



Legislation Details (With Text)

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File created: 4/23/2019 **In control:** City Commission

On agenda: 5/21/2019 **Final action:** 5/21/2019

Title: RESOLUTION NO. 108-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH CONSIDERING A WAIVER TO LDR SECTION 4.6.7 SIGNS, SUBSECTION (E)(7) DESIGN STANDARD MATRIX, TO ALLOW A WALL SIGN ON THE EAST ELEVATION TO EXCEED THE MAXIMUM SIZE OF NINE (9) SQUARE FEET IN AREA ON THE REAR OF THE BUILDING WHICH IS PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 215 NE 5TH AVENUE (PCN: 12-43-46-16-01-106-0090); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (2019-161-WAI-CCA). (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Resolution 215 NE 5th Avenue, 3. location map, 4. justification letter

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Commission	approved	

TO: Mayor and Commissioners
FROM: Tim Stillings, Development Services Department
THROUGH: Neal de Jesus, Interim City Manager
DATE: May 21, 2019

RESOLUTION NO. 108-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH CONSIDERING A WAIVER TO LDR SECTION 4.6.7 SIGNS, SUBSECTION (E)(7) DESIGN STANDARD MATRIX, TO ALLOW A WALL SIGN ON THE EAST ELEVATION TO EXCEED THE MAXIMUM SIZE OF NINE (9) SQUARE FEET IN AREA ON THE REAR OF THE BUILDING WHICH IS PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 215 NE 5TH AVENUE (PCN: 12-43-46-16-01-106-0090); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (2019-161-WAI-CCA). (QUASI-JUDICIAL HEARING)

Recommended Action:

Review and consider Resolution No. 108-19, a waiver to LDR Section 4.6.7. Signs, Subsection (E)(7) Design Standard Matrix, to allow a wall sign on the east elevation to exceed the maximum size.

Background:

The applicant, Central Park Taekwondo, applied for three business signs. Two signs complied with the Land Development Regulations (LDRs) and were approved administratively by building permit. A third sign (proposed on the east or rear elevation facing the alley) is proposed at 37.6 square feet (SF); LDR 4.6.7(E)(7) limits rear signage to 9 SF. The proposed sign is individually mounted reverse

channel letters and a tree logo, internally illuminated white LEDs. The proposed sign is identical to the approved sign on the west (or front) elevation.

A waiver for the proposed sign on the east (or rear) elevation is required. 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;

The granting of this waiver will not adversely affect the neighboring area. The overall size of the sign is 6.8% of the east (rear) elevation facade and provides an improved aesthetic appearance to the rear of the building. A positive finding of this criteria is made.

(b) Shall not significantly diminish the provision of public facilities;

The granting of this waiver will not diminish the provision of public facilities. A positive finding of this criteria is made.

(c) Shall not create an unsafe situation; and,

The granting of this waiver will not create an unsafe situation. A positive finding of this criteria is made.

(d) Does not result in the grant of special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

The sign would not be considered a special privilege in that similar signage has been approved for other businesses (within a shopping center) through a Master Sign Program which allows for the granting of a waiver from subsection 4.6.7(D) & (E) by the Site Plan Review and Appearance Board (SPRAB). This business does not qualify for a Master Sign Program as it is not within a shopping center. A positive finding of this criteria is made.

The applicant states that the alley street is an essential part of access to the facility, business operation, and parking configuration. The alley is the driveway entrance traveling along NE 2nd Street. In addition, there is a one-way exit on the SW corner and a one-way entrance on the SE corner of the parking lot. The two-way traffic flow is on the NW and NE corner of the parking lot. The ADA accessible ramp is also located to the rear of the property. Therefore, the proposed sign will increase visibility of the business entrance and encourage the proper flow of the traffic.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A