Development Services Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: The OG (2019-288)
Project Location: 166 SE 2nd Avenue
PCN: 12-43-46-16-01-078-0131
Request: Class I Site Plan Modification
Board: Site Plan Review and Appearance Board
Meeting Date: October 16, 2019

Board Action:
Approved as presented 7-0.

Project Description:
The subject property is a 0.17 acres parcel located at 166 SE 2nd Avenue, on the west side the street, south of SE 1st Street. There are two existing buildings on the site, a 1,000 square foot building that operates as a Stand A Lone Bar, which was constructed in 1967, faces SE 2nd Avenue. The second building is a 936 square foot warehouse constructed in 1965 and is adjacent to an alleyway at the rear of the main structure.

The application consists of a mural on the south elevation. The mural on the south elevation is designed with skulls, flowers and a snake and read "Too Tough to Die". The mural was painted by an International Artist from Australia., Steen Jones.

Board Comments:
none.

Public Comments:
No members of the public spoke for or against the project.

Associated Actions:
No associated actions.

Next Action:
The SPRAB action is final unless appealed by the City Commission.

SITE PLAN REVIEW AND APPEARANCE BOARD
STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT
100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: October 16, 2019	File No. 2019-288	Application Type: Class I Site Plan Modification

Applicant Brian Rosen
Location: 166 SE 2nd Avenue
PCN: 12-43-46-16-01-078-0131
Property Size: 0.17 Acres
FLUM: CC (Central Core)
Zoning: CBD (Central Business District)
Adjacent Zoning:

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

Existing Land Use: Stand Alone Bar

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 south elevation of the building.

Optional Board Motions for Action Items:

1. Move to continue with direction.

2. Move approval of the Class I (2019-288) Site Plan Modification, for 166 SE 2nd Avenue, as amended by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

3. Move denial of the Class I (2019-288) Site Plan Modification, for 166 SE 2nd Avenue, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.

Assessment and Summery
The property consists of 0.17 acres and is currently zoned CBD (Central Business District). The proposal consists of a mural on the south elevation that has been painted without the proper approval. The mural is the result of a code action. It should be noted that a moratorium has been placed on murals for a six-month period for any new murals. Since this is an existing mural that was painted without the proper approvals it can proceed through the process to obtain the necessary board actions.

Background:
The subject property is a 0.17 acres parcel located at 166 SE 2nd Avenue, on the west side the street, south of SE 1st Street. There are two existing buildings on the site, a 1,000 square foot building that operates as a Stand A Lone Bar, which was constructed in 1967, faces SE 2nd Avenue. The second building is a 936 square foot warehouse constructed in 1965 and is adjacent to an alleyway at the rear of the main structure.

At its meeting of July 28, 2010, the Site Plan Review and Appearance Board reviewed a Class I Site Plan Modification for Kevro's Art Bar. The modification included the painting of a mural on the front entrance of the building and on the walls of both structures which

Project Planner:	Review Dates:	Attachments:
Jen Buce; buce@mydelraybeach.com, 561-243-7138	SPRAB Board 10/16/19	1. Mural drawings

are visible from southbound SE 2nd Avenue. The Board tabled the site plan modification due to concerns with the content of the black and white mural. The Board felt that the artist's interpretation could possibly be deemed suggestive and directed the applicant to scale down the features that may be offensive.

The board reconsidered the application and approved murals on the building at its next SPRAB meeting. The previously approved murals are attached.

Now before the board is approval of a mural on the south elevation.

Project Description:

- South Elevation the mural is designed with skulls, flowers and a snake. This could be referred to as an "American Style Tattoo." The colors are white, red, blue, green, black and yellow.

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.

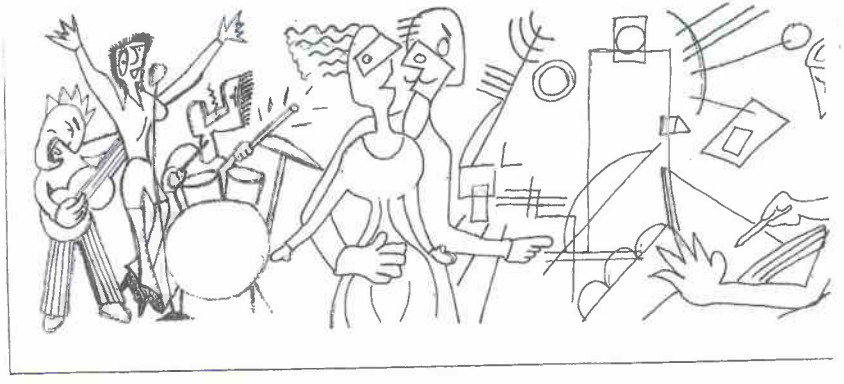
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

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.

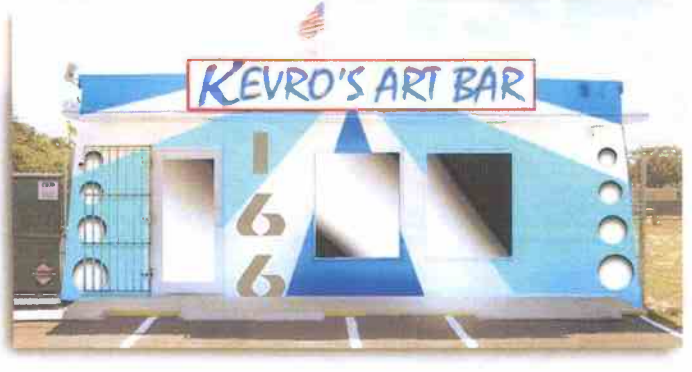
The mural on the south elevation is designed with skulls, flowers and a snake and read "Too Tough to Die". The mural was painted by an International Artist from Australia. The mural can be seen by pedestrian and vehicular traffic traveling north on SE 2nd Avenue. The colors are white, red, blue, green, black and yellow and could be referred to as an "American Style Tattoo " design.

Reviewed by Others:

On September 23, 2019, the Public Arts Advisory Board (PAAB) reviewed the mural.
On October 7, 2019, the Downtown Development Authority (DDA) reviewed the mural.



ART RENDERINGS



TOO TOUGH TO Die
Keen Jones
SWS
888-800-7732