



## Legislation Text

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**File #:** 18-457, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Director of Planning, Zoning and Building  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** August 21, 2018

REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A FLAT WALL SIGN ON THE SOUTH ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR DELRAY HEALTH & WELLNESS INC.(BASIS MEDICAL AND BASIS FITNESS) WHICH IS A TENANT OF THE BUILDING LOCATED AT 2702 N. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Motion to approve the waiver request to LDR Section 4.6.7(E)(7) for Delray Health & Wellness Inc. (Basis Medical and Basis Fitness) which is a tenant of the building located at 2702 N. Federal Hwy, as presented.

### **Background:**

The applicant Delray Health & Wellness Inc applied for business signage; two of which were approved administratively by building permit. A third sign (proposed on the south elevation) is not permitted as it does not face a dedicated street frontage. The proposed sign is front illuminated channel letters mounted on a gray raceway, white acrylic faces, black trim cap, black returns and is 116" x 24" for a total of 19 square feet.

Per LDR Section 4.6.7(E)(7) Design Standard Matrix; one wall sign per business facing a dedicated street frontage is allowed, therefore requiring a waiver for the proposed sign on the south elevation. Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

(b) Shall not significantly diminish the provision of public facilities;

(c) Shall not create an unsafe situation; and,

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The granting of this waiver will not adversely affect the neighboring area, diminish the provision of public facilities nor create an unsafe situation. The applicant states that the sign will improve ingress to the building for the people visiting Basis Fitness by reducing confusion over which entrance to use. The sign would not be considered a special privilege in that similar signage has been approved for other businesses in Delray Beach as recently as ROK BRGR, Burger King, and Delray Boxing.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A