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Urban Planning ◆ Landscape Architecture

Ms. Michelle Hoyland, Principal Planner
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

February 17, 2026

Re: Sundy Village Conditional Use Request – Outdoor Evening Dining

Dear Ms. Hoyland,

As per the Land Development Regulations, the following must be addressed as it relates to the establishment of outdoor dining areas at night. Within the total project, there is 19,937 square feet of restaurant space approved in Block 61. 2,000 square feet of outdoor dining was previously approved for evening dining at the intersection of Atlantic Avenue and Swinton Avenue adjacent to the civic site. Block 61 previous approvals for 8,092 square feet of outdoor dining was approved to be located on decks, patios, or porches adjacent to the historical homes (Buildings A,B, C, E, F, and G) that have been restored and are being repurposed as restaurant space. Services within these outdoor spaces can currently serve food until sunset. This conditional use application is to request the outdoor dining spaces be permitted to serve food after sunset until midnight. Below the square footage of each building and the associated outdoor dining as previously approved is detailed below. The square footage of the outdoor evening dining areas are the subject of the request for conditional use approval:

Building A:	1,909 square feet	Outdoor Dining Area 581 Square Feet
Building C:	1,334 square feet	Outdoor Dining Area 1,111 Square Feet
Building E:	1,143 square feet	Outdoor Dining Area 3,233 Square Feet
Building B & F:	1,768 square feet	Outdoor Dining Area 1,911 Square Feet
Building G:	1,039 square feet	Outdoor Dining Area 1,256 Square Feet

Please see below and attached information related to the filing of this request for conditional use.

Conditional Use Request: This request for conditional use is being filed as required per Section 4.4.24(D)(1) for "outdoor dining which operates at night which is the principal use or purpose of the associated restaurant". The conditional use will be established as per the provisions of Section 2.4.6 and Section 3.1.1.

Conditional Use Findings: Positive findings must be made related to the establishment of a conditional use as per Sections 3.1.1 and 2.4.6)(A)(5) of the Land Development Regulations.

> **Sec. 3.1.1. - Required findings:** Prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved

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through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. Criteria to be evaluated is as follows:

(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 future land use map designates the property as HMU. The zoning designation is OSSHAD with the north portion of the subject Block 61 CBD Overlay. The proposed development is consistent with the land use and zoning designation for the subject site. The proposed restaurant use is permitted within the current land use and zoning designation by right. Outdoor evening dining is permitted by the approval of a conditional use. Positive findings can be made that the proposed uses within the zoning and land use designations are consistent and compatible.

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

(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.

- Traffic – A traffic analysis has been prepared which confirms there are no negative impacts created resulting from the development of this site for the proposed use.
- Water and Sewer – Pursuant to the Public Facilities and Services Element of the Always Delray Comprehensive Plan, adequate capacity is and will be available to adequately provide service this site.
- Solid Waste – Pursuant to the Public Facilities and Services Element of the Always Delray Comprehensive Plan, adequate capacity will be available for solid waste disposal until 2047.
- Storm Water Management – Storm water is being managed by an onsite drainage system as per requirements of the South Florida Water Management District regulations.
- Schools and Parks and Open Space – The subject area of this request is in relation to nonresidential use, so there is no increased impact on the school system. The proposed use does however provide outdoor space as an alternative to utilizing city parks and open space.

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

(C) ***Consistency.*** A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5 for the Conditional Use 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.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable policies that are relevant to the Conditional Use application are noted:

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.

The proposed outdoor (and indoor) restaurant spaces within the development will provide additional social activity within the Atlantic Avenue/ S. Swinton Avenue corridors that is consistent with the Future Land Use and Zoning designations. The outdoor dining areas will provide additional social opportunities for residents and visitors to gather. Outdoor dining and the proximity of the civic site will promote social interaction in the community by providing a gathering place that is different in character from the public parks and other recreational facilities that the City provides. Outdoor activities are important to people's physical and mental well-being. The outdoor dining provides a venue for social interaction. The location of this project is within moderate walking distance and will serve as a destination to residents which will increase the walkability of the area.

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

(D) **Compliance with 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.

- The certified site plan was processed for approval by the Historical Preservation Board and was prepared in compliance with applicable Land Development Regulations and the zoning designation standards. Technical Advisory Committee comments for the project indicated that the project is in compliance with applicable LDR regulations shown below The Historical Board Approval further confirmed compliance with LDRs.

Parking Requirements: Pursuant to the site data provided per code requirements indicates the project complies with required parking requirements which will be provided on-site.

Front Building Setback: The site plan meets all required minimum and maximum setbacks in the CBD overlay and meets the setbacks in the OSSHAD zoning portion of the site.

Other Building Setbacks: The proposed buildings comply with the required side and rear building setbacks.

Building Height: The proposed building heights do not exceed the maximum permitted building heights.

Open Space: The restaurants that are a subject of this conditional use are located in Block 61. The buildings front on the adjacent streets and they all have a large open space that runs north and south through the central portion of the block. Ample open space is provided within the project site.

Section 2.4.6(A)(5)(a)&(b) Findings: 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;

- The development of the subject property with outdoor restaurants create a destination that will encourage activity in the neighborhood and further enhance the stability of the neighborhood. As a destination, neighbors can walk or bike to the site. The addition of such a facility will serve as a catalyst for future development and redevelopment of neighboring properties which are in need of revitalization by bringing activity and "eyes on the street" for increased safety to the area. Expanding dining to evening hours will increase the stability and safety of the neighborhood through increased activity and hours.

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 subject site is surrounded by roadways on 4 sides resulting in a self-contained site that will not affect the ability for adjacent properties to develop or redevelop. The proposed restaurant development will bring people to the area and possibly spur redevelopment of nearby properties that are vacant or underutilized.

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

The above confirms the proposed development is consistent with Chapter 3 Performance standards, Land Development Regulations Section 3.1.1 which specifies required findings related to Future Land Use Map, Concurrency, Consistency, and Compliance with land development regulations, and Section 2.4.6(A)(5)(a)&(b) of the Land Development Regulations. Therefore, based on the above information and documents contained in the application package for Conditional Use, I would respectfully request that the Conditional Use application be granted.

Sincerely,
Covelli Design Associates, Inc.

Michael J. Covelli, ASLA/ AICP