



## Legislation Text

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**File #:** 17-386, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Director of Planning, Zoning and Building  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** May 16, 2017

REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A FLAT WALL SIGN ON THE EAST ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR ROK BRGR LOCATED AT 4 E. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to Approve the waiver request to LDR Section 4.6.7(E)(7) for ROK BRGR located at 4 E. Atlantic Avenue, as presented.

**Background:**

On April 5, 2017, the Historic Preservation Board (HPB) approved an amendment to the Blanket Sign Program for tenant signage for "ROK BRGR". The signage that was approved is on the north elevation and is grey painted letters with red internally illuminated reverse channel letter that reads "ROK BRGR" and is 31" by 7'8" for a total of 19.76 sq. ft. The proposed sign on the east elevation is not allowed by code as it does not face a dedicated street frontage. The proposed sign is internally illuminated channel letters that reads "ROK BRGR" with the rest of the words "Craft Beer", "Burgers", and "GastroPub" painted white and is 11" by 32'8" for a total of 29.6 sq. ft.

Per LDR Section 4.6.7 (E)(7) Design Standard Matrix; one wall sign per business facing a dedicated street frontage is allowed; therefore requiring a waiver for the proposed east elevation sign. 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. The applicant states that the "red" color and design is

part of their corporate branding. The sign will enhance the building and compliment the proposed signage on the north elevation. The sign would not be considered a special privilege in the similar signage has been approved for other businesses in Delray Beach as recently as Delray Boxing and Burger King.

At its meeting of April 5, 2017, the Historic Preservation Board approved with (5-0 with Bill Bathurst and John Klein absent), the recommendation to the City Commission regarding this waiver request.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

There are outstanding code violations for work without a permit for the signs. This action is necessary to bring the building into compliance.