



December 23, 2019

City of Delray Beach Development Services
Planning and Zoning Division
100 NW First Avenue
Delray Beach, Florida 33444

**RE: Wells Fargo Bank 1660 South Congress Avenue
(NW Corner Congress Ave and Linton Blvd)
Waiver and Class II Site Plan Justification Statement**

Proposed is an application to an existing financial institution with drive through, to incorporate the changes from a right of way taking which resulted from a Florida Department of Transportation District IV project which impacted the intersection of Linton Boulevard and Congress Avenue. The additional land area shown on the attached survey and site plan (known as Parcel 103 in the FDOT documentation). The project site is zoned POD (Professional and Office District).

The land area required by FDOT results in several nonconforming site development aspects which are represented in the attached site plan, which can be summarized as follows:

	City of Delray Beach Land Development Code Reference	Required	Provided
1	4.6.7 (E) (3) (a) Basic Setback Determinants (Signs)	10'	3.9'
2	4.3.4 (H) (6) (b) (4) and (5) Linton Boulevard from A-1-A to western City Limits and Congress Avenue from the L-38 Canal to the L-30 Canal a special landscape area shall be provided. This landscape area shall be the smaller distance of either 30' or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet.	10'	3.6' (Linton) 3.7" (Congress)

Article 3.1 (Required Findings for Land Use and Land Development Application) provides for the following findings for all development applications:

<p>(A) <i>Future Land Use Map: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map</i></p>	<p>The Future Land Use Designation of the subject property is GC (General Commercial) and as such, the existing use (financial institution with drive through) is appropriate and consistent with the land use designation, and with the zoning designation of POD (Professional & Office District).</p>
<p>(B) <i>Concurrency: Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach</i></p>	<p>The subject property has been previously approved and developed and has not had any cessation of operations. The proposed application does not represent any increase to the existing use or intensity of the property, nor does it represent any change to the existing parking spaces or functionality of the parcel. The impetus for the application is a right of way taking by FDOT District IV which creates a nonconforming condition for signage and landscape buffers which the applicant is seeking a formal waiver to recognize. This recognition will protect the project from any perceived inconsistency with the land development code, or future impediment to repair or replacement of the freestanding signage.</p>
<p>(C) <i>Consistency: finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict</i></p>	<p>The application does not represent any change to the existing and approved development in terms of use and intensity and does not create any conflict with performance standards other than the recognition of a reduce right of way buffer, and reduced sign setback caused by the taking of right of way action by FDOT District IV.</p>

<p>(D) <i>Compliance with LDRs: Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations</i></p>	<p>The proposed application does not represent any increase to the existing use or intensity of the property, nor does it represent any change to the existing parking spaces or functionality of the parcel. The impetus for the application is a right of way taking by FDOT District IV which creates a nonconforming condition for signage and landscape buffers which the applicant is seeking a formal waiver to recognize.</p>
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WAIVER CRITERIA

The applicant provides the following responses to the criteria provided to the granting body, relative to the granting of a waiver:

- (a) *Shall not adversely affect the neighboring area;* This application has been filed following action by an FDOT design which warranted additional right of way for the intersection of Linton and Congress; to assist in improvements that have a public safety factor associated with the efficiency of turning movements, signal light timing, and the geometry of southbound Congress Avenue and westbound Linton Blvd and the overall alignment of the intersection. An orderly traffic pattern is in the best interest of the neighbors, but this application which simply recognizes the end condition of the developed property does not result in any reduction to the interior buffers, nor does it adversely affect the neighborhood.
- (b) *Shall not significantly diminish the provision of public facilities;* The right of way taking was completed to improve the provision of public roadway facilities, and the recognition of this taking relative to existing sign setbacks and landscape buffers does not negatively impact the provision of other public facilities.
- (c) *Shall not create an unsafe situation;* Similar to our response to (b) above, the recognition of the developed site conditions following the right of way taking does not create an unsafe condition, and the right of way dedication was taken to provide improvements to the adjacent intersection.
- (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.* A right of way taking is not a special privilege or common circumstance and did not result from the actions of the property owner.

