



## Legislation Details (With Text)

**File #:** 19-1019      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Failed

**File created:** 10/10/2019      **In control:** City Commission

**On agenda:** 11/19/2019      **Final action:** 11/19/2019

**Title:** RESOLUTION NO. 176-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF A MONUMENT SIGN TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN AT 1311 W. LINTON BLVD (PCN 12-43-46-20-83-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Res 176-19 Signage at 1311 W. Linton Blvd, 2. Exhibit A and B, 3. Location map, 4. Justification letter, 5. Wall sign- BMW - approved admin., 6. Wall sign - service sign approved admin, 7. Agenda Cover Report

Date	Ver.	Action By	Action	Result
11/19/2019	1	City Commission	denied	

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** November 19, 2019

RESOLUTION NO. 176-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF A MONUMENT SIGN TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN AT 1311 W. LINTON BLVD (PCN 12-43-46-20-83-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 176-19 for the installation of a monument sign at the new BMW Auto Dealership located at 1311 W. Linton Blvd, with waiver to Land Development Regulation Section 4.6.7(E)(7) Design Standard Matrix.

### **Background:**

An application for a monument sign was submitted on behalf of Auto Company XXVII from LDR Section 4.6.7(E)(7) to install a sign in excess of the allowable height and size. The subject property is located on the northside of Linton Blvd and abuts I-95. The subject property is zoned Automotive Commercial (AC) and is approximately 10.5 acres. A new car dealership (BMW) will occupy the property.

New signage is proposed on site, including two flat wall signs and two monument signs. The two flat wall signs and a monument sign that faces Linton Blvd were approved administratively in July 2019.

The subject sign is proposed to abut I-95 and does not meet LDR Section 4.6.7(E)(7), which is the subject of the waiver request. The LDR allows the following:

1. One freestanding [monument] sign per street frontage;
2. One sign up to a maximum of 160 square feet with each addition sign limited to 50 square feet;
3. 14 feet maximum height.

The LDRs permit the property to have two "freestanding" or monument signs, one per street frontage. The monument sign that was administratively approved faces Linton Blvd., is 5'-8" in height, and has a sign area of 33 SF.

The proposed monument sign that is the subject of the waiver request is setback over 30 ft from the property line, located in the parking lot, and will replace two parking spaces. Upon review of certified site plan, more parking is provided than is required. A site plan modification will be needed to reflect the new parking provisions, as well as to provide landscaping around the proposed sign, if approved. The proposed monument sign is 40 feet high with a sign area of 302.96 SF, which includes both sides for computation purposes.

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 a similar circumstances on other property for another applicant or owner;

The applicant states verbatim: *"That the approval of the sign waiver will not adversely affect the neighboring area. In fact, it would enhance the area and complete the design of the new building for BMW. The sign would not diminish the provision of public facilities, it would in no way be in conflict with anything. It would only provide a positive enhancement to the neighboring area. The sign proposed would not create an unsafe situation at all, allowing the sign will provide notification to the motorists (local and visitors) that drive along I-95 that the dealership is at that exit and will also become a landmark for the Linton Blvd exit. The location is completely unique due to its size and access to I-95. Other properties within the City of Delray limits do not have this properties unique similarities."*

Although the monument sign will not create an unsafe situation nor significantly diminish the provision of public facilities, consideration should be given if the size of the proposed sign could adversely affect the neighboring area as the proposed height does not meet the aesthetic qualifications in LDR Section 4.6.7(D). The LDRs require visual harmony with the adjacent surroundings, signs that are appropriate in scale and size with the neighboring area, and guard against "garishness", which include "showy" signs and signs "not compatible with the adjacent surroundings".

The proposed size of the BMW monument sign is almost twice the size permitted (302.96 vs. 160 SF) and proposes a height of 40 feet, which is more than twice the limit of 14 feet, raising concern

that the proposed sign is more in line with a "billboard" (which is a prohibited sign under the current sign code) than a freestanding monument sign. Granting this waiver could result in a special privilege as no other monument signs of this size and height have been approved in Delray Beach.

In 1991, the monument sign at the Target Shopping Plaza on Linton Blvd. was approved at 16 feet in height. The Home Depot, which is directly across the street from the dealership on the south side of Linton Blvd, was approved in 1999 for a monument sign 20 feet in height abutting I-95; this was approved under a Master Sign Program. More recent requests (for example, Delray Place) have not been approved to exceed 14 feet in height in their master sign programs. Several other signs in the City exceed the current LDR size provisions, but they are mostly the result of existing conditions brought in via annexations. Delray Commons, Delray Plaza and the Bed Bath and Beyond Plaza, located in the Four Corners area (Atlantic Avenue and Military Trail) are between 25 and 30 ft. in height; however, these signs were annexed into the City after approval by Palm Beach County. As these signs are updated and removed, they will be required come into compliance with the current code limit of 14 feet.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A