via Ordinance 145-88 in 1988. The property has a GC (General Commercial) zoning and Future Land Use Map (FLUM) designation. Q Veterinary Services proposes to occupy the entire one-story, 1,643 sq.ft building located at 1235 N. Federal Hwy. Q Veterinary Services will be a full service veterinary clinic offering exams, procedures, and surgeries, consistent with a general veterinary practice. The veterinary clinic will not offer boarding, daycare or overnight care of patients except for the care of patients which are under supervision of the veterinary staff. The anticipated hours of operation are from 8:00am to 6:00pm, Monday through Friday and from 8:00am to 1:00pm on Saturdays. The facility will be closed on Sundays. The office will accommodate five employees including the veterinarian, two technicians and two receptionists. No exterior structural or aesthetic improvements are proposed to the building. Additional parking spaces in the rear of the property and a bicycle rack adjacent to the building are proposed.

Pursuant to LDR Section 3.1.1, Required Findings, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. The subject property has a GC Future Land Use Map (FLUM) designation and is zoned GC. Veterinary Clinics are listed as an allowed conditional use in the GC Zoning District by LDR Section 4.4.9(D)(14). The GC zoning

district is consistent with the GC FLUM designation.

As the building is existing, a certificate of occupancy is not required for the proposed use, and given the similarity to the previous mixed of residential and commercial use, additional traffic and solid waste impacts are not anticipated. As identified in the attached Planning and Zoning Staff Report, the request meets the applicable components of the Comprehensive Plan and Land Development Regulations, subject to the submittal of a Site Plan Modification application. The Site Plan Modification approval shall address the required improvements to establish the veterinary clinic such as the addition of a minimum of two parking spaces, introduction of a bike rack, installation of additional hedge between the subject commercial property and the abutting residentially zoned district and provisions to accommodate refuse disposal.

Pursuant to LDR Section 2.4.5(E)(5), Conditional Use, Findings, in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- A. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- B. Nor that it will hinder development or redevelopment of nearby properties.

The use is located within an existing mixed commercial and residential structure, and the abutting properties to the north and south are utilized as commercial uses. The residentially zoned property to the east will not be significantly affected by the proposed use as the building is located approximately 90 feet from the residentially zoned property line. The GC zoned property to the west is currently vacant, which is also located on the other side of Federal Hwy. Safeguards are proposed by the applicant that the objectionable aspects of a veterinary clinic such as barking pets and disposal of medical wastes are addressed. Based upon the analysis in the attached report, a veterinary clinic is deemed compatible with adjacent and nearby properties and will not have a detrimental effect on the stability of the neighborhood within which it is located nor hinder development or redevelopment of nearby properties. A positive finding is made with respect to LDR Section 2.4.5(E)(5).

The Planning and Zoning Board reviewed the request at its meeting of January 22, 2018, where a recommendation to approve subject to the recommended conditions was made with a 4-0 vote (Robin Bird, Leslie Marcus and Kevin Osborn absent).

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A