



## Legislation Details (With Text)

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**File created:** 1/14/2020      **In control:** City Commission

**On agenda:** 3/3/2020      **Final action:** 3/3/2020

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

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res No. 35-20 1660 S. Congress Ave Sign Waiver, 3. Res No. 35-20 Justification Statement, 4. 1660 S Congrss Ave Survey, 5. 1660 S Congress Site Plan, 6. Simple Legal Review Res 35-20

Date	Ver.	Action By	Action	Result
3/3/2020	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Service Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** March 3, 2020

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. (QUASI-JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 35-20, granting a waiver to the setback requirements in Section 4.6.7(E)(3)(a) of the Land Development Regulations for the monument sign at 1660 S. Congress Avenue.

### **Background:**

The request is for a waiver to reduce the required setback for an existing monument sign on the corner of Linton Boulevard and Congress Avenue from 10 feet to 3.9 feet. The reduction to the setback of the existing monument sign is a result of an action by the Florida Department of Transportation (FDOT) to claim eminent domain to acquire private property to expand the rights-of-

way widths of both Linton Boulevard and Congress Avenue. The expanded rights-of-way are associated with improvements to the efficiency of turning movements, signal light timing, and the general geometry of southbound Congress Avenue and westbound Linton Boulevard. The applicant has elected to request a waiver to the special landscape setback impacted by the FDOT action in lieu of the site condition being considered a legal, nonconformity. The waiver, if approved, would apply to the property for any future modifications, which are not considered redevelopment impacting of more than 25%.

The applicant has provided a justification letter which is attached.

Pursuant to LDR 2.4.7(B)(5), prior to granting a waiver, the granting body shall make findings 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 likely not adversely affect the neighboring area, as the size of the sign and other factors controlling aesthetics are not changed. Maintaining the sign in its current position does not affect the provision of public facilities as the necessary right-of-way has been provided. The applicant's transportation engineer has testified that maintaining the sign in its current position will not create an unsafe situation; the sign is not within the sight visibility triangle. The right of way dedication to FDOT was taken to provide improvements and relief to an increasingly busy and potentially dangerous intersection, as as such, the waiver request does not result in a special privilege. On February 5, 2019, the City Commission approved a similar request on Linton Boulevard at Delray Crossings and Home Goods to reduce the special landscape setback in order to make improvements pending construction of a modified I-95.

**City Attorney Review:**

Approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A