RESOLUTION NO. 117-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW OUTDOOR DINING AT NIGHT ASSOCIATED WITH RESTAURANTS WITHIN THE FIVE EXISTING HISTORIC STRUCTURES ALONG SOUTH SWINTON AVENUE (BLOCK 61) FOR THE PROJECT KNOWN AS SUNDY VILLAGE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Sundy Village West, LLC, ("Owner") is the owner of a parcel of land measuring approximately 6.902 acres including all of Block 61, a portion of the Sundy and Cromer block, and portions of Blocks 69 and 70 ("Property"); and

WHEREAS, on March 6, 2018, the City Commission of the City of Delray Beach approved the Midtown Delray project (2017-284), consisting of a site plan with multiple buildings spanning four blocks, containing a mix of commercial uses on the property within historic and new structures; and

WHEREAS, on March 2, 2022, the Historic Preservation Board approved a Class III Site Plan Modification, Certificate of Appropriateness, Landscape Plan, Architectural Elevations, Variances, & Relocation (2020-080) to modify the approved site plan, architectural style of the new structures, modifications of the relocation of historic structures, and changes to the landscape plan; and

WHEREAS, on February 8, 2022, the City Commission approved a Conditional Use request to allow for outdoor dining at night until 12:00 a.m. associated with the restaurants which front on West Atlantic Avenue and are located within Buildings 1, 2, and 3; and

WHEREAS, the Owner submitted a Conditional Use application (PZ-492-2026) to allow outdoor dining at night at the five historic structures fronting South Swinton Avenue as depicted in "Exhibit A," attached hereto and incorporated herein; and

WHEREAS, the Property is zoned Old School Square Historic Arts District ("OSSHAD") and portions of the site is zoned OSSHAD with Central Business District ("CBD") Overlay, and is within the locally and nationally designated Old School Square Historic District; and

WHEREAS, pursuant to Section 4.4.24(D) of the City of Delray Beach Land Development Regulations ("LDR"), outdoor dining which operates at night, is permitted as a Conditional Use within the OSSHAD zoning district; and

WHEREAS, LDR Section 2.4.6(A)(5), requires the approving body to 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; nor

(b) Hinder development or redevelopment of nearby properties; and

WHEREAS, at its meeting on July 1, 2026, the Historic Preservation Board voted 7 to 0 to recommend approval to the Planning and Zoning Board; and

WHEREAS, at its meeting on July 20, 2026, the Planning and Zoning Board voted 7 to 0 to recommend approval to the City Commission; and

WHEREAS, the requested Conditional Use to allow outdoor dining at night was presented to the City Commission at a quasi-judicial hearing conducted on August 18, 2026; and

WHEREAS, the City Commission considered the Conditional Use request and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested Conditional Use (1) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and (2) will not hinder development or redevelopment of nearby properties.

Section 3. The City Commission approves the Conditional Use request to allow outdoor dining at night associated with restaurants within the five historic structures along South Swinton Avenue (Block 61) of the project known as Sundy Village, as depicted in Exhibit A.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Covelli Design Associates, Inc. at 7050 W. Palmetto Park Road, Suite 15-274, Boca Raton, FL 33433.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2026.

ATTEST:

