



Cover Memorandum/Staff Report

File #: 19-1216

Agenda Date: 1/21/2020

Item #: 7.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: George Gretsas, City Manager
DATE: January 21, 2020

RESOLUTION NO. 05-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF TWO WALL SIGNS TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 324 NE 3RD AVENUE (PCN 12-43-46-16-01-081-0180); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommended Action:

Review and consider Resolution No. 05-20, granting a waiver for the installation of two wall signs to LDR Section 4.6.7(e)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 324 NE 3rd Avenue (pcn 12-43-46-16-01-081-0180); providing an effective date and for other purposes.

Background:

An application for two wall signs on the north and south elevations was submitted on behalf of JLLS LLC. The signs require a waiver from LDR Section 4.6.7(E)(7) to install signs in excess of the allowable size and to install signs that do not face a public right-of-way. The subject property is located on the west side of NE 3rd Avenue, between NE 3rd Street and NE 4th Street. The subject property is zoned Central Business District (CBD) and is approximately 0.16 acres. The new building is a four-story mixed-use building that consists of a restaurant on the first floor, a yoga studio on the second floor, professional offices on the third floor, and an artist studio on the fourth floor.

The proposed signage would be on the north and south elevations, which are interior side elevations. Development in the CBD does not have required side setbacks. These elevations are currently visible, but ultimately may be obscured by future development, which is also why the building does not have fenestration or openings on the side elevations.

The proposed signs are 15.9 x 35.11 for a total of 558.25 SF. The signs are proposed to be painted in "Trout Gray" flat and the geometrical shape is proposed in "Deep Silver" flat, which emphasizes the name of the building.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the granting body shall make findings that the granting of a 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;

Although the proposed wall signs will not create an unsafe situation nor affect the provision of public facilities, consideration should be given if the size of the wall signs could adversely affect the neighboring area, as the proposed wall signs significantly exceed the requirements in LDR Section 4.6.7(E)(7).

A wall sign is calculated as 15% of a building face x 12' maximum height x the width of the tenant space or the building; not to exceed 160 SF. In this instance, the signs proposed are more than three times the size that is allowed pursuant to LDR Section 4.6.7(E)(7). As the width of the building is 135', the sign size calculation is $135' \times 12' \times 15\% = 243 \text{ SF}$; therefore, the maximum of 160 SF is permitted. The wall signs also do not face a dedicated street frontage, which is a requirement of LDR 4.6.7(E)(7).

The signs are proposed in an area of the community where art is prevalent and numerous murals exist. The proposed signs could be considered a "super graphic" but since the proposed graphic is a branding of the building, they are considered signage; therefore, LDR Section 4.6.7(E)(7) Design Standard Matrix is applied.

Although, waivers have been previously granted to allow the signage that does not face a dedicated street frontage, the waivers previously granted generally did not also accompany a request to exceed the size requirements (i.e. Lionfish, ROK BRGR). Two wall signs of this size (558.25 SF) that do not face a dedicated street frontage have not been previously requested or approved. Downtown properties redevelop at different times, occasionally exposing interior side elevations. Careful consideration should be given as to whether this type of treatment is desirable on other properties with similar circumstances.

At this time, no other signage has been proposed for the site. If additional signage is proposed, a Master Sign Program may be required as this is a multi-tenant building.

City Attorney Review:

Approve as to form and legal Sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A