

RESOLUTION NO. 191-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(7) OF THE LAND DEVELOPMENT REGULATIONS TO INSTALL A SIGN ON A WALL NOT FACING A DEDICATED STREET FRONTAGE AS REQUIRED; APPROVING SAID INSTALLATION ON THE SOUTH ELEVATION OF THE PROPERTY LOCATED AT 16000 S. MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received a development application (2021-017-WAI-CCA) associated with the property located at 16000 S. Military Trail, Delray Beach, Florida (“the Property”), from the Alternative Sign Group, Inc., (“Applicant/Property Owner”), requesting the installation of one wall sign, measuring 22.25 feet by 2 feet with an overall square footage each of 44.5, on the south elevation of the Property; and,

WHEREAS, the Property is located at the southeast corner of S. Military Trail and Linton Boulevard, consists of 0.93 acres, and is zoned Planned Commercial (“PC”); and,

WHEREAS, City Land Development Regulation (“the LDR”) Section 4.6.7(E)(7) sets forth the standards for signage in various zoning districts or defined by use; and

WHEREAS, for properties zoned PC, LDR Section 4.6.7(E)(7) allows for installation of one wall sign facing each dedicated street frontage; and,

WHEREAS, the applicant has proposed a wall sign on the south elevation, which is not facing a dedicated street frontage; and,

WHEREAS, LDR Section 2.4.7(B)(5), which governs waivers from development regulations, requires the approving body to make a finding 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 circumstance on other property for another applicant or owner; and,

WHEREAS, the requested waiver of relief from LDR Section 4.6.7(E) was presented to the City Commission at a quasi-judicial hearing conducted on December 1, 2020; and,

WHEREAS, the City Commission considered the waiver request to LDR Section 4.6.7(E), to allow the installation of one wall sign 22.5 feet by 2 feet, with an overall square footage of 44.5 on the south elevation of the property, as well as the respective findings 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. The forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

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 similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver requests to LDR Section 4.6.7(E) and authorizes the installation of the proposed wall sign, 22.5 feet by 2 feet with an overall square footage of 44.5 feet, on the south elevation of the Property as more particularly described in Exhibit "A", which is incorporated herein.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Alternative Sign Group, Inc.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

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

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney