



## Legislation Text

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File #: 21-980, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: September 23, 2021**

**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 (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Review and consider Resolution No. 137-21, to allow a commercial recreational facility at 29 SE 2nd Avenue.

**Background:**

The subject property is located 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 restaurant was originally established in 1995 as part the "The Grove Square" under the name of "City Limits" and then as "Il Baccio."

The conditional use request is to allow axe throwing as a Commercial Recreation Facility in the courtyard area in conjunction with Throw Social, a new restaurant. The area, including the courtyard, was approved for restaurant and outdoor use in the 1995 site plan; therefore, no additional parking is needed for this request (if approved). The proposal includes seven portable axe throwing lanes (Commercial Recreation Facility) in the northeast corner of the outdoor courtyard area, which consists of 445 SF of the 7,158 SF outdoor use area. The axe throwing is limited to those patrons who have made a reservation, which secures an axe throwing profession to oversee each game, ensure safety procedures are followed, and explain the rules. Patrons must be 8 years or older, with guardian permission required for minors. The time limit for each game is one hour and is fully supervised. The axe throwing lanes are 10 feet in height and are surrounded on the sides and top by a black metal screen covered with decorative greenery to provide an aesthetic treatment to the safety barrier. Additional outdoor games are proposed that do not require a conditional use, such as portable ping pong tables and corn hole boards.

Pursuant to the Land Development Regulations (LDR) Section 2.4.5(E)(5) 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.

The attached staff report provides an analysis of the required findings Chapter 3 of the LDR. The game concept is unique and will attract adults and families seeking additional recreational opportunities in the downtown area. Silverball Museum, located at 19 NE 3rd Avenue, provides another unique commercial recreation facility that includes a food area, bar, and entertainment for adults and kids - though it does not raise the safety concerns that axe throwing raises.

The proposed commercial recreational facility is located within the confines of the approved open air-courtyard area. The axe throwing area is proposed in the northeast corner, adjacent to the FEC Railroad to the east and the "back house" areas of Vic and Angelo's and Taverna Opa directly north. The Life Safety Plan has been analyzed by the Fire Department for both the indoor and outdoor use for compliance. Noise impacts are not anticipated and the area is located within the "Entertainment District" boundary, which allows for expanded hours for noise-generating activities.

On July 14, 2021 the Site Plan Review and Appearance Board approved a Class I Site Plan to paint the building, replace awnings, and add a new awning system in the courtyard.

On August 9, 2021, the Downtown Development Authority reviewed both the Class I and the proposed axe throwing use and recommend approval (memo attached).

On August 16, 2021, the Planning and Zoning Board considered the Conditional Use request and recommended approval by a vote of 4 to 2. The concerns discussed by the board largely focused on safety concerns, including the age of the participants.

**City Attorney Review:**

Approved for form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The Conditional Use will approval is required to allow the Commercial Recreation Facility as part of the restaurant.