



# CITY OF DELRAY BEACH

## DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1<sup>ST</sup> AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



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### HISTORIC PRESERVATION BOARD STAFF REPORT

#### City Center (Doc's) - 10 N. Swinton Avenue

| Meeting        | File No. | Application Type |
|----------------|----------|------------------|
| August 3, 2022 | 2022-126 | Conditional Use  |

#### REQUEST

The item before the Board is a recommendation to the Planning and Zoning Board & City Commission for a Conditional Use request to allow outdoor dining which operates at night and which is the principal use or purpose of the restaurant associated with the proposed commercial project known as **City Center (Doc's), Old School Square Historic District**.

#### GENERAL DATA

**Owner:** MDG Banyan Delray Partners, LLC

**Agent:** Neil Schiller & John Szerdi

**Location:** 10 N. Swinton Avenue

**PCN:** 12-43-46-16-01-060-0130

12-43-46-16-01-060-0150

12-43-46-16-01-060-0160

**Property Size:** 0.731 Acres

**Zoning:** OSSHAD with CBD Overlay

**Historic District:** Old School Square

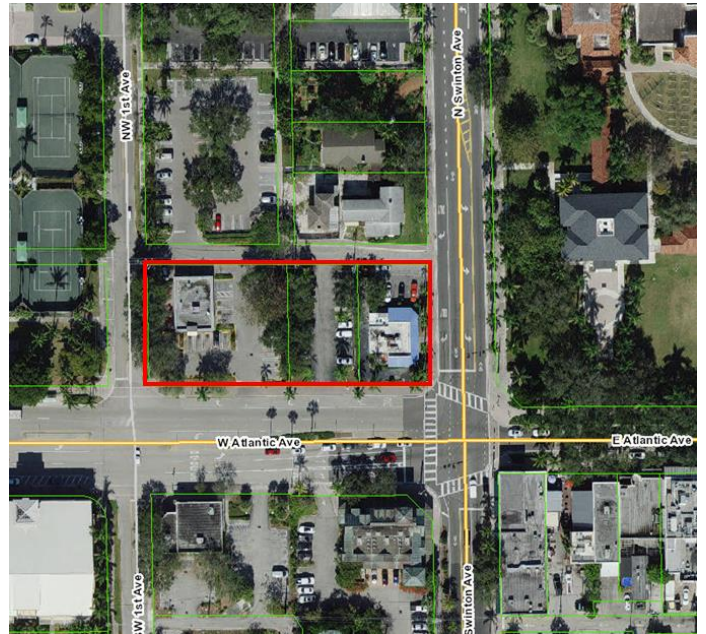
**Land Use:** HMU (Historic Mixed Use)

**Adjacent Zoning:**

- OSSHAD (North)
- OSSHAD (West)
- OSSHAD with CBD Overlay (South)
- OSSHAD (East)

**Existing Land Use:** Commercial

**Proposed Land Use:** Commercial



#### BACKGROUND AND PROJECT DESCRIPTION

The property is located at the northwest corner of North Swinton Avenue and West Atlantic Avenue and is within the Locally and Nationally Designated Old School Square Historic District. The subject property consists of 10 North Swinton Avenue (Doc's All American), an unaddressed parking lot located west of 10 North Swinton Avenue, and 37 West Atlantic Avenue (Dunkin Donuts). The property currently contains a non-contributing, Masonry Vernacular style 1951 building that was formerly occupied by a restaurant known as "Doc's All American" with a parking lot to the west and a non-contributing, Masonry Vernacular style circa 1980 building that is occupied by the Dunkin Donuts coffee shop with associated parking.

The Doc's property is listed as a contributing resource within the National Register designated Old School Square Historic District and the property is listed as a non-contributing resource within the Local Register designated Old School Square Historic District. The 2009 Old School Square Historic District Resurvey recommended that the Doc's property be reclassified as contributing, as the Period of Significance was

#### Project Planners:

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 Michelle Hewett, Planner, HewettM@mydelraybeach.com

#### Review Dates:

HPB: August 3, 2022  
 PZB: August 15, 2022

#### Attachments:

1. Plans & Survey
2. Justification Statement
3. Photographs

being expanded to include those eligible resources constructed between 1944 and 1965; however, the owner requested that the subject property not be reclassified. Upon adoption of Ordinance 10-10 on June 1, 2010, the Period of Significance for the Old School Square Historic District was expanded to 1965, and 10 of the properties that were recommended for reclassification were not reclassified to contributing, including the subject property, because the property owners were allowed to “opt-out” of this process.

