



Legislation Details (With Text)

**File #:** 20-886      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 10/20/2020      **In control:** City Commission

**On agenda:** 12/1/2020      **Final action:** 12/31/2023

**Title:** 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. (QUASI-JUDICIAL HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res. No. 191-20, 3. Res. 191-20 Exhibit A, 4. Justification letter, 5. Simple Legal Review Approval Resolution 191-20

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Giannotes, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** December 1, 2020

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. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Review and consider Resolution No. 191-20; granting a waiver to Section 4.6.7(E)(7) of the Land Development Regulations approving installation of a wall sign which is not facing a dedicated street frontage on the south elevation of the property at 16000 S. Military Trail.

**Background:**

At its meeting of February 27, 2019, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan application to construct a convenience mart that will operate 24 hours a day and 8 fueling stations. In October 2020 a sign package was submitted through the building department for approval. As indicated on the site plan; two monument signs, a wall sign facing Linton Boulevard and S. Military Trail, and canopy gas signs were approved administratively. The proposed wall sign

facing southeast/east does not face a dedicated street frontage; therefore a waiver to the sign code is required. The subject property is located on the southeast corner of Linton Boulevard and S. Military Trail in the Planned Commercial (PC) zoning district, is approximately 0.93 acres, and is an out parcel of Linton Oak Square.

The proposed sign is on the southeast/east elevation, which is over the main entrance of the convenience mart (7-Eleven) facing an interior parking lot and the shopping plaza. The proposed sign is 2' x 22.25' for a total of 44.5 SF. The sign is proposed in the 7 Eleven corporate colors of white, orange green and red stripes with the 7-Eleven logo. The sign is illuminated. The sign complies with the size requirement as the width of the building allows for the sign to be up to 148 SF.

Pursuant to DR 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 circumstance on other properties for another applicant.

The proposed wall sign on the southeast/east building elevation will provide direction to the convenient mart building entrance. The size of the sign does not exceed the standards of the code and does not affect public facilities. Similarly located signage has been approved for other businesses, both for standalone buildings and through Master Sign Programs, which allow for the automatic granting of waivers from Section 4.6.7(D) and (E) by the SPRAB. Recent examples include Delray Health & Wellness, which received a waiver over their front entrance facing a parking lot, as well as ROK BRGR and Lionfish, which have signage approved on the east elevations to be visible from the sidewalks of E. Atlantic Avenue.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The building is under construction.