



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

## DEVELOPMENT SERVICES DEPARTMENT

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

### SITE PLAN REVIEW AND APPEARANCE BOARD

**Meeting:** September 25, 2019

**File No.** 2019-272

**Application Type:** Class I Site Plan Modification

**Applicant** 9 Squared Ventures, LLC

**Location:** 98 SE 6<sup>th</sup> Ave

**PCN:** 12-43-46-16-01-109-0240

**Property Size:** 0.25 Acres

**FLUM:** CC (Central Core)

**Zoning:** CBD (Central Business District)

**Adjacent Zoning:**

- (North) CBD
- (West) CBD
- (South) CBD
- (East) CBD

**Existing Land Use:** Marketing Company



#### Item before the Board:

The action before the Board is for the approval of a Class I Site Plan Modification associated with a mural on the east elevation of the building and the dumpster enclosure in the rear of the building.

#### Optional Board Motions for Action Items:

1. Move to continue with direction.
2. Move approval of the Class I (2019-272) Site Plan Modification, for **98 SE 6<sup>th</sup> Avenue**, as amended by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(G)(5), 2.4.5(I)(5), 4.6.18(E), and Chapter 3 of the Land Development Regulations.
3. Move denial of the Class I (2019-272) Site Plan Modification, for **98 SE 6<sup>th</sup> Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(G)(5), 2.4.5(I)(5), 4.6.18(E), and Chapter 3 of the Land Development Regulations.

#### Assessment and Summary

The property consists of 0.25 acres and is currently zoned CBD (Central Business District). The proposal consists of two murals one on the east elevation and one on the rear which is located on the dumpster enclosure that has been painted without the proper approval. These two murals are the result of a code action.

#### Background:

The subject property is located on the corner of SE 1<sup>st</sup> Street and SE 6<sup>th</sup> Avenue, described as TOWN OF DELRAY LOTS 24 & 25/LESS RD R/W/BLK 109 located in the Central Business District (CBD). The property includes a 4,301-sq. ft. marketing and advertising company.

Now before the board is approval of a mural on the east elevation and the dumpster at the rear of the building.

#### Project Description:

- East elevation is a set of wings in green, blue white and red and reads "Damn Good in Delray"
- Rear Dumpster is in yellow black, white and red and resembles a superhero.

#### Project Planner:

Jen Buce; [buce@mydelraybeach.com](mailto:buce@mydelraybeach.com),  
561-243-7138

#### Review Dates:

SPRAB Board 9/25/19

#### Attachments:

1. Mural drawings



**Site Plan Analysis:**

**LDR Section 4.6.18(E) – Criteria for Board Action:** The following criteria shall be considered, by the Site Plan Review and Appearance Board (SPRAB), in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

1. The plan or the proposed structure is in conformity with good taste; good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The mural on the east elevation is a set of wings painted red, blue white and green. The thought process behind this mural is to make it an interactive mural with the public and create a “social buzz” by onlookers taking photos and posting them on social sites. The east elevation also shows signage that reads “Damn Good in Delray.” This is considered signage as the company’s name is part of the verbiage. Pursuant to 4.6.7(B)Applicability, It shall be unlawful for any persons to post, display, change, or erect a nonexempt sign or a sign structure, that requires a permit, without first having obtained a permit therefor. Signs or sign structures erected without a valid permit shall be deemed in violation and it shall be mandatory to obtain a permit, based on this Section, or else remove the sign or sign structure. Therefore, if the applicant chooses to keep the sign, a sign permit will be required and can be approved adminsitratvely. The mural to the rear of the property located on the dumpster was a collaboration of the applicant and about 15 FAU students and their instructors. It appears to be a superhero in yellow and black. The term “Delrageous” was coined to describe the unique art friendly city.

**Reviewed by Others:**

On August 26, 2019, the Public Arts Advisory Board (PAAB) reviewed the murals and were approved.  
On September 9, 2019, the Downtown Development Authority (DDA) review the mural and approved.