It is noted that the 2020 Historic Resource Resurvey of the Old School Square Historic District recommends the property be reclassified as a contributing structure to the Local Register of Historic Places. While the 2020 Historic Resource Resurvey project has not yet been finalized, it is expected to be scheduled for review by the Historic Preservation Board and City Commission at the end of this year.

The east portion of the property contains a one-story 1951 building that until 2021 had been utilized as a restaurant last known as “Doc’s All American”. A bathroom addition was added to the Doc’s restaurant in the 1980s, as well as a large awning surrounding the front and sides of the structure. The existing neon sign was restored in the 1990s. Four parking spaces are located on the north side of the structure, adjacent to the east/west alley. In 1994, COA 8-217 was approved by the Historic Preservation Board for improvements to the building as well as the addition of new code compliant landscaping, and a new parking lot to the west of the restaurant building.

On June 3<sup>rd</sup>, 2003, COA 2003-230 received administrative approval for a color change to the fabric awning. In 2006, a sign replacement for Doc’s restaurant was submitted and approved administratively.

In 2020, an application was submitted for a Land Use Amendment to change the 0.76-acre property’s Future Land Use designation from Historic Mixed Use (HMU) to Commercial Core (CC) (Ordinance No. 35-21) and a Rezoning to change the property’s zoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) (Ordinance No. 34-21). An application was submitted to Individually Designate the Doc’s property (10 N. Swinton Avenue) to the Local Register of Historic Places (Ordinance No. 28-21). Other submittals during this time included a Sketch Plan Review, Class V Site Plan, Certificate of Appropriateness, Waiver, In-Lieu of Parking, and Conditional Use. Below is a summary of application submittal and public hearing reviews:

- July 1, 2020, HPB recommended denial of the Rezoning and Land Use Amendment requests.
- August 17, 2020, the Planning and Zoning Board (PZB) recommended approval of the Rezoning and Land Use Amendment requests.
- October 6, 2020, applicant submitted a request to Individually Designate the Doc’s property (10 N. Swinton Avenue) to the Local Register of Historic Places.
- October 6, 2020, the City Commission approved the Rezoning and Land Use Amendment requests on 1<sup>st</sup> reading.
- December 8, 2020, the City Commission denied the Rezoning and Land Use Amendment requests on 2<sup>nd</sup> reading.
- December 11, 2020, the applicant withdrew the historic designation application.
- January 5, 2021, the City Commission discussed and voted to reconsider the Rezoning and Land Use Amendment on a future agenda.
- May 14, 2021, applicant submitted a Sketch Plan Review to the Development Services Department for staff review of a Site Plan and Certificate of Appropriateness for construction of a new commercial structure and modification of the existing Doc’s building. Technical Advisory Committee comments were issued to the applicant on June 23, 2021.
- September 1, 2021, HPB recommended approval of the Individual Designation of the property (10 N. Swinton Avenue - Doc’s) to the Local Register of Historic Places.

- October 5, 2021, the City Commission approved the Individual Designation request on 1<sup>st</sup> reading.
- October 5, 2021, the City Commission denied the Rezoning and Land Use Amendment on 2<sup>nd</sup> reading.
- November 2, 2021, the Individual Designation was expected to be scheduled for 2<sup>nd</sup> reading before the City Commission but was postponed at the request of the applicant.
- December 2, 2021, the applicant submitted a Class V Site Plan, COA, Waiver, and In-Lieu of Parking requests.
- March 4, 2022, the applicant submitted a Conditional Use request to allow outdoor dining which operates at night and is the principal use or purpose of the restaurant formerly known as Doc's (10 N. Swinton Avenue).

