



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** March 6, 2018

CONDITIONAL USE REQUEST FOR 24 RESIDENTIAL-TYPE INN UNITS IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT FOR MIDTOWN DELRAY (fka SWINTON COMMONS) AT THE SUNDY HOUSE AND ON BLOCKS 61 AND 70. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to Approve the Conditional Use request to increase the Residential-type Inn use to 24 units with one additional unit at the Sundy House, 9 new units on Block 61, and 14 new units on Block 70 for Midtown Delray by adopting the findings of fact and law contained in the Staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That Class V Site Plan and Certificate of Appropriateness for the respective project be approved.
2. That Palm Beach County Traffic Engineering Division provide a determination that the proposal meets the Traffic Performance Standards of Palm Beach County.
3. That the plat for the complete development be approved and recorded prior to the issuance of a building permit.
4. That the applicant provide significant evidence that the use operates as a residential-type inn.

**Background:**

At its meeting of February 6, 2018, the applicant requested that the project be postponed to the March 6, 2018 to modify the development proposal to eliminate the waivers to the building width for buildings #8 and #9 and the rear setback for building #1. Revised plans were submitted that demonstrate the building width waivers for buildings #8 and #9 are no longer needed. Further, building #1 has been revised to eliminate the requested waiver to the rear setback. This has resulted in the reduction of the requested 39 Residential-Type Inn units to 24 units.

The proposal is a request for a conditional use to establish a Residential-type Inn use along SW 1<sup>st</sup> Avenue in Block 61 and on Block 70 at the southeast corner of Swinton Avenue and SE 1st Street and increase the number of units for the Residential-type Inn use at the Sundy House located at 106 South Swinton Avenue. A Residential-type Inn is defined as "a facility offering transient lodging accommodations on a daily, weekly, or monthly rate to the general public (open to the public at large). It may consist of one building which contains the principal and accessory uses, or groups of buildings. Suites may or may not include kitchens or kitchenettes. Accommodations may be comprised entirely of suites, or may include a combination of single rooms and suites. The facility may also contain accessory uses as otherwise permitted in the applicable zoning district." This use is

conditional within the Old School Square Historic Arts District (OSSHAD).

In 1998, the original conditional use request to establish the Residential-type Inn use was approved by the Delray Beach City Commission for the Sundry House (Lots 1-3, Sundry Estates Subdivision) and included 11 units. The Class V Site Plan for the Sundry House and Inn was approved by the Historic Preservation Board (HPB) on March 18, 1998. The Sundry House property is listed on the National Register of Historic Places. The location on Block 61 where nine of the proposed units will be established consists of vacant land, and a parking lot with a contributing accessory structure presently utilized for storage. The location of the proposed 14-unit building on Block 70 presently consists of a parking lot and a building which will be rebuilt at the Sundry House site.

At its meeting of June 27, 2017, the Historic Preservation Board recommended approval to the Planning and Zoning Board of the conditional use (5-1; Harden dissenting, Patton absent). At its meeting of July 17, 2017, the Planning and Zoning Board recommended approval of the conditional use (5-0; Patrick, Pike absent). Both of these recommendation were for 39 Residential-Type Inn units.

Following the submittal of the conditional use application for Swinton Commons, the project was revised and is now known as Midtown Delray. The project now proposes 24 Residential-Type Inn units, however, the overall project was modified to eliminate one new building along Swinton Avenue and the hotel units have been converted to condominium dwelling units. Thus, the resulting configuration and building footprints were modified from the concept plan submitted for the Swinton Commons conditional use. Attached to this report is the site layout of the original Swinton Commons concept plan and the revised Midtown Delray site plan. The change in the plans does not materially impact the request for the conditional use and all relevant components of the project are in line with the request.

### **Conditional Use Required Findings**

Pursuant to LDR Section 2.4.5(E)(5), in addition to provisions of Chapter Three, 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.

The following table identifies the zoning designations and uses that are adjacent to the subject properties where the Residential-type Inn use is proposed:

	<u>Zoning</u>	<u>Use</u>
<u>Block 61</u>		
North	OSSHAD w/CBD Overlay	Commercial
South	OSSHAD	Residential-Type Inn, Restaurant
East	OSSHAD	Commercial, Single Family Dwellings
West	CF	Public Parking Lot
 <u>Sundry House</u>		
North	OSSHAD	Proposed Residential-Type Inn & Mixed-use (Commercial & Residential)

South	CF	Church
East	OSSHAD	Proposed Commercial Uses
West	RM	Multi-family Residential

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**Block 70**

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North	OSSHAD	Vacant residential unit
South	OSSHAD	Residential
East	OSSHAD w/CBD Overlay	
	Vacant residential	
West	OSSHAD	Sundy House (Restaurant, Residential-Type Inn, and Office)

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OSSHAD - Old School Square Historic Arts District

CBD - Central Business District

CF - Community Facility

RO - Residential Office

RM - Multi-Family Residential - Medium Density

Note: All OSSHAD zoned properties are subject to the Old School Square Historic District Overlay.

With respect to the immediate surroundings, and the LDR noted above, the expansion of the Residential-type Inn use from the Sundy House property onto the blocks to the north and east is compatible and meets the aforementioned LDR. The proposed additional unit on the Sundy House property as well as the new units along SW 1<sup>st</sup> Avenue and SE 1<sup>st</sup> Street will assist in bringing additional activity to this area, which has seen some positive improvements with the addition of the Coda development, located directly west of the Sundy House. Additional information and analysis is provided in the attached Staff report to the Planning and Zoning Board.

**City Attorney Review:**

City Attorney recommends approval.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The additional residential-type inn units are graphically depicted on the site plan/certificate of appropriateness (COA). It is noted that the associated site plan and COA were denied by the Historic Preservation Board. If approved, the conditional use would have a two-year approval period (excluding extensions), during which time a corresponding site plan would need to be approved.