

RESOLUTION NO. 35-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE SETBACK REQUIREMENTS OF A MONUMENT SIGN TO LAND DEVELOPMENT REGULATIONS SECTION 4.6.7(E)(3)(a) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE MONUMENT SIGN AT 1660 S. CONGRESS AVENUE (PCN 12-43-46-19-36-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Mark Rickards (“Agent”), on behalf of Wells Fargo Bank, National Association (“Applicant/Property Owner”), submitted a development application (2020-074-WAI-CCA) for the approval of a waiver request for the setback requirements for an existing monument sign located at 1660 S. Congress Avenue from 10 feet to 3.9 feet due to a taking by the Florida Department of Transportation of the corner at Linton Boulevard and Congress Avenue in Delray Beach; and

WHEREAS, the subject property is located on the southwest corner of Linton Boulevard and S. Congress Avenue, consists of 0.77 acres, and is zoned Professional Office District (POD); and

WHEREAS, the proposal consists of a requested waiver to Land Development Regulation (LDR) Sections 4.6.7(E)(3) Setback Requirements:

(a) Basic setback determinants. The setback for a free-standing sign shall be ten feet from the ultimate right-of-way line unless there is a special setback or special landscape area designated for the street pursuant to Section 4.3.4(H)(6). The setback is measured from the closest portion of the sign to the right-of-way; and

WHEREAS, LDR Section 2.4.7(B)(5) *Waiver*; 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 a similar circumstance on other property for another applicant or owner; and

WHEREAS, the requested waiver for the monument sign at 1660 S. Congress Avenue (2020-074-WAI-CCA) was presented to the City Commission at a quasi-judicial hearing conducted on March 3, 2020; and

WHEREAS, the City Commission reviewed the waiver request from LDR Sections 4.6.7(E)(3)(a) as it relates to the reduction of a 10-foot setback to 3.9 feet for the monument sign at 1660 S. Congress Avenue due to a taking by the Florida Department of Transportation of the land located on the corner of Linton Boulevard and Congress Avenue and has considered the respective findings for each as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby incorporated by this reference.

Section 2. The City Commission makes positive findings that the requested waiver (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) 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.

Section 3. The City Commission approves the waiver for the installation of wall sign at 1660 S. Congress Avenue, Delray Beach, as reflected in Exhibit “A” and Exhibit “B”, which are incorporated herein.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2020.

Shelly Petrolia, M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit “A”
1660 S. Congress Avenue
Site Plan

Exhibit “B”
1660 S. Congress Avenue
Survey