The subject request is a Conditional Use to allow outdoor dining which operates at night, and which is the principal use or purpose of the restaurant within the proposed City Center project. The request is applicable to the existing Doc's building; it is noted that the proposal is considered a unified development of the 3 properties totaling 0.76 acres. The subject conditional use request is associated with a Class V Site Plan, Certificate of Appropriateness, Waiver, In-lieu Parking, and Conditional Use request for the renovation of Doc's Place (10 N Swinton Avenue), the removal of the Dunkin' Donuts building, and construction of a new 3 story, 31,779 sq. ft commercial mixed-use building in the Art Deco/Streamline Moderne style. The proposal includes retail & restaurant uses on the ground floor, and office spaces on the second & third floor. The new 3-story structure will adjoin the renovated Doc's building. The request also includes a CBD Waiver Request to allow the Porch frontage type and an In-Lieu of parking for 25 parking spaces. The Conditional Use request is now before the Historic Preservation Board for review and recommendation to the Planning and Zoning Board. The Conditional Use, Waiver, and In-Lieu of Parking requests must be approved by the City Commission prior to HPB's review of the Site Plan and Certificate of Appropriateness requests.

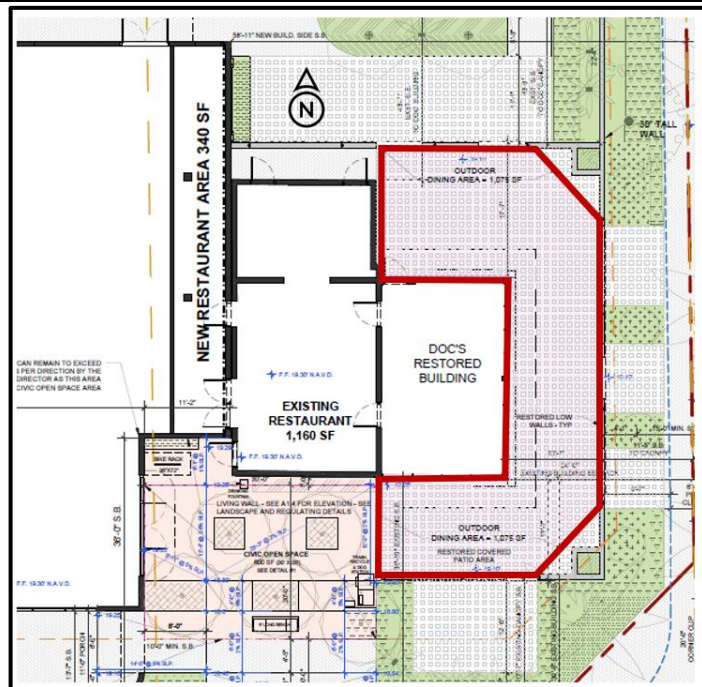
### CONDITIONAL USE ANALYSIS

Pursuant to LDR Section 4.4.24(D), Conditional uses and structures allowed. The following uses are allowed as conditional uses within the OSSHAD:

- (1) Outdoor dining which operates at night or which is the principal use or purpose of the associated restaurant.

Both the OSSHAD and CBD Overlay areas permit restaurants as a principal use and allow outdoor dining areas that are accessory or supplemental to a restaurant, provided the operation of the outdoor dining area is limited to daylight hours. The operation of outdoor dining at night and/or which is the principal use or purpose of the associated restaurant requires approval of a conditional use.

A restaurant with outdoor dining as its primary use has existed on this property since the 1950's when it was first built (the restaurant never had an indoor dining area). Since the use pre-dated the OSSHAD Conditional Use requirement relating to outdoor dining it was considered a non-conforming use. That was until 2021 when the restaurant was closed. Pursuant to LDR Section 1.3.3(B)(3), Discontinuance of use. If any nonconforming use on land ceases for any reason for a continuous period of 30



**days, every subsequent use of the land shall conform to the requirements specified for the zoning district in which the land is located.** The City Center proposal includes utilization of the former Doc's restaurant and expands the outdoor dining area to 1,075 sq. ft. (2,575 sq. ft. total restaurant area). Establishment of a new restaurant with outdoor dining that operates at night, and which is the principal use or purpose of the associated restaurant is now required.

**Pursuant to LDR Section 4.4.24(E)(4), Conditional uses must be approved pursuant to Section 2.4.5(E). Prior to action by the Planning and Zoning Board, the conditional use request must be reviewed by the Historic Preservation Board with a recommendation forwarded to the Planning and Zoning Board.**

**Pursuant to LDR Section 2.4.5(E)(1), Establishment of a Conditional Use - The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a conditional use.**

The City Commission will review the subject request at an upcoming meeting, pending a recommendation by the Historic Preservation Board and a recommendation of approval by the Planning and Zoning Board. Conditional use requests that do not receive a recommendation of approval by the Planning and Zoning Board do not move forward to the City Commission for consideration.

**Pursuant to LDR Section 2.4.5(E)(4), Conditions, may be imposed pursuant to Section 2.4.4(C). In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.**

Outdoor dining which operates at night which is the principal use or purpose of the associated restaurant within the OSSHAD zoning district requires a conditional use. Historically, the former Doc's restaurant had its sole dining space as an outdoor area, and it operated at night. Such was considered a non-conformity as it was established prior to the requirements of the LDRs. However, since that non-conforming use was discontinued, a new conditional use request is required and the board can consider the addition of conditions, such as hours of operation. The restaurant and outdoor dining area is proposed to operate from 9:00 am to 2:00 a.m. daily.

It is noted that the property is not located within 300 feet of a residentially zoned property; therefore, a conditional use to allow a 24-hour or Late Night Business is not required. There are single family residences within the vicinity, but they are zoned OSSHAD, not residential.

Finally, on June 24, 2022, the Palm Beach County Traffic Division (PBCTD) issued a Traffic Performance Standards (TPS) letter (attached) approving the project with a condition that the restaurant use not be permitted to open prior to 10 a.m. The TPS letter indicates that the classification of the restaurant is a "Fast Food Restaurant without a Drive-thru". An added condition of approval to the subject request is that the restaurant not open prior to 10 a.m. unless the condition is removed by the PBCTD.

### **LDR REQUIRED FINDINGS**

**Pursuant to LDR Section 2.4.5(E)(5) 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) Hinder development or redevelopment of nearby properties.**

The subject site encompasses three parcels located at the northwest corner of the intersection of North Swinton Avenue and West Atlantic Avenue. The property is located within the OSSHAD zoning district with CBD Overlay. The outdoor dining component is situated on the east side of the property in front of the former Doc's restaurant. Adjacent to the property to the west are the City Tennis Center, directly across North Swinton Avenue to the east is Old School Square Cultural Arts Center, the CRA office and parking lot are located directly north of the subject property, and to the south is the most recently

approved Sundry Village project, which includes, restaurant (with outdoor dining at night), retail, and office uses. The Delray Beach Public Library & associated parking lot exists to the southwest (zoned CF) and the Bull Bar (stand-alone bar), Tennis, Inc. (retail), and Jimmy's Bistro (restaurant) (zoned OSSHAD with CBD Overlay) exists to the southeast.

In consideration of the request, the Board must consider if the proposed outdoor dining area will have a significantly detrimental effect upon the stability of the neighborhood and the surrounding areas. The OSSHAD is the only mixed-use zoning district that also allows single-family residential and duplex uses, which is the likely basis for requiring a conditional use approval for outdoor dining to continue operating into the nighttime hours.

The proposed outdoor dining area is surrounded by non-residential uses along the intersection of two major downtown corridors (Atlantic and Swinton Avenues). The location of outdoor dining along at such a prominent intersection (as it has historically existed) will likely contribute to the continuation of the pedestrian experience within the central downtown area. It is noted that single-family residences do exist within the block to the north; one is 90 feet to the north adjacent to the CRA Office Building and the other is 315 feet to the north directly south of Dadas Restaurant (also includes outdoor dining at night).

The proposed outdoor dining area is not expected to hinder development nor redevelopment of nearby properties if approved. Restaurant use with outdoor dining at night had been a use that existed on the subject property for more than 70 years. Therefore, the conditional use request would re-establish the use that had existed previously. The proposed outdoor dining area will be situated under a covered awning surrounding the existing building on the north, east, and south sides. The proposed Civic Open Space area is located to the west of the outdoor dining area on the south side of the property which fronts West Atlantic Avenue and South Swinton Avenue. The dining area will be setback from the adjacent rights-of-way, will be buffered by landscaping with low walls to match what exists on-site.