CLASS II SITE PLAN CRITERIA

The applicant provides the following responses to the criteria provided to the granting body, relative to the Class II Site Plan request:

- (A) *Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.* The taking was part of a FDOT District IV action, which included various background reports and studies as part of the final decision. Attached for reference is the engineering analysis of parcel 103, prepared by Sexton Engineering which indicates the final proposed conditions on the roadway (page 9 of 9). At signalized intersections, the determination on sight distance needs is based upon guidance published by the American Association of State Highway and Transportation Officials (AASHTO). In its *Policy on Geometric Design of Highways and Streets* ("The Green Book"), AASHTO publishes the following standard:
Case D-Intersections with Traffic Signal Control
- a. *At signalized intersections, the first vehicle stopped on one approach should be visible to the driver of the first vehicle stopped on each of the other approaches. Left-turning vehicles should have sufficient sight distance to select gaps in oncoming traffic and complete left turns. Apart from these sight conditions, there are generally no other approach or departure sight triangles needed for signalized intersections. Signalization may be an appropriate crash countermeasure for higher-volume intersections with restricted sight distance that have experienced a pattern of sight-distance-related crashes.*
- (B) *Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.* The requested site plan certification does not alter or reduce the accessibility to the building for pedestrians or bicyclists nor does it negatively impact the existing driveway access points for vehicular traffic.
- (C) *Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed.* N/A, this project is not requesting new development or added demand on the open space or park services in Delray Beach.
- (D) *The City shall evaluate the effect that any street widening, or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.* FDOT District IV has already prepared design plans and taken the right of way for the intersection improvement directly affecting the subject property. As discussed above, the roadway improvements will not have a negative impact on the surrounding property owners.

- (E) *Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations. N/A the site is not zoned for residential purposes.*
- (F) *Vacant property shall be developed in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs. N/A this is not vacant property, it was previously cleared, previously developed, and is not proposing any new square footage or expansion to the existing facility.*
- (G) *Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element. N/A, this is not a housing project.*
- (H) *The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied. The proposed application will not result in new construction within the subject parcel, while the FDOT intersection expansion will have impacts from noise and a temporary traffic pattern, those improvements are not the subject of this application.*
- (I) *Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation. The application will not result in any new traffic impacts; no expansion of the existing building is proposed.*
- (J) *Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units. N/A Not a tot lot or recreational area.*

Thank you for your consideration of our request; I will make myself available in person or over the phone to discuss any questions or concerns you may have in advance of a scheduled review meeting or hearing.

Best Regards;

A handwritten signature in blue ink, appearing to be 'Mark Rickards', with a stylized 'R' and a long horizontal stroke extending to the right.

Mark Rickards, AICP

Cc: File



SEXTON ENGINEERING ASSOCIATES, INC.

Consulting Engineers and Surveyors

ENGINEERING ANALYSIS OF PARCEL 103

**State Road 9 (I-95) at Linton Boulevard Interchange
Financial Project No.: 435384-1
Palm Beach County, Florida
SEA No. 1794 P103**

Submitted By:

**Michael F. Sexton, P.E., P.S.M.
Fl. Reg. No. 28558**

July 13, 2018

TABLE OF CONTENTS

- Introduction
- FDOT Acquisition and Improvement
- Existing Conditions
- Utilities
- Proposed Conditions
- Conclusion
- Exhibits

Quantity Estimate of Existing Site Improvements
Aerial Plan
Parent Tract Sketch
Existing Conditions Sketch
Proposed Conditions Sketch

Introduction

Sexton Engineering Associates, Inc., has been asked to review the potential impacts to remainder properties along Linton Boulevard from east of LWDD E-4 Canal to west of S.W. 10th Avenue as a result of the proposed right-of-way acquisitions by the Florida Department of Transportation (FDOT), in the City of Delray Beach, Palm Beach County, Florida.

FDOT Financial Project No. 435384-1 proposes right-of-way acquisitions to facilitate the I-95 interchange improvements at Linton Boulevard including roadway improvements to 0.80 miles of Linton Boulevard from west of Congress Avenue to SW 10th Avenue. Roadway improvements include additional ramps, bike lanes and turn lanes. FDOT proposes to acquire additional Right-of-Way as required for the planned improvements including Parcel 103.

FDOT Acquisition and Improvement

The 0.806 acre parent tract for Parcel 103 (as defined by the FDOT Right-of-Way Parcel Sketch) is located at the northwest corner of Linton Boulevard and Congress Avenue. The subject property has 152 feet of frontage along Linton Boulevard and 175 feet of frontage along Congress Avenue with a 35.29 feet corner clip at the intersection.

Parcel 103 is to be acquired by the FDOT for the construction of a radius return from the southbound Congress Avenue right-turn lane to westbound Linton Boulevard and new concrete sidewalk and signalization improvements. This Parcel is located along the northwest corner of the intersection of Linton Boulevard and Congress Avenue and consists of a 60 foot radius for 94.46 feet in length.

The attached Aerial Plan and Parcel Sketch identify the parent tract dimensions and detail Parcel 103 as defined by the FDOT Right-of-Way Parcel Sketch.

Existing Condition

The subject property is located in a Professional and Office (POD) area within the City of Delray Beach and is developed with a one story CBS building (Wells Fargo Bank). The property is improved with 28 standard and 2 handicap spaces for a total of 30 parking spaces. Three (3) drive-thru banking lanes and a bypass lane are located north of the bank building and a one-way drive isle is located along the west property line north of the bank building. In addition, a 10 foot wide landscape buffer is located along the Linton Boulevard and Congress Avenue frontage. Access to the property is provided from one (1) driveway from Congress Avenue limited to right-in and right-out movement and one (1) driveway from Linton Boulevard limited to right-in and right-out movement. A 10.5 foot high and 8' wide Business I.D. sign is located at the southeast corner of the property with a 9.9 feet setback from the existing Right-of-Way line. Surface water drainage is collected on-site in catch basins and exfiltration trenches.

The attached sketches entitled, "Existing Conditions Sketch" identifies the existing roadway improvements adjacent to the subject property and on-site improvements.

Site improvements have been located within Parcel 103. A summary of these improvements is included in this report.

Utilities

The City of Delray Beach Utility Department provides domestic water and sanitary sewer disposal for this property and the existing buildings are connected to the City's public utility system.

Proposed Conditions

We have reviewed the affected property after the proposed acquisition and have prepared the attached sketch entitled "Proposed Conditions Sketch". This plan details the construction of the proposed Linton Boulevard improvements including the travel lanes, new bike lanes, median and concrete sidewalk within the expanded FDOT Right-of-Way. The existing Business I.D. sign setback is reduced to 2.7 feet from the new Right-of-Way line at the intersection radii return and is considered nonconforming to the City of Delray Beach Standards. The landscape buffer along Linton Boulevard and Congress Avenue will be impacted by this acquisition area located at the corner clip by reducing the buffer width to a minimum of 3.8 feet at the face of the parking spaces. Two (2) parking spaces along Linton Boulevard and three (3) parking spaces along Congress Avenue will be adjacent to landscape buffer less than 10 feet in width along the new Right-of-Way line. The remainder property will be non-conforming as to sign setbacks and landscape buffer widths and will require waivers from the City of Delray Beach. Access to the property along Linton Boulevard and Congress Avenue will be replaced by the Department at the current locations limited to right-in and right-out movement as in the existing condition.

Conclusion

Access to the site will continue as existing and the existing storm water treatment will continue to operate as in the existing condition without modifications. The proposed right-of-way acquisition and roadway improvement will have minimal impact to the use of the remainder property. The resulting site will be non-conforming as to the Business I.D. Sign setback and landscape buffer width at the corner clip and will require a waiver from the City of Delray Beach. Based on discussions with the WGI Land Planners, we understand that approval of the waivers have a high probability of approval.

The parent tract property will be reduced in size by 466 square feet as a result of this acquisition of Parcel 103.

SEXTON ENGINEERING ASSOCIATES, INC.

