



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Throw Social

Meeting	File No.	Application Type
August 16, 2021	2021-185-USE-PZB	Conditional Use (Commercial Recreation)
Applicant	Owner	Authorized Agent
Throw Social Delray Beach LLC	Ginger Flesher	Ginger Flesher

Request

Provide a recommendation to the City Commission for conditional use approval to allow axe throwing as a Commercial Recreation Facility in the courtyard area at Throw Social, an existing restaurant, located at 29 SE 2nd Avenue.

Background Information

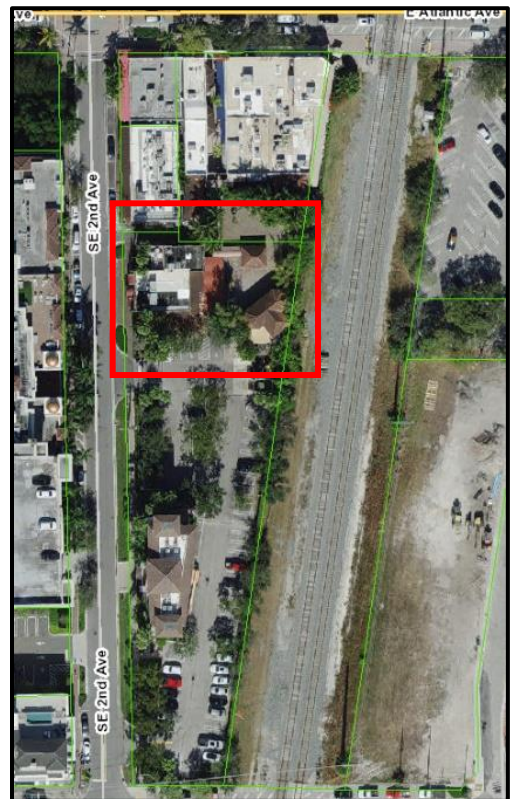
The subject property is located at 29 SE 2nd Avenue south of East Atlantic Avenue between SE 2nd Avenue and the FEC railway within the Central Core Sub-district of the Central Business District (CBD). The 1.1-acre site initially combined multiple buildings as "The Grove Square", which included the Barwick Building (formerly Ken and Hazel's; now Vic and Angelo's), the adjacent retail structures, and the currently vacant structure (formerly Anna's Attic, and later Il Bacio), as well as the parcels to the south.

A site plan, which was to be completed in two phases, was approved on August 23, 1995. Phase One consisted of the conversion of the existing buildings and additional structures to a mixed-use (retail, restaurant, office, and residential) project that included:

- demolition of 914 square feet of an existing commercial building to accommodate a breezeway leading to the rear courtyard area,
- conversion of 832 square feet of retail use area to restaurant use;
- addition of 1,486 square feet for restaurant use;
- demolition of 396 square feet of the Ken and Hazel's building (restaurant) and 946 square foot addition;
- construction of 29 parking spaces.

Phase Two consisted of a four-story mixed-use office and residential structure with parking; the development was not built as initially approved. Instead, a four-story office structure with surface parking was built in 1999.

In 1996, a conditional use was approved to establish a place of assembly for commercial entertainment purposes at Grove Square. Musical concerts and other events were allowed Monday through Sunday until 2:00 am and were limited to no more than two weekends per month with a capacity of up to 1,250 people. The approved site plan, associated with the Grove Square restaurants, included a 6,500 square foot courtyard with a permanent stage (450 square feet) with covered canopy, and storage room (208 square feet) attached to the rear of the stage, for a total of 7,158 square feet of outdoor use area.