It is noted, the proposal includes improvements to the pedestrian connection across N. Swinton Avenue, providing for a more efficient connection of E. Atlantic Avenue and W. Atlantic Avenue. Such improvement is anticipated to make the area safer and attractive to visitors. It is also important to note that the proposal will restore and rehabilitate the structure known as Doc's which helps to retain the rich local history of the area while further stimulating economic development of the downtown.

**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. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Land Use Map, Concurrency, Consistency, and Compliance with the LDRs.**

**(A) 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 Land Use Map.**

The subject property is designated HMU (Historic Mixed Use) on the Land Use Map, and zoned OSSHAD w/ CBD Overlay. The overall review of the site plan and COA will ensure that the allowed maximum intensity for the HMU land use designation are in compliance. The City Center project will consist of retail, restaurant, and office uses. These uses are allowed within the OSSHAD and OSSHAD w/ CBD Overlay districts. The proposed outdoor dining at night that is also the principal use or purpose of the associated restaurant use is permitted as a conditional use within the OSSHAD zoning district.

**(B) Concurrency.** Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

The application concurrency items as they pertain to the proposal includes compliance with traffic, schools, utilities, parks, solid waste, and drainage as described below:

**Traffic.** A traffic statement has been submitted indicating that the overall development will generate 1,110 average daily trips (ADT), of which 406 trips are New Daily Trips. The subject property is located within the City's Traffic Concurrency Exception Area (TCEA) within the Central Business District. This designation allows the city to develop and redevelop without being constrained by the capacity standards of Palm Beach County's Transportation Performance Standards Ordinance. The TCEA provides alternatives to expanding roadway capacity that benefit overall mobility.

On June 24, 2022, the Palm Beach County Traffic Division (PBCTD) issued a Traffic Performance Standards letter (attached) approving the project with a condition that the restaurant use not be permitted to open prior to 10 a.m. The letter indicates that the classification of the restaurant is a "Fast Food Restaurant without a Drive-thru". An added condition of approval to the subject request is that the restaurant not open prior to 10 a.m. unless the condition is removed by the PBCTD.

**Schools.** The proposed area of the site pertains to commercial use therefore, the non-residential development is not subject to school concurrency evaluation.

**Water & Sewer.** Adequate capacity is and will be available to adequately provide service this site.

**Parks and Recreation Facilities.** Park dedication requirements are not required for non-residential uses.

**Solid Waste.** The Solid Waste Authority has facilities sufficient capacity to accommodate all development proposals through 2047.

**Drainage.** Paving and drainage plans are not required with a conditional use request.

**(C) Consistency.** Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

The following Comprehensive Plan polices are applicable to the request:

**Healthy Community Element**

**Policy HCE 3.6.2: Promote social cohesiveness by encouraging commercial developments to create spaces for social interaction and entertainment through design and place making.**

LDR Section 4.4.13 describes civic open spaces as areas that "*are privately maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves*". Inherently outdoor dining areas provide for spaces that encourage social interaction and cohesiveness. Further, the proposed outdoor dining areas will be

situated adjacent but separate, to the proposed civic open space area that will be accessible by the general public as an amenity for the city as a whole.

### **Historic Preservation Element**

**Policy HPE 1.4.1: Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.**

The conditional use request requires HPB to provide a recommendation to the Planning and Zoning Board. The formal findings required for a conditional use application do not require the board to make findings that a proposal is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation nor the Delray Beach Historic Preservation Design Guidelines but does require a finding of consistency with the LDRs, in this case as it relates to the conditional use. If the Conditional Use, Waiver, and In-Lieu of Parking requests are approved, the HPB will review the Site Plan and Certificate of Appropriateness and at that time the board will be required to make findings that the proposal is consistent with this policy.

### **Neighborhood, Districts, & Corridors Element**

**Policy NDC 1.1.14: Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.**

The subject conditional use request is anticipated to be consistent with this comprehensive plan policy and, given the location of the outdoor dining areas, is anticipated to be complementary and compatible with adjacent land uses.

**Policy NDC 1.3.22: Use the Historic Mixed Use land use designation for properties within the Old School Square Historic District to encourage the preservation and adaptive reuse of historic structures and to maintain and enhance the historic, pedestrian scale and character, while providing for a mix of residential, commercial, and arts uses.**

The subject conditional use request is anticipated to enhance the historic, pedestrian scale, and character of the historic district. The proposal includes the rehabilitation of the structure known as Doc's Restaurant, which will preserve the historic character the existing structure & its historic use, and is anticipated to maintain the historic scale at the corner of the intersection of Swinton Avenue and Atlantic Avenue.

### **Economic Prosperity Element**

**Policy ECP 1.5.2: Continue economic investment in activities that incentivize business expansion and development that create livable wage jobs attainable by residents in low-income neighborhoods.**

The subject request is to allow the use of an outdoor dining area during the nighttime hours and as the principal dining area for the restaurant. The proposal has the potential to further support the provision of livable wage jobs that are attainable by residents in low-income neighborhoods, particularly those located within close proximity to the subject property.

**Policy ECP 3.3.4: Continue to support efforts of commercial districts, streets and neighborhoods to improve their physical attributes by encouraging infill, adaptive reuse, redevelopment and other strategies.**

The subject conditional use request is associated with four adjacent parcels within Block 60. Rehabilitation of the former Doc's Restaurant and redevelopment of the remainder of the site is anticipated to have a beneficial impact upon the physical attributes of N. Swinton Avenue and W. Atlantic Avenue and will continue to support efforts of the adjacent commercial districts.

**(D) Compliance with the LDRs. Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.**

**Pursuant to LDR Section 4.4.24(F), Development standards. The development standards as set forth, for the OSSHAD District, in Section 4.3.4 apply, except as modified below:**

**(2) The following locations shall be subject to the development standards of the West Atlantic Neighborhood (WAN) area of the CBD Zone District:**

**(a) Lots 13—16, Block 60.**

**(b) Lots 1—4, Block 61.**

As the request is proposed within Lots 13-16 of Block 60, the development standards of the WAN are applicable.

**Pursuant to LDR Section 4.4.13(A)(3) West Atlantic Neighborhood Sub-district. The West Atlantic Neighborhood Sub-district regulations are intended to be consistent with the Downtown Delray Beach Master Plan and the West Atlantic Master Plan. The emphasis of these regulations is on the preservation and enhancement of existing neighborhoods, while promoting a pedestrian friendly commercial area along West Atlantic Avenue that contains a mix of residential, commercial, and civic functions. Businesses that are oriented toward serving the local neighborhood, as opposed to a regional area, are encouraged.**

The subject property is situated within the WAN Sub-district and the conditional use request is anticipated to promote a pedestrian friendly commercial area along W. Atlantic Avenue and S. Swinton Avenue. Restaurant uses often serve surrounding neighborhoods and the local community.

**Pursuant to LDR Section 4.4.13(B)(5) West Atlantic Neighborhood Commercial Area. The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion.**

The subject property is located within the West Atlantic Neighborhood Sub-district and West Atlantic Commercial Area. The proposal meets the requirements of these sections as it includes the preservation and rehabilitation of the former Doc's restaurant structure; enhancement of the area; and promotes a pedestrian friendly commercial district. The proposal is not anticipated to have a negative effect upon established residential areas by commercial intrusion as the proposal represents rehabilitation and redevelopment of existing commercial property.