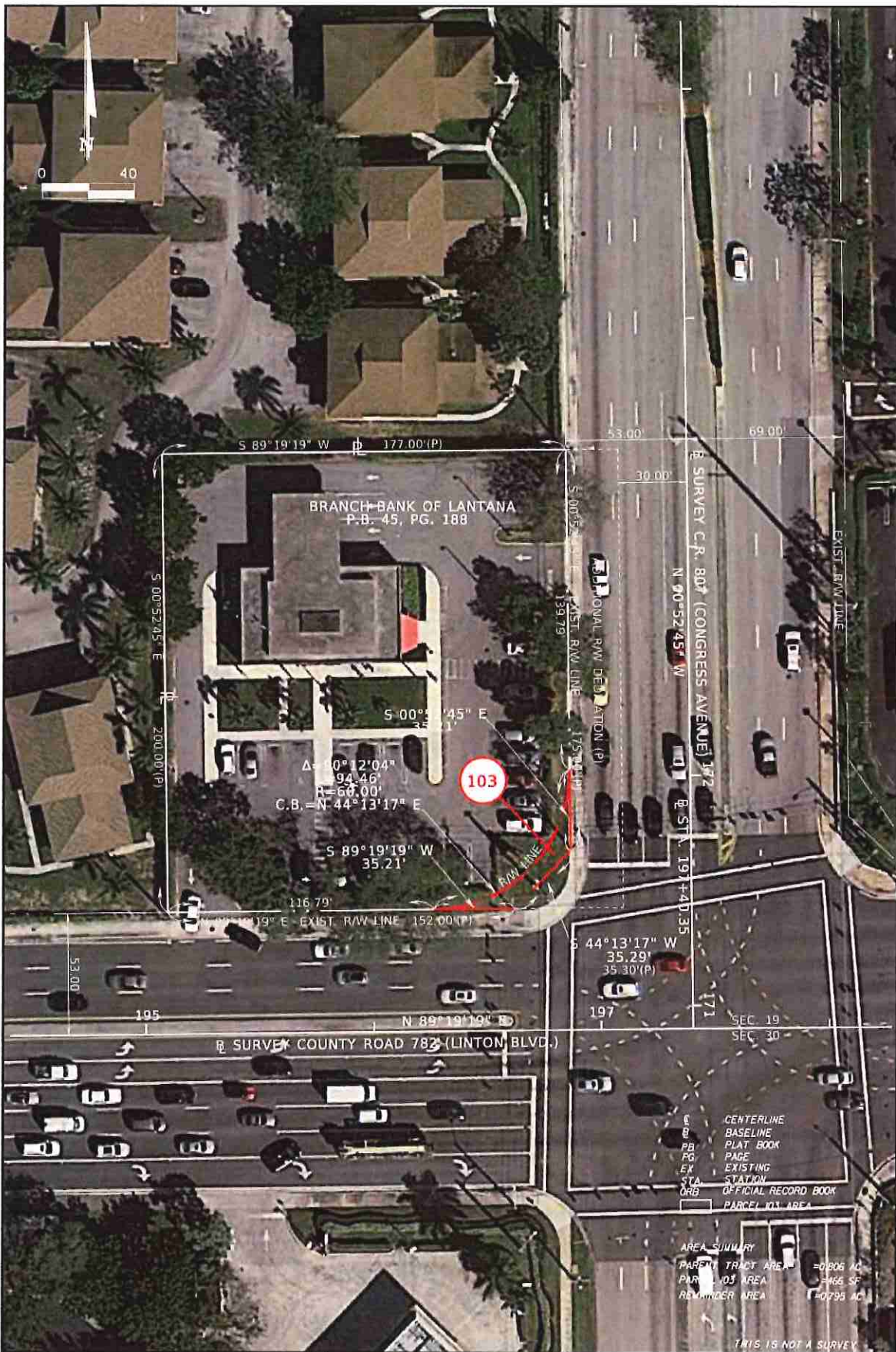
CONSULTING ENGINEERS AND SURVEYORS

Parcel 103
State Project No. 435384-1
I-95 at Linton Blvd. Interchange
July 13, 2018

Improvements within Parcel 103 Quantity Estimate of Existing Site Improvements

<u>Description:</u>	<u>Unit</u>	<u>Quantity</u>
<u>Landscape & Irrigation:</u>		
Hedges	lf	19
Grass	sf	466
Irrigation	ls	1

110 Ponce De Leon Street, Suite 100
Royal Palm Beach, Florida 33411
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I-95 AT LINTON BLVD. INTERCHANGE
STATE PROJECT NO. 435384-1-52-01
PALM BEACH COUNTY

