



## Legislation Details (With Text)

**File #:** 17-126      **Version:** 1      **Name:**

**Type:** Request      **Status:** Passed

**File created:** 1/23/2017      **In control:** City Commission

**On agenda:** 2/21/2017      **Final action:** 2/21/2017

**Title:** REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(J)(3) TO ALLOW THREE ABOVE THE ROOF SIGNS ON THE APPROVED HVAC SCREENING FACING I-95 AT 1425-1585 SOUTH CONGRESS AVENUE.  
(QUASI JUDICIAL HEARING)

**Sponsors:** Planning & Zoning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Linton Square Sign Waiver (above roofline), 2. Waiver of Sign Code Justification Letter - Linton Square, 3. Linton - Boundary Survey, 4. Linton Signage Package Client Approval Set 11-5-16 AutoZone Sheet A-3, 5. Linton Signage Package Client Approval Set 11-5-16 Harbor Freight Sheet A-1, 6. Linton Signage Package Client Approval Set 11-5-16 Rainbow Sheet A-2, 7. Linton Square Board Order

Date	Ver.	Action By	Action	Result
2/21/2017	1	City Commission	adopted	Pass

**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, AICP, Director of Planning, Zoning and Building  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** February 21, 2017

REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(J)(3) TO ALLOW THREE ABOVE THE ROOF SIGNS ON THE APPROVED HVAC SCREENING FACING I-95 AT 1425-1585 S. CONGRESS AVENUE.  
(QUASI-JUDICIAL HEARING)

The City Commission action requested is consideration of a waiver request to LDR section 4.6.7(J)(3) to allow three above the roof signs on the approved HVAC screening facing I-95 at 1425-1585 S. Congress Avenue where roof signs are prohibited signs within the City of Delray Beach.

### **Recommended Action:**

On January 11, 2017, the Site Plan Review And Appearance Board approved with (5-1 with Linda Pardo dissenting and Fred Kaub absent) the recommendation to the City Commission regarding the waiver request to LDR section 4.6.7(J)(3), Prohibited Signs, to allow three above the roof signs on the approved HVAC screening facing I-95 at 1425-1585 S. Congress Avenue with conditions. Staff's position is motion to deny the waiver request to LDR section 4.6.7(J)(3).

### **Background:**

On October 10, 2016 the Site Plan Review and Appearance Board approved minor renovations which included elevating the front facade and the installation of HVAC screens on the rear of the building for the junior anchor tenants. They also approved an amendment to the Blanket Sign Program and updated it with a Master Sign Program. The current Master Sign Program includes wall signs on the front elevation up to 6'3" height on the front elevations and on the I-95 corridor up to 5'1" height. The Master Sign Program allows for the maximum 160 square foot signs for both Anchor and Junior anchor tenants.

Per LDR section 4.6.7(J)(3) Prohibited Signs Roof Signs: A sign erected on the roof, or above the roofline, or on the parapet; therefore requiring a waiver for the three referenced signs.

### **Waiver Analysis:**

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall 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 similar circumstances on other property for another applicant or owner.

The granting of this waiver will not adversely affect the neighboring area, diminish the provision of public facilities nor create an unsafe situation. However, the granting of the waiver will result in a special privilege as wall signage is already allowed pursuant to LDR 4.6.7(E)(7) Design Standard Matrix which allows a sign facing I-95, not to exceed 160 square feet, below the roofline.

There is no hardship for the signage to exist above the roofline or parapet since the signs can be accommodated on the wall and adequately appear symmetrical and proportionate on the elevation below the roofline.

At its meeting of January 11, 2017, the Site Plan Review And Appearance Board approved with (5-1 with Linda Pardo dissenting and Fred Kaub absent) the recommendation to the City Commission regarding the waiver request to LDR section 4.6.7(J)(3), Prohibited Signs, to allow three above the roof signs on the approved HVAC screening facing I-95 at 1425-1585 S. Congress Avenue with the following conditions:

- All three signs be positioned on their base banding line;
- The height dimensions do not change in size;
- and This is only applicable to the three Junior Anchor tenants

Attachments:

SPRAB Report 2/10/16  
Justification Letter  
Sign Elevations  
Site Location Map  
Board Order

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**