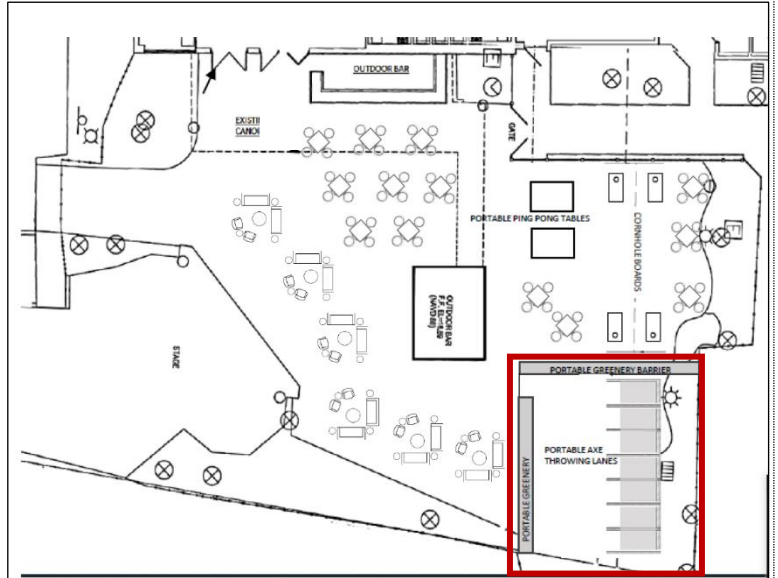
Description of Proposal

Throw Social is a new restaurant to be located in an existing, vacant restaurant space that includes an open-air courtyard area with a stage, outdoor bar, seating for 100 patrons, and 29 on-site parking spaces. The Conditional Use request is for seven portable axe throwing lanes (Commercial Recreation Facility) in the northeast corner of the outdoor courtyard area. The axe throwing, which is limited to patrons 8 years or older, will be available to patrons who have made a reservation for one of the lanes. The area proposed for the axe-throwing activity consists of 445 square feet of the 7,158 square foot outdoor use area (see figure at right).

The applicant has indicated that *axe throwing is a sport of growing popularity that emerged 13 years ago in Canada; the World of Axe Throwing Championships is now televised on ESPN which has both contributed to its increase in popularity and signaled its rise. Throw Social follows the procedures and specifications outlined by the World of Axe Throwing League.*

The rules and regulations imposed on all patrons are attached for reference. The facility will have an axe professional that oversees every participant. The sport has gained regional popularity with many venues located throughout South Florida, and in adjacent municipalities such as Boynton Beach and Boca Raton.

The axe throwing area will be contained by a black metal screen covered with a decorative greenery to provide an attractive aesthetic for the safety barrier. The exhibit below illustrates the lane configuration and the screening without the decorative greenery.



Analysis

LDR Section 2.4.5(E), Establishment of a Conditional Use

Pursuant to **LDR Section 2.4.5(E)(1), Rule**, 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 is anticipated to review the subject request at an upcoming meeting, pending a recommendation of approval by the Planning and Zoning Board. Conditional use requests that do not receive a recommendation of approval do not move forward to the City Commission for consideration.

Pursuant to **LDR Section 2.4.5(E)(4), Conditions**, 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.

LDR Section 2.4.4(C), Imposition of conditions. In granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:

- The compatibility of the use with nearby existing and proposed uses.
- Concurrency.
- Consistency with objectives and policies of the Comprehensive Plan.

- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.*

In consideration of the request, the Board has the ability to ensure that there is minimal to no impact on the surrounding area or other patrons on the site. The axe throwing is limited to 445 square feet of the outdoor area, which consists of 7,158 square feet in total, including seating for 100 restaurant patrons, an outdoor bar, and additional non-structured/ancillary recreational activities including portable ping pong tables and cornhole boards. It is not anticipated that the primary use on the site (restaurant) will be impacted by the additional recreational use component. A negative impact on the nearby businesses, that do not directly abut the axe throwing area, as it is adjacent to the FEC Railroad right-of-way to the east, and the “back of house” areas for the two restaurants (Vic and Angelo’s and Taverna Opa) directly to the north. It is important to note that if the subject conditional use were to be granted, any expansion to the 445 square feet use area for axe-throwing would need a modification to do so.

Although there are many safety precautions and rules and regulations governed by the World Axe Throwing League, there are concerns regarding the minimum age of 8 years old allowed to participate in the axe-throwing area. While not directly related to the criteria regarding the “imposition of conditions,” it is suggested that the business should require that anyone under the age of 18 is accompanied by a parent or guardian.

In consideration of the review and findings below, the Board may recommend to the City Commission that specific conditions be included to address concerns.

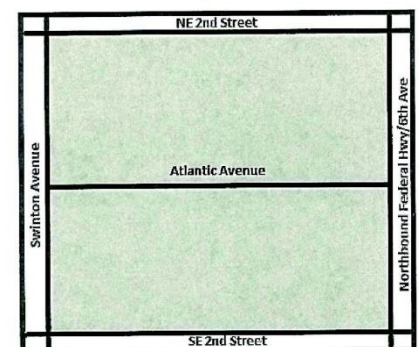
Pursuant to **LDR Section 2.4.5 (E)(5), Findings**, in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- 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.**

No increase in square footage is proposed on the property. The commercial recreation use is proposed within the confines of the approved open-air courtyard area. The occupancy load and Life Safety Plan has been analyzed by the Fire Department for both the indoor and outdoor use.

The proposed axe throwing area is also not anticipated to have a negative visual impact on the stability of the neighborhood or redevelopment of the surrounding properties. The axe-throwing lanes are 10 feet in height and surrounded on the sides and top by a metal screen. The screen barrier, which includes decorative greenery to provide additional protection and visual separation, is to further restrict the playing area and is proposed at the same height of the lanes. The request was submitted concurrently with a Class I Site Plan Modification to provide exterior site improvements to the façade, signage, and streetscape.