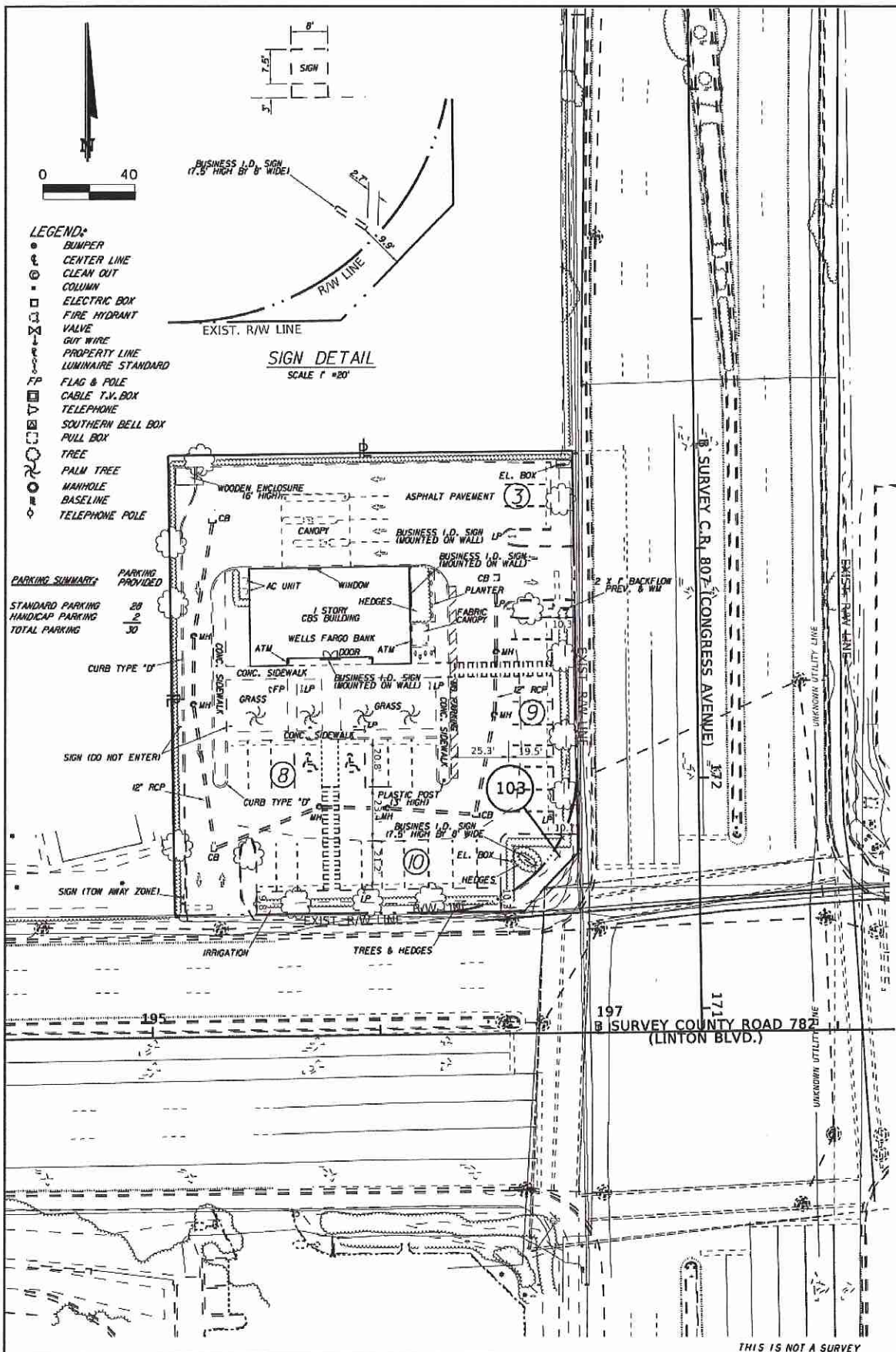
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FL REGISTRATION: L80000837, E8000864

AERIAL PLAN
PARCEL 103

PROJ. NO. 1794 P103
SCALE 1"=40'