_____ _____

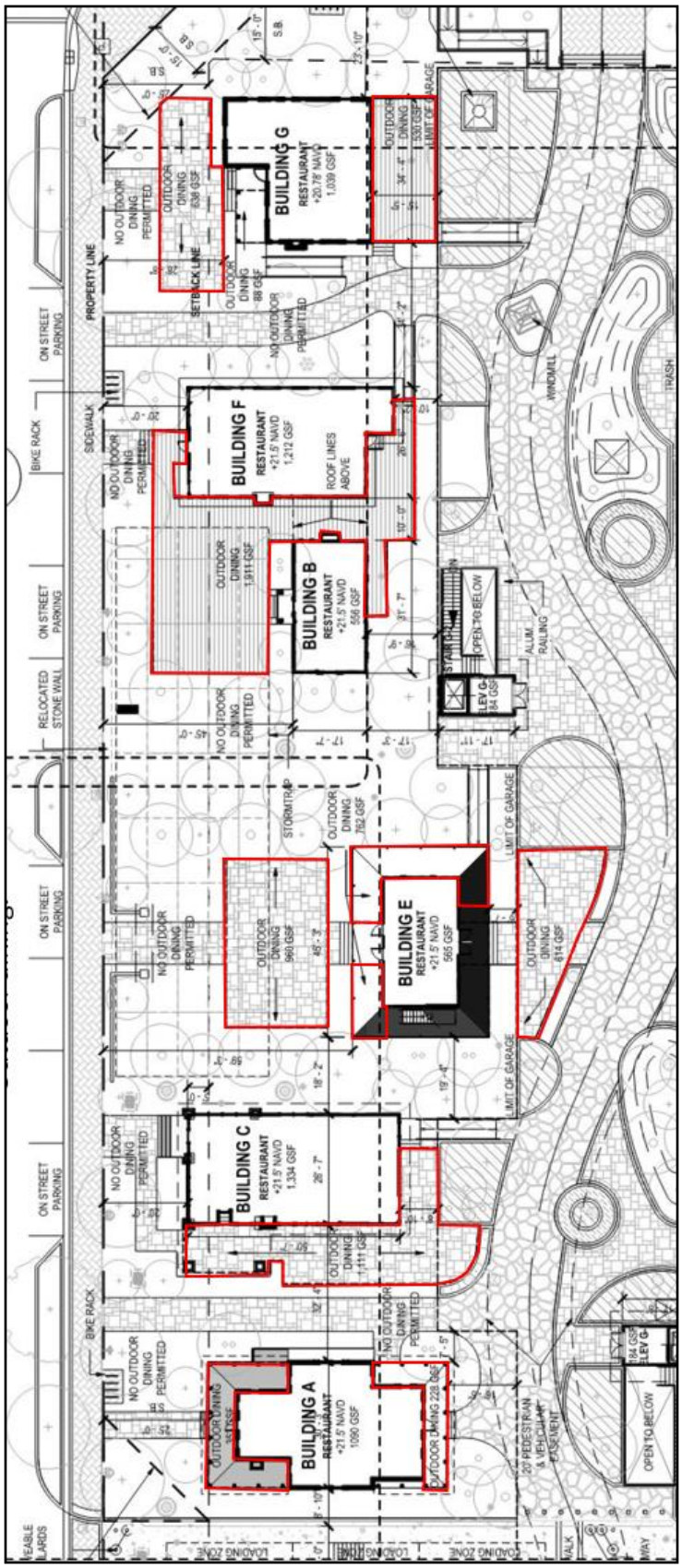
Alexis Givings, City Clerk Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

_____

Lynn Gelin, City Attorney

EXHIBIT "A"


BUILDING G
RESTAURANT
+20.78' NAVD
1,039 GSF
BUILDING F
RESTAURANT
+21.5' NAVD
1,212 GSF
BUILDING B
RESTAURANT
+21.5' NAVD
556 GSF
BUILDING E
RESTAURANT
+21.5' NAVD
565 GSF
BUILDING C
RESTAURANT
+21.5' NAVD
1,334 GSF
BUILDING A
RESTAURANT
+21.5' NAVD
1090 GSF
PROPERTY LINE
SETBACK LINE
ON STREET PARKING
SIDEWALK
BIKE RACK
RELOCATED STONE WALL
NO OUTDOOR DINING PERMITTED
OUTDOOR DINING
ROOF LINES ABOVE
STORMTRAP
LIMIT OF GARAGE
OPEN TO BELOW
ALUM. RAILING
WINDMILL
TRASH
LOADING ZONE
WALK
WAY