Additionally, the subject property is located within the “Entertainment District” boundary (see figure) designated in the Code of Ordinances Section 99.03(A)(1)(a)(i), Noise Control: Loud and Unnecessary Noises Prohibited. Within the Entertainment District, approved uses have expanded hours for noise-generating activities. The Section specifies that *for buildings or structures used for commercial purposes, operation of any such set, instrument, machine, or device between the hours of 12:01 a.m. and 7:00 a.m. Monday through Friday and between the hours of 1:00 a.m. and 7:00 a.m. on Saturday and Sunday in such a manner as to be plainly audible at a distance of 100 feet from the boundaries of the property is a violation of the section.* The property is located within the CBD, which is a mixed-use zoning district consisting of an array of commercial and residential uses typically found in an active and thriving downtown. While the extended noise limitation hours are applicable to Throw Social, the axe-throwing area is not anticipated to have a detrimental effect on the surrounding area.



Required Findings: LDR Section 3.1.1

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 Commercial Core (CC) on the Land Use Map, and zoned CBD; CBD zoning and the CC land use designation are considered consistent. The primary use of Throw Social is a restaurant which is a permissible use in the CBD district, per Table 4.4.13(A). The proposed Commercial Recreational Facility use is allowed as a conditional use within the CBD 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.*

Compliance with traffic, schools, utilities, parks, solid waste, and drainage is described below:

Traffic. A traffic study indicates that the existing restaurant use generates 375 daily trips; the combination of the restaurant and new Commercial Recreation Facility use is anticipated to generate 368 daily trips, which constitutes a net decrease in the overall 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.

Schools. Non-residential development is not subject to school concurrency evaluation.

Water & Sewer. The site is already served by City water and sewer, which has capacity to City build-out.

Parks and Recreation Facilities. Park dedication requirements do not apply to non-residential uses.

Solid Waste. The solid waste generation is not anticipated to change with the approval of the conditional use request, because the square footage is not being expanded and the proposed use is not anticipated to generate solid waste at a rate greater than the existing use of the outdoor area. The Solid Waste Authority has facilities sufficient capacity to accommodate all development proposals through 2054.

Drainage. There will be no impact on the site drainage; all improvements are interior to the building.

(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 policies are applicable to the request:

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.3.5 *Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.*

The applicant is using a structure located within the initial focus area of the 1995 downtown revitalization efforts that developed a vision for a rebirth of the downtown concentrated on the blighted buildings and vacant storefronts on Atlantic Avenue. The focus was on community character, land use, community and cultural resources, and downtown revitalization, to provide a beautiful active destination point for residents and tourists alike. The proposed conditional use will support efforts to maintain the vitality of the downtown, while preserving the community character through the reuse of an existing building and its associated open-air outdoor area.

Economic Prosperity Element

Objective ECP 6.5 Small Business Growth *Support the growth and development of small businesses that enhance the vitality and quality of life in Delray Beach neighborhoods.*

The game concept is unique to central downtown and will attract adults and families seeking additional recreational opportunities while offering a new experience in the Downtown area and provide a new setting for socialization.

(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*

The Commercial Recreation Facility use is within the limits of the approved site plan from 1995 for "The Grove Square". No additions or new square footage is being proposed; therefore, no additional parking is required. A Class I Site Plan Modification was approved on July 14, 2021 by the Site Plan Review and Appearance Board (SPRAB), associated with new awnings on the front and rear elevations, painting of the building and new signage is anticipated.

Review By Others

The request will be reviewed by the **Downtown Development Authority (DDA)** at its August 9, 2021 meeting; the recommendation will be presented to the Planning and Zoning Board on August 16, 2021.

Board Action Options

- A. Move a recommendation of **approval** to the City Commission for a Conditional Use request (2021-185) to allow a Commercial Recreation Facility at Throw Social located at 29 SE 2nd Avenue to allow axe throwing in the approved outdoor use area, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval with conditions** to the City Commission for a Conditional Use request (2021-198) to allow a Commercial Recreation Facility at Throw Social located at 29 SE 2nd Avenue to allow axe throwing in the approved outdoor use area, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Motion to **deny** a Conditional Use request (2021-198) to allow a Commercial Recreation Facility at Throw Social located at 29 SE 2nd Avenue to allow axe throwing in the approved outdoor use area, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- D. Move to **continue with direction**.

☒ Courtesy Notices were sent to the following:

- Chamber of Commerce

☒ Public Notice was posted at the property 7 calendar days prior to the meeting.

☒ Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted at least 5 working days prior to meeting.