

RESOLUTION NO. 137-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW A COMMERCIAL RECREATIONAL FACILITY AT 29 SE 2<sup>ND</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 290 East Atlantic, LLC ("Property Owner"), is the owner of land measuring approximately 1.5 acres located at 29 SE 2<sup>nd</sup> Avenue ("Property") situated on the south side of Atlantic Avenue and north side of SE 1<sup>st</sup> Street, more particularly described in Exhibit "A"; and

WHEREAS, Throw Social Delray Beach, LLC., on behalf of Property Owner, submitted a conditional use application (File No. 2021-185-USE), to allow a commercial recreational facility for axe throwing to operate at the Property; and

WHEREAS, the Property is zoned Central Business District ("CBD"); and

WHEREAS, pursuant to Table 4.4.13(A) of the City of Delray Beach Land Development Regulations ("LDR"), Commercial recreational facilities are permitted as a conditional use within the CBD District; and

WHEREAS, LDR Section 2.4.5(E)(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;
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, at its meeting on August 16, 2021, the Planning and Zoning Board voted 4 to 2 to recommend approval to the City Commission; and

WHEREAS, the requested conditional use to allow a commercial recreational facility to allow axe throwing in the courtyard of an existing restaurant was presented to the City Commission at a quasi-judicial hearing conducted on, September 23, 2021; 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 incorporated herein by this reference and are approved and adopted.

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

Section 3. The City Commission approves the conditional use request to allow a commercial recreational facility for axe throwing in the courtyard of an existing restaurant at the Property, as more particularly described in Exhibit “B”, which is incorporated herein.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Ginger Flesher (“Designated Agent”), at 2601 NE 26<sup>th</sup> Avenue, Lighthouse Point, FL 33064.

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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

AVENUE EAST PLAT TR A & TOWN OF DELRAY W 47.70 FT OF S 1/2 OF 16 FT ABND ALLEY  
LYG N OF & ADJ TO

**EXHIBIT "B"**  
**PROPOSED SITE PLAN**

