

RESOLUTION NO. 160-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH, TO ALLOW LATE NIGHT BUSINESS OPERATIONS FOR A RESTAURANT KNOWN AS BOUNCE SPORTING CLUB, LOCATED IN THE ATLANTIC CROSSINGS PROJECT WITH A FUTURE ADDRESS OF 625 EAST ATLANTIC AVENUE, SUITE 115, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Edwards Atlantic Avenue, LLC, (“Owner”) is the owner of a parcel of land measuring approximately 4.4 acres located south of Northeast 1st Street, north of East Atlantic Avenue, between Northeast 6th Avenue and Northeast 7th Avenue (“Property”); and

WHEREAS, the City of Delray Beach approved a site plan consisting of multiple buildings for the Property, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, Bounce Sporting Club Delray, LLC, on behalf of Owner, submitted a Conditional Use application (File Number 2021-243-USE) to operate a restaurant with late night business, closing at 2:00 a.m., at the Property in the eastern suite of Building I, abutting Atlantic Avenue and Northeast 7th Avenue;

WHEREAS, it is anticipated the easternmost portion of Building I will be given the street address of 625 East Atlantic Avenue, Suite 115; and

WHEREAS, the Property is zoned Central Business District (“CBD”), within the Central Core Sub-district; and

WHEREAS, the Property is located within 300 feet of a residential zoned property; and

WHEREAS, pursuant to Table 4.4.13(A) of the City of Delray Beach Land Development Regulations (“LDR”), 24-hour or late-night businesses, within 300 feet of a residential zoned property, are permitted as a conditional use within the CBD Central Core Sub-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; nor

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

WHEREAS, LDR Section 4.3.3(VV)(2)(c), which governs the granting of a conditional use to operate a 24-hour or late night business, also requires the approving body to make findings that:

- (a) The use will be consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach;
- (b) The submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees, and nearby residents; and
- (c) The amount and type of buffering is adequate to minimize the effects of noise impacts upon surrounding uses and nearby residential properties and to act as a visual barrier to the property from surrounding uses and nearby residential properties; and

WHEREAS, at its meeting on October 18, 2021, the Planning and Zoning Board voted ____ to ____ to recommend approval/denial to the City Commission; and

WHEREAS, the requested conditional use to allow a restaurant to operate with late night business was presented to the City Commission at a quasi-judicial hearing conducted on _____, 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 forgoing 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 makes positive findings that the requested conditional use will be consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach, the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees, and nearby residents, and the amount and type of buffering provided is adequate to minimize the effects of noise impacts and to act as a visual barrier to the property from surrounding uses and nearby residential properties.

Section 4. The City Commission approves the conditional use request to allow a restaurant with late night business to operate until 2:00 a.m. in the eastern most suite of Building I, abutting Atlantic

Avenue and Northeast 7th Avenue, with a future street address of 625 East Atlantic Avenue, Suite 115, as depicted in the approved Site Plan attached hereto as Exhibit "A".

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to _____.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2021.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney