

RESOLUTION NO. 01-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE INSTALLATION OF A WALL SIGN AT 307 E. ATLANTIC AVENUE (PCN 12-43-46-16-01-092-0060); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Rosebud 307, LLC (“Applicant/Property Owner”), through its agent Jordana Jarjura (“Agent”), submitted a development application (2020-041-WAI-CCA) for the approval of a waiver request for the installation of a wall sign, measuring 10.75’ x 8.58’ with an overall square footage of 92.23’, on the east elevation of the building, which does not face a dedicated street frontage, located at 307 E. Atlantic Avenue, Delray Beach (“the Site”); and

WHEREAS, the Site consists of 0.12 acres and is zoned Central Business District (CBD); and

WHEREAS, Section 4.6.7(E)(7) of the City of Delray Beach Land Development Regulations (LDR) set forth the design standards for signage in the CBD; and

WHEREAS, the proposed wall sign is inconsistent with the requirements of LDR Section 4.6.7(E)(7) and therefore requires a waiver; and

WHEREAS, LDR Section 2.4.7(B)(5), which governs waivers from development regulations, requires the approving body to 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 a similar circumstance on other property for another applicant or owner; and

WHEREAS, LDR Section 4.4.13(K)(5)(b)(2), which governs waivers from development regulations, in the Central Business District also requires the approving body to make a finding that the granting of the waiver:

- (a) Shall result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls;
- (b) Shall not allow the creation of significant incompatibilities within nearby buildings or uses of land;
- (c) Shall not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and

(d) Shall not reduce the quality of civic open spaces provided under this code; and

WHEREAS, the requested waiver of relief from LDR Section 4.6.7(E)(7) regarding the proposed wall sign at the Site was presented to the City Commission at a quasi-judicial hearing conducted on January 14, 2020; and

WHEREAS, City Commission reviewed the waiver request from LDR Section 4.6.7(E)(7) as it relates to a wall sign, measuring at 10.75' x 8.58' with an overall square footage of 92.23', on the east elevation of the Site, which does not face a dedicated street frontage, and considered the respective findings for each item as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby incorporated by this reference.

Section 2. The City Commission makes positive findings that the requested waiver (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstances on other property for another applicant or owner.

Section 3. The City Commission makes positive findings that the requested waiver (1) does not result in an inferior pedestrian experience along a Primary Street; (2) does not allow the creation of significant incompatibilities within nearby buildings or uses of land; (3) does not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and (4) does not reduce the quality of civic open spaces provided under this code.

Section 4. The City Commission approves the waiver for the installation of a wall sign at 307 E Atlantic Avenue, Delray Beach, as reflected in Exhibit "A" and Exhibit "B", which are incorporated herein.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2020.

Shelly Petrolia, M A Y O R

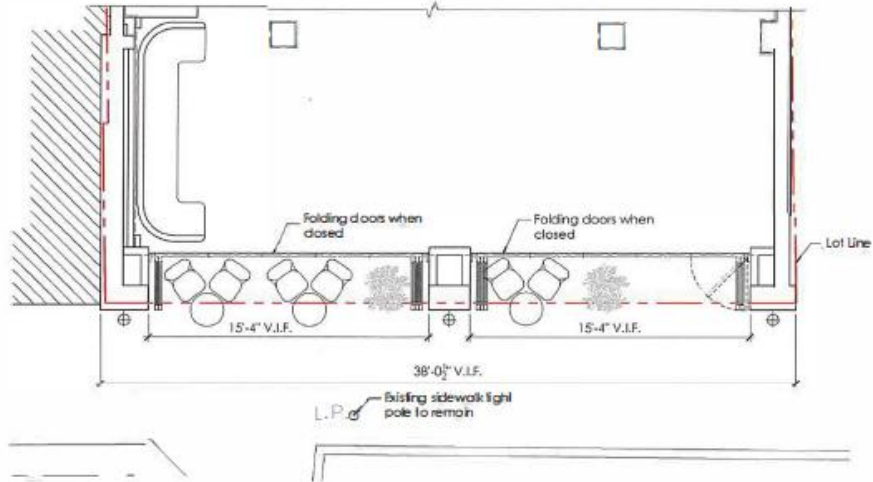
ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

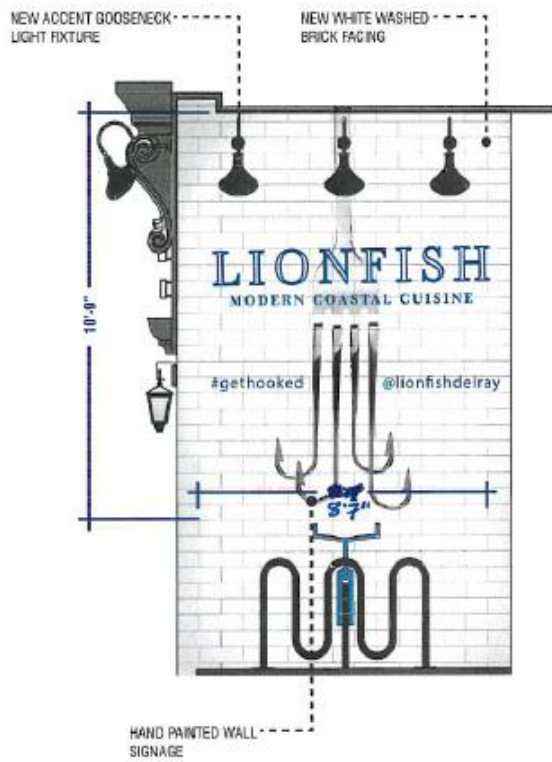
Lynn Gelin, City Attorney

Exhibit "A"
307 E. Atlantic Avenue
Site Plan



PROPOSED SITE PLAN - OUTDOOR/INDOOR LOUNGE SEATING

Exhibit "B"
307 E. Atlantic Avenue
Sign Rendering



SIDE ELEVATION SIGNAGE (EAST FACING EXTERIOR WALL)