



*Development Services Department*

**BOARD ACTION REPORT – APPEALABLE ITEM**

---

**Project Name:** Proper Ice Cream

**Project Location:** 75 SE 4<sup>th</sup> Avenue

**Request:** Consideration of Class I Site Plan Modification associated with architectural elevation changes for a mural on the east side of the building.

**PCN:** 12-43-46-16-01-101-0112

**Board:** Site Plan Review and Appearance Board

**Meeting Date:** February 12, 2020

**Board Vote:** (7-0)

**Board Action:**

Approved (7-0) with the condition that the mural is followed through the entire east wall.

**Project Description:**

The subject 0.06 acres property is located on the east side of SE 4th Avenue between Atlantic Avenue and SE 1st Street. The property is located in the Central Business District (CBD) within the Central Core (CC) sub-district and has a CC Future Land Use Map (FLUM) designation.

The proposed mural, cited on August 27, 2019 (19-10870), is a yellow background with an orange design, blue door and a blue monster face on an enclosure. The applicant stopped the painting of the mural in August. The “finished” proposed mural has a colorful background of orange, blue purple and brown. There is a face of a smiling pink pig on the north side of the of the rear wall and on the south side of the wall a group of “gummy looking” characters in blue, red, purple orange and yellow with different expressions on their face, an animal with its tongue sticking out is proposed on the enclosure.

**Board Comments:**

N/A

**Public Comments:**

N/A

**Associated Actions:**

N/A

**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 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: February 26, 2020

File No. 2020-089

Application Type: Class I Site Plan Modification

Applicant: Rick Felberbaum

Address: 75 SE 4<sup>th</sup> Avenue

Location: East side of SE 4<sup>th</sup> Ave, between E. Atlantic Ave and SE 1<sup>st</sup> St.

PCN: 12-43-46-16-01-101-0112

Property Size: 0.06 acres

FLUM: CC (Central Core)

Zoning: CBD (Central Business District)

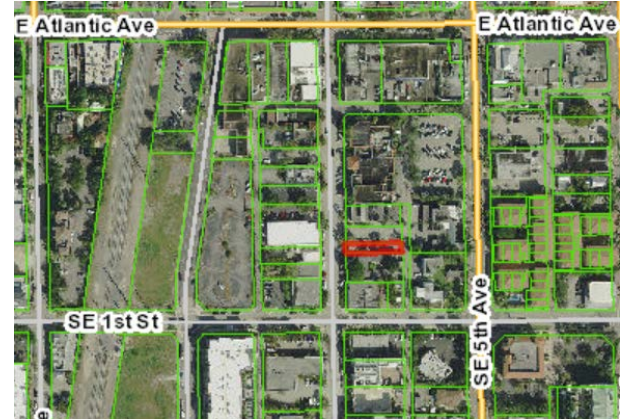
Adjacent Zoning:

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

Existing Land Use: Commercial Use/ Ice Cream Shop

Item before the Board:

Consideration of a Class I Site Plan Modification associated with architectural elevation changes for a mural on the east side of the building.



#### Optional Board Motions for Action Item:

1. Move to continue with direction.
2. Move approval of the Class I (2020--089) Site Plan Modification for architectural elevations changes for **Proper Ice Cream at 75 SE 4<sup>th</sup> Avenue**, as amended, as amended, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 3 of the Land Development Regulations.
3. Move denial of the Class I (2020-089) Site Plan Modification for architectural elevations changes for **Proper Ice Cream at 75 SE 4<sup>th</sup> Avenue**, as amended, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 3 of the Land Development Regulations.

#### **Background:**

The subject 0.06 acres property is located on the east side of SE 4<sup>th</sup> Avenue between Atlantic Avenue and SE 1<sup>st</sup> Street. The property is located in the Central Business District (CBD) within the Central Core (CC) sub-district and has a CC Future Land Use Map (FLUM) designation. The property is described as Lot 11 (less north 43ft and west 8.17 ft. of SE 4<sup>th</sup> Ave. right-of-way) Block 101 as shown on Plat of Original Town of Linton, according to the Plat Book 1 Page 3 of the Palm Beach County. The one-story, 705 sf commercial building was constructed in 1950. The existing land use is an ice cream shop (commercial use) known as Proper Ice Cream.

At its meeting of May 22, 2019, the Site Plan Review and Appearance Board continued with direction for the mural proposed on the north elevation in order for the applicant to make changes to the proposal provided by the Board.

At its meeting of June 12, 2019, the Site Plan Review and Appearance Board approved the Class I Site Plan Modification associated with a mural.

#### Project Planner:

Jen Buce, buce@mydelraybeach.com  
561-243-7040

#### Review Dates:

SPRAB Board 2/12/19

#### Attachments:

1. Proposed Renderings



It should be noted that the mural was under Code Enforcement action as it was painted without the proper approval.

Now before the board is a mural on the east elevation of the building. The property is under Code Enforcement action as the applicant painted the mural without the proper approval.

**Project Description:**

- Introduction of a mural (artwork) on the east elevation of the building.

**Architectural Elevation 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 proposed mural, cited on August 27, 2019 (19-10870), is a yellow background with an orange design, blue door and a blue monster face on an enclosure. The applicant stopped the painting of the mural in August. The "finished" proposed mural has a colorful background of orange, blue purple and brown. There is a face of a smiling pink pig on the north side of the of the rear wall and on the south side of the wall a group of "gummy looking" characters in blue, red, purple orange and yellow with different expressions on their face, an animal with its tongue sticking out is proposed on the enclosure.

**Review by Others:**

The proposed mural was reviewed by the Public Art Advisory Board on January 27, 2020. The board is not in support of the mural as presented. The Downtown Development Authority (DDA) reviewed the mural on February 10, 2020 the action taken by the board will be given the night of SPRAB as the report was published prior to the meeting.