DATE 07/13/2018
SHEET 1 OF 4

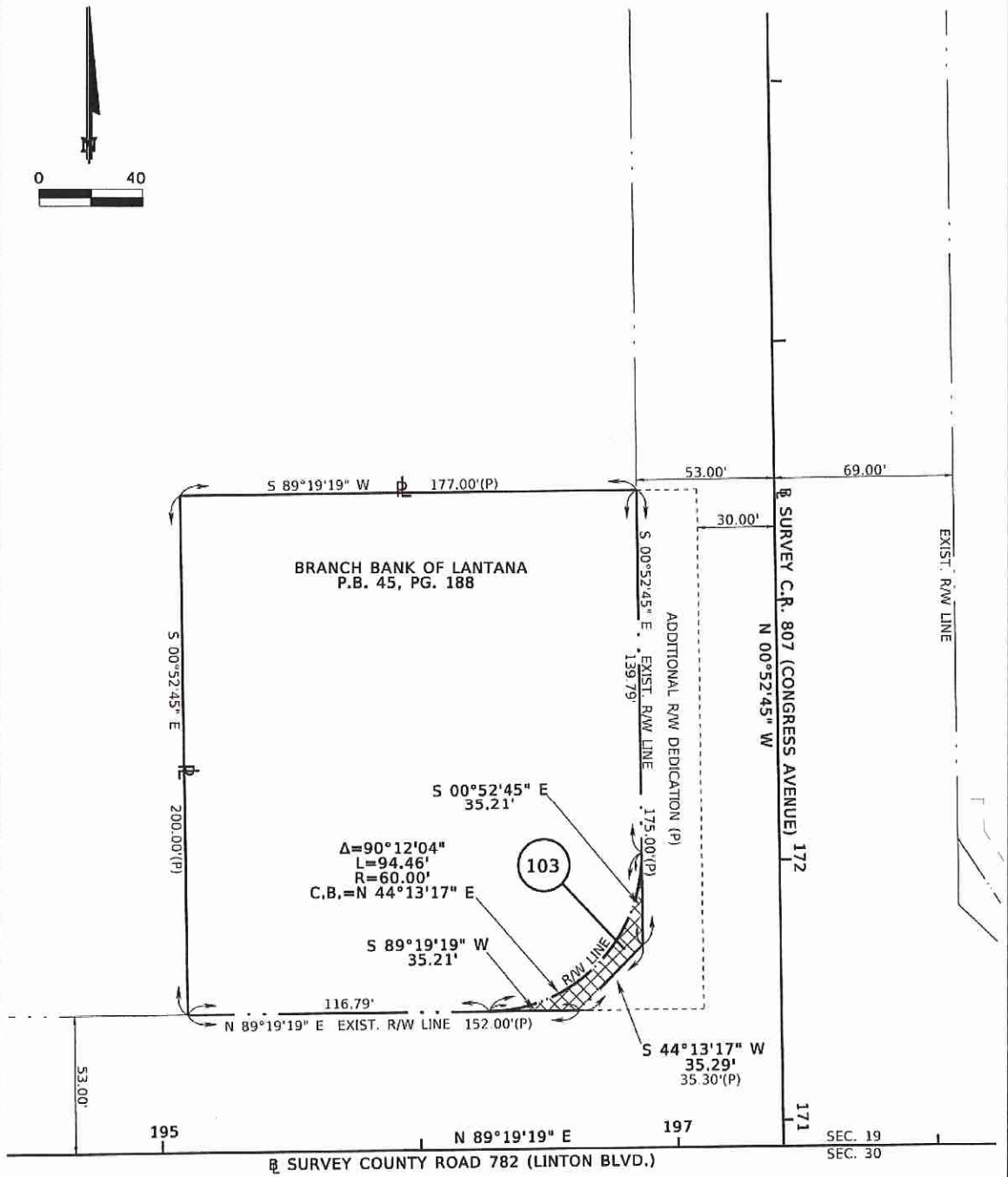


I-95 AT LINTON BLVD. INTERCHANGE
STATE PROJECT NO. 435384-1-52-01
PALM BEACH COUNTY

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EXISTING CONDITIONS SKETCH
PARCEL 103

PROJ. NO.	1794 P103	DATE	07/13/2018
SCALE	1" = 40'	SHEET	3 OF 4



- C CENTERLINE
- B BASELINE
- PB PLAT BOOK
- PG PAGE
- EX EXISTING
- STA. STATION
- ORB OFFICIAL RECORD BOOK
- Parcel 103 AREA

AREA SUMMARY

PARENT TRACT AREA	=0.806 AC
PARCEL 103 AREA	=456 SF
REMAINDER AREA	=0.795 AC

THIS IS NOT A SURVEY

I-95 AT LINTON BLVD. INTERCHANGE
STATE PROJECT NO. 435384-1-52-01
PALM BEACH COUNTY

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PARCEL CONDITIONS SKETCH
PARCEL 103

PROJ. NO.	1794 P103	DATE	07/13/2018
SCALE	1"=40'	SHEET	2 OF 4

