

**CITY CENTER DELRAY CONDITIONAL USE REQUEST INFORMATION**

The property has two structures currently. The one-story Dunkin' Donuts structure is proposed to be demolished while the unoccupied "Doc's" structure is proposed to be renovated and incorporated into the new project.

The Doc's structure is a one-story commercial Roadside-style building constructed in 1951 of reinforced concrete block masonry walls, flat poured reinforced concrete roof and a glazed serving area. There is no drive-thru and is not a fast-food establishment. The customers would continue to order food at the stainless-steel counter thru operable glazing. The 1,075 sf dining seating area will be only for Docs under the covered outdoor patio for customers to enjoy their food and drinks. There will be no indoor seating for Docs, all dining will be under the covered patio area only. There will be no dining in the open Civic space. The new management of Docs will continue to serve their customers from lunchtime into the evening and nighttime hours under the outdoor covered patio area as it historically has been used. The proposed hours of operation are 9am-2am. Ambient background music will be provided through an audio system in the covered patio area.

The new proposed 3-story mixed use building will sensitively adjoin the renovated Doc's building on its blank west façade and partially adjacent to the 1990 addition. The new building is stepped back from Doc's to respect the scale of Doc's along with a recess in the massing to allow Doc's to retain its individual presence on the street. The 1,160 sf Doc's structure will be able to functionally expand into the new structure requiring a new kitchen and ADA restrooms. The former kitchen equipment was removed by the previous operator. The remaining interior exhaust hoods will be removed from sight inside the window area of Doc's. All rooftop equipment will also be removed, and the new kitchen and HVAC equipment will be located within a visually screened location behind a proposed new parapet to accommodate new future signage. The new future signage will replicate the original Doc's sign.

The new building proposes a continuous covered porch along W. Atlantic Ave and NW 1st Street. This provides the desired shaded pedestrian experience and protection of the clear impact rated storefront glass and doors from the sun and rain for the retail on the first floor. Two existing curb cuts along Atlantic Avenue that access surface parking areas will be removed to create a continuous uninterrupted and safe sidewalk. The porches and enhanced sidewalks are important elements in the building's design to attract pedestrians from the east side of Swinton Avenue to the west side and beyond.

Please refer to the building plans, elevations and colored renderings that illustrate the information noted above.

All new building and site lighting will provide a safe evening environment. The proposed hours of operation are for 9am-2am.

Office Damien Ferraiolo's CEPTED review of the proposed project on lighting was quote, "Based on the photometric plan provided the project appears to be within CPTED standards for lighting. The plans show the use of LED light fixtures.

**LED lights are the highest recommended light source and provide the best visibility with the least distortion."**

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

**Request:** Conditional use approval for "outdoor dining at night or which is the principal use or purpose of the associated restaurant;" for the situs property; pursuant to Section 4.4.24(D)(1) of the Delray Beach Land Development Regulations. The conditional use will be established as per the provisions of Section 2.4.5(E)(5) and Section 3.1.1.

**Conditional Use Findings:**

(A) Land Use Map.

The proposed conditional use for outdoor dining at night is consistent with the goals and objectives of the Always Delray Comprehensive Plan. The land use of the situs property is HMU, Historic Mixed Use, which permits this activity. The zoning designation is OSSHAD with CBD overlay. The proposed conditional use is sought to reestablish the outdoor dining that previously occurred on the property.

Positive findings can be made as related to the consistency with the land use map.

(B) Concurrency.

The proposed conditional use for outdoor dining at night will not impact the property's concurrency. The submitted traffic study and TPS letter confirms there are no negative impacts resulting from the proposed development of this site. Pursuant to the Public Facilities and Services Element of the Always Delray Comprehensive Plan, adequate solid waste capacity will be available for solid waste disposal until 2047. Per the storm water management design, the onsite

drainage system is designed per the requirements of the South Florida Water Management District. The property area of this request is in relation to nonresidential use, so there is no increased impact on the school system. A civic open space is proposed to provide additional open space for the public to enjoy.

Positive findings can be made as related to the above listed concurrency items.

(C) Consistency.

The proposed conditional use for outdoor dining at night is consistent with the area. The proposed conditional use for outdoor dining reestablishes the use that has been in existence on the property since the 1950s. The situs property is located at the corner of Atlantic Blvd. and Swinton Ave., one of the busiest intersections in the City, across from the Sundy Village project and Old School Square. The proposed development was predicated and designed around maintaining the Docs restaurant with outdoor dining at night. This is consistent with Policy HCE 3.6.2 to promote social cohesiveness by encouraging commercial developments to create spaces for social interaction and entertainment through design and place making.

Positive findings can be made as related to the above listed consistency standard.

(D) Compliance with LDRs.

The proposed conditional use for outdoor dining at night is compliant with the LDRs. The project complies with the setbacks, building height, density, FAR and other related LDR's. The project also requests in-lieu parking as the project within 750' of a public parking garage and complies with the in-lieu parking standards.

Positive findings can be made as related to the above listed concurrency items.

**Conditional Use Criteria and Findings per LDR Section (E)(5)(a)&(b):**

The Conditional Use will not

- (A) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;

The proposed conditional use for outdoor dining at night reestablishes the use at the situs property. The proposed development was predicated and designed around maintaining

the Docs restaurant with outdoor dining at night. The situs property is located at the corner of Atlantic Blvd. and Swinton Ave., one of the busiest intersections in the City, across from the Sundry Village project and Old School Square.

Granting of the conditional use will not have a significantly detrimental effect upon the stability of the neighborhood

(B) Hinder development or redevelopment of nearby properties.

The proposed conditional use for outdoor dining at night will not hinder the development or redevelopment of nearby properties. The situs property is located at the corner of Atlantic Blvd. and Swinton Ave., one of the busiest intersections in the City, across from the Sundry Village project and Old School Square. Outdoor dining at night will improve the development and redevelopment opportunities of nearby properties.

Granting of the conditional use will not hinder development or redevelopment of nearby properties.

Based on the above information, the proposed development is consistent with Chapter 3 Performance standards, Land Development Regulation Section 3.1.1 which states required findings related to the Future Land Use Map, Concurrency, Consistency, and Compliance with the land development regulations, and Section 2.4.5(E)(5)(a)&(b) of the LDR's. The applicant respectfully requests the approval of a Conditional Use for outdoor dining to operate at night be granted to the proposed City Center Delray project for Docs and its future tenants.

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