**Pursuant to LDR Section 4.4.24(D)(1), Outdoor dining which operates at night, or which is the principal use or purpose of the associated restaurant.**

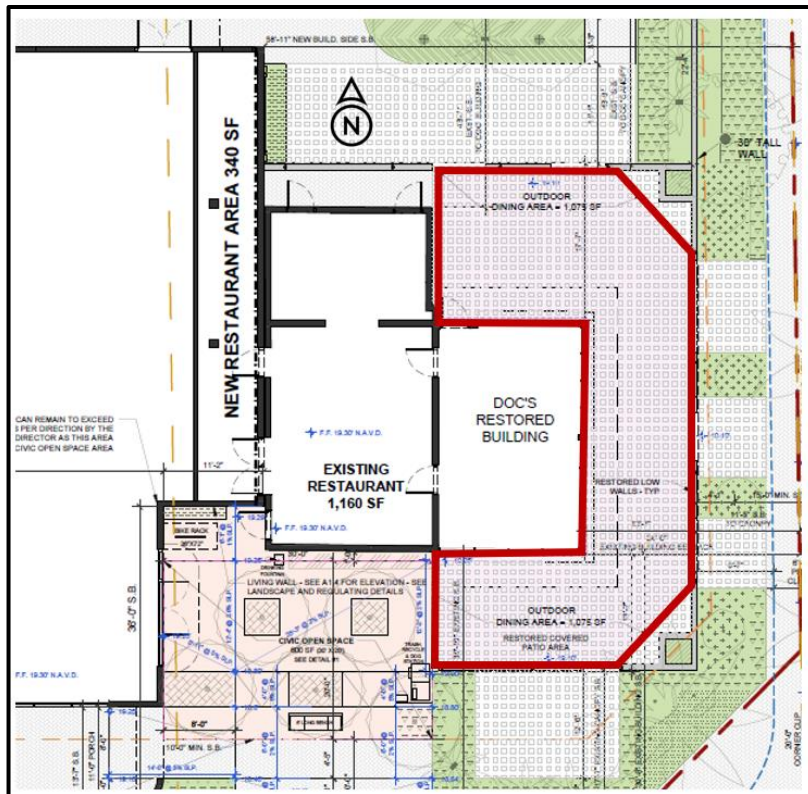
The proposed outdoor dining space equals a total of 1,075 square feet in addition to the 1,500 square feet of indoor restaurant space. It is noted that the restaurant will have no indoor seating and all



proposed seating is outdoor under the area of covered awning. To the right is a graphic of the proposed outdoor dining use areas within the site.

**Pursuant to LDR Table 4.4.13(L), Parking requirements - Restaurants and lounges (including those located within hotels/motels) NOT in the Atlantic Avenue Parking District shall provide six spaces per 1,000 of gross square feet.**

The entire development proposal requires a total of 53 parking spaces utilizing the shared parking calculations. 28 parking spaces are provided for on-site and 25 parking spaces are requested through an In-Lieu of Parking request under separate cover. Compliance with this requirement will be met if the In-Lieu of Parking request is approved.



**The applicant has submitted a justification statement for the conditional use request (attached).**

### REVIEW BY OTHERS

On June 21, 2022, the **Downtown Development Authority (DDA)** recommended approval; the board memo is attached providing the board's comments.

The City Center project will be forwarded to the **Community Redevelopment Agency (CRA)** in August of 2022 for inclusion on the Development Applications update memorandum.

The conditional use request is scheduled for a Public Hearing by the **Planning and Zoning Board** at its August 15, 2022, meeting.

### ALTERNATIVE ACTIONS

- A. Move to continue with direction
- B. Recommend approval to the Planning and Zoning Board of the Conditional Use (2022-126) request to allow outdoor dining at night for the restaurant associated with the project known as **City Center (Doc's), Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Recommend approval to the Planning and Zoning Board of the Conditional Use (2022-126) request to allow outdoor dining at night for the restaurant associated with the project known as **City Center (Doc's), Old School Square Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following condition(s):
  - 1. That the restaurant not open prior to 10 a.m. unless the condition is removed from the Traffic Performance Standards approval by the Palm Beach County Traffic Division.

2. Recommend denial to the Planning and Zoning Board of the Conditional Use (2022-126) request to allow outdoor dining at night for the restaurant associated with the project known as **City Center (Doc's), Old School Square Historic District**, by finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

| PUBLIC AND COURTESY NOTICES   |  |
|---|--|
| <input checked="" type="checkbox"/> Courtesy Notices are not applicable to this request | <input checked="" type="checkbox"/> Agenda was posted on (7/27/21), 5 working days prior to meeting. |